

ORIGINAL

VOLUME IV OF IV

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County

Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARQUAVIOUS MOORE,

APPELLANT

APPELLATE CASE NO 2016-001429

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PAGES 1501-1911

INDEX

INDEX.....	i
TRANSCRIPT DATED FEBRUARY 12, 2015	1
<u>SCHMERBER V. CALIFORNIA HEARING</u>	
TESTIMONY	
RANDY ST. CLAIR.....	4
TRANSCRIPT DATED DECEMBER 17, 2015.....	16
MOTION FOR A BOND.....	18
MOTION FOR CHANGE OF VENUE	19
TRIAL TRANSCRIPT DATED APRIL 18, 2016 (DAY ONE).....	50
JURY VOIR DIRE	55
JURY SELECTION.....	79
MOTION FOR IMMUNITY FROM PROSECUTION PURSUANT TO SECTION 16-11-450	92
MOTION TO EXCLUDE REFERENCE TO GANGS.....	92
MOTION TO EXCLUDE REFERENCE TO ASSAULT RIFLE	92
MOTION TO EXCLUDE EVIDENCE PURSUANT TO RULE 404(B)	92
TESTIMONY	
CHRISTOPHER MOORE (IN CAMERA).....	97
RULING BY THE COURT ON MOTION FOR IMMUNITY	139
RULING BY THE COURT ON MOTION TO EXCLUDE EVIDENCE.....	143
RULING ON THE COURT ON MOTION TO EXCLUDE REFERENCE TO GANGS	144
RULING BY THE COURT ON MOTION TO EXCLUDE REFERENCE TO ASSAULT RIFLE	147

MOTION TO EXCLUDE EVIDENCE OF DECEASED'S PRIOR BAD ACTS	147
DISCUSSIONS OF STIPULATIONS	152
TRIAL TRANSCRIPT DATED APRIL 19, 2016 (DAY TWO).....	164
OPENING STATEMENT BY MS. HALL	175
OPENING STATEMENT BY MR. FRICK.....	180
TRIAL TESTIMONY	
KYLE CUMMINGS.....	185
ANNIE LOUISE WILLIAMS.....	205
LANA WILLIAMS AKIN	226
JASON BINNALL.....	233
JENNIFER LOWERY	238
RICHARD GRAY	246
KIRA BAGLEY.....	251
MAURICE JAMES	263
RAFAELL JACKSON.....	275
CORNELL JOHNSON.....	286
LASHONDA WRAY	294
CINDY TAAFFE.....	311
BURLY MCDANIEL.....	315
CHRIS KINSEY	330
RANDY ST. CLAIR.....	344
BRIAN PHILLIP PERRY	354
CHUCK STARNES.....	357

MELINDA WORLEY	362
TRIAL TRANSCRIPT DATED APRIL 20, 2016 (DAY 3).....	418
TESTIMONY	
BRITTANY BURKE.....	433
TIFFANY HEZEL	468
PHILLIP THOMAS GREGORY	494
WHITNEY BERRY.....	499
JENNIFER CLAYTON.....	510
ROBERT THOMAS.....	542
DAN DEFREESE	554
TERRANCE BUCHANAN.....	614
TRIAL TRANSCRIPT DATED APRIL 21, 2016 (DAY 4).....	665
INQUIRY BY JUDGE REGARDING JUROR MISCONDUCT.....	673
MOTION TO INTRODUCE EVIDENCE OF DECEASED’S PRIOR BAD ACTS	675
DERRICK DIXON	681
D’ANGELO ROSEBORO.....	744
CHRIS REYNOLDS	808
LEE BLACKMON	833
MOTION FOR A DIRECTED VERDICT.....	855
RULING BY THE COURT.....	857
COLLOQUY REGARDING DEFENDANTS RIGHT TO TESTIFY	858
TESTIMONY	
CHRISTOPHER WATKINS.....	863

CHRISTOPHER MOORE.....	867
TRIAL TRANSCRIPT DATED APRIL 22, 2016 (DAY 5).....	941
CLOSING ARGUMENT BY MR. FRICK.....	952
CLOSING ARGUMENT BY MS. HALL.....	968
CHARGE ON THE LAW	1002
JURY NOTE.....	1020
JURY NOTE.....	1022
RE-CHARGE ON THE LAW OF SELF-DEFENSE.....	1025
JURY NOTE.....	1028
TRIAL TRANSCRIPT DATED APRIL 23, 2016 (DAY 6).....	1030
JURY NOTE.....	1038
ADDITIONAL JURY INSTRUCTIONS.....	1038
JURY DEADLOCKED	1042
TRANSCRIPT DATED JUNE 15, 2016.....	1047
TRIAL TRANSCRIPT DATED JUNE 27-30, 2016.....	1052
JURY VOIR DIRE	1058
JURY SELECTION.....	1071
MOTION FOR IMMUNITY FROM PROSECUTION	1084
RULING BY THE COURT.....	1088
MOTION TO QUASH INDICTMENT.....	1088
MOTION TO EXCLUDE EVIDENCE UNDER RULE 404(b).....	1092
RULING BY THE COURT.....	1093
MOTION TO EXCLUDE MENTION OF ASSAULT RIFLE.....	1094

RULING BY THE COURT.....	1095
MOTION TO EXCLUDE GANG EVIDENCE.....	1095
RULING BY THE COURT.....	1096
MOTION TO USE OLD CONVICTIONS.....	1096
RULING BY THE COURT.....	1099
MOTION TO EXCLUDE DECEASED'S PRIOR BAD ACTS.....	1099
RULING BY THE COURT.....	1102
OPENING STATEMENT BY MS. HALL.....	1110
OPENING STATEMENT BY MR. FRICK.....	1114
TESTIMONY	
KYLE CUMMINGS.....	1120
ANNIE LOUISE WILLIAMS.....	1134
LANA WILLIAMS AKIN.....	1152
JASON BINNALL.....	1162
JENNIFER LOWERY.....	1168
RICHARD GRAY.....	1177
KIRA BAGLEY.....	1182
MAURICE JAMES.....	1191
RAFAELL JACKSON.....	1202
CORNELL JOHNSON.....	1212
LASHONDA WRAY.....	1219
INQUIRY REGARDING JUROR MISCONDUCT.....	1236
JUROR DISMISSED.....	1244

TESTIMONY

BURLY MCDANIEL.....	1247
RANDY ST. CLAIR.....	1258
PHILLIP PERRY.....	1271
CHRISTOPHER KINSEY.....	1274
CINDY TAAFFE.....	1290
MELINDA WORLEY.....	1295
BRITTANY BURKE.....	1339
TIFFANY HEZEL.....	1380
WHITNEY BERRY.....	1397
JENNIFER CLAYTON.....	1406
PHILLIP GREGORY.....	1429
ROBERT THOMAS.....	1433
DAN DEFREESE.....	1441
TERRANCE BUCHANAN.....	1497
D'ANGELO ROSEBORO.....	1548
DERRICK DIXON.....	1593
STEVIE BRELAND.....	1633
CHRISTOPHER REYNOLDS.....	1660
LEE BLACKMON.....	1684
MOTION FOR DIRECTED VERDICT.....	1713
COLLOQUY REGARDING DEFENDANT'S RIGHT TO TESTIFY.....	1717

TESTIMONY

CHRISTOPHER MOORE.....	1721
CLOSING ARGUMENT BY MR. FRICK.....	1781
CLOSING ARGUMENT BY MS. HALL.....	1797
CHARGE ON THE LAW	1818
VERDICT	1837
POLLING OF THE JURY.....	1838
SENTENCING	1850
COURT'S EXHIBIT #5 (MOTION FOR IMMUNITY).....	1853
COURT'S EXHIBIT #6 (JURY NOTE).....	1900
COURT'S EXHIBIT #7 (JURY NOTE).....	1901
COURT'S EXHIBIT #8 (JURY NOTE).....	1902
COURT'S EXHIBIT #9 (JURY NOTE).....	1903
COURT'S EXHIBIT #10 (JURY NOTE).....	1904
COURT'S EXHIBIT #11 (JURY NOTE).....	1904
COURT'S EXHIBIT #12 (JURY NOTE).....	1904
COURT'S EXHIBIT #13 (JURY NOTE).....	1904
INDICTMENTS AND SENTENCE SHEETS.....	1905
CERTIFICATE OF COUNSEL	1911

TERRANCE BUCHANAN - DIRECT

- 1 Q Did y'all have guns with you?
- 2 A Yes, ma'am.
- 3 Q Tell me about that.
- 4 A I had my two guns, I had a nine and a .38 Special.
- 5 Q A nine millimeter and a .38 specs?
- 6 A Yes, ma'am.
- 7 Q Where did you get those guns?
- 8 A Off the street.
- 9 Q But those were yours, you didn't borrow them from
10 anybody in the truck?
- 11 A No, my guns.
- 12 Q Did you bring those with you to the party?
- 13 A Yes.
- 14 Q How did you get to the party?
- 15 A I was right around the corner right before I got a
16 call.
- 17 Q So you walked?
- 18 A Yes, ma'am.
- 19 Q All right. I'll show you what has been entered into
20 evidence as State's 19. When you said you had a nine
21 millimeter, is this the nine millimeter you had?
- 22 A Yes, ma'am.
- 23 Q And you had this clip and those bullets with it?
- 24 A Yes, ma'am.
- 25 Q And I'll show you what has been entered into evidence

TERRANCE BUCHANAN - DIRECT

- 1 as State's 20, this revolver.
- 2 A Yes, ma'am.
- 3 Q Is that yours?
- 4 A Yes, ma'am.
- 5 Q When you call it a .38 Special, that's what it is?
- 6 A Yes, ma'am.
- 7 Q And did you have these bullets with it?
- 8 A Yes, ma'am.
- 9 Q Okay. So you said you got into the car with your two
10 guns. Who else had guns?
- 11 A Everybody in the truck had a gun.
- 12 Q What kind of gun did Quinton McClinton have?
- 13 A Some type of automatic weapon like a handgun.
- 14 Q Do you know the difference between a semiautomatic and
15 an automatic?
- 16 A Yes.
- 17 Q Was it a semiautomatic?
- 18 A It was an automatic.
- 19 Q Do you know what caliber it was?
- 20 A No, ma'am.
- 21 Q But it was a handgun.
- 22 A Yes, ma'am.
- 23 Q And then what kind of gun did Derrick Dixon have?
- 24 A Some type of handgun.
- 25 Q You don't know what caliber it was or anything about

TERRANCE BUCHANAN - DIRECT

1 it?

2 A No, ma'am.

3 Q What about Debo?

4 A The same.

5 Q And again, do you know about what kind of caliber it
6 was?

7 A No, ma'am.

8 Q What about Chris Moore?

9 A He had an assault rifle.

10 Q And he had this rifle with him?

11 A Yes, ma'am.

12 Q Is this the same one? Do you recognize it?

13 A That's it.

14 MS. HALL: And Your Honor, just for the record, let it
15 reflect that I'm referring to State's 12.

16 Q And when Moore got into the car, did he have that
17 rifle with him when he got into the car or did he just get
18 it when he -- how did he come into possession of it or do
19 you know?

20 A He already had it, I guess.

21 Q Did he carry it from Gidget's house to the car?

22 A No, ma'am.

23 Q Okay. So where did -- did y'all have a plan about
24 where you were going or what you're going to do when you
25 got in the truck with all these guns?

TERRANCE BUCHANAN - DIRECT

1 A Supposed to have been going up York Road.

2 Q Were you going to somebody's house?

3 A To a rival gang member's house.

4 Q To a what?

5 A A rival gang member's house.

6 MR. FRICK: Objection, Your Honor. May we approach?

7 (A bench conference was held.)

8 MR. FRICK: And Your Honor, I believe I know where the
9 testimony will be going next, I want to renew my objection
10 to pretrial regarding this testimony under 404B and 403.

11 THE COURT: Ladies and gentlemen of the jury, will
12 y'all step out of the room, please?

13 (The jury left the courtroom.)

14 THE COURT: All right. Solicitor, tell me about your
15 instructions to this witness about using the term assault
16 rifle.

17 MS. HALL: When we talked yesterday on the phone I
18 told him we're not going to use the word assault rifle, we
19 could use it last time but we can't use it this time --
20 assault this time if you refer to as a rifle. We talked
21 the last time we did this trial plus yesterday, we can't
22 use the word gang and we never could use that before and we
23 didn't use it really last time but we can't use those
24 words.

25 THE COURT: All right.

TERRANCE BUCHANAN - DIRECT

1 MS. HALL: And we have talked about that. And I have
2 talked to the two other codefendants about it as well and
3 I've instructed them not to do that.

4 THE COURT: Mr. Buchanan, why did you do that?

5 THE WITNESS: I forgot, I'm sorry.

6 THE COURT: Okay. I am going to accept your apology,
7 but if you do one more thing like that to try to cause a
8 mistrial in this case you know what's going to happen?

9 THE WITNESS: No, sir.

10 THE COURT: It's called contempt.

11 THE WITNESS: Okay.

12 THE COURT: Don't put me in that position.

13 THE WITNESS: Yes, sir.

14 THE COURT: Bring the jury back.

15 MS. HALL: And also just so we know and we're all
16 clear, I also instructed him not to say anything about the
17 fact that we've done this before and in any way refer to
18 the last trial. This is a clean slate, it's like we've
19 never been doing this ever before in our lives. And the
20 other two co-defendants again so we don't have to send them
21 out again, they've all three been told the exact same thing
22 with regard to these three situations.

23 THE COURT: I'm going to give him the benefit of the
24 doubt on that because I know he's nervous. The last thing
25 he wants in his life is to have to be testifying in court

TERRANCE BUCHANAN - DIRECT

1 just like any other citizen, I'm going to give him the
2 benefit of the doubt but I meant what I said.

3 MS. HALL: Okay.

4 THE COURT: Bring them back.

5 (The jury returned to the courtroom.)

6 BY MS. HALL:

7 Q All right. So you said you were going to rob -- I
8 don't know what you said. Did you say you were going over
9 to these people's house, you were going down York Road?
10 What were you going to go do over there when you got there?

11 A We're supposed to go retaliate on some guys.

12 Q To retaliate on some guys?

13 A Yes, ma'am.

14 MR. FRICK: And Your Honor, just to be clear, that was
15 my objection on 404B and 403.

16 THE COURT: So noted, I'll overrule it.

17 Q And you guys had talked about going over there to do
18 this before you got in the car?

19 A Yes, ma'am.

20 Q I'm going to give you this stick and I'm going to show
21 you what has been marked as State's 4. And I'm going to --

22 MS. HALL: Is it okay if he steps down, Your Honor? I
23 think that might be simpler in terms of crowding.

24 THE COURT: Sure.

25 Q You'll probably have to come over here so the jury can

TERRANCE BUCHANAN = DIRECT

1 see and you're not in the way of the map, okay? Show us --
2 take a second and look at the map.

3 A (Witness complies.)

4 Q Okay. Have you lived in Chester pretty much your
5 whole life?

6 A Yes, ma'am.

7 Q Can you show the jury where y'all were when you
8 started out at Gidget's apartment?

9 THE COURT: You've got to speak up.

10 A From Chester Homes.

11 Q You have got to talk loud so they can hear you behind
12 that map, okay?

13 A Chester Homes is --

14 Q And if you don't know that's fine, or if you can't
15 find it.

16 A I don't see it on here.

17 Q You don't see it on the map?

18 THE COURT: You've got to speak up, please.

19 A Went to Holmes Road.

20 Q Okay. And where did you park the truck?

21 A We parked on Featherstone.

22 Q Why did you park on Featherstone?

23 A So we could cross the field right here.

24 Q He can't hear you, sorry.

25 A So we can walk across the field to the next road.

TERRANCE BUCHANAN - DIRECT

1 Q All right. So was the people's house you were going
2 to, was it on Holmes Road, is that what you said?

3 A Yes, ma'am.

4 Q Did you -- are you familiar with Featherstone Road?

5 A Yes, ma'am.

6 THE COURT: Come back to the microphone, Solicitor.

7 Will you help her hold it if you need to up here? Somebody
8 assist.

9 Q You said you were familiar with Featherstone Road?

10 A Yes, ma'am.

11 Q How are you familiar with Featherstone Road?

12 A I used to stay on Featherstone.

13 Q Do you have any family members that live on
14 Featherstone Road?

15 A My grandmother.

16 Q Your grandmother?

17 A Yes, ma'am.

18 Q And when you stayed on Featherstone Road, did you live
19 with your grandmother?

20 A Yes, ma'am.

21 Q Did you know the victim in this case, Odell Williams?

22 A Yes, ma'am.

23 Q How did you know him?

24 A Football coach.

25 Q He was your football coach?

TERRANCE BUCHANAN - DIRECT

- 1 A Yes, ma'am.
- 2 Q How long did he coach you in football?
- 3 A A year.
- 4 Q How old were you at that time?
- 5 A Ten.
- 6 Q To your knowledge did he live on Featherstone Road?
- 7 A At the time, yes.
- 8 Q And did his -- did he have any family members that
- 9 were still living on Featherstone Road at the time of this
- 10 November the 4th of 2004?
- 11 A Yes, ma'am.
- 12 Q Did you know those people?
- 13 A Yes, ma'am.
- 14 Q So did you know Odell Williams' wife, Louise Annie
- 15 Williams?
- 16 A Yes, ma'am.
- 17 Q And did you know his daughter, Lana Williams Akin?
- 18 A Yes, ma'am.
- 19 Q When you guys parked the truck that night, where did
- 20 you park it?
- 21 A Odell, he had like a old -- say like a shop, it's
- 22 like a road you turn in, but we just parked like right in
- 23 front of it. It's a gate right there.
- 24 Q So y'all parked in front of the gate?
- 25 A Yes, ma'am.

TERRANCE BUCHANAN - DIRECT

1 Q Did y'all talk about parking in front of the gate
2 before you got there?

3 A No, ma'am.

4 Q Why did you park in front of that gate?

5 A Usually nobody would come over there so we just
6 parked right there.

7 Q Did y'all get out of the truck?

8 A Yes, ma'am.

9 Q When you got out of the truck, did you take your two
10 guns with you?

11 A Yes, ma'am.

12 Q Did everybody else take their guns with them?

13 A Yes, ma'am.

14 Q Did Chris Moore take that big rifle with him when he
15 got out of the truck?

16 A Yes, ma'am.

17 Q Where did y'all go?

18 A To Holmes Road to walk across the field.

19 Q Did you go all of the way across the field to Holmes
20 Road to the house or did you stop?

21 A We stopped like in the middle of the field and sat
22 for a minute.

23 Q You sat for a minute?

24 A Watching the house to see if somebody was coming
25 home.

TERRANCE BUCHANAN - DIRECT

- 1 Q You were watching which house?
- 2 A Tin Tin's house.
- 3 Q Is that the house -- did he live on Holmes Road?
- 4 A Yes, ma'am.
- 5 Q And do you know about how long you sat out there?
- 6 A Not really.
- 7 Q Do you remember what time of day it was?
- 8 A It was nighttime.
- 9 Q So it was dark outside?
- 10 A Yes, ma'am.
- 11 Q And you stated you were waiting for somebody to come
- 12 home. How could you tell nobody was home at Tin Tin's
- 13 house?
- 14 A Because all the lights was off.
- 15 Q And at some point in time did y'all leave?
- 16 A Yes, ma'am.
- 17 Q What caused you to leave the field?
- 18 A We spotted a car going down the road where we were
- 19 parked and it was slowing down where our truck was parked
- 20 at.
- 21 Q Did you recognize the car?
- 22 A Not at the time.
- 23 Q Did you see the car coming by?
- 24 A Yes, ma'am.
- 25 Q Did you say anything to the other people who were --

TERRANCE BUCHANAN - DIRECT

1 the other people who were there sitting in the field?

2 A Yes, ma'am.

3 Q What did you say?

4 A I said there was a car, I think we need to leave.

5 Q Did everybody get up and leave?

6 A Yes, ma'am.

7 Q Did everybody take all of their guns with them when
8 they left?

9 A Yes, ma'am.

10 Q Did y'all get back in the truck?

11 A Yes, ma'am.

12 Q Was everybody sitting in the same place you just
13 described a few minutes ago?

14 A Yes, ma'am.

15 Q Nobody changed positions?

16 A No, ma'am.

17 Q So Chris Moore was sitting in the back passenger seat
18 of the car?

19 A Yes, ma'am.

20 Q And Quinton McClinton was driving.

21 A Yeah, he was driving. He was -- I mean, Quay was
22 sitting behind me in the passenger seat, yes, ma'am.

23 Q So does Christopher Moore go by Quay and Diesel?

24 A Yes, ma'am.

25 Q Because you've referred to him by a couple of

TERRANCE BUCHANAN - DIRECT

1 different names. And the person that you know as Chris
2 Moore, Quay and Diesel, do you see him here in the
3 courtroom today?

4 A Yes, ma'am.

5 Q Can you pint him out, please?

6 A (Witness complies.)

7 Q Please let the record reflect he's pointing at Chris
8 Moore, the defendant in the case. Okay. So now you're all
9 back in the car, everybody is back in the same position and
10 everybody has got their guns. What do you do?

11 A We leave like we're going back to the end of the
12 road.

13 Q Now, I'm going to let you point with the stick again
14 but I will point over here so you can do it, okay? Maybe
15 it will be a little bit easier. Okay. So when you left
16 where did you go?

17 A We pulled out and we got about right in here and
18 that's when we noticed the car, seen it in the edge of the
19 road --

20 Q Speak into the microphone.

21 A We pulled right up there and that's when we noticed
22 his daughter's car.

23 Q When you say his who are you talking about?

24 A Odell's daughter.

25 Q You said you pulled out and you noticed Odell

TERRANCE BUCHANAN - DIRECT

1 Williams' daughter's car?

2 A Yes, ma'am.

3 Q Where was the car sitting?

4 A It was parked at the stop sign at the edge of the
5 road in the road.

6 Q Okay. And did you stop behind it?

7 A Yes. We pulled up behind it and was trying to go
8 around it and that's when we noticed the Cadillac turn in.

9 Q You said you pulled around Odell William's daughter's
10 car.

11 A Yes, ma'am. We were about to pull around and that's
12 when the burgundy Cadillac turned in.

13 Q And that's when the burgundy Cadillac turned in?
14 Okay. Did you have to stop while the burgundy Cadillac
15 turned in?

16 A We had to stop so he could go by and that's when we
17 went around her car and got on the main road.

18 Q Did he keep driving on down Featherstone a little bit?

19 A Not too far, but he turned around.

20 Q Were you looking behind you?

21 A No, ma'am.

22 Q At the time did you know it was Odell Williams?

23 A No.

24 Q All right. So where did y'all go?

25 A Came down York Road, like right before we get to the

TERRANCE BUCHANAN - DIRECT

1 stop light we noticed a car chasing behind us.

2 Q And when you say chasing behind you, what makes you
3 think it was chasing behind you?

4 A We could see his headlights going around other cars
5 to catch up with us.

6 Q At any point in time when you guys were still out on
7 Featherstone before you got to York Road, did y'all stop
8 and talk to Odell Williams?

9 A No, ma'am.

10 Q Did you stop and talk to the ladies in the car that
11 you were going around, Odell Williams' daughter's car?

12 A No, ma'am.

13 Q So you said that you noticed him following you before
14 you got to the bypass; is that correct?

15 A Yes, ma'am.

16 Q So what were y'all talking about in the car?

17 A Nothing really until we noticed the car was behind
18 us, and we were like somebody is following us, somebody is
19 chasing us.

20 Q So what did you do after that?

21 A We kept going, and we went on down past Chester Homes
22 and made a left off of Bailey Street -- Brawley Street,
23 and we pulled up to the other stop sign like right before
24 you turn on Saluda and made a left on Saluda.

25 Q Can you see that on this map?

TERRANCE BUCHANAN - DIRECT

1 A Yes, ma'am.

2 Q Did you stop anywhere along the way?

3 A Yeah. We stopped at the -- we turned in -- it's like
4 a little barbershop that's on the corner and made a right.
5 When we pulled up he was like still following us a little
6 bit and we slowed down and he pulled over and tried to get
7 out or whatever. But the time he was trying to get out
8 that's when McClinton pulled off.

9 Q Let's talk about that for a minute. And I'm going to
10 come back to this map so you hold on to that stick, okay?
11 You said that he -- that when y'all turned on Saluda Street
12 there's a little barbershop there.

13 A Yes, ma'am.

14 Q And tell me about pulling over, you said McClinton
15 pulled over.

16 A We slowed down in the middle of the road and that's
17 when Odell pulled over to the left of the barbershop.

18 Q Okay. And was there any conversation about pulling
19 over?

20 A I told him to slow down and see who that was and see
21 what they wanted.

22 Q And so that was the intention was to pull over and
23 talk to him?

24 A Yes, ma'am.

25 Q So when you pulled over, did somebody roll the window

TERRANCE BUCHANAN - DIRECT

- 1 down to the truck?
- 2 A The back window, yes, ma'am.
- 3 Q Whose window was it?
- 4 A Dixon.
- 5 Q So that is Derrick Dixon, he was sitting behind
- 6 McClinton on the driver's side?
- 7 A Yes, ma'am.
- 8 Q So he rolled the window down?
- 9 A Yes, ma'am.
- 10 Q What happened after that?
- 11 A That's when Odell was trying to step out of his car
- 12 and by the time he got his head on the tip of the car
- 13 that's when McClinton pulled off again.
- 14 Q Was there any conversation about pull of and trying to
- 15 lose him or anything?
- 16 A No, he just pulled off.
- 17 Q At that point in time did you know it was Odell
- 18 Williams?
- 19 A No, ma'am.
- 20 Q You still didn't know?
- 21 A (Shakes head no.)
- 22 Q Did you know anything else about Odell Williams
- 23 besides the fact that he was your football coach?
- 24 A I knew he was a councilman and an ex-cop.
- 25 Q You knew he was a councilman and an ex-cop?

TERRANCE BUCHANAN - DIRECT

- 1 A Yes, ma'am.
- 2 Q Well, where did y'all go when you left the barbershop?
- 3 A We made a left on Patrick Street.
- 4 Q A left on Patrick Street?
- 5 A Yes.
- 6 Q And did anything else unusual happen there?
- 7 A He got right behind us and we heard gunshots.
- 8 Q When you got right in the middle of Patrick Street you
- 9 heard gunshots coming from behind you.
- 10 A Uh-huh.
- 11 Q Do you remember how many you heard?
- 12 A Maybe like two or three maybe.
- 13 Q And were you looking behind you?
- 14 A No, ma'am.
- 15 Q Did you see where they were coming from?
- 16 A No, ma'am.
- 17 Q Did you see anything behind you?
- 18 A No, ma'am.
- 19 Q Did you see a car behind you?
- 20 A I saw headlights.
- 21 Q You saw headlights to the car. Did you know whose car
- 22 it was?
- 23 A It was still the same car.
- 24 Q And where did you go after that?
- 25 A We made a left onto First Street and got to the end

TERRANCE BUCHANAN - DIRECT

- 1 of First Street and made a right and got back on Saluda.
- 2 Q And where was Odell Williams and his car at this time?
- 3 A Still behind us.
- 4 Q How far behind you was he?
- 5 A Like three or four car lengths.
- 6 Q Like three or four cars. All right. And then when
- 7 you turned did you turn back onto Saluda?
- 8 A Yes, ma'am.
- 9 Q Were y'all talking about anything? Did anybody say
- 10 anything in the truck?
- 11 A No, ma'am.
- 12 Q Okay. Did you know where you were going?
- 13 A Just trying to get away.
- 14 Q All right. And where did you go after that?
- 15 A That's when we made a left back onto the main road to
- 16 go back to Roundtree, Ball Park Road.
- 17 Q Could you point it out on the map?
- 18 A (Witness complies.)
- 19 Q Where is Roundtree?
- 20 A Right here.
- 21 Q And were y'all familiar with that Roundtree area?
- 22 A Yes, ma'am.
- 23 Q Was that a yes?
- 24 A Yes, ma'am.
- 25 Q And so you said when you turned left on Ball Park and

TERRANCE BUCHANAN - DIRECT

1 you were going back toward Roundtree, were y'all talking
2 about anything at that time?

3 A No, ma'am.

4 Q At any point in time -- was Mr. Williams still behind
5 you?

6 A Yes, ma'am. You could still see headlights and we
7 had pulled a little bit away from him.

8 Q Is there a railroad track on Ball Park?

9 A Yes, ma'am.

10 Q Did y'all cross over the railroad track?

11 A Yes, ma'am.

12 Q About how far behind you was he when you crossed over
13 the railroad track?

14 A About the same distance.

15 Q Did y'all go -- were y'all going pretty fast at this
16 point?

17 A Yes, ma'am.

18 Q Did y'all kind of fly over the railroad tracks or just
19 go over them slowly?

20 A Flew over them.

21 Q And then at some point did you turn?

22 A Yes ma'am.

23 Q And where did you turn?

24 A A left into Roundtree.

25 Q A left into Roundtree? Can you point that out for the

TERRANCE BUCHANAN - DIRECT

- 1 jury, please?
- 2 A (Witness complies.)
- 3 Q Okay. At some point in time did Chris Moore get out
4 of the car?
- 5 A Yes, ma'am.
- 6 Q Can you tell the jury about that?
- 7 A When we turned in we kind of slowed down and that's
8 when Chris Moore was like, "Let me out," and he kind of
9 fell out of the truck and McClinton pulled on off and we
10 heard the gun go off, and then by the time he got up
11 that's when Odell was turning in at the same time.
- 12 Q So you said that Quinton slowed down a little bit?
- 13 A Yes, ma'am.
- 14 Q And Chris Moore said "Let me out?"
- 15 A Yes, ma'am.
- 16 Q And did Chris Moore open the door to the truck?
- 17 A Yes, ma'am.
- 18 Q Did he take his gun with him when he went?
- 19 A Yes, ma'am. When he fell out, yes, ma'am.
- 20 Q He fell out.
- 21 A Yes, ma'am.
- 22 Q He said, "Let me out," but then he fell out?
- 23 A Yes, ma'am.
- 24 Q And you said the gun went off. What gun went off?
- 25 A The rifle.

TERRANCE BUCHANAN - DIRECT

1 Q And how do you know it was the rifle that went off?

2 A That was the only gun he had on him.

3 Q That was the only gun he had on him?

4 A Yes, ma'am.

5 Q Did y'all stop to help him?

6 A No, ma'am.

7 Q What did you do?

8 A We kept going.

9 Q I want to show you what has been entered as State's 7.
10 Take a second to familiarize yourself with this. Is that
11 the Roundtree Circle area?

12 A Yes, ma'am.

13 Q So where were y'all turning onto Roundtree Circle when
14 Moore said, "Let me out?"

15 A Right here.

16 Q Is that where he got out?

17 A Yes, ma'am.

18 Q And you said y'all kept going?

19 A Yes, ma'am.

20 Q Where did you go?

21 A When I got out of the truck?

22 Q No. When Chris Moore got out of the car and y'all
23 kept driving.

24 A We came around the corner and we parked at this house
25 right here and left the truck.

TERRANCE BUCHANAN - DIRECT

- 1 Q So you said you heard one gunshot when Chris Moore got
2 out of the truck. At some point in time did you hear more
3 gunshots?
- 4 A I didn't hear no more gunshots.
- 5 Q You never heard another gunshot.
- 6 A No, we was still in the truck.
- 7 Q What about when you were driving away with Chris Moore
8 out of the car where you were going to this place where you
9 parked the truck, you didn't hear anything?
- 10 A No, ma'am.
- 11 Q Okay. So you said -- show the jury again where y'all
12 parked.
- 13 A (Witness complies.)
- 14 Q And once you parked there what did y'all do, the four
15 that were in the truck?
- 16 A Everybody got out and went their own ways.
- 17 Q At some point did you meet back up with Chris Moore?
- 18 A Yes, ma'am.
- 19 Q Can you tell on the map where that happened?
- 20 A Right here.
- 21 Q What were you doing over there?
- 22 A I had ran through there, I had stashed my guns in the
23 back of this lady's house by that fence.
- 24 Q So you stashed your gun in the back of the lady's
25 house by that fence?

TERRANCE BUCHANAN - DIRECT

- 1 A Yes, ma'am.
- 2 Q And where did you find Chris Moore when you went over
3 there?
- 4 A Right here (indicating.)
- 5 Q When you saw him did he say anything to you?
- 6 A He said, "I think I shot that man."
- 7 Q He said, "I think I shot that man?"
- 8 A Yes, ma'am.
- 9 Q And did you stay with him?
- 10 A For a second.
- 11 Q And then what did you do?
- 12 A We cut through the yards and then we got on the last
13 fence, that's when he went his way and I went my way.
- 14 Q Did you meet up with any of the other people that were
15 in the car that night?
- 16 A No, ma'am.
- 17 Q Did you get somebody to pick you up and go on about
18 your way?
- 19 A Yes, ma'am.
- 20 Q And you've been charged in this case as well, right?
- 21 A Yes, ma'am.
- 22 Q But you weren't charged with murder, were you?
- 23 A No, ma'am.
- 24 Q What were you charged with?
- 25 A Accessory.

TERRANCE BUCHANAN - DIRECT

- 1 Q Accessory?
- 2 A Yes, ma'am.
- 3 Q Has anybody made any promises to you to get you to
4 come here and testify?
- 5 A No, ma'am.
- 6 Q Do you want to be here?
- 7 A Yes, ma'am.
- 8 Q Why do you want to be here?
- 9 A To tell the truth and do the right thing.
- 10 Q Why is that?
- 11 A Because I hate that happened to that family.
- 12 Q At what point did you realize that it was Odell
13 Williams in that car that had gotten killed?
- 14 A The news -- well, I had got a couple of calls telling
15 me that was Odell who had got shot.
- 16 Q So during this entire time you were in that truck that
17 night you never knew it was him.
- 18 A No, ma'am.
- 19 Q So how long was it before you talked to the police?
- 20 A I would say it was probably like a month later, maybe
21 right at a month.
- 22 Q All right. How did that come about?
- 23 A My aunt called me, she told me Underwood had wanted
24 to speak with me about what happened with the case.
- 25 Q And when you say Underwood, is that Sheriff Underwood

TERRANCE BUCHANAN - DIRECT

1 of Chester County?

2 A Yes, ma'am.

3 Q So did you meet up with Sheriff Underwood?

4 A Yes, ma'am.

5 Q Where did you meet up with him?

6 A At my aunt's house.

7 Q At your aunt's house?

8 A Yes, ma'am.

9 Q And at that point did you tell him what had happened?

10 A Yes, ma'am.

11 Q And at some point in time later on did you give
12 another statement to an agent from the South Carolina Law
13 Enforcement Division?

14 A Yes, ma'am.

15 Q So you met with him after you met with Underwood?

16 A Yes, ma'am.

17 Q Did you tell him anything different or additional when
18 you met with him?

19 A No, ma'am.

20 Q Mr. Buchanan, while you were in that truck did you
21 have a phone with you?

22 A Yes, ma'am.

23 Q You had a phone with you?

24 A Yes, ma'am.

25 Q At any point in time did you attempt to call for help?

TERRANCE BUCHANAN - DIRECT

- 1 A That was long after I had got out of the truck,
2 that's when I called my ride.
- 3 Q You called a ride, but did you ever call somebody and
4 say, "Hey, this man is following me, I don't know what to
5 do?"
- 6 A No, ma'am.
- 7 Q As far as you know did other people in the car have a
8 phone?
- 9 A Most likely did but I don't know.
- 10 Q But you know you had one and it was working and the
11 battery was charged and everything obviously because you
12 used it to call a ride, correct?
- 13 A Yes, ma'am.
- 14 Q I'm going to show you one more thing and I think
15 that's going to be it. Let me ask you something, when you
16 are with Mr. Moore running, did y'all cross over a fence or
17 anything?
- 18 A Yes, ma'am.
- 19 Q Was it a wooden fence or chain linked fence?
- 20 A Chain linked fence.
- 21 Q I'm going to show you what has been entered into
22 evidence as State's 64A or B? Do recognize that car?
- 23 A Yes, ma'am.
- 24 Q Tell us about that.
- 25 A That's Ms. Peggy's car.

TERRANCE BUCHANAN - DIRECT

1 Q Is that next to the fence that you guys jumped over?

2 A Yes, ma'am.

3 Q And the fence that's shown in the photograph by the
4 car, that's the fence that y'all jumped over?

5 A Yes, ma'am.

6 MS. HALL: Your Honor, we would just ask to show this
7 to the jury.

8 THE COURT: All right.

9 Q At that point in time had you already stashed your
10 guns?

11 A Yes, ma'am.

12 Q All right. I am going to show you what has been
13 entered into evidence as State's 51. Is that where you put
14 the guns?

15 A Yes, ma'am.

16 Q And are those your guns laying on the ground?

17 A Yes, ma'am.

18 MS. HALL: Again I would ask permission to show 51 to
19 the jury again.

20 THE COURT: Okay.

21 Q And when you met back up with the defendant you said
22 you had already stashed the gun when you started -- did you
23 see them with this rifle again?

24 A No, ma'am.

25 Q So he didn't have it with him when you guys met up?

TERRANCE BUCHANAN - DIRECT

1 A No, ma'am.

2 MS. HALL: I don't have any further questions, please
3 answer anything Mr. Frick may have for you.

4 THE COURT: Your witness.

5 CROSS EXAMINATION

6 BY MR. FRICK:

7 Q Why do y'all go over to Featherstone if you're going
8 over to Holmes.

9 A What now?

10 Q Why did you go over to Featherstone Road if you're
11 going over to Holmes Road?

12 A So we could park our truck so nobody would see it.

13 Q Okay. How was y'all going to get over there then?

14 A Walk across the field.

15 Q Step up just a little bit to the microphone.

16 A Walk across the field.

17 Q Thank you. Is there a clearing, are there trees?

18 Tell me about this field.

19 A It's like an open field and we can walk right to it.

20 Q Can you see Holmes Road and Featherstone if you're in
21 the field?

22 A You can stand on Featherstone and look straight
23 across and see the next road.

24 Q And can you see Tin Tin's house?

25 A Yes, sir.

TERRANCE BUCHANAN - CROSS

1 Q Okay. And so y'all get out of the truck on
2 Featherstone altogether, right?

3 A Yes, sir.

4 Q Everyone got their guns, right?

5 A Yes.

6 Q What were y'all going to do on Featherstone?

7 A We were going to see some guys that were at the
8 house.

9 Q But were they on Featherstone or another road?

10 A They was on Holmes Road.

11 Q Were y'all intending to do anything to anybody on
12 Featherstone?

13 A No, sir.

14 Q Did y'all walk over to Tin Tin's house?

15 A No. We didn't make it to the house, we stayed in the
16 middle of the field.

17 Q Still able to see both sides?

18 A Yes, sir.

19 Q About how long did y'all stay there?

20 A About ten or 15 minutes maybe.

21 Q Okay. Nothing was going on?

22 A No, sir.

23 Q What did y'all decide to do?

24 A We left once we noticed a car slowing down by our
25 truck.

TERRANCE BUCHANAN - CROSS

- 1 Q Okay. All right. Well, where were y'all gonna go
2 then?
- 3 A After we left?
- 4 Q Yes, sir.
- 5 A When left we were going to go our own separate ways.
- 6 Q And where had y'all come from?
- 7 A Chester Homes.
- 8 Q That's where the little kickback was, right?
- 9 A Yes.
- 10 Q Y'all were going to go kickback again?
- 11 A I guess so.
- 12 Q Did y'all run into anybody on Featherstone? Were
13 there people standing around your car that you had a
14 confrontation with? Did you see anybody walking up or down
15 the road?
- 16 A No, sir.
- 17 Q Other than this one car that drives by, anything else?
- 18 A No, sir.
- 19 Q Okay. And when y'all get in the car had anybody
20 yelled at you saying, "Hey, what y'all doing?"
- 21 A No, sir.
- 22 Q Nobody does anything?
- 23 A No, sir.
- 24 Q Did any of y'all confront anybody on Featherstone?
- 25 A No, sir.

TERRANCE BUCHANAN - CROSS

1 Q When y'all get in the car y'all head down
2 Featherstone, get to the intersection -- well, you said you
3 noticed some car, right?

4 A Yes, sir.

5 Q Did you know what that car was?

6 A Like an old model Nissan.

7 Q Did you know whose car that was?

8 A Yes, sir.

9 Q You did? Okay. Did you tell anybody you knew whose
10 car that was?

11 A No, sir.

12 Q Did anybody stop and talk to anybody in that car?

13 A No, sir.

14 Q Nobody -- y'all had a bunch of guns. Anybody point a
15 gun at that car?

16 A No, sir.

17 Q Were you worried about that car?

18 A No, sir.

19 Q Okay. When do you see -- it was a red Cadillac that
20 comes, right?

21 A Yes, sir.

22 Q When do you see this, as you're turning onto York Road
23 or had y'all gotten onto York Road or where?

24 A Right before we were supposed to turn around, we were
25 right behind the car, we were fixin' to go around it and

TERRANCE BUCHANAN - CROSS

1 that's when he was pulling in.

2 Q Which car were you going on?

3 A The green Nissan.

4 Q And then you see this red Cadillac?

5 A Yes, sir.

6 Q Do y'all pay any attention to this red Cadillac?

7 A Not really.

8 Q Do y'all roll down the window and shoot at this red
9 Cadillac?

10 A No, sir.

11 Q Threaten this red Cadillac?

12 A No, sir.

13 Q Did you know who was in it?

14 A No, sir.

15 Q Get on York Road, right? Is this York Road?

16 A Yes, sir.

17 Q Okay. Y'all come down York Road. At this point do
18 you know anybody is following you?

19 A Yes, sir. That's when I noticed the car coming in
20 and out of the lane from behind us.

21 Q Okay. All right. And there is -- is there a
22 stoplight right here?

23 A Yes, sir.

24 Q This is the bypass?

25 A Yes, sir.

TERRANCE BUCHANAN - CROSS

1 Q Okay. You said y'all were going to go back over --
2 the idea when you got in the car was go back over to where
3 you had come from, right?

4 A Yes, sir.

5 Q I believe you told the solicitor that y'all passed
6 back by Chester Homes on this way.

7 A Yes, sir.

8 Q Why ain't y'all turn in?

9 A Because the car was still behind us and was chasing
10 us back there.

11 Q Well, why didn't you just turn in to Chester Homes?

12 A I have no idea.

13 Q Did anybody say, "Hey, we're going to take this guy
14 through town?"

15 A No, sir.

16 Q Let me ask, this red line that is drawn on the map, is
17 this the route that y'all took to the best of your
18 recollection?

19 A Yes, sir.

20 Q This is the exact route that y'all took?

21 A Yes, sir.

22 Q To go from here back to Roundtree Circle?

23 A Yes, sir.

24 Q Making all of these turns -- how fast did y'all go?

25 A Between 60 and 70 miles per hour.

TERRANCE BUCHANAN - CROSS

- 1 Q Okay. And you said that the barbershop you talked
2 about, is it somewhere along in here?
- 3 A It was on Saluda as you turn off on Saluda, like
4 going toward East Chester -- the main road is Saluda, I
5 don't know the exact address of that barbershop.
- 6 Q But y'all did come to a stop?
- 7 A Yes, sir.
- 8 Q And y'all came to a stop why?
- 9 A Try to see who that was and what was going on.
- 10 Q And you said you didn't recognize him at that point,
11 or did recognize him?
- 12 A I didn't.
- 13 Q Still don't know who it was. Did anybody say they
14 knew who it was?
- 15 A No, sir.
- 16 Q And nobody in your car decides to get out and confront
17 this person?
- 18 A No, sir.
- 19 Q That person was getting out of their car though,
20 right?
- 21 A Yes, sir.
- 22 Q Could you see if they had anything in their hand?
- 23 A No, sir.
- 24 Q Did they, in fact, get out of the car?
- 25 A Halfway, like getting out of the car and your head

TERRANCE BUCHANAN - CROSS

1 comes to the stop of the car, that's when we pulled off.

2 Q Okay. Anybody say anything before y'all pulled off?

3 A Not that I remember.

4 Q Okay. Did you have any idea where y'all were heading
5 when you pulled off?

6 A No, sir.

7 Q Make a couple of turns, is the car still behind you?

8 A Yes, sir.

9 Q At some point you hear gunshots?

10 A Yes, sir.

11 Q Were you looking behind you? Did you see gunshots?

12 A No, sir.

13 Q Okay. How do you know they were gunshots?

14 A I knew he was shooting from behind us.

15 Q Do you know what gunshots sound like?

16 A Yes, sir.

17 Q You had two guns, you're familiar with guns, aren't
18 you?

19 A Yes, sir.

20 Q Had anybody in your car shot back at this car?

21 A Not that I know of.

22 Q Well, wouldn't you know?

23 A No.

24 Q You wouldn't know? You're sitting in the middle of a
25 car and you don't know if somebody is going to shoot a gun?

TERRANCE BUCHANAN - CROSS

- 1 A I was sitting in the front seat.
- 2 Q Okay. So I think you said it was about two or three
3 shots?
- 4 A Yes, sir.
- 5 Q You couldn't tell what kind of gun it was by the
6 shots, could you?
- 7 A No, sir.
- 8 Q Has anybody in the car said anything at this point?
- 9 A No, sir.
- 10 Q Do you have any idea where y'all are going at this
11 point?
- 12 A Just trying to get away.
- 13 Q Trying to get away. Okay. And y'all head back over
14 to Roundtree, right?
- 15 A Yes, sir.
- 16 Q As you're on I think you called it Ball Park, is it
17 also called Parkway?
- 18 A I think so, yes, sir.
- 19 Q As you go over the railroad tracks, have you looked
20 back, do you see still see this car?
- 21 A No, I ain't looked back.
- 22 Q Is the car behind you?
- 23 A Most likely was, yes.
- 24 Q Well, if you ain't looked back how do you know a car
25 was behind you?

TERRANCE BUCHANAN - CROSS

1 A Because when we turned in he was right there -- when
2 we turned in, he was behind us.

3 Q Okay. As y'all are making this path through Chester,
4 do you notice any other vehicles that have come in behind
5 y'all?

6 A No, sir.

7 Q So you're pretty certain this is the same car?

8 A Yes, sir.

9 Q No doubt.

10 A Yes, sir.

11 Q Do you hear anymore shots from that car?

12 A No, sir.

13 Q Okay. Has anyone shot from your car?

14 A No, sir.

15 Q When you get to Roundtree and you're turning, who told
16 Chris Moore to get out of the car?

17 A Nobody that I know of.

18 Q Nobody told him to get out?

19 A No, sir.

20 Q Do you have any idea why he got out?

21 A No, sir.

22 Q What exactly did he say?

23 A He said, "Let me out."

24 Q That's what he said.

25 A Yes, sir.

TERRANCE BUCHANAN - CROSS

- 1 Q Like that?
- 2 A (Nods head yes.)
- 3 Q Calm?
- 4 A Yes, sir.
- 5 Q He opens up the car door and what happens?
- 6 A When he tried to step out that's when McClinton
- 7 pulled off and he fell out of the truck.
- 8 Q You're certain he fell out of the truck.
- 9 A Yes, sir.
- 10 Q How do you know, did you see him?
- 11 A When we pulled off I looked at the back door and I
- 12 could see him getting up off the ground.
- 13 Q You saw him getting up off the ground.
- 14 A Yes, sir.
- 15 Q Okay. And he got up with the gun in his hand.
- 16 A Yes, sir.
- 17 Q Okay. When he hit the ground what happened?
- 18 A The gun went off.
- 19 Q Did you see gunfire coming from the gun?
- 20 A No, sir.
- 21 Q Did you hear the gun?
- 22 A Yes, sir.
- 23 Q How does that gun sound?
- 24 A Loud.
- 25 Q Did it sound different than the shots you'd heard

TERRANCE BUCHANAN - CROSS

- 1 before?
- 2 A No.
- 3 Q It didn't?
- 4 A Yeah.
- 5 Q Does it sound different than the guns that you have?
- 6 A Yes.
- 7 Q Why didn't you get out with him?
- 8 A I don't know.
- 9 Q Why didn't anybody get out with him?
- 10 A I don't know.
- 11 Q Did Quinton say anything as he took off?
- 12 A No, sir.
- 13 Q Where were y'all heading at that point?
- 14 A Trying to get away.
- 15 Q Did anybody go back up the road to see what was going
- 16 on with Chris?
- 17 A No, sir.
- 18 Q You saw him a little bit later?
- 19 A Yes, sir.
- 20 Q You saw him as y'all catch up near this car and the
- 21 fence; is that right?
- 22 A Yes, sir.
- 23 Q How long have you known Chris?
- 24 A About two or three years.
- 25 Q Do y'all hang out a bit?

TERRANCE BUCHANAN - CROSS

- 1 A Yes, sir.
- 2 Q So you've been with him a good bit over the last
3 couple of years.
- 4 A Yes, sir.
- 5 Q When you saw him, was he acting different than he
6 normally does?
- 7 A No, sir.
- 8 Q When he said what he said, and he said, "I think I
9 shot that guy?"
- 10 A Yes, sir.
- 11 Q How did he seem?
- 12 A He seemed a little shook then.
- 13 Q Shook?
- 14 A Yes, sir.
- 15 Q Did you get in the car with him and ride somewhere
16 else?
- 17 A No, sir.
- 18 Q Y'all split up after that?
- 19 A Yes, sir.
- 20 Q Now, the solicitor asked you about talking to law
21 enforcement. The first time you talked to law enforcement
22 is you hear that the sheriff wants to talk to you?
- 23 A Yes, sir.
- 24 Q Do you know the sheriff?
- 25 A Yes, sir.

TERRANCE BUCHANAN - CROSS

1 Q Okay. And he wants to talk to you specifically?

2 A Yes, sir.

3 Q And you go talk to him.

4 A Yes, sir.

5 Q Did you give a statement to him?

6 A No, sir.

7 Q And you gave some other statements?

8 A When I got to the jail.

9 Q Mr. Buchanan, if you're at the stop light here and you
10 want to go to Roundtree Circle, can you go by the bypass?

11 A Yes, sir, you can make a left at the light.

12 Q Make a left?

13 A You can.

14 Q And then go what way?

15 A Straight until -- there's another road on the
16 right-hand side right before the railroad track.

17 Q Okay. If you was the one driving and you were trying
18 to get back to Featherstone, would you take that way or
19 this way?

20 A If I was trying to get back where?

21 Q If you were at Featherstone and you were trying to get
22 back to Roundtree, would you go by the bypass or would you
23 take this route through town like this?

24 A I would have went the same way but I would have just
25 went into Roundtree.

TERRANCE BUCHANAN - REDIRECT

1 Q Okay. All right. You wouldn't have gone all around
2 town like this.

3 A No, sir.

4 Q Not the quickest way to get there, is it?

5 A No, sir.

6 MR. FRICK: Thank you, that's all the questions I
7 have.

8 MS. HALL: Just real quick.

9 REDIRECT EXAMINATION

10 BY MS. HALL:

11 Q I believe you stated on the record and I don't know, I
12 may have missed it but you resaid it on cross, that once
13 Chris Moore got out of the car and you heard this gun go
14 off one time that you didn't hear anymore gunshots; is that
15 right?

16 A No, ma'am.

17 Q I'm going to show you what I've marked as State's 95.
18 Is this a statement that you gave to law enforcement back
19 on November -- it's actually March 29th of 2016, is that
20 the statement you give to law enforcement?

21 A Yes, ma'am.

22 Q And did you at that time -- is that your signature at
23 the bottom of it?

24 A Yes, ma'am.

25 Q And your attorney was present with you when you gave

TERRANCE BUCHANAN - REDIRECT

1 that statement; is that correct?

2 A Yes, ma'am.

3 Q Isn't it true that you -- in this statement that you
4 say -- I'm going to let you read it. If you will start
5 right there that "I didn't look back," and just read the
6 couple of sentences.

7 A "I didn't look back and we went around the -- and
8 Quinton stopped and the rest of us continued to Roundtree
9 Circle. I looked back as we went around the curve but I
10 couldn't see back towards where the shooting was coming
11 from."

12 Q You skipped part it?

13 A I read the one on top of it.

14 Q Isn't it true in this statement you say, "I don't
15 believe Moore attempted to fire the first shot, it was
16 fired because he fell out of the truck. I didn't look
17 back, we went around the curve where I couldn't see back
18 toward where the shooting was coming from. As we were
19 getting into the curve I heard more fire, about seven
20 shots, I believe those shots were coming from the SKS
21 rifle;" is that correct?

22 A Yes, ma'am.

23 Q That was a statement you gave to law enforcement, I
24 think you said, on March 26th of 2016. I want to show you
25 what I will mark as State's 96. Do you recognize this

TERRANCE BUCHANAN - REDIRECT

1 document? Is this a statement you gave to law enforcement
2 on November 18th of 2014?

3 A Yes, ma'am.

4 Q And that's your signature?

5 A Yes, ma'am.

6 Q I want to direct your attention to page three of this
7 statement. Doesn't it say right there, "Diesel," Chris
8 Moore -- "fired several shots at the Cadillac, I think he
9 shot at least seven times. The rest of us were still in
10 the truck and kept going on down Roundtree."

11 A Yes, ma'am.

12 Q You told law enforcement that again in November of
13 2014?

14 A Yes, ma'am.

15 Q So your testimony here today is a little bit different
16 than that, isn't it?

17 A No, ma'am.

18 Q And after Chris Moore came back up to you when you
19 guys met up by that bush that you pointed out on that map
20 and he said, "I think I shot that man --"

21 A Yes, ma'am.

22 Q I realize at that point you have already testified,
23 you didn't know that was Odell Williams, did you?

24 A No, ma'am.

25 Q But you also when Chris Moore said, "I shot that man,"

TERRANCE BUCHANAN - RECROSS

1 did you ever call 911 and try to get anybody help with
2 anybody?

3 A No, ma'am. They was already surrounding the block.

4 Q So law enforcement was already there?

5 A Yes, ma'am.

6 MS. HALL: That's all..

7 RECROSS EXAMINATION

8 BY MR. FRICK:

9 Q Just briefly. Mr. Buchanan, you remember giving that
10 statement on November 18th, 2014, correct?

11 A Yes, sir.

12 Q Do you remember giving that statement on November 13th
13 of 2015, do you remember that statement?

14 A Yes, sir.

15 Q And do you remember giving a statement on March 29th
16 of 2016?

17 A Yes, sir.

18 Q Do you remember saying in all three of those
19 statements that the Cadillac shot at y'all first?

20 A Yes, sir.

21 Q Is that the truth?

22 A Yes, sir.

23 MR. FRICK: Thank you.

24 THE COURT: Anything else?

25 MS. HALL: No, sir. We would ask that he be excused.

TERRANCE BUCHANAN - RECROSS

1 THE COURT: May the witness be excused?

2 MR. FRICK: Yes, sir.

3 THE COURT: You are excused. All right, it's
4 lunchtime. Let's break until 2:00. Everybody else remain
5 seated while the jury departs for lunch, and the juror
6 that's got the doctor's appointment, if you'll stay I need
7 to talk with you just a minute.

8 (The jury left the courtroom except for one juror.)

9 THE COURT: Madam Juror, Madam Clerk told me that you
10 had a doctor's appointment at 3:15. Were you able to
11 reschedule that?

12 THE JUROR: No. I've already rescheduled that twice
13 for my kids.

14 THE COURT: That was going to be my next question. Is
15 it a crucial appointment?

16 THE JUROR: Uh-huh. If you would like I can bring you
17 a doctor's note.

18 THE COURT: That's at 3:15, and where is it?

19 THE JUROR: Farrow Road Providence Hospital.

20 THE COURT: With that said I'm going to release her,
21 she needs to be at this appointment, it has been
22 rescheduled already twice, it's fairly serious from what
23 she tells me, the next alternate will move up. You're free
24 to go.

25 THE JUROR: Thank you.

1 THE COURT: I need her number, get her juror number.

2 What's your juror number?

3 THE JUROR: 44.

4 THE COURT: Your name?

5 THE JUROR: Jamilia Davis.

6 THE COURT: Thank you. That's Juror Davis, 44. We

7 are in recess until 2:00.

8 (A lunch break was taken.)

9 THE COURT: Okay, bring them in.

10 (The jury returned to the courtroom.)

11 MS. HALL: State calls D'Angelo Roseboro.

12 The witness, D'ANGELO ROSEBORO, was first duly sworn

13 and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. HALL:

16 Q Your name is D'Angelo Roseboro?

17 A Yes, ma'am.

18 Q And do you have a nickname that you go by?

19 A Yes, ma'am.

20 Q What is it?

21 A Debo.

22 Q Mr. Roseboro, do you know the defendant in this case,

23 Chris Moore?

24 A Yes, ma'am.

25 Q How do you know him?

1 A He's a friend.

2 Q How long have you known him?

3 A Pretty much my whole life.

4 Q Are you from Chester?

5 A Yes, ma'am.

6 Q Did you guys go to school together?

7 A In elementary.

8 Q And then were you -- are you related to him in any way
9 or just friends with him for a long time?

10 A Just friends.

11 Q Would you describe him as a good friend?

12 A Yes, ma'am.

13 Q Were you with him on November 4th of 2014?

14 A Yes, ma'am.

15 Q And what were y'all doing that day?

16 A We were chilling playing a game, just hanging out.

17 Q Where were you?

18 A Chester Homes.

19 Q Whose house were you at, or do you know?

20 A I can't remember.

21 Q Do you remember how long y'all were there that day?

22 A Quite awhile.

23 Q Had you been with him earlier in the day before going
24 to Chester Homes or was that the --

25 A Yes, ma'am.

D'ANGELO ROSEBORO - DIRECT

1 Q Tell us about that. What time did y'all get together
2 that day?

3 A I can't remember the exact time.

4 Q Well, earlier in the day where were you with him?

5 A At Derrick Dixon's house.

6 Q What were y'all doing over there?

7 A Chilling, just playing a game, hanging out.

8 Q And then at some point in time did you walk or ride or
9 somehow get over to Chester Homes?

10 A Yes, ma'am.

11 Q How did you go with over there?

12 A Me, Derrick and Quay, just us.

13 Q You Derrick and who?

14 A Quay.

15 Q Okay. So when you talk about Quay, who are you
16 talking about?

17 A Mr. Moore.

18 Q Do you know him by any other nicknames?

19 A Diesel.

20 Q All right. And the person you know as Chris Moore,
21 Quay or Diesel, do you see him in the courtroom today?

22 A Yes, ma'am.

23 Q Can you point him out, please?

24 A (Witness complies.)

25 MS. HALL: Please let the record reflect he's

D'ANGELO ROSEBORO - DIRECT

- 1 referring to the defendant.
- 2 Q So you and Moore and Dixon go over to Chester Homes,
3 and you said you were playing games and just kind of
4 hanging out. Did you meet up with somebody else when you
5 were over there.
- 6 A Couple of friends was already over there chilling
7 playing games.
- 8 Q Who are these friends?
- 9 A Terrance and Quinton.
- 10 Q Terrance, is that Terrance Buchanan?
- 11 A Yes, ma'am.
- 12 Q And do you know him by a nickname?
- 13 A Yes, ma'am.
- 14 Q What is it?
- 15 A Three Money.
- 16 Q All right. And what about Quinton McClinton, does he
17 have a nickname?
- 18 A I just call him UNC.
- 19 Q UNC?
- 20 A Yeah, because he's kin to my sister.
- 21 Q Do you know how old he is, Quinton McClinton?
- 22 A He's like 26.
- 23 Q How old are you?
- 24 A Twenty-one.
- 25 Q Have you known Quinton McClinton for a long time?

D'ANGELO ROSEBORO - DIRECT

1 A My whole life.

2 Q All right. And did you hang around with Derrick
3 Dixon, Quinton McClinton and Christopher Moore and Buchanan
4 a lot?

5 A When I am in Chester.

6 Q And at the time that this happened were you living in
7 Chester?

8 A No, ma'am.

9 Q Were you living in Rock Hill?

10 A Yes, ma'am.

11 Q And once you got over to the house at Chester Homes
12 did y'all -- did the five of y'all start talking about
13 leaving there and going somewhere else?

14 A Eventually, yes.

15 Q What was the discussions?

16 A The discussion was somebody owed us some money and we
17 were going to get what we was owed basically.

18 Q What did they owe you money for?

19 A Like drugs or something.

20 MR. FRICK: Your Honor, objection to testimony under
21 ground previously stated on 404B and 403.

22 THE COURT: Overruled.

23 Q Okay. So they owed you money for drugs so you were
24 going over there to collect money. Did you y'all talk
25 about what you were going to do before you left Chester

D'ANGELO ROSEBORO - DIRECT

1 Homes?

2 A No, ma'am.

3 Q Did you talk about the fact that you were going to go
4 over there and try to get your money back from the people
5 that owed you money?

6 A Oh, yes, ma'am.

7 Q Who were the people that owed you money, do you know
8 any of their names?

9 A No, ma'am.

10 Q Did you know where they lived?

11 A No, ma'am, not until we got to where we were going.

12 Q But you would assume that somebody else that was going
13 with you must have known where they lived; is that right?

14 A Yes, ma'am.

15 Q But you personally didn't know.

16 A No, ma'am.

17 Q Okay. So did y'all leave the place at Chester Homes
18 and go over to this place where you were going to collect
19 the money?

20 A Yes, ma'am.

21 Q Where did you end up going to collect the money, do
22 you remember what street it was?

23 A Featherstone Road.

24 Q Okay. So when you got -- when you left Chester Homes
25 did y'all get into a gold Dodge Ram pickup truck to go over

D'ANGELO ROSEBORO - DIRECT

1 there and collect the money?

2 A Yes, ma'am.

3 Q And tell us who -- I want you to walk slowly through
4 it, who went with you and who got -- and where did they sit
5 in the car.

6 A Mr. Quinton was driving, Buchanan was on the
7 passenger side, Dixon was on the window, I was in the
8 middle and Mr. Moore was behind the passenger.

9 Q Okay. Did you have a gun with you?

10 A Yes, ma'am.

11 Q How many?

12 A One.

13 Q What kind of gun did you have with you?

14 A A .45.

15 Q And where did you get it?

16 A I had already had it.

17 Q And did Terrance Buchanan have a gun with him?

18 A Yes, ma'am, I believe so.

19 Q Do you know what kind of gun it was?

20 A No, ma'am.

21 Q Do you know how many guns he had?

22 A No, ma'am.

23 Q All right. Did Quinton McClinton have a gun with him?

24 A I don't remember seeing him with a gun but I think
25 so.

D'ANGELO ROSEBORO - DIRECT

- 1 Q And what about Derrick Dixon?
- 2 A Yes, ma'am.
- 3 Q Do you know what kind of gun he had?
- 4 A No, ma'am.
- 5 Q And what about Chris Moore?
- 6 A Yes, ma'am.
- 7 Q What kind of gun did he have?
- 8 A A big gun.
- 9 Q I'll show you what has been entered into evidence as
10 State's 12. Is this the gun that Chris Moore had?
- 11 A I think so.
- 12 Q Did it look like this?
- 13 A Yeah.
- 14 Q So you guys are all in the car or the truck in the
15 places you said that you were sitting, and now at this
16 point do you start driving.
- 17 A Pardon me?
- 18 Q I said you've already described everybody is in the
19 truck and everybody has got the gun and now you start out
20 on this journey to go collect money.
- 21 A Yes, ma'am.
- 22 Q Where did you end up?
- 23 A On Featherstone Road.
- 24 Q Are you pretty familiar with Chester?
- 25 A Yes, ma'am.

D'ANGELO ROSEBORO - DIRECT

1 Q Did y'all park on Featherstone Road?

2 A Yes, ma'am.

3 Q Did you know where you were parking and whose house
4 you were parking at?

5 A No, ma'am.

6 Q All right. Just take a second to look at the map and
7 get familiar with it. And do you see Featherstone Road on
8 this map?

9 A Yes, ma'am.

10 Q Is that where you ended up in the truck?

11 A Yes.

12 Q All right. And what were y'all going to do when you
13 got to Featherstone Road? You said you parked the truck,
14 did y'all all get out or stay in?

15 A We got out.

16 Q Where did you go?

17 A We walked through the grass to Holmes Road.

18 Q Walked through the grass to Holmes Road?

19 A Yes.

20 Q What were you going to do at Holmes Road?

21 A Go get the money that was owed to us.

22 Q It that where the house was that y'all were going to?

23 A On Holmes Road, yes.

24 Q Can you point out Holmes Road on that map, please?

25 A (Witness complies.)

D'ANGELO ROSEBORO - DIRECT

1 Q So why were you going to go to Featherstone Road to go
2 to Holmes Road? How were you going to get to Holmes Road
3 to Featherstone Road?

4 A Walk.

5 Q Were you going to walk on a road, or how were you
6 going to get there?

7 A Through the grass.

8 Q So did you start walking through the grass?

9 A Yes, ma'am.

10 Q Okay. When you got out of the truck did you have your
11 gun with you?

12 A Yes, ma'am.

13 Q To your knowledge did everybody else in the truck also
14 get out with the guns that you described them having? Did
15 everybody take the guns out of the truck and start walking?

16 A Yes, ma'am.

17 Q And did you get all of the way over to Holmes Road?

18 A No, ma'am.

19 Q Did you stop somewhere?

20 A Yes, ma'am.

21 Q Where did you stop?

22 A In like the middle of the grass.

23 Q Why did you stop?

24 A This car had seen us or something like that and then
25 we realized that no one was there at that home.

D'ANGELO ROSEBORO - DIRECT

1 Q So nobody was there at which home?

2 A Holmes Road.

3 Q So the one you are going to nobody was there.

4 A Yes, ma'am.

5 Q And you just mentioned a car, which car are you
6 talking about?

7 A That was a car on Featherstone Road that rode past
8 us.

9 Q Did that kind of spook y'all?

10 A Yes.

11 Q Did y'all stay and hangout after you saw the car or
12 did y'all leave?

13 A We was already leaving because we already realized
14 that nobody was there.

15 Q And so you see the car. Did you know whose car it was
16 that rode past you?

17 A No, ma'am.

18 Q Were they going fast, slow or could you tell?

19 A Not really.

20 Q Okay. And so did y'all leave the field at that point
21 in time?

22 A Yes, ma'am.

23 Q And where did you go?

24 A On the way home we were --

25 Q Well, let's stop. Did you get back in the truck?

D'ANGELO ROSEBORO - DIRECT

1 When you left the field did you get back in the truck to
2 drive away?

3 A Yes, ma'am.

4 Q All right. When you got back in the truck, was
5 everybody still sitting in the same place that you just
6 told us about?

7 A No, ma'am.

8 Q Well, then walk us through really slowly of who was
9 sitting where in the truck at that point.

10 A McClinton was still driving, Buchanan was still on
11 the passenger side, the only ones that switched was me and
12 Dixon. I was on the window at this time and he was in the
13 middle.

14 Q Was Chris Moore still sitting behind the passenger
15 next to the door?

16 A Behind the passenger, yes, ma'am.

17 Q Okay. So where did you go?

18 A We all got back in the truck and rode to the top of
19 Featherstone Road.

20 Q And can you show the jury on the map? All of these
21 people are from Fairfield County.

22 A This is the stop sign, we got right here, went to the
23 stop sign.

24 Q And which road were you going to? How were you going
25 to get out of there?

D'ANGELO ROSEBORO - DIRECT

1 A Featherstone leads to Old York Road.

2 Q So were you going to Old York Road?

3 A Yes, ma'am.

4 Q Where is Old York Road?

5 A Is this it right there?

6 Q It's labeled, you're going to have to find it on the

7 map, I can't testify for you.

8 A It's here.

9 Q Is that Old York Road?

10 A Yes, ma'am.

11 Q So you said you left out of Featherstone and you went
12 and turned on Old York Road, where did you go? Let me ask
13 you this, when you were coming off Featherstone did you see
14 anything unusual?

15 A Yes, ma'am.

16 Q And what did you see?

17 A We see a car before we get to the stop sign at the
18 stop sign just waiting, they had their hazard lights on.

19 Q They had their hazard lights on?

20 A Yes, ma'am.

21 Q Could you tell or do you know if that was the same car
22 that had rolled past you earlier when you were still in the
23 field?

24 A I couldn't tell, but then again I can tell because
25 the car was pointing at the truck.

D'ANGELO ROSEBORO - DIRECT

- 1 Q So the car was pointing at the truck?
- 2 A Yes, ma'am.
- 3 Q At that point in time do you see any other cars?
- 4 A Yes, ma'am. It was a red Cadillac turning onto
- 5 Featherstone.
- 6 Q And where was it coming from?
- 7 A Old York Road.
- 8 Q So the red Cadillac is coming in and you're behind the
- 9 car with the hazards on. What did y'all do?
- 10 A Went around the car with the hazards on, that's just
- 11 before the Cadillac pulled onto the road while we're at
- 12 the stop sign. The car pulled up and that's when she
- 13 started pointing at the truck, I guess, to let him know
- 14 that's the truck.
- 15 Q Did you know any of these people in these other cars?
- 16 A No, ma'am.
- 17 Q Did anybody in the truck say anything?
- 18 A No, ma'am.
- 19 Q Or make any comments about who the people were or
- 20 anything like that?
- 21 A No, ma'am.
- 22 Q All right. So where did y'all go once you pulled
- 23 around the car? You said you turned on Old York Road,
- 24 where did you go after that?
- 25 A We were about to go to Chester Homes and then the car

D'ANGELO ROSEBORO - DIRECT

1 was following us.

2 Q How do you know it was following you?

3 A Because when we went through the light it ran the red
4 light and kept behind us.

5 Q Was it flashing brights at you or doing anything like
6 that or could you tell? Were you looking behind you?

7 A At first I was looking back.

8 Q When you say you came out of -- show us on the map.
9 You come down Old York Road, you said you got to the red
10 light and the car went through the red light, show me where
11 that was, please.

12 A We made a left off Featherstone onto York Road, we
13 made a left like going towards Chester Homes. I don't
14 know how long the road is but I'm pretty sure the light
15 will probably be about right here.

16 Q Keep going, what happened after that?

17 A We go through the light, the car runs the red light
18 and keeps following us. We was on our way to Chester
19 Homes when we realized the car was following us so we kept
20 going making sure the car was following us, it was
21 following us and we were trying to get away. We turned
22 onto -- I don't know the name of that road but it leads to
23 Saluda, but we turned onto that road and we turned onto
24 Saluda and we rode up to Saluda by the barbershop and we
25 had to turn onto McClure Street.

D'ANGELO ROSEBORO - DIRECT

1 Q Did y'all stop anywhere on this route or did you just
2 keep going?

3 A Yeah. We stopped like right there beside the
4 barbershop on McClure Street.

5 Q Did anybody say to stop the car? Why did y'all stop,
6 do you know?

7 A We was trying to see what the guy was following us
8 for.

9 Q At what point did you realize he was following you?
10 About where on this map were you when you realized he was
11 following you?

12 A When he sped -- we really kind of knew at the
13 Featherstone stop to be honest because of the way the car
14 pulled on and we made the left, he backed into the traffic
15 instead of like making three point turn, go to the stop
16 sign and then make the left, he backed onto the traffic
17 while cars was coming and shot behind us right there.

18 Q And so you said you got to the barbershop and you
19 stopped to see what he wanted. Did y'all find out what he
20 wanted?

21 A No, ma'am.

22 Q Did anybody roll down the window to talk to him?

23 A I think I let the window down, but after that we just
24 pulled off.

25 Q Did he start to get out of the car or anything, did

D'ANGELO ROSEBORO - DIRECT

1 you see him?

2 A He probably walked to the end of his car where the
3 gas tank was.

4 Q Was he holding anything in his hands?

5 A I couldn't tell, it was dark.

6 Q Were you looking at him?

7 A Yeah, I think I did look when he got out of the car.

8 Q Did you recognize him? To your knowledge did anybody
9 else in the car recognize him?

10 A No, sir. I mean, no, ma'am, I'm sorry.

11 Q You said then the car you were riding in took off.

12 A Yes, ma'am.

13 Q And did you see what the man in the red Cadillac did?

14 A Like he kind of jogged back to his car and got back
15 in his car and followed behind us again.

16 Q So where did y'all go?

17 A We made a left off McClure Street onto Patrick
18 Street.

19 Q And could you see the car behind you at that point?

20 A Yes, ma'am, it was coming up pretty fast.

21 Q All right. Did anything unusual happen at that point?

22 A We heard gunshots.

23 Q Did you hear them?

24 A Yes, ma'am.

25 Q How many did you hear?

D'ANGELO ROSEBORO - DIRECT

- 1 A Like one.
- 2 Q One? Okay. And can you point on the map about where
3 you were when you heard the gunshots?
- 4 A We made a left onto Patrick Street so -- we made a
5 left onto Patrick Street so we probably started -- the
6 daycare would probably be right here, then you have to go
7 around that curve, he started shooting like right off this
8 curve right here.
- 9 Q And what did y'all do?
- 10 A Speed up to get away from the car, make a left onto
11 First Street, made a right back onto Saluda and made a
12 left onto Roundtree Circle -- we made a left off Saluda to
13 get back to Roundtree Circle by the church.
- 14 Q Okay. Where is Roundtree Circle?
- 15 A (Witness points on map.)
- 16 Q Now, is this an area that you're familiar with?
- 17 A I wouldn't say familiar with but I know where the
18 area is.
- 19 Q And you knew it before that date, right?
- 20 A Yes, ma'am.
- 21 Q So once you got over -- when you got turned onto
22 Parkway to go to Roundtree which you just talked about, did
23 you see the car behind you at that point?
- 24 A Yes, ma'am, it was coming up pretty fast.
- 25 Q At any point did anybody in the car that you were

D'ANGELO ROSEBORO - DIRECT

1 riding in shoot out of the truck?

2 A Yes, ma'am.

3 Q Where were you when that happened?

4 A On the window behind the driver.

5 Q Okay. I'll come back to that in just a second. Where
6 along the route were you? What street were you on?

7 A I don't know the name of the street, but we was on
8 the road, like once you make the left off Saluda to get
9 back Roundtree, the street by the church, we were like
10 right there by the ball park.

11 Q Are there railroad tracks on that road?

12 A Yes, ma'am.

13 Q Had you crossed -- from the time you turned when the
14 shot or shots were fired --

15 A We hadn't crossed the railroad tracks.

16 Q You had not just crossed the railroad tracks.

17 A No, ma'am.

18 Q About how fast were you going?

19 A I can't really say the exact speed because I wasn't
20 looking at the -- but pretty fast.

21 Q And how far behind you was the Cadillac? I mean car
22 lengths, let's just use that, that's the easiest way to do
23 it, if you can tell, if you can't it's okay.

24 A I can't really tell.

25 Q You said that you came up that street that goes to

D'ANGELO ROSEBORO - DIRECT

1 Roundtree and that you did turn on Roundtree -- and I will
2 take this map away, okay? Was anybody saying anything? In
3 the truck you were in was anybody saying anything?

4 A No, ma'am.

5 Q Nobody was talking in the truck? Okay. Now, I want
6 to go back to what you touched on just a second ago, and
7 you said once you turned that somebody did fire a gun out
8 of the car that you were riding in. Was the gun fired back
9 toward the car behind you?

10 A Yes, ma'am.

11 Q Who fired the shot, how did it happen?

12 A I did.

13 Q Okay. And could you tell the jury exactly what
14 happened and how you went about that? Why did you decide
15 -- I mean, you just made the decision on your own or was
16 somebody in the car talking to --

17 A No. He was shooting at us so we shot the window and
18 shot back.

19 Q Did you just make this decision to do this on your own
20 or did somebody else -- did y'all talk about it, that's
21 what I'm asking.

22 A Didn't nobody have to talk about it. If somebody be
23 shooting at you, you would shoot back, right, if you had a
24 gun?

25 Q I wasn't in the situation, I don't know. I need to

D'ANGELO ROSEBORO - DIRECT

1 ask you the questions, though, and you need to answer the
2 questions. Did you make -- you made the decision on your
3 own to shoot?

4 A I made the decision on my own to shoot.

5 Q How did you go about shooting out of the car window?
6 Was the car window still down from when you had tried to
7 talked to the man at the barbershop?

8 A No. Because once we pulled off at the barbershop I
9 had let the window back up.

10 Q And did you roll it back down?

11 A I rolled it back down, yeah.

12 Q Was so you could fire out the window?

13 A Yeah. Because the man was too close to us so I guess
14 I was just trying to get him off us.

15 Q Okay. And so did you lean out of the window to fire
16 the gun?

17 A I can't remember, I think I just stuck my arm out.

18 Q And just fired back toward the car?

19 A Yes, ma'am.

20 Q Did you look back after you did it?

21 A I can't remember.

22 Q You said you did it to try to get the guy to back off
23 of you. Did it work?

24 A Did it work?

25 Q Did he back off?

D'ANGELO ROSEBORO - DIRECT

- 1 A Not really.
- 2 Q Now, I'll show you what has been marked as State's 7
3 that been entered into evidence. Did anybody else in the
4 car fire any other shots? The truck that you were riding
5 in, did anybody else fire any other shots?
- 6 A No, ma'am.
- 7 Q And did you hear -- show -- this is -- are you
8 familiar with this map, number seven?
- 9 A Yes, ma'am.
- 10 Q Okay. Can you show us, where is Roundtree Circle?
- 11 A Right here.
- 12 Q Okay. So when you turned onto it where were you
13 coming from?
- 14 A This way right here.
- 15 Q And so when you turned the corner going on Roundtree
16 Circle, do you know about how fast you were? Would you say
17 you were going pretty fast or not fast? If you don't know
18 just say you don't know.
- 19 A When?
- 20 Q When you turned from that street onto Roundtree
21 Circle.
- 22 A Right here?
- 23 Q Yeah?
- 24 A Made a left?
- 25 Q Uh-huh.

D'ANGELO ROSEBORO - DIRECT

1 A We were slowing down.

2 Q You were slowing down? Did anybody at that point in
3 time make any statements, anybody in the car say anything?

4 A Christopher Moore said let him out.

5 Q He said "Let me out?"

6 A Yes, ma'am.

7 Q Did anybody else in the car say anything?

8 A No, ma'am.

9 Q Did the truck -- Mr. McClinton stop the truck to let
10 him out?

11 A Yes, ma'am.

12 Q He did? Where did he stop the truck?

13 A Right here.

14 Q What happened when he stopped the truck?

15 A He pulled off but Mr. Moore got out, and then --

16 Q Did Moore open the door himself and get out of the
17 truck?

18 A Yes, ma'am.

19 Q Did you hear any gunshots at that time?

20 A No, ma'am.

21 Q Did you hear any gunshots at anytime after that?

22 A Yes, ma'am.

23 Q Where were you in the -- y'all just let Moore out and
24 drove off and left him there?

25 A Yes, ma'am.

D'ANGELO ROSEBORO - DIRECT

- 1 Q Where did y'all go?
- 2 A On around to Roundtree, like we just kept going
3 around.
- 4 Q Did McClinton stop the truck somewhere?
- 5 A Yes, ma'am.
- 6 Q About where was that if you can tell me?
- 7 A (Witness indicates.)
- 8 Q So as you're going around the corner you stated you
9 hear more gunshots. Do you remember how many gunshots you
10 heard?
- 11 A No, ma'am.
- 12 Q Was it one, two, three, eight, a lot, a little?
- 13 A A good little bit.
- 14 Q A good little bit. About how far around were you when
15 you heard them?
- 16 A Like right here.
- 17 Q Did anybody in the truck say anything at that point?
- 18 A No, ma'am.
- 19 Q Did you have a cellphone with you during this time?
- 20 A No, ma'am, I never had a phone.
- 21 Q Okay. When Moore got out of the car, did he have a
22 gun in his hand, State's 12 that I just showed you, that
23 big gun? I think that's what you called it.
- 24 A Yes, ma'am.
- 25 Q Did you turn back to see what he did or where he went

D'ANGELO ROSEBORO - DIRECT

1 or anything?

2 A No, ma'am.

3 Q Where did you go?

4 A On around the street there.

5 Q Okay. So when you get out of the truck did you go
6 somewhere after that?

7 A Oh yes, ma'am, I ran.

8 Q Did you run with someone or did you run by yourself?

9 A I followed Derrick Dixon.

10 Q And where did you go?

11 A To a house, we jumped the fence into a back yard.

12 Q Did you know whose house you were going to?

13 A Yes, ma'am.

14 Q What was the person's name, just the first name?

15 A I don't know his real name, but we call him Rosea.

16 Q Do you know what street Rosea lives on?

17 A York Road.

18 Q At some point in time had you met back up with Chris
19 Moore?

20 A Yes, ma'am.

21 Q Were you still in the Rountree Circle area when you
22 met up with Chris Moore?

23 A No, ma'am.

24 Q Tell me about -- when you went to Rosea's house you
25 said you followed Dixon and that's where you went. Did you

D'ANGELO ROSEBORO - DIRECT

- 1 still have your gun with you?
- 2 A Yes, ma'am.
- 3 Q To your knowledge did Dixon still have his gun with
4 him?
- 5 A I'm believe so.
- 6 Q And what did you do with your gun?
- 7 A I hid it.
- 8 Q Where did you hide it?
- 9 A In a yard somewhere.
- 10 Q Is this Rosea's yard or somebody else's yard?
- 11 A Rosea's yard.
- 12 Q Did you see Derrick Dixon do anything with his gun?
- 13 A No, ma'am.
- 14 Q At some point in time did Chris Moore -- did you meet
15 back up with Chris Moore?
- 16 A Yes, ma'am.
- 17 Q Were you still at Rosae's house at that point or were
18 you somewhere else?
- 19 A Rosae's house.
- 20 Q All right. Could you tell the jury about how you
21 ended up meeting back up with Chris Moore?
- 22 A We all just happened to end up running to the same
23 spot.
- 24 Q So Chris Moore just ran up and y'all just all ended up
25 in the same place?

D'ANGELO ROSEBORO - DIRECT

- 1 A Yes, ma'am.
- 2 Q Did you call somebody to come pick you up?
- 3 A Shonda.
- 4 Q Is that Lashonda Wray?
- 5 A Yes, ma'am.
- 6 Q Did you know her from before?
- 7 A Yes, ma'am.
- 8 Q Had you known her for a long time?
- 9 A Yes, ma'am.
- 10 Q All right. And when y'all called her, did you tell
- 11 her to come pick you up at Rosae's house?
- 12 A Yes, ma'am.
- 13 Q Was Rosae home?
- 14 A No, ma'am.
- 15 Q Did y'all ever go inside the house?
- 16 A No, ma'am.
- 17 Q Did she come pretty fast?
- 18 A Yes, ma'am.
- 19 Q All right. When you got -- what kind of car was she
- 20 driving if you know?
- 21 A A Honda.
- 22 Q Do you remember what color it was?
- 23 A White.
- 24 Q And did you get into the car with her?
- 25 A Yes, ma'am.

D'ANGELO ROSEBORO - DIRECT

1 Q Did she have anybody else in the car with her when she
2 came to come pick you up?

3 A A female.

4 Q Did you know that lady?

5 A No, ma'am.

6 Q All right. And did you get into the -- so you had to
7 sit in the back seat I'm guessing, right?

8 A Yes, ma'am.

9 Q And when you got into Lashonda Wray's back seat, do
10 you remember who sat where?

11 A Yes, ma'am.

12 Q Could you tell me about that, please?

13 A I was in the middle, Moore was behind the passenger
14 and Dixon was behind the driver.

15 Q And I'm going to stop you just a second, back up just
16 a second. When you saw Moore at Rosae's house, did he have
17 this big gun with him anymore?

18 A No, ma'am.

19 Q Did you notice anything about Moore's hand or
20 anything?

21 A No, ma'am.

22 Q Was there any conversations in the car when you got in
23 the car with Lashonda Wray?

24 A No, ma'am, besides where she was taking us to.

25 Q And where was she taking you to?

D'ANGELO ROSEBORO - DIRECT

1 A Dixon's house.

2 Q Did she take you there?

3 A Yes, ma'am.

4 Q And did she drop you off or did she go inside with
5 you?

6 A I want to say she went in and then she left right
7 after that.

8 Q And did you stay there?

9 A No, ma'am.

10 Q Did you hang out there -- maybe not spend the night
11 but did you hang out there for any period of time?

12 A Yes, ma'am.

13 Q What did y'all do while you were there? Where did you
14 go in the house and what did y'all do?

15 A We went to Derrick's room.

16 Q Did y'all talk about what had happened on Roundtree
17 Circle that night?

18 A No, ma'am.

19 Q I show you what's been marked as State's 97. I
20 believe this is a statement you gave to law enforcement to
21 Agent Blackmon with SLED March 14th of 2016, do you
22 recognize that?

23 A Yes, ma'am.

24 Q And is that your signature at the bottom?

25 A Yes, ma'am.

D'ANGELO ROSEBORO - DIRECT

- 1 Q And that was done in the presence of your attorney,
2 Ms. Moody; is that correct?
- 3 A Yes, ma'am.
- 4 Q Do you recall saying "At that time I observed blood on
5 one of Moore's hands and he had it wrapped with something?"
- 6 A Yes, ma'am.
- 7 Q Do you remember that now?
- 8 A Yes, ma'am. He had on a white T-shirt.
- 9 Q He had a white T-shirt wrapped around his hand? Mr.
10 Roseboro, you were charged in this event as well, weren't
11 you?
- 12 A Yes, ma'am.
- 13 Q But you weren't charged with murder, were you?
- 14 A No, ma'am.
- 15 Q What were you charged with?
- 16 A Accessory before and after.
- 17 Q And has anybody promised you anything to get you to
18 come testify today?
- 19 A No, ma'am.
- 20 Q Anybody promise you anything to come get you to talk
21 to law enforcement or make statements or tell the truth in
22 this case?
- 23 A No, ma'am.
- 24 Q And do you want to be here?
- 25 A No, ma'am.

D'ANGELO ROSEBORO - DIRECT

1 Q You're here because you were subpoenaed by the State
2 to come and tell the truth, correct?

3 A Yes, ma'am.

4 Q I'll ask you one more thing. Was there any talk when
5 y'all got to Rosea's yard, did you talk to Chris Moore or
6 did you talk -- did anybody say anything when you met up in
7 the yard about what had just happened?

8 A He asked if we got a ride.

9 Q Who asked that?

10 A Moore.

11 Q And that was all he said?

12 A (Nods head yes.)

13 Q Is that a yes? I'm sorry, he's got to take it down.

14 A Yes, I'm sorry.

15 MS. HALL: I don't have any further questions, please
16 answer anything Mr. Frick may have for you.

17 CROSS EXAMINATION

18 BY MR. FRICK:

19 Q Mr. Roseboro, what did you say y'all were doing when
20 y'all were all together?

21 A Just chilling, hanging out.

22 Q Okay. And then y'all decided to go over and do
23 whatever y'all was gone do on Holmes Road.

24 A Yes, sir.

25 Q And everybody got in the car with a gun.

D'ANGELO ROSEBORO - DIRECT

- 1 A Yes, sir.
- 2 Q Okay. Did y'all know if anybody was going to be home?
- 3 A No, sir.
- 4 Q Y'all just decided to head over there.
- 5 A Yes, sir.
- 6 Q Okay. And then you head over -- why don't you go
- 7 straight on over to Holmes Road?
- 8 A Never thought about that.
- 9 Q Okay. The place that y'all parked, is that a pretty
- 10 good path through?
- 11 A Is you asking is a pretty good path to get where were
- 12 going?
- 13 Q Yeah. All I'm trying to ask is where you're going to
- 14 Featherstone if you were trying to get to Holmes Road.
- 15 A I mean, I would say we parked on Featherstone to not
- 16 be seen to go to Holmes Road.
- 17 Q By the folks on Holmes Road?
- 18 A Yeah.
- 19 Q Was anybody that y'all were looking for on
- 20 Featherstone?
- 21 A No, sir.
- 22 Q Were y'all intending to do anything on Featherstone?
- 23 A No, sir.
- 24 Q Did y'all do anything on Featherstone?
- 25 A No, sir.

D'ANGELO ROSEBORO - CROSS

1 Q Did y'all go on this property that y'all parked on and
2 take anything?

3 A No, sir.

4 Q Did y'all intend to?

5 A No, sir.

6 Q Did you know Odell Williams had property over there?

7 A No, sir, I don't even know him.

8 Q You don't know him at all.

9 A No, sir.

10 Q So you certainly didn't know his wife lived across the
11 street.

12 A No, sir.

13 Q Okay. So y'all didn't intend to do anything to Odell
14 Williams or his family or his property.

15 A No, sir.

16 Q Y'all were going to go deal with some folks on Holmes
17 Road.

18 A Yes, sir.

19 Q That's it.

20 A Yes, sir.

21 Q And then when this didn't pan out where were y'all
22 going?

23 A Back to where we came from.

24 Q And that was?

25 A Chester Homes.

D'ANGELO ROSEBORO - CROSS

- 1 Q States Number 4, I think we remember the numbers by
2 now. All right. Y'all start out -- I'll borrow this for a
3 second. Y'all start out right along in here, right?
- 4 A Yes, sir.
- 5 Q Okay. This red line that's drawn on this picture,
6 does that accurately reflect the path that y'all took
7 during this event?
- 8 A Yes, sir.
- 9 Q This is exactly the way y'all went through Chester.
- 10 A Featherstone, York Road, to the road by the train
11 tracks at the end of York Road that lead you to Saluda.
12 We made a left on Saluda, make a right onto McClure Street
13 by the barbershop, made a left onto Patrick, made a left
14 onto First, made a right to Saluda, then made a left off
15 of Saluda to get to Roundtree.
- 16 Q Let me ask you this, I'm going to give you the stick.
17 If you started on Featherstone and you were driving the car
18 and you wanted to go to Roundtree Circle, how would you get
19 there?
- 20 A Me?
- 21 Q Yes, sir.
- 22 A Off Featherstone down York Road.
- 23 Q Okay. And then?
- 24 A Take you to Roundtree?
- 25 Q Yes, sir.

D'ANGELO ROSEBORO - CROSS

1 A I would have made a left. Instead of going straight
2 down to Chester Homes I would have beared off to the left
3 and went over the train tracks and then right there in
4 Roundtree.

5 Q So you wouldn't have gone that way and turned this way
6 and done all of that stuff?

7 A No.

8 Q That's not the most direct route to Roundtree Circle?

9 A No, sir. It could have been way faster.

10 Q And whereabouts did -- at least in your mind, did you
11 believe that y'all was being followed?

12 A In my mind?

13 Q Yes, sir.

14 A When that car ran through that red light.

15 Q Where? Point to it.

16 A Before you get to Roundtree Circle and York Road
17 right here.

18 Q What road is this right here, the one that's going
19 around that ain't in red?

20 A Dawson Drive.

21 Q Okay. Is there an intersection right here? No, right
22 in this area.

23 A There's a stoplight.

24 Q The stoplight. Is that the stoplight you're talking
25 about?

D'ANGELO ROSEBORO - CROSS

- 1 A Yes, sir.
- 2 Q So in your mind at this point you know that somebody
- 3 is following you, is that what you said?
- 4 A Yes, sir.
- 5 Q Do you remember about how fast y'all's was going?
- 6 A Not right off the top of my head, but pretty fast.
- 7 Q You're going faster than the speed limit in downtown
- 8 Chester?
- 9 A Yes, sir.
- 10 Q Did anybody -- y'all did come to a stop at some point;
- 11 is that correct?
- 12 A On McClure Street.
- 13 Q McClure Street. Why did y'all stop?
- 14 A To see why the guy was following us.
- 15 Q Anybody say stop?
- 16 A No.
- 17 Q Did the guy get out of the car?
- 18 A Yes, sir.
- 19 Q He did? All of way out, part of the way out?
- 20 A All of the way out. He probably walked to like the
- 21 gas tank, like to the trunk of the car, of his car.
- 22 Q Of his car?
- 23 A Yeah.
- 24 Q Did he ever get to y'all's car?
- 25 A No, sir.

D'ANGELO ROSEBORO - CROSS

1 Q And you were the one at the window, weren't you?

2 A Yes, sir.

3 Q And you rolled down the window, right?

4 A Yes, sir.

5 Q Were you going to conversate with him?

6 A I was going to ask him why he was following us but we
7 had already pulled off.

8 Q You had a gun in your hand, were you going to shoot
9 him?

10 A No, sir.

11 Q Did anybody in the car intend on shooting him?

12 A No, sir.

13 Q Had anybody cocked their gun and got it ready to shoot
14 him?

15 A No, sir.

16 Q Nobody in y'all's car got out, did they?

17 A No, sir.

18 Q He didn't come up and have a conversation, did he?

19 A No, sir.

20 Q Because y'all drove off.

21 A Yes, sir.

22 Q Why did y'all drive off?

23 A To get away from him.

24 Q Okay. Where were y'all headed, do you know?

25 A No, sir.

D'ANGELO ROSEBORO - CROSS

1 Q You weren't driving. Did you have any idea where you
2 were going?

3 A No, sir.

4 Q No one in the car had said, "We're going to go this
5 way?"

6 A No, sir.

7 Q Quinton didn't tell nobody, did he?

8 A No, sir.

9 Q It's after McClure I believe you said you hear some
10 shots.

11 A When we made the left onto Patrick Street and I hear
12 shots.

13 Q Is that before the little flower shop right there
14 that's at the intersection of First of Patrick? Little
15 store right there at the corner of First and Patrick, do
16 you know what I'm talking about? If you don't, that's
17 fine.

18 A No, sir.

19 Q Okay.

20 A Are you talking about the store in front of the
21 barbershop?

22 Q There's a store. That's all right, if you don't know
23 it that's all right, that's fine. When you're on Patrick
24 Street, about where were you when you hear shots?

25 A Going around the curve like once we passed the

D'ANGELO ROSEBORO - CROSS

1 daycare on the right.

2 Q All right. And I believe you just testified that you
3 heard one shot. Is that how many shots you heard?

4 A I mean, I heard them and ducked my head, it could
5 have been more.

6 Q Could have been more?

7 A I'm not sure.

8 Q I think the solicitor asked you about a statement that
9 you gave back last year. There's a line right here, do you
10 see -- how many shots did you say back then?

11 A A couple..

12 Q Would it be fair to say that your memory was more
13 accurate some time ago than it might be today?

14 A I mean, I might not be able to remember everything
15 because it happened two years ago.

16 Q And this statement was given some time ago, right?

17 A Yeah, awhile.

18 Q Where were the shots coming from?

19 A Behind us.

20 Q You're certain of that?

21 A I mean, I'm positive.

22 Q How are you so positive?

23 A Because I'm on the window, Mr. Moore on the window,
24 Dixon in the middle, if they were to shoot a gun in my ear
25 I would have heard it louder than what I heard it.

D'ANGELO ROSEBORO - CROSS

- 1 Q Were there any other cars on the road with y'all other
2 than you and this Cadillac?
- 3 A No, sir.
- 4 Q Okay. You had a, gun. You're familiar with guns.
- 5 A Yes, sir.
- 6 Q This was definitely a gunshot you heard?
- 7 A Yes, sir.
- 8 Q Do you know how this gun sounds? Have you ever heard
9 it fired before?
- 10 A No, sir.
- 11 Q Okay. The gunshots you heard, did they sound like
12 normal gunfire or different than normal gunfire?
- 13 A Just real fast.
- 14 Q And nobody in y'all's car shot back at that time,
15 right?
- 16 A What time?
- 17 Q On Patrick.
- 18 A No, sir.
- 19 Q Okay. And still you really got no idea where you are
20 heading to, right?
- 21 A No, sir.
- 22 Q Okay. Did you ever hear anymore gunshots coming from
23 behind you?
- 24 A No, sir.
- 25 Q But at some point you decide to lean out and shoot one

D'ANGELO ROSEBORO - CROSS

1 back.

2 A Yes, sir, because the guy was still following us. I
3 mean --

4 Q Okay. You say I mean, is that it or you got more?

5 A I mean, the guy was stilling following us so I shot
6 to try to get him off of us.

7 Q Were you aiming or did you just stick your arm out the
8 window?

9 A Just stuck my arm out of the window.

10 Q How many times did you shoot?

11 A Once, my gun jammed.

12 Q Okay. And that is the State's Number 15. Can you
13 tell what that's a map of?

14 A Roundtree Circle.

15 Q Okay. Can you point on that map which direction y'all
16 were coming from?

17 A This direction.

18 Q Okay. That's Parkway coming into Roundtree right
19 there, that's what you're doing?

20 A Yes, sir.

21 Q Is the place where you shot the gun on the map on this
22 particular map?

23 A No, sir.

24 Q Okay. Pretend like it kind of is and kind of give us
25 a general idea of where you were or where you believed you

D'ANGELO ROSEBORO - CROSS

- 1 were when you shot.
- 2 A On down Parkway at the ball park.
- 3 Q Down past Vance Street, the little road coming off
4 there?
- 5 A I was on back some.
- 6 Q Okay. Had you crossed the railroad tracks yet?
- 7 A No, sir.
- 8 Q I'm going to leave this here for a second. I've got
9 you, you're good. Okay. Now, where does the car slowdown
10 y'all's car, where does Quinton slowdown?
- 11 A (Witness indicates.)
- 12 Q Right there? Okay.
- 13 A When we made the left onto Roundtree Circle.
- 14 Q When you made the left onto Roundtree. Okay. When
15 does Chris get out of the car?
- 16 A When we made the left on Roundtree Circle.
- 17 Q Okay. Did the car completely come to a stop?
- 18 A No, sir.
- 19 Q Did it slowdown?
- 20 A Slowdown? Yeah.
- 21 Q How much did it slowdown?
- 22 A I don't know..
- 23 Q Okay. Did anybody tell Chris to get out of the car?
- 24 A No, sir.
- 25 Q Did Chris say anything when he got out of the car?

D'ANGELO ROSEBORO - CROSS

- 1 A No. He just said, "Let me out," before he got out.
- 2 Q Did he say what he was going to do?
- 3 A No, sir.
- 4 Q Nobody said, "Chris, that sounds like a good idea?"
- 5 A No, sir.
- 6 Q And he had the gun in his hand, right?
- 7 A Yes, sir.
- 8 Q Did he open up the car and step out?
- 9 A Yes, sir.
- 10 Q Did he put his foot on the ground and stand there?
- 11 A No, sir.
- 12 Q What happened?
- 13 A I think he fell.
- 14 Q You think he fell? Do you know he fell or do you
15 think he fell?
- 16 A He fell.
- 17 Q He fell?
- 18 A Yes, sir.
- 19 Q You're certain. You was in the car, not me, you're
20 the one who has got to tell.
- 21 A Yes, sir.
- 22 Q Okay. Did you look back and see him?
- 23 A No, sir.
- 24 Q Did you hear anything back behind you?
- 25 A No, sir.

D'ANGELO ROSEBORO - CROSS

1 Q All right. I'm going to ask you about your statement
2 again. Start with that line and go to that sentence. The
3 truck never --

4 A The truck never completely stopped and Moore fell out
5 of the truck.

6 Q Yes, sir. And then?

7 A Oh, keep reading?

8 Q A little bit more.

9 A Fell out of the truck -- Moore fell out of the truck
10 and the gun fires one shot.

11 Q Okay. So in your statement to law enforcement you
12 said Chris falls out the truck and the gun fires a shot.

13 A And the gun goes off.

14 Q Is that accurate, is that the truth?

15 A I believe so.

16 Q Anybody get out with Chris?

17 A No, sir.

18 Q Y'all kept on going.

19 A Yes, sir.

20 Q Got any idea why nobody got out to help Chris?

21 A I don't know.

22 Q Do you know why Chris got out?

23 A No.

24 Q Then after that I believe you said you didn't hear
25 anymore shots, or did you hear more shots? I'm sorry, I'm

D'ANGELO ROSEBORO - CROSS

1 getting all tangled up myself.

2 A When?

3 Q After Chris gets out y'all come on down Roundtree, do
4 you hear anymore gunshots?

5 A Yes, sir.

6 Q Do you know how many?

7 A No, sir.

8 Q At some point you meet back up with Chris, right?

9 A Yes, sir.

10 Q Were y'all still on Roundtree when y'all met up?

11 A No, sir.

12 Q This was over at Rosae's house?

13 A Yeah, on York Road.

14 Q How long have you known Chris?

15 A All of my life.

16 Q All your life. You hung out a good bit?

17 A Yes, sir.

18 Q When you saw him at Rosae's house, how is he acting?

19 A I can't tell you.

20 Q Okay. That's fine. Was there any conversations about
21 what happened?

22 A No, sir.

23 Q And I think the solicitor reminded you of a statement.
24 You did see that he had something wrapped around his hand.

25 A Yes, sir.

D'ANGELO ROSEBORO - CROSS

1 Q Did y'all ever talk about that injury or what that
2 was?

3 A No, sir.

4 MR. FRICK: Thank you, sir, that's all of the
5 questions I have.

6 MS. HALL: I don't have anything further for this
7 witness, we would ask that he be excused.

8 MR. FRICK: No objection.

9 MS. HALL: At this time the State would call Derrick
10 Dixon. Is that okay?

11 THE COURT: How long will he take?

12 MS. HALL: He's going to be about like these guys
13 were. We might need to take a break.

14 THE COURT: Let's take a recess, everybody can step
15 back and get a Coca Cola or whatever refreshments they
16 have.

17 (A break was taken.)

18 MS. HALL: State calls Derrick Dixon.

19 The witness, DERRICK DIXON, was first duly sworn and
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MS. HALL:

23 Q Mr. Dixon, do you have a nickname that you go by?

24 A Ma'am?

25 Q Do you have a nickname?

D'ANGELO ROSEBORO - CROSS

1 A Yes, ma'am.

2 Q What is it?

3 A Hatchet.

4 Q And do you know the defendant in this case, Chris
5 Moore?

6 A Yes, ma'am.

7 Q Do you know him to go by any nicknames?

8 A Quay.

9 Q Anything else?

10 A No, ma'am.

11 Q The person that you know as Chris Moore, Quay, do you
12 see him here in the courtroom today?

13 A Yes, ma'am.

14 Q Could you point him out for the jury please.

15 A (Witness complies.)

16 Q Please let the record reflect that he's pointing to
17 the defendant, Chris Moore. On November 4th -- how do you
18 know Quay?

19 A Went to school together.

20 Q For how long?

21 A Since elementary.

22 Q Did you go to high school with him?

23 A Yes, ma'am.

24 Q Do you know Derrick Dixon?

25 A Yes, ma'am.

DERRICK DIXON - DIRECT

- 1 Q I mean, not Derrick Dixon, I'm sorry, you are Derrick
2 Dixon. Do you know D'Angelo Roseboro?
- 3 A Yes, ma'am.
- 4 Q Do you know him to go by a nickname?
- 5 A No, ma'am.
- 6 Q All right. How long have you known him?
- 7 A Most all of my life.
- 8 Q Are you pretty close with him?
- 9 A Yes, ma'am.
- 10 Q What about Quinton McClinton?
- 11 A Yes, ma'am.
- 12 Q Do you know him to go by a nickname?
- 13 A No, ma'am.
- 14 Q How long have you known him?
- 15 A All of my life.
- 16 Q All right. And what about Terrance Buchanan?
- 17 A Yes, ma'am.
- 18 Q Do you know him to go by a nickname?
- 19 A No, ma'am.
- 20 Q And how long have you known him?
- 21 A For a good minute.
- 22 Q For a good minute? Okay. Would you say you hung out
23 with these guys regularly, the ones that we just talked
24 about?
- 25 A Yes, ma'am.

DERRICK DIXON - DIRECT

- 1 Q Were you with him on November the 4th of 2014?
- 2 A Yes, ma'am.
- 3 Q What were y'all doing?
- 4 A Nothing, chilling.
- 5 Q Had you been with D'Angelo Roseboro earlier during the
- 6 day?
- 7 A Yes, ma'am.
- 8 Q Where had y'all been hanging out?
- 9 A At Chester Homes.
- 10 Q Had you been there with him all day or did you go to
- 11 Chester Homes with him at some point during the day?
- 12 A Went to Chester Homes.
- 13 Q And was anybody else I just mentioned, were they at
- 14 Chester Homes?
- 15 A Yes, ma'am.
- 16 Q All of them or some of them?
- 17 A Yes, ma'am, all.
- 18 Q All of them?
- 19 A Yes, ma'am.
- 20 Q How old are you?
- 21 A Twenty.
- 22 Q Do you know how old Roseboro is?
- 23 A No, ma'am.
- 24 Q Do you know how old Quinton McClinton is?
- 25 A No, ma'am.

DERRICK DIXON - DIRECT

- 1 Q Is he older than you or younger than you?
- 2 A Older.
- 3 Q Do you know how old Chris Moore is?
- 4 A Yes, ma'am.
- 5 Q How old?
- 6 A Twenty.
- 7 Q So he's the same age as you, right, because you guys
- 8 were in school together.
- 9 A Yes, ma'am.
- 10 Q So y'all are hanging out at Chester Homes, at some
- 11 point in time did y'all decide to leave Chester Homes and
- 12 go somewhere else?
- 13 A Yes, ma'am.
- 14 Q Where were you going? Did you talk about where you
- 15 were going and what you were going to do?
- 16 A We were going to Holmes road.
- 17 Q Why were you doing that?
- 18 A Because some people had owed us money and we were
- 19 going to get our money back.
- 20 MR. FRICK: Your Honor, I object to the statement on
- 21 the grounds previously stated 404B and 403.
- 22 THE COURT: Same ruling, overruled.
- 23 Q What did they owe you money for?
- 24 A Ma'am?
- 25 Q Do you know what they owed you money for?

DERRICK DIXON - DIRECT

1 A No. We had let them hold some money and they
2 supposed to have gave it back.

3 Q And they never gave it back?

4 A Yes, ma'am.

5 Q Was it a lot of money, or do you know how much money
6 it was?

7 A No, ma'am.

8 Q But you said you were going over to Holmes Road to
9 collect the money. Do you know the names of any of the
10 people who lived at the house you were going to?

11 A No, ma'am.

12 Q When you went over to Holmes Road to get the money,
13 did you have a gun with you?

14 A Yes, ma'am.

15 Q What kind of gun did you have?

16 A A .40.

17 Q A .40 caliber gun? Was it a semi -- do you know what
18 the difference is between a semiautomatic and a revolver?

19 A Yes, ma'am.

20 Q Was yours a semiautomatic or a revolver?

21 A Semiautomatic.

22 Q And to your knowledge did Derrick Dixon have a gun?

23 I'm sorry, I keep doing this, did D'Angelo Roseboro have a
24 gun?

25 A Yes, ma'am.

DERRICK DIXON - DIRECT

- 1 Q What kind of gun did he have?
- 2 A A .45.
- 3 Q .45? And what about Quinton McClinton, did he have a
- 4 gun?
- 5 A I didn't see him with a gun.
- 6 Q You didn't see a gun?
- 7 A No, ma'am.
- 8 Q You gave a statement back to law enforcement back in
- 9 March of 2016, didn't you?
- 10 A Yes, ma'am.
- 11 Q I'll show you that statement. Do you recognize that?
- 12 A Yes, ma'am.
- 13 Q Is that your signature at the bottom of it?
- 14 A Yes, ma'am.
- 15 Q And was it given in the presence of your attorney?
- 16 A Yes, ma'am.
- 17 Q All right. I'm going to draw your attention to page
- 18 two of that statement. At that time did you tell law
- 19 enforcement "Quinton was armed with a handgun but I don't
- 20 know what kind?"
- 21 A Yes, ma'am.
- 22 Q Do you remember making that statement?
- 23 A Yes, ma'am.
- 24 Q Is that correct?
- 25 A Yes, ma'am.

DERRICK DIXON - DIRECT

- 1 Q All right. So when you guys left to go did Chris
2 Moore have a gun?
- 3 A Yes, ma'am.
- 4 Q Did he have this gun right here?
- 5 A Yes, ma'am.
- 6 Q Or something -- okay. Did he carry that out of the
7 house at Holmes Road and put it in the truck or was it
8 already in the truck when you got there?
- 9 A Already in the truck.
- 10 Q The gun that you had, who did it belong to?
- 11 A Ma'am?
- 12 Q The gun that you had, you said you had a .40?
- 13 A Yes, ma'am.
- 14 Q Did you say a .40?
- 15 A Yes, ma'am.
- 16 Q Did that belong to you or did somebody give it to you?
- 17 A Belonged to me.
- 18 Q Where did you get it?
- 19 A I been had it for a minute.
- 20 Q For a minute? Okay. All right. And so you got all
21 of the guns. Did you get in a gold Dodge Ram truck?
- 22 A Yes, ma'am.
- 23 Q Whose truck was that?
- 24 A I don't know.
- 25 Q Had you ever seen it before?

DERRICK DIXON - DIRECT

- 1 A No, ma'am.
- 2 Q Who was driving?
- 3 A Quinton.
- 4 Q And who was riding in the front passenger side?
- 5 A Buchanan.
- 6 Q And where did Chris Moore sit?
- 7 A Behind the passenger.
- 8 Q And where did you sit?
- 9 A Are you talking about on the way there?
- 10 Q Yes, on the way there.
- 11 A Behind the driver.
- 12 Q And who sat in the middle back?
- 13 A Roseboro.
- 14 Q Okay. All right. And so you start out at -- you said
- 15 you started out at Chester Homes headed to Holmes Road. I
- 16 show you what's been marked as State's Exhibit 4. You're
- 17 pretty familiar with Chester, right?
- 18 A Uh-huh.
- 19 Q You grew up there? You said you grew up in Chester?
- 20 A Yes, ma'am.
- 21 Q All right. Take that stick for me, please. And when
- 22 you started out, where did you end up parking the truck,
- 23 where did y'all end up going?
- 24 A I forgot the name of the road.
- 25 Q Okay. So where is Holmes Road on this map?

DERRICK DIXON - DIRECT

1 A (Indicates.)

2 Q Where is Featherstone?

3 A Right there.

4 Q And you said you parked on Featherstone Road?

5 A Yes, ma'am.

6 Q What did you do -- did y'all get out of the car or did
7 you stay in the car?

8 A We got out of the car.

9 Q Did you know where you were parked or anybody that
10 lived around that area besides the people whose house you
11 were going to?

12 A No, ma'am.

13 Q All right. Well, when you parked on Featherstone
14 Road, did you get out of the car?

15 A Yes, ma'am.

16 Q And when you did did you take your gun with you?

17 A Yes, ma'am.

18 Q And did everybody else in the car with you, all other
19 four people, get out of the car?

20 A Yes, ma'am.

21 Q And did they all take their guns with them when they
22 got out?

23 A Yes, ma'am.

24 Q Did Chris Moore take that State's 12 with him, that
25 rifle?

DERRICK DIXON - DIRECT

- 1 A Yes, ma'am.
- 2 Q All right. And where did y'all go?
- 3 A Holmes Road.
- 4 Q Why were you parking on Featherstone to go to Holmes?
- 5 A We didn't park on Featherstone.
- 6 Q How were you going to get to Holmes Road, though?
- 7 A Walk.
- 8 Q Walk where?
- 9 A Right here.
- 10 Q Through the grass?
- 11 A Yes, ma'am.
- 12 Q Okay. And could you see where you were going from
- 13 where you parked on Featherstone Road?
- 14 A Yes, ma'am.
- 15 Q So you could see the house you were trying to get to?
- 16 A Yes, ma'am.
- 17 Q Now, all five of you get out of the car, you already
- 18 testified to that, and you all took your guns with you.
- 19 Did you all start heading over that way toward Holmes Road?
- 20 A Yes, ma'am.
- 21 Q At some point did you stop or did you make it to the
- 22 house?
- 23 A We stopped.
- 24 Q Why did you stop?
- 25 A Because nobody was there.

DERRICK DIXON - DIRECT

1 Q Nobody was there?

2 A Yes, ma'am.

3 Q And did you stop and go back to the truck at that
4 point?

5 A Yes, ma'am.

6 Q You went right back to the truck?

7 A We stayed out there about ten minutes.

8 Q You stayed out where about ten minute?

9 A Right there on Holmes Road, right there.

10 Q Did all five of you sit there together?

11 A Yes, ma'am.

12 Q Why were you sitting there?

13 A To see if somebody was coming.

14 Q And at some point in time did y'all decide to leave?

15 A Yes, ma'am.

16 Q What made you decide to leave?

17 A Nobody came.

18 Q Because nobody came home?

19 A Yes, ma'am.

20 Q So did you all go back to the truck?

21 A Yes, ma'am.

22 Q Did you all take the guns we talked about back to the
23 truck with you?

24 A Yes, ma'am.

25 Q And did all five of you sit back in the same places in

DERRICK DIXON - DIRECT

- 1 the truck?
- 2 A No, I got in the middle.
- 3 Q You got in the middle of the back seat?
- 4 A Yes, ma'am.
- 5 Q Okay. Where was Roseboro?
- 6 A Behind the driver.
- 7 Q So back to State's 7. I'm sorry, State's 4. So when
- 8 you go -- when you get back in the truck where did you go?
- 9 A Leaving down to Featherstone.
- 10 Q And going where?
- 11 A Going home.
- 12 Q Going home? Okay. And can you tell us what happened
- 13 when you started trying to leave?
- 14 A We was trying to leave and we saw a car pull on the
- 15 side of the road when we were leaving, a red Cadillac
- 16 pull --
- 17 Q A car pulled over to the side of the road when you
- 18 were leaving. Did you notice anything unusual about that
- 19 car?
- 20 A No, ma'am.
- 21 Q And you said a red Cadillac pulled in. What happened
- 22 after that?
- 23 A We were leaving, the car turned around and got behind
- 24 us.
- 25 Q Which car?

DERRICK DIXON - DIRECT

- 1 A The red Cadillac.
- 2 Q And did y'all leave Featherstone Road?
- 3 A Yes, ma'am.
- 4 Q And where did you go?
- 5 A Went down York Road.
- 6 Q Can you point, please?
- 7 A (Witness complies.) Went on York Road.
- 8 Q And at what point was the Cadillac behind you at this
- 9 point in time, or where did you realize it was behind you?
- 10 A Say again?
- 11 Q When did you realize the Cadillac was behind you?
- 12 A When we went through the light and it went through
- 13 the light with us.
- 14 Q Which light?
- 15 A The light coming up York Road.
- 16 Q Okay. And so did y'all keep driving?
- 17 A Yes, ma'am.
- 18 Q Okay. Where did you go?
- 19 A We kept going. We turned on Saluda --
- 20 Q Okay.
- 21 A -- and we turned on Saluda and we were fixin' to stop
- 22 and see what he wanted and he pulled over.
- 23 Q So you said you stopped to see what he wanted?
- 24 A Yes, ma'am.
- 25 Q Okay. And did you -- did somebody roll the window

DERRICK DIXON - DIRECT

- 1 down to talk to him?
- 2 A No, ma'am.
- 3 Q Nobody ever rolled the window down? Okay. Did
4 anybody know who was in the Cadillac?
- 5 A No, ma'am.
- 6 Q I'm going to go back to the statement that you gave.
7 We'll refer to page two. Do you remember telling, "The
8 driver of the Cadillac was flashing his lights and he said"
9 -- hang on a second. "The only person inside the truck who
10 knew the driver of the Cadillac was Buchanan, he told the
11 driver of the Cadillac it's a man who used to coach him in
12 football. I did not know the man." Did Buchanan tell you
13 that he was on police stuff?
- 14 A Yes, ma'am.
- 15 Q Was he referring to the driver of the Cadillac when he
16 said that?
- 17 A Yes, ma'am.
- 18 Q What did that mean to you, he's on police stuff, what
19 does that mean to you?
- 20 A That he was following us trying to -- we thought he
21 was trying to call the police.
- 22 Q Thought he was trying to call the police?
- 23 A Yes, ma'am.
- 24 Q Okay. And was the Cadillac flashing his lights?
- 25 A Yes, ma'am.

DERRICK DIXON - DIRECT

1 Q Was that what made y'all stop?

2 A Yes, ma'am.

3 Q And you said you wanted to stop to see what he wanted;
4 is that correct?

5 A Yes, ma'am.

6 Q But you didn't roll down the window.

7 A No, ma'am.

8 Q Did the Cadillac pull in to talk to you?

9 A Yes, ma'am.

10 Q And did you see the driver of the Cadillac get out of
11 his car?

12 A Yes, ma'am.

13 Q What did he do when he got out of the car?

14 A He started walking toward the truck.

15 Q Was his whole body out of his car at that point
16 walking towards you?

17 A Yes, ma'am.

18 Q Did you see anything in his hands?

19 A I couldn't really tell, he had like a phone in his
20 hand.

21 Q Did you see a gun in his hand?

22 A No, ma'am.

23 Q Did he ever make it to your car to talk to you?

24 A No, ma'am.

25 Q What happened?

DERRICK DIXON - DIRECT

- 1 A We pulled off.
- 2 Q Were any words ever exchanged between anybody in the
3 truck and the driver of the Cadillac?
- 4 A No, ma'am.
- 5 Q So did you look behind you after you pulled off?
- 6 A Yes, ma'am.
- 7 Q And what did you see?
- 8 A He started back following us.
- 9 Q Okay. At any point in time did you hear any gunshots?
- 10 A Yes, ma'am.
- 11 Q Where was that?
- 12 A When we were coming down the road when we left there.
- 13 Q When you left what?
- 14 A When we left the barbershop. We had pulled over
15 right there, when we left he started following us and I
16 heard gunshots.
- 17 Q Do you remember what street you were on?
- 18 A No, ma'am.
- 19 Q Did you look back?
- 20 A Yes, ma'am.
- 21 Q Did you see anything?
- 22 A I saw flame coming out of the car.
- 23 Q A flame coming out of the car.
- 24 A Yes, ma'am.
- 25 Q How far behind you was the Cadillac at that time?

DERRICK DIXON - DIRECT

1 A Not far.

2 Q Help me out here; a car length, two car lengths? If
3 you don't know that's okay, but if you could tell us in
4 terms of car lengths how far away he was.

5 A Probably about three.

6 Q About three car lengths. And were you still on
7 McClure Street at that time?

8 A Yes, ma'am.

9 Q Okay. So you keep going, and at some point in time
10 did you end up back on Saluda Street?

11 A Yes, ma'am.

12 Q All right. And how far away was he from you at that
13 time?

14 A Not that far.

15 Q Not three car lengths?

16 A No, ma'am.

17 Q Did y'all turn onto Parkway at some point?

18 A Yes, ma'am, we turned of Saluda.

19 Q Turned off Saluda and onto Parkway?

20 A Yes, ma'am.

21 Q And when you are going down Parkway -- hang on a
22 second.

23 (Break in proceedings.)

24 Q At some point did somebody in your truck shoot back
25 toward the car?

DERRICK DIXON - DIRECT

- 1 A Yes, ma'am.
- 2 Q Who did that?
- 3 A Roseboro.
- 4 Q Was that pretty close to the intersection right where
5 you turn from Saluda onto Parkway?
- 6 A Near there.
- 7 Q And are there railroad tracks somewhere along Parkway
8 before you hit Roundtree Circle?
- 9 A Yes, ma'am.
- 10 Q Let me back up and a question you just a second. When
11 you said you heard the gunshots on McClure Street, how many
12 gunshots did you hear?
- 13 A A couple.
- 14 Q Just a couple? Okay. And so when you now were on
15 Parkway and you said that Roseboro reaches out of the car
16 or the truck that y'all are riding in and shoots back
17 towards the Cadillac; is that correct?
- 18 A Yes, ma'am.
- 19 Q And how many shots did he fire?
- 20 A One.
- 21 Q Was anybody in the truck saying anything at this time?
- 22 A No, ma'am.
- 23 Q Did anybody in the truck say anything the whole time
24 y'all are riding around while he is following you?
- 25 A No, ma'am.

DERRICK DIXON - DIRECT

1 Q How fast were you going?

2 A Fast.

3 Q Okay. At some point in time -- I want to go back to
4 this Parkway. At some point in time when you're coming
5 down Parkway you said that when you turned from Saluda onto
6 Parkway that somewhere in here -- point to where Roseboro
7 fired.

8 A Right there (indicating.)

9 Q You said you were on Parkway. Saluda to Parkway. And
10 where did Roseboro fire the shot?

11 A Probably right there (indicating.)

12 Q And I want to help you orient yourself to the map.
13 This is Saluda, this is Parkway. So if you're turning from
14 Saluda onto Parkway --

15 A Right here (indicating.)

16 Q That was about where he was when he fired the shot?

17 A Yes, ma'am.

18 Q So close to the railroad track?

19 A Yes, ma'am.

20 Q Okay. And McClinton sped up at that point?

21 A Yes, ma'am.

22 Q Okay. And do you know why he sped up?

23 A We was trying to get away.

24 Q And at the time that you hit the railroad tracks, how
25 far behind you was the Cadillac?

DERRICK DIXON - DIRECT

- 1 A Probably about three car lengths.
- 2 Q Did you say y'all went over the railroad tracks pretty
- 3 fast?
- 4 A Yes, ma'am.
- 5 Q Were you looking behind you?
- 6 A Ma'am?
- 7 Q Were you looking behind the truck?
- 8 A Yes, ma'am.
- 9 Q So back to -- this is State's 7, I believe. Yeah.
- 10 Take a second to look at this map and make yourself
- 11 familiar with this area. Does it look familiar to you?
- 12 A Yes, ma'am.
- 13 Q So when you were coming down -- if you pick up where
- 14 you left off, if you're coming down Parkway about to turn
- 15 onto Roundtree, where were you?
- 16 A (Indicates.)
- 17 Q Okay. At some point does -- and that's pretty close
- 18 to the railroad tracks, right?
- 19 A Uh-huh.
- 20 Q At some point did Moore exit the vehicle?
- 21 A Yes, ma'am.
- 22 Q Does he say anything or was anything said to him?
- 23 A No, ma'am.
- 24 Q He never said anything? I'm just asking you.
- 25 A No, ma'am.

DERRICK DIXON - DIRECT

1 Q Okay. I'm going to show you your statement again that
2 you gave in March. Isn't it true that you told law
3 enforcement Moore said, "I'm about to get out?"

4 A Yes, ma'am.

5 Q All right. And when the truck turns onto Roundtree
6 Circle, where was Moore when he said that, or where was the
7 truck when Moore said that?

8 A (Indicates.)

9 Q Okay. And did McClinton slow down?

10 A Yes, ma'am.

11 Q And Moore did open the door and get out?

12 A Yes, ma'am.

13 Q When he got out can you explain to the jury what
14 happened?

15 A When he got out he had the gun and like he had fell.

16 Q Did he take this gun with him when he got out of the
17 truck?

18 A Yes, ma'am.

19 Q And did you see him fall when he got out of the truck?

20 A Yes, ma'am.

21 Q And you said the gun went off, is that what you just
22 testified to?

23 A Yes, ma'am.

24 Q And so when he hit the roadway is that your testimony
25 that the gun went off?

DERRICK DIXON - DIRECT

- 1 A Yes, ma'am.
- 2 Q Did you look -- did you get out?
- 3 A No, ma'am.
- 4 Q Where did you go?
- 5 A We kept in.
- 6 Q So everybody else stayed in the truck and left Moore.
- 7 A Yes, ma'am.
- 8 Q Did you look back to look at Moore?
- 9 A We couldn't see when we went around the corner, we
- 10 didn't see anything.
- 11 Q Okay. And as you were going around the corner at any
- 12 point in time did you hear more gunshots?
- 13 A Yes, ma'am.
- 14 Q Where were you when you heard that if you know?
- 15 A I don't remember.
- 16 Q Did you look back when you heard gunshots?
- 17 A (Inaudible.)
- 18 Q So by the time you hear gunshots you were already
- 19 around corner?
- 20 A Yes, ma'am.
- 21 Q Which corner is that?
- 22 A (Indicates.)
- 23 Q And where did you end up parking if you remember?
- 24 A (Indicates.)
- 25 Q Somewhere around the corner?

DERRICK DIXON - DIRECT

1 A Yes, ma'am.

2 Q And did you guys stay in the truck or did y'all get
3 out of the truck?

4 A We got out of the truck.

5 Q Did all four of the remaining passengers in the truck
6 get out -- or three passengers and the driver, did
7 everybody get out or did somebody stay in?

8 A Everybody got out.

9 Q And when you got out did you take your guns with you?

10 A Yes, ma'am.

11 Q Where did you go?

12 A We ran.

13 Q Did you run with anybody or did you run by yourself?

14 A Me and Roseboro ran.

15 Q And where did you go?

16 A We went York Road.

17 Q Where were you going? Were you going to somebody's
18 house or were you just running, or what were you doing?

19 A We was just running.

20 Q Did you stop somewhere?

21 A Yes, ma'am.

22 Q Where did you stop?

23 A On York Road at a house.

24 Q Did you know who the house belonged to?

25 A Yes, ma'am.

DERRICK DIXON - DIRECT

- 1 Q Who?
- 2 A My homeboy.
- 3 Q And what's his name?
- 4 A Durrell (phonetically.)
- 5 Q Does he go by a nickname?
- 6 A No, ma'am.
- 7 Q Okay. Did you still have your gun with you at that
- 8 point in time?
- 9 A Yes, ma'am.
- 10 Q Did you keep -- what did y'all do after that?
- 11 A We hid it.
- 12 Q You hid what?
- 13 A We hid our guns.
- 14 Q You hid the guns. Okay. You hid your gun?
- 15 A Yes, ma'am.
- 16 Q And then I'm assuming what you're talking about is
- 17 Roseboro hiding his gun because he is the one who was with
- 18 you at that point, right?
- 19 A Yes, ma'am.
- 20 Q Did you know where Quinton McClinton was at this time?
- 21 A No, ma'am.
- 22 Q And did you know where Terrance Buchanan was at this
- 23 time?
- 24 A No, ma'am.
- 25 Q So you're at the person's house, you hide the guns.

DERRICK DIXON - DIRECT

1 Did you go inside the house?

2 A No, ma'am.

3 Q Did you knock on the door?

4 A No, ma'am. He knocked on the door but no one was
5 there.

6 Q Okay. At some point in time did you meet back up with
7 Chris Moore?

8 A Yes, ma'am.

9 Q And did you do that at this house that you were at or
10 was it somewhere else?

11 A The house.

12 Q Where did you find Moore?

13 A He came through the back yard.

14 Q At that point in time did he have that rifle with him?

15 A No, ma'am.

16 Q Did he say anything to you?

17 A No, ma'am.

18 Q Did y'all call anybody or do anything?

19 A Yes, ma'am.

20 Q Who did you call?

21 A Shonda.

22 Q Who called her?

23 A Moore.

24 Q And did you have a phone with you?

25 A Yes, ma'am.

DERRICK DIXON - DIRECT

1 Q Did you use your phone to call or did he use his own
2 phone?

3 A My phone.

4 Q Had you had this phone with you the entire time you
5 would have been in the truck?

6 A Yes, ma'am.

7 Q So Moore used the phone, you called Lashonda. Do you
8 know who he called? I'm sorry if you already answered
9 that, I can't remember.

10 A I did.

11 Q Did you say Lashonda Wray?

12 A Yes, ma'am.

13 Q He used the phone to call Lashonda. How long did it
14 take to get her there, do you remember?

15 A No, ma'am.

16 Q Did she come and pick y'all up?

17 A Yes, ma'am.

18 Q Did y'all wait at that house for her to come get you?

19 A Yes, ma'am.

20 Q Did she have somebody else with her when she got
21 there?

22 A Yes, ma'am.

23 Q Who was it?

24 A I don't know.

25 Q Was it a man or a woman?

DERRICK DIXON - DIRECT

- 1 A Huh?
- 2 Q Was it a man or a woman?
- 3 A A woman.
- 4 Q Was that person sitting in the front passenger seat?
- 5 A Yes, ma'am.
- 6 Q Did y'all get in the back seat?
- 7 A Yes, ma'am.
- 8 Q Where was everybody sitting in the back seat?
- 9 A I think I was sitting behind the driver, Roseboro was
10 in the middle and Moore was on the other side.
- 11 Q So Moore was behind the passenger?
- 12 A Yes, ma'am.
- 13 Q Where did you go?
- 14 A To my house.
- 15 Q Was anybody else at your house?
- 16 A No, ma'am.
- 17 Q There was nobody else there? Did Lashonda Wray come
18 with you or did she just drop you off?
- 19 A Dropped me off.
- 20 Q Okay. And did Moore say anything? Did y'all have any
21 conversations in the car about anything that had just
22 happened?
- 23 A No, ma'am.
- 24 Q Did y'all have any conversations in the yard about
25 anything that had just happened?

DERRICK DIXON - DIRECT

- 1 A No, ma'am.
- 2 Q Did you have any conversation when you got back to
3 your house about anything that had just happened?
- 4 A Yes, ma'am.
- 5 Q What was said?
- 6 A Moore said the dude started shooting at him.
- 7 Q I'll just go back to your statement again. And what
8 you initially told law enforcement is, "Moore did not say
9 much about what occurred on Roundtree Circle when he got
10 out with the rifle other than 'me and the old man was
11 shooting at each other and the old man was shooting back at
12 me.'" Isn't that what he told you?
- 13 A I didn't say shooting back.
- 14 Q Isn't that your signature?
- 15 A Yes, ma'am.
- 16 Q That statement was given in the presence of your
17 attorney, right?
- 18 A Yes, ma'am.
- 19 Q And you had the opportunity to read over it. And you
20 said -- and when you signed it it says each page bears my
21 initials and you certify that the facts contained herein
22 are true and correct, isn't that what it says right there?
- 23 A Yes, ma'am.
- 24 Q And you signed it. Yes or no?
- 25 A Yes, ma'am, but I didn't say he was shooting back.

DERRICK DIXON - DIRECT

1 Q Moore told you he was shooting at the man in the red
2 Cadillac, right?

3 A Yes, ma'am, they exchanged the shots.

4 Q Give me one second.

5 (Break in proceedings.)

6 Q Going back to when Moore got out of the truck. Did
7 y'all drive off with the truck door open or was it closed?

8 A Open.

9 Q And again going back to your statement, isn't it true
10 that you told law enforcement at one point in time that
11 Moore actually pushed the door closed?

12 A Yes, ma'am.

13 Q You told that to law enforcement?

14 A Yes, ma'am.

15 Q You're saying that that's not what happened.

16 A Yes, ma'am.

17 Q Yes, ma'am what?

18 A That is.

19 Q That is what happened. So Moore closed the door?

20 A Yes, ma'am.

21 Q So when you drove off the door was closed.

22 A Yes, ma'am.

23 Q And Moore was out of the truck.

24 A Yes, ma'am.

25 Q You said when you were rounding the corner on

DERRICK DIXON - DIRECT

- 1 Roundtree Circle you heard gunshots but you looked back,
2 there was no point in looking back because you couldn't see
3 Moore because you were around the corner, right?
- 4 A Yes, ma'am.
- 5 Q How many gunshots did you hear at the time?
- 6 A A lot.
- 7 Q Okay. And one more thing. I want to go back to your
8 statement one more time. Isn't it true you told law
9 enforcement that "McClinton sped up on Parkway Road and
10 placed some distance between our truck and the Cadillac?"
- 11 A Yes, ma'am.
- 12 Q And that's your testimony here today?
- 13 A Yes, ma'am.
- 14 Q All right. Mr. Dixon, you got charged in this event,
15 didn't you?
- 16 A Yes, ma'am.
- 17 Q But you weren't charged with murder.
- 18 A No, ma'am.
- 19 Q What were you charged with?
- 20 A Accessory.
- 21 Q Accessory. Have you been promised anything to get you
22 to come to court to testify?
- 23 A No, ma'am.
- 24 Q Were you promised to give statements to law
25 enforcement?

DERRICK DIXON - DIRECT

1 A No, ma'am.

2 Q And do you want to be here doing this today,
3 testifying?

4 A No, ma'am.

5 Q Aren't you just here because the State subpoenaed you
6 to come?

7 A Yes, ma'am.

8 MS. HALL: Thank you. Please answer any questions
9 from Mr. Frick.

10 CROSS EXAMINATION

11 BY MR. FRICK:

12 Q All right, Mr. Dixon, this is State's Number 4. The
13 red line that goes all the way around here --

14 A Uh-huh.

15 Q -- is that the path that y'all traveled in this truck?

16 A Yes, sir.

17 Q That's it, this is the way y'all went, Featherstone,
18 York, all of this back round here, back to Roundtree
19 Circle.

20 A Yes, sir.

21 Q To your recollection as you were coming off of
22 Featherstone did you think you were being followed?

23 A When we turned off Featherstone.

24 Q Point to your mind where you think that y'all had
25 somebody following you?

DERRICK DIXON - CROSS

- 1 A When we left Featherstone the Cadillac turned and
2 followed us. When we went to the light, he went to the
3 light too and he followed us.
- 4 Q So somewhere in this area you've got it in your mind
5 something is going on.
- 6 A Uh-huh.
- 7 Q You've got to say yeah or no.
- 8 A Yes, sir.
- 9 Q All right. If you are driving the car, Mr. Dixon, and
10 you're on Featherstone and you want to get to Roundtree
11 Circle, how would you get there starting at Featherstone?
- 12 A I would go down York Road.
- 13 Q So you wouldn't do all this.
- 14 A No, sir.
- 15 Q Okay. Now, let's go back to what y'all was doing over
16 there in the first place. You wanted to go see some people
17 on Holmes Road, right?
- 18 A Yes, sir.
- 19 Q Had some issues with them, right?
- 20 A Yes, sir.
- 21 Q Going to go take care of that, right?
- 22 A Yes, sir.
- 23 Q Why you park on Featherstone? You don't know? It
24 wasn't your idea?
- 25 A (Shake head no.)

DERRICK DIXON - CROSS

1 Q You just went along with the group?

2 A Uh-huh.

3 Q Okay. Did y'all have plans to do any dealings with
4 anybody on Featherstone?

5 A Did we have plans to what?

6 Q Were y'all looking for anybody that stayed on
7 Featherstone?

8 A No.

9 Q No?

10 A No, sir.

11 Q In fact, did y'all come in contact with anybody on
12 Featherstone?

13 A No, sir.

14 Q Did you know that you were parked on Odell Williams'
15 property?

16 A No, sir.

17 Q Did you know that Odell Williams' wife lived across
18 the street?

19 A No, sir.

20 Q Did y'all have any plans whatsoever to do anything to
21 Odell Williams' property or family?

22 A No, sir. I don't even know where his property is to
23 the date.

24 Q Whatever y'all went to go do it didn't happen, right?

25 A No, sir.

DERRICK DIXON - CROSS

- 1 Q Just decided to go home, right?
- 2 A Yes, sir.
- 3 Q Where was y'all heading back to?
- 4 A Our home.
- 5 Q Where specifically?
- 6 A Saluda Street.
- 7 Q As y'all are coming down around near the barbershop or
8 whatever we're calling it, did y'all stop?
- 9 A Yes, sir.
- 10 Q Okay. Did anybody say stop the car?
- 11 A No, sir, we were stopped at Saluda.
- 12 Q Okay. But did anybody say, "Hey, let's stop and see
13 what that dude wants?"
- 14 A No, sir.
- 15 Q Quinton just stops the car.
- 16 A Yes, sir.
- 17 Q But Quinton takes off again, doesn't he?
- 18 A Yes, sir.
- 19 Q Okay. No conversation between the two cars.
- 20 A No, sir.
- 21 Q Nobody threatened anybody in that car.
- 22 A No, sir.
- 23 Q Y'all leave, the car follows y'all again, right?
- 24 A Yes, sir.
- 25 Q Okay. About how much longer is it before you hear

DERRICK DIXON - CROSS

- 1 gunshots?
- 2 A Not long.
- 3 Q How far had y'all got?
- 4 A Up the street.
- 5 Q Up the street. Tell me what you did.
- 6 A We were riding up the street and heard the gunshots.
- 7 Q Okay. You know it was gunshots?
- 8 A Yes, sir.
- 9 Q You knew what gunshots sound like?
- 10 A Yes, sir.
- 11 Q Those were gunshots.
- 12 A Yes, sir.
- 13 Q Okay. Do you know what direction those gunshots were
- 14 coming?
- 15 A From behind us.
- 16 Q How do you know that?
- 17 A I saw the flames.
- 18 Q You saw the shots. Okay. And it was the same car?
- 19 A Yes, sir.
- 20 Q The same red Cadillac?
- 21 A Yes, sir.
- 22 Q Same dude who got out at the barbershop and got back
- 23 in that same car?
- 24 A Yes, sir.
- 25 Q The same car that started following y'all on

DERRICK DIXON - CROSS

- 1 Featherstone?
- 2 A Yes, sir.
- 3 Q All right. At that point is anybody in y'all's car
- 4 shooting back at this Cadillac?
- 5 A No, sir.
- 6 Q At some point somebody did stick a gun out the window?
- 7 A Yes, sir.
- 8 Q Who?
- 9 A Roseboro.
- 10 Q Roseboro? Okay. Did you ever shoot?
- 11 A No, sir.
- 12 Q Do you know about where y'all were when Roseboro shot?
- 13 A Yes, sir.
- 14 Q Where?
- 15 A We were still on Parkway.
- 16 Q Had you gotten close to Roundtree or closer to the
- 17 railroad tracks?
- 18 A Closer to the railroad tracks.
- 19 Q Do you know where Vance Road is, Vance Drive?
- 20 A Yes, sir.
- 21 Q Okay. Had y'all gotten that far yet?
- 22 A No, sir.
- 23 Q Before then?
- 24 A Yes, sir.
- 25 Q So before Vance before the railroad tracks.

DERRICK DIXON - CROSS

- 1 A Yes, sir.
- 2 Q Still on Parkway.
- 3 A Yes, sir.
- 4 Q Did anybody tell Chris Moore to get out of the car?
- 5 A No, sir.
- 6 Q Are you certain of that?
- 7 A Yes, sir.
- 8 Q But he said he's getting out.
- 9 A Yes, sir.
- 10 Q What exactly did he say?
- 11 A Let him out.
- 12 Q Is that what he said?
- 13 A Yes, sir.
- 14 Q Exactly?
- 15 A Yes, sir.
- 16 Q "Let me out." Okay. And he took that gun with him.
- 17 A Yes, sir.
- 18 Q Do you have any idea what he was going to go do?
- 19 A We was really trying to get away.
- 20 Q Okay. How about Chris?
- 21 A Trying to get away.
- 22 Q Did he say he was going to go do anything?
- 23 A No, sir.
- 24 Q Had the car stopped, the truck y'all were in, had it
- 25 stopped when he was getting out.

DERRICK DIXON - CROSS

- 1 A It slowed down.
- 2 Q What you mean slowed down. You said y'all was driving
3 fast now he's slowing down. You've got to give me some
4 kind of --
- 5 A We had to slow down to go around the corner.
- 6 Q Okay. So slow enough to get around the corner but you
7 didn't stop.
- 8 A No, sir.
- 9 Q Chris opens up the door. I believe you said in the
10 statement solicitor was talking about he fell out; is that
11 correct?
- 12 A Yes, sir.
- 13 Q Did he hit the ground?
- 14 A Yes, sir.
- 15 Q You saw him hit the ground?
- 16 A Yes, sir.
- 17 Q And that gun went off.
- 18 A Yes, sir.
- 19 Q Did you see him anymore after he hit the ground?
- 20 A No, sir.
- 21 Q And then y'all went on down the road a little bit.
- 22 A Yes, sir.
- 23 Q Why ain't you get out?
- 24 A Trying to get away.
- 25 Q All right. Now, the solicitor was talking about this

DERRICK DIXON - CROSS

1 statement that you gave -- solicitor was showing you some
2 statement that you gave in March of this year, right?

3 A Yes, sir.

4 Q Talking about Chris' statement of he was shooting back
5 at the guy, right?

6 A Yes, sir.

7 Q Isn't it true that after you got charged with this you
8 bonded out and got rearrested on something else?

9 A Yes, sir.

10 Q Did you give this statement to help yourself out in
11 this case too?

12 A No, sir.

13 Q But you do have other trouble, don't you?

14 A Yes, sir.

15 Q And you do hope to get some kind of benefit for
16 helping the State out here, don't you?

17 A No, sir.

18 Q Just doing it out of the goodness of your heart huh?

19 All right. Mr. Dixon, you said a couple of times you were
20 trying to get away. Why were you trying to get away?

21 A Because we had guns in the car.

22 MR. FRICK: Okay. Thank you, sir, that's all of the
23 questions I have.

24 MS. HALL: That's all. I don't have anything further.

25 We would ask that he be excused.

DERRICK DIXON - CROSS

1 MR. FRICK: No objection, Your Honor.

2 THE COURT: The witness is excused, thank you.

3 The witness, STEVIE BRELAND, was first duly sworn and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. HALL:

7 Q Mr. Breland, you're dressed that way because you're
8 currently in jail; is that correct?

9 A Yes, ma'am.

10 Q On February 17th of 2016 were you -- or actually let
11 me just back up. On February 8th of 2016 were you involved
12 in a car accident?

13 A Yes, ma'am.

14 Q And on February 17th of 2016 were you charged with hit
15 and run death in that instance?

16 A Yes, ma'am.

17 Q And did you go for a bond hearing -- did all of that
18 happen in Chester County?

19 A Yes, ma'am.

20 Q And did you go for a bond hearing in Chester County
21 around about April 1st?

22 A Yes, ma'am.

23 Q When you came back to that bond hearing did you go to
24 the Chester County jail?

25 A Yes, ma'am.

STEVIE BRELAND - DIRECT

1 Q And at that point in time what cell were you put in
2 and who was in the cell with you?

3 A Cell block C.

4 Q And prior to going to the bond hearing what cell block
5 had you been in?

6 A Cell block D.

7 Q So when you came back from the bond hearing into cell
8 block C, who if anyone was in the cell with you?

9 A Mr. Chris Moore.

10 Q And do you see Mr. Chris Moore here in the courtroom
11 today?

12 A Yes, ma'am.

13 MS. HALL: Please let the record reflect he is
14 pointing to the defendant.

15 Q At some point in time did you -- while you were in
16 that jail cell with Chris Moore, did you have a
17 conversation with him about this case?

18 A Yes, ma'am.

19 Q What did he tell you?

20 A We just talked about the case. He showed me a couple
21 of motion of discoveries and a couple of pictures.

22 Q And these were things that pertained to this case.

23 A Yes, ma'am.

24 Q Law enforcement documents and photographs?

25 A Yes, ma'am.

STEVIE BRELAND - DIRECT

1 Q All right. About how long had y'all been in the cell
2 together before you started talking about his case?

3 A From April 1st until Mr. Moore went to --

4 Q Did he get moved at some point in time out of your
5 cell?

6 A Yes, ma'am.

7 Q But when he was talking to you about the case did you
8 know anything about the case before he started talking to
9 you about it?

10 A No, ma'am, I'm not from this area.

11 Q Okay. Where are you from?

12 A Charleston, South Carolina.

13 Q Have you ever lived in Chester?

14 A No, ma'am.

15 Q Have you always lived in Charleston?

16 A Yes, ma'am.

17 Q And is your family in Charleston?

18 A Yes, ma'am.

19 Q You stated that he gave you some of his discovery and
20 let you look through it?

21 A Yes, ma'am.

22 Q At some point in time did you have any conversation
23 with him about shooting a gun?

24 A Yes, ma'am. He was explaining to the point of what
25 was going on with his case, and that a councilman had

STEVIE BRELAND - DIRECT

1 gotten killed, he was explaining all his motion for
2 discovery and he was showing me what had happened.

3 Q Okay. Did you -- what did he tell you?

4 A He was saying at a point of time that he was being
5 chased by the councilman. And one of the photos showed
6 that they turned on a street where it was a very sharp
7 left turn, and Mr. Moore said that the gun had dropped on
8 the ground, that he got out to retrieve the gun, and he
9 said that when he got out they pulled off and they left
10 him, and then as he was running across the street he said
11 that he hold the gun up and was shooting over his left
12 shoulder. And at the time when I said, "Well, Chris, I'm
13 about 5-10 and a half and you are about 6-3, about 6-4,
14 usually I stand when I stand up to my car and my car
15 catches me about top of my chest, so if you were shooting
16 at your shoulder length you should have shot over the
17 councilman's car and it shouldn't have hit it." But he
18 said he was running and shooting at the same time.

19 Q Did you do any military service or anything in your
20 background?

21 A Marine Corps.

22 Q Have you ever seen a gun like -- I'll show you what
23 has been marked as State's Exhibit 12 and entered into
24 evidence. Have you ever seen a gun like this?

25 A Similar to that, yes, ma'am.

STEVIE BRELAND - DIRECT

1 Q Did you and Chris Moore have any conversations about
2 what kind of gun he was talking about shooting over his
3 shoulder?

4 A No, ma'am. We didn't talk about the type of gun he
5 had but it was a semiautomatic. And it was a
6 semiautomatic and I told him, "If you were shooting over
7 your shoulder and normally a M16 or AK usually it would
8 deafen your ear." And one of the motion of discovery all
9 of the shells -- he said he fired 17 times, but he stated
10 that he was running and shooting over his shoulder. Well,
11 on the motion of discovery it should have been some shells
12 in the same direction that he was traveling and shooting,
13 because guns of this particular kind eject the bullets out
14 on the right side. So there wasn't -- on the motion of
15 discovery investigators said there wasn't no shells as he
16 was traveling like he said he was.

17 Q So did you kind of call him out on that?

18 A Well, I told him, I said, "Well, Chris, you know, I
19 mean, it seems like according to what's on the paper that
20 you turned and fired, it didn't seem like you were running
21 and shooting." Because the evidence kind of state that
22 because 17 shells are in one place -- and normally when
23 you fire this type of weapon if you move slightly to your
24 left, but that's what one of the motions says is there's a
25 lot of cases in one spot, but then it slightly move from

STEVIE BRELAND - DIRECT

1 right to left, so that means that he was firing and aiming
2 and moving at the same time.

3 Q Have you ever shot a gun like that?

4 A Similar to that, M16, AK.

5 Q Under what circumstances were you firing a gun like
6 that?

7 A A military -- type of gun like that is made for
8 military, it's not made for hunting rabbits or squirrels
9 or deers.

10 Q So when you shot that gun you had done it in a
11 military setting?

12 A Yes, ma'am.

13 Q When you said that to him and were talking about the
14 way that the cartridges had been ejected from that gun,
15 what did he say to you?

16 A He just stated that, you know, he was firing at him
17 because he said the councilman was firing at him, and he
18 said he fired six times and he said that he could hear the
19 bullets coming by. I asked Chris I said, "Did the
20 investigators get any shells out of the councilman's car?"
21 Because if he fired six times it's kind of impossible for
22 him to reload and drive trying to chase someone, because
23 normally you're driving at a speed of maybe about 45 to
24 50, 55 to 60 miles an hour, you've got the wheel with one
25 hand and pop the revolver and load with the other. The

STEVIE BRELAND - DIRECT

1 only other way that you can do that is if you've got a
2 speed loader, and I've had revolvers. And normally when
3 you don't have time to start putting individual cartridges
4 you have a speed loader and you just drop it in, cock back
5 and start back shooting.

6 Q At any point in time did he make any statements to you
7 about Quinton McClinton?

8 A I asked him, I said: Well, when you fall out of the
9 truck to get the gun," I said, "Seem like -- why would
10 they leave you? And I said, "Chris, be straight, who told
11 you to get out of the truck?" And he said, "Well, Quinton
12 told me to get out of the truck."

13 Q And at that point in time did that make sense to you?

14 A Yes, ma'am. Because, I mean --

15 Q I'll have to ask you to lean up, otherwise it won't
16 stop buzzing.

17 A Yes, ma'am. Because if you've got five individuals
18 in the truck and you're being chased by someone -- because
19 I asked him, I said, "Well, five individuals in the truck,
20 why did nobody use their cellphone to call the police and
21 say somebody is chasing us?" He didn't say anything to
22 that. And then I said, "Well, why did you get out of the
23 truck and why did they leave you?" And he said, "Well,
24 Quinton told me to get out and shoot the councilman."

25 Q All right. I'm going to show you what's been marked

STEVIE BRELAND - DIRECT

1 as State's 91. Do you recognize this?.

2 A Yes, ma'am.

3 Q Let me see it real quick. What is it?

4 A I gave this to a officer, a CO, and said that I had
5 some information on the Chris Moore case, I said my
6 Chester lawyer was Brian Grier and to call him and tell
7 him to come down and see me.

8 Q And did you give that note to somebody? You said that
9 the CO, is that a corrections officer at the detention
10 center?

11 A Yes, ma'am.

12 Q Do you remember his name?

13 A No, ma'am, we just call him Shells.

14 Q But you gave that note to him. Did Brian Grier
15 ultimately come and talk to you about this case?.

16 A Yes, ma'am.

17 Q Did you tell him what you've told the jury here today?

18 A Yes, ma'am.

19 Q And then at some point in time were you taken to the
20 speak with officers?

21 A Yes, ma'am.

22 Q And that was -- was Mr. Grier with you when you went
23 to do that?

24 A Yes, ma'am.

25 Q And did you at that time meet with SLED Agent Lee

STEVIE BRELAND - DIRECT

1 Blackmon?

2 A Yes, ma'am.

3 Q Did you give a written statement to him?

4 A Yes, ma'am.

5 Q And what inspired you to do that? Did anybody come to
6 you and ask you information?

7 A No, ma'am.

8 Q Have you been promised anything for providing this
9 information?

10 A No, ma'am. When me and Chris Moore talked, you know,
11 and I came back from my bond hearing I was kind of -- and
12 I moved in with Chris I was kind of down myself, and Chris
13 gave me some good inspiration and we talked about God and
14 everything, and I told him, I said, "Well, you know -- he
15 lifted me up and then we started talking. I told Chris, I
16 said -- after being in the cell with Chris listening to
17 the conversations on the phone and things like this "It
18 seemed you haven't kind of changed your ways." I told
19 him, "When you start telling God to help you and to
20 forgive you, you not only can say it, you've got to show
21 it." And then during that time they were in cell block D,
22 he came back and made a statement while me and Inmate
23 Jennings and Inmate White was in the cell, he said that he
24 was going to go ahead beat up an inmate there so he can
25 get back over to cell block C, because A is where Mr.

STEVIE BRELAND - DIRECT

1 Quincey (sic) at and that's where they -- because Mr.
2 Quincey and Mr. Moore talks all the time back through the
3 vent, but they couldn't do it because Mr. Quinton has been
4 in A and Mr. Moore be in D.

5 Q When you're talking about Mr. Quinton, are you talking
6 about Quinton McClinton?

7 A Yes, ma'am.

8 Q So did he ultimately beat up somebody or get into a
9 fight with somebody at the jail?

10 A Yes, ma'am. Because he stated that -- he must have
11 said it out loud and all of us kind of heard it because we
12 were right across the cell, because D and C is right
13 across from each other. He didn't try to hide the fact
14 what his plan was but it didn't exactly work out the way
15 he wanted.

16 Q Did he get in a fight with somebody?

17 A Yes, ma'am.

18 Q And could you describe the person he got in a fight
19 with if you know what he looked like?

20 A It was another inmate. There's a reason that -- if
21 you said you done changed and you done turned your life
22 over you shouldn't go back to the same things that you
23 were doing, and to boldly tell somebody that you're going
24 to beat up them to try to get back and talk to another
25 man, you're still doing the same thing you've been doing.

STEVIE BRELAND - DIRECT

1 And he could have killed that man because he picked him up
2 and slammed him on his face.

3 Q All right. Was it at that point that you wrote the
4 note and requested somebody from law enforcement to come
5 talk to you, or for your attorney to come talk to you?

6 A Yes, ma'am. Because me and Inmate Jennings and
7 Inmate White, we wrote an inmate request saying that we
8 didn't want Chris back in our cell because there may be a
9 chance that he will jump on one of us.

10 Q So that's the reason that you give for coming to
11 court.

12 A Yes, ma'am.

13 Q And has the State promised anything to get you to come
14 to court today and testify?

15 A No, ma'am.

16 Q Has the State ever discussed your case with you in any
17 way?

18 A No, ma'am.

19 MS. HALL: Your Honor, at this time State would move
20 91 into evidence.

21 MR. FRICK: No objection, Your Honor.

22 THE COURT: In without objection.

23 (The note was received as State's 91.)

24 MS. HALL: Okay. I don't have anything further,
25 please answer any questions of Mr. Frick.

STEVIE BRELAND - DIRECT

1 CROSS EXAMINATION

2 BY MR. FRICK:

3 Q Mr. Breland, when did you write that note?

4 A I wrote it right about the time Mr. Moore attacked
5 the inmate.

6 Q When was that?

7 A That was at the Chester Correctional Center.

8 Q I know where it was, when was it?

9 A When was it you said?

10 Q Yes.

11 A Don't know the exact date, sir.

12 Q Wow. You know a lot of details but you don't remember
13 when you wrote the note.

14 A It was fighting and stuff carrying on so I didn't
15 know exactly -- if you pull the Chester County inmate
16 request form it will tell you the date.

17 Q Okay. All right. But it was after your bond got
18 denied, right?

19 A Yes, sir.

20 Q And it was after some previous stuff, right?

21 A Yes, sir.

22 Q Do you watch TV in the jail?

23 A Yes, sir.

24 Q Did you see stuff about this case on TV?

25 A Little bits and parts.

STEVIE BRELAND - CROSS

1 Q Uh-huh. Was that before or after you sent the note?

2 A That was after.

3 Q After. Okay. So your bond has been denied, you're
4 charged with killing somebody by running over them, right?

5 MS. HALL: Objection, Your Honor, that's a
6 misclassification.

7 MR. FRICK: Hit and run death results. I'll rephrase
8 the question Your Honor.

9 Q Are you charged with hit and run death results?

10 A Yes, sir.

11 Q The nature of your crime is someone died because you
12 hit their car, right?

13 A Yes, sir.

14 Q What do you do for a living?

15 A Drive a truck.

16 Q Or what do you used to do for a living?

17 A Drive a truck.

18 Q You don't have that license anymore, do you?

19 A I still have it, sir.

20 Q The federal government didn't suspend it?

21 A No, sir.

22 Q Would you like to see the documentation on that?

23 A You're welcome to show it, sir.

24 Q Mr. Breland, I want to show you something from the

25 Federal Motor Carriers Association. You don't have to read

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1 that out loud, just look over it.

2 A Yes, sir.

3 Q Have you still got a license?

4 A Still have one, sir.

5 Q Okay. Mr. Breland, apparently you and the federal
6 government disagree. All right. Mr. Breland, where are
7 you from?

8 A Charleston, South Carolina.

9 Q Charleston, South Carolina. Have you got any
10 connection whatsoever to Chester?

11 A No, sir.

12 Q Know anybody there?

13 A No, sir.

14 Q Home is back in Charleston, right?

15 A Yes, sir.

16 Q Where are you being housed right now?

17 A Where am I being housed right now?

18 Q Yeah. Where are you being incarcerated?

19 MS. HALL: Your Honor, it's irrelevant to what you are
20 testifying about. Can we approach?

21 THE COURT: Sustained.

22 MS. HALL: Okay, thank you.

23 MR. FRICK: Your Honor, I need to put something on the
24 record.

25 THE COURT: Ladies and gentlemen of the jury, if you

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1 could step out, please.

2 (The jury left the courtroom.)

3 MR. FRICK: I would like to have it on the record.

4 MS. HALL: Can we approach, please?

5 THE COURT: Wait a minute, neither one of you
6 approach, it's sustained. You can wait until after we
7 finish to put any objection or anything on the record, but
8 you're not going to elicit from this inmate where he is
9 housed, am I clear?

10 MR. FRICK: I understand, Your Honor.

11 MS. HALL: Thank you.

12 (The jury returned to the courtroom.)

13 BY MR. FRICK:

14 Q You're a truck driver by trade, correct?

15 A Yes, sir.

16 Q Okay. And you were in the Marines?

17 A Yes, sir.

18 Q How long were you in the Marines?

19 A 16 years.

20 Q What was your job in the Marines?

21 A Start out truck driver M-35, then I went to brunt.

22 Q So you were a truck driver in the Marines.

23 A Yes, sir.

24 Q Okay. I missed the part, Mr. Breland, when you became
25 qualified as an expert in ballistics.

STEVIE BRELAND - CROSS

1 A I never said I was an expert in ballistics. I
2 compared the type of weapon that I shot in the Marine
3 Corps.

4 Q And you talked about where shell casings should have
5 landed if someone is standing in one direction, wouldn't
6 that be your opinion?

7 MS. HALL: Objection, Your Honor. Mr. Frick should
8 have -- if he wanted Mr. Breland not to have testified to
9 that he should have objected when I was directing him,
10 there was no objection made to that. Mr. Breland was not
11 qualified as an expert, he was just testifying based on his
12 knowledge and his experience as a member of the military.

13 THE COURT: I'm going to have to overrule you on that.
14 I'll give you the opportunity to cross examine him on that
15 but that doesn't mean we're going to get into an argument,
16 now.

17 MR. FRICK: I understand, Your Honor.

18 Q Now, he told you that it was a semiautomatic weapon,
19 right?

20 A Yes, sir.

21 Q But didn't tell you what kind.

22 A No, sir.

23 Q He told you that somebody told him to get out of the
24 truck.

25 A Yes, sir.

STEVIE BRELAND - CROSS

1 Q Okay. But when you first started talking about this
2 you said that Mr. Moore said the gun fell out of the truck
3 and that's why he was getting out of the truck. Which is
4 it, Mr. Breland?

5 A You would have to ask him because that's what he
6 stated to me.

7 Q And you gave a statement to law enforcement about
8 this, right?

9 A Yes, sir.

10 Q A written statement.

11 A Yes, sir.

12 Q And you reviewed this statement, right?

13 A Yes, sir.

14 Q Signed the statement.

15 A Yes, sir.

16 Q Said this is your statement, right?

17 A Yes, sir.

18 Q Okay. I'm going to ask you to look at that. Tell me
19 the part in your statement where you said the thing about
20 the gun falling out of the truck that's why Chris Moore got
21 out.

22 A Right here, sir.

23 Q Where is it?

24 A Right there where it says, "I asked him about how he
25 got out of the truck and he said at first that the gun

STEVIE BRELAND - CROSS

1 fell out and he fell out trying to get the gun and the
2 truck pulled off."

3 Q Okay. All right. But you're trying to tell us that
4 he was going after the gun, but that's not exactly what you
5 said here, was it?

6 A No, sir. I said just exactly how I read it out.

7 Q When did you become incarcerated on the charges you're
8 incarcerated?

9 A February the 10th.

10 Q And your bond hearing was in Chester County on April
11 1st.

12 A Yes, sir.

13 Q And your bond hearing was denied.

14 A Yes, sir.

15 Q And after that is when you decided to give a
16 statement.

17 A No, sir.

18 Q Chronologically, isn't that what occurred?

19 A No, sir.

20 Q Are you saying you didn't give this statement after
21 you had your bond hearing?

22 A No, sir.

23 Q I'm confused, Mr. Breland. Can you tell me down here
24 when you gave a statement?

25 A I gave the statement after Mr. Moore was put in cell

STEVIE BRELAND - CROSS

- 1 block D.
- 2 Q When did you sign this statement?
- 3 A That was done on April 1st.
- 4 Q Try again, Mr. Breland. When did you sign that
- 5 statement? What's the date at the bottom of that page?
- 6 A The date is the 25th but it was taken on the first of
- 7 April.
- 8 Q Of what month?
- 9 A April the 1st is when I signed that statement. The
- 10 date that they have on it is different because that's the
- 11 date that I went for my bond hearing, and when I went for
- 12 my bond hearing they took me up to talk to investigators
- 13 and that's the time I gave that statement.
- 14 Q What is that date right there?
- 15 A That's the 25th.
- 16 Q Of what month?
- 17 A That should be May.
- 18 Q Okay. At what time?
- 19 A 10:50.
- 20 Q And is that your signature?
- 21 A Yes, sir.
- 22 Q So you signed this statement at 10:50 on the 25th of
- 23 May of this year, correct?
- 24 A Yes, sir.
- 25 Q So you gave this statement a month after you had had

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1 your bond denied, correct?

2 A Yes, sir.

3 Q And your testimony is that you have not received nor
4 do you expect to receive anything from the State for this
5 testimony?

6 A Yes, sir.

7 Q That's what you're telling us.

8 A Yes, sir.

9 MR. FRICK: One second, Judge.

10 THE COURT: Yes, sir.

11 (Break in proceedings.)

12 MR. FRICK: Thank you, Mr. Breland, that's all the
13 questions I have.

14 REDIRECT EXAMINATION

15 BY MS. HALL:

16 Q Mr. Breland, when you were in the military, where were
17 you driving that truck?

18 A Ma'am?

19 Q When were you in the military driving the truck where
20 were you, what state or country or whatever were you in?

21 A I was Camp Lejeune, Georgia, California, different
22 stations, ma'am.

23 Q You said you were in the military for 16 years; is
24 that correct?

25 A Yes, ma'am.

STEVIE BRELAND - CROSS

1 Q During --

2 MR. FRICK: Your Honor, I'm going to object to where
3 she's going.

4 THE COURT: Is this concerning the driver's license?

5 MS. HALL: This has to do with the military part of
6 the gun.

7 MR. FRICK: Your Honor, may we approach and I can tell
8 you --

9 (A bench conference was held.)

10 Q Mr. Breland, have you ever been to Iraq?

11 A Ma'am?

12 Q Have you ever been to Iraq or --

13 A I done two tours of Desert Storm.

14 Q And I want to go through the chronology that Mr. Frick
15 was asking you about. You stated that you got arrested in
16 February; is that correct?

17 A Yes, ma'am.

18 Q And then you went for -- and at that point in time
19 what cell block -- between February and the time that you
20 went for the bond hearing what cell block were you in?

21 A Before I went for the bond hearing I was in D block.

22 Q Okay. So when you went to the bond hearing on April
23 1st and came back to the detention center, what cell block
24 were you put in then?

25 A I was put in cell block C with Mr. Chris Moore.

STEVIE BRELAND - REDIRECT

1 Q So from February until April you never had really any
2 time to talk to Chris Moore.

3 A No, ma'am.

4 Q So at some point when you get put back in the cell
5 block with Chris Moore, is that when he begins to tell you
6 this story?

7 A Yes, ma'am.

8 Q And the story that he tells you -- I want to go
9 through that too on your statement because Mr. Frick
10 touched on this, he said that -- it was a little bit
11 confusing. Isn't it true that the first set of facts that
12 Mr. Moore gave you -- he let you look at his discovery,
13 right?

14 A Yes, ma'am.

15 Q And then he starts to tell you a story about how he
16 fell out of the car and how the truck pulled off, and then
17 he fell out and he was trying to get -- the gun had fallen
18 out of the truck and he was trying to get out of the truck
19 to go get the gun when he fell down; is that true?

20 A Yes, ma'am.

21 Q And then isn't it true pursuant to your statement that
22 you called him out on that?

23 A Yes, ma'am.

24 Q Did you believe that story?

25 A Well, you know, a truck that's moving and he said he

STEVIE BRELAND - REDIRECT

1 fell out, he did say -- I said, "Chris, you should have
2 some bruises or something on your arm" --

3 MR. FRICK: Your Honor, I object, he's not been
4 qualified as an expert in bruising.

5 MS. HALL: And that's fine, I'll clear it up.

6 Q Let's not talk about what he had on him or anything
7 like that, I'm going to ask you some questions and if you
8 could just tell me yes or no, and if you feel like you need
9 to explain a little bit that's fine. Did you believe the
10 story he told you to begin with, yes or no, about following
11 falling out of the truck?

12 A No, ma'am.

13 Q And so did you press him a little bit more and say,
14 "That can't be it, it must be something else?" Did he
15 continue at that point in time to give you different facts?

16 A Yes, ma'am. He just stated that he got out in order
17 to get the gun. He didn't say -- when I asked him I said,
18 "Well, did you fall out or did you get out?" He stated,
19 "I got out of the truck."

20 Q And did he state to you after you pressed him and kind
21 of called him out on this story that you didn't believe,
22 did he state to you at that time that Quinton McClinton --
23 in our statement did you say, "I asked him if somebody told
24 him to get out of the truck," did you ask him that?

25 A Yes, ma'am.

STEVIE BRELAND - REDIRECT

1 Q And at that point in time did he say, "Yeah, Quinton
2 told me to get out and shoot that man?"

3 A Yes, ma'am.

4 Q And isn't it also true that at the beginning when he
5 first started talking to you he was giving the story that
6 you talked about a minute ago about running and shooting
7 other his shoulder.

8 A Yes, ma'am.

9 Q Did you -- yes or no and if you need to explain, but
10 yes or no, did you believe that story?

11 A No, ma'am.

12 Q All right. And at that point in time pursuant to your
13 statement did he say to you, "I turned and shot at him and
14 I wasn't shooting over my shoulder?" Did Chris Moore make
15 that statement to you? Did he ever say that -- give you a
16 different story about how he shot?

17 A No. He said -- I stated, I said, "Now Chris, come
18 on, be real, it looks by the motion of discovery that 17
19 shells that was on the ground, looks like you turned and
20 fired."

21 Q And what did he say?

22 A He said yeah, he did.

23 MS. HALL: I don't have any further questions.

24 MR. FRICK: Your Honor, very briefly if you'll allow
25 me follow-up?

STEVIE BRELAND - REDIRECT

1 THE COURT: Sure.

2 RECCROSS EXAMINATION

3 BY MR. FRICK:

4 Q It's your testimony here today you didn't know
5 anything about Christopher Moore or Christopher Moore's
6 case before April 1st?

7 A No.

8 Q You did not or you did?

9 A I didn't know anything about it.

10 Q You did not. Okay. Your statement again, there's a
11 line, what does that line say?

12 A "I had already "--

13 Q Read the line.

14 A -- "known Chris just because of jail talk and
15 everybody knew that he had killed the councilman."

16 Q So you already knew according to your statement, you
17 already knew what his case was.

18 A I didn't know about the case. You can't go by what
19 people say.

20 Q "I had already known that Chris Moore was in there
21 just because of jail talk, and everybody knew he had killed
22 the councilman." You're saying you didn't know anything
23 about his case?

24 A No, sir, not about that.

25 MR. FRICK: Thank you.

STEVIE BRELAND - RE-CROSS

1 THE COURT: Anything else?

2 FURTHER REDIRECT EXAMINATION

3 BY MS. HALL:

4 Q Let me make sure we got this straight, you had heard
5 that he had killed a councilman; is that correct?

6 A Yes, ma'am.

7 Q But not necessarily from Chris Moore at that time,
8 correct?

9 A Yes, ma'am.

10 Q And you didn't know anything about the facts and
11 circumstances surrounding the crime; is that correct?

12 A Yes, ma'am, because I'm not from here.

13 Q But then once Chris Moore came to be in your cell that
14 is when you learned about the actual facts in the case.

15 A Yes, ma'am.

16 Q From him.

17 A Right.

18 MS. HALL: Nothing further.

19 THE COURT: Anything else?

20 MS. HALL: Your Honor, we would ask that Mr. Breland
21 be excused.

22 THE COURT: Thank you, sir, you may step down.

23 MS. HALL: Your Honor, that's -- may I approach -- we
24 approach?

25 (A bench conference was held.)

1 THE COURT: We're going to stop for the day. I was
2 just talking to counsel and it went a little quicker than
3 we thought so we'll stop, fire back up at 9:30 in the
4 morning. Remember my instructions, don't let anybody
5 contact you. The jury is excused for the evening, we'll
6 see you at 9:30 in the morning, y'all have a good evening.

7 (Court recessed for the day and resumed on Thursday
8 June 30th, 2016 at 9:30 a.m.)

9 THE COURT: Yesterday concerning the questions and me
10 sending the jury out, we just had a side bar, an
11 in-chambers conference. Mr. Frick, you want to get
12 something on the record and see if we can't resolve it?

13 MR. FRICK: Your Honor, yesterday when Mr. Breland was
14 testifying I inquired as to something and we had a side bar
15 on that matter, I was trying to get into whether he had
16 received any benefit whatsoever and I think we have
17 discussed that in chambers, and I would ask you to allow me
18 to delve into it in closing without going into great
19 specifics.

20 MS. HALL: And the State has no problem with Mr. Frick
21 referring to the fact that he has been moved from the
22 Chester County Detention Center, however the specific
23 location of Mr. Breland the State would request that that
24 not be disclosed.

25 THE COURT: Obviously from the Court's point of view I

1 was a little concerned about security issues, and I
2 certainly understand Mr. Frick's argument on this and I am
3 going to allow him to cover that issue in his closing if he
4 so desires just to make sure.

5 MS. HALL: And just to make sure we have the
6 parameters straight on that, he's allowed to say that Mr.
7 Breland was moved from the Chester County Detention Center
8 but not to give anymore specifics regarding his actual
9 location.

10 THE COURT: I think that's --

11 MR. FRICK: I understand.

12 MS. HALL: Thank you.

13 (The jury returned to the courtroom)

14 THE COURT: Good morning everyone. Thank you for your
15 patience this morning, we've had some technical
16 difficulties this morning which I find to be quite common
17 in our computer age, hopefully we got all of that
18 straightened out. Solicitor?

19 MS. HALL: Thank you, Your Honor. States calls Chris
20 Reynolds.

21 The witness, CHRISTOPHER REYNOLDS, was first duly
22 sworn and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. HALL:

25 Q Your name is Chris Reynolds?

1 A Yes, ma'am.

2 Q And where are you employed?

3 A Chester County Sheriff's Office.

4 Q How long have you worked there?

5 A A total of about seven years now.

6 Q And were you working on the night of November 4th of

7 2014?

8 A Yes, ma'am, I was.

9 Q And did you work in the weeks subsequent to that on

10 this case?

11 A I did.

12 Q And what are your responsibilities at the sheriff's

13 department?

14 A I'm a detective investigator with the Chester County

15 Sheriff's Office.

16 Q And were you detective and investigator at the time of

17 this incident?

18 A Yes, ma'am, I was.

19 Q As you were investigating this incident, I'm going to

20 show you what's been marked as State's 84. Did you have a

21 chance to review this before coming to court today?

22 A Yes, ma'am, I did.

23 Q And what is it?

24 A That would be the interview between myself and the

25 defendant, Christopher Moore.

CHRISTOPHER REYNOLDS - DIRECT

1 Q And so at some point in time how did that come about,
2 the interview with Mr. Moore?

3 A The interview with he and I started at the office
4 under -- in our investigations department.

5 Q Did you instigate the interview or did he ask to talk
6 to you?

7 A I can't remember.

8 Q Okay. And at some point in time you heard from a
9 witness Kira Bagley; is that correct?

10 A Yes, ma'am.

11 Q And where did she live?

12 A She lives in Chester.

13 Q All right. About on which street?

14 A Over toward I think it's First Street.

15 Q And at some point in time during the course of your
16 investigation did you have an occasion to speak with her
17 about this case?

18 A Yes, ma'am. The night of the incident I received a
19 call from Major McDaniel asking us to come in and assist
20 with investigations. And once I arrived on scene we were
21 notified by another officer that there may have been some
22 type of witness that heard something that night.

23 Q Okay. And did you -- where did you meet with her?

24 A I first met with her down toward Parkway at the
25 church on Parkway. She didn't feel safe at the time

CHRISTOPHER REYNOLDS - DIRECT

1 because of the incident that occurred so we went and met
2 behind Bi-Lo Grocery Store, it was me and her and another
3 individual.

4 Q Okay. Was that somebody who was with her or was that
5 another investigator?

6 A Yes, it was.

7 Q All right. And based on the information she gave you,
8 did you ultimately get a video from a residence located at
9 First and Patrick Street?

10 A Yes, ma'am. After I collected a -- I collected a
11 written statement from Kira Bagley that night, and then it
12 led to the investigation over toward First Street and
13 Patrick Street.

14 Q All right. And did you -- who lives at First and
15 Patrick?

16 A That would be Mr. Richard Gray.

17 Q And you knew that he had a video camera on his house?

18 A I did. He and I -- I had a previous -- a few months
19 before that his house was broken into and I advised him to
20 put up some type of surveillance cameras, and once I got
21 the information from Ms. Bagley we went over and made
22 contact with him the night of the incident and reviewed
23 some video surveillance he had.

24 Q Okay. And as part of your investigation, did you go
25 look for any evidence around First and Patrick Street?

CHRISTOPHER REYNOLDS - DIRECT

1 A Yes, ma'am. After -- we started the investigation
2 over toward Patrick Street after we acquired her written
3 statement.

4 Q Is this after talking with Kira Bagley and knowing
5 that something might have happened over in that area?

6 A Yes, ma'am. Because of some of the things that she
7 put in her statement led us over toward that
8 investigation, over toward Patrick Street and First
9 Street.

10 Q And tell me again, when did you talk to her?

11 A The night of the incident. It was maybe probably a
12 hour or hour and a half after we discovered Odell was
13 shot.

14 Q Okay. So after you talked with her and get the
15 statement, you said you went back over to the Patrick
16 Street area?

17 A Yes, ma'am.

18 Q And what were y'all doing over there?

19 A We walked up and down Patrick Street looking for
20 shell casings for any type of evidence that led to this
21 investigation.

22 Q And was that because talking with Kira Bagley she had
23 talked about hearing shots over in that area?

24 A Yes, ma'am. She stated in her statement that she
25 heard shots while she was sitting on First Street.

CHRISTOPHER REYNOLDS - DIRECT

1 Q Okay. And so you're over there and you're looking for
2 evidence over there. How did you go about looking for
3 evidence over there?

4 A Myself and a number of officers walked up and down
5 Patrick Street. We actually closed down the sides of the
6 street and walked up and down trying to look for shell
7 casings or anything with flashlights at the time.

8 Q So you looked with a flashlight?

9 A Yes, ma'am. It was dark, it was that night.

10 Q And did you find anything?

11 A No, ma'am, we didn't.

12 Q So did you actually -- were you involved in serving
13 Mr. Moore with a warrant?

14 A Yes, ma'am, I was.

15 Q Could you tell the jury the circumstances relating to
16 that, where you were and how you went about doing it?

17 A Myself and Detective St. Clair, we were inside the
18 jail where the booking area is as we call it, and you
19 actually have a desk and then you have a few cell doors
20 where they hold inmates as they're coming in for
21 processing. Detective St. Clair signed -- I think he
22 signed the warrant so he can't serve it, another officer
23 has to serve it. So we asked one of the jailers, one of
24 the commanding officers to open the door so we could talk
25 to Mr. Moore and serve him the warrant. And once we

CHRISTOPHER REYNOLDS - DIRECT

1 served -- the way we served the warrant is we read all of
2 the information on it, from the top down to the bottom, we
3 actually confirm his -- his date of birth, if he has his
4 license, address, social security number, all of the
5 information that's on there.

6 Q Did you follow that process when you served him with
7 this warrant?

8 A Yes, ma'am.

9 Q At any point in time during the service of the warrant
10 did he make any statements to you? I'm talking about the
11 defendant.

12 A He did. They opened up the cell door for us and he
13 stood pretty close to the cell door, just a small distance
14 between us, and once I read the warrant to him and
15 explained to him what the warrant says, and once it got to
16 the part where I said "You're being charged with murder,"
17 he made a statement to me, and his statement was, "I ain't
18 going down for this shit by myself."

19 MR. FRICK: Your Honor, object to that statement under
20 the previous grounds.

21 THE COURT: So noted.

22 Q And was that on November 14th of 2014?

23 A I would have to look at the date of the warrant that
24 was served, but I believe that's the correct date.

25 Q Is this a copy of the warrant that you served on him?

CHRISTOPHER REYNOLDS - DIRECT

1 A Yes, ma'am. That's my signature at the bottom, 11/14
2 of 2014.

3 Q Okay. And I'll show you again what's been marked as
4 State's 84. That was the jacket that was containing the
5 disc that had the interview on it, we talked about that?

6 A Yes, ma'am.

7 Q What date was the interview?

8 A 11/14 of 2014.

9 Q So it was the same day as the warrant was served.

10 A Yes, ma'am.

11 Q And did you have an occasion to review -- like we
12 talked about, you had occasion to review this before you
13 came to court today.

14 A I did.

15 Q It's in the same condition as it was, you actually
16 pulled it off a recording device; is that correct?

17 A Yes, ma'am.

18 Q And when you took the statement from the defendant did
19 you Mirandize him?

20 A I did.

21 Q And it will probably be on the video, but could you
22 explain to the jury the process you went to go in?

23 A Yes, ma'am. Once we make contact with a defendant at
24 the time, the first thing we do is we setup our interview
25 room, it's audio and video recorded so it records

CHRISTOPHER REYNOLDS - DIRECT

1 everything we say, once we bring in him the first thing we
2 talk about is his Miranda rights. And we have a form,
3 which should be in the file, where we explain each line to
4 him, start with number one and he initials each line as
5 we're reading so we explain it to him. And then there is
6 actually a statement at the bottom where he waives his
7 Miranda rights if he wants to give us a statement, and he
8 did sign it and we dated it.

9 Q Okay. And did he give you a statement?

10 A Yes, ma'am, he did.

11 Q And that is included on this video.

12 A That's going to be on the interview.

13 MS. HALL: Your Honor, at this time the State would
14 move 84 into evidence.

15 MR. FRICK: No objection, Your Honor.

16 MS. HALL: And we would ask permission to publish that
17 to the jury.

18 THE COURT: In without objection.

19 (The video recording was received as State's 84.)

20 MS. HALL: And, Your Honor, prior to coming here I
21 believe the defense counsel and I had talked about stopping
22 it at certain points where places where the information was
23 irrelevant to this case and I just wanted to go ahead put
24 that I will be doing that.

25 (At this time the video was played.)

CHRISTOPHER REYNOLDS - DIRECT

- 1 Q Mr. Reynolds, there is a window, isn't there, in the
2 interview room?
- 3 A Is there a window?
- 4 Q Yeah.
- 5 A Yes, ma'am.
- 6 Q What is that window?
- 7 A That's a viewing room on one side, you can see into
8 the room, you can't see out of the room.
- 9 Q And inside -- what's on the other side of it?
- 10 A It's two recording monitors and also a speaker where
11 you can hear the interviews taking place.
- 12 Q So people can sit in that room and hear what's going
13 on in the other room?
- 14 A Yes, ma'am.
- 15 Q But the people in the actual interview room can't see
16 or hear what's going on in the monitoring room; is that
17 right?
- 18 A Yes, ma'am.
- 19 Q Did you -- I'm going to show you what's been marked as
20 State's 4. And just really briefly, this is the route that
21 was established that was taken by the defendant and the
22 victim and the people in the truck the night of the
23 incident; is that correct?
- 24 A Yes, ma'am, that's correct.
- 25 Q Did you have occasion to clock this route in terms of

CHRISTOPHER REYNOLDS - DIRECT

1 mileage?

2 A I did, partial.

3 Q Which part did you clock?

4 A I rode from -- I reset mileage at the corner of
5 Featherstone and followed it to down to Brawley Street.

6 Q When you're talking about the corner of Featherstone,
7 you're talking about the corner of Featherstone and Old
8 York Road?

9 A Yes, ma'am.

10 Q Could you point that out for the jury, please?

11 A You have Featherstone and then you have old York Road
12 here.

13 Q And then where is the bypass?

14 A The bypass -- come down and this is the bypass.

15 Q Show the jury where you clocked it.

16 A I clocked it from the corner right here where the
17 stop sign is at Featherstone down to where they turned
18 left on Brawley Street.

19 Q Did you clock it to the light at the bypass as well?

20 A Yes, ma'am. I didn't, I'm sorry. I only clocked it
21 from Featherstone to Brawley Street.

22 Q And how far is that?

23 A That is approximately 1.1 miles.

24 Q And do you recall whether the interview that happened
25 or that took place with Chris Moore we just watched, was

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1 that before or after he was served with the murder warrant?

2 A I can't remember, I would have to look at the time.

3 Q Okay. Do you have notes or anything that you could
4 tell me?

5 A No, ma'am, I don't. I would have to go by the disc,
6 which was -- I think they said it was on the 14th, that
7 was on 11/14 of 2014 with the interview.

8 Q Right, we established that earlier. What I was trying
9 to find out was timing wise because it was both on the same
10 day.

11 A Yes, ma'am.

12 Q So I was trying to find out if you interviewed him
13 before or after?

14 A I believe it was after, I'm not 100 percent sure
15 though.

16 Q All right. And I'll show you what has been marked as
17 State's 83. Do you recognize this?

18 A Yes, ma'am.

19 Q Okay. And what is that?

20 A This is a copy of the phone call from Christopher
21 Moore.

22 Q Okay. And when you say a copy of the phone call, what
23 do you mean?

24 A All phone calls are audio recorded from the jail.
25 Any outgoing calls that any inmate -- whenever they call

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1 somebody once they pick up the phone it tells them that
2 every phone call will be audio recorded and that's one of
3 them.

4 Q And did you hear this on the jail recording system?

5 A Yes, ma'am.

6 Q And did you make this recording and pull it off onto a
7 disc?

8 A I did.

9 Q What's the date of that?

10 A I'll have to look at the disc again, I'm sorry. It
11 was multiple calls he made so I would have to refresh my
12 memory. This was on -- it says audio on December 17th of
13 2015 from the jail.

14 Q Just before --

15 MS. HALL: Your Honor, at this time the State would
16 move 83 into evidence.

17 MR. FRICK: No objection.

18 THE COURT: In without objection.

19 (The disc was received as State's 83.)

20 MS. HALL: In just a minute I would like permission to
21 publish it but I would ask one more thing read quick.

22 Q Did you at any other time interview the defendant or
23 the one that you saw, was that the only interview you ever
24 did?

25 A That was the only time I interviewed him at the

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1 sheriff's office.

2 Q I want to show you what's been marked as State's
3 Exhibit 98. Do you recognize that document?

4 A I do. It's actually a Chester County Detention
5 Center inmate request form.

6 Q What are those used for?

7 A Any inmate that wants to speak with an officer or
8 investigator they have to fill out a form, and once they
9 fill out the form they send it over, either an email or
10 actually bring the form over to us to our office, and
11 that's an official request for them to speak with us.

12 Q And who was that -- was that filled out by someone?

13 A It was filled out by Christopher Moore.

14 Q Does it have a date on it?

15 A It says holding unit five, and the date is November
16 14th of 2014.

17 Q And that was the date the interview was done and
18 warrant was served; is that correct?

19 A Yes, ma'am.

20 Q And what does it say?

21 A It says explanation of a request, he writes, "I would
22 like to talk to Chris Reynolds about the murder charge I
23 was charged with."

24 Q Thank you.

25 MS. HALL: Your Honor, at this time the State would

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1 move 98 into evidence.

2 MR. FRICK: No objection.

3 THE COURT: In without objection.

4 (The form was received as State's 98.)

5 MS. HALL: I don't have any further questions for you,
6 please answer anything that Mr. Frick may have.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q Is it unusual for you to get a request from an inmate?

10 A No, it's not.

11 Q Particularly with someone charged with murder?

12 A That's the first one I've got a request from somebody
13 charged with murder.

14 Q Uh-huh. You became involved with the case the night
15 of the incident, correct?

16 A That's correct, yes, sir.

17 Q That was November 4th, right?

18 A That's correct.

19 Q Do you know about what time you got a call?

20 A I'm not real sure.

21 Q Okay. That's fine.

22 A I was just contacted by my Major said get to town
23 now, we need all hands on deck.

24 Q Major Burly was the on-call and he had to get

25 everybody rounded up because it's a pretty major case,

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- 1 right?
- 2 A Yes, sir, he's our Major.
- 3 Q At some point in the evening you -- I think the
4 solicitor told you that -- or elicited from you that you
5 spoke to Ms. Bagley?
- 6 A Yes.
- 7 Q Was that on the night of the 4th?
- 8 A That was.
- 9 Q And you did go talk to her at some point?
- 10 A It was the night that the incident occurred, it may
11 have been after 12:00 so I'm not sure.
- 12 Q I ain't trying to trip you up on that, I understand.
- 13 A I would just have to look at her statement.
- 14 Q I got you. But either the late hours of the 4th into
15 the early hours of the 5th, correct?
- 16 A Yes, sir, that's correct.
- 17 Q Soon after you became involved, correct?
- 18 A Yes, sir.
- 19 Q And when did you go over to Patrick Street to walk
20 around looking for stuff?
- 21 A It was shortly -- it was the same night, maybe into
22 the 5th, but it was shortly after I acquired her
23 statement.
- 24 Q Okay. Did you go back and get any equipment, get any
25 other people?

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1 A No, sir, I actually made a phone call. We had to
2 report everything to Major McDaniel, and I think it was --
3 if I can remember it was Chief Deputy Sprouse that met us
4 over there then at the corner of First Street and Patrick
5 Street.

6 Q And then y'all walked down Patrick?

7 A Yes, sir.

8 Q You said you just used the flashlight that night?

9 A I did.

10 Q Okay. Where if anywhere did you document that you
11 went down Patrick Street?

12 A I'm not sure if I did document that.

13 Q You didn't, did you?

14 A I would have to look back at the case file, but if
15 it's not under the supplemental I didn't document it, no,
16 sir.

17 Q Okay. If you did not, why would you not have?

18 A Sir?

19 Q If you did not document it why would you not have?

20 A Why would I not have documented it?

21 Q Yes.

22 A It was just on oversight by myself.

23 Q You've got a shooting case.

24 A Yes, sir.

25 Q You hear that there's a possible shooting over on

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1 Patrick Street, you look over there, nothing was found.

2 A Just that night everything was going on, we reported
3 back to the case agent, which was Detective St. Clair. I
4 believe he did most of the documenting once we gave him
5 the information we have.

6 Q Okay. Do you recall -- I know y'all -- y'all then got
7 a video from Mr. Gray's house, right?

8 A We didn't acquire the video that night because we
9 didn't have a flash drive and he didn't exactly know how
10 to download it down to a flash drive. We did watch the
11 video that night because I remember his DVR was in a
12 secluded place in his house for safety. But we did watch
13 the video that night and, of course, I reported it back to
14 my Major and Detective St. Clair, the lead case agent.

15 Q And in that video you see a truck followed by a car,
16 right?

17 A I do.

18 Q And y'all determined that to be the car that contained
19 Mr. Moore?

20 A Yes, sir.

21 Q And the Cadillac was Mr. Williams?

22 A Yes, sir.

23 Q Did y'all receive any information that showed that
24 that chase was ever the other way?

25 A I don't remember. I don't think so.

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1 Q You don't remember or you didn't receive it?

2 A No, I haven't received any information.

3 Q Did you go look at any other videos in this case,
4 surveillance videos?

5 A I didn't myself.

6 Q Did you go with anybody else?

7 A No, sir.

8 Q Are you sure?

9 A I would have to look back at the notes.

10 Q Take a look at that. It's all right, it's a lot of
11 stuff.

12 A This was 11/6. We did. We went to the Speedy
13 Station, which used to be the Texaco Station, and looked
14 at -- it says right here in our notes in our supplemental
15 on 11/6 of 2014 that "Detective Reynolds and Detective
16 Sanders went to 173 Saluda Street, the 99 Express and
17 looked at surveillance video. Detective Reynolds and
18 Detective Sanders checked the video 19:59 p.m. to 20:15
19 p.m. and could not recognize a Dodge Ram or the Cadillac
20 of the video in the timeframes." So, yes, sir, we went
21 to -- and I'm sorry, it's not the Texaco, that's the
22 Saluda Street 99 Expressway.

23 Q Okay, that's fine?

24 A It's in the city so I'm not too familiar with the
25 names of them.

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1 Q That's fine. But y'all went over there and looked at
2 a video, it didn't tell you anything.

3 A No, sir.

4 Q But that was important enough to write down.

5 A Yes, sir. I think Detective Sanders -- can I see
6 that again?

7 Q Yes, sir.

8 A I'm not sure if I documented that or if it was
9 Detective Sanders that documented that.

10 Q I believe it was Detective Sanders, I'll give you
11 that.

12 A Yes. Detective Sanders actually typed this up, so he
13 did document it.

14 Q Okay. But you didn't document going over to Patrick
15 Street.

16 A No, sir.

17 Q Okay. Let's briefly talking about the video. I'm
18 sorry, I had a cold all week, my hearing is a little messed
19 up.

20 A Mine too.

21 Q When the solicitor asked you about that window, what
22 did you say was on the other side of there?

23 A It's a viewing room where you can only see out of the
24 viewing room. There's two different monitors -- the way
25 it's set up, we have the viewing room in the middle, then

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1 we have two different interview rooms, it's audio and
2 video recorded. It's two monitors and two recorder
3 devices for the audio and video and a few chairs inside.

4 Q Did you say you could or could not hear in there?

5 A You can hear in there. You have a volume switch on
6 the monitor itself.

7 Q All right, I was making sure. All right. Now, in
8 that video when you talked to Mr. Moore, do you know how
9 old he was when you talked to him?

10 A Yes, sir.

11 Q How old was he?

12 A I would have to look back but I believe he was 17 or
13 18, I'm not sure. I know he was an adult.

14 Q But still in teenage years.

15 A That's correct.

16 Q And there was something there about you giving him the
17 request form, did I hear that correctly? How do you get
18 one of these forms?

19 A He has to request it from the C.O. in the jail. If
20 they request to speak to an officer or an investigator
21 then they'll give them the form.

22 Q I thought I heard, and correct me if I'm wrong on
23 this, that in the video you said that you gave him the
24 form.

25 A I don't remember if I gave him the form. We have in

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1 the past -- once they requested to speak with us we have
2 actually went to the counter, the booking counter and they
3 gave us a form to give to the inmate while they're sitting
4 inside the jail cell, we've done that in the past. But I
5 don't remember if that night -- I don't remember that
6 night if I gave him the form or not.

7 Q Okay. Jumping a little bit ahead. The phone call
8 that got played.

9 A Yes, sir.

10 Q Do you remember when that phone call was?

11 A It was after a bond hearing if I remember correctly.

12 Q Okay. But the date of it, not necessarily
13 specifically, but --

14 A No, sir.

15 Q -- was it some time after this, the incident?

16 A Yes, sir. It was during a bond hearing, or shortly
17 after a bond hearing.

18 Q About a year later, wasn't it?

19 A I think so, yes, sir, whatever the date was on there.
20 I don't remember what the date was, I think it was 2015.

21 Q But it wasn't right after your interview with him and
22 all of that.

23 A No, sir, it was not. It was some time later.

24 Q I think we've got State's Number 83. Is there a date
25 on there?

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1 A Yes, sir, it's December 17th of 2015.

2 Q 2015. You didn't get the warrant, right?

3 A No, sir.

4 Q You served the warrant.

5 A Yes, sir.

6 Q But you were involved in the investigation, right?

7 A That's correct.

8 Q The warrant charges Christopher Moore with murder.

9 A That's correct.

10 Q Murder requires the intentional killing of someone

11 with malice aforethought; is that correct?

12 A That's correct.

13 Q To get that warrant you've got to get a magistrate to

14 agree that you have probable cause, correct?

15 A That's correct.

16 Q In the interview you tell Chris, "We know y'all didn't

17 mean to do that."

18 A That's correct.

19 Q Were you being truthful with him when you told him

20 that?

21 A That's part of a procedure that we use, kind of a

22 tactic, we use that once you're inside of the interview

23 room. At the time we knew that he was involved we just

24 didn't know the extent of it.

25 Q Uh-huh. What else did you lie to him about?

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1 A In interview room?

2 Q Yes, sir.

3 A I don't remember.

4 MR. FRICK: Thank you, that's all the questions I
5 have.

6 REDIRECT EXAMINATION

7 BY MS. HALL:

8 Q When you say it's a tactic, what's the tactic designed
9 to do?

10 A It's to give him the opportunity to -- you heard in
11 the video, I asked why it happened, we knew that he had a
12 part in it, we just didn't know what type of role he had
13 at the time. But we asked him multiple times why it
14 happened, how it happened and just plain out why, which he
15 never gave an excuse as to why it happened.

16 Q But when you use a tactic, is it designed to make
17 somebody feel comfortable enough to be able to talk with
18 them friendly?

19 A It is.

20 Q Typically when you interview suspects do you just
21 throw it all out there and tell them everything you know
22 about the case?

23 A No, ma'am, we don't.

24 Q Why is that?

25 A We don't lead the suspect into making a false

LEE BLACKMON - DIRECT

1 statement. A lot of times we just don't want them to know
2 exactly what we have, because sometimes they'll actually
3 speak about the case and give us clues about what happened
4 so we do not tell them 100 percent of what we have.

5 MS. HALL: Thank you, Your Honor, nothing further.

6 MR. FRICK: Nothing further, thank you.

7 THE COURT: You can step down.

8 MS. HALL: State calls Lee Blackmon.

9 The witness, LEE BLACKMON, was first duly sworn and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MS. HALL:

13 Q Your name is Lee Blackmon?

14 A That's correct, Lee Blackmon.

15 Q And where are you employed?

16 A I'm employed with the South Carolina Law Enforcement
17 Division.

18 Q And how long have you been employed there?

19 A Approximately nine years.

20 Q And how long have you been a law enforcement officer?

21 A Around 23 years..

22 Q Prior to going to SLED where did you work?

23 A I started my service in 1993 with the City of
24 Lancaster. In 1997 I moved to the Lancaster County
25 Sheriff's Office, shortly thereafter I became an

LEE BLACKMON - DIRECT

1 investigator in the investigative section in the Lancaster
2 County Sheriff's Office, and then after approximately five
3 years I became a lieutenant supervisor at the sheriff's
4 office. I came to SLED in 2007.

5 Q And what were your duties at SLED?

6 A Our duties at SLED, we work at really the discretion
7 of the governor and state grand jury's office and attorney
8 general's office, most often we're involved in assisting
9 local agencies. And my main regional areas of work is
10 really the Northern Midlands, I'm in the Midlands
11 investigative section, which covers from Lancaster all of
12 the way to Akin. But I'm generally assigned to cases in
13 Chester County, Lancaster County, Fairfield County and
14 Kershaw County. What we do is if a major crime occurs and
15 an agency calls and asked for our assistance in coming to
16 investigate, we basically come in and supplement their man
17 power. I come from a sheriff's office which is kind of
18 rural, I have been here to Fairfield County to help to
19 assist them in investigations. We basically come in and
20 supplement their investigators, we work along side them in
21 an assisting role. We do have resources at SLED,
22 including our lab and as was testified before as far as
23 our crime scene investigators who can come up. We come in
24 and assist those investigators and provide the assets to
25 them that SLED may have to offer. We also investigate

LEE BLACKMON - DIRECT

1 public corruption official conduct cases, but also
2 investigate officer involved shootings and things along
3 that line as well.

4 Q And what is your job at SLED?

5 A I'm a special agent sometimes referred to as a field
6 agent. I'm a resident agent over Lancaster County, and
7 I'm an investigator basically is my role, I'm an
8 investigator.

9 Q And were you acting in that capacity when this event
10 occurred on November 4th of 2014?

11 A I was.

12 Q And did you -- did SLED get a call from the Chester
13 County Sheriff's Office to assist in this investigation?

14 A We did. I cannot remember which of my supervisors
15 had called me, but indicated that Major Burly McDaniel of
16 the Chester County Sheriff's Office had requested
17 investigative services, which is the role that I fall
18 under, and that also a request had been made for crime
19 scene investigators to respond to the scene as well.

20 Q Okay. And were y'all involved with this investigation
21 initially like from the very beginning?

22 A Yes, we were. I was there that night, I don't recall
23 exactly what time I arrived, it was before midnight when I
24 arrived over there at the scene. And I was assisting with
25 the case approximately a week and a half or two maybe two

LEE BLACKMON - DIRECT

1 and a half weeks before our assistance with the case was
2 no longer needed. We come in sometimes -- like I said the
3 sheriff's office, there's certainly parts of the sheriff's
4 office that just have the man power to do that, but there
5 are other sheriff's offices in rural counties and a
6 smaller county, they just don't have the man power to keep
7 that investigation flowing as it needs to throughout this
8 process. And we came in and we assist them and supplement
9 their investigators until a point is reached where the
10 investigation may be scaled back and they can take over
11 and complete the investigation on their own.

12 Q Did you actually respond to the scene that night of
13 the November 4th?

14 A I responded directly to Roundtree Circle.

15 Q And what did you do when you were there? Did you
16 assist crime scene people or did you do your own thing, or
17 what were you doing?

18 A When we generally arrive it's an unwritten protocol
19 with us is, we make sure our crime scene agents, in this
20 case Melinda Worley and Brittany Burke, that they have the
21 resources they need, they have the assistance they need
22 and beginning to process those particular things that they
23 have to process. And the maps have been shown of an area
24 essentially around Roundtree Circle that this incident
25 took place, it's a large area, and a lot of times one of

LEE BLACKMON - DIRECT

1 the main things we want to do when we get to a scene like
2 this is to preserve that evidence, make sure it's there
3 and make sure that evidence isn't overlooked and to
4 collect that evidence in the most appropriate way we can
5 get it collected, so we can spend a lot of time maybe
6 holding flashlights or searching with them to help find
7 some of these pieces of evidence.

8 Q And as an investigator that's helpful to your role in
9 determining what's going on at the scene; is that correct?

10 A Absolutely. Any evidence that is obtained from the
11 scene is a clue that helps us try to determine exactly
12 what happened in the case.

13 Q All right. Did you -- did you stay in Chester that
14 night all night?

15 A I was in Chester that night, and that was on the 4th,
16 and I stayed over all night that night. And on the 5th, I
17 can't remember exactly what time -- because after awhile
18 you do have to get rest, we have worked a lot of hours in
19 a row before but after awhile you have to get rest. I
20 don't recall exactly what time on the 5th that I did sign
21 off that I was headed home to get rest. But yes, I was
22 there throughout that particular evening and the following
23 morning.

24 Q And did you come back to Chester on November 6th?

25 A I did.

LEE BLACKMON - DIRECT

1 Q And what was the purpose of that?

2 A We came back. We actually had -- my lieutenant came
3 back and we had I think two additional SLED agents came up
4 as well to begin working leads on the case.

5 Q Did any of those leads involve information that some
6 things had happened on Patrick Street?

7 A Yes. I had heard initially that there was a video
8 that had been recovered, or an incident observed showing
9 that this particular part of the event had traveled
10 through that area. There was a video that showed both
11 vehicles traveling in front of the residence, and that
12 residence was at Patrick Street making a left-hand turn
13 onto First Street. It was some indications that there
14 were gunshots heard in that area around about the same
15 time as this incident.

16 Q Okay. So what did you do on Patrick Street?

17 A On Patrick Street, I had information that the
18 sheriff's office and some investigators had gone and
19 searched that area at night and I had learned that prior
20 to me leaving on the 5th. And so what I did was when I
21 came back the next day -- because at that point we do not
22 believe it would have to require our crime scene agents to
23 come back to the scene, and one of the tools that we had
24 used on the 5th was a metal detector to locate some shell
25 casings and I was the person who operated that. I just

LEE BLACKMON - DIRECT

1 have my own personal metal detector, it's a hobby that I
2 have. I'm not the one you see on the beach looking for
3 jewelry and coins and everything, but I enjoy looking for
4 historic type things so I had my own personal metal
5 detector and I know how to use it. So whenever I came
6 back on the 6th I brought my own personal metal detector
7 with the intentions of going to Patrick Street, and any
8 other place that may be probative to go through.

9 Q What were you looking for when you went to Patrick
10 Street?

11 A At that point we really didn't know. The evidence at
12 that point in the case, we knew that there was a weapon
13 found in Mr. Williams' vehicle that appeared to have been
14 fired twice, at some point fired twice, there were two
15 empty shell casings in there. And you know, we knew there
16 were -- that guns had been recovered that appeared that
17 may have come from that particular crime scene. So I went
18 back, searched a very narrow area on both sides of the
19 road with the metal detector just trying to locate any
20 shell casings or possibly lead projectiles.

21 Q Did you locate anything?

22 A Didn't locate anything at all.

23 Q Did you talk to anybody about that?

24 A No, I simply went over there. We had a lot going on
25 on the 6th with our investigators over there and it was a

LEE BLACKMON - DIRECT

1 window of opportunity for me to go over there and look.

2 Q And you stated you had gone over -- there were other
3 SLED agents.

4 A The other SLED agents were doing different tasks as
5 far as going out and interviewing different individuals at
6 that time, I just had a window of opportunity to go back
7 over to Patrick Street as I had planned to do. I searched
8 down both sides of the road with the metal detector,
9 because the metal detector had greatly assisted us on the
10 5th on locating some of the fired cartridges that have
11 been discussed in this case that were located there on
12 Parkway at the residence.

13 Q When we were referring to the shell casings and the
14 metal detector, are you talking about the markers and
15 things that are indicated on this Exhibit, State's 58?

16 A I am. On the morning of the 5th I traveled over
17 to -- I drove over to Roundtree Circle in part because you
18 can see one thing at nighttime and it gives you more
19 appearance because, you know, when daylight comes you can
20 see a lot more and get a better understanding, so at first
21 light that's when I went back over to the Roundtree Circle
22 area. When I arrived over there I actually observed that
23 there were four -- at least three or four bullet defects
24 that appeared to be in the ditch right beside Roundtree
25 Circle and Parkway. When I observed those it was like --

LEE BLACKMON - DIRECT

1 it looked to me like bullet holes that had kicked dirt up
2 and it didn't appear that those things had left. I
3 immediately called Brittany Burke, the crime scene agent,
4 she was leaving but had not gotten completely too far away
5 from Chester, so I requested that she come back and for us
6 to continue the search in that area. I also notified the
7 investigators with the sheriff's office and they came over
8 and arrived as well and assisted with that search.

9 Q All right. As part of your investigation, did you
10 have -- were you present when the inventory of Odell
11 Williams' car was taken?

12 A I was.

13 Q And were you able to inspect the vehicle?

14 A I was there as they were collecting evidence from
15 that vehicle.

16 Q At any point in time was a speed loader or anything
17 like that ever found in that car?

18 A I've heard a speed loader described, which I'm not a
19 firearm expert, I knew what one was, I used one very early
20 in my career. No speed loaders were found inside that
21 vehicle. There was no boxes of ammunition discovered
22 inside of that vehicle. The only thing that was
23 discovered inside of that vehicle related to firearms was
24 there were some projectiles that were located. As far as
25 the weapon, there was a revolver found in there with two

LEE BLACKMON - DIRECT

1 spent cartridges and I think probably four or five live
2 cartridges located inside the firearm.

3 Q And when you're talking about the projectiles, are you
4 talking about the things that had been shot into the car?

5 A Yeah. They had been shot into the car.

6 Q With regard to live ammunition, I want to be sure that
7 we're clear, the only four rounds of live ammunition
8 related to that .32 were in the gun.

9 A Correct. There were no other loose laying around
10 unfired projectiles for that particular weapon, or any
11 particular weapon besides that.

12 Q And the only two fired projectiles are cartridge
13 cases -- or not projectiles, but the only two cartridge
14 casings that you found pertaining to that .32, those were
15 also found inside the car?

16 A They were found inside of the gun that we determined
17 was Odell Williams' firearm.

18 Q All right. Did you have occasion to inspect the
19 radiator of the car?

20 A Yes, we did, we did that at a later point. When I
21 arrived that night you could see a pool of fluid in the
22 roadway shortly after you turned off of Parkway onto
23 Roundtree Circle. I'm not an automobile expert, but I
24 leaned over and what I first observed it and gave the
25 appearance of being radiator fluid. I leaned over and

LEE BLACKMON - DIRECT

1 smelled it, it smelled like antifreeze. I stuck my finger
2 in there and rubbed it together and it felt like
3 antifreeze that was there in the roadway.

4 Q I'm going to show you what's been marked as State's
5 92. Just to be clear about this, can you point to the area
6 where the antifreeze was?

7 A Antifreeze -- this is Parkway, this is Roundtree, the
8 antifreeze would have been about in this general area
9 right in here.

10 Q Okay. And what if any conclusions did that lead you
11 to draw regarding the vehicle and placement of the vehicle?

12 A It was a possibility that the vehicle was struck
13 somewhere around the radiator or radiator hose area
14 damaged and it caused it to possibly leak at that
15 particular area.

16 Q Was there a lot of radiator fluid, a little bit?

17 A There again I'm not an automobile expert and how fast
18 radiator fluid might come of something if a hose busted or
19 whatever, but there was enough that it had pooled and
20 there was a little slope in the road as most roads are,
21 and the antifreeze had pooled. It had also started to
22 drain toward the fog line at the edge of the roadway.

23 Q Did you observe any tire marks or anything else in
24 that area?

25 A The only tire marks or things that I observed in that

LEE BLACKMON - DIRECT

1 area were the ones that appeared after Mr. Williams had
2 been shot that his vehicle continued down the roadway
3 across several yards and eventually rested up against the
4 residence.

5 Q And when you were inventorying the car, I want to show
6 you what's been introduced into evidence as State's Exhibit
7 53B. I believe that's a photograph of Mr. Williams
8 cellphone?

9 A That's correct.

10 Q Or the cellphone that was in Mr. Williams' car.

11 A That's correct.

12 Q Where was that located in the car?

13 A Like I said, it was in the right side of the
14 passenger floorboard. In other words the driver is here,
15 the passenger floorboard on the right side over there in
16 the floor.

17 Q So that's why -- okay. All right. And what's the
18 fusion center?

19 A Fusion center is the intelligence center of SLED, and
20 we have one of the best ones in the country. If you've
21 ever seen a movie or a FBI thing and you see a war room
22 where there's TV monitors and there's individuals that are
23 sitting there analyzing or looking up information on
24 certain people who may have been involved in a crime,
25 that's what our intelligence center does. We have people

LEE BLACKMON - DIRECT

1 that are experts down there and just -- the department of
2 motor vehicles gets information from them. We have
3 individuals who are associated with probation and parole
4 pardon services who can get information for us. We also
5 have experts that work in the area and mapping and doing
6 certain things. We also have experts there that work in
7 the area of analyzing cellphone information if we obtain
8 it from that particular case.

9 Q And are they able to dump phones or look on phones to
10 find out if anybody has made incoming or outgoing calls?

11 A We do. We also have the power by going to a
12 magistrate and obtaining a search warrant and sending it
13 off to that certain provider of that phone to get
14 information. There is a process where they can take the
15 phone and attach it to a machine, there again, I'm not
16 qualified to do that but I've watched it occur. They
17 simply hook a machine up to a cellphone and it allows that
18 computer to make a duplicate image of the data that is on
19 that cellphone, we just simply call it capturing the image
20 of that phone. It may be -- it'll have the recent calls
21 on there, photographs, text messages and things along that
22 line.

23 Q And did y'all collect some phones in this case?

24 A We did. We also collected some information through
25 search warrants and different things.

LEE BLACKMON - DIRECT

1 Q And all of those phones that were submitted to the
2 fusion center, did y'all find anywhere that anybody had
3 made an attempt to call 911?

4 A We determined that no one -- all of the information
5 that we had from those individuals that were in the Dodge
6 Ram truck, those individuals who testified in this
7 courtroom so far, that none of those individuals made
8 phone calls to 911, did not appear that they made phone
9 calls to any law enforcement officials or anything along
10 that line as far as we could not attempt to reach law
11 enforcement on it. We did also search Mr. Williams' phone
12 as well to determine if he had reached and attempted to
13 call 911 and we find out he had not. We also did a search
14 to see if he had contacted anyone, being a councilman, to
15 see if he had reached out to any of his law enforcement
16 potential contacts that he may have, but there were no
17 phone calls that he made during this timeframe. So in
18 summary it appeared that no one in either vehicle had made
19 any attempt to dial 911 or reach out to 911 or any police
20 officers.

21 Q Okay. And to go back to when you were walking around
22 on the 6th with your metal detector, what area did you
23 cover?

24 A I covered from McClure Street to First Street.

25 Q And would that include Patrick Street?

LEE BLACKMON - DIRECT

1 A That's what I'm saying, Patrick Street from McClure
2 street to First Street.

3 Q And at some point -- and you touched on this a second
4 ago, after a couple of weeks with helping with the
5 investigation, SLED stepped back and allowed the sheriff's
6 department to at that point -- I think you said that it was
7 to a manageable state to where the sheriff's department
8 could continue on their own?

9 A Correct.

10 Q And so SLED became uninvolved at that point.

11 A That's correct. Our lab was still processing
12 evidence and things from them, but as far as where my
13 section as far as the criminal investigation side of the
14 case, our assistance was no longer needed at that point.

15 Q And some time in May of 2015 was SLED again contacted
16 and asked to become reinvolved in the case?

17 A We were. We were contacted by the solicitor's office
18 to come in and look over the case, which we commonly do in
19 these cases to complete some additional investigative
20 activities.

21 Q And what was one of the first things you did when you
22 were contacted to become reinvolved in the investigation?

23 A One of first things we did, we knew that there were
24 individuals who had been charged in this particular crime
25 and I think everyone of these individuals at that point

LEE BLACKMON - DIRECT

1 had retained or been represented by attorneys, and contact
2 was made through those attorneys to arrange for us to
3 interview those witnesses.

4 Q And did you indeed interview Derrick Dixon?

5 A Yes, I did.

6 Q And that was in the presence of his attorney?

7 A Yeah. It was Derrick Dixon, I think, may have been
8 Nathan Sheldon if I'm not mistaken was his attorney.

9 Q At the initial time you interviewed him, did he give a
10 written statement, or did you take a written statement?

11 A He did not give a written statement. A written
12 statement in other words, is where he provides his
13 information, it was typed handwritten by him and written
14 by me, and then there's a place for him to sign that that
15 is his statement. And if they do not do that I simply
16 take notes and put it in to what we call a memorandum of
17 interview which is just a simple I memorialize what he's
18 told me, and I type that document out according to what
19 he's told me, it's not something that he signs.

20 Q And that's just an informational tool to relay the
21 information back to the solicitor's office to let them know
22 what information he has.

23 A Absolutely.

24 Q With regard to -- at some point in time in preparation
25 for coming to court, did you go back and talk to Derrick

LEE BLACKMON - DIRECT

1 Dixon in the presence of his attorney again to obtain an
2 actual written statement?

3 A Yes, we did, and this would have been sometime in
4 April of 2016. I went back and as I told you before, was
5 obtaining what we would call a voluntary statement where
6 we interviewed him and I typed out that statement using
7 the words that he was telling me, and then had that
8 document printed -- his signature -- he read it line by
9 line, I read it to him and he signed that document
10 indicating that the information within that statement was
11 correct and it was his words.

12 Q And again that was done in the presence of his
13 attorney as well?

14 A Absolutely.

15 Q All right. And with regard to D'Angelo Roseboro, when
16 you became involved with the investigation again, was he
17 contacted through his attorney and asked to talk with you?

18 A Yeah. His attorney was, I think, Leah Moody out of
19 Rock Will. We went to her office and interviewed him. He
20 was not willing at that point to produce a voluntary
21 statement or a signed statement, and so I completed what
22 we refer to as a memorandum of interview. And later in
23 April of this year we returned to her office, interviewed
24 him again and obtained a voluntary statement, which was
25 again his words typed out, and he read it, agreed those

LEE BLACKMON - DIRECT

1 are his words and signed those statements.

2 Q And both of them were voluntary, it's just one was
3 written and one was not; is that correct?

4 A That's correct. Both -- information he provided when
5 I prepared the memorandum of interview was all voluntary,
6 the attorneys were sitting there with him.

7 Q Both times.

8 A Both times.

9 Q And that was true with D'Angelo Roseboro as well.

10 A That's correct, and Terrance Buchanan as well too.

11 Q And Terrance Buchanan, early on he gave a statement to
12 Sheriff Underwood; is that correct?

13 A That is my understanding, he had originally given a
14 statement to law enforcement.

15 Q And at some point in time did you go back and talk
16 with him again?

17 A I did.

18 Q And was that in the presence of his attorney, Jimbo
19 Morton?

20 A Right. Matter of fact, it occurred in Jimbo Morton's
21 office, the first initial conversation.

22 Q And was it the same thing where he didn't give a
23 written statement and you did a memorandum of interview,
24 but then he went back around April or May, or April or
25 March and somebody took a written statement from him?

LEE BLACKMON - DIRECT

1 A That's correct, in which he provided his words as far
2 as his of what had occurred and he did sign that as being
3 his statement.

4 Q And again, that was done in the presence of his
5 attorney both times.

6 A Presence of his attorney.

7 Q With regard to Quinton McClinton.

8 A It is my understanding that Quinton McClinton was
9 uncooperative in the initial stages of the investigation.
10 My understanding is that attempts were made through his
11 attorney to make contact with him and see if he was
12 willing to cooperate, and he was not willing to cooperate
13 with this investigation.

14 Q So you've never talked to him or taken a statement
15 from him.

16 A I have not.

17 Q Are you aware of any statement he's ever given during
18 the course of this entire investigation?

19 A I don't have knowledge of any statements he has
20 given.

21 MS. HALL: I don't have anything further, please
22 answer anything of Mr. Frick.

23 CROSS EXAMINATION

24 BY MR. FRICK:

25 Q Special Agent Blackmon, you were involved in this case

LEE BLACKMON - DIRECT

1 the night it occurred, correct?

2 A That's correct. I responded to Roundtree Circle,
3 that was the area that I was told to respond to.

4 Q And then continued as the case went along, and I think
5 the solicitor asked you about some interviews that you just
6 talked about here, and you said you completed some
7 investigation activities. Was there anything other than
8 collecting statements?

9 A As far as --

10 Q Was there anymore evidence collected?

11 A No, there was no more evidence collected.

12 Q Physical evidence is what I mean, I mean obviously
13 statements.

14 A Yeah, statements.

15 Q Okay. All right. And essentially these were
16 follow-up interviews, right?

17 A That is correct.

18 Q Okay.

19 A Anytime an opportunity arises where we can go back
20 and talk to someone that's involved in the case and we
21 need to, we definitely want to gather as much information
22 from them, because they were present when the incident
23 occurred, to get as much information as we can from them.

24 Q Without going into a lot of detail, do you recall the
25 different statements?

LEE BLACKMON - CROSS

1 A I don't recall them as far as word by word or
2 anything.

3 Q Do you recall if they were fairly consistent?

4 A They were fairly consistent. You will find some
5 inconsistencies at times, you'll find some individuals
6 that recall or recant exactly word by word verbatim
7 exactly they tell you at each time they talk to you, and
8 in my 23 years you will find people who may not recall or
9 recollect the same information.

10 Q All right. The solicitor was also asking you about
11 the -- I think she called it inventory of the Cadillac?

12 A It was basically a search of the Cadillac. We were
13 there watching what they were doing seeing what they
14 were -- I think I may have even held a flashlight or two
15 while they were inventorying it.

16 Q But you didn't collect the stuff.

17 A I do not collect evidence like that. I say I do not,
18 there are times when we may be on a scene somewhere and --

19 Q I was fixin' to say, Agent Blackmon, you know what I'm
20 going to ask you next. You just told me you don't collect
21 evidence yet, you tell the solicitor you went out to
22 Patrick Street looking for evidence.

23 A What I was saying is this, this was a generalized
24 statement what I was about to make: There are times where
25 we do get called out to assist with investigative

LEE BLACKMON - CROSS

1 activities with the sheriff's office or police officers
2 and we may not have our crime scene there. When I was
3 with the sheriff's office there were times where we simply
4 just didn't call SLED to come up and collect evidence. I
5 don't consider myself a crime scene expert, but I do know
6 how to manage and control evidence and to maintain the
7 integrity of evidence that we may collect at a scene. But
8 I did not collect evidence related to this case.

9 Q Right. But in looking at a scene, I think you said
10 you're looking for any relevant evidence, right?

11 A That's correct.

12 Q If there is a statement that there's a shooting that
13 occurs somewhere and you go look and you find no evidence
14 supporting that, wouldn't that be evidence?

15 A There was no evidence collected.

16 Q Right.

17 A When we look at evidence as far as physical evidence
18 and things, tangible that you can hold in your hand were
19 the type of things that I was going out to Patrick Street
20 to look for, it was shell casings or anything that might
21 relate to firearms.

22 Q So you heard information at least from Ms. Bagley,
23 right, that there was a shooting.

24 A I don't recall exactly how I heard it. I was
25 informed by someone there was a report that shots had been

LEE BLACKMON - CROSS

1 fired over in that Patrick Street area.

2 Q And Investigator Reynolds went out there and you
3 followed up on that.

4 A That's correct. My understanding was they had gone
5 out there during the nighttime hours.

6 Q It was important enough to follow-up on, you don't see
7 anything --

8 A There was no evidence collected on Patrick Street
9 related to firearms.

10 Q And the fact that you don't find anything where
11 someone says that a shooting occurred is not relevant?

12 A I believe it would be relevant in the case that
13 someone did hear gunshots on Patrick Street.

14 Q Okay. I'll show you this. I think you may be
15 familiar with that.

16 A This is a South Carolina Law Enforcement Division
17 crime scene investigative summary. And this is a document
18 that is produced from our crime scene folks. The
19 individuals of our agency come out and do crime scene
20 investigations, they come out and would do -- mostly like
21 I said in this particular case two agents comes out. One
22 of those agents becomes the case agent in any particular
23 scene, and that agent will in the end create a document
24 describing what crime scene investigators have done as far
25 as their part of the investigation. This crime scene

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1 investigation summary basically depicts what tasks we
2 performed by those crime scene agents.

3 Q Okay. Now, you didn't write that document, right?

4 A This was not from the -- this came from the crime
5 scene -- the crime scene investigation folks.

6 Q Okay. Now, it contains some summaries of all of the
7 information, correct?

8 A Yes. It contains summaries of their activity and
9 what they did as far as those crime scenes.

10 Q At the very beginning they have to be apprized of what
11 law enforcement, local law enforcement had come upon,
12 right?

13 A Yeah, when they arrive they have no idea. We
14 generally -- and this is how it happens, is I call our
15 operation center and find out which crime scene agents are
16 responding, and if I have information that I can provide
17 them over the phone that this is what they're kind of
18 looking at they can prepare in their minds is can two
19 agents handle this or do they need to ask for additional
20 resources. Plus it also gives them a further mind as
21 they're driving up to that scene to kind of get an idea in
22 their mind, "We need to perform task A, B, C, D, here is
23 the type of things I need to get my mind around to be
24 looking for."

25 Q But it doesn't just simply contain what they did on

LEE BLACKMON - CROSS

1 Roundtree Circle, does it?

2 A I'm pretty sure it contains information where the
3 vehicle was concerned to where it was.

4 Q Talks about Agent Oliphant going up to Rock Hill to
5 see the autopsy?

6 A Agent Oliphant is also -- he works with the crime
7 scene investigative unit, and his information would be
8 obtained in here because he works out of this section.

9 Q And page 11 there's a document in there that talks
10 about collecting some stuff, I think I have it marked with
11 a paper clip so you can flip through it.

12 A I see it.

13 Q Is that some items that were collected at the jail?

14 A It appears to be, yes, sir.

15 Q Okay. Talks about collecting Chris Moore's underwear,
16 doesn't it?

17 A I believe it does, Hanes Underwear, I believe.

18 Q Okay. Chris Moore's underwear is relevant but Patrick
19 Street is not?

20 A Patrick Street was relevant, we searched Patrick
21 Street.

22 Q Well, where is it in that report?

23 A This report -- again, I think I've already testified
24 to this, this report is created by our crime scene folks
25 as far as their activities in this case. I do not work in

LEE BLACKMON - CROSS

1 the crime scene section, I work in the Midlands
2 investigator section.

3 Q Then why did you go to a crime scene?

4 A Well, Mr. Frick, I go to a lot of crime scenes.

5 Q You said you went to Patrick Street by yourself, it
6 wasn't necessary to call them back.

7 A We did not find it necessary at that point. It had
8 already been searched one time by the sheriff's office. I
9 have been to a lot of crime scenes, we work hand in hand
10 with our crime scene investigators. And there again, some
11 of these scenes can be spread out to a large area where
12 when we get there there's a lot of information, a lot of
13 places that need to be searched and we simply don't just
14 put two crime scene agents out there and expect them to be
15 able to use their resources to find all of this. We may
16 hold a flashlight for them, we may, as I did in this case,
17 operate a metal detector in efforts to locate evidence.
18 There again, if evidence is located, if it is located, we
19 simply just mark that or identify, "Hey, there's evidence
20 here," and those crime scene agents, they specialize in
21 this, they would come and collect that evidence in the
22 appropriate way and bag it and mark it as such and they
23 can later identify that where it's located. Patrick
24 Street, we did not find any evidence related to this case.
25 Q And so it wasn't important.

LEE BLACKMON - CROSS

1 A It wasn't --

2 Q The fact that you found nothing wasn't important?

3 A We found no evidence related to this case on Patrick
4 Street.

5 Q All right. Let's go to some photos. You took them --
6 you didn't do the analysis of the phones, the fusion center
7 did that, correct?

8 A That is correct.

9 Q And it was determined that no one in this case
10 contacted law enforcement or any known law enforcement
11 officials.

12 A That included individuals in the truck as well as
13 Odell Williams, Mr. Williams and his phone.

14 Q So you did look at Odell Williams' phone, he didn't
15 call 911 either.

16 A As I testified earlier he did not.

17 Q And didn't call anybody at the city police department?

18 A We found no calls that he'd called anybody in a law
19 enforcement capacity.

20 MR. FRICK: Agent Blackmon, give me one second, I may
21 be through.

22 (Break in proceedings.)

23 MR. FRICK: Thank you, sir, that's all of the
24 questions I have.

25 REDIRECT EXAMINATION

LEE BLACKMON - CROSS

1 BY MS. HALL:

2 Q It was important to go to Patrick Street to look to
3 see if there was any evidence; isn't that correct?

4 A That's correct.

5 Q But if you don't find anything there's nothing to
6 write down, right?

7 A No. We searched that area, did not locate anything
8 on Patrick Street in reference to this case.

9 Q And in that crime scene investigative summary that Mr.
10 Frick gave you, did you notice that any of the crime scene
11 people documented, "Well, I look over here and didn't find
12 anything?"

13 A The scene was fairly large, it was a large area over
14 there. They didn't document they went by this particular
15 tree and didn't see something, that kind of stuff doesn't
16 get documented. If they would have found evidence by that
17 tree it would have definitely been documented and marked.

18 Q And that's my point, they document what they find,
19 correct?

20 A And very often if anything would have been found on
21 Patrick Street -- and they don't always like for us to do
22 this but it is an important case -- if any evidence would
23 have been located I know exactly what I would have done, I
24 would have marked that and I would have probably stood by
25 that road until we had one of our crime scene agents

LEE BLACKMON - REDIRECT

1 arrived at that scene up there and collected it the way
2 they had collected other evidence in this case.

3 Q And it would have been documented because something
4 would have been found.

5 A Absolutely.

6 MS. HALL: Thank you.

7 MR. FRICK: Nothing further, Your Honor..

8 THE COURT: You can step down, thank you, sir.

9 MS. HALL: I just need one second to look at
10 something. I just want to make sure all of the maps and
11 diagrams have been entered into evidence so I just want to
12 go through real quick and move them in that way if they're
13 not in. Or we could take a break.

14 THE COURT: Ladies and gentlemen, you want to step
15 back and take your morning break?

16 (The jury left the courtroom and a break was taken.)

17 THE COURT: Regards to the evidence up to this point
18 is everything checked off?

19 MS. HALL: Yes, sir.

20 THE COURT: Let the record reflect that should I have
21 failed to say in without objection on any of the exhibits
22 clear the record by saying that they are in by the fact no
23 objections more or unless, I guess you could say consented
24 to. All right. What else?

25 MS. HALL: At this time the State rests.

1 MR. FRICK: If you want to go ahead and deal with my
2 motion, Your Honor, and I can renew them on the record or
3 whatever I need to do.

4 THE COURT: If y'all will agree to waive the jury
5 coming back in and playing musical chairs, it's fine with
6 me.

7 MR. FRICK: It's okay with me, Judge.

8 MS. HALL: And I can rest on the record when they come
9 back in.

10 THE COURT: Okay, good.

11 MR. FRICK: Judge at this time, first motion I would
12 like to make, and I think there's still developing case law
13 in this area so I would ask to renew my motion for immunity
14 pursuant to 16-11-450. I think you've heard all of the
15 evidence, you've heard more than you would have heard at
16 the hearing itself and at this time I would renew that
17 motion. I would also move on to my directed verdict motion
18 at this time, Your Honor. At this time the defendant would
19 move for a directed verdict given -- taking the evidence in
20 the light most favorable to the State I do not believe that
21 there was enough evidence for this to be sent to the jury,
22 it can be decided as a matter of law by Your Honor on the
23 first grounds of self-defense. I do believe that the
24 evidence would suggest that my client would satisfy the
25 prongs of self-defense; not at fault in bringing the

1 action, not involved in illegal activity at the time of
2 event. I understand the unlawful possession of the
3 firearm, however under Burris that does not in and of
4 itself defeat the unlawful activity part and no other way
5 to avoid the danger. Secondly, if that is not granted,
6 Your Honor, I believe that the testimony elicited by the
7 State showed that the firearm was fired in two different
8 ways; one, upon my client falling on the ground it fires,
9 in the statement of Mr. Breland who said my client told him
10 that he held the gun back this way. Either one of those I
11 believe would be the reckless use of a firearm and I
12 believe it would be appropriate if you send the case
13 forward to the reduced charge to involuntary manslaughter
14 and send it to the jury to that. Failing all of that I
15 would ask you to consider that there is no other direct
16 evidence showing my client guilty of the -- for forming
17 intent to unlawfully kill Mr. Williams and all of the
18 evidence that the State has is circumstantial on that
19 regard, and merely circumstantial and not substantial
20 circumstantial and the case itself should be dismissed.
21 That would conclude my motions on that.

22 THE COURT: Solicitor?

23 MS. HALL: With regard to Mr. Breland's testimony, I
24 guess Mr. Frick, he just didn't mention the part where Mr.
25 Breland said, "Mr. Moore told me that he was shooting over

1 his back and I didn't believe him," at which point Mr.
2 Moore says, "Actually I did turn around and shoot him." So
3 that I think negates his -- or at least responds to his
4 request that this case be reduced to an involuntary
5 manslaughter case. The State has presented evidence there
6 was an unlawful killing, there was malice and that's
7 indicated if nothing else by the number of times he fired
8 in that he was told to get out of the car, which he did.
9 The intent to kill, which he -- that can be implied because
10 he obviously shot a firearm in the direction of the victim
11 after he had said "Let me out of the car." And then the
12 doctor came and testified that the defendant -- the victim
13 died as a proximate result of the injuries inflicted by Mr.
14 Moore. I believe all of that is enough to send it to the
15 jury for -- on the murder charge. The additional charge,
16 possession of a weapon during the commission of a
17 advisement crime, the State presented evidence that murder
18 itself is a violent crime, and that Mr. Moore possessed
19 that rifle during the commission of a violent crime, which
20 would be enough evidence to send that to the jury as well.
21 With regard to self-defense, the State's position is that
22 there's not been any evidence as to self-defense at this
23 time. There's never been any evidence that anybody was
24 scared. There's never been any evidence that they thought
25 they were going to be shot and killed. There was no

1 evidence that Mr. Moore ever attempted to retreat or to
2 avoid the difficulty in any way. And so the State would
3 just ask the Court to rule for the State on those and deny
4 Mr. Frick's motion.

5 THE COURT: Okay. On the Castle Doctrine, Duncan, we
6 call it a Duncan hearing, based on the previous testimony
7 and evidence presented a couple of months ago, I believe on
8 the Monday on the first day of that week, which we can
9 separate from the actual trial, based on that hearing and
10 the decision rendered there, based on what we heard in this
11 trial I will deny any motions on the Castle Doctrine as I
12 did before. On the directed verdict, as far as a part of
13 that motion about the jury charges or any determination
14 about the self-defense, I'm going to have to wait until
15 we've completed the trial, but up until this point I have
16 to deny the directed verdict motion. Based on the evidence
17 before the Court it still appears that the evidence
18 developed at this point is going to have to be a jury
19 decision. What else?

20 MR. FRICK: Your Honor, two other quick issues. It
21 may be appropriate at this time to address my client as to
22 if he is testifying because that would address what my next
23 two issues are.

24 THE COURT: Mr. Moore, if I could have your undivided
25 attention. I need to get on the record and speak with you

1 about your 5th Amendment Rights which involve self
2 incrimination. It's your constitutional protections not
3 only under the United States Constitution, specifically the
4 5th Amendment, but also State constitutional provisions.
5 And the way it works, you certainly have a right to testify
6 at your own defense, but you have constitutional rights to
7 elect not to testify. Any decisions that you make in
8 regard to this has to be your decision and yours alone, it
9 needs to be intelligently entered into and freely and
10 voluntarily entered into. If you elect to testify you need
11 to fully understand that you could be treated just like any
12 other witness, directly examined, indirectly, cross
13 examined, impeached, just as any other witness of course,
14 which would all be within the limitations of our
15 evidentiary procedural rules. And so in regard to that I
16 need to ask you, have you thoroughly discussed that with
17 your attorneys?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand their advice?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you fully understand that under your
22 constitutional rights you have a right to remain silent?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you made a decision about that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And you understand what they have gone
2 over with you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you understand what I have gone over
5 with you?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Have you reached a decision in that
8 regard?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And what is your desire?

11 THE DEFENDANT: I will take the stand.

12 MR. FRICK: Thank you, Your Honor.

13 MS. HALL: And, Your Honor, just to be clear, we've
14 covered this before but Mr. Moore does have a prior
15 conviction for a failure to stop for a blue light which has
16 occurred within the past ten years, and the State would
17 offer that during cross examination to impeach him in the
18 event he does testify.

19 MR. FRICK: And, Your Honor, the defense is concerned
20 about the prejudicial nature versus the probative value of
21 that. I certainly understand the State can introduce it
22 and I know the State intends to argue that defeats
23 self-defense presuming that I get the Judge to charge that
24 after my client testifies. Your Honor, we would concede
25 that my client does have a prior conviction, and I hand you

1 up Old Chief in regard to that. We would stipulate that my
2 client has a conviction which prevented him from legally
3 possession a firearm without going into detail what the
4 conviction was.

5 MS. HALL: And, Your Honor, we did that -- and the
6 State concedes and we can just go ahead -- the way the
7 State would address that was that Mr. Moore had been
8 convicted of a misdemeanor offense for which he was on
9 probation at the time that this offense occurred.

10 MR. FRICK: That would be fine, Your Honor.

11 THE COURT: That's the cleanest way to do it.

12 MS. HALL: That's fine.

13 MR. FRICK: Your Honor, I would ask the Court to
14 reconsider my -- since there's a motion in limine, I guess
15 we're in the middle of the trial, consider it in the realm
16 of the trial my motion to allow testimony in the defense of
17 my client regarding the pending charge for threatening a
18 public official against Mr. Odell Williams.

19 THE COURT: No, I'll deny that.

20 MR. FRICK: I understand. Judge, I do want to just so
21 we can -- I would rather it be cleaner on the record once
22 we get in front of the jury. I believe if you review the
23 transcript there was one point where my client stated
24 during the last trial that he knew of the situation through
25 reading in the newspaper. At that time there was no

1 objection, we didn't go any further into it, but I do want
2 to inquire unto the Court if my client can speak to that as
3 it refers to his state of mind under self-defense. As
4 we're all aware it's a reasonable person and you get to
5 take all of the factors that you've got into consideration,
6 and if that came into his mind that he was aware, not
7 specifics, we can't get into the specifics of the event
8 under that, but he was aware that Mr. Williams had had some
9 difficulties, I think he can testify to that and I would
10 ask the Court's ruling on that.

11 MS. HALL: And the State would -- the State would
12 object to that. We would not -- we've already ruled, or
13 you've already ruled and we would just ask the ruling to
14 stand that there would be no reference whatsoever to any
15 prior instances involving the victim and anyone else with
16 the exception of Mr. Moore. And my understanding is there
17 are no prior instances where Mr. Moore and Mr. Williams had
18 ever had any contact with one another.

19 MR. FRICK: And just so I'm clear for the record, my
20 argument to talk about the specific incidents itself is
21 under Day and 405, and that argument is to the mindset of
22 the victim at the time of the incident. What I'm talking
23 about now is to establish self-defense and show that he
24 complied with the reasonable person standard, all of the
25 factors that are in his head, my client's head at the time,

1 just to clarify.

2 THE COURT: You're trying to get something in through
3 the back door that you can't get in through the front door.
4 I read these cases. Clearly if the prior difficulty had
5 been directed toward the victim, and you might could even
6 stretch toward if he was in the presence of something like
7 that happening toward a family member or somebody that was
8 directly in his presence. But no, I would have to deny
9 that.

10 MR. FRICK: I understand. I'm just trying to make
11 sure we cover everything before we start back up. I think
12 we did.

13 THE COURT: All right. Bring the jury in.

14 (The jury returned to the courtroom.)

15 THE COURT: Solicitor?

16 MS. HALL: Your Honor, at this time the State rests
17 its case.

18 THE COURT: All right.

19 MR. FRICK: At this time the defense would put its
20 motion on the record that it handled in-camera.

21 THE COURT: So noted.

22 MR. FRICK: Thank you, Your Honor. At this time
23 defense calls Christopher Moore.

24 The witness, CHRISTOPHER MOORE, was first duly sworn
25 and testified as follows:

1 DIRECT EXAMINATION

2 BY MR. FRICK:

3 Q Give us your name for the record.

4 A Christopher Moore.

5 Q And if you need to pull that towards you so we can all
6 hear you. Where are you from, Mr. Moore?

7 A From Chester.

8 Q How long have you been in Chester?

9 A All my life.

10 Q How old are you now?

11 A 20.

12 Q How old were you in November of 2014?

13 A 18.

14 Q Where did you go to school?

15 A Chester High.

16 Q Did you complete it?

17 A No, sir, not really.

18 Q How far did you go?

19 A I dropped out in the 12th grade.

20 Q You got to the 12th grade?

21 A Yes, sir.

22 Q All right. All right, Mr. Moore. On the night of
23 November 14 (sic), 2014, where did it begin?

24 A It started on Chester Homes. We was all in Chester
25 Homes; me, McClinton, Roseboro, Dixon and Buchanan.

CHRISTOPHER MOORE - DIRECT

- 1 Q What was going on there?
- 2 A Nothing, we were all chilling at a like kickback.
- 3 Q Okay. Did something else happen?
- 4 A No, sir, we was all chilling.
- 5 Q Did y'all stay there?
- 6 A No, sir.
- 7 Q Where did y'all go?
- 8 A Holmes Road.
- 9 Q How did y'all decide to go there?
- 10 A In a truck. The guys owed us money so we got in the
- 11 truck and we all went up there.
- 12 Q Okay. Did you have guns?
- 13 A Yes, sir.
- 14 Q Do you remember who had what?
- 15 A Yes, sir. I had the gun that's sitting right there,
- 16 then Buchanan had a nine and .38, and Roseboro had a .45
- 17 with a 30 round magazine. Dixon had a .40 with a 30 round
- 18 and McClinton had a .40 with a 30 round.
- 19 Q The truck, do you know where this truck came from?
- 20 A I didn't know where it come from but I know whose
- 21 truck it was.
- 22 Q You're familiar with this truck?
- 23 A Yes, sir.
- 24 Q Had you been in this truck before?
- 25 A Yes, sir.

CHRISTOPHER MOORE - DIRECT

1 Q About what time of night was it when y'all got in the
2 truck and went over to Holmes Road?

3 A I can't remember exactly what time, probably around
4 about seven or eight, it was getting dark.

5 Q Do you remember who was sitting where in the truck?

6 A Yes, sir.

7 Q Tell us.

8 A I was behind the passenger, Buchanan was in the front
9 seat and McClinton was driving, Dixon was at the window
10 and Roseboro was in the middle.

11 Q Y'all were going over to Holmes Road, but did y'all go
12 to Holmes Road?

13 A No, sir, we stopped on Featherstone.

14 Q Why did we go to Featherstone?

15 A Because we could see the house from where we were.

16 Q Okay. Did y'all know anybody else on Featherstone?

17 A No, sir, I didn't.

18 Q You didn't. Did anybody else seem to?

19 A No, sir, not at that time.

20 Q Did y'all have any conversations with anybody on
21 Featherstone?

22 A No, sir.

23 Q Did y'all go on any property on Featherstone?

24 A We was parked in the parking lot but I didn't know it
25 was someone's property.

CHRISTOPHER MOORE - DIRECT

- 1 Q You didn't know where you was parked?
- 2 A No. I didn't know whose property it was.
- 3 Q Okay. Did you know the Williams at the time?
- 4 A No, sir.
- 5 Q All right. Y'all parked on Featherstone, you get out
6 of the car. Where do y'all go?
- 7 A We went through the field, it's like a field area and
8 then we stopped in the middle like on our way to Holmes
9 Road.
- 10 Q Okay. Still got the guns?
- 11 A Yes, sir.
- 12 Q Have you still got that gun?
- 13 A Yes, sir.
- 14 Q What did y'all do?
- 15 A We stopped in the middle of the field because we know
16 there wasn't no lights on in the house and wasn't no cars
17 there, so we all just basically stopped in the middle of
18 the field.
- 19 Q Is this a wide open field? Tell me about this field.
- 20 A It's not really wide open. It's got some trees in
21 the area but -- it's basically wide open, but you've got
22 some trees there.
- 23 Q You could see the house that y'all were looking for.
- 24 A Yes, sir, you could see the house clearly.
- 25 Q Could you see back to Featherstone?

CHRISTOPHER MOORE - DIRECT

1 A Yes, sir.

2 Q Could you see your truck?

3 A Yes, sir.

4 Q Did you notice anything on Featherstone?

5 A No, sir.

6 Q And nothing is going on on Holmes Road. How long were
7 y'all in the field?

8 A About ten or 15 minutes.

9 Q Then y'all decided to do what?

10 A We all just decided to leave. No one had ever stated
11 that it was time to go, it was car and might have got
12 spooked, we just left because weren't nobody there.

13 Q When were y'all going then?

14 A Back to Chester Homes.

15 Q Y'all go back to the truck.

16 A Yes, sir.

17 Q Everybody get back in the same spot or in different
18 spots?

19 A Everybody got back in the same exact spot.

20 Q Okay. Still hadn't run into anybody?

21 A No, sir.

22 Q Did you notice any other vehicle on Featherstone?

23 A No, sir, not at that time. Once we made it to the
24 stop sign we noticed there was a car parked with their
25 hazard lights on.

CHRISTOPHER MOORE - DIRECT

- 1 Q Do you have any idea how long Featherstone is?
- 2 A It's a nice long road.
- 3 Q And where were y'all parked?
- 4 A Almost at the deadened.
- 5 Q You don't see a car pass you or any other vehicle?
- 6 A No, sir, because our main focus was the house.
- 7 Q Okay. Y'all didn't have any interaction with anybody
- 8 else.
- 9 A No, sir.
- 10 Q Didn't stop on this property and pick something up.
- 11 A No, sir.
- 12 Q No one walked across the street over to Ms. Williams
- 13 house.
- 14 A No, sir.
- 15 Q Okay. You get up to the stop sign. What's going on
- 16 at the stop sign?
- 17 A Once we got back in the truck we started pulling up
- 18 and we saw the car at the stop sign and had the hazard
- 19 lights on, so by that time --
- 20 Q What car do you see at the stop sign?
- 21 A Not the Cadillac, it was another car and I can't
- 22 remember exactly what car it was.
- 23 Q You don't whose it is?
- 24 A I don't know whose it is.
- 25 Q Did you see people in it?

CHRISTOPHER MOORE - DIRECT

1 A No, sir, I was in the back seat.

2 Q You said it had lights on?

3 A Yeah, the hazard lights.

4 Q Okay. All right, go ahead.

5 A And so by that time as we decided to go around the
6 truck the Cadillac was coming in, and as it was coming in
7 we was going off the road, I never saw nobody pointing or
8 nothing like that.

9 Q Okay. Did you recognize that Cadillac?

10 A No, sir, not at that time.

11 Q Not at that time?

12 A No, sir.

13 Q Did you know that Cadillac?

14 A No, I never knew the Cadillac.

15 Q Okay. You know it now because of this case?

16 A That's exactly where I know it.

17 Q Okay. Did you see anybody in the Cadillac?

18 A No, sir.

19 Q Did you or anybody in your car roll down a window,
20 talk to either this other car that's got the light flashing
21 or this Cadillac?

22 A No, sir.

23 Q Did they point a gun out the window?

24 A No, sir.

25 Q Did y'all have any intent to do anything whatsoever on

CHRISTOPHER MOORE - DIRECT

- 1 Featherstone Road?
- 2 A No, sir.
- 3 Q Okay. After you see the Cadillac what happens?
- 4 A We get on -- go around it and we start heading back
5 down York Road like going back to Chester Homes.
- 6 Q That's where you're going.
- 7 A Yes, sir.
- 8 Q Chester Homes.
- 9 A Yes, sir.
- 10 Q Where is Chester homes?
- 11 A You've got to pass Rountree Circle, and once you pass
12 Roundtree Circle you've got to come through the bypass
13 like and then you pass Roundtree Circle and Chester Homes
14 down a little bit, it will be on your right-hand side.
- 15 Q Okay. I'll show you State's 4. All right. Mr.
16 Moore, do you recognize this map?
- 17 A Yes, sir.
- 18 Q Take the stick, try not to stick me with it. Show me
19 where y'all started out.
- 20 A Chester Homes is like -- this is Roundtree Circle and
21 we have got it covered, they've got Chester Homes covered.
22 Chester Homes would be right behind this, and then we went
23 up there to here and as we left we came off this road
24 right here.
- 25 Q Okay. Now, this red line you see all around here..

CHRISTOPHER MOORE - DIRECT

1 A Yes, sir.

2 Q Is that the route y'all took that night?

3 A Yes, sir.

4 Q Did you ever notice the Cadillac was following you?

5 A By the time we got right here at the intersection.

6 Q Before the bypass there?

7 A Yes, sir, like right by the bypass.

8 Q Okay. Anybody say anything?

9 A No, sir.

10 Q Anybody do anything?

11 A No, sir.

12 Q Then what did y'all do?

13 A We kept going. Like once we passed here and we went
14 through the light, and by that time I think McClinton
15 stated that he thought the car was following him, and then
16 I didn't never look back, I don't know about nobody else
17 but I never looked back. And so by that time we came on
18 down and we passed Chester Homes, and so by that time we
19 came to Brawley Street. When we came to Brawley Street
20 the car -- like you could see the lights on them, now you
21 could see the lights coming through the car, and so then
22 we're picking up speed a little bit and we come on down to
23 Saluda, and then we make a left right there, then we turn
24 right here onto McClure Street, and by the time we got to
25 McClure Street we stop, and it's like a barbershop right

CHRISTOPHER MOORE - DIRECT

1 there so we all just stop. And the only reason we stopped
2 is because Buchanan stated, "Let's see what he want," so
3 then we stopped in the middle of the road right here. And
4 so by that time McClinton just stopped, and then the car
5 pulled into the barbershop. And once he pulled into the
6 barbershop I think Dixon rolled down the window to see
7 what the man wanted, nobody never said nothing. But that
8 time Buchanan stated, "Man, that's the policeman mother
9 F'er Odell." And so by that time that's what McClinton
10 say --

11 Q Did you know who he was talking about?

12 A No, sir.

13 Q Okay. Go ahead.

14 A So by that time that's when we took off, and then we
15 took off and McClinton said, "I don't want no F'g police."
16 And so by that time we took off and we're going real fast
17 now, so by that time we slowed up to turn on Patrick
18 Street, and as soon we turned on Patrick Street it's like
19 a little curve right in here, we hear three gunshots.

20 Q Where did the shots come from?

21 A They come from behind us.

22 Q How do you know that, Chris?

23 A Because I've been in plenty of incidents where I done
24 been shot at.

25 Q Go on.

CHRISTOPHER MOORE - DIRECT

1 A And so by that time we make -- come down and we make
2 it to First Street. When we make it to First Street we
3 yield at the stop sign, we didn't come to a complete stop
4 at the stop sign, we basically yielded. So when we
5 yielded McClinton hit the gas real hard by that time, he
6 floored it. So by that time when we are getting ready to
7 come off this street right here he had to maneuver into
8 this little apartment right here, because if he didn't
9 maneuver we would have run right -- there is a pole that
10 sits right here and so if he didn't maneuver we would have
11 run right into the pole. So by the time we made the right
12 and we made it back to Saluda Street, then I looked back
13 and I noticed Odell almost hit a car as he was coming down
14 the road. So by the time we made a left onto Parkway I
15 kind of basically kind of know where we're going, we're
16 going back to Roundtree Circle.

17 Q Anybody say that's where y'all going?

18 A Nobody, never. I just knew that's where we was
19 going. So by that time once we got about in here I heard
20 three more shots coming from behind me, and so then by
21 that time that's when Roseboro leaned out the window and
22 fired a shot back. And so then McClinton stated to him,
23 "H no, that's the police bro." So that's when Roseboro
24 got back in the car, he never did it on his own because
25 McClinton told him, "Don't fire a gun." And so by that

CHRISTOPHER MOORE - DIRECT

1 time we jumped the tracks, there's some train tracks right
2 here and so then we jumped them tracks and we came up. I
3 never really saw the car on us no more now, but he's still
4 coming because you can see his lights on us like he was on
5 us on Brawley Street, so by that time we make it to
6 Roundtree, I stated to McClinton, "Let me throw the gun
7 out." I never just said, "Let me out."

8 Q Stop and let me get another picture. While I'm doing
9 that, tell us what happened right there at Roundtree.

10 A At Roundtree as I started to throw the gun out
11 McClinton told me "There he go," and so by that time I had
12 my one foot out the car getting ready to throw the gun and
13 he hit the gas and that caused me to fall, I busted up my
14 hand and my elbow.

15 Q Is your elbow still messed up?

16 A Yes, sir. You could see the scar still on my elbow.

17 MR. FRICK: Your Honor, can he roll up his sleeve to
18 show the scar?

19 THE COURT: Sure.

20 A (Witness complies.)

21 Q How is your finger?

22 A I don't have a fingernail no more.

23 MR. FRICK: Your Honor, may he step down and show his
24 finger to the jury?

25 A (Witness steps down.)

CHRISTOPHER MOORE - DIRECT

1 Q But no one told you to get out.

2 A No, sir.

3 Q Why did you get out?

4 A So I could throw the gun. I wasn't going to really
5 get all of the way out of the truck, I was just going to
6 throw the gun.

7 Q Where were you going to throw it?

8 A Into the ditch. It's a ditch that sits right off at
9 Roundtree Circle and I was going to throw it into the
10 ditch.

11 Q Why did you want to throw it into the ditch?

12 A Because I knew we could come back and get it.

13 Q Now, you are familiar with Roundtree Circle.

14 A Yes, sir.

15 Q You've grown up in Chester.

16 A Yes, sir.

17 Q You've been around that neighborhood?

18 A Been around that neighborhood for a long time.

19 Q This is State's Number 7. What is this, Chris?

20 A Roundtree Circle.

21 Q Okay. Where were you when you got out of the truck?

22 A Right here.

23 Q Right at the intersection?

24 A Yes, sir.

25 Q Okay. At the stop sign or past it?

CHRISTOPHER MOORE - DIRECT

- 1 A Like right in here a little bit. The stop sign sits
2 right here, the stop sign sits on the road and we was
3 right there.
- 4 Q Okay. Do you -- when you fell out of the truck where
5 did you fall?
- 6 A Right here.
- 7 Q How did you fall?
- 8 A When McClinton hit the gas.
- 9 Q Were you stepping out of the truck?
- 10 A No, sir.
- 11 Q Explain to me this situation, Chris, I'm trying to get
12 my brain wrapped around it.
- 13 A How it really happened, when I told him to let me
14 throw the gun out the car never came to a complete stop,
15 that's how I basically fell-fell, because once he hit the
16 gas then my whole body fell with the gun in my hand.
- 17 Q How much did he slow down?
- 18 A Like not much. You couldn't just get out of the car,
19 you just couldn't get out of the car while he was still
20 going.
- 21 Q Okay. Did you fall face first on the ground on your
22 butt? What happened?
- 23 A No. I fell back on my back like that trying to catch
24 myself.
- 25 Q Okay. Had this in your hand?

CHRISTOPHER MOORE - DIRECT

1 A Yes, sir.

2 Q Did that go off?

3 A Yes, sir.

4 Q All right. What happens as you're getting up off the
5 ground?

6 A As I start getting up off the ground you can hear Mr.
7 Williams' car coming.

8 Q How do you know it was Odell Williams' car?

9 A Because that's the exact same car that was coming,
10 like that's the same car that was behind us.

11 Q Okay. You see it coming at you?

12 A Yes, sir.

13 Q Can you see the lights?

14 A Yes, sir.

15 Q Can you tell about how far away it is?

16 A Probably about at Vance Drive.

17 Q Vance?

18 A Yes, sir.

19 Q This is State's Number 15. You're falling out of the
20 car. Tell us where you were with what you just told us.

21 A Right here (indicating.)

22 Q That's where you are.

23 A Yes, sir.

24 Q Where do you believe the Cadillac is?

25 A Right here.

CHRISTOPHER MOORE - DIRECT

- 1 Q All right. Then what happened?
- 2 A That's when I turned around, hopped up, I started
3 taking off to run this way, and you can see there's no
4 trees here and there's a yard right here, it was like a
5 car right here in this yard, so by that time my plan was
6 to get behind this car. By that time Mr. Williams is
7 driving so fast he's coming around this way right here and
8 by the time I hear the -- by the trying I'm to run I hear
9 two gunshots and I started shooting back. I heard two
10 gunshots so I just started shooting back.
- 11 Q How many gunshots did you hear at that point?
- 12 A I heard two gunshots then.
- 13 Q And you shot that gun?
- 14 A Yes, sir.
- 15 Q How many shots?
- 16 A It was a bunch of them. I know I still had bullets
17 in the gun, I didn't empty the clip, I still had bullets
18 in the gun.
- 19 Q Did you have another clip?
- 20 A Yes, sir.
- 21 Q Was it loaded?
- 22 A Yes, sir. It was fully loaded with 30 bullets in it.
- 23 Q Nobody got out of the truck with you?
- 24 A No, sir.
- 25 Q Did you ever walk up to the Cadillac?

CHRISTOPHER MOORE - DIRECT

1 A No, sir.

2 Q Why did you shoot?

3 A Because I felt like my life was in danger.

4 Q Why did you feel that way, Chris?

5 A When you've got someone chasing you all through town,
6 you turn down all these different roads and you're driving
7 at a high rate of speed through town and you hear gunshots
8 coming at you, I'm trying to run, I'm trying to get away
9 and then you feel like you're trapped in a corner, what is
10 you supposed to do?

11 Q Now, in fairness you weren't supposed to have that gun
12 at that time, were you?

13 A No, sir, I wasn't supposed to have it.

14 Q You've been convicted of a misdemeanor and were on
15 probation at that time?

16 A Yes, sir.

17 Q And that prohibited you from having that gun?

18 A Yes, sir.

19 Q You don't recall how many times you pulled the
20 trigger?

21 A I know I was pulling fast, I wasn't just -- I was
22 running and pulling fast.

23 Q How were you pulling it, Chris?

24 A Just real fast (indicating.)

25 Q Until it quit?

CHRISTOPHER MOORE - DIRECT

- 1 A Yes, sir.
- 2 Q Were you scared?
- 3 A Yes, sir.
- 4 Q Where did you go after that?
- 5 A I got behind the car. When I got behind the car, Mr.
- 6 Williams' car was just stopped in the road and so I'm just
- 7 looking to see if he's going to keep going, what's going
- 8 to happen. That's when the car took off at a high rate of
- 9 speed, and then by that time I took off running down Vance
- 10 Drive. And then I heard a big old boom, I hear it all of
- 11 the time in my sleep, I hear it all the time, and so by
- 12 the time I heard that I started packing my pocket to call
- 13 McClinton to see where they at and so then I noticed I
- 14 didn't have my phone. And so I ran back to the top of
- 15 Roundtree Circle and looked for my phone where I fell at,
- 16 that's when I found my phone. I took off running through
- 17 the grass like -- I could show you on the map exactly
- 18 where I took off running at.
- 19 Q Now, let me ask you this while I'm doing that. Have
- 20 you still got this gun in your hand?
- 21 A Yes, sir.
- 22 Q Now, you said your original intent was to get rid of
- 23 that gun.
- 24 A Yes, sir.
- 25 Q Why have you still got the gun?

CHRISTOPHER MOORE - DIRECT

1 A I just didn't want to throw it at that time. I'm
2 scared, I'm getting shot at once again, I don't know where
3 he is at, don't know whether he's going to be coming back
4 this way or not and I'm trying to get away.

5 Q Okay. All right. Tell me where your phone was.

6 A My phone was right here in the middle of the road
7 where I had fell at.

8 Q Did you stay on Roundtree?

9 A No, sir. I ran here, got behind the car. Once I got
10 behind the car that's when I looked and Mr. Williams was
11 just sitting in the middle of the road.

12 Q Where was he sitting?

13 A Right in the middle of the road, right here
14 (indicating.)

15 Q Did he do anything else?

16 A No, he just stopped. By that time he just took off
17 at a high rate of speed.

18 Q Which direction?

19 A Coming back down this way (indicating.)

20 Q Did you hang around to see what happened?

21 A No, sir. I took off running that way up Vance Drive.

22 Q And then you came back?

23 A Yes, sir.

24 Q Then what, what did you do?

25 A When I came back to get my phone I patted on the

CHRISTOPHER MOORE - DIRECT

1 ground and looked for it, and by the time I patted on the
2 ground I took off running this way, nobody was in the
3 house. That's when I seen Ray Ray, Mr. Rafaell Jackson,
4 and I started yelling and screaming for a ride trying to
5 get away. So when I ran up to his truck because he
6 stopped, I asked him for a ride with the gun on the side
7 of, me so basically he couldn't see, and I was like, "Man,
8 let me get a ride." He told me, no, that I looked hot,
9 and he took off.

10 Q He said you look what?

11 A He told me I looked hot.

12 Q What did that mean?

13 A I guess like I had did something, I was scared or
14 something.

15 Q Okay. Go ahead.

16 A So by that time I took back off running around here
17 and came back here, and by that time I met up with
18 Buchanan, and when I met up with him we started stashing
19 our guns. I ran over there and stashed my gun at the shed
20 and then he stashed his guns behind this fence right
21 there, I noticed that I still had the clip in my pocket
22 and so I went and threw the clip right there. By that
23 time you could hear the police, you could hear everybody
24 coming, so we tried to make it across this field right
25 here but because there was so many police in the area,

CHRISTOPHER MOORE - DIRECT

1 that's when we started hopping the fence right here. We
2 came out this way and that's when we split up, he went
3 that way, I ran straight across the street and came over
4 the tracks and went to my friend Rosae's house.

5 Q You stashed the gun, you're trying to run from the
6 police, but you're telling us that you were there shooting
7 at Odell because you were defending yourself. Why didn't
8 you stay and tell them the story?

9 A Because I know I ain't supposed to have the gun, I
10 know my background and I just didn't want to talk to the
11 police.

12 Q All right. Did you and the other guys talk about what
13 happened?

14 A No, sir.

15 Q Where did y'all go?

16 A We went back to Dixon's house.

17 Q Is that where you spent the rest of the night?

18 A Yes, sir.

19 Q And you got picked up some time later?

20 A Yes, sir.

21 Q You saw the statement that you gave to Investigator
22 Reynolds.

23 A Yes, sir.

24 Q Was that the truth?

25 A No, sir, it was all a lie.

CHRISTOPHER MOORE - DIRECT

1 Q Why?

2 A Because I was just locked up, I was in a holding cell
3 for nine days, I was basically just trying to throw it off
4 on someone else because I had just got charged with
5 murder. You would just have to be in my shoes to feel
6 what it feels like to be charged with murder and knowing
7 that you could be spending the rest of your life in
8 prison, it just was a bad feeling. I just tried to fight
9 my way out of there and try to lie my way out of it.

10 Q You're aware that if you're defending yourself it's
11 perfectly legal to do something.

12 A Yes, sir. But I wasn't looking at it at that time.
13 I was just looking at I had just got charged with murder
14 and my background, I just wasn't looking at it at that
15 time like that.

16 Q All right. You know what you told Chris Reynolds that
17 day, you're telling us a different story today.

18 A Yes, sir.

19 Q Why are you telling us that different story now?

20 A Just to tell the truth. Because I've been sitting in
21 jail for 21 months and that's a lot of thinking, it's a
22 lot of maturing and it's a lot of becoming a man. At the
23 time I was a young kid and I did a lot of dumb things and
24 at the time you want to find a way out of it. You sit in
25 jail for 21 months you've got a lot of time to yourself to

CHRISTOPHER MOORE - DIRECT

1 think and really realize that really it's just the time to
2 tell the truth.

3 Q All right. Let's see if we can go back in and fill in
4 a couple of details. At no time anybody says we're going
5 to go back to Roundtree?

6 A No, sir.

7 Q At what point in time is it pretty clear y'all are
8 being followed?

9 A Coming back the bypass right by the light.

10 Q Okay. All right. State's Number 4, if you were
11 driving that car, Christopher Moore, and you are on
12 Featherstone and you want to get to Roundtree Circle, how
13 would you do it?

14 A Come straight off here, come right off here and turn
15 right over the tracks on the road.

16 Q What road is that?

17 A That's coming off York Road and that's Parkway,
18 Roundtree Circle would be right here.

19 Q It runs right into it.

20 A Yes, sir.

21 Q Now, you said earlier that y'all were going to go back
22 to Chester Homes?

23 A Yes, sir.

24 Q You didn't go by there.

25 A No, sir.

CHRISTOPHER MOORE - DIRECT

- 1 Q Why?
- 2 A Because we were getting followed.
- 3 Q When we get down here to the barbershop you said there
4 was, I guess, somewhat of an interaction, is that fair to
5 say?
- 6 A Yes, sir.
- 7 Q Tell me what happened.
- 8 A Once we got to the barbershop we pulled in, and then
9 when we pulled in Mr. Williams pulled into the barbershop,
10 and then the only reason we stopped was because Buchanan
11 wanted to see who it was, like, "Let's stop to see who it
12 is."
- 13 Q He said that?
- 14 A Yes, sir, he said that.
- 15 Q Did Odell Williams get out of his car?
- 16 A I didn't see Mr. Williams get out of the car.
- 17 Q But y'all didn't stay.
- 18 A No, sir.
- 19 Q Why didn't y'all stay?
- 20 A Because Buchanan stated that that's that police
21 mother F'er Odell Williams.
- 22 Q And Quinton took off.
- 23 A Yes, sir.
- 24 Q Do you know why Quinton took off?
- 25 A No, sir.

CHRISTOPHER MOORE - DIRECT

1 Q You're on Patrick Street.

2 A Yes, sir.

3 Q Where again are you sitting in the car? Are you in
4 the --

5 A I'm in the back passenger.

6 Q Is your window up or down?

7 A My window is up.

8 Q Did you ever roll your window down?

9 A No, sir.

10 Q Did you ever point that gun out the window?

11 A No, sir.

12 Q Did anybody else ever point their gun out the window?

13 A Not at that time.

14 Q But it happen later on?

15 A Yes, sir.

16 Q And how many times were shots fired from y'all's
17 truck?

18 A Once.

19 Q One.

20 A Yes, sir.

21 Q Do you know what kind of gun that was?

22 A A .45 that Roseboro had.

23 Q You're certain of that.

24 A I'm positive.

25 Q Only shots that were fired from your truck.

CHRISTOPHER MOORE - DIRECT

- 1 A Yes, sir.
- 2 Q All right. Back on Patrick Street. How close is the
3 Cadillac to y'all when you hear the shots?
- 4 A About two cars away.
- 5 Q Are you looking back behind you?
- 6 A Not really, but you could see the lights coming from
7 the car.
- 8 Q Do you see shots fired?
- 9 A No, sir. I never saw shots coming from Mr. Williams'
10 car.
- 11 Q But you heard them.
- 12 A Yes, sir.
- 13 Q Sound like a big gun, small gun?
- 14 A Smaller gun. It didn't sound like that gun but it
15 was smaller.
- 16 Q Did it hit the truck, do you know?
- 17 A I wouldn't know.
- 18 Q All right. Throughout this trip how fast were y'all
19 going?
- 20 A We were going fast.
- 21 Q Tell us what that means, Chris.
- 22 A Like fast is fast, like you're going interstate
23 highway fast, something like that. We weren't driving the
24 speed limit. Once we was coming down York Road we were
25 doing a little bit over the speed limit and when we turned

CHRISTOPHER MOORE - DIRECT

1 on Brawley we were doing a little bit over. Once we took
2 off McClure Street, that's when we were going about 70.

3 Q Okay. How about when you hit the railroad tracks back
4 on Parkway?

5 A We were really going then, I can't tell you exactly
6 what speed but we was going. We jumped the track.

7 Q Okay. You had a cellphone on you?

8 A Yes, sir.

9 Q You didn't call anybody?

10 A No, sir.

11 Q Why not?

12 A I just didn't think to call anybody and I wouldn't
13 call the cops. We've got all of these guns, I knew that
14 wouldn't be the smartest thing to do.

15 Q You didn't jump out of the car and go hide in that
16 ditch and wait for Odell to show up?

17 A No, sir. I didn't want to kill Mr. Williams, I'm
18 very sorry that Mr. Williams is dead. I know there's a
19 lot of people that want to try to make me look like I
20 tried to kill Mr. Williams. I didn't intend to kill him,
21 I didn't try to kill him, I wanted to get away. You're
22 getting chased 3.3 miles around town, get shot at at a
23 high rate of speed, all of the turns we turned we were
24 trying to get away. I didn't want to kill Mr. Williams, I
25 did not, I didn't try to kill Mr. Williams, I just wanted

CHRISTOPHER MOORE - DIRECT

- 1 to get away. That was my whole intention was to get away.
- 2 Q Is that why you got out of the truck and ran?
- 3 A Yes, sir.
- 4 Q Did you fire anymore shots after you got behind that?
- 5 A What do you mean after I got behind it?
- 6 Q You said that there was a car that you were trying to
7 get behind it, right?
- 8 A Yes, sir.
- 9 Q Number 7. Where is the car?
- 10 A In this yard right here (indicating.)
- 11 Q Okay. And you did get behind it?
- 12 A Yes, sir.
- 13 Q Did you fire anymore?
- 14 A No, sir. I still had bullets in the gun but I never
15 fired any.
- 16 Q Could you see where the Cadillac was from where you
17 were?
- 18 A You can see it in the road.
- 19 Q Right then?
- 20 A Yes, sir.
- 21 Q But you didn't see it wreck?
- 22 A No, sir, I didn't see it wreck. I just heard a loud
23 boom.
- 24 Q And you didn't walk down there.
- 25 A No, sir.

CHRISTOPHER MOORE - DIRECT

1 Q Did anybody else walk down there?

2 A Not that I know of.

3 Q I show you what's been marked State's Number 98. Do
4 you recognize that?

5 A Yes, sir.

6 Q What is that?

7 A I wrote Mr. Reynolds and asked to speak to him, he
8 had gave me this request.

9 Q Why did you write him that?

10 A Because basically the same thing I said on the video,
11 trying to go in there and push something off on somebody.
12 else instead of being a man and taking the fall myself.

13 Q Did they take photographs of your injuries?

14 A Yes, sir. They took photographs of my arms, my elbow
15 and my finger.

16 Q In fact, you were still wearing a cast in that video,
17 weren't you?

18 A Yes, sir. And then another thing for the record,
19 I've been apologizing to the family and everybody, I don't
20 know if anyone will accept my apology but I'm honestly and
21 truly sorry that Mr. Williams' life had to be taken. I
22 did not try to kill him, I did not try to hurt him. I
23 just ask for forgiveness, one, but the main thing is I
24 want to be free of anything. But the main thing is I'm
25 honestly and truly sorry. Like I said in my bond hearing

CHRISTOPHER MOORE - CROSS

1 and I said numerous times, if I could give my life for his
2 life I would. When you're young you make mistakes and you
3 all do dumb things, but end of the day I am sorry for what
4 I did.

5 MR. FRICK: Thank you, Mr. Williams, that's all of the
6 questions I have. Answer anything that the solicitor may
7 have.

8 CROSS EXAMINATION

9 BY MR. MAXWELL:

10 Q Mr. Moore, how well do you remember the events of that
11 night by detail?

12 A I remember them very well.

13 Q Very well?

14 A Yes, sir.

15 Q What time did you go to Holmes Road -- excuse me,
16 Chester Homes that day?

17 A Probably about two or three in the evening.

18 Q Is that in the afternoon when you say two or three?

19 A Yes, sir, in the afternoon.

20 Q Who lives at Chester Homes?

21 A There's a lot of people that I know stay out there.
22 One of my friends name Quavo (phonetically) and Dee
23 Alexander to be exact.

24 Q And whose apartment were you at?

25 A We were at Quavo's at first and then we went to

CHRISTOPHER MOORE - CROSS

1 Gidget's.

2 Q What were y'all doing all day?

3 A Really just chilling, playing games, just a little
4 kick back.

5 Q What else?

6 A And we smoked.

7 Q Smoked what?

8 A Marijuana.

9 Q Starting at 2:00 or 3:00 when you got there?

10 A Yes, sir.

11 Q Did you smoke until you left to go to Holmes Road at
12 8:00?

13 A Yes, sir.

14 Q Did you get high?

15 A I smoked marijuana everyday on a daily basis.

16 Q Did the other guys that ended up going with you to
17 Holmes Road, did they smoke?

18 A Yeah, we all smoked.

19 Q Do you recall testifying under oath before that y'all
20 got really high before you decided to go over there?

21 A Yes, sir, I remember that.

22 Q And that's what you said, that y'all got really high
23 before you got over there.

24 A I'm not going to say really high but we was high.

25 Q Well, that's what you said, really high, correct?

CHRISTOPHER MOORE - CROSS

- 1 A Yeah, really high.
- 2 Q Whose idea was it to go over to Holmes Road?
- 3 A Wasn't no one's idea, we was just going to get money
4 that was owed to us.
- 5 Q With guns, correct?
- 6 A Yes, sir.
- 7 Q And again, to start that day off did you have a gun
8 with you?
- 9 A No, sir.
- 10 Q Where did you get this gun here from?
- 11 A It was in the truck.
- 12 Q Mr. Buchanan, how many guns did he have?
- 13 A He had two.
- 14 Q Where did he get those guns from?
- 15 A I guess they was his.
- 16 Q Did you give him a gun at some point?
- 17 A Not at that time. We was at Quavo's house and I
18 think we did give him a gun.
- 19 Q That same day?
- 20 A Yes, sir.
- 21 Q What kin of gun?
- 22 A I think .38.
- 23 Q Pistol, handgun?
- 24 A Yes, sir.
- 25 Q Derrick Dixon, did he have a gun?

CHRISTOPHER MOORE - CROSS

- 1 A Yes, sir.
- 2 Q D'Angelo Roseboro?
- 3 A Yes, sir.
- 4 Q Did you give D'Angelo Roseboro a gun?
- 5 A No, sir.
- 6 Q Not at any point in time did you give Mr. Roseboro a
7 gun?
- 8 A I don't think so, I don't remember I gave him no gun.
- 9 Q And Quinton McClinton, did he have a gun?
- 10 A Yes, sir, he had his own gun.
- 11 Q This gun here, had you ever seen it before that day?
- 12 A Yes, sir.
- 13 Q Where?
- 14 A In the country.
- 15 Q In the where?
- 16 A In the country.
- 17 Q What did you do with it out in the country?
- 18 A I think we shot it a couple of times just down there
19 shooting a gun in the country.
- 20 Q How long before this incident were you out shooting it
21 in the country?
- 22 A Months and months.
- 23 Q So where is it at in the meantime between you shooting
24 in the country and November 4th of 2014?
- 25 A I can't tell you that, sir, it's not my gun.

CHRISTOPHER MOORE - CROSS

- 1 Q Where was it the first time you saw it on that
2 evening?
- 3 A It was in the truck.
- 4 Q Where was it at in the truck?
- 5 A In the back seat.
- 6 Q And that's where you were sitting at.
- 7 A Yes, sir.
- 8 Q Were you sitting behind the passenger?
- 9 A Yes, sir.
- 10 Q Whose house were y'all going to on Holmes Road?
- 11 A Timothy Franklin.
- 12 Q Again, whose idea was it to go over there?
- 13 A It wasn't really nobody's idea, we just wanted to get
14 money that was owed to us.
- 15 Q When was this plan or thought to go get this money,
16 when was it first talked about or discussed?
- 17 A It wasn't talked about, it was readily discussed
18 at -- it was a drug deal that went bad. We was going back
19 to get our money and we knew that we had to get guns
20 because these guys got guns also.
- 21 Q How much money was this dispute y'all had over?
- 22 A It was some thousands of dollars.
- 23 Q Your money?
- 24 A It was me and McClinton's money.
- 25 Q Are you a business man or anything?

CHRISTOPHER MOORE - CROSS

1 A No. I'm not a business man, not no guy that goes
2 collect loans or nothing like that, I just wanted to get
3 my money.

4 Q When y'all get over to Holmes Road who decides to park
5 on Featherstone?

6 A There wasn't really a decision, I think just
7 Buchanan's grandmother stayed on that road is the only
8 reason we parked there.

9 Q Who is driving the truck at this point?

10 A McClinton.

11 Q So he drives the car over to Featherstone and parks it
12 next to this property?

13 A Yes, sir.

14 Q And you had never been over there before, correct?

15 A No, sir.

16 Q But it's dark outside.

17 A Yes, sir.

18 Q When you get out of the car, do you have your gun with
19 you?

20 A Yes, sir.

21 Q Everybody else has their guns then?

22 A Yes, sir.

23 Q When you get out of the truck you said you can see the
24 house y'all were intending to go to on Holmes Road?

25 A Yes, sir.

CHRISTOPHER MOORE - CROSS

1 Q What is between the house and where y'all parked, how
2 would you describe the area?

3 A It was like a field, like basically it was just an
4 open field, have a couple of trees.

5 Q Is that where y'all went and stayed for ten or 15
6 minutes I think you testified?

7 A If the field.

8 Q What was the plan?

9 A It wasn't really a plan, we never planned nothing, we
10 just were going back to get our money.

11 Q Did y'all ever talk about if y'all were going to try
12 to take your money inside, outside, who was going to go in
13 the back, front or lookout?

14 A No, we didn't talk about nothing. We're just
15 together, we knew where they be at, just go our money.

16 Q Were you going to point guns at them and take the
17 money?

18 A Yeah, we was going to point guns.

19 Q Forcefully.

20 A Yeah.

21 Q You were going to take this money by force.

22 A If you have a gun you're going to take it by force.

23 Q And that's what your intentions were.

24 A Yes, sir.

25 Q And you said these other people also had guns too?

CHRISTOPHER MOORE - CROSS

1 A Yes, sir.

2 Q But y'all were willingly going over there knowing
3 these people had guns to collect this debt.

4 A Yes, sir.

5 Q And you weren't scared about that.

6 A We weren't scared, we just wanted our money back.

7 Q You were willing to do that. You were willing to take
8 the money, go confront people that you think had guns and
9 take that money back.

10 A Yes, sir.

11 Q Nobody ended up coming home, no lights or cars at that
12 house?

13 A No, sir, no lights and no cars.

14 Q And why did y'all get back in the Dodge Ram?

15 A Because there was no one there, it was time to go.

16 Q Who decided it was time to go?

17 A No one.

18 Q You didn't see any car on Featherstone.

19 A I never saw no car, no one ever stated that it was a
20 car there.

21 Q Did everybody get back in the same seats?

22 A Yes, sir.

23 Q And you were back on the passenger's side?

24 A Yes, sir.

25 Q To go back a second, why didn't y'all park on Holmes

CHRISTOPHER MOORE - CROSS

- 1 Road if you were going to Holmes Road?
- 2 A Because we didn't want to basically park where we was
3 going.
- 4 Q You wanted to take somebody by surprise if you were
5 about to take the money from, weren't you?
- 6 A It wasn't by surprise, it was because we thought they
7 was there so we was going to park there, get our money.
8 If it could have been shooting, it could have been
9 anything, we didn't want to park the car near there.
- 10 Q Park a block away so you could ambush them?
- 11 A No, it's not ambush them.
- 12 Q When you left Featherstone back in the car, where were
13 y'all going to? Where were y'all returning to?
- 14 A Going back to Chester Homes.
- 15 Q And you ended up passing by there a short while later.
- 16 A Because Mr. Williams was following us.
- 17 Q You noticed him -- how did you notice him? How did
18 you know he was following you?
- 19 A The lights -- as we go on Brawley Street I noticed
20 that we were been following because Quinton McClinton
21 stated it, but as you get on Brawley Street you could see
22 the lights in the back of the car.
- 23 Q Did you ever look behind you?
- 24 A Yes, sir, probably once or twice.
- 25 Q Anything noticeable about the lights on his car?

CHRISTOPHER MOORE - CROSS

1 A No, sir.

2 Q Was he flashing his lights?

3 A I don't remember him flashing his lights.

4 Q Do you remember testifying before that you saw him
5 flashing his lights trying to get your attention?

6 A No, sir.

7 Q But you kept going past Chester Homes, correct?

8 A Yes, sir.

9 Q Why didn't you just go to Chester Homes?

10 A Because we're being followed, we don't know who this
11 was.

12 Q You take some turns and you end up over by the
13 barbershop I think that's on McClure Street?

14 A Yes, sir, take a lot of turns.

15 Q Again, whose idea was it to stop in the middle of the
16 road there on McClure Street?

17 A Buchanan.

18 Q He wanted to see what the person wanted, correct?

19 A Yes, sir.

20 Q But y'all didn't give Mr. Williams -- the person who
21 ended up being Mr. Williams a chance to say what he was
22 following y'all for.

23 A Because Buchanan stated "That's that police mother
24 F'er Odell Williams." And then McClinton said, "I don't
25 want to F with no police," and we took off.

CHRISTOPHER MOORE - CROSS

1 Q So at that point y'all believe it could be a policeman
2 following y'all.

3 A Yeah.

4 Q You took off pretty fast there.

5 A Yes, sir, we took off real fast.

6 Q And was it shortly after there when you first heard
7 those other shots?

8 A As soon as we turned on Patrick Street it was right
9 in the middle of the dip and we heard three gunshots.

10 Q Three gunshots?

11 A Three gunshots.

12 Q What did y'all do after you heard those gunshots?

13 A We kept going.

14 Q Sped up?

15 A Sped up.

16 Q Were you going highway speed or interstate speed as
17 you've just testified?

18 A There's a stop sign right there, so once you come
19 around the stop sign you have to yield so we yielded. We
20 were supposed to stop at the stop sign but we yielded and
21 then that's when we started going highway fast on First
22 Street.

23 Q And then First Street went -- did you hear more shots
24 on First Street?

25 A No, sir.

CHRISTOPHER MOORE - CROSS

1 Q Where did you go from First Street?

2 A We turned right onto Saluda and then we was going so
3 fast that we didn't maneuver until a little parking spot
4 area, we ran right into the pole. And when we turned
5 right onto Saluda, we were going still fast and Mr.
6 Williams behind us, he almost hit a car coming off of
7 First Street, and then by that time that's when we turned
8 left onto the Parkway and that's when we really sped up.

9 Q Again going back up the highway interstate speed on
10 Parkway.

11 A Yes, sir.

12 Q Then you heard more gunshots on Parkway?

13 A I heard three more gunshots.

14 Q Three more. So now we're talking about six shots?

15 A Six shots.

16 Q And according to you all of those shots at least as
17 far as you're aware, those shots are coming from Mr.
18 Williams or his car?

19 A I think they're coming from Mr. Williams.

20 Q And that's when I think D'Angelo Roseboro --

21 A Hung out the window and fired the shots.

22 Q Fires his shot out.

23 A Yes, sir.

24 Q Anybody else try to shoot then?

25 A No, sir.

CHRISTOPHER MOORE - CROSS

- 1 Q And it was Mr. McClinton that says, "That's police,
2 don't shoot at them anymore," correct?
- 3 A Yes, sir.
- 4 Q That was only one shot from Mr. Roseboro.
- 5 A Yes, sir.
- 6 Q And that was out of the driver's side back window?
- 7 A Yes, sir.
- 8 Q Was that before or after the railroad tracks?
- 9 A That was before the railroad tracks.
- 10 Q And y'all went over the railroad tracks shortly
11 thereafter?
- 12 A Yes, sir, real fast.
- 13 Q Real fast. Didn't stop for them or didn't slow down
14 for them.
- 15 A No, sir, we were trying to get away.
- 16 Q I think you stated you put some distance between y'all
17 and Mr. Williams at that point?
- 18 A A good distance. That's how I was able to fall out
19 of the truck and get out of the road.
- 20 Q Was it shortly thereafter that you came up on
21 Roundtree?
- 22 A Yes, sir.
- 23 Q Was there any discussion before you got to Roundtree
24 about what y'all were going to do at Roundtree?
- 25 A No, sir.

CHRISTOPHER MOORE - CROSS

1 Q Mr. McClinton didn't tell y'all what y'all were going
2 to do there.

3 A No, sir.

4 Q He didn't say y'all were all going to park the truck
5 back there and run.

6 A No, sir.

7 Q So there was no discussion about what y'all were going
8 to do at Roundtree.

9 A No, sir.

10 Q Just pure silence.

11 A Once we made it at the turn I told him let me throw
12 the gun out.

13 Q And you were going to throw the gun out, why?

14 A Because I didn't want him to have it in the car no
15 more. We don't know if the police is fixin' to get on us,
16 we don't know nothing.

17 Q Why was that spot at Roundtree the best spot for you
18 to throw the gun out?

19 A Because I know the ditch was right there and if ain't
20 nobody get the gun we were going to be able to get the gun
21 back.

22 Q Was that y'all's neighborhood?

23 A Yes, sir, we all be over there.

24 Q Got a lot of friends in that neighborhood?

25 A I used to stay over at that neighborhood for a very

CHRISTOPHER MOORE - CROSS

1 long time.

2 Q But you trust that you can retrieve that gun from that
3 neighborhood if you threw it out on the side of the road
4 there.

5 A Yes, sir.

6 Q And y'all slowed down to do it.

7 A Yes, sir.

8 Q You told McClinton to slow down so you could throw
9 this gun out?

10 A No. I told him to let me throw the gun out and
11 that's when he started to slow down.

12 Q How were you going to go about throwing the gun out?

13 A I was going to throw it. I was going to open the
14 door and throw the gun.

15 Q Why did you need to open the door to throw it out?

16 A Because if you can show the jury, you can pull the
17 beam of the gun out, that's how.

18 Q If I threw this gun straight out the window like that
19 it wouldn't fit?

20 A It had a beam on it, sir, and then you pulled the
21 back of the gun out, that is right there.

22 Q Would you say the window is about the size of this
23 screen, probably a little bit bigger?

24 A Probably so.

25 Q And the gun wouldn't fit through something like that

CHRISTOPHER MOORE - CROSS

1 if you were throwing it out the window?

2 A I wasn't thinking about throwing it out the window.

3 And then the back was out so I wasn't thinking about -- I

4 just wanted to throw it out. If you could pull the back

5 out and show the jury how long the gun actually is, they

6 can see --

7 Q Well, it doesn't change its width by pulling it out.

8 A No. You're thinking you can throw it out the window,

9 sir, you ain't just going to throw that gun out the window

10 like that, I wasn't thinking of it like that.

11 Q Why not?

12 A Because I just wasn't thinking about throwing it out

13 the window like that.

14 Q If somebody is chasing you and you want to get away

15 from them and you don't get caught guns in the car, why

16 wouldn't you just throw it out and get out of there?

17 A Because I most definitely wanted it to go in the

18 ditch, and if you could pull the back of the gun out and

19 show the jury how long the gun is you wouldn't think of

20 just throwing it out the window.

21 Q Because you wanted to get it back?

22 A Yeah, pretty much.

23 Q And when you got out -- or when you opened the door to

24 throw it out that's when you fell out because he sped off.

25 A Yes, sir.

CHRISTOPHER MOORE - CROSS

1 Q Because Mr. McClinton said, "There he comes again," or
2 something like that.

3 A Yes, sir.

4 Q But y'all had that distance between y'all enough for
5 you to slow down, enough for y'all to slow down, enough for
6 you to open the door and to at least think about throwing
7 this out, and then he comes up behind y'all and interrupts
8 y'all again and that's when y'all take off again.

9 A Yes, sir, he's on Vance Drive.

10 Q But you fell then, right?

11 A Yes, sir.

12 Q And then you had to get back up.

13 A Yes, sir.

14 Q The gun goes off at some point right there.

15 A Yes, sir.

16 Q You've got to pick the gun back up?

17 A Yes, sir.

18 Q Did you shut the door?

19 A I didn't shut the door.

20 Q Didn't Mr. Dixon say he saw you shut the door? That's
21 not true?

22 MR. FRICK: Objection, pitting the witness, Your
23 Honor.

24 MR. MAXWELL: I'll move on.

25 Q And then after you pick the gun up -- get up, pick the

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1 gun up and the truck is already gone, then you see Mr.

2 Williams car on Vance Drive?

3 A Coming down Vance Drive.

4 Q And you go into the yard.

5 A I take off running.

6 Q To the right trying to get a car over there you say.

7 A Yes, sir.

8 Q And then when does he start shooting again according
9 to you?

10 A Like immediately once I hit the grass I heard two
11 gunshots.

12 Q What street would his car have been on?

13 A I wasn't looking back.

14 Q You're running towards the car that's parallel to
15 Parkway, right?

16 A Yes, sir.

17 Q He's coming down Parkway, he's going to take a left
18 behind you onto Roundtree, is that right, according to your
19 testimony?

20 A Yes, sir.

21 Q Did you see him coming down Parkway there?

22 A He's by Vance Drive once I was getting out of the
23 road by that time.

24 Q So y'all were face to face, correct?

25 A When I'm getting out of the road, sir, then he's

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1 coming past Vance Drive. Once I hit the grass he should
2 be on Roundtree Circle and that's when I hear him, the two
3 gunshots once I hit the grass and I hear him shooting at
4 me and I shoot back.

5 Q When you ran you ran towards Vance Drive to where that
6 car was, correct?

7 A Right.

8 Q So you don't know where his car was when the next two
9 shots were fired.

10 A Yeah. After I heard two shots he had to be on
11 Roundtree Circle.

12 Q So just so we're clear there was three shots on
13 Patrick Street?

14 A Three shots on Patrick Street.

15 Q Three shots on Parkway?

16 A Three shots on Parkway.

17 Q And two shots on Roundtree.

18 A Right.

19 Q For a total of eight shots.

20 A Right.

21 Q Your belief is those came from Mr. Williams.

22 A Right.

23 Q Those eight shots?

24 A Yes, sir.

25 Q And you started shooting back in the yard.

CHRISTOPHER MOORE - CROSS

- 1 A Yes, sir.
- 2 Q How did you have the gun?
- 3 A Just like this, shooting over my shoulder.
- 4 Q Is that fairly accurately to how you had it?
- 5 A Where your body turned just a little bit running,
- 6 yes, sir.
- 7 Q That's how you were shooting.
- 8 A Yes, sir.
- 9 Q Have you ever practiced that before?
- 10 A No, sir.
- 11 Q Were you running while you were doing it?
- 12 A Yeah, I was running while I was doing it.
- 13 Q Towards that car, kind of down parallel to Parkway.
- 14 A Yes, sir.
- 15 Q Shooting like that.
- 16 A Yes, sir.
- 17 Q Eighteen times.
- 18 A Yes, sir.
- 19 Q There was a clip in here.
- 20 A Yes, sir.
- 21 Q You say it was fully loaded?
- 22 A Yes, sir, it was fully loaded.
- 23 Q And it carries up to 30 bullets; is that correct?
- 24 A Yes, sir.
- 25 Q Did you shoot all 30 of them?

CHRISTOPHER MOORE - CROSS

- 1 A No, sir.
- 2 Q You stated earlier that fired until it quit.
- 3 A No, I never said that.
- 4 Q You didn't say just a little bit ago in direct
5 examination you didn't say, "I kept pulling the trigger
6 until it quit."
- 7 A No. I said I kept pulling it until I got behind the
8 car.
- 9 Q But every shot you fired was like that.
- 10 A Yes, sir.
- 11 Q And you hit Mr. Williams' car at least six times,
12 correct?
- 13 A Yes, sir. Out of 18 shots I hit the car six times.
- 14 Q At least six times.
- 15 A At least six times. I know it was six times because
16 it was in my motions and all of that the car was only hit
17 six times out of 18 bullets.
- 18 Q And one of those bullets hit Mr. Williams in the face,
19 correct?
- 20 A Yes, sir.
- 21 Q Killing him.
- 22 A Yes, sir.
- 23 Q But yet he stopped -- according to you when you got
24 behind the car you saw his car in the middle of that road.
- 25 A I didn't say I saw no car in the middle of the road,

CHRISTOPHER MOORE - CROSS

1 sir.

2 Q You said -- correct me if I'm wrong - that when you
3 got behind the car you look behind you, his car was
4 stopped.

5 A Once I got behind the car that's when I saw Mr.
6 Williams' car in the middle of the road.

7 Q On Roundtree?

8 A On Roundtree.

9 Q After he had just made the turn.

10 A He had to have just made the turn if he was sitting
11 on Roundtree.

12 Q And his car was stopped at that point?

13 A Yes, sir.

14 Q And then his car took off again.

15 A Yes, sir.

16 Q And then you heard something.

17 A I heard a very loud boom.

18 Q And you ran back towards Vance.

19 A Yes, sir.

20 Q Then you said, "I don't have my phone."

21 A Yes, sir.

22 Q You've still got the gun with you, right?

23 A Yes, sir.

24 Q You've got another clip, two, don't you, two clips?

25 A Yes, sir.

CHRISTOPHER MOORE - CROSS

- 1 Q But both of them were fully loaded?
- 2 A Both of them was fully loaded?
- 3 Q 30 shots³ each. So you had 60 bullets with you to
4 start out that night?
- 5 A Yes, sir.
- 6 Q You ran back to look for your phone, correct?
- 7 A Yes, sir.
- 8 Q Back to where you just claimed you were getting shot
9 at, right?
- 10 A Yes, sir.
- 11 Q When you saw Mr. Williams' car in the middle of the
12 road and then it takes off, did you see where his car went?
- 13 A Down Roundtree Circle.
- 14 Q But did you see where it stopped or anything?
- 15 A No. I heard a loud boom, I just heard a very loud
16 boom.
- 17 Q Did you know what it was?
- 18 A No, I never knew what it was.
- 19 Q But you decide to go all the way down Vance and then
20 come back, correct?
- 21 A I didn't go all of the way down Vance, I said I went
22 down --
- 23 Q You went toward Vance, correct?
- 24 A Yes, sir.
- 25 Q And then you decide to go back to where you were

CHRISTOPHER MOORE - CROSS

1 getting shot at, right?

2 A Yes, sir.

3 Q To get your phone.

4 A Yes, sir.

5 Q When you got out of the truck right before the gun
6 went off -- before I ask that question, you've shot this
7 gun before.

8 A Yes, sir.

9 Q You know it works.

10 A Yes, sir.

11 Q Is there a safety on it?

12 A Yes, sir, there's a safety.

13 Q Now, when you got out of the truck the gun goes off.

14 A Yes, sir.

15 Q The safety wasn't on, was it?

16 A The safety wasn't on since he made it to Mr.
17 Franklin's house.

18 Q The safety was off when you were about to go throw it
19 out, correct?

20 A Yes, sir. Every time I seen the gun we don't ever
21 put the safety on it, the safety is always off if. When
22 I'm on the streets with a regular gun the safety is always
23 off.

24 Q You stated you didn't call the police because you
25 didn't want to get caught with guns, would that be correct?

CHRISTOPHER MOORE - CROSS

- 1 A Yes, sir.
- 2 Q Would that have been the feeling for everybody else in
3 that car?
- 4 A I can't tell you their feelings, sir.
- 5 Q Y'all didn't talk about it.
- 6 A No, sir. I've been around them guys a long time,
7 none ever wanted to get caught by no cops.
- 8 Q Mr. Moore, when you were taken into custody, I think
9 was it on November 6th of 2014?
- 10 A Yes, sir.
- 11 Q And have you been incarcerated since then?
- 12 A Yes, sir.
- 13 Q And you've had a chance to, I guess, go over your
14 file, go over the evidence against you with your attorney?
- 15 A Yes, sir.
- 16 Q Isn't it true the first time you've told this story to
17 authorities was some time in the past couple of months?
- 18 A I think so.
- 19 Q You didn't tell the police this story a year ago.
- 20 A No, sir.
- 21 Q Or a year and a half ago.
- 22 A No, sir.
- 23 Q And when you got arrested on November 6th, it was
24 about a week or ten days or so later when you met with
25 Detective Reynolds, correct?

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1 A It was probably a week, I was in the holding cell for
2 nine days.

3 Q And in that interview you swore up and down you had
4 nothing to do with this, right?

5 A Right.

6 Q And you had already been arrested for murder at that
7 point in time.

8 A Yes, sir. They had served me a warrant -- they
9 served me two warrants. They served me one while I was at
10 the hospital and they served me one when I came back.

11 Q And you stated today, I believe, you were trying to
12 just push the blame on somebody else.

13 A Yes, sir.

14 Q Aren't you trying to push the blame off on Mr.
15 Williams today?

16 A Say what?

17 Q You're trying to push the blame off to Mr. Williams
18 today?

19 A No, sir.

20 Q When you made the request -- when you made the
21 statement to Detective Reynolds, you wanted to talk with
22 him, you sent something to him saying, "I want to talk to
23 you."

24 A Yes, sir.

25 Q Mr. Moore, just to be clear, every shot you fired was

CHRISTOPHER MOORE - CROSS

- 1 like that?
- 2 A Yes, sir, every shot fired was like that.
- 3 Q You didn't put that stock on your shoulder and take
4 aim and as Mr. Williams' car came around that road unload
5 on that car?
- 6 A No, sir.
- 7 Q That's not what happened.
- 8 A I didn't never -- even if someone was -- you're still
9 being chased 3.3 miles around town and shot at; you're
10 still being chased -- I never once did that but you're
11 still being chased around town 3.3 miles getting shot at
12 chased at a high rate of speed, I didn't actually turn
13 around and shoot the gun like that when I was doing it
14 like that because you're still being chased. It was not
15 the fact that somebody is still chasing and shooting at
16 you.
- 17 Q But hit his car at least six times.
- 18 A Yes, sir.
- 19 MR. MAXWELL: Beg the Court's indulgence.
- 20 (Break in proceedings.)
- 21 Q Again, let's go back to when y'all were on Parkway.
- 22 A Yes, sir.
- 23 Q Mr. McClinton is driving.
- 24 A Yes, sir.
- 25 Q He's made the decision he don't want to mess with the

CHRISTOPHER MOORE - CROSS

1 police and that's when y'all took off from around the
2 barbershop, right?

3 A Yes, sir.

4 Q And again just so we're clear, according to your
5 testimony today he did not tell y'all that we're going to
6 go to Roundtree and run.

7 A No, sir.

8 Q Have you ever testified to anything to the contrary to
9 what you've testified today?

10 A No, sir.

11 Q And again, you've given prior testimony before under
12 oath.

13 A Yes, sir.

14 Q You didn't testify before that, "We jumped the tracks,
15 it was like he wasn't right behind us no more. I don't
16 know whether Roseboro's shot slowed him down or whether he
17 was reloading, and then McClinton told to say we was all
18 going to make it to the middle of Roundtree Circle and we
19 were all going to run?"

20 A I don't remember saying that?

21 Q You don't remember saying that?

22 A I probably did but I don't remember saying that.

23 Q Well, do you remember Mr. McClinton telling y'all that
24 on that evening?

25 A I don't remember him saying that, sir.

CHRISTOPHER MOORE - CROSS

1 Q Everybody else got away that night without -- got away
2 safely, I guess, without being shot at by Mr. Williams at
3 that intersection, right?

4 A Yes, sir, because he was already shot.

5 Q Because they stayed in the car.

6 A Not only because did they stay in the car because we
7 got into an altercation and he was already shot.

8 Q They made it to safety, correct?

9 A Yes, sir.

10 MR. MAXWELL: Nothing further.

11 MR. FRICK: No more questions, Your Honor. Defense
12 rests, Your Honor.

13 THE COURT: Anything in rebuttal?

14 MR. MAXWELL: None from the State, Your Honor.

15 (Break in proceedings.)

16 THE COURT: Okay. All right, ladies and gentlemen,
17 Madam Clerk very graciously sent out for lunch for y'all so
18 we won't be breaking and leaving from here for lunch so we
19 can get y'all fed, and we'll come back, we'll have closing
20 arguments and the Judge's charge on the law and we'll let
21 you begin deliberations. But once again, please do not
22 deliberate this case, don't even discuss it until that time
23 comes, okay? All right. Let's try to hold it to 45
24 minutes, we'll try to get started back in here about ten to
25 2:00. If y'all finish up and y'all want to get started

CHRISTOPHER MOORE - CROSS

1 quicker than that, Madam Forelady, let us know and
2 everybody else because we'll be on standby. Everybody
3 remain seated while the jury steps back for lunch.

4 (The jury left the courtroom.)

5 THE COURT: I want to put a couple of thing on the
6 record for possible appellate review. I had already ruled
7 on the issue of the admission of evidence about Odell
8 Williams having some type of squabble and maybe some
9 threats issued with the police chief. I want to point out
10 in the defendant's testimony two sentences that were
11 stated, he didn't know Williams at the time, and later on
12 in the testimony I think the exact words were "didn't know
13 the policeman he was talking about." So I think that
14 raises some issues about manufacturing defenses, Counsel,
15 so I didn't want anybody down there at the Court of Appeals
16 or Supreme Court overlooking that. And I add that for my
17 protect in the previous ruling. All right. Y'all ready to
18 argue?

19 MS. HALL: Yes, sir.

20 MR. FRICK: I just wanted to clarify, you were not
21 changing the charges, correct?

22 THE COURT: No, I'm not changing the charge. I was
23 just protecting myself on my ruling about that previous
24 squabble between --

25 MR. FRICK: That's what I thought you were talking

1 about, I just wanted to make sure I was clear so I don't
2 mess up when I get up here.

3 THE COURT: No.

4 (The jury returned to the courtroom.)

5 THE COURT: I hope everyone enjoyed their lunch and I
6 thank Madam Clerk for taking care of that for us. Ready
7 for closing arguments?

8 MR. FRICK: Defense is ready.

9 MS. HALL: Yes, sir, we are ready.

10 MR. FRICK: Your Honor, Solicitor, ladies and
11 gentlemen of the jury. It took a little bit of time but we
12 finally got there, and you've heard all of the evidence in
13 this case and now it's time for us to come forward and give
14 our summation. And bear in mind, and the Judge will remind
15 you of this as well, whatever we say is not evidence. Of
16 course he is going to give you the law, I'm going to give
17 you what I think it says but you've got to apply what he
18 says. And as I told you when we started on Monday, this is
19 not a who done it, this is a why done it, and now you know
20 why I say that. Now, what the State does is they will come
21 up here in a second and remind you that these young men had
22 a bunch of guns and were going to do some bad things over
23 on Holmes Avenue, or Holmes Road. They also have to do a
24 little bit of a tap dance because you cannot use that and
25 consider that as evidence that somebody would commit

CLOSING ARGUMENTS

1 another crime. Prior bad acts doesn't allow you to go,
2 "Oh, that's a bad person who has done bad thing before,
3 they must have done this bad stuff now." So they'll say,
4 "Look over here but don't pay any attention to it," but
5 you're not going to be able to help them be able to do
6 that, and what I'm telling you is you can't consider it for
7 that reason. What we've got to talk about is where does
8 this really begin, ladies and gentlemen? You heard the
9 testimony from Christopher Moore, you heard the testimony
10 from the other gentlemen who were in the car with him that
11 night about what their intentions were that night. They
12 intended to go to Holmes Road to go meet up with some other
13 guys who they'd had a transaction with, not necessarily a
14 legal transaction, and take their money back by force.
15 They had all of these guns, that's what we went to go do.
16 They park on Featherstone Road, which you have now become
17 much more familiar with, and walked across a little
18 cut-through to Holmes Road. Well, what happens when they
19 get there? There ain't nobody home. So they decide,
20 "Well, let's just go back." And everybody tells you that
21 no one has any intension of doing anything to anyone on
22 Featherstone. In fact, the majority of the folks in the
23 car don't even know anybody on Featherstone, don't know
24 where they were parked, don't know who's located there.
25 They make no contact with anyone. The testimony of the

CLOSING ARGUMENTS

1 Williams family is they don't see any people, they don't
2 see anybody stealing anything from the property because
3 they didn't -- the guys didn't do anything on Featherstone,
4 they were leaving. They were getting in the car and they
5 were leaving. Whatever wrong, whatever bad act that they
6 were there to commit they had abandoned and they were going
7 away with no intent to do anything else. So they go down
8 the road and they see this one car on the side of the road
9 who points out to Odell Williams' Cadillac, "That's the
10 truck, that's the one we called you about." But for them
11 pointing this truck out he would have never known what to
12 look for. So then you hear that he turns around and by
13 some accounts back across traffic, York Road, backs across
14 traffic and then begins to follow the truck. Now, the
15 testimony of I believe just about everybody who was in that
16 truck said somewhere before we got to the bypass where
17 there is a big traffic light right here, before we get to
18 the bypass we realize that this car is following us. Make
19 this perfectly clear, everyone testifies this is the 3.3
20 mile route that we take through Downtown Chester, the
21 people in the truck realize up here, as the solicitor had
22 one of the investigators point out from here to Brawley
23 Street is a little over a mile. At this point before the
24 bypass, we'll call it halfway, fine, at about a half a mile
25 they realize something might be going on. Now, the State

CLOSING ARGUMENTS

1 is going to come up here in a minute and is going to talk
2 about how these guys developed a plan, that they were going
3 to lure Mr. Williams back to the neighborhood they were
4 familiar with, Roundtree Circle, and they were going to
5 lure him in there. This was the great plan, they were
6 going to lay in wait and shoot him. Well -- and you saw me
7 ask everyone who was in the car, "If you were driving the
8 car and you were on Featherstone and you were going here,
9 what route would you take?" And not a single one of them
10 said, "I would go all the way down here, cut back on
11 Saluda, go down McClure, come up First, Patrick," not a
12 single one of them said they would do it that way. So if
13 they really are going back to Roundtree we can go the
14 bypass, come down Vance, that was testified to, you can
15 continue on and cut across on Parkway which intersects
16 right with York Road. So what does that indicate? He's
17 trying to get away from that car. We get down to this area
18 in here where someone says, "But let's see what's going on,
19 let's check out and see who this guy is." Maybe they
20 recognize who it was but it was pretty clear not everybody
21 in that car knew who was behind them. They pull over, the
22 guy gets maybe out, maybe not out, who knows, but what we
23 do know is Quinton McClinton pushed the gas and they drove
24 off. What does that mean? They didn't want a
25 confrontation, they wanted to get away from whoever this

CLOSING ARGUMENTS

1 was, they simply wanted to get away. And if these bad guys
2 are so intent on doing bad things they had this gun with
3 two clips, they had this gun that was loaded, they had this
4 gun that was loaded, and instead of taking care of it at
5 the barbershop they drove off. You hear testimony from
6 everybody in the car that when they got on Patrick Street
7 they hear shots behind them, and everyone of those young
8 men clearly are familiar with what a gun sounds like, and
9 they said it sounds like a small -- it was a small gun
10 behind us. They said it wasn't any other cars on the road.
11 And what did we find out later? This is the gun that's in
12 that car. So we hear shots over there. We continue on.
13 Now, it will be debated how many shots actually occurred,
14 no question about that, you heard differing testimony on
15 that, that's to be expected. Not everybody is going to say
16 exactly the same thing. Two people can look at one thing
17 and come up with two different ideas of what was going on
18 there. But what you heard was the consistent statement
19 from everybody that the shots came from the Cadillac at
20 least two times on Patrick Street. The car continues to
21 follow them, they don't shoot back at that point with this
22 gun, this gun and this gun in the car, they don't shoot
23 back, they don't stop in the middle of road, pile out and
24 unload. No. They sped up. They sped up to get away,
25 turned again. And we know, we know that it was the

CLOSING ARGUMENTS

1 Cadillac behind the truck because, one, there's no
2 information that contradicts that, none. I asked the
3 investigator, "Did you hear about that? No. Never heard
4 any information that the chase was any other way but this."
5 You've got a video from Patrick Street, right at the corner
6 of Patrick and First at a stop sign. They don't stop for
7 the stop sign, neither one of them, they go through. You
8 heard Ms. Bagley's statement, she's sitting in her car on
9 the side of the road, she says cars go by so fast that it
10 shook the car. These cars were traveling at a great speed.
11 What does that indicate? The truck is trying to get away,
12 the Cadillac is intent on a confrontation. Why would you
13 chase this car on this curvy path through these
14 neighborhoods if you did not intend to have a confrontation
15 with people in that truck? We travel on, we get to
16 Parkway, and you hear at some point one of the guys in the
17 truck leans out the window and shoots his .45 back one
18 time. It happens before the railroad tracks. The railroad
19 tracks are cutting through right around in this area,
20 here's Parkway, before the railroad tracks one of them
21 shoots back. Now, why is that important? Well, because
22 nobody bothers to go over there, I'll get back to that in a
23 second. All right. So now we're down to the meat of the
24 case, what gets us here, and why are we here? Because at
25 this intersection right here Christopher Moore had to make

CLOSING ARGUMENTS

1 a decision. He made one decision to try to remove himself
2 from that truck. Now, you're going to hear shortly that he
3 removed himself from the safety of that truck, if only he
4 would have stayed in that truck we could have avoided all
5 of that. I ask you how safe was that truck really? We've
6 already gone three miles at high speed through town being
7 shot at, who wants to stay in that truck? So he gets out,
8 in fact, falls out, hits the ground right here. You saw
9 his finger, it's still busted up over a year and a half
10 later, still has scars on his elbow from falling out of the
11 truck hitting that asphalt. There is no dispute that when
12 he hit the ground this gun goes off, he had it in his hand.
13 He told you, "You know, to be honest with you, I really
14 just wanted to ditch the gun because I wanted to come back
15 and get it." No real reason for him to tell you that,
16 nobody is going to dispute him if he says something else,
17 so why would he get up there and lie about that? That was
18 the truth, ladies and gentlemen, and I'll give you a little
19 bit more in a moment about why you can believe what he
20 said. As he's getting up off the ground he looks up, and
21 right about -- he's here, this is the intersection,
22 Roundtree and Parkway. He says, "I see the car is near
23 Vance Street," that's it right there. He looks up and the
24 car is about that far away from him. He tells you, "I hear
25 more shots." No one in the car can dispute that, they

CLOSING ARGUMENTS

1 weren't there, they all -- many of them at least said they
2 heard this gun because it is pretty darn loud. This one is
3 not so much, loud enough if you're standing beside it, but
4 if you're out a block away or so maybe not so loud. So
5 Chris Moore is trying to get off the ground, busted up, his
6 finger is busted up, his elbow, the gun has already gone
7 off one time, you can imagine it's nighttime, okay? If
8 Odell Williams is about right here and the truck is slowing
9 down right here, what would be the one thing you would need
10 to do is slowdown? You've got to press on the brake. What
11 happens when you press on the brake? The lights flash. He
12 knows they're showing down right here so he's speeding up.
13 A car is coming at you that has already shot at you,
14 there's no doubt about it, already shot at you, you hear
15 more shots, and even if you don't hear more shots if you've
16 been shot at before you've got reason to believe you are
17 going to be shot at again, you ain't got to wait to find
18 out, you can go ahead and defend yourself. So regardless
19 of whether you want to believe that there were more shots
20 fired or not, and I submit to you that more shots were, in
21 fact, fired, it really doesn't matter. It all depends on
22 what you think if you're the person laying on the ground
23 who has been shot at, and he told you, "I didn't think I
24 had anything else I could do but shoot," and that's what he
25 did. Now, the State will have you to believe that when he

CLOSING ARGUMENTS

1 got out of that car first according to the statement of Mr.
2 Breland, Mr. Moore admitted to him, "Well, you know Quinton
3 McClinton told me to get out of that car and take care of
4 that situation." Okay. Many reasons why there's no reason
5 to put stock in anything that that man had to say that
6 we'll get to in a second, but I submit to you, does that
7 make any sense? You've got three other guys in the car
8 that have got guns, you want to take care of this guy,
9 you're back in the place that you wanted to get him to,
10 you're going to let the one dude take care of it? Because
11 you've still got this gun, and this gun, and that gun. No.
12 Oh, and then apparently what he does is he steps out of the
13 car and then he stands there, he aims and he shoots 18
14 times. Ladies and gentlemen, Chris Moore must be the worst
15 shot in the world if that's what he did, because you've got
16 18 shell casings that are not all in the same spot but in
17 many different spots. 18 shots. Now, you've got 18 shell
18 casings, you can go look at them all you want, this gun got
19 fired 18 times, nothing to change that. Six of them hit
20 this Cadillac, six of them. Is that somebody lying in
21 wait? Does that make sense? And they're in the front,
22 you've got some on the side, they're all kinds of different
23 direction, and one, one hit Odell Williams, one unfortunate
24 shot strikes him through and through in the jaw. Is that
25 somebody lying in wait or is that somebody who's scared

CLOSING ARGUMENTS

1 running? And he was doing this, he told you "I was pulling
2 the trigger like this." Furthermore, he told you he had
3 bullets still left in that clip, and he had 30 more in this
4 one, so if he really, really was ordered to kill Odell
5 Williams, why would he run down Vance Street? Why would he
6 not go up to the Cadillac and make the kill shot? Because
7 he didn't intend to do it. He shot because he had to.
8 Now, he admitted he's got a misdemeanor conviction for
9 which he was on probation at the time, he should not have
10 had a firearm, but just because you shouldn't have a gun
11 doesn't mean that you can't defend yourself if you happen
12 to have it. Now, it's fair to say that he had a cellphone
13 and he didn't call anybody, other people had cellphones and
14 they didn't call anybody, but Odell had a cellphone too,
15 and he was the 20 something year veteran of law enforcement
16 and he's the one who had been on city council since 1997.
17 You have a pistol on one side and a cellphone on the other
18 and he chose to reach for the pistol. Now, with the
19 cellphone he could have called law enforcement, could have
20 called anybody, city councilman that long you would think
21 perhaps he could call the chief of police himself. He
22 didn't do any of that. He took matters into his own hands,
23 decided to chase this car and shoot at it with really no
24 provocation. They were on his property. What did he want
25 from them? Nobody said he saw anything missing. Did he

CLOSING ARGUMENTS

1 want them gone? Well, they left. We talked about Chris
2 Moore and his car going back to Chester Homes, they could
3 have stopped at Chester Homes because they drove right by
4 it. You also heard Odell Williams lived on Brawley Street,
5 they drove right by it too and he didn't stop. Now, what
6 about this gun? Because, I mean, "Come on, Frick, it's a
7 revolver, six shots, two of them were fired. I mean, are
8 you trying to tell me that he shoots it two times or
9 unloads is what you're trying to tell me, he unloads this
10 gun, reloads it, all of this while he is driving?" Well,
11 Dan DeFreese told you it is possible and with practice you
12 can get better with it. Perhaps he was an expert with it,
13 we have no idea, but it is within the realm of possibility
14 as you've heard. Or maybe it's something else. See, there
15 is other shells casings out there. We find at least one
16 shell casing up here at Vance Drive where Chris Moore says
17 he sees Odell's car while he's laying on the road and he
18 hears more shots. Guess what else we have got too? Marker
19 H. What is marker H? Well, translate on the SLED report
20 that you have in evidence as item number 30, because item
21 number 30 is a fired bullet jacket fragment. Dan DeFreese
22 told you, "I can't tell you what caliber that was." He
23 couldn't tell you whether any of these guns or none of
24 these guns fired that round. Marker J, marker H and here
25 is the shell casing that they found, and yes, it had the

CLOSING ARGUMENTS

1 devil beat out of it, and DeFreese told you that could
2 happen by being run over by at least one car. At least
3 three witnesses got on that stand and said, "Once we heard
4 the shots we drove over to Roundtree Circle, we came
5 through this way, right in this area." There's Vance
6 Drive, that's where that shell casing is found, they all
7 said they drove through that way. And also we got this,
8 it's found a little further up the road at [REDACTED], an
9 inexplicable shell casing that just happens to be another
10 .40 caliber shell casing. Well, it's not important enough
11 for this matter. We also have this nice picture of the --
12 I guess this is the rail of the bed of Mr. Binnall's truck,
13 the truck that was used that night, and you see this thing
14 that they call a bullet mark. Now, the crime scene person
15 said they could guesstimate as to the direction of travel,
16 couldn't tell you the direction of travel, maybe it's a
17 bullet mark, maybe it's not a bullet mark, I don't know,
18 maybe it was fired out of that truck, maybe it was coming
19 from the other direction. But here is what we also know,
20 Mr. Binnall told you he's in construction, this is the bed
21 of his truck, it's got more than a couple of dents in the
22 back of it so maybe it's not a bullet at all. Now, why can
23 you put any faith in what Chris Moore is telling you? For
24 one, you heard him from that stand and he told you the
25 story, and he told you the day that he talked to Chris

CLOSING ARGUMENTS

1 Reynolds he was lying, he was scared. 18 year old young
2 man in there by himself, doesn't know what's going on,
3 knows he's charged with murder, trying to figure out what
4 they know basically, so he says, "I wasn't there," just
5 lied. Not uncommon. Chris Reynolds told you he wasn't
6 exactly honest with Chris Moore either, so nobody was
7 telling the truth on that video. Why would Chris come
8 tell -- change his statement and come tell you today this
9 is what happened, and tell you things like, "No, I really
10 wanted to come back and get that gun?" Because it's the
11 truth. And he didn't have to tell you the truth, because
12 without him really putting himself there you've got
13 statements that say he might have been there but nothing
14 else. See, a swab here, a swab here, they swabbed this,
15 all places that you would have touched can't match his DNA.
16 No fingerprints. That's how you know you can put
17 reliability on what he tells you. Now, certainly here in a
18 second the State will tell you don't pay any attention on
19 that, his DNA is on the scene. Well, you know, they told
20 you this is the place he is familiar with, that's what
21 they're relying on, of course his DNA might be out there.
22 But he tells you, "That's the path of travel I went that
23 night. So yeah, I was bleeding, yeah, that's my blood on
24 that fence, yeah, that's my blood on that car." His
25 statements are consistent with the statements that you've

CLOSING ARGUMENTS

1 heard and they're all consistent with each other, that's
2 what happened in that car. Now, the State wants you to
3 rely on someone who came up here yesterday with their own
4 charges and tells you out of the goodness of their heart
5 they just wanted to come up here and tell the truth. Now
6 Mr. Breland who served our country in Iraq driving trucks,
7 apparently can tell you where these shell casings should
8 have fallen if Chris would have been holding the gun that
9 way. Now, he's there in February, goes to court and
10 doesn't get a bond in April, and then by May he gets a dose
11 of conscious and wants to help out. Ladies and gentlemen,
12 as you I told you at the very beginning, you can believe
13 all, some or none of what you hear, and you can also
14 determine whether there's any motivation. Now, Mr. Breland
15 can get up here and say all he wants that he ain't getting
16 anything out of this, but he ain't in Chester anymore, he
17 got moved. Does he expect to get something out of this?
18 You bet. Awfully convenient the timing of the statement he
19 gives. As you have heard time and time again and the State
20 is going to tell you, the Judge is fixin' to tell you and
21 I'm going to tell you again, the State has got to prove
22 their case beyond a reasonable doubt. Chris Moore doesn't
23 have to prove a thing, doesn't even have to get up here and
24 tell you his side of the story. The State has to prove
25 beyond a reasonable doubt that he did unlawfully kill Odell

CLOSING ARGUMENTS

1 Williams with malice aforethought. That doesn't mean,
2 "Well, I've listened to this and he seems like he's hanging
3 out with some bad dudes and maybe he's a bad dude and I
4 think maybe he did do this," it's not even maybe he
5 probably did this. No. Is there any other reasonable
6 explanation other than he unlawfully killed Odell Williams?
7 The burden is entirely over here. And the fact of the
8 matter is, yes, there's an explanation, he had to defend
9 himself, he had the right to do it. Despite all of the
10 other bad choices he made that evening it didn't take away
11 his right to defend himself, and that's exactly what he did
12 and that's all that he did. Did he want to do that? No,
13 but he didn't ask for it either. Despite what the State
14 wants you to believe he didn't ask for that confrontation.
15 If this would have been Holmes Road you've got a different
16 story, ladies and gentlemen, but that was done. No. The
17 reason why we're here today is because Odell Williams
18 decided to chase a truck through Downtown Chester and shoot
19 at it, that is why we are here. What was the state of mind
20 with those young men in that car? Chris Moore told you he
21 was scared but he wasn't the only one. Dixon got up there
22 under cross examination of the solicitor -- direct
23 examination, solicitor was asking about what was going on
24 in the car and he said, "We're getting shot at, what would
25 you do?" Exactly. That's the state of mind. These bad

CLOSING ARGUMENTS

1 guys out to do bad things were scared. They had enough gun
2 power, they were still trying to get away. That's why we
3 are here, ladies and gentlemen, the decision of Odell
4 Williams to follow this car and shoot at it. Chris Moore
5 did what he thought he had to do, and that's all you've got
6 to do, ladies and gentlemen. If you're in that situation
7 what would a reasonable person do? If you've been shot at,
8 you've been chased, you think you could be shot at more,
9 you hear more shots, you don't have to wait to find out the
10 intentions of your aggressor and you can shoot this gun 18
11 times if you feel that's what's necessary. Because the law
12 does not say that have you to use any particular type of
13 weapon to go against your aggressor if it's necessary to
14 defend yourself, and it doesn't say you have to stop after
15 three shots. No. It says you can continue firing, if you
16 are justified in the first shot you can continue firing
17 until the threat is gone, and that's what Chris Moore did.
18 And he could have fired more but he did not. Ladies and
19 gentlemen, he acted in self-defense, that's all it was pure
20 and simple. And once the defense has shown you
21 self-defense the State must disprove it beyond a reasonable
22 doubt. He had to make a call, it was him or Odell, he did
23 what he had to do and he was within his rights and he acted
24 in self-defense. Regardless of whatever else had happened
25 that night he was within his rights, he is not guilty of

CLOSING ARGUMENTS

1 murder. Thank you for your time, attention and your
2 service.

3 THE COURT: Solicitor?

4 MS. HALL: Thank you, Your Honor. Been trying to take
5 notes during the course of this, I finally gave up so y'all
6 bear with me. We do have the burden of proof, it's
7 something I told you in my opening that we happily accept.
8 You know, there's a saying or there's actually -- I think
9 it's in a book, what a tangled web we weave when first we
10 practice to deceive, and it's about telling lies. And I
11 would submit to you that's what Chris Moore wants to come
12 in here and do. He wants to tell you the lies and he wants
13 you to believe them. And I would submit to you that he's
14 had 21 months after he gave you -- all of this stuff that's
15 in evidence including the video and the audio recordings,
16 everything is in evidence, you can look at it, it is your
17 purview to review it as much as you want to or as much as
18 you feel you need to. He came out of the gate telling
19 lies, and the minute that he figured out that the State had
20 evidence against him he's spent the last 21 months
21 reviewing that and trying to come up with a different lie
22 that would actually fit what he knew the State had against
23 him. He's had a lot of time to think about it and he's had
24 a lot of time to crack it and he's trying to beat it. The
25 State is not looking for anything but the truth and that's

CLOSING ARGUMENTS

1 what your verdict has got to speak. It comes from the
2 Latin term, we talked about this in opening and you're
3 going to hear His Honor talk about it again, it's a verdict
4 that speaks the truth, that's what it means, and that's
5 what the State is asking for here, to look through all of
6 these filters and webs that he's trying to weave and to
7 render a verdict that speaks the truth. I would submit to
8 you that the truth is he didn't feel threatened, he didn't
9 feel scared. They went over to a place where they knew
10 people had guns, they had been shot at before, they were
11 going to a place where they knew that they probably were
12 going to get shot at. He wasn't afraid of being shot at.
13 And I would submit to you that Odell Williams didn't shoot
14 at him at all, and I'm going to come back to that in a
15 minute. And I want you to stop and think, it's blame the
16 victim, blame the victim. Mr. Frick in his opening -- and
17 I took offense to this, he compared Odell Williams to a
18 rooster. This was a human being, this was a person who
19 thought his property -- things had been taken from his
20 property before, he thought his property was being
21 violated. He's an ex-cop, he's a city councilman, he's a
22 ten year old little league football coach. He came because
23 his wife called him, "Hey man, something is going on over
24 here, can you come check this out?" Because that's what he
25 told her to do. He wasn't looking for trouble. He was

CLOSING ARGUMENTS

1 trying to stop whatever was going on and he went into cop
2 mode. When he saw people coming out in the truck that he
3 didn't recognize because these guys had borrowed a truck so
4 they can go ambush people at the road next door, he didn't
5 recognize that truck. For all he knew all of his
6 possessions, or most of them or some of them or whatever,
7 valuable things that he had worked his whole life to get
8 were in the back of that truck and they were leaving and he
9 was tired of being violated, so he went to see what was
10 going on. He flashes his lights. The defendant testified
11 before, said one thing -- it's just what is it today that
12 he's going to say to try to get you to believe him? He
13 testified in the past that he was flashing his lights as
14 us, he was trying -- everybody else in the car thought he
15 was too. And Terrance Buchanan said even though nobody --
16 for all they knew these were the people on Holmes Road
17 coming after them, they didn't know who it was. He said,
18 "Let's stop and see what's going on." So they do, they
19 stop. But they weren't scared, they were trying to get
20 away because they knew they were going to get in trouble if
21 they got caught with one of these guns in the car, they
22 were trying to get away. They stopped but they didn't stop
23 long enough to talk to Mr. Williams, who got out of the
24 car, and you heard one of the co-defendants say, "I thought
25 he had a phone in his hand," never saw a gun, and I would

CLOSING ARGUMENTS

1 submit that they stopped to try to be able to pull off fast
2 enough to get away from him again so they wouldn't get
3 caught. So they pull out -- I'm trying to look for my map,
4 here it is -- flashing lights, pulling out, coming down
5 this street. They don't realize until they're about right
6 there that they're being followed. They said he was
7 flashing the lights -- at the point they realize they were
8 followed they went a little ways further, and this is 1.1
9 miles, and I want to talk about this, too, and I might come
10 back to it in a minute. 1.1 miles to right there, 3.3
11 miles all around this. And Mr. Frick was talking, well,
12 they passed Chester Homes, why didn't they just turn by the
13 bypass and go there? Well, at that point they just were
14 realizing they were being followed. It's not like they
15 were making decisions about where to go at that point, they
16 just figured out he was following and now they're trying to
17 lose him. So they go down the street, they pull over at
18 the barbershop, they pull out, they say that -- and you
19 heard witnesses say that there were two shots -- they heard
20 two shots fired. People in this neighborhood tell y'all
21 that this is not uncommon, this was not something we
22 thought was important enough to call 911. You heard Kira
23 Bagley say, "Yeah, I saw them coming by and that was odd,
24 but the gunshots were not odd." And I would submit to you
25 this is an ex-cop, he's tried to stop them, he's tried to

CLOSING ARGUMENTS

1 talk to them. And this is if you believe that those
2 gunshots came from his gun, I would submit to you what
3 happened is he fires two shots out the window of his car,
4 warning shots to get them to stop. This was his community.
5 He's not going to go shooting at people risking hitting
6 people's houses, warning shots still trying to get them to
7 stop the car. They don't stop, they keep going. 3.3 miles
8 on what the defendant classified as interstate speed.
9 Granted, you probably can't get to interstate speed on
10 these little tiny roads, but at some point highway
11 interstate speed. That doesn't take that long. Think
12 about it, 60 miles per hour in a car on the interstate
13 takes about two minutes, so if you average that out this
14 might have been a three minute situation. So they go to
15 the place they're familiar with, they go to the place where
16 they know the area, and Quinton McClinton told them at some
17 point when they were coming up Parkway you heard D'Angelo
18 Roseboro, he's like, "Yeah, I decided I was going to shoot
19 back." And this is significant because Mr. Frick wants you
20 to say, well -- I don't know what he was getting at when he
21 was talking about these .40 caliber gun bullets at mile
22 markers H and J. This is evidence that was recovered, yes.
23 Again, Maurice James, "Stuff like this happens all of the
24 time in our neighborhood." There are shots, people
25 walking, bullets all over the ground, we don't know what's

CLOSING ARGUMENTS

1 going on." They never found a .40 caliber gun to compare
2 these too, and I would submit that doesn't really have
3 anything to do with the case. They found a .45 shell
4 casing, yeah, that might have something to do with the case
5 because that's the one that D'Angelo Roseboro says he
6 fired. But I would submit that's just a red herring to
7 throw you off. It really doesn't have anything to do with
8 it and I don't know where he was going when he said, "Oh
9 yeah, it's got road rash all over it." You heard Dan
10 DeFreese say that this thing that didn't match anybody
11 else's gun, not only did it have road rash but it looked
12 like it kind of rusted, been out there for awhile. But
13 again not, uncommon because these people endure this kind
14 of situation all the time. This is where the things become
15 significant. They're rolling around the corner on
16 Roundtree, and -- you know, you're going to have to judge
17 the credibility of the witnesses, that's your job and His
18 Honor is going to instruct you about that. You come here
19 with common sense, reasonable people, you've dealt with
20 people all of your lives, you have to determine who is
21 credible and who has a reason to fabricate this. You hear
22 all of the co-defendants sit up here and talk, the three of
23 who decided to give statements to law enforcement, Quinton
24 McClinton zipped it, hadn't cooperated at all, the three
25 who come up here -- and I would submit they're riding the

CLOSING ARGUMENTS

1 fence. Mr. Frick would have you believe we brought these
2 witnesses up here, unfortunately these witnesses are what
3 we have. They came, they gave their statements, they're
4 doing the best they can to give you the whole picture, but
5 at the same time they are riding the fence. They're
6 friends with the defendant in the case, they've known him
7 almost all their lives except for Terrance Buchanan, I
8 think he said he had known him a couple of years. And
9 they're trying not to throw Quinton McClinton under the
10 bus, they won't tell you that he told him to get out of the
11 car. He rolls around the corner and if you've got this
12 back in here is where that shot occurs, the railroad
13 tracks, and even the defendant himself says, "Yeah, I got
14 out. We put distance between us." Quinton McClinton told
15 us that the plan was, "We were going back to Roundtree
16 Circle and when we went around the corner we were all going
17 to get out and run." Why on earth if that was the plan
18 told to you would you decide somewhere up in here before
19 you have the opportunity to get out and run, why on earth
20 would you jump out of a car? Why on earth would you open
21 the door to the car to throw the gun out? You've got the
22 biggest gun in the situation, why would you throw this out
23 if you were truly afraid for your life? It doesn't make
24 any sense at all, it's a ridiculous, ridiculous story. So
25 he comes around the corner -- I would submit to you that

CLOSING ARGUMENTS

1 Quinton McClinton did tell him -- this is the only thing
2 that makes sense -- and Stevie Breland -- Mr. Frick is
3 like, "Well, Stevie Breland" -- yeah, he got moved from
4 Chester when he gave the statement, he wasn't safe in the
5 Chester County Jail anymore, he's not from that area. And
6 Mr. Frick would have you believe he just had a dose of
7 conscious and all of the sudden decided to come forward to
8 give his story. No. I would submit that he was in a
9 situation -- he had confided -- he tells you, "I confided
10 in Chris Moore, I was feeling kind of down, he made me feel
11 better. We had a lot of talk, I thought he had changed. I
12 thought that he was repentant, I'm repentant, I thought
13 that he was repentant." He's charged with hit and run, he
14 hit a car on the interstate, somebody dies, that is not an
15 intent crime. He is repentant, he's sorry about that, he
16 has these conversations with Chris Moore. He says, "I
17 think the guy is on the right track," he's feeling about it
18 so -- but then things start to happen, and he says, "I hear
19 him making phone calls and I hear him talking about ways to
20 get to Quinton McClinton, and I hear him talking about how
21 'I'm going to beat up this little kid to get down the
22 hallway.'" And he's like "No, no, no, I'm not dealing with
23 this anymore, somebody has got to tell the truth." So if
24 you want to call that a dose of conscious, quite frankly I
25 don't care what you call it, I would submit that is the

CLOSING ARGUMENTS

1 truth and that is what makes sense. Quinton McClinton --
2 you get in the truck -- the truck, it's borrowed so he can
3 kind of hide from detection -- you get in the truck with
4 this big gun, put it in the back seat, basically armed --
5 said, "Yeah, Chris, here's your big gun." And Chris is
6 like, "Well, that's cool because I've got this big gun and
7 I'm going to give Terrance Buchanan my little gun," so now
8 I've got this big gun." And Quinton says, "When we get
9 around this corner, Chris, you get out and take care of
10 this guy, you get out and shoot that man and stop him
11 because we don't want to get caught. We don't want to get
12 caught with all of these guns in the car." That is what
13 makes sense. It doesn't make sense to just open the door,
14 throw the gun out and fall on the ground if you're truly
15 being chased and you're truly afraid. And the interesting
16 thing is -- and this is Mr. Frick's picture, he puts it
17 into evidence for you and I like it and I will show it to
18 you. Again, blame the victim. Why didn't the victim call
19 the police? Well, these guys in this car -- and they all
20 testified to this, even Chris Moore did, they all had guns
21 in their pockets -- I mean phones in their pockets, and
22 guns, but phones in their pockets. Nobody in that car
23 called 911. And I would submit, it's understandable, they
24 didn't want to get caught by the police, they didn't want
25 to get caught by the policeman they thought was chasing

CLOSING ARGUMENTS

1 him, why would they call the police to come to them? And I
2 can't find his picture so I'm going to use mine. He
3 calls -- at some point after Mr. Williams got out of the
4 car at the barbershop, maybe they did see him with a phone
5 in his hands but he laid it on the seat, he couldn't reach
6 it. How is he supposed to call for help while driving the
7 car 70 miles per hour, however fast interstate speed is,
8 getting over here and trying to reach his phone on the
9 floorboard on the passenger side of his car? He can't
10 reach the phone to call 911. I would submit to you if he
11 would have been able to reach it he probably would have
12 called 911, call for backup because that's what cops do.
13 So they roll around -- and this is where -- again, you've
14 got to go with your common sense and you've got to go with
15 what makes sense. We've got this. And I'm actually going
16 to -- this is the house -- let me get it the right way so
17 you can see -- the house on Parkway Drive. So they're
18 coming around the corner here, they get out and Chris gets
19 out here, falls down, the gun goes off, shell casing in the
20 road, and he would have you believe that he can't find
21 anywhere to hide over here. And part of self-defense is
22 you have a duty to try to figure out some other way besides
23 killing a person to get away, that is a duty that you have,
24 and His Honor will charge you that and we will come to that
25 again in a moment. So instead of running across the street

CLOSING ARGUMENTS

1 to hide, which is ultimately where he ran to hide his gun
2 and he is familiar with that, he runs across the street and
3 he sets up because he knows when he gets out he's got some
4 time. And he by his own statement says, "I'm over here --
5 I saw him, he was around Vance Drive when I got out of the
6 car." All he had to do was run over here, run over there,
7 run over here, he had plenty of places that he could have
8 gone to get away from him. But no, he chooses to go into a
9 space where there's nothing to hide behind. And the
10 codefendants say, "Yeah, we heard the big shots," they
11 never say we heard the little shots. Mr. Frick says,
12 "Well, they were around the curve, maybe they didn't hear
13 the little shots." They sure enough heard them when they
14 were on Patrick Street, everybody did, a half block away,
15 it's pretty easy to hear this gun a half block away, that's
16 about how far they were on Patrick Street when they heard
17 it. But before they heard the big gun they made it all the
18 way around the corner, they can't even see him anymore.
19 Think about the amount of time and what makes sense. He
20 gets out, the victim is coming, he's in the dark, okay? He
21 can't see. He knows where he is because he's got big
22 lights on his car but he can't see where the defendant is.
23 He's coming around the curve, at some point the defendant
24 runs back over here, maybe he runs back over here, wherever
25 he gets he starts shooting at the victim and that is what

CLOSING ARGUMENTS

1 makes sense. I would submit to you he's standing about
2 right here, and he takes this big gun and he sets up
3 because he's got some time. He's got the Vance coming
4 here, go around the curve and he opens the fire and he
5 ambushes him, which is exactly what they were going to do
6 to the people on Holmes Road. So there's a pattern of
7 behavior developing here, and he shoots and he shoots and
8 shoots and he shoots and he shoots, and as he's shooting
9 he's turning. And you heard -- this is where the bullet
10 ejects from, this is where the cartridge cases are, all
11 these things that were found in the road this where they
12 come out. Just shooting as he goes all the way around, and
13 that's where all of this comes from. That's where he --
14 and he ultimately ends up while the victim still on -- now,
15 he's on Roundtree, he is shooting still following and these
16 end up in the embankment over here -- you can't see --
17 these end up in the embankment over here, two of them which
18 they were able to dig out of the dirt in the ditch, and two
19 of them where they could tell there were bullets but they
20 never could find anything in there. That is what makes
21 sense. And that's what Stevie Breland tells you happened,
22 that once the defendant started to trust him -- because he
23 kept giving him these stories, the same stories he's trying
24 to feed you, and Stevie Breland says, "That really doesn't
25 make any sense, man, come up with something else." The

CLOSING ARGUMENTS

1 truth will always make sense. When you say you're running
2 saying your running and you're shooting, shooting, that
3 doesn't make any sense. It doesn't make any sense in terms
4 of this, and it doesn't make any sense in terms of this.
5 Now, you heard Melinda Worley testifying about this, and if
6 you think about dowel rods, which we've been using here,
7 you've got to have two points in order to be able to --
8 there's got to be a hole outside and a hole inside to be
9 able to find the trajectory point, on a windshield you
10 can't do it. And think about Mr. Williams, he starts
11 taking on fire somewhere in here, his windshield gets
12 crashed completely up, can't see where he's going and the
13 defendant says, "Oh well, the car only got shots six
14 times." Well, we don't know that. His window was actually
15 busted out, and you could see that in the picture. The
16 windshield glass is all over the floor right next to his
17 gun and there was no window left on the car. So his car --
18 he can't see he, has no way to see out of the windshield.
19 Look at that. So I would submit to you that once he's hit,
20 not his car but himself, and his radiator -- because Mr.
21 Moore is in front of him, there's no way to hit the
22 radiator if you're not in front of the car. If he's not
23 coming up the street and you're not shooting at him there's
24 really no way to hit the radiator. So he stops because he
25 has to, and gee, that's where Agent Blackmon told you

CLOSING ARGUMENTS

1 there's a pool of radiator fluid. And you'll have the
2 photograph of G and it pools up, and then you'll see at
3 some point where Mr. Williams hits this house -- or sorry,
4 hits this house, hits a mailbox on the way to the house and
5 that's where his car comes to rest. And the truth is that
6 while the evidence does show and you can think that maybe
7 he did do this on Patrick Street, there's another
8 possibility. He was alive, y'all. You hear Kyle Cummings
9 talk about we got him out of the car, he stood up, sat in
10 the chair while he's bleeding to death and the EMT man gets
11 there and says, "Yeah, he actually walked to the stretcher
12 and he died on the way to the hospital." He's still alive.
13 And the other possibility is this -- and I'm not telling
14 you which one to believe because I would submit to you that
15 either one of them does not amount to self-defense. This
16 did not amount to self-defense and this certainly does not,
17 and this is where the interested part is. You heard
18 Whitney Berry, the SLED lady, come in and say he has got
19 gunshot residue on both of his hands. She can't really
20 tell for sure what happened but it's on both of his palms
21 and both of the backs of his hands. And I would submit to
22 you when he stopped here he got out of his car, and like a
23 cop would do, he shot two times trying to defend himself,
24 and then he was bleeding to death, he lost -- he became
25 weak and he had to sit back down and he dropped his gun

CLOSING ARGUMENTS

1 right next to where he sat, and he sat down, he put his
2 foot on the gas and he ended up in that house and that's
3 where his car finally came to rest. And in the meantime
4 the defendant, according to his testimony, was running all
5 around scared to death, really doesn't know who Mr.
6 Williams is, thinks this guy shot at him, which I will make
7 time to come back to, but he's got the -- somehow he's
8 brave enough, "Well, I ran down here, but oh my gosh I
9 forgot my cellphone so I should probably go back to the
10 scary place because I'm really not sure what's going on
11 over there and get my cellphone out of the street." I
12 submit to you again that makes absolutely no sense. If he
13 was truly afraid why on earth would he do that? I would
14 submit that maybe he never even did it. So now he's
15 sitting in jail. Well, first he's running around. So they
16 run around and they run over to this bush -- runs over
17 to -- and he runs over to the shed and ditches his gun,
18 because now it's probably time to get rid of the gun,
19 you've done what you needed to do. His friends have left
20 them, they come back and they meet back up, at least he and
21 Terrance Buchanan meet back up over here while Terrance
22 Buchanan is ditching his guns under the bush. And Chris
23 Moore -- and this is the other interesting thing that I
24 want you guys to think about, he's like, "Yeah, I had two
25 clips and they each had 30 bullets in them." Okay. So now

CLOSING ARGUMENTS

1 he has got 60 bullets. And he says no -- he never really
2 -- "But I only shot, I didn't shoot them all." First of
3 all he says on the stand, "I shot until it wouldn't fire
4 anymore," and then he said, "But I only shot 28 of them out
5 of there." Well, this thing was empty, ditched under a
6 bush on the way to ditch the gun. And then he says that
7 the other one, which is this one, "I never used that one,"
8 it's only got 28 in it. I submit to you he switched it out
9 and he fired two more shots after he switched it. But he
10 wants you to believe that Mr. Williams -- that's an easy
11 thing to do because it's got a clip. And you saw Dan
12 DeFreese talk about that -- he wants you to somehow believe
13 now that he's had time to go back and think about it, well,
14 if you start to do the math and you would have six shots
15 and you know two are fired but you go back and you can say,
16 "Well, he kept shooting at me so he used six and then he
17 must have shot some more, so two more times would make
18 eight, which leaves four in there." It makes sense when
19 you think about him trying to figure this out but it
20 doesn't make any logical sense when you think about the
21 circumstances under which Mr. Williams would have had to
22 try to deal with this situation. He's driving a car -- his
23 wife said he's right-handed -- he's driving this car at
24 interstate speed, and the defendant would have you believe
25 that somehow he's able to -- and you guys will have this

CLOSING ARGUMENTS

1 back there -- pull it out and there's a little latch on
2 there, you've got to pull this thing forward, pull the
3 barrel out, and then you've got to shoot it backwards to
4 dump the bullets out, and it might get caught because
5 there's this little thing there, and then you've got to
6 somehow reload it, but maybe he had a speed loader. Well,
7 that was never found. No shell casings was ever found,
8 nothing was ever found. The only thing that was found was
9 in the gun. I would submit to you that was all there ever
10 was. He had no more live rounds, he had nothing. This was
11 his gun, he's a cop, cops carry guns, that's what they do,
12 it doesn't matter if they're retired or anything. And if
13 any of you know cops I would submit to you that you would
14 think the same thing and you would realize the same thing.
15 They go out with a gun, it's like getting dressed in the
16 morning putting on their pants. But he did not reload that
17 gun, and I would submit to you that he either fired the two
18 warning shots or he fired when fired upon. So they come
19 around, they ditch the empty magazine. Now, he's ditched
20 the gun with the 28 bullets that are left. Terrance
21 Buchanan hit it, he's gone, and Chris Moore starts running,
22 and he's running over to Rosae's house or running
23 somewhere, I don't know where he was going, but he ended up
24 at Rosae's house, which everybody testified was on old York
25 Road. And you heard Lashonda Wray, who was about the least

CLOSING ARGUMENTS

1 happy person to be here besides Rafael Jackson, say that
2 it's right around in here, it's on York Road. If this is
3 Roundtree Circle, all he had to do -- right there, that's
4 where the bush is and that's where the shed is, and he runs
5 over here and now he's in the yard, meets back up with
6 Derrick Dixon and in doing so jumps over a fence which he
7 gets his blood on and he touches that white Crown Victoria
8 which he gets his blood on. And then, you know, when he's
9 giving his statement he doesn't realize that he's left
10 anything behind. He might realize, "Oh yeah, maybe I
11 didn't get into that truck, but maybe my fingerprints might
12 be on the door because I actually really did get into it so
13 I had to touch the handle, so let me figure out how I can
14 make that up because I've got to account for that," because
15 he knows there might be fingerprints. So he says, "Yeah,
16 well, I have touched it while I spoke with the people in
17 the truck," so he has got to account for that but he
18 doesn't realize that he's left blood all over the scene.
19 Mr. Frick would say, or did say he doesn't have
20 fingerprints on the gun, he doesn't have blood on the gun.
21 Okay. Well, you also heard the SLED agents testify they
22 swabbed things -- they did swab not this magazine but the
23 one that was found next to the gun, and they did find
24 something on there that he could not be excluded as a
25 contributor to, one in 19 million chance of finding a

CLOSING ARGUMENTS

1 random person in the street besides him who touched that.
2 I would submit to you that's pretty significant. So now
3 he's tied to the scene, he's tied to the gun, he's tied to
4 the truck and he's swimming backwards trying to figure out
5 what he's going to say, and this self-defense claim is all
6 he's been able to come up with, and I submit it is
7 ludicrous and unreasonable and unbelievable. Because if
8 you are truly afraid you don't ditch the biggest gun in the
9 car, you don't get out of the car, you don't open the door
10 to get out of the car. If you wanted to throw the gun out
11 it's like Mr. Maxwell touched on when he was cross
12 examining, throw it out the window if you really truly want
13 to get rid of it, but I submit to you he didn't, he didn't
14 want to get rid of it. And I would also submit that he of
15 all people was the least credible witness. He's the one
16 who's got the most to gain by getting you to believe
17 something that's not true. He was on probation, he wasn't
18 supposed to have a gun, he was -- and Derrick Dixon said on
19 the stand -- and you guys need to remember it the way you
20 remember it, but my recollection of it is that he didn't
21 say we were scared, he said we were scared of getting
22 caught with all of these guns in the car. Derrick Dixon
23 was the last of the three co-defendants to testify, and
24 that was his statement, "We weren't scared, we were scared
25 of getting caught." And that was the purpose of Quinton

CLOSING ARGUMENTS

1 McClinton saying, "Get out of the car and shoot that man,"
2 so we don't get caught, we've got to get away no matter
3 what it takes. And you can go back and you can listen to
4 that jail call because that sort of goes along with what
5 I'm telling you. When Mr. Moore calls his -- I don't know
6 it was, it was a lady after his bond hearing, he calls her
7 from the jail phone and it's recorded, he never says that
8 if the victim hadn't been shooting at us we would never be
9 here, he said if the victim hadn't been following us we
10 would never be in this situation. And even Buchanan said,
11 "When I hooked back up with him when he was getting out of
12 the car, he was calm, he didn't seem to be scared. When I
13 hooked back up with him" -- and Ray Ray says the same
14 thing, "When I hooked back up with him he seemed nervous,"
15 Ray Ray said "Like something was going down and I am not
16 putting you in my car." He had been running, he had been
17 firing the gun, there was adrenaline going, and yeah, he
18 was still scared of getting caught because he knew that the
19 police were on their way. That's his motivation is to get
20 away from the truck, and that's what he's trying to get you
21 to buy in to. And Maurice James, I want to talk about her
22 real quick because Mr. Frick touched on this, she lives
23 about here, right about there on the Parkway. Her
24 testimony was, "Yeah, I heard a couple of shots and they
25 didn't sound too loud, and then I heard a bunch of shots

CLOSING ARGUMENTS

1 that sounded really loud." So her house is about right
2 here, and Mr. Moore starts firing either here or here
3 depending on where you believe he stands when the defendant
4 came, the shots -- regardless they get closer to her house
5 at some point right around in here. I'm going to talk
6 about -- and again, His Honor has to give you the law and
7 you have to be the finders of fact and apply it to the law
8 as he gives it to you, not as I state that it is. There's
9 elements of murder, it's an unlawful killing with malice
10 aforethought. I touched on this in my opening, malice
11 aforethought is acting with a depraved heart, not caring
12 about the consequences. I submit to you that pulling the
13 trigger on this gun -- and it's at least 18 times because
14 if he had 60 rounds and only 28 left, that was 32, 18 is
15 what they found. He pulled this trigger -- and Dan
16 DeFreese tells you, think about it, it's not an automatic
17 gun, it's a semiautomatic, every time you fire a shot
18 you've got to pull the trigger. So I want to do this for
19 you and I want you to think about it. I am going to pull
20 it 18 and I'm going to stop, and I'm going to go ahead and
21 pull it 10 times. If this is not malice I don't know what
22 is.

23 (Starts pulling the trigger of the gun.)

24 MS. HALL: That's 18.

25 (Starts pulling the trigger of the gun.)

JURY CHARGE

1 MS. HALL: And if you look at those dowel rods in the
2 car and you think about the height of the defendant, and
3 you for one second that he was shooting over his shoulder,
4 that's coming up. That's consistent with either standing
5 or being down on the ground shooting as he was coming
6 around the corner. Intent, it's an intent crime, you have
7 to intend to kill. And it doesn't mean that you have to
8 intend the kill the person you're shooting at, it doesn't
9 mean that you have to -- intent is something that can be
10 implied. If you're shooting that gun 18 to 28 times at a
11 person driving a car, or at a car being driven by a person
12 you can pretty much figure out what the consequences could
13 be, and that's all that's required for intent. Mr. Frick
14 wants to talk about self-defense. Yes. He can raise it
15 and we have to disprove it, and I would submit to you we
16 have already done that. But in order to fully think about
17 it we have to think about the elements of self-defense, and
18 His Honor is going to charge you about this as well. The
19 defendant must be without fault in bringing on the
20 difficulty, just simple possession of that gun is not
21 enough to bring on the difficulty. When he exits the car
22 he's bringing on some difficulty. For all we know he
23 thought that the people from Holmes Road was following him,
24 he'd brought on that difficulty, he thought he was shooting
25 at them, he didn't know who he was shooting at. The

JURY CHARGE

1 defendant's conduct was the type which was reasonably
2 calculated to provoke a deadly assault, which there was no
3 deadly assault here, and I would submit to you that's a
4 prong that doesn't apply at all. So then you get to
5 imminent danger. The second element is that the defendant
6 was actually in immanent death or serious bodily harm, or
7 that he actually believed that he was in danger of this.
8 This is a reasonable person standard, you guys are
9 reasonable people. He got out -- and I will tell you, Mr,
10 Frick said that I was going to, he got out a perfectly safe
11 truck with several cellphones in the car with this big gun,
12 this big rifle to get out and shoot him. Even if he was
13 wasn't intending to get out he's putting himself in harms
14 way. A reasonable person would not do that. A reasonable
15 person would stay in the car and call the police. If you
16 truly think and you're truly scared, wouldn't you rather
17 get in trouble for having guns than ending up shot? And he
18 would have to believe -- even if he was scared in the car,
19 he would have to believe that there was no reasonable way
20 to avoid killing this man than by the actions that he took.
21 And again, call the police, don't get out of the car,
22 there's several ways to avoid this. And then the last
23 prong of that that I wanted to talk about that is no other
24 way to avoid the danger. Again, don't get out of the car,
25 call the police. There has to be no other way to avoid the

JURY CHARGE

1 danger than to do what you do, and I would submit in this
2 case there were many other ways to avoid the danger. He
3 stepped out of the car because Quinton McClinton told him
4 to step out of the car and take care of this guy and he
5 followed orders. I want to talk about reasonable doubt,
6 and I've already said -- this will be the third time at
7 least. This is important -- reasonable doubt is -- we have
8 the burden of proof, it is beyond a reasonable doubt.
9 Reasonable doubt is defined in the law, and His Honor will
10 talk to you about this, it's a doubt that would cause a
11 person to hesitate to act, and they go on and define it as
12 it has to leave you firmly convinced of every element of
13 the crime. The State has to present evidence that leaves
14 you firmly convinced that there's no other reasonable
15 conclusion to draw and that's exactly what happened. I
16 would submit we have given you evidence that should leave
17 you firmly convinced that this was an unlawful killing,
18 that the defendant was malicious in doing so and that it
19 caused the death of Mr. Williams. And you heard the doctor
20 talk about it and you've heard the SLED people say, yeah,
21 there was a projectile in the car, it had his blood and
22 tissue on it, this is the shot that killed him. And then
23 the other crime that he's charged with is possession of a
24 weapon during the commission of a violent crime. Murder is
25 a violent crime. If you find him guilty of murder, he did

JURY CHARGE

1 it with that gun, he's guilty. The defense's job is to
2 confuse you and to believe the defendant's lies. Don't
3 fall for it. We come seeking the truth and we come seeking
4 justice for Odell Williams, but we also come seeking
5 justice for his family. Chris Moore killed him
6 intentionally and unlawfully, he did so with malice
7 aforethought, and that he possessed that big gun right
8 there to carry this out, and I would submit there is no
9 other reason or conclusion but that he is guilty of both of
10 those charges. Thank you for your attention.

11 THE COURT: The next phase of the trial is the Judge's
12 charge on the law. Does anybody need to recess? Okay.
13 Madam Forelady and ladies and gentlemen of the jury, if I
14 could have your undivided attention. I want to thank you
15 for listening attentively to the presentation in this case,
16 and I want to thank counsel for their able presentations
17 and able arguments. It now becomes the duty of the Trial
18 Judge under the constitution of the State of South Carolina
19 to charge and instruct you the law applicable to the case,
20 and it is your duty as jurors to accept and apply the law
21 as I state it to you. As jurors it is your exclusive duty
22 to decide all of the issues of fact in this case and for
23 that person -- or that purpose to determine the effect, the
24 value and the weight of the evidence. Both the State and
25 the defendant have a right to expect that you will

JURY CHARGE

1 conscientiously consider and evaluate the evidence and
2 apply the law of the case thereto, to the end that both the
3 State of South Carolina and the defendant will receive and
4 obtain a fair and impartial trial in this case. When I use
5 the word defendant I'm referring to Mr. Moore. The State
6 of South Carolina by the bills of indictment in this case
7 have charged the defendant with the offenses of murder and
8 possession of a firearm during the commission of a felony.
9 To the charges the defendant has entered a plea of not
10 guilty, and the plea of not guilty by a defendant places
11 the burden of proof on the State to prove by evidence the
12 guilt of a defendant beyond a reasonable doubt before you,
13 the jury, can find the defendant guilty. A defendant is
14 presumed in law innocent of the charges contained in the
15 indictment. It's a cardinal and fundamental rule of the
16 law of evidence that a defendant, irrespective of the
17 enormity of the charges against him, will always be
18 presumed innocent of the crimes for which he is indicted
19 unless and until the guilt of the defendant has been proved
20 by evidence that satisfies you, the jury, of his guilt
21 beyond a reasonable doubt. The presumption of innocence is
22 not a mere legal theory, it's not just a legal phrase, the
23 presumption of innocence is a substantial right to which
24 every accused is entitled. Our Supreme Court has declared
25 that the presumption of innocence is like a robe of

JURY CHARGE

1 righteous placed about the shoulders of the defendant
2 and it remains with him and assigns him to that class of
3 innocence until that presumptive robe of righteousness has
4 been stripped from his person by evidence satisfying you,
5 the jury, of the guilt of the defendant beyond a reasonable
6 doubt. The presumption of innocence accompanies a
7 defendant from the time of his arraignment and appearance
8 in the court and continues with the defendant throughout
9 every stage of the trial and continues with the defendant
10 until after you retire to the jury room to deliberate your
11 verdict. The presumption of innocence continues in
12 existence to the benefit of the defendant until you, the
13 jury, reach the conclusion that the State has proved the
14 guilt of the defendant beyond a reasonable doubt. The
15 State is not required to prove the guilt of a defendant
16 beyond all doubt or beyond every doubt, but beyond a
17 reasonable doubt. Some of you may have served as jurors in
18 civil cases where you were told that it is only necessary
19 to prove that a fact is more likely true than not true. In
20 criminal cases the government's proof must be more powerful
21 than that, it must be beyond a reasonable doubt. Proof
22 beyond a reasonable doubt is proof that leaves you firmly
23 convinced of the defendant's guilt. There are very few
24 things in this world that we know with absolute certainty,
25 and in criminal cases the law does not require proof that

JURY CHARGE

1 overcomes every possible doubt. If based upon your
2 consideration of the evidence you are firmly convinced that
3 the defendant is guilty of the crime charged you must find
4 him guilty. If on the other hand you think there is a real
5 possibility that he is not guilty, you must give him the
6 benefit of the doubt and find him not guilty. A defendant
7 is entitled to every reasonable doubt arising in the case
8 and arising in any defenses. In this case the defense of
9 self-defense has been raised, and when that is raised and
10 presented by a defendant then the State must disprove the
11 self-defense. If upon any issue of fact essential to
12 conviction and a verdict of guilt you have a reasonable
13 doubt as to how that issue should be resolved, it would be
14 your duty to resolve that reasonable doubt in favor of the
15 defendant. The defendant, as I have told you, is not
16 required to prove his innocence, but the State is required
17 in law to prove every essential element of the offense
18 charged against the defendant by evidence that satisfies
19 you, the jury, of the guilt of the defendant beyond a
20 reasonable doubt before you can convict a defendant and
21 find him guilty. If then in the case you have a reasonable
22 doubt as to the guilt or the innocence of the defendant, he
23 is entitled to a reasonable doubt and would be entitled to
24 an acquittal and a verdict of not guilty. On the other
25 hand if upon the case you find that the State has proved by

JURY CHARGE

1 evidence that satisfies you, the jury, of the guilt of the
2 defendant beyond a reasonable doubt, then in such
3 circumstance it would equally be your duty to convict the
4 defendant and find him guilty. Now, up here on the desk I
5 have the indictments in the case that you will have later
6 on in the jury room. An indictment is not evidence and
7 cannot be considered by the jury as evidence in the case,
8 an indictment is simply the formal written instrument which
9 contains the charges against the defendant and serves as a
10 document by which the case is processed into the court.
11 Now, during the trial each of us, you and I, have certain
12 duties to perform. As the Trial Judge it is my
13 responsibility to preside over the trial of the case, and I
14 also have the duty to rule upon or pass upon the
15 admissibility of the evidence offered during the progress
16 of the trial. You are to consider only the competent
17 evidence before you, and you are to disregard and disabuse
18 from your mind any testimony ordered stricken from the
19 record of this case during the progress of the trial if
20 there be any. And you are to consider only the testimony
21 and evidence which has been presented from this witness
22 stand together with any exhibits admitted into the record
23 in this case, and any stipulations of counsel made into the
24 record, if there be any. I have the additional duty to
25 charge you the applicable law of the case. As the

JURY CHARGE

1 Presiding Judge I am the sole judge of the law of the case
2 and it is your duty to accept and apply the law as I state
3 it to you. If you have a preconceived idea as to what the
4 law is or what the law ought to be in this case and it does
5 not agree with what I tell you the law is, you are
6 obligated under your oath to abandon this preconception on
7 your part, because you are sworn to accept the law
8 precisely as the Court states it to you. In every case
9 tried in this court before a jury the jury becomes the sole
10 and exclusive judge of the facts of the case. You, the
11 jury, are the judge of the facts in the case and the Court
12 is the law of the case. The constitution of this state has
13 declared that the Trial Judge shall not intimate, state,
14 comment upon or make any statement to a trial jury about
15 the facts in the case. Since you are the sole judge of the
16 facts you are not to infer from anything that I have said
17 during the progress of this trial in ruling upon the
18 admissibility of evidence or otherwise, or anything that I
19 say to you during the course of this charge to you that I
20 have an opinion about the facts. The law does not let me
21 have an opinion about the facts. That is a matter solely
22 for you, the jury, to determine. As jurors then it is your
23 duty to determine, as I have stated to you, the effect, the
24 value and the weight of the evidence presented during the
25 course of this trial. Necessarily then you must assess the

JURY CHARGE

1 credibility of the witnesses who have testified in the
2 case. Credibility is simply a legalistic term which means
3 believability. It becomes your duty to analyze and
4 evaluate the evidence, and to determine the credible
5 evidence. I charge you that in determining questions of
6 credibility or believability of the witnesses you may
7 believe one witness as against several witnesses, or
8 several witnesses as against one witness. You may believe
9 a part of the testimony of a witness and reject the
10 remaining part of the testimony of that same witness. You
11 may believe the testimony of a witness in its entirety or
12 reject the testimony of a witness in its entirety. You may
13 consider whether any witness has exhibited any interest,
14 any biases or any prejudices in the case, and you may
15 consider the demeanor of a witness and the appearance of a
16 witness from the witness stand, and you may consider the
17 opportunity for knowledge concerning those things about
18 which a witness testified. And in doing so in exercising
19 your mental processes, the law simply requires that you
20 exercise your good judgment, your common sense, your sense
21 of logic and reason and your experiences in life. It is
22 often said jurors cannot leave their common sense at the
23 courthouse step. I ask you and charge you at this time to
24 apply these attributes of ability to the evidence and
25 determine the weight of the evidence to the state of facts

JURY CHARGE

1 in which you, the jury, determine, you take and apply the
2 law as I state it to you and thus arrive at a true verdict
3 in the case. Now I need to speak with you about the
4 specific crimes charged. The charge in the first
5 indictment I have up here is that of murder. I'm going to
6 read to you section 16-310 of the Code of Laws of South
7 Carolina of 1976 as amended which states murder is the
8 killing of any person with malice aforethought either
9 expressed or implied, and I point out to you that inferred
10 also means the same thing as implied. Murder is the
11 unlawful killing of any person with malice aforethought
12 either expressed or inferred. Once again, implied means
13 the same thing. Hence in order to convict one of murder
14 the State must not only prove the killing of the deceased
15 by the defendant, but that it was done with malice
16 aforethought. Such proof must be beyond a reasonable
17 doubt. Malice aforethought is an essential element for the
18 crime of murder. What is malice? Malice is defined in the
19 law of homicide as a term of art. Malice does not
20 necessarily mean an actual intent to kill. It is a
21 technical term importing wickedness and excluding just
22 cause or legal excuse. It is something which springs from
23 wickedness, from depravity, from a depraved spirit, from a
24 heart devoid of social duty and fatally bent on mischief.
25 The words expressed or inferred malice do not mean

JURY CHARGE

1 different kinds of malice, but merely the manner in which
2 the only kind of malice known to the law may be shown to
3 exist, that is to say either by direct evidence or by
4 inference. Malice may be expressed as where previous
5 threats of vengeance, lying in wait or other circumstances
6 show directly that an intent to kill was entertained.
7 Malice may be inferred where, though, no expressed intent
8 to kill is proved by direct evidence, it may be inferred
9 from the facts and circumstances which are proved. Malice
10 may be inferred from the willful, deliberate and
11 intentional doing of an unlawful act without just cause or
12 legal excuse. In other words in its general signification
13 malice means the doing of a wrongful act intentionally
14 without justification or legal excuse. But even if facts
15 proved are sufficient to raise an inference of malice this
16 inference would be simply an evidentiary fact to be taken
17 into consideration by you, the jury, along with all the
18 other evidence in the case, and you may give it such weight
19 as you determine it should receive as to whether or not
20 malice has been proved beyond a reasonable doubt. There
21 must be malice aforethought, and while the law does not
22 require that malice shall exist for any particular length
23 of time before the commission of act, it must be
24 aforethought. There must be a combination of a previous
25 evil intent and the act producing the fatal result. I

JURY CHARGE

1 charge you that the State is not required to prove a motive
2 for homicide. The other charge and indictment in it is for
3 possession of a firearm during the commission of a violent
4 crime. That comes from 16 -- section 16-23-490 of the code
5 of laws of the State of South Carolina 1976 as amended. It
6 makes it illegal to possess a firearm or visibly display
7 what appeared to be a firearm during the commission of a
8 violent crime. Section 16-160 provides that a violent
9 crime includes the offense of murder. For you to find the
10 defendant guilty of this separate statutory offense of
11 possession of a firearm during a violent crime, you must
12 first find the defendant guilty of murder. If you find the
13 defendant guilty of murder, then you must determine whether
14 the State has proved beyond a reasonable doubt that the
15 defendant was in possession of a firearm or visibly
16 displayed what appeared to be a firearm during the
17 commission of murder. As used in section 16-23-490 of the
18 South Carolina Code, a firearm is defined as any machine
19 gun, automatic rifle, revolver, pistol, or any weapon which
20 will or is designed to or may be readily converted to expel
21 a projectile. Now, you have heard the term self-defense.
22 The defendant has raised the defense of self-defense. It
23 is a complete defense, and if it is established you must
24 find the defendant not guilty. The State has the burden of
25 disproving self-defense by proof beyond a reasonable doubt.

JURY CHARGE

1 If you have a reasonable doubt of the defendant's guilt
2 after considering all of the evidence, including the
3 evidence of self-defense, then you must find the defendant
4 not guilty. On the other hand if you have no reasonable
5 doubt of the defendant's guilt after considering all of the
6 evidence, including the evidence of self-defense, then you
7 must find the defendant guilty. The following elements are
8 required to establish self-defense. One, without fault.
9 First the defendant must be without fault in bringing on
10 the difficulty. If the defendant's conduct was the type
11 which was reasonably calculated to and did provoke a deadly
12 assault, the defendant would be at fault in bringing on the
13 difficulty, and would not be entitled to an acquittal based
14 on self-defense. Second element, immanent danger. The
15 second element of self-defense was that the defendant was
16 actually in immanent danger of death or serious bodily
17 injury, or that the defendant actually believed that he was
18 in immanent danger of death or serious bodily injury. If
19 the defendant was actually in immanent danger it must be
20 shown that the circumstances would have warranted a person
21 of ordinary firmness and courage to strike the fatal blow
22 to prevent death or serious bodily injury. If the
23 defendant believed he was in imminent danger of death or
24 serious bodily injury, it must be shown that a reasonable
25 prudent person of ordinary firmness and courage would have

JURY CHARGE

1 had the same belief. In deciding whether the defendant
2 actually was or believed he was in immanent danger of death
3 or serious bodily injury you should consider all of the
4 facts and circumstances surrounding the crime, including
5 the physical condition and characteristics of the defendant
6 and the victim. Let me speak to you about a right to act
7 on appearances. The defendant does not have to show that
8 he was actually in danger. It is enough if the defendant
9 believed he was in immanent danger and a reasonably prudent
10 person of ordinary firmness and courage would have had the
11 same belief. The defendant has the right to act on
12 appearances even though the defendant's belief may have
13 been mistaken. It is for you to decide whether the
14 defendant's fear of immanent danger of death or serious
15 bodily injury was reasonable and would have been felt by an
16 ordinary person in the same situation. Third element, no
17 other way to avoid danger. The final element of
18 self-defense is that the defendant had no other probable
19 way to avoid the danger of death or serious bodily injury
20 than to act as the defendant did in this particular
21 instance. A person cannot be required to make an exact
22 calculation as to the degree or amount of force which may
23 be needed to avoid death or serious bodily harm, therefore
24 in self-defense the defendant has the right to use the
25 force needed to avoid death or serious bodily harm. The

JURY CHARGE

1 force used in self-defense does not have to be limited to
2 the degree or amount of force used by the victim. The
3 defendant has the right to use so much force as appeared to
4 be necessary for complete self protection in which a person
5 of ordinary reason and firmness would have believed would
6 be needed to prevent death or serious bodily harm. If the
7 defendant is justified in defending himself and in firing
8 the first shot, then the defendant is also justified in
9 continuing to shoot until it is apparent that the danger of
10 death or serious bodily injury has completely ended. I
11 will speak with you about type of evidence. There are two
12 types of evidence which are generally presented during a
13 trial, that is direct evidence and circumstantial evidence.
14 Direct evidence is the testimony of a person who asserts or
15 claims to have knowledge of the facts such as an eye
16 witness. Circumstantial evidence is proof of a chain of
17 facts and circumstances indicating the existence of a fact.
18 The law makes absolutely no distinction between the weight
19 or value to be given to either direct or circumstantial
20 evidence, nor does a greater degree of certainty required
21 of circumstantial evidence than of direct evidence. You
22 should weigh all of the evidence in the case, and after
23 weighing all of the evidence you are not convinced of the
24 guilt of the defendant beyond a reasonable doubt, you must
25 find the defendant not guilty. I certainly in no way tell

JURY CHARGE

1 you what types of evidence are in this case, that is
2 strictly within your fact finding duty as jurors. I also
3 charge you that the issue of punishment for a particular
4 crime is not a concern of the jury. Your concern is the
5 determination of guilt or innocence, punishment is the
6 concern of the Court. Ladies and gentlemen, you are not
7 partisans or advocates for the State or for the defendant.
8 You do not serve as jurors to reward friends or to punish
9 enemies, obviously such a perverted system of justice would
10 be intolerable in our society. You have been selected by
11 both the State and the defendant to be fair and impartial
12 jurors. It is your duty then by your joint deliberations
13 to determine the truth in this case of the evidence or the
14 believability or credibility of the witnesses and evidence,
15 giving to the defendant the benefit of every reasonable
16 doubt on each and every issue, then to the facts which you
17 determine to be, you then take and apply the law, which has
18 been given to you by the Court, and thus arrive at a
19 verdict which does speak the truth of the case. For the
20 word verdict is a Latin derivative, which means a true
21 saying, and when you have accomplished these
22 responsibilities you will have satisfied your oath as
23 jurors and you will have discharged your duty to the Court.
24 I will speak with you about the forms of the verdict in the
25 case, you will have to take up the indictments separately.

JURY CHARGE

1 If the State has failed to prove the guilt of this
2 defendant beyond a reasonable doubt your verdict would be
3 two words; not guilty. If the State has proved the guilt
4 of the defendant beyond a reasonable doubt, your verdict
5 will be one word; guilty. The verdict that you render in
6 this case must be the verdicts of each and every juror, it
7 must be your unanimous verdict. All 12 jurors must agree
8 on the verdict which you authorize Madam Forelady to write
9 for the jury. Once again, in regards to that statutory
10 offense of possession of a firearm during the commission of
11 a violent crime you cannot find the defendant guilty unless
12 you have found the defendant guilty of murder. Madam
13 Forelady, I have the indictments up here. You will find on
14 this left-hand corner on the caption side of the
15 indictments an area that says verdict, it will be your duty
16 to write the appropriate verdict and sign your name and
17 date it, and once you've reached a verdict to knock on the
18 door and let us know. All right. I've got to check in
19 with the lawyers one last time, and during that process we
20 have to check and make sure all of the exhibits are
21 present. As soon as we finish that task that we have to
22 check off on there we will send the items of evidence back
23 to you, along with these verdict forms, and only until then
24 will you be begin your deliberations, so just relax a few
25 minutes and let us get this back to you. Once that is

JURY CHARGE

1 delivered to you, you may commence your deliberations.
2 Madam Forelady, I also have to instruct you that if anybody
3 needs to take a restroom break, a smoke break or leaves the
4 room, these deliberations -- or for any such reason cease
5 your deliberations until you've got all 12 back, okay? All
6 right, if y'all will step back.

7 (The jury left the courtroom.)

8 THE COURT: All right. First of all, anything else
9 for the record? Any exceptions or additions?

10 MS. HALL: The only thing that you didn't charge that
11 is the expert witness charge, I don't know if that's
12 necessary.

13 THE COURT: I can do it if y'all want me to.

14 MS. HALL: That's up to him. I don't have any problem
15 with you not doing it but I want to be fair about --

16 MR. FRICK: I'm fine with the charge you gave, Your
17 Honor.

18 MS. HALL: That's fine.

19 THE COURT: If either one of you want it I don't mind
20 charging it.

21 MS. HALL: I don't care to have it, but in deference
22 to Mr. Moore I wanted to bring that up.

23 MR. FRICK: I think we're fine.

24 (The exhibits were collected, indictments sent back
25 And the jury began deliberations.)

JURY VERDICT

1 THE COURT: I have been informed by the forelady that
2 they have reached a verdict. No matter what the verdict is
3 I ask everybody to please take whatever the jury has done
4 without any display of any bad behavior in the courtroom, I
5 mean, I know emotions are high. If you feel like you can't
6 control yourself you certainly need to step back out, but
7 everybody has been well behaved so I don't think we're
8 going to have any problem with that. Bring the jury in.

9 (The jury returned to the courtroom.)

10 THE COURT: All right. Madam Clerk, the jury has
11 reported.

12 THE CLERK: 2015-GS-12-85, the State versus
13 Christopher Marquavious Moore, the verdict is guilty.
14 2015-GS-12-086, the State versus Christopher Marquavious
15 Moore, indictment for murder, is guilty. Signed Deborah R.
16 Evans, foreperson.

17 THE CLERK: Madam Forelady, ladies and gentlemen of
18 the jury if this is your verdict so say you all please
19 raising your right hand. Thank you.

20 THE COURT: Anything further of the jury?

21 MR. FRICK: Defense request polling.

22 THE COURT: Madam Clerk, if you would poll the jury
23 individually.

24 THE CLERK: Okay. Mrs. Burns, was this your verdict?

25 THE JUROR: Yes.

JURY VERDICT

1 THE CLERK: Is this still your verdict?
2 THE JUROR: Yes.
3 THE CLERK: Mrs. Lumpkin, was this your verdict?
4 THE JUROR: Yes.
5 THE CLERK: Is this still your verdict?
6 THE JUROR: Yes.
7 THE CLERK: Mr. Muller, was this your verdict?
8 THE JUROR: Yes.
9 THE CLERK: Is this still your verdict?
10 THE JUROR: Yes.
11 THE CLERK: Ms. Sampson, is this your verdict?
12 THE JUROR: Yes.
13 THE CLERK: Is it still your verdict?
14 THE JUROR: Yes.
15 THE CLERK: Ms. Durham, is this your verdict?
16 THE JUROR: Yes.
17 THE CLERK: Is it still your verdict?
18 THE JUROR: Yes.
19 THE CLERK: Ms. Carolina Evans, was this your verdict?
20 THE JUROR: Yes.
21 THE CLERK: Is it still your verdict?
22 THE JUROR: Yes.
23 THE CLERK: Ms. Boulware, was this your verdict?
24 THE JUROR: Yes.
25 THE CLERK: Is it still your verdict?

JURY VERDICT

1 THE JUROR: Yes.

2 THE CLERK: Mr. Trapp, was this your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Is it still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Mr. Truesdale, was this your verdict?

7 THE JUROR: Yes, ma'am.

8 THE CLERK: Is it still your verdict?

9 THE JUROR: Yes, ma'am.

10 THE CLERK: Ms. Pearson, was this your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Is it still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Ms. Bagley, was this your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Is it still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Ms. Murphy, was this your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Is it still your verdict?

21 THE JUROR: Yes.

22 THE COURT: Polling is complete. Anything else?

23 MR. FRICK: No, sir.

24 (The jury was dismissed.)

25 THE COURT: The first thing I have to establish before

JURY VERDICT

1 we get into mitigation, what was the age of the defendant
2 when this occurred?

3 MR. FRICK: I believe it was 18 at the time.

4 THE COURT: Eighteen?

5 MR. FRICK: Yes, sir.

6 THE COURT: So that -- we don't -- we can go forward.
7 If he was younger than 18 we would have to have additional
8 testimony and a hearing on it. Solicitor?

9 MS. HALL: I didn't print any sentencing sheets, Mr.
10 Maxwell is going to get those. I feel confident that
11 somebody from the victim's family would like to say
12 something, am I correct in assuming that? Would you like
13 to hear from them first?

14 THE COURT: Sure.

15 MS. HALL: Your Honor, the rest of the family didn't
16 get in in time for the reading of the verdict, would it be
17 okay if we just hang tight for just a minute so we can get
18 them in here? Because she says they would like to be
19 present for this.

20 THE COURT: Sure.

21 (Break in proceedings.)

22 MS. HALL: His date of birth was [REDACTED] So this
23 occurred on October 4th of 2000 -- November the 4th of
24 2014. At this time I would like the Court to hear from
25 Coretta Williams, she's the victim's daughter.

SENTENCING HEARING

1 THE COURT: Ms. Williams?

2 THE SPEAKER: Number one, and something that I hope
3 that everyone in here takes away is that today is not a
4 good day. That guilty verdict, it doesn't make my heart
5 sing because he's thrown his life away, but my dad is not
6 here anymore. I don't really know what to feel, but we've
7 talked. My dad, 2:00 or 3:00 in the morning was up with
8 me, nose bleeds, you name it he's done it in the community.
9 We sacrificed so much because he was always out in the
10 community whether it was working to get paid, working for
11 free, taking somebody to football practice, basketball
12 practice, softball practice, Boy Scouts, you name it he's
13 done it. The day after my dad passed away my brother went
14 to a -- job because they were concrete finishers, he went
15 to a job to finish it because of the work ethic that my dad
16 instilled in him. It's a huge loss. It's a huge loss. My
17 dad's sister, honestly I don't know if she's changed her
18 mind but she said, "I hope he doesn't get life." But me
19 and my siblings and my mother, we can be selfish and that's
20 what we ask for, because maybe he will use that opportunity
21 to change his life and to speak life into others. I do
22 believe people can change but he's not there yet, that's
23 not my judgment call to make, but that's my opinion. And
24 because of the loss that we've suffered, my brother works
25 hard, now you've got people threatening his life because my

SENTENCING HEARING

1 dad is not here anymore? That's not fair and it's not
2 right. Thank you.

3 THE COURT: Thank you.

4 MS. HALL: I'm going to pass up sentencing sheets, but
5 at the same time I am going to pass up a copy of the
6 defendant's juvenile record instead of reading it publicly.

7 MR. FRICK: Your Honor, the solicitor has provided me
8 a copy and I've seen it.

9 THE COURT: And as far as an adult record I think
10 that's already come out in the evidence. Well, no, it did
11 not come out in the evidence, it just came out a
12 misdemeanor through side bar. I understand that -- you
13 might better go ahead and just publish that.

14 MS. HALL: I've got a couple of things to say with
15 that regard. On June the 2nd of 2014 in York County he was
16 convicted of failure to stop for a blue light, that was
17 approximately five months prior to this event. He was
18 convicted, he received one year and suspended on one year
19 of probation. At the time of this event he was also on
20 bond on a burglary first charge. One of the conditions of
21 his bond is that he be on house arrest with his mother, and
22 that was the situation when this occurred. Mr. Williams --
23 we've been through this as you know twice, and for the last
24 two years I've been involved with the victim's family. He
25 was public servant, I think the Court can tell from what

SENTENCING HEARING

1 has gone on here, he was a 27 year veteran of the police
2 force, he retired. He was a city councilman, I believe Ms.
3 Williams testified he had been a city councilman for about
4 16 years. He was very involved with youth in the
5 community. And while anything -- no matter what the
6 sentence is it's not going to bring him back, I think
7 Corretta touched on that when she spoke to the Court. The
8 State's interest is not only punishing people for what
9 they've done but it is for protecting people in the future
10 from what this defendant has shown his capabilities are and
11 what his pattern of behavior has been. He's a documented
12 gang member as the Court knows, he has been for some time,
13 he was at the time of this event. He has shown -- from
14 what I've seen he's shown little to no remorse. He's come
15 to bond hearings, he's said, "I'm sorry, if I could take it
16 back I would," and then he continues -- he will continue to
17 tell the Court to spin lies to try to get himself out of
18 trouble and to blame. I take complete offense with the way
19 that he blamed the victim for this event. The State is
20 asking for a life sentence. He's acted with a complete
21 disregard for the safety of not only Mr. Williams but for
22 the entire community, and the State takes the position that
23 he is a big danger to the community and we would ask the
24 Court to go along with what the State is asking for at this
25 time. And I beg the Court's indulgence just a minute, I

SENTENCING HEARING

1 don't know if Mr. Newman wants to say anything.

2 (Break in proceedings.)

3 MS. HALL: Thank you, that's all we have.

4 THE COURT: Mr. Frick?

5 MR. FRICK: Thank you, Your Honor. Mr. Moore, Chris
6 as I call him, is 20 years of age as he stands before you
7 right now, when this event occurred he was 18 years of age
8 as you've heard. I have known Chris now for those two
9 years. We have met a whole lot and we have talked a whole
10 lot. I will tell you when we first met this is a different
11 young man. This was a cocky young man, this was almost an
12 arrogant young man when I met with him the first time, and
13 over the two years that I've met with him this a young man
14 who has realized that he was on a bad path and he did not
15 want that to be his life and does not want to return to
16 that life style. I certainly understand why the solicitor
17 says what she says, but I can tell you personally, and I
18 think Your Honor may know that I don't go on a personal
19 note very often, personally I've seen changes in Chris. He
20 is a smart man. Absolutely right, this is a tragedy on
21 both sides. It's a tragedy for the loss of life, it's a
22 tragedy that Mr. Moore is not going to be able to go
23 forward with the talents that he has. He's demonstrated to
24 me that he really can be a productive person in society and
25 I think he's going to be regardless of what happens, Your

SENTENCING HEARING

1 Honor. He has learned a whole lot and I think he can
2 educate folks regardless of his station. Your Honor, I'm
3 not going to try to relitigate the case but there's a
4 reason why we went forward as a self-defense argument and I
5 think the Court is aware of why we did that. The evidence
6 suggests that the victim did not necessarily have clean
7 hands himself in this situation. Obviously the jury found
8 what they found and that may find its way to litigation in
9 another day, but I do believe that the remorse that Mr.
10 Moore has expressed is genuine, but on the same token, Your
11 Honor, he did believe his life was in jeopardy as well.
12 And while certainly the jury did not find that he acted
13 within the law and the Judge must sentence him accordingly
14 I do believe that's where his mind was that night, and if
15 he did not feel that way he probably would not have acted
16 that way. Your Honor, I have not had an opportunity to
17 talk with the family, you see he's got strong family
18 support here, I don't know if anyone is able to address the
19 Court, but if they wish to I would ask you to hear from
20 them at this time.

21 THE COURT: Yes, sir?

22 MR. FRICK: Anybody? Speak loud enough and give them
23 your name.

24 THE SPEAKER: My name is Lawrence Moore, I'm
25 Christopher's father. I just want to say I'm sorry for the

SENTENCING HEARING

1 family, which I said publicly once before. I hate this
2 happened. I just don't want to see my son go to jail for
3 the rest of his life, but, you know, there are consequences
4 for our actions so I mean, it is what it is. We support
5 him, we love him and I hate it happened but there's reasons
6 why it happened. It all happened because there's some
7 things happened that transpired before it happened, so we
8 just sorry it happened. I love my son, I support my son, I
9 stand behind my son 100 percent, so it is what it is.
10 Thank you.

11 THE SPEAKER: I'm his mother, Tonya Stewart. Chris is
12 a good child, Chris have a good heart. Chris have changed.
13 The DA tried to make my child out like he was an animal,
14 the Williams family -- he said he was sorry. God forgave
15 him, we forgave him, they should have. My child is
16 nobody's animal and he don't deserve for his life to be
17 token (sic) away from him for the rest of his life. What
18 if Odell had have killed my child, would we be here? No.
19 Just as good as my child deserve his freedom, I'm losing my
20 child just like they lost their father. That's mine, I
21 gave birth to him. No. I don't have no remorse for the
22 Williams family, I don't because their father could have
23 took my child's life. And at the end of the day he is
24 mine's. I love him. And yes, he is a changed man. I know
25 he's changed man. I talk to my child every day. I visit

SENTENCING HEARING

1 my child everyday, I know the change. And all I say is
2 have mercy upon his life because he's still young and he
3 still deserve a second chance at life. I love my child
4 just like she loved her father. I mean, he made a mistake,
5 I forgived (sic) him and God forgave them, them are the
6 only people that have to forgive him, and as long as God
7 forgive him I have no objection with nothing. I love you,
8 son. It's a consequence that you have got to go through,
9 but mama love you. I love you.

10 THE COURT: Thank you.

11 MR. FRICK: If you would hear from Mr. Moore.

12 (Break in proceedings.)

13 THE COURT: All right, Mr. Moore.

14 THE DEFENDANT: I'm just very sorry that it happened.
15 My intention that night was not to kill that man. I know a
16 jury found different. I know the solicitor trying to make
17 me seem like this guy, this and that. We all make mistakes
18 in our life. I was in a neighborhood gang, it wasn't a
19 gang but it was a neighborhood, we all did bad things, but
20 I'm grown now and I learned from my mistakes. Like I said,
21 I did not mean to kill Mr. Williams that night, I honestly
22 didn't, that wasn't my intent. The whole courtroom, wasn't
23 nobody there but you would just have to put yourself in my
24 shoes that night. You're being chased around town, a guy
25 shooting at you, you're turning, you're turning and you're

SENTENCING HEARING

1 turning, the truck is not the safest place to be and I fall
2 out of the truck, sir, and I had to do what I had to do.
3 That's basically all I felt, a lot of people might not feel
4 the same way, a lot of people might feel different. Like I
5 said, I'm sorry to the Williams family, I am, I truly am.
6 They might not think it, they might be thinking I'm lying
7 to get my way out of this, there's no situation about it.
8 I've lost a brother, got killed, I've had a lot of bad
9 things happen in my life. I don't just say this so you
10 don't give me life in prison, if that's your intentions I
11 guess that's what I have to deal with for the rest of my
12 life. But at the end of the day I can't sleep at night
13 also knowing I took Mr. Williams' life, that's something
14 that will haunt me for the rest of my life. It's not just
15 something -- it's something to deal with, taking a life is
16 hard to deal with and especially when you didn't intend to
17 take that life. That is my main thing, I didn't intend to
18 kill Mr. Williams, I didn't, I didn't mean to kill him.
19 I'm sorry to whoever, I'm sorry to the family. It's just
20 the truth, I didn't mean to kill him that night, sir, I
21 didn't. And I thank you.

22 THE COURT: Well, from your -- well, first of all let
23 me cover some procedures that I need to discuss with you.
24 The jury has found you guilty, I'm put in the position to
25 have to pass sentence, please understand that you have a

SENTENCING HEARING

1 right to appeal this verdict and decision and sentence. In
2 order to do so you have to file a notice of appeal within
3 ten days of sentencing. Mr. Frick, if you will, if he
4 desires to appeal you would need to begin that process with
5 assisting with the notice of appeal and then the staff down
6 in Columbia will normally take that over.

7 MR. FRICK: Yes, sir.

8 THE COURT: You're more familiar with that than
9 certainly I am. Well, even from your own testimony in
10 looking -- a lot of these cases were dismissed, but it sort
11 of catches the eyes that you had probation back several
12 years ago, assault and battery third degree and it seemed
13 like a shoplifting, a lot of cases dismissed for an assault
14 nature. But, you know, I've already said -- and I've been
15 involved in the criminal justice system for over 40 years,
16 and up until this very day I say that the court system,
17 legal system still is based on common sense. And my common
18 sense tells me from the evidence I heard that you and your
19 co-defendants started out that particular day looking for
20 trouble. It's clear cut that y'all went with the intention
21 of committing an armed robbery over drug monies. Common
22 sense tells me that is a serious strike against you. You
23 had already been convicted of a crime that you were fully
24 aware of that you weren't supposed to be possessing a
25 firearm. This was not a mere pistol, this was a

SENTENCING HEARING

1 semiautomatic rifle that wasn't made for hunting purposes.
2 Common sense also tells me that the victim, being a former
3 police officer who retired in 1997, fired two shots to try
4 to get y'all's attention to stop. That was the old way
5 that police officers handled that, not that it was right or
6 wrong, but today in law enforcement you've got procedures
7 and protocol that across the board forbids that, but he was
8 of the old school. Common sense tells me he fired two
9 shots out that window trying to get y'all to stop. And the
10 worst mark -- well, another mark that really gives me a
11 problem is that the driver of the car pulled over with the
12 intent of luring the victim out of his car so you could
13 escape. By that time y'all had full knowledge that he was
14 possibly a policeman, why in the name of the Good Lord
15 didn't y'all stop right then and deal with it? Then a high
16 speed chase. I am firmly convinced that you were told to
17 get out of that car and put a stop to it. I am certainly
18 not impressed with any argument there was any self-defense
19 here. You got out of that vehicle with the full intention
20 of stopping Mr. Williams with whatever it took. Two shots
21 out of that revolver, no evidence anywhere to indicate all
22 of these other shots, all fabricated. You murdered Mr.
23 Williams. Therefore on the murder charge you are sentenced
24 to life in prison without eligibility of parole. On the
25 weapons charge, which is really horrendous in that you knew

SENTENCING HEARING

1 you shouldn't have had that firearm to start with, five
2 years consecutive. Sheriff, you can transport him down to
3 Columbia.

4 (End of trial proceedings.)

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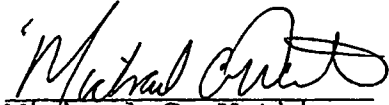
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1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings had and
6 evidence introduced in the trial of the captioned
7 case relative to appeal in the Court of General
8 Sessions for Chester County, South Carolina, on the
9 27th-30th days of June, 2016.

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

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October 24, 2016


Michael C. Watkins

Court Reporter

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHESTER)
)
 THE STATE,)
)
 vs.)
)
 Christopher M. Moore,)
)
 Defendant.)
 _____)

IN THE COURT OF GENERAL SESSIONS

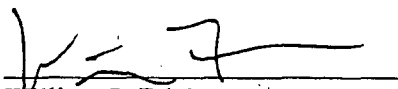
NOTICE OF MOTION AND
 MOTION FOR IMMUNITY FROM PROSECUTION
 PURSUANT TO 16-11-450 S.C. CODE OF LAWS
 Warrants
 2014A1210100528 & 2014A1210100530

TO: Julie G. Hall
 Deputy Solicitor, Sixth Judicial Circuit

YOU WILL PLEASE TAKE NOTICE that the Defendant will move before the Presiding Judge and Chief Administrative Judge for General Sessions matter for the Sixth Judicial Circuit, on or about April 18, 2016, at 9:00 a.m., or whenever the court shall direct, for an order pursuant to Section 16-11-450 of the South Carolina Code of Laws for a grant of immunity from prosecution in the above referenced matter.

The defendant is charged on the above referenced warrant with Murder and Possession of a Weapon during a Crime of Violence with an incident date of November 4, 2014. The defendant intends to show that his actions were in conformity with defense of himself or others pursuant to South Carolina Code Section 16-11-440(c) and prevailing common law of the State and, therefore, the defendant is entitled to immunity from prosecution pursuant to South Carolina Code Section 16-11-450.

Respectfully submitted,



William P. Frick
 Attorney for Defendant

April 12, 2016
 Chester, South Carolina



STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHESTER)

IN THE COURT OF GENERAL SESSIONS

THE STATE,)

vs.)

MEMORANDUM IN SUPPORT OF MOTION
 FOR IMMUNITY FROM PROSECUTION
 PURSUANT TO 16-11-450 SC CODE OF LAWS

Christopher M. Moore,)

Warrants

Defendant.)

2014A1210100528 & 2014A1210100530

DEFENDANT'S STATEMENT OF THE FACTS

The defendant, Christopher M. Moore, is charged on the above reference warrants with Murder and Possession of a Weapon during a Crime of Violence occurring on the evening of November 4, 2014.

The decedent of this case is Odell Williams, a retired Chester City Police Officer and sitting Chester City Councilman.

During the evening of November 4, 2014, Christopher Moore along with co-defendants Quinton McClinton, Terrance Buchannon (**statement 1**), Derrick Dixon (**statement 2**), and DeAngelo Roseboro (**statement 3**) were in a vehicle parked on Featherstone Road in Chester County. They had exited the vehicle to cross to Holmes Road, the next parallel road with the purpose, according to the co-defendants, to rob Timothy Franklin. (**statement 1, 2, & 3**)

Ms. Louise Williams (**statement 4**), ex-wife of Mr. Williams, and some family members passed by the empty parked vehicle of the defendants and notified Mr. Williams of the vehicle. There is no indication of any actions or intent of any actions by the defendants toward Ms. Williams or her family members.

Mr. Williams travelled to Featherstone Road and was either on or entering Featherstone Road as the defendants were exiting or attempting to exit Featherstone Road. According to statements from Ms. Louise Williams (**statement 4**), Mr. Williams was signaled that he had passed the defendants' vehicle and Mr. Williams turned and pursued the defendants' vehicle as it travelled on Old York Road toward downtown Chester.

At some point, the defendants perceived they were being followed and turned onto Brawley Street in an apparent attempt to elude the unknown vehicle pursuing them. Mr. Williams continued the pursuit onto Brawley Street. The defendants turned onto Saluda Street and then to

McClure Street and Mr. Williams continued to pursue the defendants. **(statement 1, 2, & 3)**

On McClure Street the defendants, Mr. Buchannon now recognized Odell Williams was the one pursuing them and asked the driver to stop and find out what Mr. Williams wanted. Both vehicles stopped in the parking lot of a barber shop. As Mr. Williams was either exiting his vehicle or approaching the defendants' vehicle, but before there was any interaction between the parties, the defendants drove off from the parking lot. Mr. Williams again pursued the defendants' vehicle. **(statement 1, 2, & 3)**

As the defendants then turned onto Patrick Street, those in the defendants' vehicle stated they heard gunfire from the Mr. Williams' vehicle which was immediately behind them. At the intersection of Patrick and 1st Streets, The defendants turned onto 1st Street, not stopping for the stop sign at that intersection. Mr. Williams, too, failed to stop at the stop sign and continued pursuit of the defendants' vehicle. **(video available, Kira Bagley statement 5 and Jennifer Lowery statement 6)**

At the end of 1st Street, the defendants turned onto Saluda Street and Mr. Williams continued to pursue them. From Saluda Street, the defendants then turned onto Parkway Drive and Mr. Williams followed. **(statement 1, 2, 3, & 5)**

According to statements of the defendants in the vehicle, at the entrance to Round Tree Circle, Mr. Christopher Moore stated that he was getting out of the vehicle. By all accounts from the defendants, Mr. Moore stumbled out of the vehicle and fell upon exiting. Mr. Moore was carrying a rifle as he exited. As he fell into the road, the rifle he was carrying discharged one round. **(statement 1, 2, & 3)**

The vehicle of Mr. Williams continued following the defendants' vehicle and was approaching as Mr. Moore was attempting to regain his footing. The defendants' vehicle with the remaining defendants seated inside left Mr. Moore and continued down Round Tree Circle. As Mr. Williams approached Mr. Moore in the road, Mr. Moore discharged his rifle several times with one of the bullets striking Mr. Williams. Subsequently, Mr. Williams lost control of his vehicle and travelled through the yards of residences on Round Tree Circle, ultimately crashing into the front steps of a home.

An autopsy revealed Mr. Williams died as a result of a single penetrating gunshot wound to the head. A .32 caliber revolver holding two spent shell casing and four unfired rounds was found in the driver's side floor board of Mr. Williams' vehicle. An examination of the hands of Mr. Williams by SLED revealed gunshot residue. **(SLED GSR Report)**

Additionally, at the time of his death Mr. Williams had pending charges on warrants 2014A1220100047 (**warrant 1**) and 2014A1220100048 (**warrant 2**) with Threatening the Life of a Public Official for threatening Chester City Police Chief Andre Williams (**statement 7**) and Major Gene Gilmore (**statement 8**) with a firearm in the bathroom of city hall after a city council meeting on March 10, 2014. Mr. Williams gave his account of the incident in a statement to SLED (**statement 9**).

MR. MOORE IS ENTITLED TO IMMUNITY UNDER 16-11-450

The actions of Mr. Moore were in response to a lengthy and, at some points, high speed pursuit by Mr. Williams through the City of Chester. The vehicle in which Mr. Moore was seated had been fired upon by Mr. Williams during this pursuit, however, there would have been no way for Mr. Moore to have any knowledge of what type of gun was fired and how many more shots could be fired.

As Mr. Moore was attempting to remove himself from the vehicle he fell into the road. While he is in this vulnerable position, the very vehicle that has pursued him through the city and previously fired upon him is approaching. With these issues in mind, Mr. Moore was in fear for his safety and fired upon the vehicle of Mr. Williams. As Mr. Moore was not in the commission of unlawful conduct at the time of the firing upon Mr. Williams and it occurring in a public area where Mr. Moore had a right to be present, Mr. Moore's actions were the actions of a reasonable person in fear for their safety.

Mr. Moore's actions are in conformity with the provisions of Section 16-11-440(C), therefore, Mr. Moore is entitled to immunity from prosecution for events charged in the above reference warrants pursuant to Section 16-11-450.

16-11-440(C)

Section 16-11-440(C) states:

A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as defined in Section 16-1-60.

According to State v. Curry, 406 S.C. 363, 752 S.E.2nd 263, the "stand your ground law" is essentially self defense without the duty to retreat. Therefore, any application of this provision

must satisfy the elements of a standard self defense claim, minus the duty to retreat. Under a claim of self defense the defendant:

- 1) Must be without fault in bringing on the difficulty
- 2) Actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger
- 3) If based upon a belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. If he was in actual imminent danger, the circumstances were such that 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
- 4) Had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance.*

*No. 4 is not a requirement of 16-11-440(C)

NOT ENGAGED IN UNLAWFUL ACTIVITY

According to statements by the codefendants in this case the defendants were involved with a plan to rob a home on Holmes Road. The idea was to park at or near the end of Featherstone Road and walk through to Holmes Road, which is the next road parallel to Featherstone. Upon arrival at the Holmes Road residence, no one was home, so the robbery plan was abandoned and the defendants went back to the vehicle on Featherstone.

Whatever the defendants' intent as they exited the vehicle, those plans were abandoned and the defendants had withdrawn from those intentions.

While the defendants may have intended to commit a crime to as they entered Featherstone and exited the vehicle, the intended victim was not Odell Williams or any member of his family. Further, there is no indication that any harm or threat of harm to Mr. Williams or his family occurred on Featherstone Road.

The incident involving Mr. Williams occurred after the previous plans of the defendants had been abandoned and the defendants were withdrawing from those plans. In fact, the defendants were in the process of leaving the area before Mr. Williams entered onto Featherstone and before he began his pursuit of the defendants. As such, the defendants were not engaged in any unlawful activity during the incident with Mr. Williams.

NOT AT FAULT IN BRINGING ON THE DIFFICULTIES

Any act of the defendant in violation of the law and reasonably calculated to produce the occasion amounts to bringing the difficulties and bars the right to self defense. State v. Bryant,

336 S.C. 340 at 345;520 S.E.2nd 319 at 322.

Therefore, the question here is, did the defendants' actions bring about the difficulties with the victim. If this was a case of a shooting between the defendants and potential victim Timothy Franklin, then the State would likely be correct that the defendant was at fault in bringing the difficulty and self defense would be barred.

In the actual case, while on Featherstone the defendants did nothing to Mr. Williams and intended no harm to Mr. Williams. In fact, if the Mr. Williams had not come to Featherstone Road at the time the defendants were leaving and then pursued them down York Road and through the city of Chester, there would never have been an interaction between the parties.

Therefore, Mr. Moore was not at fault in bringing about the difficulties with Mr. Williams.

UNLAWFUL POSSESSION OF FIREARM

During this event, Mr. Moore was armed with a rifle. The State will likely suggest that Mr. Moore's possession of a firearm was in violation of the law. While defense does not concede this issue, under State v. Burriss, 334 S.C. 256, 513 S.E.2d 105, simply possessing a firearm unlawfully at the time of the incident does not automatically defeat a claim of self defense.

There is no case law in this particular area in regard to a request for immunity from prosecution under 16-11-450 or the provisions of 16-11-440(C). However, since all other cases regarding these provision rely on the case law regarding self defense, if a defendant's possible unlawful possession of a firearm in a self defense claim would not be defeated, it would stand to reason that such unlawful possession would not prevent application of 16-11-440(C) in a request for immunity under 16-11-450.

CONCLUSION

If Mr. Moore was in fact on Featherstone Road to participate in an illegal activity, that activity was directed at an entirely different individual than Mr. Williams or his family. Further, once the co-defendants returned to the vehicle parked on Featherstone, those initial plans had been abandoned and they were withdrawing from that activity before any interaction with Mr. Williams or his family occurred.

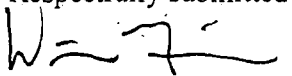
The occupants of that vehicle did not seek out Mr. Williams or his family and intended to do no harm to Mr. Williams or his family. It was, in fact, Mr. Williams, who once he turned and began pursuit of the defendants down York Road, initiated the difficulties with the defendants.

The circuitous path through the city of Chester, at night, and occasionally at high rates of speed indicate the defendants' desire to get away from Mr. Williams and indicate Mr. Williams' intention to have a confrontation with the defendants. The witness' statements that shots were fired from Mr. Williams' vehicle during this chase indicate Mr. Williams' intent to have a violent confrontation with the defendants.

Mr. Moore's exiting of the defendants' vehicle was a further individual attempt to withdraw from this conflict. Unfortunately, he stumbled out of the truck and fell to the ground only to find the pursuing vehicle coming toward him. Mr. Moore, having already been chased through the city, shot at by Mr. Williams, and having no idea how many more shots or weapons were in Mr. Williams' vehicle did what any person in that situation would do. He fired his weapon.

Mr. Moore was not engaged in any illegal activity at the time of the exercise of his defense of self. Mr. Moore was in a place in which he had a right to be at the time of the exercise of his defense of self. Mr. Moore had been attacked as an occupant in a vehicle that was pursued through the city and fired upon by Mr. Williams, therefore, having every reason to believe that the attack would continue and result in great bodily injury or death, unless he defended himself. Mr. Moore's actions comport with the provisions of 16-11-440(C). Mr. Moore is entitled to immunity from prosecution under 16-11-450.

Respectfully submitted



William P. Frick
Attorney for Defendant Chris M. Moore
Deputy Public Defender
Sixth Judicial Circuit



VOLUNTARY STATEMENT

CASE # 32-14-0147

LEAD #

LAST NAME Buchannon		FIRST NAME Terrance		MIDDLE NAME Williams	AGE 26	D.O.B. [REDACTED]
NICKNAME/AKA		M <input type="checkbox"/> F <input type="checkbox"/>	SSN	STREET ADDRESS [REDACTED]		
CITY Chester		STATE SC	ZIP 29706	MAILING ADDRESS IF DIFFERENT		
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE		OCCUPATION unemployed		
EMPLOYER			EMPLOYER ADDRESS			
DRIVER'S LICENSE NUMBER/STATE			DATE AND TIME OF INTERVIEW March 29, 2016 12: p.m.			
LOCATION OF INTERVIEW Chester County Courthouse, Chester S.C.						
INTERVIEWING AGENT S/A M. Lee Blackmon		DEPARTMENT SLED	INTERVIEWING AGENT		DEPARTMENT	

I, Terrance Buchannon understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can not read and write and completed the 12th grade in school. Chester High School

Q: S/A M. Lee Blackmon
A: Terrance Buchannon

Q: Describe what occurred on November 4, 2014, in Chester, South Carolina.

TB A: At the time this event occurred I was living from house to house from place to place wherever I could find a place to lay my head. I had stayed with my cousin Sherone Cherry a good bit. I couldn't tell you where I stayed at the night before I went to Gidget's. On November 4, ²⁰¹⁴~~2015~~, I was talking to a girl near Gidgets so I walked over to Gidgets. When I got their there was a bunch of guys there. Prior to leaving "Gidget's" apartment at Chester Homes, I was with Quinton McClinton, De' Angelo Roseboro, Chris Moore, Derrick Dixon, Paul Mayfield, and a female named Latange Craig. While at Gidget's, Me, Roseboro, Moore, McClinton, and Dixon discussed our problems with the rival Ten Four Gang. The Ten Four Gang had been coming through shooting at us and we were all talking about going over there and robbing the place off of Featherstone where Tim Tim who is Timothy Franklin lived. Franklin's mother lived on Holmes Road, the street next to Featherstone Road. The plan was to rob Franklin's residence and shoot the place up. Franklin was known to hang with a person by the nickname of "Hot Boy" who we thought would be at the residence too. We all left in a Dodge ram pickup truck that McClinton had borrowed from somebody. I had seen McClinton in the truck once every blue moon but I did not know who owned the truck. My nickname is Three Money and I was sitting in the right front passenger seat and I had two guns, a .38 revolver and a semiautomatic 9 millimeter. McClinton whose nickname **TB**

Statement 1

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/29/16 Time: 12:28 p.m. Terrance Buchannon
Signature of person giving voluntary statement

WITNESS: S/A M. Lee Blackmon WITNESS: James M. [Signature]

TB was "Trell" was driving the Dodge truck and was armed with a semi-automatic pistol. Dixon was seated in the left-rear passenger seat behind McClinton and his nickname was Hatchet. Dixon was armed with some kind of handgun. Roseboro whose nickname was Debo was armed with a semi-automatic handgun and was seated in the middle-rear seat. Moore whose nickname is Diesel was seated in the right rear passenger seat and he was armed with an SKS assault rifle. Me and the others rode to Featherstone and parked alongside the roadway near the end of Featherstone Road. We all made our way in the direction of Holmes Road toward Tim Tim's residence. We walked over toward Holmes Road and we sat down and were there waiting for someone to get home at Tim Tim's, I noticed a car driving out of Featherstone Road at a slow rate of speed as it went by the parked truck. I told the others we needed to leave and we all got back into the truck in the same seats we had been seated in while riding to Featherstone Road. McClinton turned the truck around and drove on Featherstone Road toward York Road. As we approached the stop sign on York Road, I observed the same vehicle I saw drive by the truck before while it was parked on the right side of the road a short distance from the stop sign with the hazard lights flashing. I recognized Odell Williams' wife and his daughter inside the vehicle. I knew the Williamses because my grandmother lived on Featherstone Road. I did not tell anyone I recognized Odell William's wife and daughter. McClinton drove around the vehicle and as he did so, I saw a burgundy Cadillac pulling onto Featherstone Road. I recognized the driver as being Odell Williams. Moore might have known Williams. I knew Williams because he was my football coach when I was 11 or 12 years of age. Williams had driven me home from practice before. I did not know Williams was a city councilman but I did know he was a former police officer. McClinton turned left on Old York Road and we didn't know anybody was following us until we got to the stop light at the bypass. I said somebody was following us. We went straight across. We turned left on Brawley Street. Then we turned left onto Saluda Street. I knew the car was still behind us and following us. We turned right onto McClure Street. When the truck pulled on McClure Street, I told McClinton to stop the truck and ask what we wanted. I told everyone in the car that the driver of the Cadillac was Williams. Everybody knew who Odell was when we stopped at the barber shop. Everybody saw him. The truck stopped beside the barber shop on McClure Street and Dixon rolled down the left rear window. Williams parked his Cadillac at an angle in a parking space beside barber shop and he stepped out of his vehicle. TB

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Hennace Buchanan

Signature of person giving voluntary statement

WITNESS:

S/A M. P. Blackman

WITNESS:

James M. W. W.

Statement 1

Williams popped his head up like he was getting out. I do not recall hearing anyone inside the vehicle say anything to Williams and Williams did not make any remarks that I recall. McClinton pulled away before Williams reached the rear of his vehicle. I did not see a gun in Williams' hand. I didn't see anything in Williams' hand. McClinton turned left onto Patrick Street and Williams continued to follow. I didn't hear any gunshots on McClure Street at all before we turned onto Patrick Street. After we turned on Patrick Street, I heard gunshots coming back toward the truck from behind us. I heard Quinton say, "Oh shit, he's shooting." I heard two or three shots but did not see the flash of a gun from Williams' vehicle. Williams' car was right on us. He was close. If I had jumped out of the truck he would have run over me. I was just ready to get out of the truck. With Williams shooting and someone in the truck might be shooting. I was just ready to get out of the truck. McClinton continued to drive and eventually turned onto Parkway Drive. On Parkway Drive, McClinton sped up and put distance between the truck and Williams' Cadillac. At no point did anyone inside the truck fire a gun. McClinton turned left onto Roundtree Circle. When McClinton made the left hand turn onto Roundtree Circle, Moore said, "Let me out." There was nobody talking about Moore getting out of the vehicle. No phone calls were made by anybody inside the truck while this was going on that I know of. No one inside the truck told Moore to get out. Nobody inside said that somebody needed to get out and shoot at the Cadillac. As Moore was falling out of the truck and hitting the ground, the SKS went off. I don't believe Moore intended to fire the first shot and it was fired cause he fell out of the truck. The truck never came to a complete stop and the rest of us continued on Roundtree Circle. I didn't look back and we went around the curve where I couldn't see back up toward where the shooting was coming from. As we were getting into the curve, I heard Moore fire about seven shots. I believe those shots were coming from the SKS. The truck eventually parked on Roundtree Circle and we all went in separate directions. I hid the two guns I had near a fence. Moments after I hid my guns Moore came running up from a different direction. Moore no longer had the SKS with him. Moore stated, "I think I shot that man." I saw blood on Moore's hand. The police were arriving in the area about the same time I met up with Moore. Me and Moore climbed several fences together before separating and going in different directions. I eventually called Paul Mayfield who came and picked me up. I did not tell Mayfield what had occurred. Mayfield took me back to Chester Homes. I have not discussed the case with anyone but I spoke to Chris Moore through the vents at the Chester County Detention Center but we wasn't talking about this case. TB

Statement 1

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Theresa Buchanan
Signature of person giving voluntary statement

WITNESS: S/A Mel Blackwell

WITNESS: Jane M. [Signature]



VOLUNTARY STATEMENT

CASE # 32-14-0147

LEAD #

LAST NAME Dixon		FIRST NAME Derrick		MIDDLE NAME		AGE 19	D.O.B. [REDACTED]
NICKNAME/AKA		M <input type="checkbox"/>	F <input type="checkbox"/>	SSN	STREET ADDRESS [REDACTED]		
CITY Rock Hill		STATE SC	ZIP 29730	MAILING ADDRESS IF DIFFERENT			
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE		OCCUPATION Unemployed			
EMPLOYER			EMPLOYER ADDRESS				
DRIVER'S LICENSE NUMBER/STATE			DATE AND TIME OF INTERVIEW March 25, 2016 11:00 a.m.				
LOCATION OF INTERVIEW Chester County Courthouse, Chester, South Carolina							
INTERVIEWING AGENT S/A M. Lee Blackmon		DEPARTMENT SLED		INTERVIEWING AGENT		DEPARTMENT	

I, Derrick Dixon understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can not read and write and completed the 10th grade in school.

Q: S/A M. Lee Blackmon

A: Derrick Dixon

Q: Describe what occurred on November 4, 2014, in Chester, South Carolina.

A: On November 4, 2014, I went to GiGi's, also known as Gidget's, apartment in Chester Homes with DeAngelo Roseboro. When we arrived, Chris Moore, Quinton McClinton, and Terrance Buchannon were present at the apartment along with GiGi also known as Gidget and a black male in his mid-thirties. Moore's nickname was Diesel, Quinton just went by Quinton, and Buchannon went by Three Money, Roseboro's nickname was Debo. My nickname was Hatchet. Buchannon began discussing committing a robbery at a house on Holmes Road off of Old York Road. The residence belonged to a member of the "Ten Four Gang." Me, Moore, Buchannon, Roseboro, and McClinton didn't hang with them, the members of the "Ten Four Gang" because my house got shot up at [REDACTED] and I believe members of the "Ten Four Gang" were responsible. Buchannon said there would be money present at the residence on Holmes Road. Me, Moore, Roseboro, Buchannon, and Moore hung out at Chester Homes and were smoking. Eventually, all five of us got into a gray Dodge truck at Chester Homes. McClinton was driving, Buchannon was in the front passenger seat, Moore was seated behind Buchannon in the right rear passenger seat, Roseboro was seated in the middle rear seat, and I was seated in the left rear seat. I was armed with a .40 semi-automatic handgun, Roseboro was armed with a lemon squeeze .45 caliber semi-automatic handgun, Moore was armed with an assault rifle, and

Statement 2

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/25/16 Time: 12:49 p.m.

Derrick Dixon
Signature of person giving voluntary statement

WITNESS: Nathan Blackmon WITNESS: [Signature]

Buchannon was armed with a .38 caliber handgun and a 9mm handgun. Quinton was armed with a handgun but I don't know what kind. We drove to Featherstone Road and McClinton parked the truck at an open spot on the right near the end of Featherstone Road. We all got out and started across a field toward Holmes Road which was a round that paralleled Featherstone Road. We made it close enough to the house to see that no one was home. We were out of the car for approximately ten to fifteen minutes. I did not see or hear a car pass by the parked truck on Featherstone Road. No one told me that a car had driven by the truck while it was parked. No one was at the house so we decided not to do the robbery. All five of us returned to the truck and I got in the middle of the back seat Roseboro was sitting to my left behind McClinton. Moore was to my right in the seat behind Buchannon and McClinton was driving. McClinton drove the truck toward Old York Road on Featherstone Road. When they got near the stop sign, I noticed a car pulled over. There was a woman inside. As soon as we drove by the car, a Cadillac pulled in. McClinton turned left onto Old York Road headed back toward town. The Cadillac started following us. The driver of the Cadillac was flashing his lights and Buchannon said "he's on police stuff" which I thought he meant he was calling the police. The only person inside the truck who knew the driver of the Cadillac was Buchannon. Buchannon told them the driver of the Cadillac was a man who used to coach him in football. I did not know the man. I later found out the man's name was Odell Williams. Our truck, with the Cadillac following us, continued in toward town on Old York Road and the Cadillac was still flashing its lights and we made a left hand turn onto Brawley Street. At the end of Brawley Street, both vehicles turned left on Saluda Street and then made a right turn onto McClure Street. As the truck turned on McClure Street, Buchannon, because he knew the man, told McClinton to pull over to see what he wanted. McClinton stopped the truck on McClure Street. Williams parked in the parking lot of a barber shop at an angle to the left rear behind the truck. Williams exited his vehicle and started walking toward the rear of his Cadillac. I did not see a gun in Williams' hand. Before Williams made it to the rear of his vehicle and before any words were passed between anybody, McClinton drove away. Buchannon said he thought Williams was on the phone talking to the police. Williams got back in his Cadillac and began following them again. Before we made it to Patrick Street while we were on McClure Street I heard a gunshot behind us. McClinton turned left onto Patrick Street. The Cadillac followed. About halfway between McClure Street and First Street, I heard two or one

Statement 2

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Date: 3/25/16 Time: 12:49 p.m. Derrick Dixon
 Signature of person giving voluntary statement

WITNESS: [Signature] WITNESS: [Signature]

shots coming from the Cadillac and I saw a flash of gunfire. McClinton continued on Patrick Street and turned left onto First Street. At the end of First Street, McClinton turned right onto Saluda Street then left onto Parkway Road. The Cadillac was directly behind us. Roseboro leaned out the left rear window and fired one shot back toward the Cadillac near the intersection of Parkway Road and Saluda Street. I didn't fire a shot or even try to fire a shot. McClinton sped up on Parkway Road and placed some distance between our truck and the Cadillac. As we approached the first entrance to Roundtree Circle, Moore stated, "I'm about to get out." No one inside the truck told Moore to get out. When the truck turned onto Roundtree Circle it slowed and Moore opened the door with the assault rifle in his hand. Moore fell out of the door of the truck and onto the roadway. When Moore hit the roadway, the assault rifle went off by accident. Moore got up and pushed the truck door shut. The Cadillac turned onto Roundtree Circle and I immediately heard lots of gunshots behind the truck. I didn't look back. McClinton drove the truck around Roundtree Circle about halfway and I looked back but didn't see anything because we were already around the corner. McClinton pulled over and parked. Everyone got out of the vehicle. Me and Roseboro ran together. We crossed over Roundtree Circle, crossed the railroad tracks, and we ended up in the backyard of a residence facing Old York Road. Roseboro told me the residence belonged to a friend of his. Roseboro knocked but no one answered. Me and Roseboro walked behind the house on Old York Road and hid our guns under something near an old outbuilding. I heard noises coming from the wooded area behind the residence and Moore walked out. Moore no longer had the assault rifle. Moore asked if we had called for a ride and we both said no. Moore used my phone to call Lashonda Wray. Wray came within ten minutes and stopped on Old York Road and we all three got into her Honda. Wray had a friend in the front passenger's seat. I can't remember her name. I sat behind Wray who was driving. Roseboro sat in the middle rear seat. Moore sat in the rear seat behind the front passenger. Wray dropped all three of us off at my house. Me, Moore, and Roseboro were chilling and smoking marijuana. Moore did not say much about what occurred on Roundtree Circle when he got out with the assault rifle other than me and the old man were shooting at each other and the man was shooting back at him. Moore's right hand was bleeding and he had it wrapped in something. Moore went and lay down in a room. Eventually, Moore left and said he was going home. Roseboro called and got a ride with a friend. I have not discussed the incident in detail with anybody. I'm certain the handguns we hid behind the residence on Old York Road are gone because Roseboro was telling everybody about where the guns were hidden. Roseboro also told me in a phone call one day before we got locked up that someone had went and picked up the two guns.

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Berrick Dixon

Signature of person giving voluntary statement

WITNESS:

[Handwritten signature]

WITNESS:

[Handwritten signature]

Statement

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

December 16, 2015

MEMORANDUM OF INTERVIEW

TO: File 32-14-0147

FROM: Special Agent M. Lee Blackmon

RE: Interview of DeAngelo Roseboro

COUNTY: Chester

On August 10, 2015, Special Agent (S/A) Lee Blackmon and Sixth Circuit Solicitor's Office Investigator Keith Lewis conducted an interview with DeAngelo Roseboro in the presence of his attorney Leah Moody in Rock Hill, South Carolina. Roseboro previously provided a voluntary statement on April 30, 2015, to the Chester County Sheriff's Office. Prior to the interview on August 10, 2015, Roseboro reviewed his statement. The purpose of the interview was to gather additional information regarding the murder of Odell Williams. Roseboro provided the following information.

Roseboro was in Chester, South Carolina, on November 4, 2014, babysitting his mother's friend's kids. When he was finished babysitting Roseboro, walked to Derrick Dixon's residence and met up with him. Dixon (aka Dirty) and Roseboro walked over to Chester Homes and met up with Quinton McClinton (aka Quinton), Chris Moore (aka Quay), Terrance Buchannon (aka Money), and a black male nicknamed Quavo or CC. Roseboro's nickname is Debo. Eventually,



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

Statement 3

32-14-0147

Page 2

all parties present began discussing going to Holmes Road and robbing the home of a rival gang. Roseboro, McClinton, Dixon, Buchannon, and Moore all got into a grey Dodge truck at Chester Homes. Roseboro did not know who the vehicle belonged to. McClinton drove the Dodge truck during the incident. Not Terrance Buchannon as Roseboro indicated in his original statement. Buchannon was positioned in the right front passenger seat. Moore was seated in the right rear passenger seat. Dixon was seated in the left rear passenger seat. Roseboro was seated in the middle rear seat. Everyone was armed with a firearm. Roseboro had a semi-automatic handgun. Moore had an assault rifle. After driving to and parking on Featherstone Road, everyone got out of the vehicle and walked toward Holmes Road. Roseboro saw a car drive by the parked truck and noticed a female inside. Roseboro told the others "we need to leave." All five returned to the vehicle and assumed the seating positions they had on the ride over to Featherstone Road. McClinton turned the truck around and drove toward Old York Road. As they approached Old York Road, Roseboro noticed the car that had driven past the truck parked beside Featherstone Road near the stop sign. The vehicle's hazard lights were flashing. A burgundy Cadillac pulled onto Featherstone Road and the black female driver of the stopped car began pointing at the truck. The truck pulled onto York Road. The Cadillac turned around and began following them. The truck and Cadillac took the following route: Continued on Old York Road at the stop light at J A Cochran Bypass. Continued on Old York Road and made a left turn onto Brawley Street. Continued on Brawley Street to Saluda Street. Turned left onto Saluda Street and traveled a short distance before turning right onto McClure Street. After pulling onto McClure Street, Buchannon told McClinton to stop the truck to see what the driver wanted. Buchannon mentioned he knew who was driving the Cadillac and stated it was Odell Williams. The Cadillac pulled off into the parking lot of a barber shop on McClure Street and parked. Williams got out and started walking toward the rear of his vehicle. Dixon rolled down the left rear window. McClinton drove away before there was any conversation between anyone in the truck and Williams, the driver of the Cadillac. The truck continued on McClure Street and McClinton made a left turn onto Patrick Street. The Cadillac continued to follow them. About "halfway between" McClure Street and First Street, Roseboro heard "a couple of shots" and someone in the truck said, "He's shooting...he's shooting." The two vehicles approached First Street and made a left turn. The vehicles continued on First Street to Saluda Street and made a right turn onto Saluda Street. The

Statement 5



VOLUNTARY STATEMENT

CASE # [REDACTED]

LEAD # [REDACTED]

LAST NAME Williams		FIRST NAME Anna		MIDDLE NAME Louise		AGE 65	D.O.B. [REDACTED]
NICKNAME/AKA		M <input type="checkbox"/>	F <input type="checkbox"/>	SSN	STREET ADDRESS [REDACTED]		
CITY Chester		STATE SC	ZIP 29706	MAILING ADDRESS IF DIFFERENT			
HOME TELEPHONE (803) 581-4528	WORK TELEPHONE (803) 379-3410		CELL TELEPHONE	OCCUPATION School Bus Driver			
EMPLOYER Chester County School District			EMPLOYER ADDRESS Chester, SC				
DRIVER'S LICENSE NUMBER/STATE			DATE AND TIME OF INTERVIEW November 6, 2014 3:57 p.m.				
LOCATION OF INTERVIEW Chester County Law Enforcement Center, 2740 Dawson Drive, Chester, South Carolina							
INTERVIEWING AGENT S/A M. Lee Blackmon		DEPARTMENT SLED		INTERVIEWING AGENT S/A Shawn Grant		DEPARTMENT SLED	

I, Louise Williams understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can not read and write and completed the 12th grade in school.

Me and Odell Williams were married in 1968. We have three children. We lived at [REDACTED], Chester, South Carolina. We have been separated for 22 years. My husband was a police officer at the Chester Police Department. He worked about 25 years and retired. He started working concrete at the same time he was policing. After he retired from the police department around 1996 he worked concrete full time. He had a crew working and our son was helping. We separated around 1992 and I stayed in the house on Featherstone and he moved into a residence at [REDACTED], Chester, South Carolina. On the evening of November 4, 2014, I was at home and I walked out to my car to get something from inside of it. While I was outside, I thought I heard a car door shut on the lot right beside our house on the side of the house toward York Road. I walked down the driveway and into the road and looked back up that way but I couldn't see anything. About five months ago somebody stole a big satellite dish from down there and later on somebody had broken some windows out of a vehicle down there. Odell had something stolen from down there about four months ago but I don't know what it was. I walked back up to the house. After about thirty minutes or so, we left to go to Walmart. We went in my daughter's car...her name is Lana Akin...she lives in Rock Hill and she was down visiting. It is a 1984 green Prism. I got in the rear seat behind my daughter who was driving. Ashley Russell, my granddaughter went with us...she was in the front seat of the car. We pulled out and went by the lot and I saw a tan colored truck parked kinda at the driveway where you go into the lot. The lights were off in the truck and it was facing as if you were going out toward York Road. My granddaughter called Odell's cell phone at 8:06 p.m. his number is (803) 519-6727. He was at home. I told him that we was leaving the house and we saw a truck sitting out there at the entrance to the lot down there...a call came in to him on the home phone, I heard it ringing...he told me to hold on a second, I said I ain't got time to be put on hold and I think he answered the other phone but he kept talking to me. He asked me "is the truck just sitting there?".....and I said yeah. He said, "I'll be up here in a few minutes." I told my daughter to pull over right before we got to the stop sign. I knew Odell was on the way and it wasn't gonna hurt us to wait a little bit til he got there. After we set there for about three minutes, I saw a vehicle coming up behind us...it was the truck. It was a four door truck....it was the same truck that I had seen parked back there at the lot. There was enough room for it to pull ahead of us and pull up to the stop sign. It pulled around us and I saw at least two people in the truck. I saw a person sitting in the front passenger seat. It pulled up to the stop sign and about the same time Odell pulled in...he came up to Featherstone on York Road like he was coming from town. We all started pointing at the truck and saying that's it...that's it....I had my window rolled down and Odell had his window rolled down and I said that's the truck right there. The truck pulled off and turned left like it was headed back in toward town. A couple of cars came by the intersection. Odell never said anything to us. He backed up his car...he was driving his burgundy Cadillac....he backed up into the roadway and drove off toward town on York Road. There were a couple of cars in between Odell and the truck. When we got to the stop light at

Annie Louise Williams

Statement 4

[Handwritten initials]

York Road and the bypass, we got stopped by the light. I saw cars ahead of us that had turned left and some that had gone straight, but I don't know which way Odell and the truck went. We kept straight on York Road in toward town because we thought that's which way they went. We turned left on Brawley Street and decided to go ahead and go to Walmart. We came out to Saluda Street and turned left and then turned right on the bypass and went to Walmart. Before we went into Walmart, I called Odell's cell phone to check on him and to see if he was home yet and he didn't answer the phone. At around 8:54 p.m. I called his cell phone and no one answered. At 8:55 p.m. I called his house phone but it was busy. We went inside Walmart. At around 9:38 p.m., Mary Ann Wylie called my granddaughter Ashley's phone and said she had heard Odell got shot and asked had we heard about it. Somebody called my mama and told her and she called me. I still didn't know anything about it. I had Burley McDaniel's phone number so I called him at around 9:43 p.m. Burley told me we needed to go to the hospital. We got over to the hospital and I never got to see Odell. Later on, I talked to the coroner...Terry Tinker and he told me Odell had died.

Q: S/A Lee Blackmon

A: Louise Williams

Q: Had Odell told you he had been having trouble with anyone recently?

A: No.

Q: Had Odell been threatened by anyone recently?

A: Not that I know of.

Q: How often have you spoken to Odell in the last few weeks?

A: Not much...we haven't talked much in the last few weeks.

Q: What kind of guns do you know Odell owned?

A: I don't know that...he had something he carried in a case, but I don't know what it was.

Q: Is there any other information that you have about this incident that you have that we have not asked you about?

A: No. This situation...people being down there at the lot...has happened before and he always told me to call him and that's what I would always do.

Statement 41

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 11-05-14 Time: 6:02 pm + Annie Louise Williams
Signature of person giving voluntary statement

WITNESS: [Signature] WITNESS: [Signature]

Case # 201402368

Page 1 of 1

Chester County Sheriff's Office

Voluntary Statement

Statement of Louise Williams Age: _____ Date: 11/4/2014

Address: _____

Phone # 581-4525 Phone # _____

I had heard some noise down on our lot then I went on back in the house we got ready to go to WALMART it was a truck park at the entire time so we went on up the road it told my daughter and grand daughter we need to call Odell and we did he said he be there in a few he came on the truck came up the road behind us Odell came the same time the truck went on out Odell back out the road went down behind the truck what I know

Statement 4

[Large handwritten signature scribble]

I have read this statement consisting of _____ page(s), and I certify that the facts contained therein are true and correct. I further certify that I have made no request for the advice or presence of a lawyer before any part of this statement, nor at anytime before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement. This statement was completed at _____ M on the _____ day of _____, 20_14

Witness: [Signature]

Louise Williams
Signature of Person Making Statement

Witness: _____

Chester County Sheriff's Office

Voluntary Statement

Statement of: Kica Bagley Age: 27 Date: 11/04/14
Address: [Redacted] Chester SC 29706
Phone # 803-209-2132 Phone #

On Tuesday November the 4th Around the time 8:15 pm I was sitting in my car ^{KMB} in front of my home at 523 1st St Chester SC 29706 when I heard multiple shots come from the direction of Patrick Street ^{KMB}. A few seconds later I saw a silver/grey pick-up truck followed by a Red Cadillac run the stop sign at a fast pace turning left onto 1st St from Patrick St. Sped past my car wide open and motor revving making my car shake. The truck stopped at the end of 1st St on the wrong side of the road as if it were going into the gravel parking lot at a complete stop then ~~the~~ the Cadillac was swerving as it ran up beside the truck. I did not see which direction either car went because I was calling my boyfriend to hurry up. As he came out of my house a few seconds later we heard machine gun type of shots. The shots sounded like they came from Round Tree Circle Area. ^{KMB}

Statement 5

I have read this statement consisting of 1 page(s), and I certify that the facts contained therein are true and correct. I further certify that I have made no request for the advice or presence of a lawyer before any part of this statement, nor at anytime before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement. This statement was completed at 10:50 PM on the 4 day of Nov. 2014

Witness: [Signature]

[Signature]
Signature of Person Making Statement

Witness:

CASE # 201402368

STATE OF SOUTH CAROLINA

PAGE 1 OF 1

COUNTY OF CHESTER Jennifer Lowery

STATEMENT TAKEN FROM Jennifer Lowery

CONCERNING Shooting of Odell Williams

LOCATION STATEMENT GIVEN [REDACTED]

DATE: 11-6-14 TIME: 0929 (hrs) OFFICER/NUMBER: Crawford, J.

I UNDERSTAND MY RIGHTS AND THAT THIS STATEMENT MAY BE USED AGAINST ME IN A COURT OF LAW. I WAIVE MY RIGHTS AND GIVE THIS STATEMENT OF MY OWN FREE WILL WITH NO PRESSURE OR FORCE USED AGAINST ME. THIS IS A TRUE STATEMENT OF THE DESCRIBED EVENTS, TO THE BEST OF MY KNOWLEDGE.

I heard tires sped off from down the street. After the cars took off, they proceeded up McClure with a tan/beige truck in front of a burgundy/Dark maroon car behind traveling at a high speed. When came to the street I just noticed the "Mandingo" tag on front of car which belongs to Odell Williams. They cont. onto Patrick Street when immediately 2 to 3 gun shots was fired. This took place between 8:45pm - 9:00pm.

Q. Did you see the passengers in the Truck?
A. No, it was too dark to see directly into vehicle driving at the rate of speed they were going.

END of Statement

Statement to

I SWEAR THAT I HAVE READ EACH PAGE OF THIS STATEMENT AND HAVE INITIALED CORRECTIONS, IF ANY AND CERTIFY THAT THE FACTS ARE TRUE AND CORRECT.

SIGNATURE: Jennifer Lowery (SIGNATURE OF STATEMENT GIVER)

WITNESS: [Signature]

WITNESS: _____

PAGE 1 OF 1

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Randy St. Clair
Chester County Sheriff's Office
2740 Dawson Drive
Chester, SC 29706

TRACE EVIDENCE
November 13, 2014
SLED LAB: L14-14199
Your Case No: 20142368
Incident Date: 11/04/2014
[V] Odell Williams
[S] Quinton McClinton
[S] Christopher Moore

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

INTERPRETATION OF RESULTS:

Gunshot residue particles are considered characteristic of primer residue. These particles are microscopic and molten, non-crystalline, particles that contain the elements lead, barium, and antimony.

Particles that are consistent with primer residue are spheroidal/spherical (round) particles with the following compositions:

- Barium, calcium, and silicon
- Antimony and barium
- Lead and antimony
- Lead and barium
- Barium and aluminum
- Lead, barium, calcium, and silicon

Particles that are associated with primer residue are spheroidal/spherical (round) particles with the following compositions:

- Lead
- Antimony
- Barium

SLED GSR Report



SLED LAB No. L14-14199
November 13, 2014

Page 2 of 3

ITEMS OF EVIDENCE:

Item: 47 One GSR kit from Odell Williams

Item 47 was analyzed using Scanning Electron Microscopy with an Energy Dispersive X-Ray Detector (SEM-EDX) for morphology and elemental composition.

Item: 47.1 Right palm

RESULTS:

Particles of gunshot residue were found. Gunshot residue can come from discharging a firearm, being in the vicinity to the discharge of a firearm, or coming into contact with a surface that has gunshot residue on it.

Round particles associated with gunshot residue were found. Particles associated with gunshot residue are known to come from a variety of environmental, occupational, and recreational sources. However, these particles may also be associated with the residue produced by a firearm when it is discharged.

Item: 47.2 Right back

RESULTS:

One particle of gunshot residue was found. Gunshot residue can come from discharging a firearm, being in the vicinity to the discharge of a firearm, or coming into contact with a surface that has gunshot residue on it.

One round particle consistent with gunshot residue was found. This particle is found in gunshot residue, but may originate from additional sources. Thus, the possibility that the individual discharged a firearm, was in the vicinity to the discharge of a firearm, or came into contact with a surface that has gunshot residue on it cannot be eliminated.

Round particles associated with gunshot residue were found. Particles associated with gunshot residue are known to come from a variety of environmental, occupational, and recreational sources. However, these particles may also be associated with the residue produced by a firearm when it is discharged.

SLED GSR reports



Item: 47.3 Left palm

RESULTS:

Round particles associated with gunshot residue were found. Particles associated with gunshot residue are known to come from a variety of environmental, occupational, and recreational sources. However, these particles may also be associated with the residue produced by a firearm when it is discharged.

Item: 47.4 Left back

RESULTS:

Round particles associated with gunshot residue were found. Particles associated with gunshot residue are known to come from a variety of environmental, occupational, and recreational sources. However, these particles may also be associated with the residue produced by a firearm when it is discharged.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.



Whitney K. Berry
Forensic Scientist

SLED GSK report



1877

ARREST WARRANT

2014A1220100047

STATE OF SOUTH CAROLINA
 County/ Municipality of
CHESTER

THE STATE
against

ODELL WILLIAMS

Address: [REDACTED]
CHESTER SC 29706
Phone: (803) 581-2985 SSN: [REDACTED]
Sex: M Race: B Height: 6-0 Weight: 205
DL State: SC DL#: [REDACTED]
DOB: [REDACTED] Agency ORI#: SC0120100
Prosecuting Agency: SOUTH CAROLINA LAW
Prosecuting Officer: J.A. FLOWERS
Offense: THREATENING LIFE OF PUBLIC
OFFICIAL Offense Code: 0541
Code/Ordinance Sec. 16-03-1040 (A)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of
CHESTER. The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)
Date: 03/26/2014

RETURN

A copy of this arrest warrant was delivered to
defendant ODELL WILLIAMS
on 2-26-2014

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
2470 DAWSON DRIVE
CHESTER, SC 29706

Warrant 4

STATE OF SOUTH CAROLINA
 County/ Municipality of
CHESTER

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 13, 2009
SCCA 516

Personally appeared before me the affiant J.A. FLOWERS who
being duly sworn deposes and says that defendant ODELL WILLIAMS
did within this county and state on 03/10/2014 to 03/10/2014 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of CHESTER)
in the following particulars:

DESCRIPTION OF OFFENSE: 16-03-1040(A) / THREATENING LIFE OF PUBLIC OFFICIAL

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

ON 03/10/2014 IN THE CITY AND COUNTY OF CHESTER, S.C., ODELL WILLIAMS DID COMMIT THE CRIME OF THREATENING
THE LIFE OF A PUBLIC OFFICIAL IN THAT HE THREATENED CHESTER POLICE CHIEF ANDRE' WILLIAMS AND MAJOR GENE
GILMORE IN THE RESTROOM AT CHESTER CITY HALL. WILLIAMS USED RACIAL SLURS AND EXPLAINED THAT HE DIDN'T
LIKE EITHER OF THEM AND THAT HE WOULD "TAKE THEM OUT". HE ALSO PLACED HIS HAND IN HIS POCKET IMPLYING
THAT HE HAD A WEAPON ON HIM AT THE TIME AND THAT HE KNEW HOW TO USE IT. THIS PROBABLE CAUSE IS BASED
UPON STATEMENTS OF MULTIPLE WITNESSES.

Signature of Affiant

STATE OF SOUTH CAROLINA
 County/ Municipality of
CHESTER

Affiant's Address 1731 BUSH RIVER
COLUMBIA SC 29210
Affiant's Telephone (803) 896-7250

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 03/10/2014 defendant ODELL WILLIAMS

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of CHESTER) as set forth below:

DESCRIPTION OF OFFENSE: THREAT / THREATENING LIFE, PERSON OR FAMILY OF PUBLIC
OFFICIAL, TEACHER, PRINCIPAL

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)
on 03/26/2014)

ANGELA M. KILLIAN (L.S.)

Judge Code: 8094

Judge's Address 2740 DAWSON DRIVE
CHESTER SC 29706
Judge's Telephone 803-581-2133

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ARREST WARRANT
2014A1220100048

STATE OF SOUTH CAROLINA
 County/ Municipality of
CHESTER

THE STATE
against

ODELL WILLIAMS
Address: 108 BRAWLEY ST
CHESTER SC 29706
Phone: (803) 581-2985 SSN: _____
Sex: M Race: B Height: 6-0 Weight: 205
DL State: SC DL#: _____
DOB: _____/1944 Agency ORI#: SC0120100
Prosecuting Agency: SLED
Prosecuting Officer: J.A. FLOWERS
Offense: THREATENING LIFE OF PUBLIC
OFFICIAL Offense Code: 0541
Code/Ordinance Sec. 16-03-1040 (A)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of
CHESTER The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)
Date: 03/26/2014

RETURN

A copy of this arrest warrant was delivered to
defendant ODELL WILLIAMS
on 3-26-2014

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
2740 DAWSON DRIVE
CHESTER, SC 29706

STATE OF SOUTH CAROLINA
 County/ Municipality of
CHESTER

AFFIDAVIT

Form Approved by
S.C. Advisory Council
April 13, 2005
SCCA 918

Personally appeared before me the affiant J. A. FLOWERS who
being duly sworn deposes and says that defendant ODELL WILLIAMS
did within this county and state on 03/10/2014 to 03/10/2014 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of CHESTER)
in the following particulars:

DESCRIPTION OF OFFENSE: 16-03-1040 (A) / THREATENING LIFE OF PUBLIC OFFICIAL

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

ON 03/10/2014 IN THE CITY AND COUNTY OF CHESTER, ODELL WILLIAMS DID COMMIT THE CRIME OF THREATENING THE
LIFE OF A PUBLIC OFFICIAL IN THAT HE THREATENED MAJOR GENE GILMORE AND CHIEF ANDRE' WILLIAMS IN THE
RESTROOM AT CHESTER CITY HALL. WILLIAMS USED RACIAL SLURS AND EXPLAINED THAT HE DIDN'T LIKE EITHER OF
THEM AND THAT HE WOULD "TAKE THEM OUT". HE ALSO PLACED HIS HAND IN HIS POCKET IMPLYING THAT HE HAD A
WEAPON ON HIM AT THE TIME AND THAT HE KNEW HOW TO USE IT. THIS PROBABLE CAUSE IS BASED UPON
STATEMENTS OF MULTIPLE WITNESSES.

Signature of Affiant

STATE OF SOUTH CAROLINA
 County/ Municipality of
CHESTER

Affiant's Address 1731 BUSH RIVER
COLUMBIA SC 29210
Affiant's Telephone (803) 896-7250

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 03/10/2014 defendant ODELL WILLIAMS

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of CHESTER) as set forth below:

DESCRIPTION OF OFFENSE: THREAT / THREATENING LIFE, PERSON OR FAMILY OF PUBLIC
OFFICIAL, TEACHER, PRINCIPAL

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)

on 03/26/2014)
ANGELA M. KILLIAN (L.S.))

Judge Code: 8094

Judge's Address 2740 DAWSON DRIVE
CHESTER SC 29706

Judge's Telephone 803-581-2133

Issuing Court: Magistrate Municipal Circuit

ORIGINAL



VOLUNTARY STATEMENT

CASE # _____
LEAD # _____

LAST NAME Williams		FIRST NAME Andre		MIDDLE NAME T.	AGE 41	DOB [REDACTED] - 72
NICKNAME/AKA		M <input type="checkbox"/>	F <input type="checkbox"/>	SSN	STREET ADDRESS	
CITY Chester		STATE SC	ZIP 29706	MAILING ADDRESS IF DIFFERENT		
HOME TELEPHONE [REDACTED]	WORK TELEPHONE 581-2-77	CELL TELEPHONE N/A	OCCUPATION Police			
EMPLOYER Chester Police Dept.		EMPLOYER ADDRESS 2740 Dawson Dr. Chester SC 29706				
DRIVER'S LICENSE NUMBER/STATE		DATE AND TIME OF INTERVIEW 3/11/14 @ 2:43 p				
LOCATION OF INTERVIEW 2740 Dawson Dr - Chester, S.C.						
INTERVIEWING AGENT S/A J.A. FLOWERS		DEPARTMENT Midlands	INTERVIEWING AGENT		DEPARTMENT	

I, Andre T. Williams understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can read and write and completed the 12th grade in school.

On Monday March 10, 2014 I Chief Andre T. Williams ^{4 yrs college} along with Major Silmore was in the restroom of city. (just after council meeting) Councilman Adell Williams entered the restroom and made a statement "Why y'all stop talking" I Chief Williams stated "because we were finished". Councilman Williams stated "You don't like me do you?" I stated "I don't have a problem with anyone or you, I just want to do my job". Councilman Williams stated to Silmore "I don't like the Chief nor you" (Major Silmore) He continue with Silmore "You better tell him I will get a miggas ass". ^{ATW} I told you before that I don't like neither one of y'all! I keep my stuff on me I know how to use it. I will take a miggas ass even in Church if I don't like him. Councilman Williams had his hand in his pocket at this time stating it. Councilman Williams then stated "I have my stuff on me I'm not afraid to use it." Outside of City Hall on the steps Councilman Williams ^{ATW} stated "I am 19 years old I am not afraid to

Statement 7

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/11/14 Time: 2:43 p X
Signature of person giving voluntary statement

WITNESS: _____ WITNESS: _____

I certify that I have been given a copy of this statement consisting of 2 pages.

VOLUNTARY STATEMENT
SUPPLEMENTAL

Andrie T. Williams

Statement of, Continued.

die! I will take you out of any mingo out, even in Church if I have two!" Councilman Williams also stated at this time "I want you better tell him I will come to your house and take you out!" I asked Councilman Williams are you threaten me", I then called Councilman Bellian to come & witness this. (Who was walking to his vehicle at the time) Councilman Williams then turn the corner & get in his vehicle and Chief Williams then went back into the building & immediately notified Mayor Stringfellow of the incident.

Q - J.A. Flowers - A - Andrie Williams

Q - Did you see a weapon on Mr Odell Williams?

A - No. But, he had his hand in his pocket motion, as if he had one.

Q - Did you feel threatened by Mr Odell Williams?

A - Yes!!!

EOS

Andrie T. Williams

Signature of person giving voluntary statement

Person giving statement to place initials behind last word of statement as appears on last page.

Statement 7



100 West End Street, Chester, South Carolina 29706
 Telephone (803) 377-1138 • Fax (803) 581-8403
www.chestertsc.org

Statement from Major Gene Gilmore
 Monday, March 10, 2014

8:30 p.m. Council meeting adjourned.

8:32 p.m. I Major Gilmore along with Chief Williams went to the restroom. While we were in the restroom washing our hands, Councilman Odell Williams enter the restroom and stated, "Why ya'll stop talking?"

Chief Williams stated, "We were finished with our conversation".

Councilman Williams stated, "I thought you stopped talking because I came in!" Councilman Williams stated to Chief Williams, "You don't like me do you?"

Chief Williams stated, "I don't have a problem with you or anyone else. I just want to do my job."

Councilman Williams stated, "I don't like the Chief nor you (Major Gilmore)!" He continued with, "Gene you better tell him I will get on a niggas ass. And I told you before that I don't like neither one of ya'll! "I keep my stuff on me, and I know how to use it. I will take a nigga out even in church if I don't like him.

While Council Williams was walking out of the front door of City Hall he stated, "He has his stuff on him now and he is not afraid to use it." (He had his hand in his pocket and shaking it.)

Outside of City Hall on the steps: Councilman Williams stated to Chief Williams, "I am 79 years old and I am not afraid to die!" I will take you out and any nigga and before he goes out he will take a bunch of niggas out." "Gene you better tell him that I will come to your house and take you out if I have too, because I don't give a dam because I have lived my life!"

Chief Williams, asked repeatedly, "Are you threatening me?" Chief Williams called Councilman Killian to come witness what Councilman Williams was saying. Then Councilman Williams said, "I don't care who you call, I'll take both ya'll ass out! And he walked off."

Myself (Major Gilmore) and Chief Williams returned to Council Chambers and immediately informed Mayor Stringfellow and remaining City Council members: Reid, Bagley, Thompson, Killian and City Administrator Worthy.

Major Gene Gilmore
 Major Gene Gilmore Signature

Date: March 10, 2014

Statement 8



VOLUNTARY STATEMENT

CASE # _____

LEAD # _____

LAST NAME Gilmore		FIRST NAME Gene		MIDDLE NAME Ocon		AGE 47	D.O.B. [REDACTED]-66
NICKNAME/AKA		M <input checked="" type="checkbox"/> F <input type="checkbox"/>	SSN	STREET ADDRESS			
CITY Chester		STATE S.C.	ZIP 29702	MAILING ADDRESS IF DIFFERENT			
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE	OCCUPATION Major Chester City Police Dept				
EMPLOYER Chester of Chester Police		EMPLOYER ADDRESS 300 West End St. Chester S.C. 29702					
DRIVER'S LICENSE NUMBER/STATE		DATE AND TIME OF INTERVIEW 3-11-14					
LOCATION OF INTERVIEW Sheriff Office							
INTERVIEWING AGENT James Flowers		DEPARTMENT M. Roads		INTERVIEWING AGENT		DEPARTMENT	

I, _____ understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can _____ read and write and completed the _____ grade in school.

Q - S/A J.A. Flowers A - Gene Gilmore

Q - Have you read a copy of your statement in relation to Odell Williams?

A - Yes

Q - Do you have anything else to add?

A - no

Q - Did you see a weapon in relation to Mr Odell Williams?

A - no but he had his hand in his pocket like he had one and stated that he keeps his stuff on him all the time

Q - Did you feel threatened?

A - Yes because I have been threatened before and I do not take threats ~~light~~ lightly EOS, 008

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/11/14 Time: 2:19p Major Gene O Gilmore
Signature of person giving voluntary statement

WITNESS: [Signature] WITNESS: _____

I certify that I have been given a copy of this statement consisting of 1 pages.

Statement 8



VOLUNTARY STATEMENT

CASE # _____

LEAD # _____

LAST NAME <i>Williams</i>	FIRST NAME <i>Odell</i>	MIDDLE NAME <i>-</i>	AGE <i>69</i>	D.O.B. <i>1/45</i>
NICKNAME/AKA	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	SSN	STREET ADDRESS	
CITY <i>Chester</i>	STATE <i>S.C.</i>	ZIP	MAILING ADDRESS IF DIFFERENT	
HOME TELEPHONE	WORK TELEPHONE <i>(803) 581-2985</i>	CELL TELEPHONE	OCCUPATION <i>- Concrete</i>	
EMPLOYER <i>S/E Williams Concrete</i>	EMPLOYER ADDRESS <i>189 Saluda St - Chester, S.C.</i>			
DRIVER'S LICENSE NUMBER/STATE	DATE AND TIME OF INTERVIEW <i>3/11/14 @ 5:13 pm</i>			
LOCATION OF INTERVIEW <i>Chester County Sheriff's Office</i>				
INTERVIEWING AGENT <i>J.A. Flowers</i>	DEPARTMENT <i>M. Leads</i>	INTERVIEWING AGENT	DEPARTMENT	

I, Odell Williams understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve: I can not read and write and completed the 12 grade in school.

ON: AT THE START OF EXESIVE SESSION I WAS ASKED TO OPEN THE DOOR TO TELL THE CHIEF TO COME IN, I TOLD THEM TO LET SOME ONE ELSE TO OPEN THE DOOR BECAUSE I MIGHT HIT HIM IN THE MOUTH. AFTER THE EXESIVE SESSION WAS OVER I STOPED BY THE PAINT ROOM. THE CHIEF AND GILMORE WAS IN THERE TALKING, I ASKED THEM WHY DID THEY STOP TALKING WHEN I CAME IN WILLIAMS SAID THEY WAS THROUGH TALKING I TOLD THEM THAT I DID NOT CARE FOR NEATHER OF THEM. WE WALKED OUT AND DOWN THE HALL EXCHANGING WORDS. AT ONE POINT THE CHIEF SAID I KNOW YOU GOT A GUN, AND THAT HE HAD HIS TO. I TOLD THAT I WOULD KILL A WORD, I WENT TO MY CAR AND WENT HOME - ON.

Statement 9

Q- SA. James Flowers A- Mr. Odell Williams

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/11/14 Time: 5:13 pm *X Odell Williams*
Signature of person giving voluntary statement

WITNESS: *[Signature]* WITNESS: _____

I certify that I have been given a copy of this statement consisting of 2 pages.

VOLUNTARY STATEMENT
SUPPLEMENTAL

Odell Williams

Statement of, Continued.

Q - SLA James Flowers - A - Mr Odell Williams

Q - Did you say anything to Gilmore about knowing about you?

A - Did you tell him about me

Q - What did you mean by asking Gilmore that question?

A - THAT I WOULD FIGHT

Q - Did you tell anyone that you had a gun or did you imply that you had a gun?

A - NO I DID NOT

Q - Did you say anything to anyone about not being afraid to die and taking a bunch of niggas out?

A - NO I DID NOT

Q - What did you say in relation to coming to someone's house?

A - AS I WAS WALKING I SAID I WOULD GO TO YOUR HOUSE I WAS TALKING TO CHIEF WILLIAMS, THAT MENT TO TALK TO HIM OR WHAT EVER HE WANTED TO DO AND I WALKED AWAY.

Q - Did you threaten Chief Williams or Major Gilmore?

A - NO I DID NOT

Q - Is there anything else that you would like to add?

A - I WISH THAT THIS HAD NEVER HAPPEN, I NEVER USE THE N WORD. I HATE THAT MOST OF ALL.

Statement 9

Person giving statement to place initials behind last word of statement as appears on last page.

Odell Williams

Signature of person giving voluntary statement

406 S.C. 364 (2013)

752 S.E.2d 263

The **STATE**, Respondent,
v.
James J. CURRY, Jr., Appellant.

No. 27335.

Supreme Court of South Carolina.

Heard September 19, 2012.

Decided December 4, 2013.

368 *368 Appellate Defender LaNelle Cantey DuRant, of Columbia, for appellant.

Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Julie K. Keeney, all of Columbia, and Solicitor Douglas A. Barfield, Jr., of Lancaster, for respondent.

Justice KITTREDGE.

This is a direct appeal in a criminal case. Appellant James J. Curry, Jr., was convicted and sentenced for the offenses of voluntary manslaughter and possession of a weapon during the commission of a violent crime. We affirm.

I.

FACTS/PROCEDURAL HISTORY

On New Year's Eve 2008, Appellant and his fiancée traveled from Rock Hill, South Carolina, to Appellant's hometown of Lancaster, South Carolina, to visit friends and family. Appellant traveled with a .22 caliber pistol. Once they arrived in Lancaster, Appellant and his fiancée visited his cousin Devion Collins and his fiancée at their home. After socializing and drinking alcohol for several hours, Appellant invited Collins and his fiancée to go to Appellant's mother's apartment.

The group then drove to the apartment. Appellant and Collins dropped off their fiancées, picked up a friend, and went to the store for more alcohol and cigarettes. Upon returning to the apartment, Appellant testified he retrieved his pistol from the trunk, went upstairs, and placed the pistol and bullets under his mother's mattress.^[1]

369 *369 Later in the evening, after some disturbances in the complex parking lot, Appellant's fiancée left the complex, but Appellant remained in the apartment with Collins and others. Thereafter, Appellant and Collins got into an argument, apparently over Appellant speaking to Collins' fiancée. A brief scuffle ensued, and the two were quickly separated by bystanders. By all accounts, Collins was considerably bigger and stronger than Appellant.

Shortly thereafter, the two men began fighting again. Once again, the two men were separated. According to one witness, Jermaine Harris, there was no blood or injury, and the fight appeared to be over. Harris then led Collins to the kitchen to separate the two combatants.

At this point, the testimony of Appellant and the State's witnesses varies substantially. Several of the State's witnesses testified that after the second altercation ended, Appellant ran upstairs, came back downstairs, faced the kitchen, and began shooting at Collins, whose back was to Appellant. Appellant, on the other hand, testified he had

retrieved and loaded the gun earlier in the night, and had placed it in his pocket in anticipation of firing the weapon at midnight to celebrate the New Year. Appellant testified he pulled the gun from his pocket because he believed Collins was lunging toward him. Appellant shot Collins six times in the back, killing him. It is undisputed that Collins was unarmed.

Appellant was charged with murder and possession of a firearm during the commission of a violent crime. Appellant confessed to killing Collins, although he told investigating officers that he "blacked out" during the shooting. At the close of the State's evidence, defense counsel moved for a directed verdict of acquittal pursuant to the Protection of Persons and Property Act (Act), which purports to codify the common law Castle Doctrine. See S.C.Code §§ 16-11-410, 16-11-440(C), and 16-11-450 (Supp.2011). The trial court denied the motion. Thereafter, the trial court instructed the jury on murder, voluntary manslaughter, and self-defense. Appellant's counsel further challenged the trial court's self-defense instructions. The jury returned a verdict of guilty on *370 the offense of voluntary manslaughter and the weapons charge. Appellant was sentenced to eighteen years' imprisonment.

II.

LAW/ANALYSIS

A.

Protection of Persons and Property Act

When applicable, the Act provides immunity from prosecution.^[2] Claiming self-defense, Appellant sought to invoke section 16-11-440(C) of the Act at the directed verdict stage. The trial court denied the motion, finding that Appellant failed to establish his entitlement to immunity under section 16-11-440(C). Because there is evidence to support the decision of the trial court, we affirm.

Section 16-11-440(A), the main thrust of the Act, provides a presumption of reasonable fear of imminent peril of death or great bodily injury to a person who uses deadly force if he is attacked by or attempting to remove another from a dwelling, residence, or occupied vehicle. However, the presumption of subsection (A) does not apply if the victim has an equal right to be in the dwelling or residence. S.C.Code § 16-11-440(B). Because Collins was a social guest and rightfully in the apartment, subsection (A) is inapplicable to Appellant, and he is therefore defaulted into subsection (C), which deals with the use of force by one who is attacked in another place where he has a right to be.

A claim of immunity under the Act requires a pretrial determination using a preponderance of the evidence standard, which this court reviews under an abuse of discretion standard of review. *State v. Duncan*, 392 S.C. 404, 709 S.E.2d 662 (2011).^[3]

371 *371 In *Duncan*, we set forth the pretrial procedure, burden of proof and appellate standard of review under the Act. Because Appellant misapprehends the reach of the Act, we take this opportunity to interpret what we believe to be the legislative intent regarding a trial court's authority to weigh the underlying claim of self-defense in determining an accused's entitlement to immunity.

Section 16-11-450 provides immunity from prosecution if a person is found to be justified in using deadly force under the Act. Section 16-11-440(C), the pertinent "force" section, states:

A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person....

[4] There are four elements required by law to establish a case of self-defense:

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 avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance.

State v. Davis, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984). It is the fourth element—the duty to retreat—that is excused under the Act and the Castle Doctrine.

[5] Appellant additionally claims error in the trial court's failure to grant a new trial pursuant to the thirteenth juror doctrine. The assignment of error is manifestly without merit, and we affirm pursuant to Rule 220(b)(1), SCACR. See State v. Prince, 316 S.C. 57, 64, 447 S.E.2d 177, 181 (1993) ("Where there is competent evidence to sustain the jury's verdict, the judge may not substitute his judgment for that of the jury.").

[6] The trial judge held that appellant was not entitled to immunity using the directed verdict standard of "any evidence" to deny the request rather than asking whether appellant had proven immunity by a preponderance of the evidence.

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336 S.C. 340 (1999)
520 S.E.2d 319

The **STATE**, Respondent,
v.
Lavar K. **BRYANT**, Appellant.

No. 24988.

Supreme Court of South Carolina.

Heard May 11, 1999.
Decided August 16, 1999.

341 *341 Deputy Chief Attorney Joseph L. Savitz, III, of South Carolina Office of Appellate Defense, of Columbia, for appellant.

Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Donald J. Zelenka, Assistant Attorney General G. Robert DeLoach, III, and Solicitor Warren B. Giese, all of Columbia, for respondent.

BURNETT, Justice:

Appellant appeals his conviction of murder and his sentence of life imprisonment. We affirm.

342 *342 **FACTS**

Before noon on August 4, 1995, Mike Suber (Suber) left his office at the Department of Health and Environmental Control (DHEC) in Columbia. Suber's body was discovered in the DHEC parking lot near his personal vehicle around 1:00 p.m. that same day. Because Suber's personal items, including his wallet, were scattered around him, SLED agent Kelvin Crimminger concluded a struggle occurred before Suber was killed.

Lying on the ground near the driver's side of Suber's vehicle, police investigators found a black wig, a knife and a screwdriver. Appellant's fingerprints were found on Suber's vehicle. After his fingerprints identified him as a suspect, police investigators searched appellant's home. The police found a pair of athletic shoes with a tread pattern consistent with a footprint found at the murder scene.

The words "Metro Mike f - - your Mamma" had been etched on the rear of Suber's vehicle. Suber's wife testified these words were not on the vehicle that morning. Agent Crimminger concluded the scratches were freshly made. Juvenile corrections officer Rodney Muller testified offenders from Columbia used the term "Metro" to identify themselves. Further, Muller testified appellant wrote "Metro" on a shirt while he was incarcerated with the Department of Juvenile Justice.

Pathologist Sally Harding, who conducted the autopsy, found three stab wounds in Suber's chest that were consistent with the pattern of a flat head screwdriver. Two of the wounds were superficial. However, the third stab wound penetrated Suber's aorta from a downward angle causing fluid pressure to build up around Suber's heart until it stopped beating. Harding further testified she found scratch wounds on Suber's forearms that were consistent with a screwdriver. Harding testified Suber would have been conscious and capable of calling for help for about fifteen minutes before death. Based upon the sand embedded in Suber's face and his failure to call for help, Harding concluded someone held Suber down before he died.

343 On August 5, 1995, appellant surrendered to the police. SLED agents Tommy Robertson and Arthur Myers and Columbia Police Detective Walter Bales interviewed appellant at *343 the police station. After appellant waived his right to remain silent, appellant initially denied any knowledge about Suber's murder. Columbia Police Chief Charles Austin then asked appellant if he wanted to pray. Appellant agreed to pray with Chief Austin. After a short prayer, appellant began sobbing and said "I didn't mean to do it." Detective Bales obtained a second waiver of appellant's rights and appellant gave several inconsistent statements concerning the incident.

In appellant's first statement, he admitted Suber approached him as he was breaking into Suber's vehicle. Suber went to the rear of the vehicle and returned with a screwdriver in one hand and a steak knife in the other hand. According to appellant, Suber dropped the knife during the ensuing struggle. Appellant claimed he took the screwdriver away from Suber. After Suber was disarmed, appellant swung the screwdriver at Suber and stabbed him.

Appellant then modified his statement claiming he obtained the screwdriver and knife from Suber's vehicle. Appellant modified his statement again claiming he brought the knife with him. As Suber approached, appellant pulled out the knife. Suber then ran to the vehicle and got the screwdriver.

Appellant then asserted he threw the knife down prior to the struggle because he did not want to fight. However, appellant did not think Suber saw him discard the knife. Appellant then "jumped" Suber as Suber was backing out of the passenger door with the screwdriver in his hand. Suber hit appellant and appellant kicked Suber causing Suber to fall and drop the screwdriver. Appellant picked up the screwdriver and stabbed Suber three or four times when Suber came toward him.

Appellant gave a final signed written statement describing the incident.

344 When I went out there I went by the truck and searched it. I found a wallet and checkbook. I put them in my back pocket. I came with the knife. When I was standin' in front of the truck, he came down and asked what I was doin'. I said nothing. He began looking in the truck and I had the knife in my pocket with the blade pointing up. I took the knife out and dropped it on the ground because I didn't want it poking me in the side if we fought. When the *344 man was backing away from the passenger door he had a screwdriver in his hand. I was afraid so I grabbed the man and we started fighting. When I kicked him he fell down and we were fighting on the ground.

Some way the screwdriver came loose and I picked it up and stood up. The man got up and came at me. I stabbed at him 3 or 4 times and he started gasping. I thought he might die so I dropped the screwdriver and ran away.

Appellant requested an instruction on self-defense based on the evidence that he had withdrawn from the "initial difficulty" by discarding his knife. The solicitor argued appellant could not claim self-defense because he was initially at fault. The trial judge refused the requested charge because appellant brought about the initial difficulty with Suber and did not retreat.

ISSUE

Did the trial judge err in refusing to charge self-defense?

DISCUSSION

Appellant claims the trial judge erred by refusing to charge self-defense. Based on his statements, appellant argues the jury could have found, although he was the initial aggressor, his right to self-defense was restored when he withdrew from the conflict and communicated his intent to do so before Suber attacked him with deadly force. We disagree.

A self-defense charge is not required unless the evidence supports it. State v. Goodson, 312 S.C. 278, 440 S.E.2d 370 (1994). To establish self-defense in South Carolina, four elements must be present. First, the defendant must be without fault in bringing on the difficulty. Second, the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury. 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 was actually in
 345 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 avoiding the danger. *Id.*

"[O]ne who provokes or initiates an assault cannot escape criminal liability by invoking self defense...." Ferdinand S. Tinio, *Comment Note: Withdrawal, After Provocation of Conflict, As Reviving Right Of Self—Defense*, 55 A.L.R.3d 1000, 1003 (1974). 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. 40 Am. Jur.2d *Homicide* § 149 (1999). "[A] robber, who is met with such violent resistance by his victim that he has no opportunity to convince [the] victim that he has abandoned his criminal intentions and only wants to withdraw, may not claim self defense if he injures or kills his victim." 55 A.L.R.3d at 1003-04; see also United States v. Thomas, 34 F.3d 44 (2d Cir.1994) (one who commits or attempts a robbery armed with deadly force and kills the intended victim when victim responds with force may not avail himself of the defense of self-defense); People v. Couch, 436 Mich. 414, 461 N.W.2d 683 (1990) (a robber or other wrongdoer engaged in felonious conduct has no privilege of self-defense); Stiles v. State, 829 P.2d 984 (Okla.Crim.App.1992) (one who kills while committing armed robbery is an aggressor and an aggressor is not entitled to a claim of self-defense).

"[I]f, after commencing the assault, the aggressor withdraws in good faith from the conflict and announces in some way to his adversary his intention to retire, he is restored to his right of self defense...." 55 A.L.R.3d at 1003. One's right to self-defense is restored after a withdrawal from the initial difficulty with the victim if that withdrawal is communicated to the victim by word or act. State v. Graham, 260 S.C. 449, 196 S.E.2d 495 (1973).

Appellant's statements fail to establish the elements of self-defense entitling appellant to a self-defense charge. No question of fact for the jury is created on this issue. Appellant concedes he brought on the initial difficulty by breaking
 346 into Suber's vehicle. Even if appellant subjectively meant to withdraw from the conflict he failed to communicate this intent to Suber. Although in one statement appellant claimed he dropped the knife because he did not want to fight, appellant admitted Suber did not see him drop the knife. Thus, Suber was unaware of appellant's intent to withdraw from the conflict. Further, appellant never told Suber he was leaving and did not want to fight. If appellant truly intended to withdraw he could have easily left the open parking lot. See Macias v. State, 36 Ariz. 140, 283 P. 711 (1929) (a man who is a trespasser and in a place where he has no right to be may not stand his ground and slay his assailant and still claim self-defense, when by leaving such place he might avoid the conflict). Because appellant failed to effectively communicate to Suber his intent to withdraw from the conflict, appellant's right to use self-defense was never restored. Appellant, as the aggressor, remained responsible for bringing on the difficulty.

Accordingly, appellant was not entitled to a self-defense charge and the trial judge correctly refused the charge.

AFFIRMED.

FINNEY, C.J., TOAL, MOORE, and WALLER, JJ., concur.

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334 S.C. 256 (1999)
513 S.E.2d 104

The STATE, Respondent,
v.
Demetric BURRISS, Appellant.

No. 24903.

Supreme Court of South Carolina.

Heard January 8, 1997.

Decided February 16, 1999.

258 *258 Daniel T. Stacey, Chief Attorney, and Joseph L. Savitz, III, Deputy Chief Attorney, of South Carolina Office of Appellate Defense, of Columbia, for appellant.

Charles Molony Condon, Attorney General, Donald J. Zelenka, Assistant Deputy Attorney General, of Columbia; and George M. Ducworth, Solicitor, Tenth Judicial Circuit, of Anderson, for respondent.

WALLER, Justice:

A jury convicted Appellant Demetric Burriss of murder, possession of a firearm during the commission of a violent crime, and possession of a firearm by a person under the age of twenty-one. Appellant contends the trial judge erred in refusing to instruct the jury regarding the law of accident and involuntary manslaughter. We agree and reverse.

FACTS

The facts, viewed in the light most favorable to Appellant, present the following scenario. On the afternoon of May 31, 1994, Appellant went to visit a friend at his apartment. Several other people were there when he arrived, including Kenneth Scott, the victim in this case, and James Pickens. Kenneth and James were smoking "lace," marijuana cigarettes laced with crack cocaine.

While Appellant was waiting for his friend to come out of the apartment, Kenneth asked him if he had any drugs. When Appellant told him he did not, Kenneth stated he would send James down the block to get some and if James was unsuccessful, they would rob Appellant. At the time, Appellant had one hundred dollars on his person. James went down the block and returned two or three minutes later without drugs. Kenneth and James then attacked Appellant, 259 throwing him on the ground and trying to get into his pockets. Appellant *259 drew a gun from his pocket and shot twice into the ground,^[1] causing both Kenneth and James to back away. Kenneth ran inside the house and James stayed near Appellant in the yard. As Appellant was attempting to get off the ground, Kenneth came to the back door of the apartment, standing partially behind a screen door, and James again began advancing towards Appellant. Appellant picked up his gun and it went off, killing Kenneth.

Appellant was sixteen years old at the time this incident took place.

ISSUES

- I. Did the trial judge err in refusing to instruct the jury on the law of accident?
- II. Did the trial judge err in refusing to instruct the jury on the law of involuntary manslaughter?

DISCUSSION

I. Accident

Appellant argues the trial judge should have instructed the jury on the law of accident. We agree.

For a homicide to be excusable on the ground of accident, it must be shown the killing was unintentional, the defendant was acting lawfully, and due care was exercised in the handling of the weapon. State v. Goodson, 312 S.C. 278, 440 S.E.2d 370 (1994). The dispositive issue in this case is whether there was evidence Appellant was acting lawfully when the fatal shooting occurred.¹²¹ The trial judge found Appellant was not acting lawfully because he was in unlawful possession of a firearm. Appellant argues he armed himself in self-defense but the fatal shot occurred when the gun fired accidentally.

260 *260 We have previously addressed similar cases involving claims a gun accidentally discharged while the shooter was armed in self-defense. For example, in State v. McCaskill,¹²¹ the defendant (McCaskill) and the victim were involved in a domestic quarrel in McCaskill's home. McCaskill, being afraid, armed herself with a gun, which she claimed subsequently fired by accident. We held the trial judge's separate jury instructions on self-defense and accident were insufficient when the defendant claimed she armed herself in self-defense but the shooting occurred accidentally:

In effect, the trial judge's failure to instruct the jury that appellant had the right to have the gun in her possession to protect herself in the situation where the shooting occurred accidentally conveyed to the jury that her willful act of arming herself foreclosed the defense of an accidental shooting.

Where a defendant claims that he armed himself in self-defense, while also claiming that the actual shooting was accidental, this combination of events can "place the shooting in the context of self-defense."

[A] homicide is excused when caused by the discharge of a gun ... where the accused is lawfully acting in self-defense and the victim meets death by accident, through the unintentional discharge of a gun or the like.

Id. at 259, 387 S.E.2d at 269-70 (internal citations omitted). We held the trial judge erred in "failing to charge that if appellant lawfully armed herself in self-defense because of a threat to her safety created by the decedent, and the gun accidentally discharged, the jury would have to find her not guilty." *Id.* at 259, 387 S.E.2d at 270.

The rule in McCaskill is abundantly supported by case law from other jurisdictions. "Where the defense of excusable homicide by misadventure is relied on, the principles of self-defense may be involved, not for the purpose of establishing defense of self, but for the purpose of determining whether accused was or was not at the time engaged in a lawful act; and it has been held that in such case the right, but not the law, of self-defense is invoked." 40 C.J.S. 261 Homicide § 111(C) (1991). See also Jabich v. People, 58 Colo. 175, 143 P. 1092 *261 (1914) (en banc); State v. Phillips, 37 Del. 544, 187 A. 108 (1936); Gunn v. State, 174 Ind.App. 26, 365 N.E.2d 1234 (1977); State v. Crowley, 345 Mo. 1177, 139 S.W.2d 473 (1940) (accident charge warranted where defendant testified he drew a gun to defend himself and it went off accidentally); Commonwealth v. Turner, 24 Mass.App.Ct. 902, 506 N.E.2d 151 (1987) ("defendant could invoke the right of self-defense in arguing that his act which accidentally resulted in the killing of [the victim] was not itself unlawful") (Internal quotations omitted); Valentine v. Commonwealth, 187 Va. 946, 48 S.E.2d 264 (1948).¹²¹

We expanded the holding in McCaskill when we revisited this issue four years later in Goodson, 312 S.C. at 278, 440 S.E.2d at 370. In Goodson, the defendant (Goodson) and a third party got into an argument over a pool game at a bar. The bar owner escorted Goodson outside when he drew a gun. Once outside, Goodson shot and killed the bar owner

and was subsequently convicted of murder. On appeal, Goodson asserted he was entitled to jury charges on self-defense and accident. We first found Goodson was not entitled to a self-defense charge because there was no evidence showing he either believed or actually was in imminent danger of losing his life or sustaining bodily injury when he shot the bar owner.

262 We then found Goodson was not entitled to a charge of accident because he was not acting lawfully when the shooting occurred. However, we based this determination solely on the lack of evidence Goodson was acting in self-defense. We *262 specifically rejected "the State's claim that because Goodson unlawfully possessed a firearm, the defense of accident is precluded. Rather, the burden rests upon the State to prove beyond a reasonable doubt that the unlawful act in which the accused was engaged was at least the proximate cause of the homicide." 312 S.C. at 280 n. 1, 440 S.E.2d at 372 n. 1.^[5] See also 40 Am.Jur.2d *Homicide* § 75 (1968) ("The fact that one carries a concealed weapon in violation of the law does not render him criminally responsible ... where death is caused by the accidental discharge of the weapon, for in such case death cannot be said to be the natural or necessary result of carrying the weapon in violation of law") [hereinafter 40 Am.Jur.2d].

Read together, *McCaskill* and *Goodson* stand for the proposition 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. Thus, if the circumstances of this case show Appellant was entitled to arm himself in self-defense when the gun went off, he would be entitled to a charge of accident. It is well-settled the law to be charged is determined from the evidence presented at trial, and if any evidence exists to support a charge, it should be given. The trial court commits reversible error if it fails to give a requested charge on an issue raised by the evidence. See *State v. Hill*, 315 S.C. 260, 433 S.E.2d 848 (1993). We find *263 evidence in the record to support Appellant's claim he armed himself in self-defense at the time of the fatal shooting.^[6]

According to Appellant, when he arrived at the house, Kenneth and James were smoking crack cocaine-laced marijuana cigarettes. He testified their eyes were "big like they was getting crazy or something." The two threatened to rob him. Appellant drew his gun after being physically attacked and thrown to the ground by Kenneth and James.^[7] Kenneth then ran into the house "like he was going to get something." When Kenneth returned, he was standing behind a screen door. Appellant could not see Kenneth's hands and was afraid he had gone into the house to get a gun. As Appellant was getting off the ground, Kenneth told James to "get that punk." When James began moving threateningly toward Appellant, he snatched his gun up and it fired. Appellant stated he was scared and his hand was shaking when the gun went off: "It was an accident. I didn't try to shoot nobody."^[8]

264 Although the dissent argues otherwise, the factual scenario of this case is markedly different from that in *Goodson*. In *Goodson*, the defendant left the scene of the argument and shot someone who was not the party originally threatening *264 him in the bar. Here, Appellant had been threatened by both Kenneth (the victim) and James. An eyewitness to the shooting testified when Kenneth ran into the house, she tried to get him to leave through the front door. He refused, instead going back to taunt and threaten Appellant while standing partially hidden through a screen door.

The dissent also argues that any lawfulness in Appellant's being armed after the initial attack ended when Kenneth ran into the house and James stepped away from him because Appellant was no longer threatened and was free to leave. However, this overlooks the fact that Kenneth came back to the screen door, made threatening remarks to Appellant, and urged James, who never left the yard but stayed near Appellant while Kenneth was inside the house, to attack Appellant again. Appellant could not see Kenneth's hands and James started toward him. Furthermore, the dissent overlooks the timing of these events. Appellant testified he was still on the ground, beginning to get up, when Kenneth reappeared at the door and James started after him again.^[9] The lapse of time between Kenneth's retreat and his reappearance thus could not have been more than a few seconds. Appellant's testimony also contradicts a finding he was free to leave in light of the fact he was still on the ground and only a short period of time had elapsed.

Therefore, in light of the precedent established in *Goodson* and *McCaskill*, we find a jury charge on the law of accident warranted under the facts of this case.

II. Involuntary Manslaughter

Appellant argues the trial judge erred in refusing to submit the lesser-included offense of involuntary manslaughter to the jury. We agree.

Involuntary manslaughter is defined as either (1) the killing of another without malice and unintentionally, but while one is engaged in the commission of some unlawful act not amounting to a felony and not naturally tending to cause death or great bodily harm; or (2) the killing of another without malice and unintentionally, but while one is acting lawfully
 265 *265 with reckless disregard of the safety of others. State v. Tucker, 324 S.C. 155, 478 S.E.2d 260 (1996). "[T]o warrant the court in eliminating the offense of manslaughter it should very clearly appear that there is *no evidence whatsoever* tending to reduce the crime from murder to manslaughter." Casey v. State, 305 S.C. 445, 447, 409 S.E.2d 391, 392 (1991) (internal citations omitted). Again, the pivotal issue is whether Appellant was engaged in a lawful activity at the time of the killing. For the same reasons discussed above, we find the evidence in the record supports Appellant's claim he was acting lawfully when the gun fired, killing Kenneth.

Although *Goodson* only specifically dealt with whether unlawful possession of a weapon would preclude an accident defense, it would be incongruous not to apply this same reasoning in the context of involuntary manslaughter. See generally Wayne R. LaFave & Austin W. Scott, Jr., *Handbook on Criminal Law* 79 (1972) (discussing causal connection required between unlawful act and homicide to find involuntary manslaughter). The evidence would support a finding Appellant was lawfully armed in self-defense at the time the fatal shot occurred.¹¹⁰ This court has found the negligent handling of a loaded gun will support a finding of involuntary manslaughter. See, e.g., State v. White, 253 S.C. 475, 171 S.E.2d 712 (1969). Therefore, under the circumstances of this case, the trial judge should have instructed the jury on involuntary manslaughter.¹¹¹

266 *266 For the foregoing reasons, Appellant's murder conviction is reversed and this case is remanded for proceedings consistent with this opinion.

REVERSED AND REMANDED.

FINNEY, C.J., TOAL and MOORE, JJ., concur.

BURNETT, J., dissenting in a separate opinion.

BURNETT, Justice:

I respectfully dissent. In my opinion, the trial judge properly refused to charge the jury on the law of accident and involuntary manslaughter.

FACTS

Kenneth Scott was shot and killed by appellant. According to appellant, he and four other teenagers, including James Pickens and Kenneth Scott, were together outside of an apartment. Appellant was sixteen years old. James and Kenneth were smoking "lace." Kenneth asked appellant if he had any drugs; appellant denied having any. Kenneth said he would send James to find some drugs and if he didn't find any, they would rob appellant.

James left and returned two to three minutes later. He grabbed appellant and threw him to the ground, apparently in an attempt to rob him. Kenneth tried to reach into appellant's pockets. From his position on the ground, appellant reached into his back pocket, snatched out a gun, and fired a shot into the ground. James jumped away and Kenneth ran inside the apartment. Appellant did not know if Kenneth was going after a gun. Appellant attempted to shoot the gun into the ground a second time but it misfired.

267 Kenneth returned, opened the screen door of the apartment, and told appellant to "go on and shoot; he could take a bullet." He told James to "get that punk;" "he ain't going to shoot *267 nobody." James advanced towards appellant, and appellant's gun was fired as he was getting off the ground. The bullet entered the partially opened screen door and struck Kenneth between the eyes. Appellant was four feet away from Kenneth.

With regard to the third shot, appellant testified he was scared and could not see Kenneth's hands. Appellant stated his own "hand was on the trigger. The trigger was pulled or whatever. It was an accident. I didn't try to shoot nobody." He also testified he did not shoot the gun, but snatched the gun and it went off. Appellant maintained he "did not aim to kill nobody."

Appellant testified he bought the gun to impress his friends, not for protection. He stated all the people in the neighborhood carried guns. On the day of Kenneth's death, neither Kenneth nor any of the other teenagers were armed.

DISCUSSION

The majority finds appellant was lawfully armed in self-defense at the time of the fatal shot and, therefore, he was entitled to a charge on the law of accident.^[1] I disagree. In my opinion, there is no evidence appellant was lawfully armed in self-defense at the time he fired the fatal shot.^[2]

268 There are four elements of self-defense. State v. Goodson, 312 S.C. 278, 440 S.E.2d 370 (1994). Two are relevant here: (1) 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 and (2) the defendant had no other probable means of avoiding the danger *268 of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance. *Id.* "The law says if one can give back or step aside, or retreat without increasing his danger, and thus avoid taking human life, it is his duty to do so, and unless he has done so, it will not permit his plea of self-defense." State v. George, 119 S.C. 120, 121, 111 S.E. 880 (1921).

It is clear from appellant's own testimony, when Kenneth went inside the apartment, ostensibly to obtain a weapon, appellant was no longer in imminent danger and he was free to leave the premises.^[3] Instead, appellant remained outside of the apartment, apparently to see if Kenneth would return with a gun. Under these circumstances, appellant was not lawfully entitled to arm himself in self-defense. See Martinez v. State, 775 S.W.2d 645 (Tex. Cr. App. 1989) (defendant not entitled to charge on self-defense where, after victim grabbed defendant's shirt and defendant reasonably believed victim was reaching for a knife, defendant stepped away and began firing handgun; court determined reasonable person would have retreated from victim).

Moreover, these facts are similar to those in State v. Goodson, supra, where the defendant was involved in an argument inside a bar, was threatened with a pool cue, and responded by drawing a gun. The victim escorted the defendant out of the bar and the defendant shot the victim. The majority held the defendant was not entitled to a charge on accident even though he testified the gun "just went off" as the victim was "coming at him." The majority concluded the defendant was not entitled to a charge on accident because he was not acting in self-defense. Justice Toal's concurrence noted, "[a]ssuming the incident inside the bar gave rise to a self-defense claim sufficient to render [the defendant's] act of arming himself lawful, any lawfulness in [the defendant's] being armed ended when he was no longer threatened." *Id.*, 312 S.C. at 282, S.E.2d at 373.^[4]

269 *269 Assuming James' attack authorized appellant to lawfully arm himself in self-defense, any lawfulness in being armed ended when James released appellant and stepped aside, and Kenneth went inside the apartment. At this point in time, appellant was no longer in imminent danger and he had a duty to leave. Instead, appellant remained at the apartment, apparently to see if Kenneth was obtaining a weapon. Appellant fired his own gun a third time. Based on these facts given by appellant, at the time the fatal shot was fired, appellant was no longer lawfully armed in self-

defense and he was not entitled to a charge on accident. State v. Todd, 290 S.C. 212, 349 S.E.2d 339 (1986) (the law to be charged is determined from the evidence presented at trial).

Likewise, appellant was not entitled to a charge on involuntary manslaughter. Involuntary manslaughter is defined as either (1) the killing of another without malice and unintentionally, but while one is engaged in the commission of some unlawful act not amounting to a felony and not naturally tending to cause death or great bodily harm or (2) the killing of another without malice and unintentionally, but while one is acting lawfully with reckless disregard of the safety of others. State v. Tucker, 324 S.C. 155, 478 S.E.2d 260 (1996).

Appellant was not entitled to a charge under the first definition of involuntary manslaughter. According to his own testimony, at the time he possessed the firearm he was sixteen years old. With other individuals present, he removed the pistol from his pocket, fired it twice, and then continued to hold the pistol with his finger on the trigger. Appellant's possession and his use of the weapon constituted two felonies: possession of a firearm by a person under the age of twenty-one and pointing and presenting a firearm.^[5] Accordingly, while he may not have intended to pull the trigger the third time, appellant's conduct precluded a charge on involuntary manslaughter. State v. Young, 319 S.C. 33, 459 S.E.2d 84 (1995) (where the defendant unintentionally kills the victim *270 while engaged in the commission of a felony, the law of involuntary manslaughter does not apply).^[6]

Since I conclude appellant was not acting lawfully in self-defense at the time he fired the fatal shot, his conduct does not fall within the parameters of the second definition of involuntary manslaughter.

The trial judge properly refused to charge involuntary manslaughter. State v. Johnson, 324 S.C. 38, 476 S.E.2d 681 (1996) (request to charge on a lesser-included offense is properly refused when there is no evidence the defendant committed the lesser rather than the greater offense).

I would affirm.

[1] The second time the gun only "clicked."

[2] Unlawful possession of a pistol by a person under the age of twenty-one is a felony. S.C.Code Ann. § 16-23-30(e) (1985); S.C.Code Ann. § 16-23-50(A)(1) (Supp.1996).

[3] 300 S.C. 256, 387 S.E.2d 268 (1990).

[4] In Gunn, the defendant (Gunn) and the victim were in an argument when Gunn claimed a gun they were struggling over went off accidentally. Gunn sought to introduce evidence to support a theory of self-defense, both as an independent defense to the homicide as well as to support a defense of accident. In finding this evidence admissible, the court rejected the state's argument Gunn was not acting lawfully because he drew the gun in violation of state law, noting if Gunn was acting in self-defense he would not have violated this statute. 365 N.E.2d at 1238-40. The statute at issue in Gunn is substantially similar to South Carolina's "pointing and presenting" statute (upon which the dissent partially relies in its argument Appellant was not acting lawfully). See S.C.Code Ann. § 16-23-410 (Supp.1996) ("It is unlawful for a person to present or point at another person a loaded or unloaded firearm"). Section 16-23-410 specifically states (as did the Indiana statute) its provisions should not be "construed to abridge the right of self-defense."

[5] This language is susceptible of two different interpretations. First, it could mean that unlawful possession of a firearm can never constitute an unlawful activity so as to preclude an accident defense because it can never be the proximate cause of the homicide. Second, it could mean that unlawful possession of a firearm can in some cases constitute unlawful conduct so long as the State proves proximate cause. The confusion is compounded by the fact that the majority opinion never clearly specified what of the defendant's conduct constituted the unlawful activity to preclude the accident defense, i.e. whether in this case it was his unlawful possession of a firearm or some other conduct. Justice Toal's concurring opinion highlighted this lack of clarity when she stated she would have specifically held Goodson was not lawfully armed when he shot the victim because he had no self-defense claim at that time; and under those circumstances his unlawful possession would be a proximate cause of the homicide. 312 S.C. at 281-82, 440 S.E.2d at 372-73. We agree with Justice Toal's analysis and interpretation, clarifying Goodson as holding unlawful possession of a firearm can under some circumstances constitute an unlawful activity so as to preclude an accident defense if it is the proximate cause of the killing.

[6] In South Carolina, the following elements establish self-defense and are thus relevant to this analysis: 1) the defendant must be without fault in bringing on the difficulty; 2) 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; 3) if his defense is based upon his belief of imminent danger, a reasonably prudent person 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 person of ordinary prudence, firmness, and courage to strike the fatal blow to save himself from serious bodily harm, or losing his own life; and 4) the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance. Goodson, 312 S.C. at 280, 440 S.E.2d at 372 (quoting State v. Davis, 282 S.C. 45, 317 S.E.2d 452 (1984)).

[7] Kenneth, the victim, was 6'3"; Appellant was 5'9".

[8] The dissent also points to Appellant's testimony that "my hand was on the trigger. The trigger was pulled or whatever." However, the record shows this testimony was given in answer to a question regarding the second shot. We interpret "second" shot as used by the solicitor to mean the shot wherein Appellant "clicked" at the ground, not the fatal shot.

[9] For all we know, Appellant was in fact preparing to leave.

[10] There is a difference between being lawfully armed in self-defense and acting in self-defense, as Justice Toal noted in her concurring opinion in Goodson, 312 S.C. at 281, 440 S.E.2d at 373. In this case, Appellant's self-defense theory only relates to his right to be armed, not his actions in shooting Kenneth. Our recent opinion in State v. Pickens may be distinguished from this case because there we based our decision on the fact defendant admitted he shot intentionally. 320 S.C. 528, 532, 466 S.E.2d 364, 366 (1996) (facts did not support a charge of involuntary manslaughter where the defendant claimed he "acted lawfully but recklessly in defending himself"). Here, Appellant claimed the shooting was not intentional.

[11] The dissent's reliance on Appellant's previous action of shooting the gun into the ground to find he was not engaged in a lawful activity at the time of the subsequent, fatal shooting, is misplaced. In light of the rule the unlawful activity must proximately cause death, see State v. Brown, 205 S.C. 514, 32 S.E.2d 825 (1945), we find it improper to preclude an accident defense based on Appellant's prior actions under the facts of this case. Rather, the inquiry must be whether Appellant was acting lawfully when the fatal shooting occurred. Cf. 40 Am.Jur.2d at § 13 (1968) ("[T]he tort liability concept of proximate cause is not a proper criterion of causation in a criminal homicide prosecution, which requires more direct causal connection to be shown than will suffice to ground a civil recovery").

[1] See State v. Goodson, 312 S.C. 278, 440 S.E.2d 370 (1994) (the unlawful possession of a firearm does not automatically preclude the defense of accident when the defendant rightfully armed himself in self-defense); State v. McCaskill, 300 S.C. 256, 259, 387 S.E.2d 268, 270 (1990) ("[a] homicide is excused when caused by the discharge of a gun... where the accused is lawfully acting in self-defense and the victim meets death by accident, through the unintentional discharge of a gun or the like ... On the other hand, a homicide is not excusable on the ground of accident or misadventure unless it appears that the act of the slayer was lawful.") (italic in original).

[2] Although the trial judge instructed the jury on self-defense, this fact is not dispositive.

[3] Appellant did not live in the apartment.

[4] The majority suggests Goodson is unlike the present case because the victim was not the aggressor. The identity of the aggressor is not dispositive in this case. The applicable principle from Goodson is once the threat to the defendant's safety subsides, he is no longer entitled to arm himself in self-defense.

[5] See S.C.Code Ann. § 16-23-30(e) (1985) & S.C.Code Ann. § 16-23-50(A)(1) (Supp.1996); S.C.Code Ann. § 16-23-410 (Supp.1996).

[6] While I agree the negligent handling of a loaded weapon does not preclude a charge on involuntary manslaughter, State v. White, 253 S.C. 475, 171 S.E.2d 712 (1969), here, appellant was engaged in felony activity at the time of the shooting.

Save trees - read court opinions online on Google Scholar.

We would like to request the testimony of everyone from
the Gold truck. (5) ^{Statements.}

PENGAD 800-631-6888

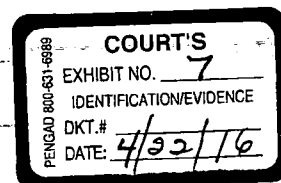
COURT'S
EXHIBIT NO. 6
IDENTIFICATION/EVIDENCE
DKT.#
DATE: 4/22/16

Please provide the documentation of record from Parkway Drive to Roundtree Circle, upon defendant exiting the vehicle and firing rifle.

Documentation from defendant + 3 State witnesses

↓
more

- ① Dixon
- ② Buchanan
- ③ Roseboro



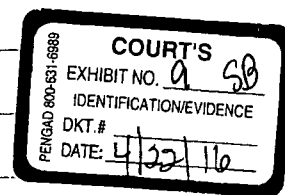
1902

~~Cyber~~

PENGAD 800-631-6988
COURTS SB
EXHIBIT NO. 8
IDENTIFICATION/EVIDENCE
DKT.#
DATE: 7/22/16

Please have court reporter to return for further audio testimony.

note sent out by
Jury at 4:20 requesting
to be recharged on
Self-defense - note
was misplaced!



Shirley Broom
Court Reporter

Hon. Paul Burch

We would request to return tomorrow.

COURT'S	
EXHIBIT NO.	10
IDENTIFICATION/EVIDENCE	
DKT.#	
DATE:	4/22/16

We are unable to reach the same verdict. What do we do now?

COURT'S	
EXHIBIT NO.	11
IDENTIFICATION/EVIDENCE	
DKT.#	
DATE:	4/23/16

COURT'S	
EXHIBIT NO.	12
IDENTIFICATION/EVIDENCE	
DKT.#	
DATE:	4/23/16

May we have a print out of the self defense law (four ~~rules~~ rules) that were read yesterday. We would like to read + discuss ~~in~~ within the jury room.

COURT'S	
EXHIBIT NO.	13
IDENTIFICATION/EVIDENCE	
DKT.#	
DATE:	4/23/16

We are still unable to reach the same verdict. We are dead locked on our vote.

DOCKET NO. 2015-GS-12-085

The State of South Carolina
County of Chester

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE
vs.

Christopher Marquavious Moore

True and correct copy of original paper
On file in this office.

Lee K. Carpenter

Clerk of Court
Chester County, SC
Date 8/17/2016

Indictment for

Possession or Display of Firearm or
Knife During Commission of a Violent
Crime

SC Code: § 16-23-490
CDR Code: 0549
Class: Felony, F

WITNESSES

9005
Randy St. Clair (CSD)
✓ B. McDaniel
✓ C. Reynolds

ARREST WARRANT NUMBER/DOA

2014A1210100528 (DOA 11-13-14)

ACTION OF GRAND JURY

TRUEBILL

Raymond K. McDonald
Foreperson of Grand Jury
Date: 6-2-2015

VERDICT

Guilty
Deborah R. Evans
Foreperson of Petit Jury
Date: 6-30-2016

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)


INDICTMENT

At a Court of General Sessions, convened on June 2, 2015, the Grand Jurors of Chester County present upon their oath:

POSSESSION OR DISPLAY OF FIREARM OR KNIFE DURING COMMISSION OF A VIOLENT CRIME

That Christopher Marquavious Moore did in Chester County on or about November 4, 2015, possess or visibly display a firearm or knife, to wit: rifle during his/her commission of a violent crime, to wit: Murder, in violation of §16-23-490, *Code of Laws of South Carolina, (1976), as amended.*

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


Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Chester
STATE VS.

Christopher Marquavious Moore

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Chester, SC 29706

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lowd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

[Signature]
Hall, Julie Gamburg

65108
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2015-65-12-086
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms:
 Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 133.90

Clerk of Court/ Deputy Clerk: *[Signature]*
Court Reporter: *[Signature]*
SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-GS-12-085

A/W#: 2014A1210100528

Date of Offense: 11/4/2014

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lowd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of _____ days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2015-65-12-086
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms:
 Set by SCDPPPS

Recipient:

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd, in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: True and correct copy of original paper on file in this office
[Signature]
Clerk of Court
Chester County, SC
Date: 12-16
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: *[Signature]*
Judge Code: 2046
Sentence Date: June 30, 2016

WITNESSES

✓ Randy St. Clair (CSD)

✓ B. McDaniel

✓ C. Reynolds

ARREST WARRANT NUMBER/DOA

2014A1210100529⁵³⁰ (DOA- 11-13-14)

ACTION OF GRAND JURY

TRUEBILL

Howard L. McDonald
Foreperson of Grand Jury
Date: 6-2-2015

VERDICT

Guilty

Nelora R. Evans
Foreperson of Petit Jury
Date: 6-30-2016

808

DOCKET NO. 2015-GS-12- 086

The State of South Carolina

County of Chester

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE

vs.

Christopher Marquavious Moore

True and correct copy of original paper
On file in this office.

Sue K. Carpenter

Clerk of Court
Chester County, SC
Date: 8/4/2016

Indictment for

Murder

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

STATE OF SOUTH CAROLINA

COUNTY OF Chester
STATE VS.

Christopher Marquavious Moore

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Chester, SC 29706

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-03-00086

RECEIVED

A/W#: 2014A1210100530

Date of Offense: 11/4/2014 JUL 07 2016

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116.
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Julie Gamburg, SC Bar# 65268 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
 Set by SCDPPPS

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning _____
\$ paid to Public Defender Fund

Recipient		\$
*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Other: _____
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

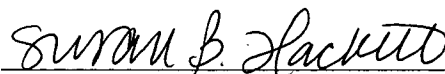
Clerk of Court/ Deputy Clerk: Judy M Bonds
Court Reporter: Mike Watkins
SCCA/217 (03/2011)

Presiding Judge: _____
Judge Code: 2048
Sentence Date: June 30, 2016

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 19th day of May, 2017.