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VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Colleton County

Honorable Perry M. Buckner, Circuit Court Judge

THE STATE,

V.

TAQUAN L. BROWN,

APPELLANT

APPELLATE CASE NO 2015-001447

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**DEFENSE EXHIBIT #2 – AUTOPSY REPORT
DEFENSE EXHIBIT #3 – TOXICOLOGY REPORT
STATE’S EXHIBITS #8, 14, 17, AND 24 – PHOTOS**

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

**STATE’S EXHIBITS #5 – PHOTO
STATE’S EXHIBIT #31 – VIDEO OF TAQUAN BROWN**

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF COLLETON) CASE NO.: 2013-GS-15-1040, 1041,
 AND 1042

STATE OF SOUTH CAROLINA,)
)
)
 v.) TRANSCRIPT OF RECORD
)
 TAQUAN BROWN,)
)
 DEFENDANT.)
)

MONDAY, JUNE 22nd, 2015 - THURSDAY, JUNE 25th, 2015
 COMMENCING AT
 COLLETON COUNTY COURTHOUSE
 WALTERBORO, SOUTH CAROLINA
 BEFORE THE HONORABLE PERRY M. BUCKNER, III, JUDGE.

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Rebecca H. Hill
 Official Court Reporter

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1 THE COURT: Solicitor, I understand that we're trying
2 Mr. Taquan Brown, which is my longest jail case for Colleton
3 County. You may call the case for trial. I understand that
4 Mr. Walker, who represents Mr. Brown, wishes to raise the
5 Castle Doctrine as a defense, or as an immunity to the
6 charges. Call the case for the record, please.

7 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
8 calls the case of the State v. Taquan Brown, located in
9 Indictment Number 2013-GS-15-01040 for Obstruction of
10 justice. Also Indictment 2013-GS-15-01041 for murder and
11 2013-GS-15-01042 for possession of a weapon during the
12 commission of a violent crime. The indictments have been
13 true billed, Your Honor. This case is for trial, Your
14 Honor.

15 THE COURT: Very well. Hand the indictments up,
16 Solicitor.

17 MS. LEGETTE: Your Honor, Mrs. Grant has the actual
18 Court's file and she's bringing it up. These are the copies
19 of the true bill indictments.

20 THE COURT: Mr. Walker, we are waiting on the Clerk of
21 Court for the originals. Do you have any objection of my
22 reviewing the copies?

23 MR. WALKER: No, Your Honor.

24 THE COURT: All right. Becky, let the record reflect
25 that Mr. Brown is indicted for obstruction of justice,

1 murder, and possession of a weapon during the commission of
2 a violent crime. Mr. Walker, I understand that you wish to
3 raise the Castle Doctrine, as you are entitled to do under
4 the act; isn't that correct?

5 MR. WALKER: It is, Your Honor.

6 THE COURT: Very well. I assume that both of you agree
7 that the standard for purposes of the statute, which is
8 found at 16-11 -- well it begins at 410 and continues on to
9 450. That the standard is preponderance of the evidence; do
10 you agree, Solicitor?

11 MS. LEGETTE: Yes, Your Honor.

12 THE COURT: Do you agree, Mr. Walker?

13 MR. WALKER: Yes, Your Honor.

14 THE COURT: It is not beyond a reasonable doubt and it
15 is not clear and convincing evidence. Now, before we begin
16 with testimony for this, Solicitor, are there any motions
17 pertaining to witnesses in connection with this matter?

18 MS. LEGETTE: Your Honor, the State would make a motion
19 to sequester all witnesses. The State has already
20 sequestered their witnesses, except for the case agent. We
21 would ask that the Court would sequester witnesses for the
22 defense at this time.

23 THE COURT: All right. I need for Matt's witnesses, as
24 well as your witnesses, because we're not going on a witness
25 hunt, we are going to move this as expeditiously as

1 possible, because I got a jury coming in at 2:00, as you
2 both know. I met with both of you this morning, and I want
3 to move this matter along.

4 Matt, do you have a room yet or do I have to assign one
5 for you?

6 MR. WALKER: I'd assumed they would use the defendant's
7 waiting room downstairs, but I don't have a designated room.

8 THE COURT: Vicky, are we having Family Court?

9 CLERK: No, sir.

10 THE COURT: We're not?

11 CLERK: No, sir.

12 THE COURT: All right. What room do you want, Matt?

13 MR. WALKER: The defendant's waiting room is fine with
14 me, Your Honor.

15 THE COURT: All right. I need to know, Vicky, that it's
16 clear. And you need to turn around, Matt, and take a look
17 around the courtroom, and you, too, Tameaka. I expect you
18 to look at every single person and both of you certify to me
19 that none of your witnesses are in the courtroom at this
20 time, and that you will instruct your witnesses not to
21 discuss their testimony with anyone until released by the
22 Court. And that you may have to call someone back for
23 reply, and until I release them, there is to be no
24 discussion about their testimony and they are to remain in
25 their room. You going to keep them in your ---

1 MS. LEGETTE: The Clerk's conference room, Your Honor.

2 THE COURT: Don't call it the Solicitor's conference
3 room. You're going to have them in the Clerk's conference
4 room. Pat, is the defendant's waiting room downstairs open
5 for defense counsel to put their witnesses for purposes of
6 this hearing?

7 CLERK: Yes, sir.

8 THE COURT: All right. Now, I have been handed copies
9 of the indictments. Do you have the originals? Pull the
10 originals out. Give the copies back, Pat, if you would, to
11 the Solicitor.

12 THE COURT: Counsel approach.

13 (Whereupon, a bench conference is held off the record.)

14 THE COURT: All right. Let the record reflect that
15 pursuant to the request of the Solicitor's Office, I have
16 sequestered both of the State's witnesses for purposes of
17 the Castle Doctrine here, as well as defense witnesses. I
18 ask you, now, Solicitor, look in the courtroom. Are any of
19 your witnesses here in the courtroom?

20 ASST. SOL. LEGETTE: They are not in the courtroom,
21 Your Honor.

22 THE COURT: All right. You're responsible for yours
23 and Mr. Walker is responsible for his. Sequestration
24 applies for both sides. Mr. Walker, are any of your
25 witnesses in the courtroom?

1 MR. WALKER: My first witness and my investigator.

2 THE COURT: Other than your first witness, and I'm
3 allowing you to keep your investigator in the courtroom,
4 just as I am allowing the State to keep their investigator
5 in the courtroom. And other than that, you're satisfied that
6 no other witness is present?

7 MR. WALKER: Yes, Your Honor.

8 THE COURT: You both agree that the standard is
9 preponderance of evidence. I have the original indictments
10 in my hand, which I have shown both sides at the bench.
11 They're satisfied that I have the originals for both the
12 possession of a weapon during the commission of a violent
13 crime, murder, and obstruction of justice. Mr. Walker, you
14 may call your first witness.

15 MR. WALKER: Thank you, Your Honor. The Defense calls
16 Larry Council.

17 THE COURT: Come around and be sworn by the Clerk,
18 please.

19 CLERK: Please come forward. Place your left hand on
20 the Bible and raise your right hand.

21 (Whereupon, the witness, Larry Council, is duly sworn.)

22 MR. COUNCIL: Yes, I do.

23 CLERK: Please have a seat on the stand and adjust the
24 mic once you're seated. State your name for the record.

25 THE COURT: Watch your step for me. Come up the stairs.

CASTLE DOCTRINE HEARING
Direct examination of Mr. Larry Council by Mr. Walker

1 Have a seat on the witness stand. Pull the chair up and
2 adjust the microphone to your height. Speak into that
3 microphone, which is going to amplify your voice. State your
4 full name and spell your last name for the court reporter.

5 MR. COUNCIL: Larry Council, C-O-U-N-C-I-L.

6 THE COURT: C-O-U-N-C-I-L. All right, Mr. Council,
7 speak up so everybody in the courtroom can hear you. Your
8 witness. Direct examination.

9 MR. WALKER: Thank you Your Honor.

10 DIRECT EXAMINATION

11 BY MR. WALKER:

12 Q Good morning, Mr. Council. Where do you live?

13 A [REDACTED] Cottageville, South Carolina.

14 Q Did you know Mourice Kemp?

15 A Beg your pardon?

16 Q Did you know Mourice Kemp?

17 A Well, I know of him.

18 Q Okay. Do you know Taquan Brown?

19 A I know of him. Pretty much.

20 Q You've met both of those people, correct?

21 A That's right.

22 Q Do you know Mourice Kemp by any other name?

23 A Yes, Sir.

24 Q What is that? What is the other name you know Mourice
25 Kemp by?

CASTLE DOCTRINE HEARING
Direct examination of Mr. Larry Council by Mr. Walker

1 A I don't understand that. Repeat that.

2 THE COURT: Rephrase your question, counsel.

3 Q Do you know Mourice Kemp by the name of Big Mo?

4 A I know him as Big Mo.

5 Q Do you remember when Big Mo got killed?

6 A Well, I wasn't there, but I was at the motel when he
7 was acting up out there.

8 Q Well, let me ask you about that. You said you were at
9 a motel when Big Mo was acting up. That was before he was
10 killed, correct?

11 A That's right.

12 Q All right. Can you tell us how long before he was
13 killed was the incident you remember?

14 A At the motel, how long do I know him?

15 Q When you said he was acting up at the motel, you were
16 there when that happened?

17 A Yes, that was right.

18 Q When was that?

19 A I didn't know what month it was exactly, but I know,
20 you know.

21 Q How long before he was killed was the incident?

22 A I think it was -- how long -- how long before I ---

23 Q Was it more than or less than a month?

24 A I believe it was the same month.

25 Q Now, you say at the motel. What motel are you referring

CASTLE DOCTRINE HEARING
Direct examination of Mr. Larry Council by Mr. Walker

1 to?

2 A Beg your pardon?

3 Q What motel are you talking about?

4 A That was at Southern Inn?

5 THE COURT: I'm sorry. That was where? What motel?

6 MR. COUNCIL: Southern Inn.

7 THE COURT: Southern Inn.

8 Q How did you have occasion to interact or see Big Mo on
9 that date?

10 A Repeat that question.

11 Q You said that Big Mo was acting up?

12 A That's right.

13 Q What did you see Big Mo do?

14 A Well, actually you know, when we was at motel, you
15 know, I did see him. He went in the room. He did got a
16 gun, and told us that we better leave the premises before he
17 drops one of us out there. And he also told me, because I
18 had a room out there, during the time, and he also tell me
19 if anybody knock on his door for Courtney again, he was
20 going to drop them there in their tracks, and he don't care
21 nothing about the police. That's what his exact words were
22 to me.

23 Q So he was staying there at the Southern Inn?

24 A That's right.

25 Q You said that he made threats in regards to someone

CASTLE DOCTRINE HEARING
Direct examination of Mr. Larry Council by Mr. Walker

1 named Courtney. Who's Courtney?

2 A That's right.

3 Q Who is Courtney?

4 A Courtney was a prostitute.

5 Q But did she stay with Big Mo?

6 A That's right.

7 Q Okay. So they had a relationship?

8 A That's right.

9 Q Courtney go by any other names?

10 A Beg your pardon?

11 Q Does Courtney have any other names?

12 A The only thing I know is Courtney Moran, but that's all
13 I know.

14 Q So you said that he pointed a gun at you, well, you
15 said at us. So who else was there when he pointed a gun and
16 threatened everybody?

17 A It was me, Mr. Brown, and Ron, this guy named Ron. All
18 three of us was riding together, and when he went in the
19 room and get the gun, Mr. Brown did call 9-1-1. But he had
20 just hang the phone up, but 9-1-1 returned his call back,
21 and by the time 9-1-1 call called back, you know, Mr. Brown
22 said that he was just going to let it ride; just let it go.

23 Q You're talking about Mr. Brown, and you're pointing at
24 Taquan Brown, the defendant?

25 A That's right.

CASTLE DOCTRINE HEARING
Direct examination of Mr. Larry Council by Mr. Walker

1 Q You said a guy named Ron. Is that Nayronne?

2 A Beg your pardon?

3 Q You said a guy named Ron. Is that Nayronne Holmes?

4 A Well, Ron. I don't remember his last name, but just
5 Ron.

6 THE COURT: Are you saying Vaughn? V-A-U-G-H-N? or
7 Ron?

8 MR. COUNCIL: Ron, R-O-N.

9 BY MR. WALKER:

10 Q So there was the four of you. And where were you? I
11 know y'all were at the Southern Inn, but were specifically
12 was everybody?

13 A Right there in the parking lot.

14 Q Were you standing around, or where you in a car?

15 A Well, we was standing in the parking lot and, you know,
16 he went in there and got the gun, came out, had it in his
17 hand and tell us we better leave the premises before he drop
18 one of us out there.

19 Q What had prompted him to get the gun?

20 A Beg your pardon?

21 Q What made him go get the gun? How did the interaction
22 start?

23 A Well, actually, you know, Ron -- see Courtney Moran,
24 she had some dealing with Ron, too. And you know, Ron had
25 wanted to go out there and just talk to Big Mo and tell him

1 if he's got Coco staying with him, to tell her to quit
2 calling him. And Big Mo he just popped an attitude and just
3 started raising all kind of devil out there.

4 Q And so, he went over to try to diffuse the situation
5 and Big Mo reacted badly?

6 A That's right.

7 Q And that's when he got a gun and threatened everybody
8 that was there and not just Ron?

9 A That's right.

10 Q Did Big Mo have a reputation for violence or carrying a
11 gun other than that incident that you know of?

12 A Beg your pardon?

13 Q Was that the only time that you knew him to act up or
14 did he have a reputation of someone that was violent?

15 A Big Mo, he had a real bad reputation.

16 Q When he came out and threatened everyone with a gun,
17 you said Mr. Brown called 9-1-1 and then decided to let it
18 go. Did y'all leave at that time?

19 A Yeah. Mr. Brown did called 9-1-1 and was going to
20 report it, but he called and just hanged the phone up, but
21 9-1-1 returned his phone, called back, and by the time 9-1-1
22 returned the phone call back, he just told 9-1-1 never mind.
23 Because he was going to let it go; let it ride.

24 Q But when he came out and threatened everybody, and said
25 if you knock on my door about Coco again, I'm going to --

CASTLE DOCTRINE HEARING
Cross-examination of Mr. Larry Council by Asst. Sol. Legette

1 I forget what your phrase was or what his phrase was, how
2 did that situation end?

3 A You talking about ---

4 Q What did y'all do next?

5 A When he did that, we didn't did anything. Just got in
6 the car and just left.

7 Q And you weren't present the night he was killed?

8 A Beg your pardon?

9 Q You weren't present the night that Big Mo was killed?

10 A Correct.

11 MR. WALKER: I don't have any further questions.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY ASST. SOL. LEGETTE:

15 Q Mr. Council, good morning. You remember talking to
16 Detective Eltzroth at the investigative unit here in
17 Colleton County back in November 2013? Can you hear me, Mr.
18 Council?

19 A I hear you.

20 Q Do you remember talking to Mr. Eltzroth back at the CID
21 or investigative unit, over at the Sheriff's Office on
22 November Twenty-fifth, 2013? You remember talking to him?

23 A Yes, ma'am.

24 Q Do you remember telling him that Big Mo didn't actually
25 point the gun at anybody; that he had the gun in his

1 waistband?

2 A To my knowledge, what I seen, he just had it in his
3 hand. I didn't see him point the gun at anybody. He just
4 had it in his hand, telling us we better leave the premises.

5 Q Now, you remember tell Mr. Eltzroth something different
6 don't you?

7 A Beg your pardon?

8 Q When you talked to Detective Eltzroth on November
9 Twenty-fifth, 2013, you didn't tell him that, did you? All
10 you told him was that he showed you his gun in his
11 waistband. Isn't that what you told Detective Eltzroth?

12 A That's right.

13 Q That's what you told him then, right?

14 A That's right.

15 Q Well, you changed your story here today, right?

16 A That's right.

17 Q Okay. Now, Mr. Council, did you and Courtney plan to
18 rob Big Mo?

19 A What was that?

20 Q Did you and Courtney plan to rob Big Mo?

21 A No, ma'am, not to my knowledge. I don't know anything
22 about that.

23 Q You never planned to rob Big Mo? So if anybody said
24 that you were planning on robbing Big Mo with Courtney that
25 would not be true?

CASTLE DOCTRINE HEARING
Cross-examination of Mr. Larry Council by Asst. Sol. Legette

1 A No, I don't know anything about that.

2 Q Okay. Now, back to the 9-1-1 call, Mr. Council. Let's
3 go back to the 9-1-1 call. Did anybody from 9-1-1 actually
4 call Mr. Brown back, or did he just hang up the phone when
5 he called 9-1-1?

6 A No. What it is, is he called and was going to report
7 it, but he hang the phone up, and 9-1-1 call returned his
8 phone call.

9 Q Did he actually talk to 9-1-1 when they called back?

10 A Well, he just tell them never mind.

11 Q Okay.

12 ASST. SOL. LEGETTE: Begging the Court's indulgence. I
13 have no further questions, Mr. Council.

14 THE COURT: Redirect?

15 MR. WALKER. None, Your Honor.

16 THE COURT: As to this witness?

17 MR. WALKER. I will not need him anymore today.

18 THE COURT. You're going to excuse him for purposes of
19 this hearing?

20 MR. WALKER: Yes, Your Honor.

21 THE COURT: Solicitor, any objection?

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

23 THE COURT: All right. I want him to have a time to be
24 back. Mr. Council, you are not released from subpoena. You
25 cannot discuss your testimony with anybody else that is

CASTLE DOCTRINE HEARING
Direct examination of Jessica Fulks by Mr. Walker

1 going to testify during this hearing, but you can leave the
2 courthouse. You agree that Mr. Council should be back at
3 10:00 in the morning?

4 MR. WALKER: I won't need him again until after the
5 State's case, Your Honor.

6 THE COURT: I understand that, but you don't know when
7 that's going to be, do you?

8 MR. WALKER: Then I do agree that he should be back in
9 the morning, Your Honor.

10 THE COURT: How about it, Solicitor?

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

12 THE COURT: All right. Mr. Council, we're not sure
13 when we're going to need you. You can't discuss your
14 testimony with anybody. You can leave the courthouse and
15 you can't go back in the room downstairs where the witnesses
16 are located upstairs or downstairs. I want you back in this
17 courthouse sitting in the courtroom at 10:00 in the morning.
18 Do you understand that?

19 MR. COUNCIL: I understand.

20 THE COURT: All right. Step down. Call your next
21 witness.

22 MR. WALKER: Thank you, Your Honor. The defense calls
23 Jessica Fulks.

24 THE COURT: Come around and be sworn by the clerk,
25 please.

CASTLE DOCTRINE HEARING
Direct examination of Jessica Fulks by Mr. Walker

1 CLERK: Please come forward. Place your left hand on
2 the Bible and raise your right hand.

3 (Whereupon, the witness, Ms. Jessica Fulks enters the
4 courtroom and is duly sworn by the clerk of court.)

5 THE COURT: Come right around here and watch your step.
6 Have a seat. Make yourself comfortable. Pull that chair up
7 and adjust that microphone to your height. It's going to
8 amplify your voice. State your full name and spell your
9 last name for the court reporter.

10 MS. FULKS: Jessica Fulks. J-E-S-S-I-C-A F-U-L-K-S.

11 THE COURT: Spell your last name again.

12 MS. FULKS: F-U-L-K-S.

13 THE COURT: All right, Ms. Fulks, speak up for me now.

14 You have a little bit of a timid voice and I want
15 everybody in the courtroom be able to hear you. Use the
16 microphone.

17 DIRECT EXAMINATION

18 BY MR. WALKER:

19 Q Good morning. Thank you for being here. Again, can
20 you say your last name, how you say it, one more time for
21 me?

22 A Fulks, F-U-L-K-S.

23 Q Okay. I'll get it right. Do you remember -- do you
24 know Mourice Kemp? Or did you know Mourice Kemp?

25 A That's his name as Mo?

CASTLE DOCTRINE HEARING
Direct examination of Jessica Fulks by Mr. Walker

1 Q You know him as Big Mo?

2 A Yes, sir.

3 Q Do you remember when he was shot?

4 A Yes, sir. I'm not sure what date, but yes, sir.

5 Q Did you see him that day?

6 A I seen him that night.

7 Q Right before he was shot, correct?

8 A I guess so.

9 Q And under what circumstances did you see him?

10 A He came to my house. He was looking for a girl named
11 Coco. He had asked me about it and I didn't know where she
12 was at. I didn't see her today. And he was drinking. We
13 had sat in the yard. I had got some drugs -- some marijuana
14 from him, and after that, we sat, we smoked, we drunk, and
15 then he say he was going to pay his phone, because his phone
16 was going off at 12:00.

17 Q So this was right before midnight that you were with
18 him?

19 A That he was at my house, yes, sir.

20 Q Right. And he was looking for Coco. Is Coco Courtney?

21 A Yes.

22 Q Okay. And you saw him drinking and smoking marijuana?

23 A Yes.

24 Q Okay. And would you say -- did Mr. Kemp, or Big Mo,
25 have a reputation in the community for violence or anger?

CASTLE DOCTRINE HEARING
Cross-examination of Jessica Fulks by Asst. Sol. Legette

1 A I just heard of him carrying a firearm.

2 Q I don't have any further questions.

3 THE COURT: Cross-examination?

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

5 CROSS-EXAMINATION

6 BY ASST. SOL. LEGETTE:

7 Q Good morning, Ms. Fulks.

8 A Good morning.

9 Q Ms. Fulks, you said that you and Mr. -- well, Big Mo
10 and you kind of hung out and smoked, well, he was smoking
11 and drinking?

12 A Yes.

13 Q And Mr. Walker asked you about his reputation for
14 violence. Did you know him to be violent?

15 A Not that I know of. I just heard. You know, hearsay.

16 Q But you never saw anything about him being violent?

17 A No, ma'am.

18 Q And was he violent with you ever?

19 A No, ma'am.

20 Q Did you know what kind of gun he -- well, had you ever
21 seen him with a gun?

22 A No, ma'am.

23 Q But you had just heard that?

24 A Yes, ma'am.

25 Q So everything you knew about him, basically, was you

CASTLE DOCTRINE HEARING
Cross-examination of Jessica Fulks by Asst. Sol. Legette

1 kind of heard these things?

2 A Yes, ma'am, but I knew he was a nice person because he
3 used to treat me nice.

4 Q He treated you nice?

5 A Yes.

6 Q Okay. Thank you. I have no further questions.

7 A Okay.

8 THE COURT: Redirect?

9 MR. WALKER: None, Your Honor.

10 THE COURT: As to this witness?

11 MR. WALKER: We don't need her anymore. Tomorrow
12 morning will be fine.

13 THE COURT: Solicitor?

14 ASST. SOL. LEGETTE: Your Honor, I have no objection to
15 her being excused for this hearing.

16 THE COURT: All right. Ms. Fulks, F-U-L-K-S, I'm going
17 to excuse you from this hearing, but you're still under
18 subpoena for this trial. You can leave today. You can't
19 talk to anybody else about your testimony, down in the room
20 where you were or anywhere else or at home. Don't discuss
21 your testimony. Be back in this courtroom at 10:00 tomorrow
22 morning. Have a seat out in the courtroom. Do you
23 understand?

24 MS. FULKS: Yes, sir.

25 THE COURT: All right. Call your next witness.

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 MR. WALKER: Thank you, Your Honor. The Defense calls
2 Taquan Brown.

3 (Whereupon the witness, Taquan Brown, is duly sworn.)

4 THE COURT: Watch your step for me. Come up the stairs.
5 Have a seat on the witness stand. Pull the chair up and
6 adjust the microphone to your height. Speak into that
7 microphone, which is going to amplify your voice. State your
8 full name, and spell your last name for the court reporter.

9 MR. BROWN: Taquan Lateek Brown, B-R-O-W-N.

10 THE COURT: All right. Mr. Brown, speak up so
11 everybody in the courtroom can hear you. Your witness,
12 Counsel. Direct examination.

13 DIRECT EXAMINATION

14 BY MATTHEW WALKER:

15 Q Taquan, I want to ask you obviously about the incident
16 that happened when Mourice Kemp was killed. Let's begin
17 back at the incident. You heard Larry Council testify,
18 correct?

19 A Yes, Sir.

20 Q So I would like to direct your attention to that
21 incident at the Southern Inn. Can you give us your
22 recollection of what happened that night at the Southern
23 Inn?

24 A November 13th?

25 Q If that's the night it happened.

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 A Yes.

2 THE COURT: Give us the year.

3 A 2013. Nayronne Holmes had come over to my house and he
4 said that he was going out, and I said, "Well, can I get a
5 ride to get some cigarettes?" And he said, "You have to ask
6 Larry." So Larry came up, and come to find out I know
7 Larry, so Larry said I could ride with them to the store to
8 get cigarettes, but they had to go pick up Coco. So we went
9 to -- they stopped to the hotel first, Southern Inn on Bells
10 Highway. Upon getting out, I saw Big Mo. I know Big Mo, so
11 I asked him for a cigarette. He told me he didn't have any.
12 And him -- and Nayronne was telling him about Coco calling
13 him and he just flipped. He flipped.

14 Q Okay. So what did he do when he flipped?

15 A He told us to get the hell from out there or he was
16 going to kill us. And he went in the room, and I was like
17 in a shock, like, where did this come from? So he went in
18 his room and reached somewhere above his door and pulled out
19 a revolver and came back out. He told us if we didn't
20 leave, he was going to drop us or kill us. I told Larry,
21 "Come on, let's go." So we got back in the car, was headed
22 down the road, and I called 9-1-1. Nayronne told me don't
23 call because Courtney had warrants in Union County for a
24 probation violation, or something like that, so I hang the
25 phone up. And when I hung the phone up, 9-1-1 called me

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 back and I told them never mind.

2 Q So your only interaction with Big Mo on that occasion
3 was to ask for a cigarette?

4 A Yes.

5 Q And of course to be told by him to leave?

6 A Yes.

7 Q The person that was actually there to see Big Mo was
8 Nayronne?

9 A Yes.

10 Q And was Courtney there?

11 A She was there.

12 Q So you knew that Mourice Kemp owned a revolver?

13 A Yes.

14 Q And he used it towards you in a threatening manner?

15 A Yes. He had it in his hand, not in his waistband.

16 Q And when y'all left, that was kind of the end of that
17 incident, correct?

18 A Yes.

19 Q Nothing further happened from that incident?

20 A No. I didn't go back around him, because he wasn't a
21 person who I had to deal with on a daily basis. So after I
22 hanged the phone up with 9-1-1, and told them never mind, I
23 just said I'll never go back up there.

24 Q Okay. So let's fast forward to the night that Mourice
25 Kemp was killed. What date was that?

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 A That was November 20th, 2013.

2 Q So the Southern Inn happened on November 13th, 2013?

3 A Yes, sir.

4 Q So a little over a week later, he shows up at your
5 house?

6 A Yes.

7 Q All right. So the night he was killed, where were you?

8 A I was in my house.

9 Q Where is that?

10 A [REDACTED] Bright's Court, right here in Walterboro.

11 Q You recall what time of day or night it was?

12 A It was 4:00 or 4-something in the morning.

13 Q. 4:00 a.m.?

14 A Yes, sir.

15 Q Where you alone in your house?

16 A No, sir.

17 Q Who was in your house with you?

18 A Lawrenzer Walker, Wiley James, Jermaine Brown, and
19 Jerome Hall.

20 Q What kind of a house is it?

21 A It's a duplex apartment.

22 Q So it's a multifamily home?

23 A Yes.

24 Q You say it's duplex, but there are, in fact, more than
25 two houses?

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 A Yes, it's more than two.

2 Q It's actually more like five, all connected to each
3 other?

4 A Yes. I call it a duplex; it's just five apartments.

5 Q But they're all connected to each other sideways?

6 A Yes, sir.

7 Q There's no common courtyard yard or common doors or
8 anything like that?

9 A No, sir.

10 Q So at four in the morning you are in your home with
11 three other people?

12 A Uh-huh (affirmative).

13 Q And what happened?

14 A Well, I would like to start back about what happened
15 the day before and come into that; is that alright?

16 Q If that leads into what happened that night.

17 THE COURT: Answer the questions your counsel asks.

18 Proceed, counsel. You don't ask the questions; he does.

19 A Okay. Well, I was in my house and I was sleeping. I
20 was awoken to beating on my door, and Lawrenzer called my
21 name, and by the time he got out my room, he had already
22 gone to the door and unlocked it. So when I came out my
23 room, my front door was open and Big Mo was there. And he
24 just kind of like pushed himself in passed Lawrenzer, and
25 Lawrenzer told him, hey, what are you doing? You can't come

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 in here." So, when he saw me, he start telling me that if
2 he find out that Coco is in the house, he is going kill me
3 and I'm a pussy, mother -- you know.

4 Q He made threats and used vulgar language towards you?

5 A Yes.

6 Q And he had already come in past Lawrenzer Walker?

7 A Yes. He was already in past Lawrenzer by this time.

8 Q And neither you, nor Lawrenzer Walker, gave him
9 permission to come into the house?

10 A No. He came in on his own and went from room to room.

11 Q So he went throughout your house?

12 A Yes.

13 Q And why again was he doing that?

14 A He was looking for Coco, Courtney.

15 Q Did he find her in your house?

16 A No, Lawrenzer told him, because I was kind of scared.

17 Q Back up, who told him?

18 A Lawrenzer told him that she was next door.

19 Q All right. Who lived next door?

20 A Barbara Mays and Nayronne Holmes.

21 Q So once being apprised that Coco was next door, what
22 did he do?

23 A He went out my back door. He opened it and went out,
24 and Lawrenzer kind of pointed to the next door down and he
25 went to Ms. Barbara's back door and started kicking on the

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 door and beating on the window.

2 Q And then what happened?

3 A At that time, I was still at my back door, trying to
4 get it locked. And I heard Nayronne Holmes come in through
5 my front door and he and Lawrenzer was in the little hallway
6 and I heard about the gun. So I stopped what I was doing by
7 the back door and went to the little hallway to see what was
8 going on. Nayronne had a gun in his hand, and I took it
9 from him. He asked for it back. I told him, "No, don't do
10 it. Just let him go. Let Big Mo leave." At that time Big Mo
11 came back to my back door and asked me if he could come back
12 through my house to get to his car. And I told him, "No."
13 When I told him no, he told me I was a 'bitch ass mother
14 fucker' and he was going to kill me.

15 Q So he's outside of your house and your inside the
16 house?

17 A He's in my back door.

18 Q Okay. What did he do next?

19 A He went around the apartment complex.

20 Q All right. And I guess you said that your house is in
21 an apartment complex attached side by side to others. Are
22 you an end unit or an inside unit?

23 A I don't understand the question.

24 Q Is your house on one of the two ends or is your house
25 one of the ones in the middle?

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 A In the middle.

2 Q So he would have had to go out past other people's
3 apartments to come back around to the front?

4 A Yes.

5 Q Okay. And did you hear him make any other statements?

6 A He was mumbling something after he told me that. I
7 locked my back door, and went back around, in the middle,
8 and that's when Ms. Barbara was calling for Nayronne her
9 son, and we went outside the front door.

10 Q Okay. Where was Ms. Barbara?

11 A Ms. Barbara was on the sidewalk, coming over to my
12 house.

13 Q Okay. And she's the one next to you, right?

14 A Yes.

15 Q And where was Nayronne?

16 A Nayronne was beside me or behind me.

17 Q And where were you?

18 A I was in the yard standing close by the sidewalk that
19 comes up to the front door.

20 Q Where were the other occupants of your house?

21 A Lawrenzer was behind me or beside me. Jermaine, Wiley
22 and Jerome had got in there car already.

23 Q Okay. So did you see Big Mo come around the building,
24 or was he already in the building?

25 A I saw him come from around the building and I saw Coco

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 come out of Ms. Barbara's house. And they kind of like meet
2 up on the sidewalk and Coco got in the passenger side and
3 Big Mo got in the driver's side.

4 Q All right. Were any other words exchanged?

5 A None at that time.

6 Q Well, did he drive away?

7 A No, he didn't drive away. After Ms. Barbara was
8 talking about him kicking on the back door, and he got out -
9 - Big Mo got out of the car, and was standing by the
10 driver's door and called my name. He said, "Taquan, you
11 bitch mother fucker. You tried to play me." I told Big Mo,
12 I waved my hand and told him to go ahead on from around
13 here. And when I told him to go ahead on from around here,
14 he told me, "You think I'm playing with you?" I told him
15 again, "Go on off from around here." So he came from around
16 the back, the driver's door, to the front panel by the front
17 tire, and then he started running towards me. And while he
18 was running, he was reaching in his waistband.

19 Q And then what happened?

20 A I shot him.

21 Q Okay. Now, you said you were by the sidewalk leading
22 towards your door?

23 A Yes.

24 Q Is there another sidewalk? Does have every apartment
25 have a sidewalk leading up to their doorway?

CASTLE DOCTRINE HEARING
Direct examination of Taquan Brown by Mr. Walker

1 A Every apartment has a sidewalk leading up to their
2 doorway.

3 Q And is there another sidewalk besides these?

4 A There is one that runs parallel in front of every
5 sidewalk that connects to the one that runs to the door.

6 Q Okay. Where did Big Mo start out? Where was his car?

7 A His car -- if you go on Bright's Court, there's two
8 little dirt parking spots. There's one before -- there's
9 one as soon as you turn on before you get to the mailbox and
10 then there's another little one right past the mailbox. He
11 parked his car on the parking lot -- on the little parking
12 area past the mailbox.

13 Q Okay. Where is that in relation to the sidewalks we
14 were just talking about?

15 A That was right there.

16 Q So it's kind of on the street side of the connecting
17 parallel side?

18 A Yes.

19 Q Okay. Was he still on that side of the sidewalk when
20 you shot him?

21 A No.

22 Q Where was he when you shot him?

23 A He came across the sidewalk into the yard.

24 Q Okay. And give an estimate of how far away you were
25 from him when you shot him?

CASTLE DOCTRINE HEARING
Cross-examination of Taquan Brown by Asst. Sol. Legette

1 A About twelve to thirteen feet.

2 Q Closer than I am to you or about that distance?

3 A About that distance or maybe about that distance.

4 Q You saw him reaching down to his waist, but you never
5 saw a gun, correct?

6 A I didn't see -- I just seen him reaching.

7 MR. WALKER: Beg the Court's indulgence.

8 THE COURT: Anything further, counsel?

9 MR. WALKER: No, Your Honor.

10 THE COURT: Cross-examination.

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

12 CROSS-EXAMINATION

13 BY ASST. SOL. LEGETTE:

14 Q Good morning, Mr. Brown.

15 A Good morning, Ms. Legette.

16 Q Mr. Brown?

17 A Yes, ma'am.

18 Q Mr. Walker opened the door and let Mr. Kemp come
19 inside?

20 A No, he didn't let ---

21 Q He kicked the door open?

22 A He didn't kick the door open.

23 Q So he didn't break in?

24 THE COURT: Slow down, Solicitor.

25 ASST. SOL. LEGETTE: I'm sorry, Your Honor.

CASTLE DOCTRINE HEARING
Cross-examination of Taquan Brown by Asst. Sol. Legette

1 Q He didn't kick the door in? That's a yes or a no?

2 THE COURT: Use a name, Solicitor.

3 ASST. SOL. LEGETTE: I'm sorry, Your Honor.

4 Q Mr. Brown, isn't it true that Mr. Kemp did not kick
5 your door in?

6 A He was kicking on the door.

7 Q He did not break into your house; isn't that correct,
8 Mr. Brown?

9 A He didn't break in, he forced his way in.

10 Q He didn't break in? Mr. Walker opened the door and let
11 him in?

12 A No.

13 Q Mr. Walker opened the door?

14 A Yes.

15 Q Now, Mr. Brown, you said that Mr. Kemp, or Big Mo,
16 walked through your house?

17 A Yes.

18 Q Okay. He went out the back door?

19 A Yes.

20 Q And when he tried to come back to the back door, what
21 did you do?

22 A I told him -- he asked me if he could come back through
23 to get to his car.

24 Q Yes, sir.

25 A I told him no.

CASTLE DOCTRINE HEARING
Cross-examination of Taquan Brown by Asst. Sol. Legette

1 Q And you closed the door?
2 A No, the door wouldn't closed.
3 Q You couldn't close the door?
4 A The back door of my apartment was raggedy.
5 Q Okay. So did he come in at that point?
6 A He was standing in the entryway.
7 Q I'm sorry, did he come in through the apartment?
8 A No. He didn't come back through.
9 Q So you made him walk around?
10 A Yes.
11 Q So he walked back around. How far would you say it is
12 to walk back around from your back door all the way to his
13 car?
14 A I don't know.
15 Q A hundred feet or more?
16 A It's more.
17 Q More? Okay. Now, Mr. Brown, when you talked to
18 Detective Eltzroth -- I'm sorry, do you remember talking to
19 Detective Eltzroth?
20 A Yes, ma'am.
21 Q Three times?
22 A Yes.
23 Q Okay. Let's go back to the first time you talked to
24 Detective Eltzroth. Do you remember that one on November
25 20th?

CASTLE DOCTRINE HEARING
Cross-examination of Taquan Brown by Asst. Sol. Legette

1 A Yes, ma'am.

2 Q Okay. Do you remember telling Detective Eltzroth that
3 you and Big Mo didn't have any problems?

4 A I don't remember telling him that.

5 Q Okay. Do you remember telling Detective Eltzroth that
6 Big Mo didn't point the gun at you?

7 A I never told him that.

8 Q Do you remember telling Detective Eltzroth that Big Mo
9 only pointed the gun at other people that were there, Larry
10 Council and Nayronne Holmes?

11 A I don't know.

12 Q Okay. Do you remember giving your second statement?
13 Do you remember that one, Mr. Brown?

14 A Yes, ma'am.

15 Q That was on November 22nd, 2013.

16 A Yes.

17 Q Do you remember telling Detective Eltzroth that Big Mo
18 asked you to come in to your apartment when he had found
19 Coco, Courtney, and you closed the door?

20 A No, ma'am.

21 Q Do you also not remember not saying anything about Mr.
22 Kemp, or Big Mo, saying anything about a -- what did he say
23 "bitch ass mother fucker"?

24 A Yes, that is what I said.

25 Q But do you remember telling Detective Eltzroth that in

CASTLE DOCTRINE HEARING
Cross-examination of Taquan Brown by Asst. Sol. Legette

1 your second statement?

2 A No.

3 Q Let's talk about that second statement. Do you
4 remember telling Detective Eltzroth that it was Lawrenzer
5 Walker that shot Big Mo?

6 A Yes.

7 Q Mr. Brown, where did you get the gun? From Nayronne
8 Holmes?

9 A Yes. It was in his hand when I took it.

10 Q Mr. Brown, isn't it true that Big Mo was not running at
11 you? That he was standing asking you, that if you're going
12 to pull it, shoot it? Isn't that true, Mr. Brown?

13 A No, that's not true.

14 Q Okay. Mr. Brown, why didn't you just stay inside your
15 apartment after Big Mo went around and you wouldn't let him
16 in?

17 A Well, Mss. Barbara was ---

18 Q Your front door closes?

19 A Yeah, my front door closes.

20 Q Okay. Why didn't you stay inside the house, Mr. Brown?

21 A People was in my yard. Ms. Barbara was coming over,
22 and we went out to see what was going on with her.

23 Q Why didn't you just let her in and go back inside?

24 A She's in a wheelchair.

25 Q You said you were afraid of Big Mo?

CASTLE DOCTRINE HEARING
Cross-examination of Taquan Brown by Asst. Sol. Legette

1 A Yes.

2 Q Why didn't you just stay inside your apartment, Mr.
3 Brown?

4 A I can't answer that question.

5 Q Okay. Mr. Brown, how far away did you say you were
6 from Big Mo when you shot him?

7 A About 12 or 13 feet.

8 Q And Mr. Brown, do you remember where you were standing?
9 I couldn't quite understand where you were.

10 A Well, I was on the side -- the sidewalk that runs into
11 the front door. I was standing on the grass area of that.

12 Q So you were close to your front door?

13 A Yeah, I was closer to my front door.

14 Q About how far away from your front door would you say
15 you were, Mr. Brown?

16 A About 9 or 10 feet.

17 ASST. SOL. LEGETTE: Begging the Court's indulgence.

18 Q I have no further questions, Mr. Brown.

19 THE COURT: Redirect?

20 MR. WALKER: I don't have any other questions, Your
21 Honor.

22 THE COURT: You may step down. Call you next witness.

23 MR. WALKER: The defense calls Jermaine Brown. He's in
24 the holding cell downstairs, Your Honor.

25 THE COURT: How about get him for me, if you would,

CASTLE DOCTRINE HEARING
Direct examination of Jermaine Brown by Mr. Walker

1 Marcus?

2 (Whereupon, the witness, Jermaine Brown, is brought
3 into the courtroom.)

4 CLERK: Please raise your right hand. Place your left
5 hand on the Bible.

6 (Whereupon, Mr. Jermaine Brown is duly sworn.)

7 THE COURT: Help him, he's got leg irons on. Talk into
8 the microphone and speak up so everybody can hear you. You
9 understand?

10 MR. BROWN: Yes, Sir.

11 THE COURT: State your full name and spell your last
12 name for the court reporter.

13 MR. BROWN: Jermaine Brown, B-R-O-W-N.

14 THE COURT: Speak up. Your witness, Counsel. Direct
15 examination.

16 MR. WALKER: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. WALKER:

19 Q Good morning, Mr. Brown.

20 A Good morning.

21 Q Where are you currently living?

22 A I'm incarcerated right now.

23 Q Do you know Mourice Kemp?

24 A Not -- not to well known fact. I know of him.

25 Q Were you present the night that Mourice Kemp, or Big

CASTLE DOCTRINE HEARING
Direct examination of Jermaine Brown by Mr. Walker

1 Mo, was killed?

2 A Yes, sir.

3 Q You're not incarcerated for anything related to that,
4 correct?

5 A No, sir.

6 Q You remember the night that he was killed, correct?

7 A Yes, sir.

8 Q Where were you that night?

9 A I was present in the perimeter of the house.

10 Q Who's house?

11 A Taquan.

12 Q Okay. What do you remember from that night?

13 A I remember, well, I came over for other reasons, and I
14 eventually fell asleep. I woke up to a big man standing
15 over me, causing all type of chaos inside the house, running
16 around, I guess he was looking for someone.

17 Q Do you know who he was looking for?

18 A He was looking for a female.

19 Q Okay. Did you know her?

20 A I know about her.

21 Q Okay. Is that the reason you were there that night?

22 Yes, sir.

23 Q Okay. You were hoping to take advantage of her favors?

24 A Yes, sir.

25 Q All right. But that didn't happen, correct?

CASTLE DOCTRINE HEARING
Direct examination of Jermaine Brown by Mr. Walker

1 A No, sir.

2 Q Because she was at the house next door?

3 A Yes, sir.

4 Q Okay. But you didn't really know her or Big Mo that

5 well?

6 A No, sir.

7 Q Okay. So you woke up and he was already in the house?

8 A Yes, sir.

9 Q And what happened after you woke up?

10 A He was yelling all type of obscenities.

11 THE COURT: Speak up, now.

12 A He was raising a whole lot of chaos in the house,

13 running around from door to door. Looking for the girl he

14 was looking for.

15 Q You said he was saying obscenities?

16 A Yes, sir.

17 Q Did you hear him making any threats?

18 A Really, he was yelling all types of things.

19 Q Okay. And when he went through the house after he got

20 through going through the house, what did he do?

21 A He exited out through the back door.

22 Q Did you see what he did once he went out the back door?

23 A He went to the house next door.

24 Q All right. Did you see or hear him do anything else

25 there?

CASTLE DOCTRINE HEARING
Direct examination of Jermaine Brown by Mr. Walker

- 1 A No, I wasn't really close enough to hear.
- 2 Q Did you see him again?
- 3 A He came over there as I exited Taquan's apartment.
- 4 Q You saw him again after you left the apartment?
- 5 A Yes.
- 6 Q At the front or the back of the apartment?
- 7 A Back.
- 8 Q The street side of the apartment? You were on the
- 9 street side of the apartment.
- 10 A Yes, sir.
- 11 Q So what did you see when you saw him again?
- 12 A I guess he was about to leave.
- 13 Q All right. So what did you see him do?
- 14 A Well, him, and in the process of him leaving, he got
- 15 into yelling at Taquan and all types of stuff. He was
- 16 threatening him that he wanted to do something to him.
- 17 Q Was Taquan threatening Big Mo?
- 18 A No, Sir.
- 19 Q What was Taquan telling Big Mo?
- 20 A He was telling him to leave.
- 21 Q All right. What did you see Big Mo do next?
- 22 A He ran at Taquan like he was in the process of hurting
- 23 him.
- 24 Q And where did he run from?
- 25 A He ran from his car.

CASTLE DOCTRINE HEARING
Cross-examination of Jermaine Brown by Asst. Sol. Legette

1 Q Where was Taquan?

2 A In his yard.

3 Q What did you -- and then did you see Taquan shoot Big
4 Mo?

5 A Yes, sir.

6 Q What did you do next?

7 A I left.

8 MR. WALKER: I don't have any further questions.

9 THE COURT: Cross-examination.

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

11 CROSS-EXAMINATION

12 BY ASST. SOL. LEGETTE:

13 Q Mr. Brown, why are you in prison?

14 A I plead the 5th.

15 Q Mr. Brown, have you been convicted of common law
16 robbery in the past?

17 A I plead the 5th.

18 Q Mr. Brown, have you been convicted of burglary in the
19 past?

20 A I plead the 5th.

21 Q Mr. Brown, have you been convicted of shoplifting in
22 the past?

23 A I plead the 5th.

24 Q Mr. Brown, are you kin to Mr. Taquan Brown?

25 A No, ma'am.

CASTLE DOCTRINE HEARING
Cross-examination of Jermaine Brown by Asst. Sol. Legette

1 Q Mr. Brown, have you been paid anything for your
2 testimony here today?

3 A No, ma'am.

4 Q Mr. Brown, isn't it true that you weren't present that
5 night?

6 A I was present.

7 Q Mr. Brown, where were you standing? I never quite
8 understood that part.

9 A As I left the house?

10 Q No. When you saw this happen, where were you standing,
11 Mr. Brown?

12 A I was in the street about to leave.

13 Q You were in the street about to leave. And who was
14 with you, Mr. Brown?

15 A Me and a couple of other fellows.

16 Q You and a couple of other fellows. Who were those
17 other fellows?

18 A Jerome Hall, Wiley James.

19 Q Now, Mr. Brown, where was Taquan Brown standing when
20 all of this happened?

21 A He was standing in his yard.

22 Q Where at in the yard?

23 A In front of his house.

24 Q Can you tell us about the distance he was in front of
25 his house?

CASTLE DOCTRINE HEARING
Cross-examination of Jermaine Brown by Asst. Sol. Legette

1 A. Probably like 10 to 12 feet away from the road.
2 THE COURT: Speak up. Answer her question.
3 A He was about 10 to 12 feet away from the road.
4 Q Ten to twelve feet away from the road. That means he
5 was almost at the street?
6 A Close.
7 Q So he was close to the street?
8 A Almost, but he was in his yard.
9 Q And where was the other man, Big Mo, standing?
10 A He was in the street.
11 Q So Big Mo was in the street?
12 A At first.
13 Q Okay. But when the shooting happened?
14 A He was in Taquan's yard after he ran at him.
15 Q So how close where they together?
16 A When he was shooting at him?
17 Q Yes.
18 A I really can't measure it out, but he was, I'd say,
19 probably 6 to 7 feet.
20 Q So they were close together? You said Mr. Taquan Brown
21 was 10 to 12 feet from the street and that the victim ran
22 towards him. They would've been pretty close together.
23 A Not too close, but closer than they started though.
24 Q Now, whenever the big man went out the door, do you
25 know where he went after that? Let's go back to the house

1 and when he went out the back door.

2 THE COURT: Hold on a second. Don't say "he". Name the
3 person.

4 Q You called him Big Mo or Mr. Kemp?

5 A Big Mo.

6 Q Did you know him?

7 A No, not know him well..

8 Q Did you know him as Big Mo?

9 A Yes..

10 Q So when Big Mo went out the door, which direction did
11 he go?

12 A He went next door.

13 Q At what point did you go outside?

14 A After he left.

15 Q And where was your car parked?

16 A In front of the house in the street.

17 Q As Big Mo came outside, from where did he walk?

18 A He came from the back.

19 Q Okay. The back? And then what did he do? He came from
20 the back of the house, did he go to the car or street?

21 A He was going to his car.

22 Q Okay. Did you see anybody with him?

23 A A girl.

24 ASST. SOL. LEGETTE: Begging the Court's indulgence.

25 Q Mr. Brown, can you describe Big Mo and how fast he was

CASTLE DOCTRINE HEARING
Cross-examination of Jermaine Brown by Asst. Sol. Legette

1 running?

2 A He was running pretty fast for his size.

3 Q Okay. He was covering distance pretty quickly?

4 A Yes, ma'am.

5 Q Can you describe how he was running? Did you see him
6 pulling out anything?

7 A He was in the process of looking like he was about to
8 pull out something.

9 Q When you say "in the process" what do you mean by that?

10 A I would call it clutching, like he was reaching.

11 Q Did you ever spend any time inside the jail with Mr.
12 Brown, Taquan Brown?

13 A County time.

14 Q County time. Did y'all talk during that time?

15 A Really, while I'm incarcerated, I don't talk to nobody.

16 Q But you know that he was there?

17 A That's right.

18 ASST. SOL. LEGETTE: Thank you. I have no further
19 questions

20 THE COURT: Redirect?

21 MR. WALKER: Briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MATTHEW WALKER:

24 Q I'm handing you what's been Marked as Defendant's
25 Exhibit four and five. I ask you if you recognize where

1 those photos were taken?

2 A Taquan's yard.

3 Q That's where the shooting happened, correct?

4 A Yes, sir.

5 Q I'm directing your attention to Exhibit Number Five, on
6 top there.

7 MR. WALKER: If I may approach the witness, Your Honor?

8 Q So that photo, that evidence marker number Four, it
9 appears to be a blood spot on the ground. Do you see what
10 I'm referring to?

11 A Yes, sir.

12 Q From your recollection of the events that night, does
13 that appear to be where Big Mo, or Mourice Kemp, was shot?

14 A Yes, sir.

15 Q And was Mr. Brown, he was on the other side of that
16 marker more towards his house, correct?

17 A Yes, sir.

18 Q Tell me again how far you think away he was when the
19 shooting occurred, based on that photo.

20 A Based on that photo, looking at the photo, I can't
21 really tell.

22 THE COURT: Are you going to introduce these for the
23 purposes of this hearing?

24 MR. WALKER: I was.

25 THE COURT: Is there any objection as to these

CASTLE DOCTRINE HEARING
Redirect examination of Jermaine Brown by Mr. Walker

1 photographs, counsel? Since I had no idea what counsel was
2 intending to do with them.

3 ASST. SOL. LEGETTE: No objection, Your Honor.

4 THE COURT: They've been marked as what?

5 MR. WALKER: Defendant's Four and Five.

6 THE COURT: Defendant's Four and Five will be admitted
7 for the purposes of this hearing, without objection.

8 MR. WALKER: And I apologize, Your Honor.

9 THE COURT: Proceed.

10 (Whereupon, Defendant's Exhibit Number Four and
11 Defendant's Exhibit Number Five, photos of blood spot on
12 ground, is received into evidence.)

13 Q I'm going to hand you a pen and if you will just draw a
14 little circle or an "X" where you remember Taquan Brown
15 standing when the shooting occurred.

16 A Witness complies.

17 THE COURT: Let counsel see it.

18 MR. WALKER: I will.

19 THE COURT: Let the record reflect that the witness put
20 a blue squiggly ink line on Defense Exhibit Number Five.
21 Proceed.

22 Q Ms. Legette asked you if you've been paid for your
23 testimony today, and you answered "no." You had given a
24 statement to police, correct?

25 A Yes, sir.

CASTLE DOCTRINE HEARING
Recross-examination of Jermaine Brown by Asst. Sol. Legette

1 Q Where you threatened or told by law enforcement that
2 you would be charged if you were to give a statement that
3 was favorable to Taquan Brown?

4 A Yes, sir.

5 Q Who told you that?

6 A Detective Nyle.

7 Q Do you recall what he said?

8 A He told me that -- I don't remember exactly what he
9 said, but it was something like I could be penalized for any
10 statement I give, or something like that.

11 MR. WALKER: Thank you. I don't have any further
12 questions.

13 THE COURT: Recross, limited to redirect?

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

15 RECROSS EXAMINATION

16 BY ASST. SOL. LEGETTE:

17 Q Mr. Brown, you said that Mr. Eltzroth threatened you?

18 A He put it out there. I wouldn't call it a threat, but.

19 Q Mr. Brown, the first statement you gave was a letter
20 from where? A letter you wrote. Isn't that true?

21 A Yes, ma'am.

22 Q Okay. And thereafter you talked to Detective Eltzroth?

23 A Yes, ma'am.

24 Q Did he ever threaten you, Mr. Brown?

25 A He gave a statement that would be.

CASTLE DOCTRINE HEARING
Recross-examination of Jermaine Brown by Asst. Sol. Legette

1 Q You perceived it as a threat?
2 A Yes, ma'am.
3 Q Mr. Brown, when you left, what direction did y'all
4 leave in?
5 A What direction did we leave?
6 Q Yes, sir.
7 A Went straight up.
8 Q I mean when you left.
9 A The right side.
10 Q Tell us what direction you left out of Bright's Court.
11 A Being facing my way, I would call it the left side of
12 the street and then straight up.
13 Q So when you left out of the parking lot from where
14 Taquan's apartment is.
15 A Yes, ma'am.
16 Q Taquan's apartment is on the left side, did y'all go
17 straight back towards Poor Farm Road?
18 A Yes, ma'am.
19 Q Did you take a right or a left?
20 A A left.
21 Q You took a left?
22 A Uh-huh (affirmative).
23 Q Okay. And who was driving?
24 A I was driving.
25 Q Is it your car?

CASTLE DOCTRINE HEARING
Recross-examination of Jermaine Brown by Asst. Sol. Legette

1 A Yes, ma'am.

2 Q So in the picture, I believe it was Defense Exhibit
3 Number Five ---

4 ASST. SOL. LEGETTE: May I approach, Your Honor?

5 THE COURT: You may.

6 Q In Defense Five, so when Mr. Kemp, or Big Mo, was
7 running towards Mr. Brown, did he -- how did he run towards
8 him? Did he turn right or left or run straight?

9 A When he came from around the car, he ran straight, kind
10 of slanted.

11 Q And did everybody that was in the car with you, you
12 said earlier it was Wiley James and Jerome Hall, did they
13 see what you saw?

14 A Hopefully they did.

15 Q Were y'all in the car when this happened or were y'all
16 standing outside of the car?

17 A Inside.

18 Q Inside the car?

19 ASST. SOL. LEGETTE: May I approach the witness, Your
20 Honor?

21 THE COURT: You may.

22 Q Mr. Brown, you just said now that you turned left.
23 Isn't it true that you told Detective Eltzroth that you
24 turned towards Greenpond Highway when you left?

25 A No, ma'am.

CASTLE DOCTRINE HEARING
Recross-examination of Jermaine Brown by Asst. Sol. Legette

1 Q When he interviewed you?

2 A I can't remember.

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

5 THE COURT: Okay. I realize that Mr. Brown is in
6 custody, but I assume that you have him under subpoena for
7 purposes of this case; is that correct?

8 MR. WALKER: He's actually not subpoenaed, but there is
9 a transfer form that they use.

10 THE COURT: Counsel approach.

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

13 THE COURT: All right. Mr. Brown, you may step down
14 from the witness stand. Call your next witness.

15 MR. WALKER: Thank you, Your Honor. The defense calls
16 Wylie James.

17 (Whereupon, Mr. Wylie James enters the courtroom and is
18 duly sworn by the clerk of court.)

19 THE COURT: Come around and be sworn by the clerk,
20 please.

21 CLERK: Please come forward. Place your left hand on
22 the Bible and raise your right hand.

23 THE COURT: Watch your step for me. Have a seat on the
24 witness stand. Pull the chair up and adjust the microphone
25 to your height. Speak into that microphone, which is going

CASTLE DOCTRINE HEARING
Direct examination of Wylie James by Mr. Walker

1 to amplify your voice. State your full name, and spell your
2 last name for the court reporter.

3 MR. JAMES: Wylie James, J-A-M-E-S.

4 THE COURT: Speak up so everybody in the courtroom can
5 hear you. Your witness, counsel. Direct examination.

6 MR. WALKER: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. WALKER:

9 Q Good morning. Do you know Mourice Kemp or Big Mo?

10 A I don't know him.

11 Q Were you present on the night of November 2013 at a
12 shooting?

13 A Yes, sir.

14 Q Do you know the person to be shot as Big Mo?

15 A I don't know. I don't know him.

16 Q You were just there?

17 A Yes, sir.

18 Q Where were you that night?

19 A I had been home and I had got a phone call from Taquan
20 Brown, saying he had a girl over there for me that wanted to
21 do something. So I said all right. I'm coming. So I came,
22 but when I got there, she wasn't there. So I tried waiting
23 for a little while and ended up falling asleep, so we
24 started hearing a boom-boom knock on the door. I guess it
25 was him.

CASTLE DOCTRINE HEARING
Direct examination of Wylie James by Mr. Walker

1 Q Guess it was who?
2 A Mo, or somebody, whoever it was.
3 Q The person who got shot?
4 A Yeah, the person who got shot. So he bust up in the
5 house -- well, Coco had started threatening Quan. And
6 Taquan ---
7 Q Quan. Who is Quan?
8 A Taquan Brown.
9 Q Okay.
10 A Taquan told him that Coco wasn't there, so he started
11 tearing up Quan -- Taquan's house, searching room from room
12 and going through the back door. Came back out and he gone
13 next door, whoever house that was, he gone next door, and
14 looking for Coco. So then he and Coco go on back to the
15 car, and he and Coco got back in the car, and he started
16 arguing back to Quan. And Quan told him that he don't want
17 no problem and to just leave from his house, so he wouldn't
18 leave. So he keep telling him to leave from this house.
19 And he started running back at Quan, and started reaching,
20 and that's when Taquan shot him.
21 Q Where were you when you saw the shooting?
22 A I was outside, standing outside.
23 Q Where specifically?
24 A By the door.
25 Q Okay. That's the first time you had seen Mourice Kemp,

CASTLE DOCTRINE HEARING
Direct examination of Wylie James by Mr. Walker

1 or Big Mo?

2 A Yes, sir.

3 Q Did you hear him make any -- you said he was tearing
4 things up and making a lot of noise and causing a lot of
5 trouble. Did you hear him say -- what was he saying?

6 A He was asking where Coco, this and that.

7 Q Was he calm like you're talking to me now?

8 A No. He was, like, out of control. You couldn't calm
9 him down, this and that. He was searching, tearing up
10 Quan's -- Taquan's house, looking for Coco. Quan done told
11 him Coco wasn't there.

12 Q Was he cursing?

13 A Yes.

14 Q Did you hearing him make any threats to anyone?

15 A I mean, I couldn't hear him because I been in the front
16 and he had been in all the rooms searching this and that.

17 Q So you didn't follow him through the house?

18 A No, sir.

19 Q And where were you when he came into the house?

20 A I been in the living room, me and Lawrenzer. We was in
21 the living room.

22 Q So he came in past you, but then went on in the back
23 and you didn't follow?

24 A Taquan had been in the little hallway, and when he
25 heard the little "boom-boom" knock and he bust up in the

CASTLE DOCTRINE HEARING
Cross-examination of Wylie James by Asst. Sol. Legette

1 house, Taquan -- and he asked where Coco was, and Taquan
2 told him that Coco wasn't there.

3 Q So you only heard what he said in the living room and
4 out front?

5 A Yes, sir.

6 Q Okay. Did he make any threats towards Taquan out
7 front?

8 A Yes, sir. He just be talking trash some, telling him
9 Coco, this and that.

10 Q Did Taquan make any threats to Mourice?

11 A He told him that Coco wasn't -- no, sir.

12 Q What did you do after the shooting?

13 A I left.

14 Q Who did you leave with?

15 A By myself.

16 Q Okay.

17 MR. WALKER: I don't have any further questions.

18 THE COURT: Cross-examination?

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

20 CROSS-EXAMINATION

21 BY ASST. SOL. LEGETTE:

22 Q Good morning, Mr. James.

23 A Good morning.

24 Q Mr. James, have you been convicted of shoplifting in
25 2013?

CASTLE DOCTRINE HEARING
Cross-examination of Wylie James by Asst. Sol. Legette

1 A Yes, ma'am.

2 Q Mr. James, do you remember when Detective Eltzroth came
3 to talk to you about what you may have known about this case
4 back in July?

5 A Yes.

6 Q Do you remember talking to him?

7 A But I said I didn't want to talk to him.

8 Q Do you remember telling him -- I'm sorry.

9 A You talking about who?

10 Q Detective Eltzroth.

11 A Yeah, but I told them I didn't want to talk to him.

12 Q Did you tell him that you weren't there and had nothing
13 to do with this?

14 A Yeah, but I told him that -- I told him that I lied,
15 but I was there.

16 Q Okay. Did you also tell him that you didn't write the
17 letter that come to the Solicitor's Office?

18 A Yeah. I told him that, but I did.

19 Q All right. Mr. James, you remember in the letter you
20 said that Lawrenzer opened the door or did you write the
21 letter?

22 A I write the letter.

23 Q Okay. So ---

24 A I just can't remember, because it's been so long.

25 Q You don't remember what you wrote, or you don't

CASTLE DOCTRINE HEARING
Cross-examination of Wylie James by Asst. Sol. Legette

1 remember what happened?

2 A I remember what happened, but I just don't -- I don't
3 remember all what happened, but I remember what happened --
4 definitely -- what basically happened.

5 Q Okay.

6 A What basically happened.

7 Q So what basically happened? When it happened, where
8 were you standing at?

9 A In the living room was where I standing.

10 Q Where were you standing? I think you told Mr. Walker
11 that you were standing by the door.

12 A At the time of the shooting?

13 Q Yes, sir.

14 A Yes, ma'am. I was standing by the door.

15 Q Standing by the door. And you left by yourself?

16 A Yes, ma'am.

17 Q And when you left, what direction did you go in?

18 A I gone back to my house.

19 Q I mean -- okay. So if you're on Taquan's street and
20 you're on the street and his apartment is on the left-hand
21 side, did you go that way to leave, out towards Poor Farm
22 Road?

23 A I made a left.

24 Q You made a left? Okay.

25 A To go home.

CASTLE DOCTRINE HEARING
Cross-examination of Wylie James by Asst. Sol. Legette

1 Q Where do you live?

2 A Jacksonboro.

3 Q And it's just you?

4 A Just me by myself. I live by myself.

5 Q Okay. Now, can you tell us about how far -- about how
6 far Taquan and the, you said he didn't know him, but the
7 victim, Big Mo, can you tell us how far apart they were when
8 the shooting happened?

9 A Taquan was right there and like the sidewalk right
10 there, and the dude, by the little front and the car was
11 parked this way, so the dude started running back at Taquan
12 and started reaching.

13 Q Where was Taquan when the dude started running?

14 A In his yard.

15 Q He was by the sidewalk like where you were?

16 A Taquan been in his yard, in the grass.

17 Q But I'm saying in relationship of where of you were by
18 the door, where was Taquan?

19 A He was almost by the door, like, a little closer to the
20 door.

21 Q Almost by the door where you were?

22 A He started running back. Mo started running back.

23 Taquan asked him to leave and that he didn't want no problem
24 and he didn't want to leave. I guess he didn't want to leave
25 and he wanted problems. He started running back at Taquan

CASTLE DOCTRINE HEARING
Cross-examination of Wylie James by Asst. Sol. Legette

1 and he started ---

2 Q Okay. I'm sorry. Go ahead and finish.

3 A He started reaching.

4 Q You and Taquan were standing near each other when this
5 happened?

6 A I was right there at the door; Taquan been right in
7 front of me.

8 Q Y'all were. How far away would you say y'all were, you
9 and Taquan?

10 A Probably like right here. This is the door right here,
11 like to her.

12 Q Okay. If I come close?

13 ASST. SOL. LEGETTE: May I approach, Your Honor?

14 THE COURT: You may.

15 Q Tell me when to stop. Tell me how close y'all were.

16 A Probably about right there.

17 Q Right there? So you and Mr. Brown, Taquan, were about
18 this close.

19 A Yes.

20 Q So you were standing at the door, and he was standing
21 like this?

22 A Yes.

23 Q Okay. Thank you. And would you say about how far that
24 is? About four feet? Would you say give or take
25 approximately three or four feet?

CASTLE DOCTRINE HEARING
Cross-examination of Wylie James by Asst. Sol. Legette

1 A Probably so.

2 Q That you and Mr. Brown were apart from each other? And
3 you were standing by the door?

4 A Yes, ma'am.

5 Q The door of Mr. Brown's house?

6 A Yes, ma'am.

7 Q Has anyone promised you anything for this testimony for
8 Mr. Brown?

9 A No, ma'am.

10 ASST. SOL. LEGETTE: Begging the Court's indulgence.

11 Q Can you tell us who else was there, Mr. James?

12 Can you tell us who else was there?

13 A Some lady in a wheelchair; that's all I know was the
14 lady in the wheel chair. I don't remember her name.

15 Q You said a lady in a wheelchair?

16 A A wheelchair.

17 Q Anyone else?

18 A Lawrenzer.

19 Q Anyone else?

20 A I don't know.

21 Q But you remember Mr. Brown, Lawrenzer, and the lady in
22 the wheelchair? Any of your friends were there?

23 A No, ma'am.

24 ASST. SOL. LEGETTE: Thank you. I have no further
25 questions.

CASTLE DOCTRINE HEARING
Further examination of Wylie James by The Court

1 THE COURT: Redirect?

2 MR. WALKER: No, Your Honor.

3 THE COURT: Mr. James, who let Big Mo, or Mr. Kemp,
4 into the house where you were at in the defendant's house?
5 A He bust up in the door.

6 THE COURT: When you say bust up in the house, did
7 somebody unlock the door?

8 A (No response.)

9 THE COURT: Did somebody go to the door?

10 A Lawrenzer been to the door.

11 THE COURT: Did Lawrenzer open the door?

12 A I ain't know.

13 THE COURT: You don't know?

14 A I just know he bust up in the house.

15 THE COURT: All right. That's fine. He went out the
16 back door?

17 A Out the back door and then came back in, and then go in
18 to next door.

19 THE COURT: Did someone lock the back door?

20 A No. The back door -- the back door was never locked.

21 THE COURT: Never locked?

22 A No, sir.

23 THE COURT: You went to the back door and checked it?

24 A No, sir.

25 THE COURT: You stayed in the front.

CASTLE DOCTRINE HEARING
Further examination of Wylie James by Asst. Sol. Legette

1 A Yes, sir. I guess -- he came back through and was
2 going next door searching for Coco.

3 THE COURT: Thank you. Any additional questions?

4 MR. WALKER: No, Your Honor.

5 THE COURT: Solicitor?

6 ASST. SOL. LEGETTE: Your Honor, I would ask about the
7 came back through part. I would ask that question, Your
8 Honor.

9 THE COURT: You can ask in light of the Court's
10 questions.

11 FURTHER EXAMINATION

12 BY ASST. SOL. LEGETTE:

13 Q Mr. James, you said that he came back through. What do
14 you mean?

15 A He gone -- the person who got shot -- he gone to the
16 back door searching for Coco; he came back through Taquan's
17 house to the front door and went to next door.

18 Q So you're saying he went -- I'm a little confused.

19 A He started searching through from room to room and gone
20 search through the back door, gone through the back door,
21 and came back through the back door, and came out to the
22 next house.

23 Q Is that when the shooting happened?

24 A No. The shooting happened after he and Coco had gone to
25 the car. He started running back at Quan and reaching;

CASTLE DOCTRINE HEARING
Further examination of Wylie James by Asst. Sol. Legette

1 that's when Quan shot him.

2 Q So if I understand you correctly, you said that the big
3 man, the victim, came through the front door, and he started
4 searching all around and went through the back door. You
5 said he came back through the back door, back inside, and
6 went back out the front door of Mr. Brown's apartment?

7 A Yeah, and gone to the next house.

8 Q And he went to the next house. Okay, at that point, is
9 that when he went towards the car?

10 A. No. He going to -- I guess he and Coco gone to the car
11 and that's when Taquan told him that he didn't want no
12 problems, and he started arguing with Taquan. Taquan said he
13 didn't want no problems. Can you just leave? Please leave.
14 He didn't want no problems. He started running back at
15 Taquan, started reaching.

16 Q Okay. I think I understand now. You said he came into
17 the front door. Went in the house, looking for Coco. Went
18 out the back door. He came back through the back door, and
19 then went out through the front door of Mr. Brown's House.
20 And then he went next door, still searching for the girl. A
21 lady in a wheelchair was there somewhere, and then he got
22 the girl and he and the girl went towards the car.

23 A Going to the car, the girl went towards the car.

24 Q And then he started having words with Taquan?

25 A He ran back at Taquan and started reaching, and that's

CASTLE DOCTRINE HEARING
Further examination of Wylie James by Asst. Sol. Legette

1 when Taquan shot him.

2 ASST. SOL. LEGETTE: Thank you. I have no further
3 questions.

4 THE COURT: As to this witness?

5 MR. WALKER: We ask that he be excused.

6 THE COURT: Mr. James, I'm going to excuse you for the
7 day. You can go home today. You need to be back in this
8 courtroom at 10:00 in the morning; you're under subpoena.
9 If you need transportation, you see the Major right there?
10 You let the Major know before you leave, because I expect
11 you to be sitting in this courtroom at 10:00 tomorrow
12 morning.

13 MR. JAMES: All right.

14 THE COURT: You're under subpoena. And you cannot
15 discuss your testimony with anybody. You understand that?

16 MR. JAMES: All right.

17 THE COURT: Call your next witness.

18 MR. WALKER: Thank you, Your Honor. The defense calls
19 Charles Horton.

20 (Whereupon, the witness, Charles Horton, enters the
21 courtroom and is duly sworn by the clerk.)

22 THE COURT: Watch your step for me. You know what to
23 do, Lightening.

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

25 THE COURT: Speak up for me, please. Your witness,

CASTLE DOCTRINE HEARING
Direct examination of Charles C. T. Horton by Mr. Walker

1 Counsel. Direct examination.

2 MR. WALKER: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. WALKER:

5 Q Mr. Horton, where are you employed?

6 A I'm employed with the Fourteenth Circuit Public
7 Defender's Office, stationed in Colleton County.

8 Q What is your job title?

9 A Investigator.

10 Q Have you been working on this case under my direction?

11 A Yes, I have.

12 Q Did you attempt to find a witness named Lawrenzer
13 Walker?

14 A Yes, I did.

15 Q Where is Mr. Walker?

16 A He's located in Maryland Department of Corrections.
17 Incarcerated in the State of Maryland.

18 Q Did I also ask you take some measurements of the crime
19 scene?

20 A Yes, you did.

21 MR. WALKER: Your Honor, I ask to hand the witness
22 what's been marked as Defendant's Number Six. I've shown it
23 to opposing counsel. I would also like to move it into
24 evidence for the purposes of this hearing.

25 THE COURT: Any objections?

CASTLE DOCTRINE HEARING
Direct examination of Charles C. T. Horton by Mr. Walker

1 ASST. SOL. LEGETTE: Not as to this hearing, Your Honor.

2 THE COURT: Have him identify it for the record,
3 please.

4 (Whereupon, Defendant's Exhibit Number Six, picture of
5 ■ Bright Court, is received into evidence.)

6 Q I'm handing you Defendant's Exhibit Number Six, and I'm
7 asking you to identify it on the record.

8 A I can identify it.

9 Q What is it?

10 A It's a picture of ■ Bright Court, which is located in
11 Colleton County about five miles from the city limits of
12 Walterboro off the Greenpond Highway. And the shooting
13 scene of where Mourice Kemp's deceased body was at.

14 Q That photograph was provided by the State of South
15 Carolina, correct?

16 A That is correct.

17 Q For what purpose did you use that photograph?

18 A For measurements.

19 Q All right. So you went to the scene and took some
20 measurements and used that photograph as a reference,
21 correct?

22 A Only by the -- went to the scene, only by the reference
23 of the photograph that was provided to me.

24 Q All right. Tell us about what you measured and what
25 those distances were.

CASTLE DOCTRINE HEARING
Direct examination of Charles C. T. Horton by Mr. Walker

1 A Okay. From where I parked, which is off the paved
2 portion of the highway, parked in front of a sidewalk that
3 runs parallel to the apartments that connects them to each
4 other. From the sidewalk to the blood stain in the picture,
5 I measured nine feet. From the sidewalk that leads to Taquan
6 Brown's apartment at that time, I measured from there to the
7 blood stain, and it was seven feet. From the corner of
8 Taquan's cement patio portion where the sidewalk meets that,
9 from there to the blood stain was 32 feet.

10 Q Did you have any occasion to take any other
11 measurements?

12 A Yes, I did. While I was there on June 19th, 2015 of
13 this year, I had the pleasure of speaking to Ms. Barbara
14 Mays who lives at ■ Bright's Court in apartment -- I don't
15 know the number. Anyway, she was home at the time.
16 Wheelchair bound. She came to the door and I identified
17 myself and who I was and the other person that was with me
18 was Wanda Caldwell who rode down there with me from the
19 office, she's a paralegal; better known as Bunny Caldwell.
20 We spoke to Ms. Mays, and I asked her was she at the scene
21 when Mourice Kemp was killed.

22 ASST. SOL. LEGETTE: Objection, Your Honor. If he's
23 going to testify ---

24 THE COURT: Sustained. You can't testify to what
25 someone else said. Proceed, counsel. Ask a direct

1 question.

2 BY MR. WALKER:

3 Q In your discussion with Ms. Mays, did she provide you
4 with an estimate of where the parties were standing when the
5 shot was fired?

6 A She did.

7 Q Did you measure that distance?

8 A Yes.

9 Q And what were the distances that you measured based on
10 the conversation that you had with Ms. Mays?

11 A Ten feet.

12 Q From what to what?

13 A From Taquan Brown to the deceased body.

14 Q Okay. Is that the only measurement you took, based on
15 her statements to you?

16 A Yes.

17 Q Okay. I have no further questions.

18 THE COURT: Cross-examination?

19 ASST. SOL. LEGETTE: Thank you, You're Honor.

20 CROSS-EXAMINATION

21 BY ASST. SOL. LEGETTE:

22 Q Good Morning, Mr. Horton.

23 A Good morning.

24 Q So the only measurements you took were based off the
25 conversations and approximate distance you got from Barbara

1 Mays?

2 A Yes.

3 Q Thank you. No further questions.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION

6 BY MR. WALKER:

7 Q When you say approximate, based upon what -- she asked
8 you if the distance that you measured was approximate based
9 on what Ms. Mays' said. But Ms. Mays actually directed you
10 and Ms. Caldwell to stand in a certain spot, correct?

11 A Yes.

12 Q She visually estimated the spot based on having Ms.
13 Caldwell stand where she thought it had occurred and then
14 you measured from there?

15 A Correct.

16 Q All right. That's all I have.

17 THE COURT: Recross, limited to redirect.

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

19 THE COURT: You may step down, Lightening. Get the
20 exhibits and give them to my court reporter. Call your next
21 witness.

22 MR. WALKER: Your Honor, I don't have any further
23 witnesses at this time. I would seek to introduce for the
24 purposes of this hearing, Defendant's One, Two and Three.

25 THE COURT: Show them to counsel.

1 MR. WALKER: Two and Three, she has no objection to.
2 She says she has an objection to Number One.

3 THE COURT: Counsel approach. I have no idea what they
4 are, counsel. Plus, they haven't been identified for the
5 record, so you're going to need to authenticate them in some
6 way.

7 (Whereupon, a bench conference is held off the record
8 and out of the hearing of the courtroom.)

9 THE COURT: I understand you have some exhibits you
10 wish to introduce that you just showed to the Solicitor and
11 we've had a conference about at the bench; is that right,
12 Mr. Walker?

13 MR. WALKER: Yes, Your Honor. First, we would seek to
14 introduce what's been marked as Defendant's Number Two. It
15 is four pages long. It is a copy of the autopsy final
16 report, received by me from the Solicitor's Office, prepared
17 by the Medical University of South Carolina, and signed by
18 Dr. Erin Presnell, M. D.

19 THE COURT: Dated?

20 MR. WALKER: Dated November 21st, 2013. I just want to
21 make sure I'm giving you the correct date, Your Honor. The
22 autopsy occurred, I believe on the 21st, but the actual date
23 that I'm seeing is on this document prepared and verified as
24 December 20th, 2013.

25 THE COURT: As to Defendant's Number Two, Solicitor?

1 ASST. SOL. LEGETTE: Your Honor, the State has no
2 objection to Defendant's Number Two.

3 THE COURT: Has it been premarked?

4 MR. WALKER: Yes, Your Honor.

5 THE COURT: Defendant's Number Two will be admitted
6 into evidence for purposes of this hearing, without
7 objection.

8 (Whereupon, Defendant's Exhibit Number Two, autopsy
9 report of Dr. Erin Presnell dated Dec. 20th, 2013, is
10 received into evidence.)

11 THE COURT: Next.

12 MR. WALKER: Defendant's Number Three, also provided by
13 the State to the defense; it's four pages long. Appended to
14 the autopsy report is the toxicology report from M&S Labs.
15 Signed by a certified scientist Don Sherwood, dated December
16 the 5th, 2013. Referenced in the Brief that I previously
17 submitted to Your Honor.

18 THE COURT: As to Defendant's Number Three, Solicitor?

19 ASST. SOL. LEGETTE: Your Honor, the State has no
20 objection to Defendant's Number Three, which is the
21 toxicology report appended to the autopsy report.

22 THE COURT: Very well. Defendant's Number Three will
23 be admitted into evidence for the purpose of this hearing,
24 without objection.

25 (Whereupon, Defendant's Exhibit Number Three,

1 toxicology report, is received into evidence.)

2 THE COURT: Next.

3 MR. WALKER: For the record, You're Honor, the defense
4 will seek to enter Defendant Exhibit Number One, which is
5 the transcript of a guilty plea of Lawrenzer Walker. It's
6 17 pages long.

7 THE COURT: Who has not testified for the purpose of
8 this hearing; is that correct?

9 MR. WALKER: That is correct.

10 THE STATE: Even though he was listed by you as a
11 witness?

12 MR. WALKER: That is correct, Your Honor. It's certified
13 by Joyce Reuger, South Carolina Court Reporter.

14 THE COURT: And the Solicitor at the bench objected to
15 the introduction of the transcript on the basis that she
16 felt that she deserved an opportunity to cross-examine Mr.
17 Walker. Of course, you have the burden of proof for the
18 purpose of this hearing. He is not present and I sustained
19 the objection.

20 MR. WALKER: And If I may, Your Honor, I understand ---

21 THE COURT: No, sir. I'm not asking for argument. I
22 ruled on the matter. Call your next witness, please.

23 MR. WALKER: That's all we have, Your Honor.

24 THE COURT: That's everything? All right, Solicitor.
25 I'm going to take a five-minute break before you call your

1 next witness.

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

3 (Off the record, briefly.)

4 THE COURT: All right.. During the break, I had the
5 opportunity to review the transcript of the guilty plea to
6 the obstruction of justice of Lawrenzer Walker, which the
7 Solicitor objected to. I find that toward the latter part
8 of the transcript, the Solicitor solicited an allocution
9 from the witness as to the facts supporting the plea of
10 obstruction of justice in which the witness went into events
11 pertaining to the issue that's before the Court under the
12 Castle Doctrine.

13 For that reason, I have decided to admit that portion
14 of the transcript that dealt with the allocution into
15 evidence over the Solicitor's objection, as she solicited
16 the testimony, even though he was listed only by the
17 defendant as a witness and the defendant has not produced
18 the witness for purposes of cross-examination. So I will
19 admit that portion of the transcript which begins at -- what
20 page, Matt?

21 MR. WALKER: I believe it's page nine, Your Honor.

22 THE COURT: Take a look and tell me exactly. Or hand
23 it to me if you need me to do it.

24 MR. WALKER: This is the entire transcript, Your Honor.
25 It's marked as Defendant's Exhibit Number One.

1 THE COURT: The transcript consists of 17 pages, Becky.

2 MR. WALKER: Line Four, Page Eight is where Ms. Legette
3 asked Mr. Walker to allocute the facts in this case.

4 THE COURT: Very well. On page eight, actually
5 starting at line nine, the Court asked Mr. Walker to let him
6 hear from him under oath in regards to his involvement in
7 the matter, and provided Ms. Legette with the opportunity to
8 ask additional questions. And he goes into matters which
9 pertain to this hearing all the way with Ms. Legette asking
10 questions, all the way until -- well, it actually ends at
11 line 24 on page 15, other than thanking him.

12 MR. WALKER: The only other applicable portion of the
13 transcript would be page five, starting at line nine, when
14 the Court asks the witness if he understands his sentence
15 could depend on the truthfulness of his statement.

16 THE COURT: Well, every witness under oath their
17 testimony is presumed to be

18 MR. WALKER: Talking about his sentence being deferred.

19 THE COURT: It just says you won't be sentenced until
20 after the trial of the co-defendant on this particular page
21 in which he agrees to testify truthfully and voluntarily in
22 that trial.

23 MR. WALKER: Yes, Your Honor. Exactly on line
24 seventeen: you understand your sentence will depend on the
25 nature of your truthful and voluntary testimony.

1 THE COURT: And every witness's testimony is based on
2 truthfulness, obviously, but I don't have him present to judge
3 the credibility of it, which is the reason for my earlier
4 ruling.

5 MR. WALKER: Yes, Your Honor.

6 THE COURT: But to the extent it deals with issues
7 concerning the Castle Doctrine, I've admitted it for
8 purposes of this hearing.

9 (Defendant's Exhibit Number One, Transcript of
10 Lawrenzer Walker, is received into evidence.)

11 THE COURT: Anything further from the defendant?

12 MR. WALKER: No, Your Honor.

13 THE COURT: All right. Solicitor, call your first
14 witness.

15 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
16 calls Sgt. Rob Edwards.

17 THE COURT: Come around and be sworn by the Clerk,
18 please.

19 (Whereupon, the witness, Sgt. Robert Edwards, is duly
20 sworn.)

21 THE COURT: Please have a seat, adjust the microphone
22 once you're seated to your height. Speak into that
23 microphone, which is going to amplify your voice. State
24 your full name and spell your last name for the court
25 reporter.

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 MR. EDWARDS: Robert Weldon Edwards, Jr. Last name
2 spelled E-D-W-A-R-D-S.

3 THE COURT: Your witness, Counsel. Direct examination.

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

5 DIRECT EXAMINATION

6 BY ASST. SOL. LEGETTE:

7 Q Sgt. Edwards, where do you work?

8 A Colleton County Sheriff's Office, ma'am.

9 Q And were you working for the Colleton County Sheriff's
10 Office in November of 2013?

11 A Yes, ma'am.

12 Q And were you on occasion, and in fact, on November
13 20th, 2013, were you on duty?

14 A Yes, ma'am.

15 Q Okay. Did you receive any calls?

16 A Yes, ma'am.

17 Q What kind of call did you receive?

18 A I received a call about a person who was shot on
19 Bright's Court off of Poor Farm Road at approximately 4:45
20 a.m.

21 Q Okay. And what are your duties at the sheriff's
22 office?

23 A I'm currently a road patrol supervisor. At the time, I
24 was just a road patrol deputy.

25 Q So once you got this call, did you respond to the

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 location?

2 A Yes, ma'am.

3 Q And the location was in what county?

4 A Colleton County, ma'am.

5 Q And who responded with you?

6 A At the time it was Sgt. Kevin Campbell, Cpl. Lonnie
7 Nettles, and Deputy Rich Riney.

8 Q And tell us about your response. What was happening
9 with your car? Any blue lights and sirens?

10 A Yes, ma'am. Basically, the nature of the call, I ran
11 blue lights and sirens.

12 Q What about the other deputies?

13 A They did as well, ma'am.

14 Q And what happens when you're headed to a call and there
15 is blue lights and sirens?

16 A It's an emergency call, ma'am.

17 Q Okay. Does anything happen with the in-car camera?

18 A Yes, ma'am, it does cut on. Whenever we activate blue
19 lights and sirens, the camera comes on in the vehicle
20 automatically.

21 Q Okay. And what did you find when you responded to the
22 location?

23 A When I arrived at Bright's Court, I saw a person laying
24 in the front yard area of what looked like a strip of
25 apartments. It was in front of a white vehicle on the

1 ground. The white vehicle's door was open and I saw the
2 victim at the time, lying in front of the car.

3 Q Okay. And to your knowledge, were any videos in this
4 particular matter, any L3 Videos, downloaded?

5 A Yes, ma'am.

6 Q I hand you what's been previously marked for
7 identification as State's Two. I want you to take a moment
8 and tell me if you recognize this item.

9 ASST. SOL. LEGETTE: May I approach the witness, Your
10 Honor? THE COURT: You may.

11 A Yes, ma'am. I believe that's a copy of the L3 Video,
12 noting the case number for this case and my signature and
13 call number and date are actually on that video disc.

14 Q And you're able to recognize it because of your
15 signature and call number on there.

16 A Yes, ma'am.

17 Q And at my request, have you previously viewed the
18 video, State's Exhibit Number Two, for accuracy?

19 A Yes, ma'am.

20 Q And is State's Exhibit Number Two a fair and accurate
21 representation of the call that you went to on the night of
22 November 20th, 2013, at the Bright's Court Apartments?

23 A Yes, ma'am.

24 ASST. SOL. LEGETTE: At this time, Your Honor, I would
25 offer State's Exhibit Two for purposes of this hearing.

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 THE COURT: As to State's Two, Mr. Walker?

2 MR. WALKER: No objection.

3 THE COURT: Madame Court Reporter, State's Exhibit
4 Number Two will be admitted into evidence for purposes of
5 this hearing without objection.

6 (Whereupon, State's Exhibit Number Two, L3 Video, is
7 received into evidence.)

8 THE COURT: You may publish at this time, Solicitor.

9 ASST. SOL. LEGETTE: Thank you, Your Honor. I briefly
10 just want to show the first part of the actual disc itself.
11 May I approach the witness, Your Honor?

12 THE COURT: You may. Bring Angela with you.

13 (Whereupon, State's Exhibit Number Two begins play at
14 12:10 p.m.)

15 BY ASST. SOL. LEGETTE:

16 Q Sgt. Edwards, I will direct your attention to the
17 screen where the video is playing. Tell us where we are or
18 tell us what we're coming up on now.

19 A We're actually turning onto Bright's Court off of Poor
20 Farm Road, ma'am.

21 Q Okay. And please tell us, what did you see? Are you
22 in this video?

23 A Yes, ma'am, that's me walking by the white car right
24 there.

25 Q That's you right there?

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 A Yes, ma'am.

2 Q And what are you doing at this point?

3 (Can you pause it, please, Ms. Angela?)

4 Q Can you tell us -- and you say you're passing by here,
5 who was on the ground there?

6 A That was Mourice Kemp.

7 Q And were you familiar with him?

8 A Yes, ma'am.

9 Q Okay. And so can you orient us and tell us about how
10 far is he off the sidewalk? Or is there a sidewalk nearby
11 here?

12 A Yes, ma'am. There was actually -- the front of the car
13 was butted up just short of the sidewalk and he was within a
14 step, step and a half, off of the sidewalk from where his
15 feet were to where the sidewalk edge was.

16 Q Okay. And so you're actually going by him, what are
17 you doing at this point?

18 A I'm checking him to see what medical attention may need
19 to be rendered. I was just checking around him for possible
20 evidence. When I did actually observe his face, I did
21 notice what appeared to be a gunshot wound to his forehead
22 at the time.

23 Q And tell us how he is laying. Is he laying on his back
24 or his stomach?

25 A He's laying on his stomach. I'm not 100 percent sure

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 how his arm position was, but I know that his feet are
2 facing towards the sidewalk and he's laying at an angle when
3 we initially saw him there before fire rescue personnel got
4 there.

5 Q And you say you saw a gunshot wound to his head. Did
6 you notice anything coming from his head?

7 A Yes, there was blood pouring from the wound and at the
8 time he was still breathing. He was actually snoring.

9 Q Okay. We're going to play a little bit more of the
10 actual State's Exhibit Number Two.

11 (Video begins playing 12:12 p.m.)

12 Q And is this you?

13 A Yes, ma'am.

14 Q And can you tell us, are you on the sidewalk right
15 here?

16 A I believe I'm off camera there; I'm not on the
17 sidewalk. It was like a small corner of grass. I was in
18 that general area around where the victim was.

19 Q Okay. (Video stops playing at 12:13 p.m.)

20 Now, you said that you knew Mourice Kemp?

21 A Yes, ma'am.

22 Q How long would you say you've known him?

23 A I started working with the Walterboro City Police
24 Department in 2005, and that was my first job back here. I
25 had several dealings with him at either just seeing him in

1 public and in a law enforcement officer capacity.

2 Q Okay. And were you able to, upon seeing him, were you
3 able to describe his physical characteristics?

4 A He was a large built gentleman. I believe his weight -
5 - I'm not sure of his actual weight, but I know he was over
6 300 pounds.

7 Q Okay. And can you describe for us how he moved?

8 A Not real fast.

9 Q Okay. And when you say not real fast, have you ever
10 seen him run?

11 A No, ma'am. I've never actually seen him run.

12 Q Okay. But as far as him moving around?

13 A He moved slow. I would almost say a slow saunter,
14 carefree.

15 Q Were you able to describe what his gait looked like?

16 A Yes, ma'am.

17 Q Describe it for us, please.

18 A It was a slow and lumbering, I guess you would say.
19 It's more of a -- not really a normal steady walk, it's more
20 of a waddle, I hate to use those terms, but ---

21 Q Are you able to demonstrate the way he walked?

22 A Yes, ma'am, I can.

23 ASST. SOL. LEGETTE: Your Honor, if you would allow for
24 the witness to step down and briefly demonstrate the walk of
25 the actual victim.

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 THE COURT: You may come around so you can view this,
2 Mr. Walker.

3 Q Please step down. You don't have to speak, but just
4 show us how he walked.

5 A Witness complies.

6 Q And is that about the pace of his movements?

7 A Roughly, Yes, ma'am.

8 Q Okay. You can have a seat back on the witness stand.

9 THE COURT: Let the record reflect that I had the
10 opportunity to view Officer Edwards demonstrating the walk
11 of the deceased.

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

13 Q Sgt. Edwards, are you familiar with the actual scene
14 itself and any photographs that came about from the actual
15 scene itself.

16 A Yes, ma'am. I've seen photographs since the actual
17 incident.

18 Q And are those photographs a fair and accurate
19 representation of what you actually witnessed while you were
20 there that night?

21 A I'd have to see the photographs to verify that, ma'am.

22 Q Now, Sgt. Edwards, when you arrived, who else was there
23 when you arrived at the actual location at ■ Bright's
24 Court?

25 A I believe I had initial contact with Mr. Walker

CASTLE DOCTRINE HEARING
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1 outside. There was a lady sitting in a wheelchair in the
2 next apartment over. And I did talk to the defendant, Mr.
3 Brown, that night as well inside the apartment there.

4 Q Okay. And did anyone else from the Sheriff's Office or
5 anyone from emergency services arrive along with you?

6 A Oh, yes, ma'am, it was Brian Rowe and I do not remember
7 the name of the other fire rescue personnel, I just happen
8 to know Brian personally.

9 Q And at some point did they begin to work on the victim?

10 A Yes, ma'am, they sure did.

11 Q In a moment, I am going to hand you what has been
12 previously marked as State's Exhibit Numbers Three, Four,
13 Five, Six, Seven and Eight. Please take a moment and tell
14 me if you recognize State's Exhibit Numbers Three, four,
15 Five, Six, Seven and Eight.

16 ASST. SOL. LEGETTE: May I approach the witness, Your
17 Honor?

18 THE COURT: You may.

19 Q I'm going to change. I'm not going to show you Eight;
20 but Three, Four, Five, Six, Seven; not Eight.

21 A Yes, ma'am, I recognize the fire rescue personnel and
22 the officers responding initially on scene in these
23 photographs.

24 Q Okay. And are State's Exhibits Three, Four, Five, Six
25 and Seven a fair and accurate representation of the way the

CASTLE DOCTRINE HEARING
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1 actual incident location looked the night of November 20th,
2 2013?

3 A Yes, ma'am.

4 Q Have they been changed or altered in any way?

5 A No, ma'am

6 ASST. SOL. LEGETTE: At this time, Your Honor, I would
7 offer for admission into this hearing, State's Exhibits
8 Three, Four, Five, Six and Seven.

9 THE COURT: As to the State's Three, Four, Five, Six
10 and Seven; she withdrew Eight.

11 MR. WALKER: I have no objection for this hearing.

12 THE COURT: Let the record reflect that State's
13 Exhibits Three, Four, Five, Six and Seven will be admitted
14 into evidence for the purposes of this hearing, without
15 objection.

16 (Whereupon, State's Exhibit Three, picture of incident
17 location, is received into evidence.)

18 (Whereupon, State's Exhibit Four, picture of incident
19 location, is received into evidence.)

20 (Whereupon, State's Exhibit Five, picture of incident
21 location, is received into evidence.)

22 (Whereupon, State's Exhibit Six, picture of incident
23 location, is received into evidence.)

24 (Whereupon, State's Exhibit Seven, picture of incident
25 location, is received into evidence.)

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 Q Now, Sergeant Edwards, in State's Exhibit Number Three
2 and, I guess, for the whole package Three, Four, Five, Six
3 and Seven, can you please explain to the Court what we're
4 actually seeing in those photographs?

5 THE COURT: Just a moment, Counsel. I can't see them
6 and give them to him so he can answer your questions.

7 ASST. SOL. LEGETTE: Thank you, Your Honor. I'm sorry.

8 THE COURT: I hand the exhibits back to the witness,
9 counsel. You may proceed.

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

11 Q Sgt. Edwards, in regards to State's Exhibits Three,
12 Four, Five, Six and Seven, can you briefly give us an
13 overview as to what we're seeing?

14 A Would you like me to go through them picture by
15 picture?

16 Q That's fine, yes, sir.

17 A Okay. This is State's Exhibit Number Three. This is
18 actually shot from the roadway. These are the mailboxes in
19 front of the apartments. In this picture right here, you
20 can see where the fire rescue personnel was actually working
21 on the victim and that is the, I believe that's the door to
22 the apartment, ■ Bright's Court right there.

23 Q With Regards to the location of the actual victim, can
24 you orient us and tell us where was he closest to? Was he
25 closest to a vehicle? Was he closest to a door?

CASTLE DOCTRINE HEARING
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1 A He was actually closest to the sidewalk and his
2 vehicle. He was closer to that than he was to the door of
3 the apartment.

4 Q And you said earlier that he was about a step off the
5 sidewalk?

6 A Yes, Ma'am. State's Exhibit Number Five, this is where
7 they actually rolled him over and began working on him. And
8 you can actually see his feet here in close proximity to the
9 sidewalk itself.

10 Q And you said they rolled him over. Was he originally
11 on his face?

12 A Yes, ma'am. He was actually more of his head was to
13 the side and his face was done. His left leg was slightly
14 cocked and was laying face down, kind of three-quarters
15 down, I guess you could say.

16 Q And that's in Exhibit Five?

17 A That's in State's Exhibit Number Five, Yes, ma'am.

18 Q And State's Exhibit Number Six?

19 A State's Exhibit Number Six shows fire rescue working on
20 him where the blood spot on the ground is actually where his
21 head was.

22 Q When you first got there?

23 A Yes, ma'am. And that's the door to the apartment, [REDACTED]
24 Bright's Court, and that's where he was laying at an angle
25 from here to here.

CASTLE DOCTRINE HEARING
Direct examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 Q Okay. Thank you. And now State's Exhibit Number Seven?

2 A State's Exhibit Number Seven is they are actually
3 moving him onto the stretcher/backboard. Fire rescue is
4 working on him right there.

5 Q Thank you. And while you were there, you said you
6 located some witnesses?

7 A Yes, ma'am.

8 Q And specifically, you talked to a man named Taquan
9 Brown?

10 A Yes, Ma'am.

11 Q Do you know Taquan?

12 A Yes, ma'am.

13 Q So you knew him on sight?

14 A Yes, ma'am, when I spoke to him.

15 Q Was he under arrest at the time you spoke with him?

16 A No, ma'am. At that point in time, we were just trying
17 to gather basic information to see if anybody saw what
18 happened or heard anything. And I asked him a few
19 questions, but nothing that would put him in an
20 incriminating circumstance or any reason for Miranda. I was
21 just trying to gather basic information.

22 Q Okay. And what did he tell you?

23 A I believe he told me that he was asleep at the time. I
24 would have to refer back to my notes, but I believe that he
25 said he was asleep. I don't have my notepad with me, but

CASTLE DOCTRINE HEARING
Cross-examination of Sgt. Robert Edwards by Mr. Walker

1 I just gathered basic information.

2 ASST. SOL. LEGETTE: Begging the Court's indulgence.

3 Q Sgt. Edwards, I have no further questions. Please
4 answer any questions of Mr. Walker.

5 THE COURT: Cross-examination?

6 MR. WALKER: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. WALKER:

9 Q Good afternoon.

10 A Good afternoon, sir.

11 Q Where are you employed?

12 A Colleton County Sheriff's Office.

13 Q As part of your employment, have you been instructed in
14 the use of a firearm?

15 A Yes, sir.

16 Q Have you been instructed when it is and is not
17 appropriate to use deadly force?

18 A Yes, sir.

19 Q As part of that instruction, have you ever been
20 apprised of the concept or heard of the term the Twenty-
21 five-foot rule?

22 A Yes, sir. Actually, it's the 30-foot rule.

23 Q The 30-foot rule?

24 A Yes, sir.

25 Q Can you tell us what that is?

CASTLE DOCTRINE HEARING
Cross-examination of Sgt. Robert Edwards by Mr. Walker

1 A I'm actually a firearms instructor.

2 Q Perfect.

3 A The closing gap on the average person approaching you
4 at full speed is about 30 feet. That is your safest point
5 at which you can draw your weapon and safely engage an armed
6 suspect approaching you with a weapon, i.e., a stick. As
7 the boundary they set, that is the maximum allowed for
8 someone approaching you with a weapon at full speed.

9 Q So inside 30 feet is the danger zone?

10 A Yes. It depends, but for the most part, yes. It
11 depends on like I said, there's a lot of factors that go
12 into that. The speed of the suspect, the size of the
13 suspect, how fast they run, how fast they walk, how they're
14 approaching, what they're approaching you with. It's all up
15 to the discretion. It's so wide open to interpretation
16 based on those situations. One deputy may handle it
17 differently than I would. But there's a lot of options.
18 It's just a standard they go by, but it's not just
19 necessarily the standard for every circumstance.

20 Q Right. So if a deputy came to you and said that a 300-
21 pound man had threatened him, charged him inside the 30-feet
22 while reaching for his waist band, and he felt that he had
23 to use deadly force, that would be in line with his
24 training?

25 A Yes, sir. That is a safe assessment.

CASTLE DOCTRINE HEARING
Redirect examination of Sgt. Robert Edwards by Asst. Sol. Legette

1 Q Now, you were not actually there that night when the
2 incident occurred, correct?

3 A That's correct, sir.

4 Q You did not see Mr. Kemp walk or run that night?

5 A Not that night, sir.

6 Q In fact, you've never seen Mr. Kemp run?

7 A I've never seen him run, but I have seen him walk.

8 MR. WALKER: I don't have any further questions.

9 THE COURT: Redirect?

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

11 REDIRECT EXAMINATION

12 BY ASST. SOL. LEGETTE:

13 Q Sgt. Edwards, you said you were a firearms instructor?

14 A Yes, ma'am.

15 Q Are you familiar with the firearm used in this case?

16 A I've seen a picture of it, yes, ma'am.

17 Q As a firearm instruction, can you talk to us about the
18 firearm used in this case in your -- how you would instruct
19 a student in the 30-foot range about a gun like that.

20 A As far as that specific gun goes, I wouldn't let them
21 shoot it.

22 Q Why is that?

23 A Because the grip itself was not on the weapon and it
24 wasn't -- well, visually. Now, I've not actually shot the
25 weapon. I don't know, but visually, from what I've observed

1 in the photographs, it was not in the best condition. There
2 was black electric tape around it. There was no solid grip
3 to grab a hold of, so it would not make it a safe weapon for
4 a novice shooter to grab ahold of and actually fire.

5 Q. As a firearms instructor, what would you say about that
6 gun and how a person would be able to -- a person moving
7 towards them running making that shot?

8 A Are we referring to where he was shot?

9 Q Where Mourice Kemp was shot, yes.

10 A I'd say that a novice shooter would have a hard time
11 making that shot with a subject running at them.

12 Q With someone running at them?

13 A Yes, ma'am. That's my -- that's what I would think.
14 I'm a fairly decent shot and I would have a hard time making
15 that shot with somebody running at me.

16 Q So is that shot not in line with someone running
17 towards you and shooting them at that type of?

18 A In order for me -- this is me, personally, in order for
19 me to make that shot, being as versed as I am in firearms, I
20 would have to be standing dead on with the target and the
21 target needed to be stationary, not static, not moving, in
22 order for me to execute that point of contact. Now,
23 everybody gets lucky, don't get me wrong. But the odds of
24 me making that shot on a moving target are fairly slim.
25 That's me, personally, and I'm an above average shooter.

CASTLE DOCTRINE HEARING
Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 Q And how long have you been a firearms instructor?
2 A I've been a firearms instruction since 2011.
3 Q And when you say you're a firearms instructor, who do
4 you actually instruct?
5 A I teach police officers.
6 ASST. SOL. LEGETTE: Begging the Court's indulgence.
7 Q I have no further questions.
8 THE COURT: Recross?
9 MR. WALKER: None, Your Honor.
10 THE COURT: You may step down. Leave the exhibits with
11 me. Call your next witness.
12 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
13 would call Jason Chapman.
14 (Whereupon, the witness, Jason Chapman, enters the
15 courtroom and is duly sworn by the Clerk of Court.)
16 THE COURT: Have a seat. Make yourself comfortable.
17 State your name and spell your last name for the record.
18 MR. CHAPMAN: My name is Jason Walker Chapman, C-H-A-P-
19 M-A-N.
20 THE COURT: Your witness, Counsel.
21 ASST. SOL. LEGETTE: Thank you, Your Honor.
22 DIRECT EXAMINATION
23 BY ASST. SOL. LEGETTE:
24 Q Captain Chapman, where do you work?
25 A Colleton County Sheriff's Office.

CASTLE DOCTRINE HEARING
Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 Q And what are your duties?

2 A Currently, I'm in charge of investigations.

3 Q Okay. How long have you been in charge of
4 investigations?

5 A With the Sheriff's Office, I have been in charge of
6 investigations since mid 2013.

7 Q Do you have you any other law enforcement experience?

8 A Yes, ma'am. I have 18 years I worked for the City of
9 Walterboro until December 27th, 2012, and then I came to the
10 Sheriff's Office on January 1st, 2013.

11 Q And Captain Chapman, where you working with the
12 Colleton County Sheriff's Office on November 20th, 2013?

13 A Yes, ma'am, I was.

14 Q All right. Did you actually respond to the call for
15 assistance on or about November 20th, 2013?

16 A Yes, ma'am.

17 Q Where did you respond?

18 A I responded off of Poor Farm Road to Bright's Court, to
19 the apartment complex.

20 Q Is that in Colleton County?

21 A Yes, ma'am, it is.

22 Q And what did you find when you arrived?

23 A I was notified of a shooting that had occurred. When I
24 arrived on scene, I found a crime scene that had already
25 been taped off by road patrol, or initial responding

CASTLE DOCTRINE HEARING
Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 deputies. The victim, later identified as Mourice Kemp, had
2 already been removed from the scene by medical staff. The
3 scene was secure, as I stated before, it was taped off and
4 secured by road patrol officers.

5 It's a small, brick apartment complex, single-story,
6 multi-unit. It was early morning hours, so it was still
7 dark at the time of my arrival. I noticed a large pool of
8 blood in a grassy area just off the sidewalk and a vehicle
9 sitting adjacent to that about 15 to 20 feet away at the
10 most, with the driver side door open and the keys in the
11 ignition. A number of people still in the apartment
12 complex.

13 Q And did anyone respond along with you?

14 A I believe I was the first investigator there.
15 Detective Nyle Eltzroth was also a responding investigator,
16 and Gean Johnson was also with the sheriff's office at the
17 time and was an investigator; he responded as well.

18 Q And upon your arrival and response, did you begin to do
19 any work investigative work at this time?

20 A Yes, ma'am. I began to assist Detective Eltzroth in
21 processing the scene. We had received notification while we
22 were on scene that the victim had expired at the hospital.
23 So it was treated at that point in time as a homicide.

24 Q In particular, were there any photographs taken or any
25 other measurements taken?

CASTLE DOCTRINE HEARING
Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 A Yes, we did photograph the scene. Everything we
2 thought would be viable or useful as far as evidence
3 overall. We also -- anything that was identified had
4 closer, up close photographs and measurements pulled so that
5 if we ever had to reestablish or recreate the crime scene,
6 we could do so.

7 Q Capt. Chapman, in a moment I am going to hand you what
8 has been previously marked as State's Exhibit Eight,
9 Thirteen through Twenty-three. Take a moment and tell us if
10 you recognize the items. Mr. Walker is looking at them now.

11 A Yes, ma'am.

12 ASST. SOL. LEGETTE: May I approach the witness, Your
13 Honor?

14 THE COURT: You may.

15 Q Captain Chapman, I'm going to hand you now what have
16 been previously marked for identification as State's Exhibit
17 Eight, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen,
18 Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and
19 Twenty-three. Take a moment and tell me if you recognize
20 these items, please.

21 A Yes, ma'am, I do. These are photographs, obviously
22 printed copies of the digital photographs, that were taken
23 at the scene.

24 Q And Captain, are State's Exhibits Eight and Thirteen
25 through Twenty-three a fair and accurate reflection of the

CASTLE DOCTRINE HEARING
Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 crime scene as it existed at the location on or about
2 November 20th, 2013?

3 A Yes, ma'am, they are.

4 Q Changed or altered in any way?

5 A No, ma'am.

6 ASST. SOL. LEGETTE: At this time, Your Honor, the
7 State would offer State's Exhibits Number Eight, Thirteen,
8 Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen,
9 Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-three
10 for the purpose of this hearing.

11 THE COURT: Mr. Walker, any objection?

12 MR. WALKER: None, Your Honor.

13 THE COURT: Becky, State's Exhibits Eight, Thirteen
14 through Twenty-three, inclusive, are admitted into evidence
15 in the trial of this hearing.

16 (Whereupon, State's Exhibits Eight, Thirteen through
17 Twenty-three, inclusive, crime scene photos, are received
18 into evidence.)

19 THE COURT: As to State's Exhibits Eight, Thirteen
20 through Twenty-three inclusive are admitted into evidence in
21 the trial of this hearing without objection. Proceed.

22 ASST. SOL. LEGETTE:

23 Q Capt. Chapman, can you tell us briefly, sir, what we're
24 looking at in State's Exhibit Number Eight?

25 A Number Eight is an overall shot of where the victim was

1 lying prior to my arrival. It has a placard indicating
2 number three and a placard indicating number four. Number
3 three depicts the shirt that was cut from the victim on
4 scene by medical staff when they were attempting to provide
5 medical care. Number four depicts a pile of blood,
6 indicates where the victim's head was, lying on the ground
7 when medical staff arrived.

8 Q And did that blood appear to be fresh?

9 A Yes, ma'am.

10 Q And in State's Exhibit Thirteen, what are we seeing in
11 that?

12 A It's a similar picture, a little farther back. It
13 includes the vehicle that was later determined to have been
14 driven to the crime scene by the victim. It's a small Ford
15 Sedan, four door, white color. It shows that the driver's
16 side door is open. Also depicts the approximate distance
17 between the placards of number three and four, the blood and
18 t-shirt along with the vehicle.

19 Q Did you make any assessments about that vehicle as the
20 driver's side door was open?

21 A We did. We noticed that the keys were inside the
22 vehicle, driver's side door was open. Just outside the --
23 or inside the actual apex of the open door were several
24 footprints. Those footprints were photographed as well.
25 The shoeprints were later compared to the shoes the victim

CASTLE DOCTRINE HEARING

Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 was wearing at the emergency room. They were later
2 photographed by Detective Davis and they were a match to the
3 prints that there were just in the apex of the door.

4 Q Were you able to determine anything, and you can look
5 now at State's Exhibit Number Twenty-two and Twenty-three.
6 I believe those are the footprints, digital footprints.

7 A Yes, ma'am.

8 Q Were you able to make any assessments about those
9 footprints as a crime scene investigator?

10 A Again, the shoe print matched the shoes that the victim
11 was wearing at the emergency room. Also, you'll notice in
12 the pictures taken in Twenty-two and Twenty-three, there are
13 no toe marks; what we call "toe-in", which usually is
14 indicative of someone running. There's also no heavy heel
15 marks, which are often indicative of someone loadbearing or
16 carrying a large amount of weight on their back. For
17 example, like a back pack or a someone thrown over their
18 shoulder. They appear to be normal flat footprints that are
19 indicative of someone simply walking.

20 Q And where did you find those footprints?

21 A They were in the apex of the driver's side door and
22 around towards the front of the automobile.

23 Q Now, I believe we are, unless you have anything else to
24 offer with those State's Exhibits, I believe we can move on
25 now. Did you take any measurements in regards to the

1 evidence that you collected and the investigation you did at
2 the crime scene?

3 A Yes, ma'am, I did.

4 Q Tell us about those measurements you took.

5 A We took measurements from two stationary poles. We
6 often try to pick an item when we draw measurements that are
7 something that will be there for a long time in case we need
8 to recreate. We used the telephone poles; one pole facing
9 the property was on the left hand corner of the property
10 along the ditch bank. The second pole was about halfway
11 down the apartment complex, again along the roadway. We use
12 those poles to triangulate the location of the blood that
13 was in front of the vehicle, as well as the vehicle itself.

14 Q What was your determination as far as the triangulation
15 point of that blood? Were you able to give us a location?

16 A The actual blood itself, after we went back and
17 reconstructed the crime scene, we drew together those two
18 angles and measured that point there from the actual
19 building itself to determine the blood was approximately 38
20 feet from the main portion of the building.

21 Q And when you say "main portion of the building", tell
22 us about the main portion of the building.

23 A The building, like I said, was a flat, one story;
24 multi-unit structure. After getting involved with the
25 investigation, we determined that the defendant's apartment

CASTLE DOCTRINE HEARING
Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 was the one that the victim allegedly had left at some point
2 in time during that morning. We used that as the center
3 point while we were conducting that bearing. So when we
4 recreated where the blood was that morning, using the two
5 measurements from the poles, we drew from there to the front
6 door of the defendant's apartment. It gave us roughly 38
7 feet.

8 Q From the blood spot to the front door of the
9 defendant's apartment.

10 A That's correct.

11 Q. Based on those measurements, was a crime scene diagram
12 created?

13 A Yes, ma'am, it was.

14 Q Capt. Chapman, as far as the crime scene diagrams are
15 concerned, how is a crime scene diagram created in this
16 case?

17 A We had two detectives who have been schooled and
18 trained on this particular program. They take the exact
19 measurements that are forwarded to them by crime scene
20 investigators. In this case, myself and Detective Eltzroth
21 brought the measurements that we pulled. They take those
22 measurements, along with measurements they get either from
23 Google earth or from floor plans or from actually,
24 physically taking themselves. They enter all of that data
25 into a computer program and it generates a model. The model

1 can be three dimensional or two dimensional, based on how
2 much information you have available.

3 Q In this particular case, what information was available
4 to your crime scene diagram creator?

5 A Again, they took the measurements that I and Detective
6 Eltzroth provided, they took the photographs, they took the
7 Google Earth Image, and the measurements they had pulled, as
8 far as the structure itself, and created the images.

9 Q And I hand you now has been previously marked as
10 State's Exhibits Twenty-six and Twenty-five. Take a moment
11 and tell me if you recognize these items.

12 ASST. SOL. LEGETTE: May I approach the witness, Your
13 Honor.

14 THE COURT: You may.

15 A Exhibit Number Twenty-five appears to be an overhead
16 view of the incident location which is centered at the
17 intersection of Bright's Court and Poor Farm Road. And
18 Exhibit Twenty-six is a frontal shot of the apartment
19 complex and crime scene from what would be across the street
20 from Bright's Court.

21 Q And are State's Exhibits Twenty-five and Twenty-six a
22 fair and accurate reflection of the crime scene diagram
23 where the actual crime scene was on this November 20th,
24 2013?

25 A Yes, ma'am.

CASTLE DOCTRINE HEARING
Direct examination of Captain Jason Chapman by Asst. Sol. Legette

1 ASST. SOL. LEGETTE: At this time, Your Honor, I would
2 offer State's Exhibit Twenty-five and Twenty-six for
3 admission for this hearing.

4 THE COURT: As to Twenty-five and Twenty-six?

5 MR. WALKER: No objection, Your Honor.

6 (Whereupon, State's Exhibit Twenty-five, overhead view
7 of incident location; and Twenty-six, frontal shot of
8 apartment complex and crime scene, is received into
9 evidence.)

10 THE COURT: Twenty-five and Twenty-six will be admitted
11 into evidence for the purposes of this hearing without
12 objection. Proceed.

13 BY ASST. SOL. LEGETTE:

14 Q Captain, briefly, Captain, in State's Exhibit Twenty-
15 five and Twenty-six, can you tell us what you're looking at?

16 A Yes, ma'am. Again, Twenty-five appears to be an
17 overhead shot of the crime scene. You see the apartment
18 complex, the five sidewalks that lead up to the five
19 apartments. You see a connecting sidewalk, two drive-ways,
20 a roadway, the victim's vehicle and the blood spot that we
21 talked about earlier. And then Exhibit Number Twenty-six
22 again is a frontal shot of the apartment complex. It shows
23 you the five apartments, the five corresponding walkways,
24 the joining walkway, the fence line that runs around the
25 perimeter of the property, telephone poles we used for

1 point of measurements, victim's vehicle and blood spot.

2 Q Thank you. Captain, I have no further questions. Please
3 answer any questions from Mr. Walker.

4 A Yes, ma'am.

5 THE COURT: Cross-examination.

6 MR. WALKER: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. WALKER:

9 Q Good afternoon.

10 A Good afternoon.

11 Q Just to be clear, when you measured is that just right
12 up to plane of the front door of the Mr. Brown's apartment?

13 A That's correct.

14 Q You did other things in this case as well, correct?

15 A Yes, sir.

16 Q All right. I think I saw where you were involved with
17 the search warrant of the victim's house, correct?

18 A Yes, correct. The motel room, yes, sir.

19 Q So that was searched?

20 A Yes, sir.

21 Q And they actually found a gun in there?

22 A That's correct.

23 Q But they didn't find a gun at the scene?

24 A No, sir.

25 Q But there was a gun in the victim's hotel?

CASTLE DOCTRINE HEARING
Cross-examination of Captain Jason Chapman by Mr. Walker

1 A That's correct.

2 THE COURT: I'm sorry, counselor, what was the question
3 you asked? You made a statement and didn't ask a question.
4 So I wanted to make sure I understand it.

5 MR. WALKER: I was clarifying that there was a gun in
6 the victim's hotel room, but not one found at the scene.

7 THE COURT: And where was that? I don't know when you
8 say hotel room.

9 MR. WALKER: At the Southern Inn where they searched
10 the victim's residence.

11 THE COURT: Proceed.

12 MR. WALKER: I apologize for not being clear.

13 BY MR. WALKER:

14 Q You gave some testimony as to some shoe prints that you
15 photographed, correct?

16 A Yes, sir.

17 Q You came upon those after the fact, correct?

18 A That's correct.

19 Q You don't know when those were placed there?

20 A No, sir.

21 Q It could've been when he got out of the vehicle the
22 first time?

23 A Absolutely.

24 Q When he got back in the vehicle?

25 A Yes, sir.

1 Q Or you could say probably not because when he got out
2 the third time, he rushed Mr. Brown?

3 A The only thing I can testify to is the shoe prints were
4 in the apex of the door, the toes were facing towards the
5 apartment complex, and that they were the top print over
6 anything else that was there. As far as when they were laid
7 there, no, sir, I can't testify to that.

8 MR. WALKER: No further questions.

9 THE COURT: Redirect

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

11 THE COURT: As to this witness?

12 ASST. SOL. LEGETTE: We asked that he be excused, Your
13 Honor.

14 THE COURT: Any objection, Mr. Walker?

15 MR. WALKER: No, Your Honor.

16 THE COURT: You're excused for today. The witness is
17 excused until 10:00 a.m. tomorrow morning. Call your next
18 witness, counsel.

19 ASST. SOL. LEGETTE: Whitney Berry.

20 THE COURT: Come around and be sworn by the Clerk,
21 please.

22 (Whereupon the witness is duly sworn.)

23 THE COURT: Please have a seat on the stand and adjust
24 the mic once you're seated. State your name for the record.
25 Watch your step for me. Come up the stairs. Have a seat on

CASTLE DOCTRINE HEARING
Direct examination of Whitney Berry by Asst. Sol. Legette

1 the witness stand. Pull the chair up and adjust the
2 microphone to your height. Speak into that microphone which
3 is going to amplify your voice. State your full name, and
4 spell your last name for the court reporter.

5 MS. BERRY: Whitney Berry, B-E-R-R-Y.

6 THE COURT: Your witness, Counsel. Direct examination.

7 Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY ASST. SOL. LEGETTE:

10 Q Good afternoon, Ms. Berry.

11 A Hi.

12 Q Where do you work?

13 A I work for the South Carolina Law Enforcement Division,
14 more commonly known as SLED.

15 Q And how many years?

16 A I've been there for about two and a half years now.

17 Q And what department do you work in?

18 A I work in the trace evidence department under the
19 forensic services unit.

20 Q Please tell us about your education, background, and
21 training as it applies to working in the trace evidence
22 department.

23 A I have a bachelors of science in Chemistry from the
24 University of South Carolina. I then went on to complete
25 the nine month in-house training program that SLED offers

CASTLE DOCTRINE HEARING
Direct examination of Whitney Berry by Asst. Sol. Legette

1 for gunshot residue analysis training. During that nine
2 months, I worked about 200 cases under supervision of a
3 qualified analyst. I learned how to use the
4 instrumentation. I did both written and practical
5 examination on the instrument and the evidence analysis. I
6 also completed it with a mock Court in which I had to defend
7 my own findings in a practice case. Annually, I have to
8 complete a proficiency test in order to still be allowed to
9 do my job. And I've also gone to College of Applied Science
10 in Westmont, Illinois and completed their Scanning Electron
11 Microscopy for gunshot residue analysis class.

12 Q Thank you. And have you ever been qualified as an
13 expert witness in the area of trace evidence?

14 A I've been qualified in gunshot residue analysis.

15 Q Okay. In gunshot residue analysis. How many times?

16 A Ten.

17 Q And testified in Court?

18 A Yes, ma'am, ten times.

19 ASST. SOL. LEGETTE: Your Honor, at this time, I would
20 like to offer Ms. Berry as an expert in the area of gunshot
21 residue testing and analysis.

22 THE COURT: Any objection as to qualifications?

23 MR. WALKER: No, Your Honor.

24 THE COURT: So qualified without objection. You may
25 proceed.

CASTLE DOCTRINE HEARING
Direct examination of Whitney Berry by Asst. Sol. Legette

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

2 Q Ms. Berry, what is gunshot residue?

3 A Gunshot residue is everything that comes out of the end
4 of the gun when it's fired. What we're looking for when we
5 analyze gunshot residue is the primer residue that is a
6 three-component metal particle that you're going to find
7 that is unique to ammunition in gunshot. Those three
8 component particles are going to be composed of lead, barium
9 and antimony, because they're metals and they get super-
10 heated when the gun is discharged. They're going to be
11 molten. So they're going to look more rounded and molten of
12 a particle. If something meets those qualifications
13 containing those three elements and being in that shape or
14 morphology, that's what we're going to call gunshot residue.
15 So that was what a particle gunshot residue would be.

16 Q And how is gunshot residue collected?

17 A Gunshot residue is collected with a gunshot residue
18 collection kit. It contains four little sticky stubs inside
19 of it. Each one is labeled for a different part of the
20 hand. You've got the right palm, left palm, the right back,
21 and left back, and those refer to the areas of the hand
22 which were sampled.

23 They're sampled by basically stamping the collection
24 module onto the hand, and they're capped and then they're
25 put back in the envelope and sealed with tamper evidence

1 tape. Then they're submitted to agencies such as SLED for
2 analysis.

3 Q Tell us about the consistency of GSR and whether or not
4 it can be easily removed.

5 A Gunshot residue is very delicate. If you think about
6 flour, think about being in the kitchen with your hands
7 covered in flour. Every time you clap your hands or touch
8 something, a little bit of that flour comes off your hands.
9 And that's similar to gunshot residue. It's very fragile
10 like that. It can come off very easily. You can wipe it
11 off. It can come off of somebody's hands through normal,
12 routine activities, such as sweating, putting hands in your
13 pockets, washing hands, touching different items, all have
14 potential to remove it.

15 Q How long will it remain on a living, or a person who is
16 alive, on their hands?

17 A We expect gunshot residue to last no more than 4 to 6
18 hours on a living person. That's because of normal
19 activities a person does. We would expect it to come off of
20 their hands in that time.

21 Q And what about a person who is deceased?

22 A On a deceased person, it can last until it's removed.

23 Q And will your laboratory analyze a GSR kit that has
24 been collected after four to six hours?

25 A We will not analyze a GSR kit if it is collected after

CASTLE DOCTRINE HEARING
Direct examination of Whitney Berry by Asst. Sol. Legette

1 6 hours.

2 Q Did you receive any evidence or items in this case
3 before the Court today?

4 A Yes, I did.

5 Q Can you tell us what items you received?

6 A I received a gunshot residue kit from Nayronne Holmes.
7 I'm sorry if I'm butchering everybody's name. I received a
8 gunshot residue kit from Mourice Kemp. I received a box
9 containing .32- caliber cartridge casings from Colleton
10 County Sheriff's Office. I also received gunshot residue
11 kits from Lawrenzer Walker and Taquan Lateek Brown.

12 Q What was the condition of the evidence you received?

13 A It was all sealed appropriately per our lab protocols.

14 Q You received it from your lab?

15 A Yes, ma'am.

16 Q Okay. I'm handing you now what's been previously
17 marked for identification as State's Exhibit Number Twelve.
18 Can you take a moment and tell me if you recognize this
19 item.

20 ASST. SOL. LEGETTE: May I approach the witness, Your
21 Honor?

22 THE COURT: You may.

23 A Yes, ma'am. This is the envelope containing the
24 gunshot residue kits that were submitted in this case.

25 Q And how are you able to recognize it?

1 A Every case that comes into SLED is given a unique lab
2 identifying number, and every item within that case is given
3 its own unique lab number or item number. In this case, I
4 have lab number L13-14929, which is the swab number and
5 container A contains the gunshot residue. I also know
6 because on every piece of evidence I open, I put my initials
7 and date on the back and then when I seal it, I put my
8 initials and date on the tape.

9 Q Thank you. And is State's Exhibit Twelve in
10 substantially the same condition today as it was when you
11 last saw it?

12 A Yes, ma'am.

13 Q Has it been changed or altered in any way?

14 A No, ma'am.

15 ASST. SOL. LEGETTE: Your Honor, at this time I would
16 offer for admission into evidence for this hearing, State's
17 Exhibit Number Twelve.

18 THE COURT: As to State's Exhibit Number Twelve, Mr.
19 Walker?

20 MR. WALKER: No Objection, Your Honor.

21 (Whereupon, State's Exhibit Twelve, L13-14929 GSR kit,
22 is received into evidence)

23 THE COURT: State's exhibit number Twelve will be
24 admitted into evidence for the purpose of this hearing,
25 without objection. You may proceed, Solicitor.

CASTLE DOCTRINE HEARING
Direct examination of Whitney Berry by Asst. Sol. Legette

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

2 BY ASST. SOL. LEGETTE:

3 Q Ms. Berry, can you tell me what the results of the
4 analysis you made in this case was?

5 A Yes, ma'am. For the gunshot residue kit taken from
6 Nayronne Holmes, the right hand and the left hand were
7 negative for gunshot residue. For the GSR kit taken from
8 Taquan Lateek Brown, the right hand was positive for
9 particles of gunshot residue and the left hand was positive
10 for one singular particle of gunshot residue. From the GSR
11 kit on Lawrenzer Walker, the right hand was positive for
12 multiple particles of gunshot residue and the left hand was
13 positive for one singular particle of gunshot residue. And
14 for Mourice Kemp, the right hand and left hand were positive
15 for multiple particle of gunshot residue.

16 Q And Ms. Berry, can you tell us how far does gunshot
17 residue usually travel?

18 A That depends on the caliber of weapon and the condition
19 of the weapon. A smaller caliber weapon isn't going to
20 travel as far. In this specific case, I actually have the
21 cartridge casings submitted to me for a gunshot residue
22 standard. It was a .32-caliber; these were .32-caliber
23 casings that I was given. On a .32-caliber weapon, the GSR
24 isn't going to travel more than 2 ½ to 3 feet. So when the
25 bullet comes out of the muzzle end of the gun, that gunshot

1 residue is going to come out in a cone pattern and
2 everything in front of that cone has the potential to have
3 gunshot residue on it. In this case, the distance the
4 maximum distance for that cone is going to be about 2 ½ to 3
5 feet. We can say 4 feet because this was outside if the wind
6 was blowing, but that is being really generous for such a
7 small caliber.

8 Q So in other words, for Mourice Kemp did have GSR on his
9 hands, he had to be pretty close to the gun barrel?

10 A Yes, ma'am.

11 Q Within three feet?

12 A Three feet would be a very safe distance, yes.

13 ASST. SOL. LEGETTE: Begging the Court's indulgence.

14 Q Thank you, Ms. Berry. I have no further questions.

15 THE COURT: Cross-Examination?

16 CROSS-EXAMINATION

17 BY MR. WALKER:

18 Q You said Lawrenzer Walker, Mourice Kemp, and Taquan
19 Brown are all GSR positive?

20 A Yes, sir.

21 Q But you can't say that the GSR on Taquan Brown and
22 Mourice Kemp and Lawrenzer walker are all the same GSR,
23 correct? Or is there -- let me back that up. I'm sorry.
24 Let me re-ask that. Gunshot residue is not uniquely
25 identifiable, correct?

CASTLE DOCTRINE HEARING
Cross-examination of Whitney Berry by Mr. Walker

1 A In some cases, it can be.

2 Q Would this be one of those cases?

3 A Initially, I thought it would be one of those cases,
4 which is why I had a standard submitted. Upon examination
5 of the standard, I noticed it was a normal primer. That
6 being said, I can't distinguish the GSR from the victim's
7 hands as opposed to the suspect's hands. They would all be
8 the same.

9 Q Would they be the same if they came from the same gun
10 or if the victim had handled his own gun, correct?

11 A I can't tell precisely what -- can I ask a question
12 back for your hypothetical? Are you talking about the
13 victim just handling a gun or having fired a gun?

14 Q Either or. I don't know what the victim did.

15 A Okay. Then, no, I wouldn't be able to say.

16 Q Now, you've talked about the difference between Mourice
17 Kemp and Taquan Brown without knowing, but you left out
18 Lawrenzer Walker. Was there something unique about the GSR
19 on Lawrenzer Walker's hands?

20 A The GSR from -- one moment. I don't want to misspeak.
21 The GSR on the hands of Taquan Brown, Lawrenzer Walker and
22 Nayronne Holmes, originally when it was analyzed, there was
23 an element that was mixed in with gunshot residue that is
24 not typical of gunshot residue, which is why a standard was
25 submitted. The GSR on the victim did not have the specific

1 element with it. When analyzing the GSR and Standard, and
2 looking back at the kits from Nayronne Holmes, Taquan Brown,
3 and Lawrenzer Walker, it was determined that this element
4 wasn't part of the Gunshot residue. It was something
5 separate they came in contact with, so it was not of
6 evidentiary value as far as the gunshot residue is
7 concerned.

8 Q So for purposes of your analysis, it was a contaminate?

9 A Yes, you could call it that.

10 Q So the GSR portion was all undistinguishable across all
11 four positive tests?

12 A Yes, all four had your typical three-component primer.

13 Q So All four of those people would have either been
14 within three feet of the shots that were fired or they had
15 their hands on the gun separately?

16 A Yes.

17 Q I have no further questions.

18 THE COURT: Redirect.

19 REDIRECT EXAMINATION

20 BY ASST. SOL. LEGETTE:

21 Q Ms. Berry, you talked earlier about whether a person
22 handled a gun, or whether a person had fired a gun, or came
23 in contact with a gun that had recently been fired; can you
24 tell us about that?

25 A For a gun that has been recently fired, I can't testify

CASTLE DOCTRINE HEARING
Redirect examination of Whitney Berry by Asst. Sol. Legette

1 as to how much gunshot residue can transfer, but sometimes
2 when it transfers the shape can change. You can get a
3 broken particle. So if you think about the perfect GSR
4 particle, is a perfectly round circle; it's like a full
5 moon. It's perfect. When things get transferred, sometimes
6 they can break. So you can get broken fragments of that
7 perfect gunshot residue particle. Once they're broken,
8 they're no longer molten. They no longer appear molten
9 under the microscope. They now had hard edges, which we
10 would classify as crystalline. We would no longer
11 necessarily call those particles of gunshot residue, because
12 they no longer meet the shape requirements. So based on
13 what was found on the hands in three of these kits, these
14 are multiple particles that were round, or molten, and
15 contained all three elements. These particles can only come
16 from primer residue or something that has been in contact
17 with primer residue, such as a gun that has been fired.

18 ASST. SOL. LEGETTE: Thank you.

19 THE COURT: Recross, limited to redirect?

20 MR. WALKER. None, Your Honor.

21 THE COURT: As to this witness, Solicitor?

22 ASST. SOL. LEGETTE: We asked that she be excused.

23 THE COURT: Until tomorrow?

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

25 THE COURT: Any objection?

1 MR. WALKER: No, Your Honor.

2 THE COURT: All right. Ms. Berry, we are in the middle
3 of a Castle Doctrine hearing, as you know, which means that
4 we have to go through all of the testimony ahead of time
5 before we can -- although we are going to select a jury this
6 afternoon. And if I have to work until 10:00 tonight, I'm
7 going to try to finish this hearing tonight. So I ask that
8 you be back in the courtroom since you're under subpoena at
9 10:00 in the morning. You're excused for the balance of
10 today.

11 MS. BERRY: Thank you, sir.

12 ASST. SOL. LEGETTE: Your Honor, I forgot, briefly,
13 that Ms. Berry has a subpoena for Laurens County in the
14 morning. So Your Honor, she is under subpoena for their
15 county as well as another subpoena, I believe, on Wednesday.

16 THE COURT: And you also subpoenaed her for this trial?

17 ASST. SOL. LEGETTE: We did, Your Honor.

18 THE COURT: Solicitor, I expect you to have her here
19 when we get to the portion of the case that I need her.

20 ASST. SOL. LEGETTE: She will be here, Your Honor.

21 Thank you, Your Honor.

22 THE COURT: Thank you, Ms. Berry. Drive careful. All
23 right. It's after 1:00. I'm going to stop at this point so
24 everybody can get lunch. The jury is coming in at 2:00.
25 Please caution your witnesses during the lunch break,

1 Solicitor, that they are not to discuss their testimony. I
2 intend on finishing this hearing after we complete
3 qualification of the jury and jury selection in this case.
4 Hope everyone has a pleasant lunch. We are in recess until
5 2:00 p.m.

6 (Whereupon, the hearing in this case is in recess for
7 lunch. Thereafter, at 2:40 p.m., the following voir dire and
8 jury selection begins and the following is held on the
9 record.)

10 THE COURT: Is the State ready to proceed?

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

12 THE COURT: Is the defendant ready to proceed?

13 MR. WALKER: Yes, Your Honor.

14 THE COURT: Do I have both of your complete witness
15 lists?

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

17 THE COURT: From the defendant?

18 MR. WALKER: Yes, Your Honor.

19 THE COURT: Do I also have your complete voir dire?

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

21 THE COURT: From the defendant?

22 MR. WALKER: Yes, Your Honor.

23 THE COURT: All right. Solicitor, call your case.

24 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
25 of South Carolina is ready to proceed in Indictment number

1 2013-GS-15-1040, obstruction of justice. The State is also
2 ready to proceed in Indictment number 2013-GS-15-1041 for
3 murder. And the State is also ready to proceed in
4 Indictment number 2013-GS-15-1042 for possession of a weapon
5 during the commission of a violent crime. The defendant has
6 pled not guilty, Your Honor.

7 THE COURT: And the defendant's name, Solicitor?

8 ASST. SOL. LEGETTE: The defendant is State v. Taquan
9 Brown for obstruction of justice, State v. Taquan Brown for
10 murder, and State v. Taquan Brown for possession of a weapon
11 during the commission of a violent crime.

12 THE COURT: Hand up the indictments, please. Very
13 well, ladies and gentlemen of the jury panel, give me your
14 attention. Earlier this afternoon, I put you under oath.
15 The purpose of that was to qualify you. I remind you that
16 the answers you give me to any questions I ask you
17 concerning your impartiality to serve as a juror in the
18 trial of this case are also under oath.

19 The State has called for trial the case of the State of
20 South Carolina v. Taquan Brown. Mr. Brown is the defendant.
21 The defendant is charged by the pieces of paper which I hold
22 in my hand which we call indictments. He is charged with
23 the offense of murder, he is charged with the offense of
24 possession of a weapon during the commission of a violent
25 crime, and he is charged with the offense of obstructing

CASTLE DOCTRINE HEARING
Direct examination of Nyle Eltzroth by Asst. Sol. Legette

1 E-L-T-Z-R-O-T-H.

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

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

4 DIRECT EXAMINATION

5 BY ASST. SOL. LEGETTE:

6 Q Good afternoon, Mr. Eltzroth.

7 A Good afternoon.

8 Q Sir, where do you work?

9 A I currently am employed for the United States District
10 Court's Probation Office.

11 Q And how long have you worked there?

12 A I've worked there since November 3rd, 2014.

13 Q Do you have any other formal jobs?

14 A Yes, ma'am, prior to that I worked from approximately
15 March of 2007 to October of 2011 or '12, and from there I
16 went to the Colleton County Sheriff's Office.

17 Q And at the Colleton County Sheriff's Office, what were
18 your duties?

19 A Initially, for the first two months, I was assigned to
20 road patrol, and as of January 1st, 2013, I was assigned to
21 investigations, criminal investigations.

22 Q Did you have an occasion -- were you working for the
23 Colleton County Sheriff's Office on November 20th, 2013?

24 A Yes, ma'am.

25 Q And in what capacity were you working for the Sheriff's

1 Office?

2 A I was an investigator at that time.

3 Q Okay. And did you get a call for a location in
4 Colleton County?

5 A Yes, ma'am.

6 Q And did you respond?

7 A Yes, ma'am.

8 Q Do you recall where you responded to?

9 A Yes, ma'am. We got a call about [REDACTED] Bright's Court of a
10 shooting.

11 Q And what did you find when you arrived?

12 A Upon arrival, fire rescue and other deputies were
13 already on scene. Fire rescue had already loaded up the
14 victim, Mourice Kemp from the crime scene to be transported
15 to the hospital. The scene was secure upon my arrival.

16 Q Did anyone else arrive with you?

17 A There were several people. Captain Jason Chapman, Gean
18 Johnson, who was Captain at the time, and some of the
19 command staff.

20 Q And when you responded, what did you do once you
21 responded to the location?

22 A Initially, what we generally do is canvass the area for
23 any potential evidence on the crime scene and we will mark
24 it with placards. At the front of the residence, there was
25 a white Ford vehicle with the front driver's side door open.

CASTLE DOCTRINE HEARING
Direct examination of Nyle Eltzroth by Asst. Sol. Legette

1 Alongside that was where you could tell the victim had been
2 laying because there was a pool of blood. There also was a
3 black sweatshirt that was cut off from the victim.

4 Q And once you canvassed the area for any potential
5 evidence, did you look for any potential witnesses?

6 A Yes. Initially, we noticed that the key was in the
7 ignition of the vehicle. Therefore, we looked around the
8 vehicle and noticed shoe impressions on the ground and then
9 there was Taquan Brown, Lawrenzer Walker, Ms. Barbara May,
10 and Mr. Nayronne Holmes all at the scene for questioning.

11 Q Okay. So were you able to talk to those people?

12 A Yes, ma'am. They were not Mirandized, because at the
13 time they were only considered witnesses. I talked to all
14 of the individuals. Mr. Taquan Brown stated he was asleep.
15 He did not see anything or hear anything. Mr. Lawrenzer
16 Walker, I believe he said he was woken by four gunshots and
17 saw tail lights going out towards Cooks Hill. Mr. Nayronne
18 Holmes said three shots, and I believe he said tail lights;
19 I can't recall specifically. And then, Ms. Barbara Mays
20 said she was also awoken by gunshots and did not see
21 anything except for the victim laying on the ground.

22 Q So upon talking to these witnesses, did you have any
23 particular leads?

24 A No, ma'am. Not at that time.

25 Q So once you talked to the witnesses, did you do

1 anything as far as collecting any evidence?

2 A Yes, ma'am. I waited for the lighting to get better and
3 I -- because the camera was not taking good pictures in the
4 dark, I then photographed the scene and collected a DNA swab
5 from the pool of blood, the black sweater, and photographed
6 the shoe impressions.

7 Q Did you take any GSR kits?

8 A Yes, ma'am. I returned back on scene after talking
9 about the case and took GSR kits from Taquan Brown,
10 Lawrenzer Walker, and Nayronne Holmes.

11 Q Now, thereafter, who was the case assigned to after
12 that?

13 A The case was assigned to me.

14 Q And did you conduct anymore investigations?

15 A Yes, ma'am. We set up a follow-up.

16 Q So what did you do to follow up in this matter?

17 A Well, we were notified that the victim became deceased
18 at the hospital before being flown out, so therefore it
19 turned into a homicide investigation. I then also took all
20 three individuals, which Nayronne Holmes, Taquan Brown, and
21 Lawrenzer Walker to the Colleton County Sheriff's Annex for
22 further questioning. From there, I was led to from a
23 confidential informant phone call at night in reference to a
24 girl by the name of Coco possibly being at the Southern Inn.
25 I responded there and spoke with Mr. Larry Council. He

CASTLE DOCTRINE HEARING
Direct examination of Nyle Eltzroth by Asst. Sol. Legette

1 informed me that Coco and Nayronne were in a relationship at
2 one point in time, which we didn't know why Mourice was over
3 there at the Bright's Court, but then come to find out that
4 Coco was also involved with Mr. Mourice Kemp, the victim.
5 Then, I went back and got Nayronne Holmes the following day,
6 because this was about midnight when I talked to Mr. Larry
7 Council. I further interviewed them. He stated to me that
8 Taquan Brown and Lawrenzer had fled. That he didn't know
9 where they were. He did confirm that Coco was there and
10 that Mourice came to get her.

11 Then, of course, at that time, obstruction of justice
12 warrants were issued for Mr. Lawrenzer Walker and Taquan
13 Brown, based on the fact that they never indicated the other
14 individual, Courtney Boulware, being present on scene, along
15 with several other evidence that we had obtained. And then,
16 we had picked up -- I can't remember a specific date, but we
17 picked up Lawrenzer Walker at his mother's residence in the
18 City of Walterboro, and then the SLED fugitive task force
19 apprehended Mr. Taquan Brown in Charleston.

20 Q Okay. And so once you brought in Mr. Lawrenzer Walker
21 and Taquan Brown, did you ever talk with Mr. Brown?

22 A I talked to Mr. Brown on the date of his arrest, which
23 I believe was November 22nd, and again, he had requested to
24 talk to me again on November 24th.

25 Q Okay. So by the time November 22nd comes around, you

1 had talked to Mr. Brown at least once?

2 A Yes, ma'am.

3 Q Okay. And did you Mirandize Mr. Brown each time you
4 talked with him?

5 A Not initially out at the apartment, but when he was
6 brought in to the Annex, I did Mirandize him.

7 Q So help me understand, how many times did you talk to
8 Mr. Brown?

9 A If you separate the timeframes, you could say four
10 times, because I talked to him initially on scene, upon my
11 arrival. Then, when I went back to the office and came back
12 out to the apartments there to GSR them, and wanted them to
13 come into the Annex and talk to me again. Then, I talked to
14 him again upon his apprehension. And then, two days later
15 after this happened.

16 Q Okay. So the second time you talked to him at the
17 Annex, what was basically the gist of what he said?

18 A He basically again stated that he was asleep. He
19 didn't know anything. He didn't see anything. He was
20 awoken by Lawrenzer Walker and was told about the incident.

21 THE COURT: Say that again, Mr. Eltzroth.

22 A He was woken up by Lawrenzer Walker and advised that
23 there had been a shooting outside.

24 Q And did you Mirandize him before that interview and
25 after?

CASTLE DOCTRINE HEARING
Direct examination of Nyle Eltzroth by Asst. Sol. Legette

1 A If I recall correctly, yes, ma'am.

2 Q Okay. I hand you now what has been previously marked
3 for identification, State's Exhibit Number Twenty-eight.
4 Take a moment and tell me if you recognize this.

5 ASST. SOL. LEGETTE: May I approach the witness, Your
6 Honor?

7 THE COURT: You may.

8 A Yes, ma'am. State's Exhibit Number Twenty-eight would
9 be the standard Miranda form we use at Colleton County
10 Sheriff's Office. It was on the indicated day of November
11 20th when Mr. Brown came from the apartment complex to the
12 Annex.

13 Q And is State's Exhibit Number Twenty-eight a fair and
14 accurate reflection of the Miranda warning that you provided
15 to Mr. Taquan Brown on that particular date?

16 A Yes, ma'am.

17 Q Has it been changed or altered in any way?

18 A No, ma'am.

19 ASST. SOL. LEGETTE: At this time, Your Honor, I would
20 offer State's Exhibit Twenty-eight for admission in evidence
21 for this hearing only.

22 THE COURT: As to State's Twenty-eight?

23 MR. WALKER: No objection.

24 THE COURT: State's Twenty-eight will be admitted into
25 evidence for purposes of this hearing, without objection.

1 (Whereupon, State's Exhibit Number 28, Miranda Form of
2 11-20-13, is received into evidence.)

3 Q And he agreed to talk with you afterwards?

4 A Yes, ma'am. I go by each Miranda right; they're
5 numbered one through five. I go by them individually. If
6 he understands each Miranda right, he initials beside it
7 that he understands, and he did for each number, one through
8 five. He then signs on the line under it stating he
9 understood number one through five. The next section, I
10 then go over his waiver of rights, which I explained to him,
11 and if he is willing to waive his rights, which he did, it's
12 indicated by his signature below the waiver of rights. And
13 I was the one who witnessed it.

14 Q And did that particular statement that you took on
15 November 20th, 2013, happen on video and audio?

16 A Yes, ma'am.

17 Q Okay. Now, you indicated that you talked to Mr. Brown
18 a second time?

19 A Yes, ma'am.

20 Q And describe that one for us.

21 A On November 22nd, he was in custody at that time. The
22 same standard Miranda form was gone over once again. He
23 waived his rights once again. I discussed the case with
24 him, not all of the evidence that I had, but I kind of let
25 him know that he was the prime suspect. He then indicated

CASTLE DOCTRINE HEARING
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1 and went into full detail that they had Courtney Boulware,
2 Coco, that Lawrenzer Walker had her over at his place to
3 have sexual relations with. He stated that -- Mourice at
4 some point, Courtney went over to Nayronne Holmes. He then
5 stated that Mourice Kemp was banging on his door. He was
6 woken up by Mourice coming inside the residence. He said he
7 went through his residence when -- I can't remember
8 particularly which one told me that Coco was next door.
9 They came to the right, which was Nayronne Holmes in Barbara
10 Mays' residence. He went out the back door. He indicated
11 he was banging on the window and that evidently Coco
12 responded. He then tried to come back in through the back
13 door. Taquan said he was not allowed to come back into his
14 residence and closed the door.

15 He then stated that Mourice evidently walked around,
16 got Coco, and started going back to the car. He said, and
17 his words were, "That's when Lawrenzer Walker walked down
18 the sidewalk with a pistol in his hand and started talking
19 trash to Mr. Kemp." Then Mr. Kemp came out of the vehicle
20 and that's when he said that Lawrenzer was the one who shot
21 him.

22 Q Now, Agent Eltzroth, prior to you actually arresting
23 Mr. Brown, what evidence led you to get an arrest warrant
24 for Mr. Brown for murder?

25 A Coupled with that, we had several people that led up to

1 the version of the incident of how Coco got over there.
2 Then, it was found out that Lawrenzer Walker --- well,
3 initially, I first came across Courtney Boulware, Coco, she
4 was wanted in Union County, I believe it was, for probation
5 warrants. She was apprehended and taken to the Annex,
6 Mirandized on the same type of form that she waived. She
7 immediately gave up everything, along with Taquan's second
8 statement which was similar in nature, however, she stated
9 that Taquan, the defendant, was the one who came down the
10 sidewalk with the gun in his hand. That's when Mourice saw
11 the gun in his hand. Got out, exited the vehicle, and
12 basically, went, as Taquan was coming down, Coco
13 specifically stated that Mourice Kemp put his hands out and
14 said, "If you're going to pull it, use it." Several times.
15 She then stated that she witnessed from the vehicle, that
16 Taquan then started firing. At one point, she could even
17 tell that the gun jammed or something was wrong, because no
18 shot was fired and she saw his hand jump forward and he
19 continued to fire. At that point, she tried to flee the
20 scene.

21 Q And did you talk to anyone else besides Courtney
22 Boulware?

23 A Upon apprehension of Lawrenzer Walker, the same Miranda
24 form was explained to Mr. Walker. He also waived his rights
25 and Mr. Walker stated the same thing that Courtney did. He

CASTLE DOCTRINE HEARING
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1 did state that Taquan came out with the gun in his hand,
2 walked down the sidewalk, and that's when Mr. Kemp exited
3 the vehicle. And he came out, and that's when Mr. Brown
4 shot Mr. Kemp several times.

5 Q Okay. And so you actually spoke to all of these
6 witnesses?

7 A And that's when the murder warrants were obtained and
8 the possession of a weapon during the commission of a
9 violent crime. I did fail to leave out that Mr. Walker did
10 state that he disposed of the gun across the road, which was
11 subsequently -- he took us to.

12 Q Were you able to locate that gun?

13 A Yes, ma'am.

14 Q And what was done with that gun?

15 A Captain Chapman collected it as evidence and it was
16 submitted to SLED for forensic analysis.

17 Q And as to Courtney Boulware, have you ever spoken to
18 her again once you talked to her that particular day?

19 A I spoke to her the second time to follow up as far as
20 what took place prior to the incident, if she was having
21 sexual relations, and that sort of thing. But I will say,
22 she is deceased, so.

23 Q Were you able to verify that she is deceased?

24 A Yes, ma'am. If I recall correctly, I can't recall if I
25 got the Coroner's report, but I know that there was a

1 newspaper article on her.

2 Q Now, Agent Eltzroth, going back to the second statement
3 that you took from Mr. Brown, was he in custody at the time?

4 A Yes, ma'am, on the second statement he was.

5 Q And you Mirandized him?

6 A Yes, ma'am.

7 Q And what type form did you use?

8 A The standard Colleton County Sheriff's Office Miranda
9 Form.

10 Q I'm handing you now what's been previously marked for
11 identification as State's Twenty-nine. Take a moment and
12 tell me if you recognize this.

13 ASST. SOL. LEGETTE: May I approach the witness, Your
14 Honor?

15 THE COURT: You may.

16 A Yes, ma'am. State's Exhibit Number Twenty-nine is the
17 same standard Miranda form that I used at Colleton County
18 Sheriff's Office. It was on the indicated day of November
19 22nd when Mr. Brown asked me to come speak with him.

20 Q And just briefly go over how you gave him his Miranda
21 warning.

22 A Once again, he fills out the general information at the
23 top. Then we go by numerical order, one through five, of
24 his Miranda rights. If he understands all of those, or I'll
25 answer any questions if he does not, then upon understanding

CASTLE DOCTRINE HEARING
Direct examination of Nyle Eltzroth by Asst. Sol. Legette

1 them, he initials beside each one and then signs the
2 following line under it. If he understands all numbers one
3 through five, then again, I go over the waiver of rights and
4 explain them. Then, if he's willing to waive his rights, he
5 signs under the line there. Which he did sign and date.

6 Q And you said this occurred on November 22, 2013?

7 A Yes, ma'am.

8 Q Now, Agent Eltzroth, was that statement recorded on
9 audio and video?

10 A Yes, ma'am.

11 Q Agent Eltzroth, during that same meeting with Mr.
12 Brown, did he go into any detail about Mr. Mourice Kemp?

13 A On the second interview, no, ma'am. It was not until
14 the third interview.

15 Q Well, did he indicate how he knew Mr. Kemp?

16 A He indicated to me that he -- I apologize, that was on
17 the first interview when I asked him if he had any problems
18 with Mr. Kemp, and he stated no. The second time -- I
19 believe it wasn't until the third time that he stated the
20 Southern Inn incident.

21 THE COURT: What now?

22 A The Southern Inn --- the incident with Mourice
23 allegedly pointing a gun or in his words, he didn't point
24 it, but presented it and told them to leave the area.

25 Q Did you talk to him a third time?

1 A Yes, ma'am.

2 Q Did you talk to him a third time?

3 A Yes, ma'am.

4 Q And what date was that?

5 A That was November 24th, 2013.

6 Q And did you also Mirandize him at that time?

7 A Yes, ma'am, on the same form.

8 Q How did you come to talk to him at that time?

9 A I got a call from Captain Jason Chapman that Chris
10 Ferrand, who was a Correctional Officer at the Detention
11 Center, called him saying that Taquan Brown was requesting
12 to talk to me. Therefore, I went and picked up Mr. Brown
13 from the detention center and asked him on audio and video
14 if he did verbally request to talk to me, which he stated
15 yes.

16 Q Okay. And what type of form did you use as far as
17 Miranda?

18 A It's the same standard Miranda form as Exhibit Twenty-
19 eight and Exhibit Twenty-nine.

20 Q And I hand you now what's been previously marked for
21 identification as State's Exhibit Thirty. Take a moment and
22 tell me if you recognize this.

23 ASST. SOL. LEGETTE: May I approach, Your Honor?

24 THE COURT: Yes, you may.

25 A Yes, ma'am. This is Exhibit Thirty and it's the same

CASTLE DOCTRINE HEARING
Direct examination of Nyle Eltzroth by Asst. Sol. Legette

1 standard Miranda form that I used on November 24th.

2 Q And is State's Exhibit Number Thirty a fair and
3 accurate reflection of the Miranda warning that you provided
4 to Mr. Taquan Brown on that date of November 24th, 2013?

5 A Yes, ma'am.

6 Q Has it been changed or altered in any way?

7 A No, ma'am.

8 ASST. SOL. LEGETTE: At this time, Your Honor, I would
9 offer State's Exhibit Thirty for admission in evidence for
10 this hearing only.

11 THE COURT: As to State's Thirty, Mr. Walker?

12 MR. WALKER: No objection.

13 THE COURT: State's Thirty will be admitted into
14 evidence for purposes of this hearing, without objection.

15 (Whereupon, State's Exhibit Number Thirty, Miranda Form
16 dated 11-24-13, is received into evidence.)

17 Q And going back, Agent Eltzroth, briefly, to State's
18 Exhibit Twenty-nine. Is State's Exhibit Number Twenty-nine
19 a fair and accurate reflection of the second Miranda warning
20 that you gave to Mr. Taquan Brown on or about November 22nd,
21 2013?

22 A Yes, ma'am. Exhibit Twenty-nine is the one for
23 November 22nd, 2013.

24 Q And is it a fair and accurate reflection of the Miranda
25 warning that you took from Mr. Taquan Brown on November 22nd?

CASTLE DOCTRINE HEARING
Direct examination of Nyle Eltzroth by Asst. Sol. Legette

1 Q Has it been changed or altered in any way?

2 A No, ma'am.

3 ASST. SOL. LEGETTE: At this time, Your Honor, I would
4 offer State's Exhibit Twenty-nine for admission in evidence
5 for this hearing only.

6 THE COURT: As to State's Twenty-nine?

7 MR. WALKER: No objection.

8 THE COURT: State's Twenty-nine will be admitted into
9 evidence for purposes of this hearing, without objection.

10 (Whereupon, State's Exhibit Number Twenty-nine, Miranda
11 Form - third statement, is received into evidence.)

12 Q Agent Eltzroth, in that third statement, what did Mr.
13 Brown tell you?

14 A Mr. Brown went on then to state that along the same
15 lines that Mr. Kemp came over there, barging through his
16 residence, went around, then they told him that Coco was
17 next door. Mr. Kemp went out the back door. Went over
18 there and knocked. Tried to come back through the back
19 door, but Mr. Taquan Brown told him that he was not allowed
20 back inside his residence and closed the door. Mr. Kemp
21 came around the apartment complex and Coco came outside. At
22 that time, they went to go to the vehicle.

23 He then stated to me that Mourice Kemp was acting like
24 a mad man and jumped out of the vehicle, coming towards him.
25 He stated that he did shoot him, and that at that time,

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1 found that Mr. Kemp, if I recall exactly correct, the
2 caliber was a .357 snub nose revolver on him and that he
3 later sold that to Tremaine Campbell. However, I talked to
4 Tremaine Campbell after that incident and he actually denied
5 ever purchasing a firearm. His exact words were he would
6 not purchase a firearm from if he knew it was a murder
7 weapon. I also re-interviewed Lawrenzer Walker after that
8 to confirm that and he said, "absolutely not." They did not
9 even search Mr. Kemp. They said there was no firearm on Mr.
10 Kemp.

11 Q So if I understand you correctly, you said that Mr.
12 Brown told you he took a gun off of Mr. Kemp and sold it to
13 Tremaine?

14 A That's correct.

15 Q So you talked to this person. What was this person's
16 name?

17 A Tremaine Campbell. He goes by the alias of "Baby". He
18 is from the Jacksonboro area.

19 Q Was there any mention in that third statement about
20 what Mr. Brown testified here to this morning about the door
21 wouldn't close?

22 A No, ma'am. Throughout my whole investigation from all
23 parties I talked to, nobody ever said anything about that.

24 Q Now, Agent Eltzroth, you talked earlier that the
25 statements you took from Mr. Brown, all three of them were

1 recorded on audio and video?

2 A Yes, ma'am.

3 Q I hand you now what has been previously marked for
4 identification, State's Exhibit Thirty-one. Take a moment
5 and tell me if you recognize this.

6 ASST. SOL. LEGETTE: May I approach, Your Honor?

7 THE COURT: Yes, you may.

8 A Yes, ma'am. Exhibit Thirty-one is my standard
9 handwriting and labeling for all disks that are copied.

10 Q And is State's Exhibit Thirty-one a fair and accurate
11 reflection of the three statements you took from Mr. Taquan
12 Brown during the investigation of this case?

13 A Yes, ma'am.

14 Q Have they been changed or altered in any way?

15 A No, ma'am.

16 ASST. SOL. LEGETTE: At this time, Your Honor, I would
17 offer State's Exhibit Thirty-one for admission in evidence
18 for this hearing only.

19 THE COURT: As to State's Thirty-one, Mr. Walker?

20 MR. WALKER: No objection.

21 THE COURT: State's Exhibit Thirty-one will be
22 admitted into evidence for purposes of this hearing, without
23 objection.

24 (Whereupon, State's Exhibit Number Thirty-one, Video
25 and audio of Taquan Brown's three statements as given to

CASTLE DOCTRINE HEARING
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1 Agent Eltzroth, is received into evidence.)

2 THE COURT: You may proceed, Solicitor.

3 ASST. SOL. LEGETTE: Your Honor, may I briefly publish
4 one of those statements at this time?

5 THE COURT: Get Angela to help you and you can.

6 ASST. SOL. LEGETTE: Thank you, Your Honor. May I
7 approach the witness and retrieve the disc.

8 THE COURT: You may.

9 (Whereupon, State's Exhibit Number Thirty-one, video
10 begins playing at 6:08 p.m.; video ends at 6:38 p.m.)

11 THE COURT: Lights, please, Madame Clerk. Proceed,
12 Solicitor.

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

14 Q Agent Eltzroth, does the video continue from there?

15 A Yes, ma'am.

16 Q Mr. Brown says mainly the same thing over and over?

17 A Yes, ma'am.

18 Q Agent Eltzroth, in the video, the name Quick is
19 mentioned. Who is "Quick"?

20 A That is Lawrenzer Walker.

21 Q Now, let's go back to when you interviewed Larry
22 Council, briefly. When you interviewed Larry Council, did
23 he tell you about an incident with a gun?

24 A Yes, ma'am. At the Southern Inn.

25 Q Did he say that the victim had pulled a gun or did he

1 motion to his waistband indicating that the gun was there?

2 A Larry Council specifically stated that he presented the
3 gun; he never pointed it.

4 Q Okay. And just briefly touching on the third interview
5 that is on that same State's Exhibit Number Thirty-one, in
6 the third interview, you said Mr. Brown called for you to
7 come see him?

8 A Yes, ma'am.

9 Q And after that, what did he tell you, briefly?

10 A He then basically stated that along the same lines that
11 he then changed that Mourice barged into his apartment and
12 was acting like a mad man, went out back, told them that he
13 could not come back through. Then, he came back around and
14 he stated that when Mourice went to the car, he said he
15 flipped out and just started running towards him, and that's
16 when he shot him.

17 ASST. SOL. LEGETTE: Begging the Court's indulgence.

18 Q Thank you. I have no further questions. Please answer
19 any questions from Mr. Walker.

20 THE COURT: Cross-examination?

21 MR. WALKER: Thank you, Your Honor. May it please the
22 Court?

23 CROSS-EXAMINATION

24 BY MR. WALKER:

25 Q Good evening.

CASTLE DOCTRINE HEARING
Cross-examination of Nyle Eltzroth by Mr. Walker

1 A Good evening.

2 Q Before I get too far into it, I just want to revisit
3 one thing that you said in that the Solicitor questioned you
4 about in the third statement you took from Mr. Brown. Your
5 testimony just now was that Mr. Brown had told you that he
6 had sold a weapon that he took from the deceased.

7 A Yes, sir.

8 Q All right. Can you explain why your report of this
9 incident says that Mr. Brown called in from the Colleton
10 County Detention Center -- I'm sorry. I've got to read the
11 right paragraph if I'm gonna question you about it.

12 "Narrative number 34, T. Brown, Third Interview. Brown
13 confessed to killing Mourice Kemp, but claimed self defense.
14 Brown then stated that Lawrenzer Walker took a black .357
15 snub nose revolver from Kemp's person after the shooting
16 occurred and later sold it to Tremaine Campbell."

17 A I apologize. Without my notes in front of me, I may
18 have misspoken; it could have been Lawrenzer. If it stated
19 that in my notes, then he stated it that it was Lawrenzer.

20 Q So in that interview, he had told you that Lawrenzer
21 had sold a gun to Tremaine Campbell?

22 A From what I recall, I thought Mr. Brown said it was
23 him, but without my notes in front of me -- if I could
24 review my report, I would be glad to say.

25 MR. WALKER: May I approach the witness, Your Honor?

1 THE COURT: Absolutely.

2 Q I'm going to hand you a copy of your report. Just ask
3 you to review it.

4 A Yes, sir. He stated that Lawrenzer Walker was the one
5 that removed it from Kemp and sold it to Tremaine Campbell.
6 Tremaine Campbell says he doesn't know Quick and never
7 bought a gun.

8 Q Thank you. Now, there were three basic statements, if
9 I could summarize. There was, "I don't know nothing about
10 nothing." "I was there, but Lawrenzer did it." And then,
11 "It was me."

12 A Yes, sir.

13 Q Okay. And all of those statements were given within
14 four days of the shooting, correct?

15 A Yes, sir, from November 20th to November 24th.

16 Q Would it be fair to say that each of those times you
17 were given those statements, he was trying to avoid a
18 further level of involvement in this case, from the police?

19 A His story changed so many times that we could say he
20 was trying ---

21 Q Well, he changed three times, right?

22 A It's changed numerous times, including today.

23 Q Okay. And the first time, the night of the incident,
24 "It had just happened, and I don't know anything"?

25 A That's correct.

CASTLE DOCTRINE HEARING
Cross-examination of Nyle Eltzroth by Mr. Walker

1 Q And nobody is under arrest at that time?

2 A No, sir.

3 Q The second time, he is under arrest, but for only
4 obstruction of justice?

5 A Well, at the time, the murder warrants and possession
6 of a weapon during the commission of a violent crime were
7 not served until the end of the interview.

8 Q So you had obtained them, but had not yet served them?

9 A That's right.

10 Q But at the time, he only believed he was under arrest
11 for only obstruction of justice?

12 A No, he mentioned at the beginning of the interview, he
13 asked what was going on. He had mentioned murder and
14 possession of a weapon during the commission of a violent
15 crime.

16 Q Okay. But you served those warrants at the end and
17 then after that is when the third statement came?

18 A Yes, sir. A few days later.

19 Q Now, it would probably be fair to say that all of those
20 statements at the time Taquan Brown, in your opinion, was
21 trying to make self-serving statements; is that correct?

22 THE COURT: I'm sorry, Matt. Speak up. Make himself
23 what?

24 Q Was all the statements he was making self-serving?

25 A I don't quite understand what you mean by that.

1 Q He was trying to make statements that would cast him in
2 the best light or get him out of trouble?

3 A Well, generally, when somebody changes their story
4 numerous times they're trying to avoid the truth, so.

5 Q Okay. Now, you're a Federal probation agent now,
6 correct?

7 A Yes.

8 Q And Taquan is actually on Federal probation; is that
9 correct?

10 A I'm not sure of his current status. I know at the time
11 of the incident, he was.

12 Q Did you know what he was on for?

13 A If I recall correctly, it was pertaining to checks.

14 Q Conspiracy to check fraud; does that sound right?

15 A Sounds familiar.

16 Q And as a convicted felon, if he admitted to having a
17 gun, that would be a violation of his probation, correct?

18 A I would assume they would violate him, yes, sir.

19 Q Well, I mean you would violate someone that you're
20 supervising on that, right?

21 A Well, at the Federal level, all we do is report to the
22 judge. We can make a recommendation, but it's ultimately up
23 to the judge. The judge signs all warrants and gives
24 approval to any recommendations or overturns any
25 recommendations.

CASTLE DOCTRINE HEARING
Cross-examination of Nyle Eltzroth by Mr. Walker

1 Q Okay. But if it came to your attention that one of
2 your probationers was running around with a gun, that would
3 be -- they certainly would be running the risk of being
4 violated?

5 A Yes, sir.

6 Q Now, you said that Taquan was avoiding the truth, in
7 your opinion?

8 A Yes, sir.

9 Q So do you think he was doing that to benefit himself?

10 A Well, obviously, being that he was informed it was a
11 murder investigation, he seemed to be trying to avoid being
12 charged with murder.

13 Q Okay. And we can see that Taquan will change his story
14 if he thinks it will help him?

15 A I don't know if he thinks it's going to benefit him or
16 not.

17 Q Okay. But Taquan would have no way to change the
18 physical evidence in the case, correct?

19 A No, sir.

20 Q He had no way to influence the toxicology reports
21 showing that Mourice Kemp was high on cocaine?

22 A Unless he injected it into his body, but no, sir.

23 Q Right. Or that Mourice Kemp was .137 on blood alcohol
24 level at the time?

25 A Not to my knowledge he would be able to.

1 Q And I believe on the video, and of course in the
2 reports you presented, you talked to many people about this
3 incident and got many different versions of what happened;
4 is that correct?

5 A I wouldn't say many different versions. I got two of
6 the same versions and then one that led up to it; not to the
7 scene, but the actual shooting.

8 Q But in all the versions and everybody you talked to,
9 Mourice Kemp left his car and advanced on Taquan Brown?

10 A Yes. In particular, from what Coco stated that Taquan
11 was ---

12 Q Well, hold on there, because you had talked to Coco
13 about why you did what you did and why you obtained murder
14 warrants and things, but of course, she is not with us and
15 can't -- really, her version is not going to be a version
16 that is really bearing on for the truth.

17 THE COURT: Counsel, don't give legal opinions. Just
18 ask a question to the witness.

19 Q I don't want to know what Coco said, because I don't
20 believe it's admissible for ---

21 THE COURT: That's your opinion.

22 MR. WALKER: Yes, Your Honor.

23 THE COURT: Proceed. Don't instruct the witness as to
24 what is or is not admissible. That is not your job.

25 MR. WALKER: Yes, sir.

CASTLE DOCTRINE HEARING
Cross-examination of Nyle Eltzroth by Mr. Walker

1 Q Did anyone tell you that anyone, other than Mourice
2 Kemp, had left his car and advanced on Taquan Brown?

3 A Well, to answer that question specifically, throughout
4 my investigation with witnesses on scene, corroborated with
5 physical evidence on scene, Taquan had to come down the
6 sidewalk towards the car, and at some point, come within a
7 proximity of Mourice.

8 Q Okay. But Mourice, from your investigation and from
9 what you were told, and the physical evidence, would have
10 had to come toward Taquan, as well?

11 A Yes. As Taquan was coming down with the gun in his
12 hand.

13 Q All right. And did you talk to Taquan's Federal
14 Probation Agent about this case at all?

15 A Initially, I believe I provided them with copies of the
16 warrant. I think I provided them with the initial part of
17 the incident report. I couldn't provide them with the whole
18 thing because the investigation was still ongoing.

19 Q So not any time recently?

20 A He had come to the jail at one point, and Taquan wanted
21 to talk to him. Taquan asked me to come over there. I told
22 him I couldn't, but as far as since me being hired or
23 anything of that sort, no, sir.

24 Q Do you recall testimony that you gave at the
25 preliminary hearing in this matter?

1 A It's been a while, but I mean, I recall most of it.

2 Q Do you recall giving testimony that Mourice Kemp was
3 advancing upon Taquan and it would have been reasonable for
4 him to be in fear?

5 A I never said it would have been reasonable for him to
6 be in fear.

7 Q Okay. I have no further questions.

8 THE COURT: Redirect?

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

10 REDIRECT EXAMINATION

11 BY ASST. SOL. LEGETTE:

12 Q At some point, your department went to the hotel room
13 of Mourice Kemp?

14 A Yes, ma'am.

15 Q What was located in that room of any evidentiary value?

16 A The same gun as described by Taquan Brown.

17 Q That belonged to ---

18 A That was believed to belong to Mourice Kemp.

19 Q And what caliber gun; do you remember?

20 A If I recall correctly, it was a .357 snub nose
21 revolver.

22 Q And that was found in his hotel room?

23 A Yes, ma'am.

24 Q Thank you. No further questions.

25 THE COURT: Recross, limited to redirect.

1 MR. WALKER: None, Your Honor.

2 THE COURT: Mr. Eltzroth, you may step down from the
3 witness stand.

4 THE COURT: Call your next witness.

5 ASST. SOL. LEGETTE: Your Honor, the State rests at
6 this time.

7 THE COURT: All right. Mr. Walker, I will hear you,
8 briefly; and Solicitor, I will hear you. Mr. Walker has the
9 burden of proof by the preponderance of the evidence. Mr.
10 Walker, would you like to open?

11 MR. WALKER: Yes, Your Honor. Thank you.

12 THE COURT: Happy to hear from you.

13 THE COURT: Matt, if you don't mind, would you come up
14 and use the microphone for Becky's and my sake. If you're
15 uncomfortable about it, just speak up.

16 MR. WALKER: No, sir. This is fine. Thank you.

17 THE COURT: Well, let me say this. We all know what
18 the statute says. So you don't have to -- I mean, if you
19 want to, you can briefly, but you agree that the case law
20 says you have to prove the elements of self defense in order
21 to avail yourself of the statute. You agree that's what the
22 case says?

23 MR. WALKER: Yes, sir.

24 THE COURT: You also agree that the burden of proof is
25 on you and it's by the preponderance of the evidence.+ .

1 MR. WALKER: Yes, sir.

2 THE COURT: So our case law and our Supreme Court has
3 recently emphasized that immunity under the Act is
4 predicated on an accused demonstrating the elements of self
5 defense to the satisfaction of a trial court by the
6 preponderance of the evidence. Except, and I should say
7 that, Matt, the duty to retreat.

8 However, there are four elements required by law to
9 establish a case of self defense. First, the defendant must
10 be without fault in bringing on the difficulty. Second, the
11 defendant must have actually believed he was in imminent
12 danger of losing his life or sustaining serious bodily
13 injury or he actually was in such imminent danger.

14 Third, if his defense is based on a belief of imminent
15 danger, a reasonably prudent man of ordinary firmness and
16 courage would have entertained the same belief, and if the
17 defendant actually was in imminent danger, the circumstance
18 was such as would warrant a man of ordinary prudence,
19 firmness, and courage to strike the fatal blow in order to
20 save himself from serious bodily harm or losing his own
21 life.

22 And fourth, that the defendant had no other probable
23 means of avoiding the danger of losing his life or
24 sustaining bodily injury than to act as he did in a
25 particular instance.

1 Do you agree that those are the elements of self
2 defense?

3 MR. WALKER: Um ---

4 THE COURT: I'm quoting exactly from the Supreme Court,
5 Mr. Walker. I haven't varied one word from it.

6 MR. WALKER: Yes, sir. I absolutely agree, Your Honor.

7 THE COURT: All right. Let me hear from you.

8 MR. WALKER: Your Honor, as to the fourth element, I
9 would say we're not considering the fourth element at this
10 point, because that's the duty to retreat. So we're really
11 only looking at the first three.

12 I think we can look at ---

13 THE COURT: And I also believe to the extent that it's
14 an issue here, that there is, because of the case law, it
15 doesn't matter whether the victim was armed or not. Whether
16 the victim had a gun, whether the gun was in the motel,
17 whether the gun was on his person, whether or not a gun
18 existed or a weapon existed is not necessarily an outcome
19 determinative fact; do you agree?

20 MR. WALKER: I agree that it doesn't matter; it's not
21 determinate, but I think it's helpful when determining the
22 reasonableness of his actions and his state of mind. The
23 knowledge that he did possess a gun and that he had, in
24 fact, observed him present it in a threatening way a little
25 more than a week previously.

1 THE COURT: All right.

2 MR. WALKER: And that is what I think is instructive
3 about the prior consent that it's demonstrable knowledge
4 that Mourice Kemp did, in fact, own a gun and was not afraid
5 to use it or at least threatened to use it. I would refer
6 to some of the photos ---

7 THE COURT: Well, there's a conflict in the testimony
8 there as to whether or not he actually ever threatened your
9 client or threatened others in your client's presence, but
10 let's move on and you tell me what you think.

11 MR. WALKER: Again, Your Honor, it's just to his
12 knowledge that it happened either way. As to being without
13 fault to bringing on the difficulty. The only testimony
14 that this Court has heard, and I think we can even back it
15 up and start without even considering how Mourice Kemp's
16 arrival and the going on into his house, even if Taquan had
17 been in his yard with a firearm, because he knew that
18 Mourice Kemp was a dangerous person, if words are exchanged
19 and Mourice Kemp is threatening him, which is the only
20 testimony before Your Honor, he's in his yard where he has a
21 right to be and has no duty to retreat.

22 However, Mourice Kemp is not, and in fact, is in the
23 public street and left where he was in public and advanced
24 into Taquan Brown's yard in a threatening manner. The
25 officer testified that if you're within 30 feet, it would be

1 in line with his training to use deadly force if he was in
2 fear of someone. And the testimony you've heard from both
3 Officer Chapman and C.T. Horton with the distances to the
4 front door at 38 feet, and we know that Taquan Brown was
5 closer than that. So we're talking distances of probably
6 120 feet apart at the time the shots were fired. And the
7 photographs that were submitted with the brief and by the
8 State, demonstrate that, in fact, the fatal shots were fired
9 when Mr. Kemp was in Taquan Brown's yard.

10 But backing up, again, if the encounter had just
11 happened in the yard, you know, going on in the front door,
12 I believe that would satisfy the elements, but we don't have
13 -- we have much more than that. We have the fact that
14 Taquan Brown was home asleep in his bed and Mourice Kemp
15 comes and bangs on the door at 4:30 and that's what really
16 initiates things, and of course, the toxicology report shows
17 that he has very high levels of cocaine and alcohol, as well
18 as a little bit lower levels of marijuana. We heard from
19 Ms. Fulks that he was drinking and smoking marijuana with
20 her earlier that evening.

21 The toxicology report also lists the traits that are
22 characteristic for those types of use, such as aggression,
23 paranoia, poor decision making, all of which would be
24 consistent with the reported behavior of Mr. Kemp at that
25 time. The autopsy report also in this case shows the case

1 of Mr. Kemp that he is a very large man. In keeping with
2 his nickname of "Big Mo," certainly bigger than Taquan, and
3 again, going to the reasonableness of the threat and the
4 belief -- you heard several witnesses say that he was
5 reaching.

6 I noticed the pictures submitted by the State that show
7 the actual body, but indicate that he was kind of wearing
8 longish shorts and was wearing a belt, but perhaps, and
9 certainly no gun was found at the time, but perhaps even
10 just holding up his pants as he was running would explain
11 why he might be reaching for the waistband and be
12 misinterpreted. We can't know, but that's a surmise.

13 But certainly, Taquan doesn't have -- as Your Honor
14 stated, doesn't have to wait for him to actually produce a
15 gun or a knife or anything, he can act on appearances.

16 The only testimony that is before the Court, as to the
17 first element, is that Taquan was home. Did nothing to
18 initiate contact with Mourice Kemp that night. Even after
19 getting him out of the house and going into the lawn, the
20 only testimony before the Court is that he was just
21 encouraging him to go on and get out of here. And that
22 whatever transpired, Mourice Kemp took umbrage and began an
23 advance on Taquan Brown while Taquan was still in his yard
24 where he had every right to be.

25 And as far as the second element, he actually believed

1 he was in immediate danger of losing his life or serious
2 bodily injury. We have heard testimony that he was, in
3 fact, afraid. Had seen this incident of previous, whether
4 it was pointed at him or whether he was present with people
5 whom the threat was directed, he had certainly seen a
6 firearm presented in a threatening manner by the deceased
7 previously, so he would have that prior knowledge, as well
8 as knowledge of the community that you've heard testimony
9 from as well that Mr. Kemp was somewhat of a hothead. As
10 well as testimony you've heard that Mr. Kemp was making
11 threats toward Taquan Brown at the time of the incident.

12 And then thirdly, we believe that the -- that a
13 reasonably prudent man would, in fact, have entertained the
14 same and used the same level of force in protection. Again,
15 we would reference the testimony of the officer about how it
16 is in fact -- they are, in fact, trained. That those
17 distances are such that it is dangerous and they would feel
18 justified in using deadly force with a large man advancing
19 on them making threats, and that would be something that is
20 in line with self defense training.

21 So we would believe that those things would meet the
22 elements. We also believe -- and it's unfortunate that
23 after it happened that Mr. Brown did not go and put down the
24 gun and say, "This is what I've done," but instead, trying
25 to avoid everything, he made these series of statements, but

1 none of which contradict, overall, from all the witnesses,
2 all of their inconsistencies, Mourice Kemp shows up. He
3 shows up angry and inebriated, which backs up physical
4 evidence, and that he advances upon Taquan in the yard, and
5 ultimately suffered a fatal injury.

6 You know, certainly, these statements are unfortunate
7 and not the proper way to proceed. They are obvious
8 attempts by Taquan to get out of trouble or avoid
9 involvement, or put the blame on somebody else. I think --
10 and certainly not the way that it should have been handled.
11 But what that proves is probable obstruction of justice, but
12 those subsequent statements don't, and the fact that they
13 vary, because none of those three statements give facts that
14 would give rise to a level -- they would still -- sorry.

15 The subsequent mis-statements are certainly explainable
16 by just trying to stay out of trouble, by trying to keep out
17 of the Federal probation, by apparent inability to, you
18 know, trying to say whatever is going to help him. But the
19 physical evidence ---

20 THE COURT: It also affects his credibility.

21 MR. WALKER: Absolutely, Your Honor, which is why ---

22 THE COURT: That's the bottom line, one way or the
23 other, when you give inconsistent statements. You've used
24 it in every trial you've ever had in front of me if you feel
25 like you have an inconsistent statement.

1 MR. WALKER: Yes, sir. Which is why I believe that the
2 physical evidence is what is key here, and in fact, while
3 Mr. Brown's credibility is shot basically, the fact that the
4 other witnesses largely substantiated, as well the physical
5 evidence substantiating, those versions of facts. Where is
6 there really is no other admissible evidence to the
7 contrary. Certainly, there are suppositions by the State as
8 to "well, this could have happened," or "that could have
9 happened," or "you came out and taunted him," but there's no
10 evidence of that. And I believe certainly under a
11 preponderance standard, the only evidence that's before the
12 Court satisfies the first three prongs of self defense.

13 THE COURT: Thank you very much. All right, Ms.
14 Legette, let me hear from you.

15 ASST. SOL. LEGETTE: Thank you, Your Honor. Your
16 Honor, with regards to the motion by the defense, I would
17 respectfully ask the Court to deny the motion for immunity
18 based on the preponderance of the evidence standard.

19 Your Honor, the evidence presented by the defendant,
20 just to be frank about it, we don't believe it's credible,
21 Your Honor, and as attested to by several of the witnesses
22 from the defense, and that would be Wylie James, Jermaine
23 Brown, and Taquan Brown. Your Honor, if we go back to what
24 Mr. Jermaine Brown talked about with regards to the
25 photograph that the defendant put into evidence, Mr. Brown

1 indicated that he was watching and that the victim went
2 toward Mr. Brown who was standing over to the, I believe,
3 the left hand side. But if you look to the pictures where
4 the body was actually placed, basically, it appears that he
5 probably would have been shot from a right angle, Your
6 Honor. If you read the toxicology report, the actual bullet
7 apparently goes right. It goes slightly right, as a matter
8 of fact.

9 With regards to Mr. Brown's further testimony, Mr.
10 Brown talks about the people who were present, and he
11 indicated that both he, Wylie James, and Jerome Hall got
12 into the vehicle and they left together. Your Honor, when
13 we talked to Mr. Wylie James, Mr. James said that he left by
14 himself. That he wasn't even there with any friends. He
15 basically mentioned Nayronne Holmes, the lady in the
16 wheelchair, and I believe, Mr. Taquan Brown, but he never
17 even mentioned that there was anybody else present.

18 Additionally, Mr. Wylie James indicated that the path
19 of the victim, Mr. Kemp, was into Mr. Brown's house and out
20 the back door and back into the back door, and I believe
21 then he went -- I'm not really sure, but he went in and out
22 and then he went across to the other apartments, Your Honor.

23 So we believe that the actual testimony of the defense
24 witnesses was not credible, was inconsistent. Additionally,
25 Mr. Brown himself, Taquan Brown, testified to a totally

1 different statement here today than he ever gave in the
2 first, second or third interviews, which he gave to
3 Detective Eltzroth at the time of his interviews.

4 In addition, Mr. Taquan Brown's testimony is different
5 from that of Mr. Jermaine Brown, as well as Mr. Wylie James.
6 So we believe the actual testimony itself of those witnesses
7 is simply not credible. The testimony of Larry Council,
8 Your Honor, that testimony, too, is also not credible, as
9 evidenced by Mr. Council admitting that he had changed his
10 statement from the point where he talked to Detective
11 Eltzroth, and Detective Eltzroth even indicated to the Court
12 about what he actually said to him in the interview that
13 there was no actual pointing and presenting of a firearm of
14 the victim towards Mr. Taquan Brown, Larry Council, and
15 E.B., otherwise known as Nayronne Holmes.

16 In addition, Mr. Taquan Brown, in his second statement,
17 which we watched here at the bar, briefly. Your Honor, Mr.
18 Taquan Brown indicated he had no problem, no prior beef with
19 Mr. Kemp, the victim. He indicated he had no problems.
20 Indicated that there had not been any bad blood. Indicated
21 the victim had never pulled a gun on him. That whatever had
22 happened, it happened between someone else and the victim
23 himself.

24 Your Honor, we submit to the Court that the testimony
25 given by the defense witnesses is not credible and

1 therefore, it cannot be trusted. With regards to the
2 physical evidence which the defense attorney himself has
3 admitted is basically the credible evidence in this
4 particular case, Your Honor.

5 If you will look at the physical evidence that we have
6 put into the actual evidence, Your Honor, that includes the
7 photographs, the crime scene sketch, along with the
8 measurements done by Captain Jason Chapman, Your Honor,
9 those measurements were done scientifically, and they were
10 put into the actual program to bring to you today for a more
11 competent overview of what actually happened at the crime
12 scene.

13 If you will look at those particular photographs, Your
14 Honor, you will see, along with the L-3 Video, as testified
15 to by Sgt. Rob Edwards, you will see that the victim himself
16 is only one step off of the actual sidewalk. Your Honor,
17 the other testimony was that he was standing, that the
18 footprints are actually of a walking-type footprint. There
19 is a top footprint. Captain Chapman testified about the
20 crime scene and that these footprints were the top footprint
21 and they appear to be in a walking pattern. There was no
22 toe heel, or what he called toe in or digging in the back to
23 suggest that someone would have been running. That those
24 shoe prints, as he called them I believe, they are actually
25 in a walking manner and they disappear into the grass. And

1 if you will look at those particular photographs, along with
2 the L-3 Video, you can see the victim lying there just
3 barely off the sidewalk, almost a foot off the sidewalk,
4 Your Honor, but one step off the sidewalk, I believe Sgt.
5 Edwards testified to.

6 Additionally, Sgt. Edwards testified to Mr. Kemp not
7 moving very fast. He was over 300 pounds and he did not
8 move very fast. He demonstrated the way he walked. Your
9 Honor, the scientific evidence that we've brought before the
10 Court today, the physical evidence itself, suggests that
11 what the witnesses brought in by the defense attorney, or
12 the defense, are not competent and they are not credible.
13 We would ask the Court to look at the physical evidence in
14 this matter, Your Honor.

15 In addition, Your Honor, with regard to self defense,
16 and it is a complete defense, Your Honor, and we would
17 submit to the Court that you have to be without fault in
18 bringing on the difficulty. We have to admit that the
19 victim himself did not live in this area and he came there
20 looking for a certain Courtney Boulware. And if Courtney
21 Boulware were here to testify, we would never be at this
22 hearing. We would just be having the question of facts for
23 the trier of facts, the jury, but subsequent to her death,
24 of course, we no longer have that testimony to be able to
25 put before a jury. Therefore, it comes down to the

1 witnesses who are not credible, Your Honor.

2 And so with regards to the without fault in bringing on
3 a difficulty, Your Honor, Mr. Kemp went into the house. The
4 door was opened, there was nothing about -- Mr. Brown never
5 mentioned anything about that night of him kicking the door
6 in, door off the hinges; Lawrenzer Walker opened the door.

7 The victim came inside. He was allowed to look around.
8 He went out the door, according to Mr. Brown in his second
9 statement, he even shook the victim's hand whenever he asked
10 him, "Where is Coco?" He said he had no problem with him.
11 And then when he went out the back door, isn't it telling
12 that the victim asked to come back in. This man asked to
13 come back in and they tell him, "No, you can't come in."
14 And he doesn't kick the door in at that point. Or if you
15 listen to what Mr. Taquan Brown said here today, the door
16 wouldn't close. Even though the door wouldn't close, if you
17 believe that version of the facts, the victim still didn't
18 force his way in. He just went around the side and came out
19 to the car and was getting in the car. Actually got into
20 the car with the actual object of his desire, Ms. Courtney
21 Boulware.

22 Your Honor, as he was walking back towards the car, at
23 this point, Taquan Brown testifies to in his second
24 statement, he told Lawrenzer Walker to "Close my door and
25 turn off the light." And here's the thing, Your Honor, if

1 Mr. Brown would have closed the door and turned off the
2 light, and not gone back outside, we wouldn't be here.
3 Somebody's testimony was that, basically, Mr. Brown was
4 outside with the gun. And Mr. Brown, according to the GSR
5 expert, Your Honor, he had to be within two and a half, to
6 three feet of the victim.

7 If you look at those photographs, the physical evidence
8 in this case that is the only competent evidence, Your
9 Honor, you will see that the victim is one step off of the
10 actual sidewalk. He weighs 374 pounds in the autopsy report
11 and he is 72 inches tall, which means, Your Honor,
12 basically, he fell where he stands. And he is basically
13 right off of the sidewalk. Mr. Brown had to come down the
14 sidewalk. The same thing he said in that second statement
15 is the same thing that happened. The only difference is
16 that he is the person that actually approaches Mourice Kemp
17 and he is the person that pulls that trigger. It was not
18 Lawrenzer Walker and it was not self defense, Your Honor.

19 So what we would submit to you, Your Honor, is that
20 Mourice Kemp, two and a half to three feet away, to get GSR
21 on his hands; he had his hands up very likely. And what
22 does Taquan Brown do but point that gun. You heard Sgt.
23 Edwards say that basically he would have had a hard time
24 making that shot unless nobody was moving and it was a
25 stationary object. And what happened? Stationary target,

1 Taquan Brown walked away from his apartment, walked down the
2 sidewalk, and shoots Mourice Kemp while he's standing there,
3 Your Honor.

4 We believe that he is not without fault in bringing on
5 the difficulty. When I asked him the question, "Mr. Brown,
6 why didn't you just stay in the house?" He could not answer
7 that question. He could not answer that question, Your
8 Honor. And that is very telling. He had an answer for
9 everything else, but he could not answer the question as to
10 why he did not stay in the house. If he had stayed in the
11 house, Mourice Kemp was getting in the vehicle to leave. He
12 was leaving, he had the object of his desire, he had gotten
13 in, the car door was wide open, the key was in the ignition.
14 He came there for her, he found her, and he was leaving
15 until Mr. Taquan Brown accosted him with the gun and that's
16 when he shot him.

17 Your Honor, a reasonable man would have -- a reasonable
18 man, like Mr. Taquan Brown said here today that he was
19 afraid, that reasonable man would have stayed inside the
20 house if he was so afraid of a 374 pound, six foot tall man,
21 who had just come into his house. He would have stayed
22 inside the house. A reasonably prudent man of ordinary
23 firmness and fitness would have stayed inside the house. It
24 was not reasonable for Mr. Taquan Brown who said he was so
25 afraid to walk outside of that house that night and accost

1 the man who was coming there looking for a woman who was
2 getting in a car and then accost him with whatever words
3 were exchanged, he was accosted, Your Honor.

4 So we submit, Your Honor, that the first prong and the
5 third prong in the actual self defense statute, or defense
6 itself, Mr. Taquan Brown cannot meet those particular
7 elements of self defense, Your Honor.

8 Your Honor, with regards to everything else, and as far
9 as number two in the self defense prong, Your Honor, we
10 believe that the evidence that Mr. Taquan Brown presented to
11 you, the first statement at the house, the second statement
12 on the video, the third statement on the video, and the
13 fourth statement on the video, you cannot trust any of them.
14 Even his testimony here today is different. The defense
15 asked him if he caused it, and he and said that the victim
16 called him when he came back to the door, none of that was
17 mentioned in the second statement on the video here today,
18 Your Honor.

19 So the evidence that you have before you that was laid
20 out by the defense attorney, or the defense himself, cannot
21 be trusted. Even the testimony by Mr. C. T. Horton, Your
22 Honor, he's a good man. Unfortunately, the information he
23 received was from a person who actually gave him an
24 approximate distance as to where things were. They were not
25 pulled from any poles. They were not pulled from any

1 locations. They simply were where a witness said that
2 something was, and nothing beyond that, Your Honor.

3 So at this time, Your Honor, we submit to the Court
4 that Mr. Taquan Brown, we would ask you to respectfully to
5 deny the motion for immunity, Your Honor. We don't believe
6 that Mr. Taquan Brown has met any of the elements of self
7 defense, and Your Honor, we would ask the Court to deny said
8 motion.

9 We believe that the Castle Doctrine does not apply in
10 this matter. Furthermore, we submit to the Court that if
11 Courtney Boulware was here today, which is what Nyle
12 Eltzroth used to actually bring these warrants, to actually
13 bring Taquan Brown into Court, that we would never have been
14 here, because the evidence he used was a totality of the
15 circumstance principle where he talks with all of the
16 witnesses and thereafter was able to make a competent
17 decision.

18 So if she were here to testify today, Your Honor, we
19 would never have been here and this would be a case
20 submitted to the trier of facts, the jury, and we would ask
21 you to deny the motion of the defense counsel and submit
22 this case to the jury for a trial.

23 THE COURT: Thank you. All right, counsel, because
24 this is fresh in my mind, I want to take a look at the
25 exhibits. I want you to sit tight. Keep the defendant

1 here. Let me take a moment to look at the exhibits and I'm
2 going to come back and give you my ruling.

3 (Court reporter hands up to the Court the exhibits for
4 review. Whereupon, the case is in recess until 7:25 p.m.
5 and then the following is held on the record.)

6 THE COURT: Let the record reflect that all the parties
7 are present and the defendant is present, and counsel for
8 the defendant and the State is present.

9 I have gone back through each of the paper exhibits,
10 and particularly, at the request of Mr. Walker, I have
11 reviewed the testimony of Lawrenzer Walker, and after
12 reviewing -- I also have gone back and read the Douglas
13 case, which is found at 768, S.E. 2d, 232, and I have also
14 reviewed the Duncan case, which is found at 709 S.E. 2d,
15 662.

16 After reading the cases, examining the evidence,
17 listening to the evidence, which includes -- I did not
18 reexamine the videos that we watched during the trial
19 hearing, after reviewing the evidence, I believe the
20 defendant has not met the burden of proving the elements of
21 self defense by a preponderance of the evidence for the
22 purposes of this hearing.

23 In particular, I believe from listening to the
24 evidence, the defendant has not proved by a preponderance of
25 the evidence that the defendant was without fault in

1 bringing on the difficulty by a preponderance of the
2 evidence.

3 Additionally, there is, at best, conflicting evidence
4 as to whether the defendant actually believed he was in
5 imminent danger of losing his life or sustaining serious
6 bodily injury or he actually was in such imminent danger.
7 For these reasons, the defendant's motion under the Castle
8 Doctrine, under our statute, is respectfully denied.

9 Now, I want to say this, because I'm ruling on
10 immunity, for purposes of this, which is exactly what the
11 Legislature intended, that someone would be immune from
12 criminal prosecution if proven by a preponderance of the
13 evidence does not mean, Solicitor, that I do not believe
14 that self defense should not be charged in this case,
15 because I certainly believe that it should. There may be
16 other things that the evidence raises that should be charged
17 in this case as well.

18 I think I've accurately stated my position. I would
19 point out that in reviewing the testimony of Mr. Walker, who
20 was not present, but the Solicitor had him testify under
21 oath, and Mr. Matt Walker wanted me to review Mr. Lawrenzer
22 Walker's testimony, which I first denied, because I didn't
23 have a chance to judge his credibility. I noted in his
24 testimony that Mr. Lawrenzer Walker, on January 20th, 2015,
25 stated "So he come in, and he goes toward the back door. So

1 we told him, 'She's not here,'" referring to the witness who
2 I understand from Mr. Matt Walker is now deceased, Coco. "He
3 leaves and we lock the back door. He go and bang on the
4 back door or the back window, and then he came back saying,
5 asking Taquan can he let him come in so he can go through
6 the front to the car." Taquan told him no. He started
7 threatening him again as he was going around. But by the
8 time we was leaving to go like toward the living room," and
9 then the transcript says 'E.B.,' that's the next door
10 neighbor, 'He was coming in the house. He had a gun in his
11 hand, the revolver, the one I had threw over the field.
12 Taquan took it from him. He asked him, 'No, give it to me.
13 I need it.' And Taquan say, 'You don't need the gun.'"

14 Based on all of the things which I heard, I do not
15 believe that the defendant has met the burden of proving the
16 elements of self defense by a preponderance of the evidence,
17 and therefore, your motion is respectfully denied.

18 Counsel, we will start at 10:00 in the morning. It is
19 definitely my intention to charge self defense in this case.
20 I will expect you to be present to go forward at 10:00 a.m.
21 in the morning. I return all of the exhibits which I have
22 reviewed for purposes of this hearing to the court reporter.
23 I might add that I also reviewed in detail the pathology
24 report, which included also the lab work in connection with
25 this matter. I return all of those exhibits to the court

1 reporter at this time. I will see each and every one of you
2 in the morning at 10:00. This Court now stands adjourned.
3 Thank you very much.

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

5 (Tuesday, June 23rd, 2015, 10:10 a.m., whereupon the jury
6 enters the courtroom and the following is held on the
7 record.)

8 THE COURT: Madame Clerk, please swear the jury.

9 CLERK: Would you stand and raise your right hand,
10 please.

11 (WHEREUPON, THE JURY IS DULY SWORN.)

12 THE COURT: So you will have a better understanding,
13 first of all, a couple of ground rules.

14 Now, ladies and gentlemen, let me go over a couple of
15 things with the idea behind me making opening remarks, so
16 you'll have a better understanding of what may be happening
17 when this case is tried.

18 First of all, while you're selected to serve on the
19 jury, I don't want you to discuss this case with others,
20 including your fellow jurors. And when you do discuss it, I
21 want you to discuss it only in your jury room with your
22 fellow jurors when I instruct you to do it.

23 It's very important that each of you keep an open mind
24 and not discuss the case until all of the evidence has been
25 presented and you've heard the final arguments of the

1 that we follow in the trial of the case so you will have a
2 better understanding of what may be happening.

3 Nevertheless, in order to protect everyone's rights,
4 I'll give the parties an opportunity to object to anything
5 I've said if they have any such objections or exceptions.

6 Any objections or exceptions to the Court's comments to
7 the jury, from the State?

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

9 THE COURT: From the defendant?

10 MR. WALKER: No, Your Honor.

11 THE COURT: Ladies and gentlemen of the jury, we will
12 now begin the trial of this case. Please give the attorneys
13 your careful consideration. Listen carefully to the
14 evidence in this case so you can place yourself in a
15 position from listening to determine what the true facts are
16 from the evidence that is presented during the trial of the
17 case. Ms. Legette.

18 ASST. SOL. LEGETTE: May it please the Court, Your
19 Honor?

20 THE COURT: Yes, ma'am.

21 OPENING STATEMENT

22 BY ASST. SOL. LEGETTE:

23 Good morning, ladies and gentlemen. Truth crushed to
24 earth shall rise again. Truth crushed to earth shall rise
25 again. The judge told you this is a search for the truth; a

1 search for the truth. The case that you're about to hear
2 about is where on November 20th, 2013, Mourice Kemp went to
3 Bright's Court Apartments looking for someone, his
4 girlfriend; whatever she was to him, he went looking for
5 her. In the process, he woke up a lot of people; a lot of
6 people. And before he left that night, he ended up dead.
7 The person who shot him was Taquan Brown.

8 Now, ladies and gentlemen, you're going to hear a lot
9 of things. This is a strange case. It's a case where the
10 truth may be crushed to the earth, but your search for that
11 truth will cause it to rise again. Because in this case,
12 you're going to have eyewitnesses whose stories all change.
13 There are a few enduring things in life, a few enduring
14 things. The truth is one of those enduring things. But
15 sometimes it gets crushed by lies, different stories, but
16 the truth itself you can find if you focus on the evidence.

17 Focus on the evidence. The evidence that does not
18 change. The science, the enduring thing, that's where the
19 truth will lie in this. Because the witness's will bring to
20 you their stories, and their stories have grown and grown;
21 those are the eyewitnesses. But the truth, the enduring
22 truth, shall rise again.

23 Ladies and gentlemen, for Mourice Kemp's killing,
24 Taquan Brown has been charged with murder, possession of a
25 weapon during the commission of a violent crime, and

1 obstruction of justice because of what happened in the
2 beginning of the investigation. And when all of the
3 evidence is in, I will come back before you and I will ask
4 you to tell us what the truth is. I will ask you for a
5 verdict, veredicto, Latin, the truth. That's what we're
6 here to search for, the truth. Thank you.

7 THE COURT: Mr. Walker?

8 MR. WALKER: May it please the Court.

9 OPENING STATEMENT

10 BY MR. WALKER:

11 Good morning. We've empanelled a jury today to hear
12 the facts of the case. The judge has told you that you are
13 the sole judges of the facts. He's told you not to worry
14 about errors of law, because it's his job, and in fact,
15 there are people that review his work in that regard, and it
16 can be appealed, but you're the final court of the facts.
17 So here I find myself in a position that I'm rarely in, in
18 that I'm agreeing with the State. You should really focus on
19 the physical evidence, and you should focus on what that
20 indicates, because as she indicated, there are different
21 stories from every single person that was a witness.

22 Mourice Kemp, at 4:30 in the morning, showed up at
23 Taquan Brown's house high on cocaine, legally intoxicated,
24 also had been smoking marijuana, barged in the front door
25 looking for a woman named Courtney or "Coco", walked through

1 his house looking for this lady. Was told by the occupants
2 of Taquan's house, "She is next door." After him leaving
3 that house and going next door and recovering her, because
4 of course this is an apartment complex and these are
5 attached units. So he was leaving with her, and Taquan
6 Brown was in his front yard with a firearm, a revolver, and
7 that Mourice Kemp, instead of getting in his car in the
8 parking lot as he started to do, engaged again with Taquan
9 Brown and charged at him. At which point, Taquan Brown shot
10 him in his yard at a distance of less than 30 feet,
11 substantially less than that.

12 The evidence will show that Taquan Brown had no
13 interest in harming Mourice Kemp before that night. Wasn't
14 expecting to see Mourice Kemp that night. That Mourice Kemp
15 just showed up and started a scene, which all the occupants
16 of that apartments became aware of.

17 I think if you will listen to the facts and listen to
18 the evidence introduced, you will hear a connected series of
19 stories and facts and the witnesses will lay out the
20 sequence of events. As you hear them, as the State said they
21 are trying to prove the charges of murder, possession of a
22 weapon during the commission of a violent crime, and
23 obstruction of justice. I think as you hear these facts,
24 one event, or one continuous series of events, I think in
25 your mind you can separate those out into kind of two

1 general groups of events, for purposes of proof or for what
2 you're trying to decide as you sit on the jury. When
3 they're talking about things before the shooting happened
4 and after the shooting happened.

5 Because the evidence is going to be that Taquan Brown
6 lied. He lied consistently. He lied -- well, I don't know
7 if you can lie consistently. He made multiple inconsistent
8 statement. He lied continually. He lied and was dragged to
9 say that he didn't know anything about it and he tried to
10 put it off on somebody else, and then he said, "Yes, I shot
11 him."

12 Like every other witness at the scene that the police
13 talked to that night, Taquan lied and had disposed of the
14 gun. You will hear that, that they disposed of the gun that
15 Mr. Kemp was killed with. So the police interviews
16 everybody that was there that night they talked to said, "We
17 don't know what happened. We didn't see anything. We were
18 all asleep." The police initially had no lead.

19 So you have those lies from everyone, but specifically
20 for the charges, those are going to relate to the
21 obstruction of justice because they impeded the police from
22 investigating this incident. And I'm not going to talk much
23 more about that, because he did. That's going to be guilty
24 for him on obstruction of justice. So you will need to
25 really focus on the facts that go to the events that lead up

1 to the shooting. Was he justified in that shooting? Was he
2 defending himself?

3 The judge will instruct you not only on the law of
4 murder, but also the law of self defense. It's the State's
5 job to not only prove each and every crime -- lawyers, they
6 have, we talk about elements, building blocks, all of these
7 things that the State has to prove in order to achieve that
8 goal. And they have to achieve that beyond a reasonable
9 doubt. And not only do they have to prove that, but in a
10 self defense case, like this is, they have to disprove self
11 defense, the element of self defense.

12 When you're looking at the facts, and again, you're
13 going to hear, again, all of the witnesses, all of the
14 stories change, so you're going to have to look at well,
15 what about each statement is consistent? And what about
16 each statement is supported by the physical facts? Because
17 you're not necessarily going to be able to say well, that
18 person is automatically credible just because of what
19 they're saying, because I know they haven't always told the
20 truth. But is what they're saying consistent with the
21 physical facts that can't be changed or lied about?

22 Are these elements of the various versions of what
23 happened consistent? Because there are going to be
24 consistencies in everybody's version, and there can be
25 inconsistencies in everybody's version.

1 So when you're looking at what everybody agrees
2 happened, and you look at the physical evidence that you
3 have, the evidence is going to show you that Taquan Brown
4 was acting in self defense that night in an unfortunate
5 incident that he had no fault in beginning; so as to those
6 charges, you will want to direct a verdict of not guilty.
7 Thank you. Please give your attention to the State's
8 witnesses.

9 THE COURT: Call your first witness.

10 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
11 calls Hollis Fuse.

12 (WHEREUPON, THE WITNESS, HOLLIS FUSE, ENTERS THE
13 COURTROOM.)

14 MADAME CLERK: Please come forward to be sworn. Place
15 Your left hand on the Bible and raise your right.

16 (Whereupon, Hollis Fuse is duly sworn.)

17 THE COURT: Please have a seat on the witness stand.
18 Watch your step for me. Have a seat. Pull that chair up
19 and adjust that microphone. It's going to amplify your
20 voice. I want you to begin by stating your full name and
21 spelling your last name for the court reporter.

22 MS. FUSE: Okay. My name is Hollis Fuse, F-U-S-E.

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

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

25

1 DIRECT EXAMINATION

2 BY ASST. SOL. LEGETTE:

3 Q Ms. Fuse, where do you work?

4 A For the Colleton County Sheriff's Office.

5 Q And what are your duties at the Colleton County
6 Sheriff's Office?

7 A I am a dispatch shift supervisor. We answer 9-1-1 and
8 non-emergency and dispatch police, fire and EMS to
9 appropriate calls.

10 Q And how long have you worked for the Colleton County
11 Sheriff's Office in dispatch?

12 A Approximately nine years.

13 Q And were you working for the Colleton County Sheriff's
14 Office in dispatch on or about November 20th, 2013?

15 A I was.

16 Q And what shift were you working?

17 A Night shift.

18 Q And what time is night shift?

19 A It starts at 7 p.m. and ends at 7 a.m.

20 Q And during that period of time, did you receive any
21 calls for assistance?

22 A Yes, multiple throughout the night.

23 Q Okay. Specifically, did you receive any calls about a
24 shooting incident?

25 A I did.

1 Q And what was the caller calling to report?

2 A That they had heard shots fired and there was a person
3 laying on the ground outside.

4 Q And where is this location located? What county is it
5 located?

6 A In Colleton County.

7 Q And what was your response once you heard about the
8 shooting?

9 A I obtained the pertinent information needed for law
10 enforcement and fire rescue and the appropriate agencies
11 were dispatched to the call.

12 Q Now, while working for 9-1-1 dispatch, or the sheriff's
13 office in dispatch, is it proper to make a contemporaneous
14 or immediate recording while this is happening?

15 A Yes.

16 Q And was a recording made in this case?

17 A Yes, ma'am.

18 Q And at my request previously, have you reviewed calls
19 for any inconsistencies or for accuracy?

20 A Yes, ma'am.

21 Q Ms. Fuse, I'm going to hand you now what's been marked
22 previously as State's Exhibit Number One. Take a moment and
23 tell me if you recognize this.

24 ASST. SOL. LEGETTE: May I approach the witness, Your
25 Honor? THE COURT: You may.

1 A I do.

2 Q And what is State's Exhibit Number One?

3 A It's a 9-1-1 recording I listened to on 6-15-2015 from
4 a 2013 call.

5 Q Okay. And in State's Exhibit One a fair and accurate
6 representation of the call that you took on November 20th,
7 2013?

8 A Yes, ma'am.

9 Q Has it been changed or altered in any way?

10 A No, ma'am.

11 ASST. SOL. LEGETTE: Your Honor, at this time, I would
12 offer State's Exhibit Number One for admission into
13 evidence.

14 THE COURT: Mr. Walker?

15 MR. WALKER: No objection.

16 THE COURT: Ladies and gentlemen of the jury, State's
17 Exhibit Number One will be admitted into evidence in the
18 trial of this case without objection. State's One in
19 evidence. You may publish to the jury.

20 (WHEREUPON, STATE'S EXHIBIT NUMBER ONE, 9-1-1 AUDIO CD,
21 IS RECEIVED INTO EVIDENCE.)

22 ASST. SOL. LEGETTE: Thank you, Your Honor. May I
23 approach the witness, Your Honor?

24 THE COURT: You may.

25 Q Ms. Fuse, did you take more than one call or was it

1 just one?

2 A There were two calls that we received that evening.

3 (Audio of first call begins at 11:00; ends at 11:03.)

4 (Audio of second call begins at 11:03; ends at 11:07.)

5 Q Ms. Fuse, is that the 9-1-1 call that you took on the
6 night of November 20th, 2013?

7 A Yes, ma'am.

8 Q Thank you, Ms. Fuse. I have no further questions.

9 Please answer any questions from Mr. Walker.

10 THE COURT: Cross-Examination?

11 MR. WALKER: No questions.

12 THE COURT: As to this witness, Solicitor?

13 ASST. SOL. LEGETTE: We ask that she be excused, Your

14 Honor. THE COURT: Any objection, Mr. Walker?

15 MR. WALKER: No objection.

16 THE COURT: Ms. Fuse, you may step down from the
17 witness stand and you are excused from the trial of this
18 case. Call your next witness.

19 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
20 calls Sgt. Robert Edwards.

21 (WHEREUPON, THE WITNESS, SGT. ROBERT EDWARDS, ENTERS
22 THE COURTROOM.)

23 MADAM CLERK: Please come forward to be sworn. Place
24 your left hand on the Bible and raise your right.

25 (Whereupon, Sgt. Robert Edwards is duly sworn.)

1 THE COURT: Please have a seat on the witness stand.
2 Watch your step for me. Have a seat. Pull that chair up
3 and adjust that microphone. It's going to amplify your
4 voice. I want you to begin by stating your full name and
5 spelling your last name for the court reporter.

6 SGT. EDWARDS: Okay. My name is Robert Weldon Edwards,
7 Jr. My last name is spelled E-D-W-A-R-D-S.

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

9 ASST. SOL. LEGETTE: Thank you, Your Honor.
10 May we approach, Your Honor?

11 THE COURT: Counsel approach.

12 DIRECT EXAMINATION

13 BY ASST. SOL. LEGETTE:

14 Q Sgt. Edwards, where do you work?

15 A Colleton County Sheriff's Office.

16 Q And what are your duties at the Colleton County
17 Sheriff's Office?

18 A Currently I'm a Sergeant on road patrol. I'm road
19 supervisor.

20 Q And as a road supervisor, what do you do?

21 A I manage the units on road patrol.

22 Q Okay. And do you respond to calls from time to time?

23 A Yes, ma'am.

24 Q Okay. Now, Sgt. Edwards, how long have you worked for
25 the Colleton County Sheriff's Office?

1 A I started with the Colleton County Sheriff's Office in
2 February of 2013.

3 Q Do you have any other law enforcement experience?

4 A Yes, ma'am. Prior to working for the Colleton County
5 Sheriff's Office, I worked for the city of Hanahan for a
6 year where I was a corporal and also a supervisor on the
7 road, and I worked for the city of Walterboro prior to that
8 for eight years and left there as a sergeant.

9 Q So Sgt. Edwards, were you working for the Colleton
10 County Sheriff's Office in November of 2013?

11 A Yes, ma'am, I was.

12 Q And specifically, turning your attention to November
13 20th, 2013. Were you on duty that particular day?

14 A Yes, ma'am.

15 Q Can you tell us about that particular morning. Did
16 anything strange happen?

17 A Yes, ma'am. We got a call about a person being shot at
18 approximately 4:45 a.m. on the morning of November 20th at
19 Bright's Court, which is located off of Poor Farm Road in
20 Colleton County.

21 Q And upon receiving this call, what was your response?

22 A When we respond to those calls, we run blue lights and
23 sirens based on the emergency nature of the incident. And
24 upon activation of our blue lights and siren, our camera
25 comes on.

1 Q And when the camera comes on, what would happen? Is a
2 recording made?

3 A Yes. It's recording audio and video.

4 Q Sgt. Edwards, who responded with you that particular
5 evening?

6 A That would be Sgt. Kevin Campbell, and it was Cpl.
7 Lionels at the time, he is actually a Sergeant now, and
8 Deputy Rich Riney, who is now a Corporal.

9 Q And how did they respond with you? Did they also
10 respond with blue lights and sirens?

11 A Yes, ma'am. We all ran blue lights and sirens.

12 Q Now, Sergeant, are you familiar with the actual video
13 recordings in this particular case as far as the in-car
14 camera is concerned?

15 A Yes, ma'am.

16 Q Sgt. Edwards, momentarily I will hand you what has been
17 previously marked as State's Exhibit Number Two for
18 identification. Take a moment and tell me if you recognize
19 this.

20 ASST. SOL. LEGETTE: May I approach the witness, Your
21 Honor?

22 THE COURT: You may.

23 A Yes, ma'am. That is a disc recording for this
24 incident. It's got the incident number on it and it's also
25 got my initials and my call number, and I dated this as

1 viewing this video disc.

2 Q And Sgt. Edwards, is State's Exhibit Number Two a fair
3 and accurate representation of how the incident location
4 look at ■ Bright's Court Apartments when you arrived on
5 November 20th, 2013?

6 A Yes, ma'am.

7 Q And previously, you indicated that you had reviewed it
8 for accuracy.

9 A Yes, ma'am.

10 Q Has it been changed or altered in any way?

11 A No, ma'am.

12 ASST. SOL. LEGETTE: At this time, Your Honor, I would
13 offer for admission into evidence State's Exhibit Two.

14 THE COURT: As to State's Two?

15 MR. WALKER: No objection.

16 THE COURT: Ladies and gentlemen of the jury, State's
17 Exhibit Number Two will be admitted into evidence in the
18 trial of this case without objection. State's Two in
19 evidence. You may publish to the jury.

20 (WHEREUPON, STATE'S EXHIBIT NUMBER TWO, L3 VIDEO OF IN-
21 CAR CAMERA, IS RECEIVED INTO EVIDENCE.)

22 ASST. SOL. LEGETTE: Thank you, Your Honor. May I
23 Approach the witness, Your Honor?

24 THE COURT: You may.

25 Q Sgt. Edwards, would it be helpful for you to have a

1 pointer so you can point yourself out on the actual video?

2 A I could use it, but I can visually tell you. I can use
3 the pointer if it will make it easier.

4 THE COURT: Give him the pointer.

5 ASST. SOL. LEGETTE: May I approach the witness, Your
6 Honor?

7 THE COURT: You may. The jury needs to be able to see
8 what you're talking about. Ladies and gentlemen, can you
9 see the red dot on the screen?

10 JURY: Yes.

11 (State's Two, L3 video begins playing at 11:13 a.m.)

12 Q Sergeant, as we play the video, I want you to narrate
13 what's happening.

14 A Yes, ma'am. We are actually on Poor Farm Road there
15 now. I believe I am the first unit in the row of police
16 cars. You will actually see me turn onto Bright's Court
17 first. It's hard to see with the camera system the way it
18 is; the light is very bright. That's my unit turning onto
19 Bright's Court there. I've actually positioned my vehicle -
20 - my vehicle is directly to the right of the victim's
21 vehicle. The victim is laying on the ground right there.
22 That's me approaching. The victim, checking vitals, seeing
23 what his status is, and then I've at that point called for
24 medical services.

25 Q We're going to pause right here, Sgt. Edwards. If you

1 can, can you tell us where the victim is located in this
2 particular area?

3 A Yes, ma'am. That is the victim's feet. In this area
4 right here is the front sidewalk in front of the apartments.
5 I'd say that the distance roughly between the sidewalk and
6 the victim's feet is approximately one to one and a half
7 steps off of the sidewalk.

8 Q Okay.

9 A To the front door of ■ Bright's Court, you can't
10 actually see it on camera here, but it's roughly 35 to 40
11 feet.

12 Q Okay. Now, Sgt. Edwards, were you able to identify the
13 victim?

14 A Yes, ma'am. I was familiar with him.

15 ASST. SOL. LEGETTE: I think we're done with the video
16 at this point. We're going to bring the lights back up.

17 MS. STALLINGS: We stopped the video at 4:50:23.

18 THE COURT: Becky, you have it noted for the record?

19 COURT REPORTER: Yes, I do.

20 Q Sgt. Edwards, you indicated that you knew the victim?

21 A Yes, ma'am.

22 Q What was his name?

23 A Mourice Kemp.

24 Q How long would you say you've known the victim?

25 A When I started with the City Police Department in 2005,

1 probably since then, around that same year.

2 Q Okay. Now, what was your first priority when you
3 arrived at the location?

4 A Secure the crime scene, render aid to the victim.

5 Q Okay. Now, are you also familiar with the photographs
6 that were actually taken in this case?

7 A Yes, ma'am.

8 Q Sgt. Edwards, in a moment I'm going to hand you what's
9 been previously marked for identification as State's Exhibit
10 Number Three, Four, Five, Six and Seven. Will you take a
11 moment and tell me if you recognize these exhibits?

12 ASST. SOL. LEGETTE: May I approach the witness, Your
13 Honor?

14 THE COURT: You may. Don't show them to the jury,
15 please. Take a look at them and when you finish, let her
16 know.

17 A Yes, ma'am. These are actual photos from the scene
18 that night.

19 Q And Sgt. Edwards, are State's Exhibits Three, Four,
20 Five, Six and Seven fair and accurate reflection of the way
21 the crime scene looked that particular night on November
22 20th, 2013?

23 A Yes, ma'am.

24 Q Have they been changed or altered in any way?

25 A No, ma'am.

1 ASST. SOL. LEGETTE: At this time, Your Honor, I would
2 offer for admission into evidence State's Exhibits Three,
3 Four, Five, Six and Seven.

4 THE COURT: As to these exhibits?

5 MR. WALKER: No objection.

6 THE COURT: Ladies and gentlemen of the jury, State's
7 Exhibits Three, Four, Five, Six and Seven will be admitted
8 into evidence in the trial of this case without objection.
9 You may publish to the jury.

10 (WHEREUPON, STATE EXHIBITS THREE, FOUR, FIVE AND SIX,
11 PHOTOS OF CRIME SCENE, ARE RECEIVED INTO EVIDENCE.)

12 ASST. SOL. LEGETTE: Thank you, Your Honor. May I
13 approach the witness, Your Honor?

14 THE COURT: You may.

15 Q Sgt. Edwards, it's going to be a little difficult for
16 you to see this, Sgt. Edwards, but I'm going to show you now
17 what's been marked as State's Exhibit Number Three and
18 entered into evidence.

19 A Yes, ma'am.

20 ASST. SOL. LEGETTE: Your Honor, may he step down,
21 briefly?

22 THE COURT: Pat, give him the portable microphone.
23 Sgt. Edwards, when you step down, you're going to have your
24 back to my court reporter. If she can't hear you, you're
25 going to talk so she can hear you. Do we understand each

1 other?

2 SGT. EDWARDS: Yes, sir, we do.

3 Q Sgt. Edwards, in State's Exhibit Three, can we start
4 down here?

5 A Yes, ma'am. This is actually the picture of the
6 mailbox that is in front of ■ Bright's Court. You can see
7 here where the officer is at, his fire rescue equipment on
8 the ground, and you can actually see a blood spot right in
9 here from where the victim had been laying.

10 THE COURT: Point it out for the jurors on this end, as
11 well.

12 A Where the fire rescue bags are, where the light is,
13 that is basically where the victim's head was. This is the
14 mailboxes in front of the residence. That's the actual
15 front door and that's the position where the body was when
16 fire rescue was working on him.

17 Q All right. Sgt. Edwards, we're going to now look at
18 State's Exhibit Number Four. Please tell us in State's Four
19 what we're looking at.

20 A That is the fire rescue staff actually working on the
21 victim there. It's Cpl. Riney, Sgt. Nettles, and the victim
22 is actually laying on the ground right there while they're
23 working on him. I believe they're actually putting him on
24 the backboard there, prepping him for transport.

25 Q Do you see any vehicles in this particular photograph?

1 A Yes, ma'am. There's a white vehicle with the door
2 open.

3 Q Tell us again what we're looking at in State's Exhibit
4 Number Four.

5 A Yes, ma'am. These are officers that responded on the
6 scene. That's fire rescue personnel working on the victim
7 there on the ground. There's a white vehicle with the door
8 open.

9 Q All right. Sgt. Edwards, now, in State's Exhibit
10 Number Five. Please tell us what we're seeing in State's
11 Exhibit Number Five.

12 A That's Brian Rowe with Colleton County Fire and Rescue.
13 I don't remember that gentleman's name, that is the victim
14 lying on the ground being hooked up to leads and they're
15 actually conducting lifesaving on him right now.

16 Q And please tell us again for the jurors on this end,
17 State's Five.

18 A Yes, ma'am. That's fire rescue personnel. That's the
19 actual victim laying on the ground. When I arrived on
20 scene, he was actually face down. They had rolled him over
21 at this point.

22 Q And finally, State's Number Six, what are we seeing?

23 A That spot right there is blood from the victim's head.
24 That is fire rescue equipment. That's the door right there
25 in proximity to the where the victim was laying, and that's

1 fire rescue personnel and sheriff's deputies.

2 Q Okay. And for this end of the jury panel, can you tell
3 us again what we're seeing?

4 A Yes, ma'am. That is fire rescue equipment. That blood
5 spot right there, that red spot, is where the victim's head
6 was. That is Cpl. Riney, Sgt. Nettles, and I believe that's
7 Brian Rowe from fire rescue. The door of the residence is
8 actually approximately right there.

9 Q Thank you, Sgt. Edwards. Please have a seat back on
10 the witness stand.

11 THE COURT: Exhibits to the court reporter.

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

13 Q Now, Sgt. Edwards, you testified briefly that you had
14 known the victim, Mourice Kemp, roughly since -- what year
15 did you say?

16 A Roughly 2005.

17 Q And knowing him since that period of time, did you
18 become familiar with his physical characteristics?

19 A Yes, ma'am.

20 Q Can you describe him for the jury?

21 A Roughly six - two, over 300 pounds.

22 Q Okay. Were you ever familiar with the way he moved?

23 A Yes, ma'am.

24 Q Can you tell us briefly about how he moved?

25 A He had a slow, lumbering walk; didn't move real fast.

1 Q Okay. Are you able to demonstrate for us how or were
2 you familiar with how he walked?

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

4 MR. WALKER: Objection.

5 THE COURT: Counsel approach.

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

8 THE COURT: Objection withdrawn. Proceed, Solicitor,
9 consistent with the conference at the bench.

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

11 Q Sgt. Edwards, let's go back briefly. When you arrived
12 at the location at Bright's Court, what could you tell about
13 the victim, about his condition?

14 A I -- he was lying on the ground, basically snoring.
15 When I approached him, I could see blood coming from his
16 facial region and how he was laying was kind of on his
17 stomach with his head facing to the left. I could see blood
18 coming out of his head, and it was at that point that I call
19 for fire rescue personnel.

20 Q Did you believe the situation to be emergent?

21 A Yes, ma'am.

22 Q Now, you talked about having known Mr. Mourice Kemp,
23 the victim.

24 A Yes, ma'am.

25 Q Had you ever seen him move around?

1 A Yes, ma'am.

2 Q How many times had you seen him move around?

3 A I'd hate to approximate; twenty is a fair guess from my
4 perspective. I dealt with him on multiple occasions, just
5 in passing in gas stations and seeing him in a law
6 enforcement capacity. Twenty is a fair estimate, ma'am.
7 That's about the best I can tell you.

8 Q And had you actually seen him walking?

9 A Yes, ma'am.

10 Q And you described him earlier as moving how?

11 A Lumbering is I guess -- almost a waddle.

12 Q Was there anything unique about the way he walked? Did
13 he have certain ---

14 A He kind of had a bow-legged, side to side gait.

15 Q Okay. Are you able to demonstrate that bow-legged,
16 side to side gait?

17 A I'll do my best, ma'am.

18 ASST. SOL. LEGETTE: Your Honor, at this time, I would
19 ask the witness to demonstrate how the victim, Mourice Kemp,
20 walked.

21 THE COURT: You may step down.

22 WITNESS: Do you want to have them stand up so they can
23 actually see the gait?

24 THE COURT: They can see.

25 (Witness demonstrates a slow walk.)

1 Q And is that about the pace he moved at?

2 A Roughly, yes, ma'am.

3 Q If you will do it back for us to your seat?

4 A Yes, ma'am.

5 Q Thank you.

6 (Witness resumes the witness stand.)

7 Q Sgt. Edwards, I have no further questions, sir. Please
8 answer any questions from the defense.

9 THE COURT: Cross-examination.

10 CROSS-EXAMINATION

11 BY MR. WALKER:

12 Q Good morning, Sgt. Edwards.

13 A Good morning.

14 Q Going through some of your testimony earlier, we don't
15 have the benefit of the video being up there, but if you
16 will recall, in the extreme right edge of the video you
17 indicated the deceased body when you arrived?

18 A Yes, sir.

19 Q And you walked up past a white car?

20 A Yes, sir.

21 Q And that was the deceased's car?

22 A As I found out later, yes. Later, he was determined to
23 Be operating it.

24 Q And in State's Exhibit Number Six, when you indicated
25 what was happening to the jury, you pointed to this, and you

1 indicated that this is the apartment. What apartment do you
2 mean by "the apartment"?

3 A ■ Bright's Court.

4 Q Is that Taquan Brown's apartment?

5 A I believe so, yes, sir.

6 Q And so, in this photo, where you're looking at the
7 emergency technician equipment and Taquan Brown's apartment,
8 is that in line back to the car?

9 THE COURT: You may approach.

10 MR. WALKER: Thank you, Your Honor.

11 Q I hand you State's Exhibit Number Six.

12 A I believe this photograph was taken in front of the
13 car, from standing in front of the car.

14 THE COURT: Refer to the exhibit number for the record,
15 please.

16 A This is gonna be Exhibit Number Six.

17 Q All right. Thank you. So that photo would be in front
18 of the car towards the apartment and the body is in that
19 line?

20 A Yes. It was actually laying at an angle from where the
21 blood spot was back towards the sidewalk.

22 Q Okay. Thank you. Now, you testified you arrived and
23 you knew who it was because you were familiar with him and
24 you said since you began with the City Police Department in
25 '05, so your encounters with him were law enforcement

1 related?

2 A Similar, yes.

3 Q Okay. What was the nature of those encounters?

4 A Disturbance calls, casual contacts at gas stations,
5 seeing him around town.

6 Q Okay. Now, you say you know him and you know he's kind
7 of a big guy and he walks slow. When you encountered him,
8 you obviously were not present that night to see how he was
9 moving, correct?

10 A That's correct, sir.

11 Q You've never seen him run, correct?

12 A That is correct, sir.

13 Q And did you talk with Taquan Brown that night?

14 A Yes, I did.

15 Q And he told you he didn't know anything, right?

16 A Basically, yes. I just identified him and spoke to him
17 to see if he heard or seen anything. He wasn't under arrest
18 and I didn't know at the time that he was a suspect. I was
19 merely just trying to gather basic information.

20 Q There weren't any suspects?

21 A At that point, no, sir.

22 Q But he obviously didn't tell you the truth. He told
23 you he didn't know anything?

24 A Along those lines, yes, sir.

25 Q Did you talk to anybody else there that night other

1 than law enforcement and first responders?

2 A Did I talk to anybody else?

3 Q Yes.

4 A I spoke briefly with Mr. Walker, and I don't believe I
5 talked with Mr. Holmes. And I walked up on a conversation
6 that was being conducted with the lady in the wheelchair;
7 I'm not sure of her name who lives in the adjacent
8 apartment, I believe.

9 Q All right. And Mr. Walker also denied knowing
10 anything?

11 A Basically, along those lines, yes, sir.

12 Q All right. And also from what you've heard from the
13 lady in the wheelchair, she did not know anything?

14 A They all claimed to -- I believe Mr. Walker was the one
15 who made the 9-1-1 call that night and heard the -- claimed
16 he heard the gunshots.

17 Q And where -- does Mr. Walker live there?

18 A I don't know, sir. I don't know if he did at that time
19 or not.

20 Q You weren't the person tasked with actually going on
21 and investigating this stuff and following up?

22 A No, sir. I'm just initial response. I took and
23 gathered basic information linked the scene to the
24 detectives.

25 Q Now, as far as your law enforcement duties, what are

1 some of -- do you have other duties that you do as a law
2 enforcement officer besides investigating crimes? I'll be
3 more specific. You're a firearms training officer, aren't
4 you?

5 A Yes, sir.

6 Q And what does that entail?

7 A I instruct deputies and officers in the proper use of
8 handling firearms.

9 Q And not only the physical and mechanical use of
10 loading, cleaning and aiming, but when it's appropriate to
11 do so?

12 A Yes, sir.

13 Q And are you familiar with the 30-foot rule?

14 A Yes, sir, I am.

15 Q Can you tell us what that is?

16 A Whenever somebody is approaching with an edge weapon,
17 or a blunt object, that could be a -- excuse me, cause you
18 great bodily harm and/or death, that is the closest they are
19 allowed to be to you before you draw your weapon.
20 Basically, that's a rule of thumb that we run by. I guess
21 the best way to describe it is you teach them that someone
22 is approaching and you don't want them to get within 30
23 feet, and if they come within that 30 feet, you better have
24 your weapon out to protect yourself.

25 Q Why is that?

1 A Because the gap then would be closed. If somebody is --
2 an average man can close that gap fairly quickly. It used
3 to be 21 feet, but they realized that people could close
4 that gap, so they extended it out to 30. When I first came
5 out to the academy, they taught us 21 feet, but they stepped
6 it out to 30 feet for edge weapons. That was the main thing
7 was edge weapons and blunt objects.

8 Q And basically all that is because the distance can be
9 closed more quickly than it's possible to react?

10 A Yes, sir.

11 Q If someone has a weapon or you fear they might have a
12 weapon?

13 A Along those lines, Yes, sir.

14 Q Because that's the timeframe, anyone inside that if
15 they're going to be a threat to you, you can't react to it
16 quicker than that ?

17 A Per se, yes, sir. You also have to take into terrain
18 factors. There's a lot more to it than just he's 30 feet
19 away, let me draw my weapon.

20 Q Sure. Sure.

21 A Terrain factors, what's in front of you, what's in
22 front of them, what's behind them, what they may -- their
23 speed. Because in all honesty, most officers when I teach
24 them and when they draw their weapon out when somebody's
25 approaching them with a weapon, you usually do what is

1 called a tactical move. You step back and move right or you
2 step back and move left; moving in a direct line of the
3 suspect, so to speak.

4 Q To get out of their way, their momentum?

5 A Basically, yes.

6 Q To try and maintain that gap?

7 A Yes, reaction, again, yes, sir.

8 Q And that's something you actually have to teach
9 officers?

10 A Yes.

11 Q Because it's not a natural reaction?

12 A Most people figure it out after a while, but yes, it's
13 usually not a natural reaction, no, sir.

14 Q Well, you don't want to have multiple encounters,
15 because you don't want to learn that the hard way, right?

16 A That is correct, sir.

17 Q So it would be consistent with the training you give to
18 your police officers, a large man who was threatening them,
19 or making threats to them, and rushing towards them and
20 reaching for his waistband, that would be a time that they
21 could employ deadly force, consistent with the other terrain
22 factors and things that you just said?

23 A Like I said, there's a lot of factors to it. You don't
24 want to have somebody reach in their waistband. You know,
25 you've seen the videos and we all have seen where people

1 reach in their waistbands as they go to get their
2 wallets and that type of thing. However, you should at
3 least have your weapon on target if they're going toward
4 their waistband, for safety purposes.

5 Q But that would be inconsistent with their training.
6 That would be ---

7 A No, sir, you're right.

8 Q I don't have any further questions.

9 THE COURT: Anything further on cross?

10 MR. WALKER: No, Your Honor.

11 THE COURT: Redirect.

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

13 REDIRECT EXAMINATION

14 BY ASST. SOL. LEGETTE:

15 Q Sgt. Edwards, what else do you teach your officers
16 about firearms?

17 A As far as what goes?

18 Q As far as -- you talked earlier with Mr. Walker about
19 firearms and how you are an instructor. How long have you
20 been an instructor?

21 A Since 2011.

22 Q And what else do you teach your officers about firearms
23 and guns?

24 A As far as safe handling and ---

25 Q Yes, safe handling and proper care.

1 A Obviously, when you're doing target -- whenever you're
2 shooting two -- proper hand position, proper breathing,
3 proper side alignment, just the basics and fundamentals of
4 shooting, because it's not a natural act for most people to
5 do.

6 Q Do you teach them about the actual bullets and
7 trajectory?

8 A Somewhat. We go into it minimally. As an instructor,
9 they teach us, but basically, you give deputies the basics,
10 you know, as far as shooting a firearm goes.

11 Q Okay. And you talked earlier with Mr. Walker about the
12 30-foot rule?

13 A Yes, sir -- excuse me, Yes, ma'am.

14 Q And you talked about an edge weapon. What is an edge
15 weapon?

16 A Knife, axe, machete, whatever it may be.

17 Q Okay. So if you say edge weapon and 30-foot rule, can
18 you kind of give us in layman terms what that means?

19 A Well, 30-foot rule is approximately 30 feet away from
20 you. If they're approaching you with an edge weapon, your
21 weapon should be drawn, not allowing them to approach any
22 further. If they continue to proceed forward, that's when
23 you have to basically use deadly force.

24 Q Okay. You're talking about weapon on target. What
25 does weapon on target mean?

1 A Pointing your weapon at the suspect, whoever it may be,
2 that is your target, supposed to be.

3 Q Okay. Did you become familiar in this case with the
4 actual weapon that was actually used?

5 A I didn't actually handle it, but I saw a picture of it.

6 Q And seeing that weapon, what would you teach your
7 officers about that particular weapon?

8 A That particular weapon, I wouldn't let anybody shoot.

9 Q And why is that?

10 A It's not an accurate weapon. Well, it doesn't -- I
11 take that back. I haven't actually shot it. But based on
12 the butt stock not being there, it being wrapped with black
13 electric tape, the condition of the weapon being the age, I
14 do not think it would a very -- I do not think it would be a
15 very accurate weapon from any distance, in my opinion.

16 That's all I'm saying. I just wouldn't let anybody even
17 remotely use that for anything other than a paperweight.

18 Q So when you're saying weapon on target, not from any
19 distance, with that weapon, how would you make a shot?

20 MR. WALKER: Your Honor, I would object.

21 THE COURT: Counsel approach.

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

24 Q Sgt. Edwards, with regard to the weapon in this case
25 and the training that you give to your officers, tell us

1 about that particular weapon.

2 A Based on what I've seen of the weapon itself, I do not
3 believe it would be an accurate weapon outside of a certain
4 range. I don't believe it would be very accurate, and I
5 personally don't believe it would be safe to fire.

6 Q Outside of a certain range as of what? What range?

7 A From inside 10 feet, maybe. I mean, frankly, I
8 wouldn't trust it outside that point if I had to shoot it.

9 Q And you mentioned something about weapon on target.
10 What does weapon on target mean?

11 A The person you intend to shoot being in your sight
12 picture.

13 Q Meaning are you pointing the weapon?

14 A Yes, ma'am. Yes, ma'am.

15 Q Now, you said earlier with Mr. Walker that you had
16 actually talked with Taquan Brown?

17 A Yes, ma'am.

18 Q Where did you find Taquan Brown when you talked with
19 him?

20 A When I spoke with him, I believe he was in the bedroom
21 of the apartment in question, ■■■ Bright's Court. He was
22 actually in the bedroom, sitting on the bed when I was
23 speaking with him.

24 Q And can you describe his demeanor?

25 A He was calm. He wasn't out of sorts. He didn't appear

1 to be anxious about anything.

2 Q And what, if anything, did he tell you?

3 A Just I gathered his basic information and he said
4 something along the lines of him sleeping.

5 Q Sgt. Edwards, I have no further questions. Thank you.

6 THE COURT: Recross, limited to redirect?

7 RECROSS-EXAMINATION

8 BY MR. WALKER:

9 Q The Solicitor asked you about the gun in this case.

10 A Yes.

11 Q If you felt your life was threatened and someone was
12 charging at you, would you use it to defend yourself?

13 A If that was my only option, yes, sir.

14 Q No further questions.

15 THE COURT: As to this witness, Solicitor?

16 ASST. SOL. LEGETTE: We ask that he be excused, Your
17 Honor..

18 THE COURT: Any objection, Mr. Walker?

19 MR. WALKER: No objection.

20 THE COURT: Sgt. Edwards, take your cup with you.

21 Leave my exhibits with me. You are excused from the trial
22 of this case. You may step down from the witness stand and
23 you may leave the courtroom.

24 Mr. Foreman, ladies and gentlemen of the jury, I'm
25 going to take my mid-morning break at this point. They will

1 have something for you to drink back there and use the
2 restroom. Please do not discuss the case. You have not
3 heard all of the evidence in the case. Please retire to
4 your jury room at this time.

5 (11:45 a.m., whereupon, the jury exits the courtroom
6 and the following is held on the record.)

7 THE COURT: Is the State ready to proceed?

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

9 THE COURT: Is the defendant ready to proceed?

10 MR. WALKER: Your Honor, during the last witness's
11 testimony, I made an objection and we had a sidebar. I
12 would just like to put the basis for that objection on the
13 record.

14 THE COURT: Very well.

15 MR. WALKER: I had objected to Sgt. Edwards' testimony
16 regarding his opinion of the firearm in this case on the
17 basis of it was an opinion. He wasn't qualified as an
18 expert. Also that it was beyond the scope of my cross-
19 examination.

20 THE COURT: I completely disagree that it was beyond
21 the scope. It was on redirect. You asked him. You gave
22 him a hypothetical similar to the facts of this case in
23 asking whether or not it would be appropriate for an officer
24 within the so-called 30-foot rule, which you elicited on
25 cross from the witness as to whether or not it would be

1 appropriate for an officer to draw his weapon. I therefore
2 thought it was appropriate for the Solicitor to inquire
3 about the weapon which he had seen a picture of and saw the
4 condition of the weapon as to whether or not he would use
5 the weapon and thought it was safe to use. Therefore, your
6 objection was overruled.

7 MR. WALKER: Thank you, Your Honor.

8 THE COURT: Bring us the jury, please.

9 (12:00 p.m., whereupon, the jury enters the courtroom
10 and the following is held on the record.)

11 THE COURT: All right. Mr. Foreman, ladies and
12 gentlemen of the jury, we will now continue with the
13 testimony in the trial of this case. Solicitor, you may
14 call your next witness.

15 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
16 calls Brian Rowe.

17 (WHEREUPON, THE WITNESS, BRIAN ROWE, ENTERS THE
18 COURTROOM.)

19 MADAME CLERK: Please come forward to be sworn. Place
20 your
21 left hand on the Bible and raise your right.

22 (Whereupon, Brian Rowe is duly sworn.)

23 THE COURT: Please have a seat on the witness stand.
24 Pull that chair up and adjust that microphone. It's going
25 to amplify your voice. I want you to begin by

1 stating your full name and spelling your last name for the
2 court reporter.

3 MR. ROWE: Okay. My name is Brian Rowe, R-O-W-E.

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

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

6 DIRECT EXAMINATION

7 BY ASST. SOL. LEGETTE:

8 Q Good morning, Mr. Rowe.

9 A Good morning.

10 Q Sir, where do you work?

11 A Colleton County Fire and Rescue.

12 Q I'm going to need you to speak up, please, if you don't
13 mind.

14 THE COURT: Get a little closer. Pull your chair up.
15 You don't have to get right on top of the microphone, but
16 just speak up.

17 A I'm employed at Colleton County Fire and Rescue.

18 Q Thank you. And how long have you worked for Colleton
19 County Fire and Rescue?

20 A Nine years.

21 Q And what exactly are your duties at Colleton County
22 Fire and Rescue?

23 A I'm a shift captain. I have two crews that work for
24 me. I oversee the daily operations in our station and one
25 sister station in Cottageville.

1 Q And specifically, what is your title? What do you do
2 for a living?

3 A I'm a paramedic/firefighter.

4 Q Okay. And how long have you been a
5 paramedic/firefighter?

6 A Thirty years.

7 Q Thirty years?

8 A Yes.

9 Q And what is your experience, education and training as
10 it relates to becoming a paramedic?

11 A I am a degree holding paramedic, not all paramedics
12 are. It just so happened that the state I lived in at the
13 time required you to have a degree. So I do have that, as
14 well as multiple certificates as a firefighter.

15 Q Okay. And so, tell us about the training it takes to
16 become a paramedic.

17 A I was actually active duty air force at the time that I
18 obtained my paramedic certification in the state of Kansas,
19 and I attended a two-year program. I did a lot of hospital
20 clinical time, tremendous classwork, obviously, as well as
21 riding with an EMS agency.

22 Q And how many level of paramedic or -- or are you called
23 something else if you're not a paramedic? How many levels
24 are there?

25 A Yes, ma'am. There are three levels.

1 Q And can you describe or tell us the names of those
2 levels?

3 A There's an EMT, emergency medical technician basic,
4 which is the entry level position that most people -- that
5 you have to have before becoming a paramedic. There is also
6 an intermediate position that is a couple hundred hours of
7 more school. Then, there's paramedic, which is the highest
8 certification as a first responder you can have, which is
9 like I stated in my case, is a two-year program.

10 Q Okay. And what can a paramedic do that the other EMT
11 levels cannot do?

12 A Paramedics can interpret cardiac rhythms. Everybody,
13 of course, has seen on television where they put the
14 monitors on the people with the stickers. We can interpret
15 what we see on the screen, much like they do in an ER.
16 There's multiple medications that we're allowed to
17 administer. That's pretty much what distinguishes
18 paramedics from other levels of certification.

19 Q Okay. And were you working for the Colleton County
20 Fire and Rescue on or about November 20th, 2013?

21 A I was. I was actually in a battalion chief position
22 that night.

23 Q And what does battalion chief position mean?

24 A Battalion chief on a given shift oversees the entire
25 department for the entire county.

1 Q Okay. So acting in that capacity, did you receive any
2 calls for assistance that particular day or night?

3 A I did.

4 Q And specifically, where did you have to respond to?

5 A [REDACTED] Bright's Court.

6 Q And Bright's Court, what county is that located in?

7 A That is in Colleton County.

8 Q So can you describe for us what your findings were when
9 you arrived at Bright's Court?

10 A When I arrived at Bright's Court, I was the first fire
11 rescue vehicle to arrive secondary to the police who were
12 already on scene, making sure it was safe for us to go ahead
13 and come on scene. When I arrived on the scene, I did find
14 a male in the front. Do you want me to describe what I
15 found?

16 Q Please do, yes.

17 A What I found was a male lying in the front yard, out
18 near the street in a face down position. Law enforcement
19 officers, two law enforcement officers were standing
20 immediately behind him. When I came up, I knew based on
21 radio traffic, that it was going to be a few minutes before
22 the medic unit arrived. As a battalion chief that night, I
23 was basically in a pickup truck. I did have medical
24 equipment with me to start care, but of course, I didn't
25 have a bed to put a patient on to transport. So I started

1 to take care of the patient there. When I made contact with
2 him, I noticed he was still breathing. So I had one of the
3 officers assist me in rolling him over so I could begin
4 treating him.

5 Q Okay. Now, what is your actual rank?

6 A I'm a captain.

7 Q Okay. So Cpt. Rowe, you're familiar with the actual
8 location and what it looked like that particular night?

9 A Yes, ma'am.

10 Q Okay. I'm going to hand you in a moment what has
11 previously been marked and entered into evidence as State's
12 Exhibits Number Four, Five, Six and Seven. I want you to
13 take a moment and tell me if you recognize these items,
14 okay?

15 A Yes, ma'am.

16 THE COURT: They're already in evidence, counselor?

17 ASST. SOL. LEGETTE: Yes, they are, Your Honor. May I
18 approach the witness, Your Honor?

19 THE COURT: You may.

20 A Yes, I do recognize all of these.

21 Q And are State's Exhibits Four, Five, Six and Seven a
22 fair and accurate reflection of the incident location when
23 you arrived at Bright's Court on the night of November 20th,
24 2013?

25 A Yes, ma'am.

1 Q Have they been altered in any way?

2 A No, ma'am.

3 Q At this time, Cpt. Rowe, can you tell us what you're
4 actually seeing in those photographs? And I'm going to get
5 them back from you and put them on the Elmo machine.

6 ASST. SOL. LEGETTE: May I approach the witness, Your
7 Honor?

8 THE COURT: You may. Give him a pointer.

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

10 Q Cpt. Rowe, this is going to be State's Exhibit Number
11 Four. Can you tell us what we're seeing in State's Exhibit
12 Number Four?

13 A Yes, ma'am. This is the vehicle that I was in here,
14 arriving first, this is after the ambulance and the medic
15 unit has already arrived. We're still doing some initial
16 care to the patient. When you have somebody in that
17 critical of condition upon your arrival, it's really
18 important to get them as stable as possible. We're going to
19 do everything on scene that you're going to get in an ER,
20 and that's pretty much what you see going on here is we're
21 making sure his airway is established and that we're going
22 to be able to transport him as safely as possible.

23 Q Okay. Now, in State's Exhibit Number Five, Cpt. Rowe,
24 I direct your attention to the screen. What are we seeing
25 in State's Exhibit Number Five?

1 A As I explained earlier, this is the cardiac monitor
2 that I brought with me. This is the paramedic from the
3 ambulance crew that showed up after my arrival, and of
4 course, this is me. We're basically verifying what rhythm
5 he is in. We're getting ready to put some equipment on him
6 to move him as a package. Anytime you have somebody with a
7 gunshot wound to the central area, and I'm going to exclude
8 like the hand, for example.

9 We go ahead and put the collar and put them on the
10 backboard, because when the bullet goes in, you never know
11 its path of travel and it can cause more damage to the body.
12 So what we're doing in this picture, and you can see it by
13 this package, is that we're going to package him with the c-
14 collar; I'm sure people are familiar with the thing that
15 goes around your neck and being put on a board, so that we
16 don't manipulate his spine to cause further damage.

17 Q Okay. You mentioned earlier that you had rolled the
18 victim over?

19 A With assistance, Yes, ma'am.

20 Q Can you describe for us where he was originally when
21 you rolled him over?

22 A I think that we can tell this is a sidewalk in this
23 area here.

24 Q Okay.

25 A If memory serves me. I basically had one of the

1 officers, because like I stated, I was kind of waiting on
2 the medic crew. They came from a greater distance than I
3 did.

4 Q Yes.

5 A I was waiting for them. So I had one of the officers
6 who had gloves on help me roll him. And we rolled him from
7 a supine position where he was laying on his face basically.
8 I rolled him back towards us in this picture, putting him in
9 the position that we're in here. It was very hard to do any
10 type of a visual assessment of his body with his face down.
11 You can't tell anything looking at the back of somebody's
12 head.

13 Q So based on State's Exhibit Number Five, from what
14 direction can you show us what direction did you roll him
15 from?

16 A The way he's laying here, I rolled him towards us, the
17 position we're sitting in now. I would have to turn him
18 from his head position right now to put him back in the
19 original way I found him. I would roll him counter
20 clockwise towards the sidewalk.

21 Q Towards the sidewalk? Is that where he originally was?

22 A Yes, ma'am. I rolled him back towards us in a
23 clockwise position to get him to where we're at now.

24 Q So in other words, you would have rolled him in State's
25 Exhibit Five back towards where the other paramedic is

1 standing?

2 A To put him in his original position?

3 Q Yes.

4 A Yes, ma'am.

5 Q So if you put him in his original position, where is he
6 closest to?

7 A He's closer to the sidewalk initially.

8 Q Now, in State's Exhibit Five, there is underneath the
9 other paramedic, there is something there, a black shirt?

10 A Yes, ma'am.

11 Q And how did that shirt end up there?

12 A We removed it to assess his body to see how many
13 gunshot wounds he actually had.

14 Q Okay. So you removed it yourself?

15 A Yes, ma'am.

16 Q Now, Cpt. Rowe, in State's Exhibit Number Seven, what
17 are we seeing in State's Exhibit Number Seven?

18 A As I kind of outlined earlier, now he's on the package
19 to be moved. We're ready to go ahead and get transport
20 underway. We've pretty much assessed everything immediately
21 life threatening at the moment. We got his airways secure
22 and we've got him on the long spine board to prevent further
23 motion to his spine should there be an injury to it. And
24 we're getting ready to get the transport underway here.

25 Q Now, Cpt. Rowe, I'm going to hand you in a moment

1 what's been previously marked for identification as State's
2 Exhibits Nine, Ten and Eleven. I want you to take a moment
3 and tell me if you recognize these items.

4 THE COURT: The original exhibits back to the court
5 reporter.

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

7 Q Captain Rowe, I hand you now what's been previously
8 marked for identification as State's Exhibits Nine, Ten and
9 Eleven. Please take a moment and tell me if you recognize
10 these items.

11 ASST. SOL. LEGETTE: May I approach the witness, Your
12 Honor?

13 THE COURT: You may.

14 A I do recognize those items.

15 Q And what are State's Exhibits Nine, Ten and Eleven?

16 A They are photographs of us performing care.

17 Q And are State's Exhibits Nine, Ten and Eleven a fair
18 and accurate reflection of the way the incident location
19 looked the night you arrived?

20 A Yes, ma'am.

21 Q Has it been changed or altered in any way?

22 A No, ma'am.

23 ASST. SOL. LEGETTE: At this time, Your Honor, I would
24 offer State's Exhibits Nine, Ten and Eleven for admission
25 into evidence.

1 THE COURT: Mr. Walker, as to Nine, Ten and Eleven?

2 MR. WALKER: Without objection.

3 THE COURT: Ladies and gentlemen of the jury, State's
4 Exhibits Nine, Ten and Eleven will be admitted into evidence
5 in the trial of this case without objection. You may
6 publish to the jury.

7 (WHEREUPON, STATE'S EXHIBIT NUMBER NINE, TEN AND
8 ELEVEN, PHOTOGRAPHS, ARE RECEIVED INTO EVIDENCE.)

9 ASST. SOL. LEGETTE: May I approach the witness?

10 THE COURT: You may.

11 Q Captain Rowe, I'm going to show you now what is State's
12 Exhibit Ten. Please explain to us what we're seeing in
13 State's Exhibit Number Ten.

14 A The mask on his face is supplemental oxygen. This
15 patient was breathing on his own when we initially arrived,
16 so we're supplementing the oxygen that he's getting by
17 adding more, and all the wires you see there, like I
18 described before, the cardiac monitor wires, we're able to
19 see what his heart is actually doing.

20 Q Also, in this particular location, who is the other
21 paramedic standing there with you?

22 A That's Captain Gary Nahrstedt. He was the paramedic on
23 the medic unit arriving after me that night.

24 Q And in this particular picture, State's Exhibit Number
25 Ten I believe, can you show us what is in the background?

1 A You're speaking about here?

2 Q Yes.

3 A That is the sidewalk paralleling the road.

4 Q And you had stated earlier that you had rolled the
5 victim who was closer to that location than where he is now?

6 A That's correct.

7 Q Now, State's Exhibit Number Nine, I will direct your
8 attention to. Can you tell us what we're seeing in State's
9 Exhibit Number Nine?

10 A The crew has moved him in the position that we were
11 treating him on scene towards the ambulance. Of course,
12 this equipment here is what we brought in. I think you can
13 see a little bit of blood up on the yard there.

14 Q And were you able to determine where the blood was
15 coming from?

16 A That blood was coming from his facial injuries.

17 Q Okay. And now, I believe State's Exhibit Eleven. What
18 are we seeing in State's Exhibit Number Eleven?

19 A Once again, we've got people in position just to lift
20 him onto the cot to move him to the truck for transport.

21 Q Thank you, Captain Rowe. Captain Rowe, can you
22 describe for us briefly what kind of wounds you noticed on
23 the victim?

24 A The one that concerned me the most initially was the
25 penetrating wound to his face here. That causes so many

1 airway issues, that that was my primary concern. I wanted
2 to make sure that his breathing was going to continue.
3 He did peripheral injuries in his trunk as well, but they
4 were of less consequence to me initially.

5 Q And so based on that particular injury, what, if
6 anything else, did you do? Did you call for any assistance?

7 A We already had a medic unit on route. I knew they were
8 going to be there and we did call for a helicopter to go on
9 standby at the ER, because getting him to a Level One trauma
10 center was going to be his greatest chance of survival.

11 Q And do you know whether or not he was able to make that
12 helicopter ride?

13 A He did not.

14 Q Now, Captain Rowe, did you go to the hospital with the
15 victim or what did you do?

16 A I did not. Being on battalion that night, once the
17 medic crew took him to the hospital, I was cleared of the
18 scene and went back into service.

19 Q Captain Rowe, I have no further questions, sir.

20 A Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. WALKER:

23 Q Good morning.

24 A Good morning.

25 Q My name is Matthew Walker. I represent Mr. Brown.

1 A Yes, sir.

2 Q I just have one question. In State's Exhibit Number
3 Ten, showing you working on Mr. Kemp there, I'll hand you
4 that. The picture depicts that you worked on him, but it
5 shows that his shorts are kind of sagging below the buttocks
6 area there. Did you guys do that or was that like that when
7 you arrived?

8 A That possibly could have happened in rolling him. I
9 can't say with absolute certainty whether they were that way
10 before we arrived or not.

11 Q You don't affirmatively remember doing anything to
12 diagnose by removing his pants or anything like that?

13 A No, sir, not his pants.

14 Q Just his shirt?

15 A The shirt, correct. We do a blood sweep with our hands
16 whenever we roll or manipulate a body, we'll take and use
17 our hands and just check our hands for blood. It's called a
18 blood sweep. And doing that full body check, we didn't
19 determine that there was any blood on our hands after
20 rolling him.

21 Q So it was either like that before you arrived or after
22 you rolled him?

23 A Correct.

24 Q All right. Thank you. I don't have any further
25 questions.

1 THE COURT: Redirect?

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

3 THE COURT: As to this witness?

4 ASST. SOL. LEGETTE: We ask that he be excused, please.

5 THE COURT: Any objection, Mr. Walker?

6 MR. WALKER: No, Your Honor.

7 THE COURT: Captain Rowe, you may step down from the
8 witness stand and you are excused from the trial of this
9 case. Call your next witness.

10 ASST. SOL. LEGETTE: The State calls Captain Gary
11 Nahrstedt.

12 (Whereupon, the witness, Gary Nahrstedt, enters the
13 courtroom.)

14 MADAME CLERK: Please come forward to be sworn. Place
15 your left hand on the Bible and raise your right.

16 (Whereupon, Captain Gary Nahrstedt is duly sworn.)

17 THE COURT: Please have a seat on the witness stand.
18 Watch your step for me. Have a seat. Make yourself
19 comfortable. Pull that chair up and adjust that microphone.
20 It's going to amplify our voice. I want you to begin by
21 stating your full name and spelling your last name for the
22 court reporter.

23 MR. NAHRSTEDT: My name is Gary Nahrstedt. N-A-H-R-S-
24 T-E-D-T.

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

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

2 DIRECT EXAMINATION

3 BY ASST. SOL. LEGETTE:

4 Q Good morning, Mr. Nahrstedt. Where do you work?

5 A Colleton County Fire and Rescue.

6 Q And what is your rank?

7 A Captain.

8 Q Okay. So you're Captain Nahrstedt?

9 A Yes, ma'am.

10 Q Now, Captain Nahrstedt, how long have you worked for
11 Colleton County Fire and Rescue?

12 A Since January of 2011.

13 Q And what specifically do you do?

14 A I'm a firefighter/paramedic.

15 Q And how long have you been a firefighter/paramedic?

16 A Since 1993.

17 Q And tell us about your training as it relates to
18 becoming a paramedic?

19 A Typically, the program lasts about nine months. It
20 includes almost 2000 hours of training. And with that
21 training, it teaches you how to take care of people and work
22 on, you know, if their heart stops, CPR. If they break a
23 bone, how to take care of that. Starting IV's, many people
24 have that done, you know, in the hospital, we can do it in
25 the ambulance. Also administering medications to people in

1 need.

2 Q Okay. So what is the difference between a paramedic --
3 are there different levels of paramedic?

4 A Yes. There's a basic level, called emergency medical
5 technician, and they go through about 200 hours of training
6 to be able to work on an ambulance. They can provide basic
7 life support skills, such as if somebody is not breathing,
8 they can assist them. If they break a bone, they can splint
9 it. If they need oxygen, they can apply it. A paramedic
10 can give medications, read a cardiac monitor, whereas an EMT
11 cannot.

12 Q So Captain Nahrstedt, were you working for the Colleton
13 County Fire and Rescue on or about November 20th, 2013?

14 A I was.

15 Q And did you receive any calls for assistance?

16 A Yes.

17 Q Did you respond to a call for assistance?

18 A I did.

19 Q And where did you respond?

20 A It was Bright's Court.

21 Q Okay. Now, before we talk about Bright's Court, you've
22 been a paramedic for a while, right?

23 A Yes, ma'am.

24 Q How many victims would you say you've treated over the
25 years?

1 A I've been 20, going on 23 years worth of patients,
2 probably close to seven to ten thousand.

3 Q Okay. Let's go to Bright's Court. You responded to
4 Bright's Court. What did you find when you arrived?

5 A There was a gunshot victim lying on the ground.

6 Q And who was there when you arrived?

7 A Captain Brian Rowe.

8 Q And what did you find when you arrived at that
9 location, along with Captain Brian Rowe? Was there anyone
10 else there, any other officers?

11 A There was some law enforcement, I believe, that was
12 there. My focus was on Captain Rowe and the patient lying
13 on the ground.

14 Q Okay. So what did you do to assist Captain Brian Rowe
15 and the patient lying on the ground?

16 A The patient had already been flipped over onto his back
17 when we got there -- or when I got there. And basically, I
18 started assessing his injuries.

19 Q And what type of injuries did you assess him for?

20 A I noticed he had a gunshot wound to his forehead and he
21 also had one to his chest.

22 Q And so, when locating or finding these injuries, what,
23 if anything, did you do to help him?

24 A Well, first of all, we checked to make sure he was
25 breathing, and he was. The next thing we checked was to

1 make sure he had a pulse, and he did. At that point, we
2 loaded him onto a stretcher and got him into the ambulance
3 so that we could better assess him. It was nighttime, so
4 the lighting wasn't very good. So in our ambulance, of
5 course, the lights are very bright for us to do our work.

6 Q Okay. And so upon getting into the ambulance, what was
7 your purpose for putting him into the ambulance?

8 A He was critically injured and needed to be transported
9 to the hospital.

10 Q Were you planning on doing anything else with him like
11 maybe flying him out?

12 A Yeah. You know, in our county, here, when people are
13 critically injured, the local hospital, their capability, he
14 needs a surgical intervention to fix these problems. So in
15 our trauma victims, and that's how he was classified, as a
16 trauma victim, he was -- we requested to have him
17 transported to MUSC, Medical University of South Carolina,
18 in downtown Charleston to be assessed by a trauma surgeon.

19 Q And were you going to drive him there or how were you
20 going to get him there?

21 A No. His condition warranted to be flown there. That
22 was our attempt.

23 Q And so at this point, you had him in the ambulance?

24 A Yes.

25 Q Can you describe for us what begins to happen inside

1 the ambulance?

2 A Inside the ambulance we were working on him and his
3 condition began to deteriorate to the point where he stopped
4 breathing on his own and he lost his pulses, so we had to
5 begin CPR, which is cardiopulmonary resuscitation. And you
6 may have seen on the American Heart Association, they're
7 always promoting that you do compressions, chest
8 compressions, and you breathe for the patient.

9 Q And is that what happened for him?

10 A Yes.

11 Q And about how long did this go on or can you recall how
12 long it went on?

13 A I'm not clear exactly on the timeframe, but when we
14 were in the ambulance, we got to the helipad, where we meet
15 up with the flight crew, and it was at that point that his
16 condition deteriorated to the point where we needed to do
17 CPR. We worked with the flight crew to do that. We
18 realized his condition no longer warranted him to fly,
19 because if you're not breathing, the helicopter is just not
20 designed to do CPR inside of it because of the size. So we
21 decided to take him a few yards right into the emergency
22 room.

23 Q So tell us what happened at the emergency room.

24 A When we brought him in, we continued to do CPR on him.
25 We transferred care over to the nurses and Dr. Ward and they

1 continued to do CPR and work on him and it was shortly after
2 that they stopped.

3 Q And why did they stop?

4 A His condition just deteriorated to the point where he
5 was no longer viable.

6 Q And so at some point, was he pronounced dead?

7 A Yes.

8 Q And who pronounced him?

9 A Dr. Ward.

10 Q And once that happened, what further, if any,
11 assistance did you provide?

12 A You know, we assist -- once we bring somebody in and in
13 that transfer that we make, we don't just take a patient and
14 hand them to the doctor and walk out. We stay and assist in
15 whatever fashion they need us to. And they basically had
16 taken over. We start removing our equipment as they're
17 putting their equipment on him so we can get back into
18 service. So we start removing our equipment and then we
19 exchange information of what happened, what was going on,
20 our car that we did. They assume patient care after we give
21 them that report and then we just make our exit out of the
22 room.

23 Q Thank you. I have no further questions.

24 THE COURT: Cross-Examination.

25 MR. WALKER: No questions.

1 THE COURT: As to this witness, Solicitor?

2 ASST. SOL. LEGETTE: We ask that he be excused, Your
3 Honor.

4 THE COURT: Any objection, Mr. Walker?

5 MR. WALKER: No, Your Honor.

6 THE COURT: Captain, you are excused from the trial of
7 this case. You may step down and leave the courtroom.
8 Thank you very much.

9 THE COURT: Call your next witness.

10 ASST. SOL. LEGETTE: The State calls Dr. Erin Presnell.
11 (Whereupon, the witness, Dr. Erin Presnell, enters the
12 courtroom.)

13 MADAME CLERK: Please come forward to be sworn. Place
14 your
15 left hand on the Bible and raise your right.

16 (Whereupon, Dr. Erin Presnell is duly sworn.)

17 THE COURT: Good afternoon, ma'am. How are you?

18 DR. PRESNELL: Fine. Thank you. My name is Susan Erin
19 Presnell, P-R-E-S-N-E-L-L.

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

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

22 DIRECT EXAMINATION

23 BY ASST. SOL. LEGETTE:

24 Q Good morning, Dr. Presnell.

25 A Good morning.

1 Q Or afternoon.

2 A Good afternoon.

3 Q Dr. Presnell, where do you work now?

4 A I'm a forensic pathologist at the Medical University of
5 South Carolina in Charleston.

6 Q And as a forensic pathologist, can you tell us what
7 your duties include?

8 A Well, forensic pathology is actually a subspecialty of
9 the broad guild of pathology. So as a pathologist, those
10 are the physicians that get pieces of like -- if you went in
11 as a patient and had some tissue removed, a biopsy or
12 surgery, anything that's taken from that patient would go to
13 the pathologist. The pathologist looks at it, looks under
14 the microscope, and diagnoses a disease, like cancer or
15 infection or something like that. So I'm trained in the
16 general field of pathology, but then I'm also trained in
17 forensic pathology where we're not just looking at a piece
18 of tissue, we're looking at a whole entire diseased person.
19 Although we are looking for disease processes, we're also
20 evaluating trauma and that process is of course called the
21 autopsy. Ultimately, we're trying to find out the cause and
22 manner of death.

23 Q Okay. And Dr. Presnell, are you a licensed medical
24 doctor in South Carolina?

25 A Yes.

1 Q And for how many years?

2 A Probably around 20.

3 Q Okay. Dr. Presnell, can you please tell us about your
4 education and special training and experience as it relates
5 to being a forensic pathologist.

6 A Well, pathologists are physicians. So I went to college
7 at Clemson, then four years in medical school at MUSC, and
8 then I stayed there and after medical school is when you
9 pick your specialty, for like pathology or pediatrics or
10 surgery. I chose pathology and that was a five year
11 training program. And then an additional year in forensic
12 pathology. Then, along the way, I took the Board. So I'm a
13 Board Certified Pathologist and Forensic Pathologist.

14 Q Okay. You told us earlier about duties of a forensic
15 pathologist, but do you also perform autopsies?

16 A Yes. That's my primary responsibility.

17 Q And how many autopsies have you performed?

18 A It would be another estimate, so over 2,000.

19 Q Now, you talked about being Board Certified. Is that
20 the American Board of Pathology?

21 A Yes.

22 Q And what is the objective of the American Board of
23 Pathology?

24 A It's a standardization so that you have to take an exam
25 to pass to be qualified to practice.

1 Q And is that certification over and above the license to
2 practice medicine?

3 A Well, the license to practice medicine is more general
4 for all of the different types of physicians and then each
5 of the physicians are board certified in their specialty.

6 ASST. SOL. LEGETTE: Your Honor, at this time, I would
7 offer Dr. Presnell as an expert in the field of forensic
8 pathology.

9 THE COURT: Any objection as to qualifications?

10 MR. WALKER: None, Your Honor.

11 THE COURT: Ladies and gentlemen of the jury, you're
12 about to hear the testimony of a witness who has, or claims
13 to have, special knowledge, skill, experience, training, or
14 education in the field of forensic pathology. Normally,
15 ladies and gentlemen, the law does not permit witnesses to
16 get on the witness stand and testify to opinions or
17 conclusions. An exception to our opinion rule is for those
18 witnesses who we call expert witnesses. Witnesses who have
19 experience, training, or education, if qualified by the
20 Court, are permitted to give their opinion as an expert in
21 the matters in which they claim to be so skilled. In
22 determining the weight to be given such opinion, you should
23 consider the qualifications and credibility or believability
24 of the expert and the reasons given for his or her opinion.
25 You are not bound by such expert opinion. You give it the

1 weight, if any, to which you deem it should be entitled.
2 The witness is qualified without objection. You may
3 proceed.

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

5 Q Dr. Presnell, during your 20 years of being a licensed
6 medical doctor in the field of forensic pathology, have you
7 had occasion to observe or perform autopsies where the cause
8 of death was due to cerebral disruption due to a gunshot
9 wound to the head?

10 A Yes.

11 Q And Dr. Presnell, how many manners of death are there?

12 A Well, there's four manners of death and an
13 undetermined. So natural, accident, suicide and homicide.

14 Q Were you working at the MUSC, or Medical University of
15 South Carolina, in November of 2013?

16 A Yes, I've been there since 1989.

17 Q Okay. And during that particular month, did you have
18 an occasion to perform an autopsy?

19 A Yes, I did.

20 Q Okay. And on a particular day, November 21st, 2013,
21 did you perform an autopsy on a Mourice Kemp?

22 A Yes. The Colleton County Coroner referred us this
23 person and we did that autopsy that day.

24 Q Dr. Presnell, I'm going to hand you in a moment what's
25 been previously marked as State's Exhibit Forty-one. Take a

1 moment and tell me if you recognize this item.

2 ASST. SOL. LEGETTE: May I approach the witness, Your
3 Honor?

4 THE COURT: You may.

5 Q Dr. Presnell, I hand you now what's been previously
6 marked as State's Exhibit Forty-one. Take a moment and tell
7 me if you recognize this item.

8 A Yes. This is a photograph taken at the time of
9 autopsy.

10 Q And who is that a photograph of?

11 A This is Mr. Kemp.

12 Q And is State's Exhibit Number Forty-one a fair and
13 accurate representation of Mr. Mourice Kemp?

14 A Yes, it is.

15 Q And was the first time you ever saw that particular
16 photograph -- or that person at the autopsy?

17 A Yes.

18 ASST. SOL. LEGETTE: Your Honor, at this time, I would
19 offer State's Exhibit Number Forty-one for admission into
20 evidence.

21 THE COURT: As to State's Forty-one?

22 MR. WALKER: I have an objection.

23 THE COURT: No objection?

24 MR. WALKER: I do have an objection.

25 THE COURT: Counsel approach.

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

3 THE COURT: Objection overruled. State's Exhibit
4 Forty-one will be admitted into evidence over objection.
5 You may publish to the jury.

6 (Whereupon, State's Exhibit Number Forty-One,
7 photograph of victim, Mourice Kemp, is received into
8 evidence.)

9 Q Dr. Presnell, how long did the autopsy last?

10 A Well, there's different components of an autopsy and so
11 probably what you're referring to is when we do the gross
12 examinations, we do the external exam, the internal exam,
13 and do all the tissue sampling. That was probably around
14 two hours.

15 Q Okay. And Dr. Presnell, were you able to make an
16 examination concerning the actual person that you identified
17 as Mourice Kemp and any injuries to him?

18 A Yes.

19 Q Can you tell us about those injuries?

20 A So Mr. Kemp had two gunshot wounds. One was -- and the
21 most significant was to his middle of his forehead, between
22 his eyebrows. The bullet actually went in through the skull
23 and into the brain. It was going straight back and a little
24 bit to the right. So it went into the right side of the
25 brain and we recovered the bullet at the base of his brain

1 on the back and on the right.

2 He actually had a second gunshot wound, which was to
3 his, kind of his right side of his abdomen. That also was
4 going a little bit to his right and back, and it stopped in
5 his tissues over on the right side, kind of the right back
6 of his torso.

7 Q And Dr. Presnell, as you examined the victim, Mr.
8 Mourice Kemp, did you actually take any photographs or x-
9 rays of his body?

10 A Yes. We typically do x-rays of gunshot wounds to help
11 us locate where the bullet is so we can find it.

12 Q Dr. Presnell, I will hand you what has previously been
13 marked for identification as State's Thirty-two and State's
14 Forty-two. Please take a moment and tell me if you
15 recognize these items.

16 ASST. SOL. LEGETTE: May I approach the witness, Your
17 Honor?

18 THE COURT: You may.

19 A Yes. These are printed images of some of the x-rays
20 that we did at the time of autopsy.

21 Q And Dr. Presnell, are State's Exhibits Thirty-two and
22 Forty-two a fair and accurate reflection of the x-rays you
23 documented at the autopsy of Mourice Kemp?

24 A Yes, they are.

25 Q Have they been changed or altered in any way?

1 A Not that I can tell.

2 ASST. SOL. LEGETTE: At this time, Your Honor, I would
3 offer State's Thirty-two and Forty-two for admission into
4 evidence.

5 THE COURT: As to State's Exhibits Thirty-two and
6 Forty-two, Mr. Walker?

7 MR. WALKER: No objection.

8 THE COURT: Ladies and gentlemen of the jury, State's
9 Exhibits Thirty-two and Forty-two will be admitted into
10 evidence in the trial of this case without objection. You
11 may publish to the jury.

12 (Whereupon, State Exhibit Thirty-two, x-ray image of
13 victim's head, is received into evidence.)

14 (Whereupon, State Exhibit Forty-two, x-ray image of
15 side of victim's head, is received into evidence.)

16 Q Dr. Presnell, before we publish, let's talk about the
17 autopsy. During the exam, and based on the autopsy, within
18 the bounds of reasonable medical certainty, had you formed
19 an expert opinion concerning the cause of death of Mourice
20 Kemp?

21 A Yes. He died from a gunshot wound to his head.

22 Q And were you able to collect anything during the actual
23 autopsy?

24 A We recovered both the bullets that I described earlier.

25 Q Dr. Presnell, I'm going to now publish the actual

1 exhibits we put into evidence momentarily.

2 ASST. SOL. LEGETTE: May I approach the witness, Your
3 Honor?

4 THE COURT: You may. Give Dr. Presnell the pointer.

5 Q Dr. Presnell, I'm going to direct your attention to the
6 screen. In State's Forty-one, can you detail for us what we
7 are seeing?

8 A This is the mug shot of Mr. Kemp. You can see the
9 autopsy number at the bottom. Then, like I was describing
10 earlier, he has a gunshot wound between his eyebrows.

11 Q Okay. Dr. Presnell, in State's Exhibit Number Forty-
12 two?

13 A This is a side x-ray of his head. You can see the
14 bullet like I was describing earlier at the back of the
15 head. So the bullet pathway was in through the front of the
16 head and straight back. You can also appreciate a couple of
17 fragments of the bullet that kind of peeled off on the way
18 in, which we also recovered at the time of autopsy.

19 Q Okay. So Dr. Presnell, you said earlier, the bullet
20 went straight back?

21 A Well, it's a little bit to the right, to the right --
22 like if the bullet, or the entrance wound, is in the middle
23 between the eyebrows, the bullet is back and a little bit to
24 his right. So on the right side of his brain in the back.

25 Q And you collected all these fragments and bullets?

1 A Two of the fragments and the bullet.

2 Q Okay. I will now direct your attention to State's
3 Exhibit Thirty-two.

4 A This is a little harder to appreciate. Mr. Kemp is a
5 large individual. This is his pelvis area. We're looking
6 at the right side of his abdomen and right there you can see
7 the projectile, the bullet, that we recovered from the
8 gunshot wound to his abdomen.

9 Q Thank you, Dr. Presnell. You indicated that Mr. Kemp
10 is a larger individual. Can you detail for us about how
11 large or what size he is?

12 A Well, he weighed 357 pounds and was six feet tall.

13 Q Now, you talked earlier about having collected certain
14 items during the autopsy, the bullet -- or what did you
15 collect?

16 A We collected fluids for toxicology. We collected
17 tissue samples and we also collected bullets that you saw in
18 the x-rays.

19 Q Dr. Presnell, I'm going to hand you in a moment what's
20 been marked State's Exhibit Number Forty. I want you to take
21 a moment and tell me if you recognize this. Now, State's
22 forty does contain State's Forty, Forty-A, Forty-B, Forty-C,
23 and Forty-D.

24 THE COURT: So we have A, B, C and D?

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

1 THE COURT: All with the numerical number Forty?

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

3 Q I will hand you now what's been previously marked with
4 those items. Take a moment and tell me if you recognize
5 these items?

6 ASST. SOL. LEGETTE: May I approach the witness, Your
7 Honor?

8 THE COURT: You may.

9 A These are the projectiles and fragments that I
10 recovered at the time of autopsy, along with the envelopes
11 and the stickers from the time of autopsy with the
12 appropriate labels on them.

13 Q Now, Dr. Presnell, are State's Exhibits Forty-A, Forty-
14 B, Forty-C, and Forty-D in substantially the same condition
15 today as when you collected them at the autopsy on November
16 21, 2013?

17 A Yes, they appear to be.

18 Q Have they been changed or altered in any appreciable
19 way?

20 A Not that I can appreciate.

21 ASST. SOL. LEGETTE: At this time, Your Honor, I would
22 offer State's Exhibits Forty, Forty-A, Forty-B, Forty-C, and
23 Forty-D for admission into evidence.

24 THE COURT: As to Forty, Forty-A, Forty-B, Forty-C, and
25 Forty-D?

1 MR. WALKER: No objection.

2 THE COURT: Ladies and gentlemen of the jury, State's
3 Exhibit Forty, Forty-A, Forty-B, Forty-C, and Forty-D will
4 be admitted into evidence in the trial of this case without
5 objection. You may publish to the jury.

6 (Whereupon, State's Exhibit Numbers Forty, Forty-A,
7 Forty-B, Forty-C and Forty-D, bullets and fragments, are
8 received into evidence.

9 Q Dr. Presnell, I will direct your attention now to the
10 screen. Dr. Presnell, this is Forty-A. Would you please,
11 if you can, show us what we're looking at in State's Forty-
12 A?

13 A This is one of the fragments that we recovered from the
14 gunshot wound to the head and it's that metal fragment right
15 there.

16 Q And State's Forty-B?

17 A This is the bullet that we recovered from the right
18 side of the body..

19 Q And State's Forty-C?

20 A This is the bullet that we recovered from the back of
21 the head.

22 Q And in State's Forty-D?

23 A This is one more of the metal fragments that we
24 recovered along the pathway from the gunshot wound to
25 the head.

1 Q Thank you, Dr. Presnell. Begging the Court's
2 indulgence.

3 (Brief pause.)

4 Q Dr. Presnell, I have no further questions, ma'am.
5 Please answer any questions from the defense.

6 THE COURT: Cross-examination.

7 MR. WALKER: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. WALKER:

10 Q Good afternoon, Doctor.

11 A Good afternoon.

12 Q My name is Matthew Walker. I represent Taquan Brown.
13 I'm going to hand you exhibit number Thirty-two. That is
14 the x-ray image of the abdomen that you testified to show
15 the bullet you recovered. There is -- above what I believe
16 to be the bullet is an image that appears to be an "R".
17 Will you explain to us what that is?

18 A Yes. So when they bring -- what happens in the autopsy
19 room is they will bring a portable x-ray machine down to
20 take the images, and because it's all black and white, what
21 they will do is they will put either an "R" or an "L" on the
22 right side of the body or the left side of the body,
23 depending on what picture you're taking just to help
24 identify where you are. So the "R" represents the right
25 side of Mr. Kemp's body.

1 Q And that was placed by your staff and not something you
2 recovered?

3 A Correct.

4 Q You just testified that Mr. Kemp was 357 pounds and six
5 feet in length, correct?

6 A Yes.

7 Q And he was 30 years of age?

8 A Yes. He was 30 years old.

9 Q Did you have occasion, other than obviously being a
10 victim of gunshot wounds, was there anything else physically
11 wrong with him?

12 A Well, so like I was explaining before, we're looking at
13 trauma, but we're also looking at any potential diseases.
14 And he does have an enlarged heart. His heart weighed
15 around 550 grams when it should weigh around 350 grams. He
16 had some heavy wet lungs, which there was some fluid in the
17 lungs, but that may be some component of resuscitative
18 attempts, so his lungs were heavy. Then some other really
19 minimal findings. He had a small liver nodule and some
20 traumatic changes in the kidney, probably from the gunshot
21 wound. There were some little polyps, or nodules, in the
22 gall bladder.

23 Q Thank you. In addition to those findings, you also
24 had a toxicology report done, correct?

25 A Yes.

1 Q And he was found to be positive for cocaine, correct?

2 A He has cocaine, marijuana and alcohol.

3 Q And what was his blood alcohol concentration?

4 A His blood alcohol is .137.

5 Q Now, isn't it true that some, but not all, of the
6 manifestations of cocaine use are -- is excitement one of
7 them?

8 A Yes. Users can become excited.

9 Q Restlessness?

10 A They may become restless.

11 Q Engaging in risk-taking behaviors?

12 A That's a possibility as well.

13 Q As well as aggression?

14 A That could also be a possibility.

15 Q And one of the effects among others of marijuana is
16 reality distorting effects?

17 A That can happen, yes.

18 Q And of course, ethyl alcohol, or blood alcohol,
19 ingested into the blood, that can cause impaired judgment?

20 A Yes, it can.

21 Q I don't have any further questions. Thank you, Doctor.

22 THE COURT: Redirect?

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

24 REDIRECT EXAMINATION

25 BY ASST. SOL. LEGETTE:

1 Q Dr. Presnell, what are the other possible effects of
2 marijuana use? I've always heard it makes you mellow.

3 Marijuana use, what can it do?

4 A I mean, yes, it could potentially make you mellow.
5 Ultimately, though, I don't have a specific opinion on how
6 he was behaving based on these numbers. I mean, it would
7 really be reflective of someone that saw him before this
8 happened.

9 Q An enlarged heart, or a wet lung, what could that be
10 indicative of?

11 A Well, he may have had some high blood pressure making
12 his heart larger. From his weight, his heart might be
13 larger because of that. The wet lungs, like I said, it
14 might be some resuscitation efforts when they were trying to
15 resuscitate him from fluids. Also, with his alcohol level,
16 that might make his lungs a little bit wet as well.

17 Q And all that coupled together, what does that mean, if
18 anything?

19 A Well, in this case, it's very incidental. I mean, his
20 cause of death is gunshot wound to his head and to his
21 frame.

22 Q Thank you. I have no further questions.

23 THE COURT: Recross, limited to redirect?

24 MR. WALKER: None, Your Honor.

25 THE COURT: Dr. Presnell, thank you.

1 Mr. Foreman, ladies and gentlemen of the jury, I've
2 just been informed that your delicious lunch has arrived, so
3 we're going to stop at this point for your lunch break.
4 Please do not discuss the case. I'll be back with you as
5 soon as I've known everybody has had a chance to have lunch
6 so we can start back this afternoon. Thank you. You may
7 retire to your jury room.

8 (1:00 p.m., whereupon, the jury exits the courtroom.)

9 THE COURT: For the record, I will put on the record
10 before we break for lunch, Mr. Walker objected to State's
11 Exhibit Forty-one, which was offered during the testimony of
12 Dr. Presnell. Mr. Walker's objection is that State's Forty-
13 one was cumulative to State's Exhibit Ten. State's Exhibit
14 Ten shows EMS working on the alleged victim, where he has an
15 oxygen mask on his face. There is some blood coming from
16 the forehead of the victim. It was Mr. Walker's position
17 that State's Exhibit Ten already showed the bullet wound
18 that is exhibited in State's Exhibit Forty-one. I did not
19 feel that the State was being unduly cumulative or appealing
20 to prejudice or passion.

21 I felt that State's Exhibit Number Forty-one clearly
22 demonstrated the entry wound of the wound to the head and a
23 close-up view. Counsel, we will all break to take lunch.
24 The Court is now in recess in the trial of this case.

25 (2:05 p.m., the trial is resumed in this case after

1 lunch and the following is held on the record.)

2 THE COURT: It is my understanding, Solicitor, that you
3 will have the redacted version ready at 5:00 with the
4 equipment here in the courtroom to show it to him; is that
5 correct?

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

7 THE COURT: And that means, Angela, you will need to
8 stay to show it so that it stays in the possession of the
9 State after counsel for the defendant has a chance to view
10 it.

11 MR. WALKER: I appreciate that, Your Honor. But I
12 would also be satisfied with a copy.

13 THE COURT: Can y'all make him a copy?

14 MS. STALLINGS: It's in the process of burning right
15 now, Your Honor.

16 THE COURT: Wonderful. Well, they're making you a
17 copy, Mr. Walker.

18 MR. WALKER: Thank you, Your Honor.

19 THE COURT: Very well. Bring us the jury, please.

20 (2:08 p.m., whereupon, the jury enters the courtroom
21 and the following is held on the record.)

22 THE COURT: Ladies and gentlemen of the jury, we will
23 now continue with the testimony in the trial of this case.
24 Call your next witness, Solicitor.

25 ASST. SOL. LEGETTE: Thank you, Your Honor. The State

1 calls Barbara Mays.

2 (Whereupon, the witness, Barbara Mays, enters the
3 courtroom in a wheelchair. The witness, Ms. Mays, is duly
4 sworn by the Clerk of Court.)

5 THE COURT: Mr. Walker, can you see the witness? If
6 you cannot, I will allow you to come around.

7 MR. WALKER: I can see, thank you.

8 THE COURT: I'm going to give you the portable
9 microphone. Ma'am, would you please state your full name
10 and spell your last name for the court reporter?

11 WITNESS: Okay. Barbara L. Mays, M-A-Y-S.

12 THE COURT: Your witness, counsel.

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

14 DIRECT EXAMINATION

15 BY ASST. SOL. LEGETTE:

16 Q Good afternoon, Ms. Mays.

17 A How are you doing?

18 Q I'm well. How are you?

19 A Fine.

20 Q Thank you. Good. Ms. Mays, where are you from?

21 A Well, I'm originally from Walterboro, but I live in
22 Greenpond.

23 Q Okay. And where in Greenpond do you live?

24 A On ■ Bright's Court.

25 Q Okay. And so were you born and raised in Walterboro?

1 A Yes.

2 Q And Ms. Mays, do you have any children?

3 A Yes. I had four, but one died two years ago, Monroe
4 Mays.

5 Q And so who are your children?

6 A Dominique Mays, Omiddletus Mays, and Nayronne Holmes.

7 Q Okay. And tell me this, how long have you lived -- you
8 say you live in Greenpond?

9 A Yes.

10 Q All right. At Bright's Court apartments?

11 A That's right.

12 Q Can you tell us how to get there?

13 A Yes. When we come to town, we just drive there on 303.
14 Once you get on 303, they got the veneer plant, the dog
15 pound, make a left. Come down in there, make a left. Come
16 on down in there and you will see the apartments sitting
17 right there on the right.

18 Q And that's where you live?

19 A On the left.

20 Q On the left, okay.

21 THE COURT: Hold that microphone a little close.

22 Q Okay. So you live at Bright's Court apartments?

23 A Yes, ma'am.

24 Q All right. So does anyone live with you right now?

25 A No. No. Sometimes I got a boyfriend, sometimes.

1 Q Okay. And Ms. Mays, how long have you lived at
2 Bright's Court apartments?

3 A It's five years in October.

4 Q And who owns Bright's Court apartments?

5 A Douglas Bright.

6 Q Okay. And he's the landlord?

7 A Yes.

8 Q And who cuts the grass out there?

9 A Sometimes he cut it.

10 Q Sometimes he cuts it?

11 A Yes, ma'am.

12 Q Okay. So now were you living at Bright's Court
13 Apartments back in November of 2013?

14 A That's right.

15 Q So you were living there?

16 A Yes, ma'am.

17 Q Was anyone living with you?

18 A No, nobody -- yeah, my son.

19 Q Which son?

20 A Nayronne.

21 Q Okay. Anyone else?

22 A Well, the girl -- a girl was staying with me, but I put
23 her out.

24 Q Okay. And who was that girl?

25 A Her name was Coco.

1 Q Okay. Do you know her real name?

2 A No, I don't. That's all I know.

3 Q Coco. Okay. All right. Did you have any neighbors?

4 A Yeah, well, one neighbor was Anne Grant. And that was
5 -- and the people was Douglas Bright's son, but they was in
6 Maryland, so nobody but me and him was out there at the
7 time. And Vaughn.

8 Q Okay. Is he present in Court today?

9 A Oh, there he go over there, yeah.

10 Q And what kind of shirt does he have on?

11 A Green.

12 Q Okay. Is he the person standing?

13 A Yeah.

14 ASST. SOL. LEGETTE: Let the record reflect that she
15 has indicated the defendant, Taquan Brown.

16 Q Now, you say you call him "Vaughn" or what?

17 A I call him Vaughn.

18 Q Okay.

19 A That's what I call him.

20 Q Okay. Do you know his real name?

21 A No. I just call him Vaughn.

22 Q Okay. So he was living out there, too?

23 A Yes.

24 Q And how long had he been living out there?

25 A I can't recollect that. I don't think it had been no

1 more than three months, maybe four. I can't recollect that.

2 Q Okay. Had you ever known him before he moved out
3 there?

4 A Oh, no.

5 Q Now, so Ms. Mays, let's go back to November of 2013.
6 Do you recall that particular month?

7 A Yes.

8 Q All right. Did anything strange happen?

9 A Yes.

10 Q Specifically, let's talk about November 20th. Do you
11 remember that particular day?

12 A I don't know what date, but I remember November.

13 Q Okay.

14 A That night.

15 Q Okay. Hold the microphone a little closer to you.

16 A Okay.

17 Q So you remember that particular month?

18 A Yes.

19 Q Did anything strange happen?

20 A Yeah. I was -- first, I was sick with my neck. I've
21 got spinal bifida and I went to bed. And I had the girl
22 there.

23 Q What girl, now?

24 A Coco.

25 Q Okay.

1 A Yeah. So I woke up. Bam, bam, bam, bam, bam, bam.
2 There was bamming at my door. So the guy asked for a
3 particular name, but I didn't know her name was different;
4 so he said Coco. I opened the door and let him come through
5 my house. They went outside. He was getting in the car,
6 him and Coco was getting in the car. The next thing I
7 heard, I went to the door, I was standing there, I heard
8 noise, so I went to the door and the one thing I seen was
9 the big guy was running towards them and he said pow, pow,
10 pow. That was it. That's how I tell the story. That's how
11 it happened.

12 Q Ms. Mays, did you call 9-1-1?

13 A I called 9-1-1, yes, ma'am.

14 Q And at my request, have you previously reviewed that 9-
15 1-1 call?

16 A Yes, I have.

17 Q And is that you on that 9-1-1 call?

18 A Yes, it is.

19 Q Now, Ms. Mays, on that 9-1-1 call, do you recall making
20 that call?

21 A Yes.

22 Q Do you remember what you said to the dispatcher?

23 A No.

24 Q You don't remember telling her that you didn't see
25 anything?

1 A Yeah, that's right. I did tell her I didn't see
2 anything.

3 Q Well, tell us about that now.

4 A Okay. The reason why I tell her I didn't see anything,
5 I was trying to not get involved with the situation at the
6 time.

7 Q Okay. So you said that you were sleeping?

8 A No, I got up from the sleep. The man had woke me up.

9 Q No. I'm saying let's talk about the 9-1-1 call.

10 A Oh, yeah. I was sleeping, yeah. I told her that.

11 Q So on the 9-1-1 call, what did you tell the dispatcher?

12 A Let me see now. I told her I was sleeping and woke up,
13 I think, and heard the noise; something like that. It was
14 two years ago. I'm 60 years old. Y'all already played the
15 tape I don't know how many times. What I said on the tape,
16 that's what I said.

17 Q Okay. That's what you said?

18 A Uh-huh (affirmative).

19 Q Okay. At some point, you called 9-1-1?

20 A Yeah, I called 9-1-1. Remember when I seen the guy on
21 the ground, I mean, I say you know, I'm not going to sit
22 here like this. My son just had died and I know he fell, so
23 I called 9-1-1.

24 Q Yes, ma'am.

25 A And I told them it was ■ Bright's Court.

1 Q Okay.

2 A That's right.

3 Q So now, once you called 9-1-1, what happened next?

4 A Oh, God.

5 Q Did they respond?

6 A Oh, yeah. I sit and wait on them to respond. - They
7 came about 20 minutes after that. It was daylight then.

8 Q Okay.

9 A And they came and they talked to all of us.

10 Q And what did you tell them when they talked to all of
11 y'all?

12 A Nothing.

13 Q Why not?

14 A Why would I? I wasn't going to take a chance on saying
15 nothing in front of people and they sitting right there.

16 Q Okay. Were you afraid?

17 A Sure.

18 Q Okay.

19 A This is Walterboro. It's dangerous.

20 Q All right. So you didn't tell -- you told them you
21 didn't see anything?

22 A That's right.

23 Q All right. Who was with you when you were talking with
24 the officers?

25 A Me, Vaughn, the other boy, my son, Nayronne, and that's

1 it.

2 Q Okay. Did you see anybody else out there?

3 A No, ma'am.

4 Q So now, when you're talking, where is the girl, Coco?

5 A She was gone.

6 Q Okay. Did you ever see her leave?

7 A I had no -- when that happened, she split.

8 Q All right. So now you tell the officer you didn't see
9 anything?

10 A That's right.

11 Q Okay. So at some point, did you ever talk to anyone
12 else in this case, as far as the Solicitor's Office?

13 A Yeah. I talked to you. I talked to Mr. Miles (sic),
14 that day when he came to the interview. And Officer
15 Longings (sic), that's who I talked to.

16 Q Ms. Angela?

17 A Yeah. Yeah.

18 Q Okay. So when you talked to Officer Nyle, what did you
19 tell him?

20 A Nothing.

21 Q Why not?

22 A Because I didn't -- I felt like I didn't have to say
23 nothing to him, because the fact of like I say, this is
24 Walterboro. I wouldn't want to talk in front of him and
25 knowing the person is sitting right there.

1 Q Okay. So now when Ms. Angela and I talked to you, you
2 remember that?

3 A Yes. Yes.

4 Q All right. Now, that happened back in April of 2015;
5 do you remember that?

6 A Uh-huh (affirmative)..

7 Q Don't say anymore uh-huh. You got to say yes, ma'am.

8 A Oh, okay.

9 Q Do you remember?

10 A I remember, yes.

11 Q Okay. So now when you talked to Angela and I, or Ms.
12 Stallings and I, do you remember what you told us?

13 A No. Nothing.

14 Q You don't remember telling us that someone was beating
15 on your door looking for Coco?

16 A Oh, yeah. I told you that.

17 Q Okay. I'm sorry.

18 A I'm not used to Court. Yeah, I told you someone was
19 bamming on my door.

20 Q Yes, ma'am.

21 A That's right. I let him in.

22 Q Yes, ma'am.

23 A Yes, we went outside.

24 Q Yes, ma'am.

25 A He was getting in the car.

1 Q No, no, no. Remember you told us that you closed the
2 door and when you closed the door, they were getting in the
3 car?

4 A Getting in the car. Yeah, that's right.

5 Q So when you told us that you closed the door and went
6 back in the house and then you heard the shots?

7 A Yeah, I heard the shots.

8 Q So now, in April when we talked to you, you still
9 didn't tell us about seeing anything?

10 A Nope.

11 Q So now, Ms. Mays, I want to understand, you were scared
12 when you first talked to Nyle?

13 A And scared when I talked to you, too.

14 Q Was anybody out there when you talked to me and Angela?

15 A No.

16 Q Okay.

17 A Just you and Angela.

18 Q Just me and Angela?

19 A That's right.

20 Q Okay. So are you scared today?

21 A No, I ain't scared today. I got protection.

22 Q Okay. All right. So you were scared of me and Angela,
23 too?

24 A Yes, of course.

25 Q Okay. So you told Angela and I that you didn't see

1 anything?

2 A Yes, when y'all first came.

3 Q All right. So when you talked to us about that day
4 about the victim, how did you say he acted towards you?

5 A I mean, he was kind. I mean, I let him in the door.

6 And they went outside to the car. He wasn't mean. He

7 didn't say nothing bad to me. He said, "Thank you, ma'am."

8 Went on out the door. I watched him get in the car -- well,

9 he didn't -- he was getting in the car, but then he got out

10 the car.

11 Q Okay.

12 A Okay.

13 Q So now, that's when you told Angela and I that you
14 closed the door?

15 A That's right.

16 Q All right. So now, Angela and I went back to see you,
17 I believe it was June 15th?

18 A Yeah, that's right.

19 Q Hold the microphone up, please, ma'am. So went to see
20 you on June 15th?

21 A Yes, ma'am.

22 Q Do you remember that date?

23 A Yes, ma'am.

24 Q Okay. We went to talk to you about the 9-1-1 call?

25 A Yes.

1 Q All right. And at that point, what did you tell us?

2 A Before y'all had put me on the -- to listen at the 9-1-
3 1 call, I said let me go ahead and clear this. I said,
4 because it's on my heart, and I have children, too. And if
5 something like that happen to my child, I would want
6 somebody to at least come up and say something.

7 Q Okay.

8 A That's when I made my mind up to say something.

9 Q Yes, ma'am.

10 A Okay. Because I had done laid on my chest too long,
11 you know. Knowing that my son had already died, I thought
12 about his mother, because I'm one.

13 Q Yes, ma'am.

14 A That's when I decided to tell y'all what I saw.

15 Q All right. So you also told us that you had gotten a
16 phone call from somebody?

17 A Yes.

18 Q And who did you get a phone call from?

19 A Vaughn. Vaughn.

20 Q Yes, ma'am. And what did he tell you when he called?

21 A Well, when he called, we talked ---

22 THE COURT: Hold the microphone up a little bit.

23 A I'm sorry. I keep forgetting. First, we just talked
24 casual, like how you doing? And the next time he called me,
25 I didn't answer. But the letter came, and he said, well, he

1 would give me \$3,000 to tell the truth to his lawyer.

2 Q He would give you how much?

3 A \$3,000.

4 Q To do what?

5 A To go to his lawyer's office and tell the truth.

6 Q Okay.

7 A Uh-huh (affirmative).

8 Q All right. Did he give you \$3,000?

9 A He was like, I'm getting (unintelligible.)

10 Q Okay. So you told us all that on that particular day.

11 Now, tell us what you told Angela and I on June 15th about
12 what happened. That was the last time you talked to him.

13 Not the first time when you called 9-1-1, not when the
14 officer arrived to talk to you and you said you hadn't seen
15 nothing. Not when you talked to Nyle and you said you
16 hadn't seen nothing. Not when Angela and I went to you the
17 first time and you said you had closed the door and you
18 hadn't seen nothing.

19 A That's right.

20 Q Tell us the fifth story that you told us when we went
21 to see you on June 15th.

22 A About the same thing that I said about what happened
23 when he came knocking on my door.

24 Q Okay.

25 A He bammed on my door.

1 Q Yes, ma'am.

2 A Bam, bam, bam, bam, bam, bam, bam. So he was
3 calling out a name, and I didn't know her name was that at
4 the time. Then, he said Coco. I opened the door. The back
5 door, now. The back door.

6 Q Yes, ma'am.

7 A He was at the back. He walked through. I went in the
8 room, and I said, "Coco," I said, "I didn't know you was in
9 my house," like that. And she just (makes frightened
10 sound.) I said, "Get out here and come talk to this boy."
11 Opened the door, they went out the front door. I sit and
12 watch them with the door open.

13 Q Yes, ma'am.

14 A So then, she got in the car and he was getting in the
15 car. All of a sudden, he stopped and he started running
16 toward the three guys who was standing up there.

17 Q Now, who were the three guys standing up there?

18 A It was Nayronne, my son, Vaughn, and some guy named
19 Quick.

20 Q Okay. Do you know what Quick's real name is?

21 A No, I don't know. I just been seeing him around
22 recently.

23 Q Okay. You got to hold the microphone up to you.

24 A No, I don't know his name.

25 Q Okay. So you didn't know Coco was in the house?

1 A I did not know she was in the house. I had already
2 told her not to spend the night, because she wasn't staying
3 with me.

4 Q All right. Yes, ma'am. Didn't she help you with your
5 neck?

6 A With my neck. Before I went to sleep, I said, "Please,
7 don't stay in my house tonight," because she wasn't
8 intending to stay at my house, because her clothes were not
9 at my house. When I woke up and the bam, bam, bam, I'm
10 looking around. I push the door open, that's where she was
11 in there at.

12 Q All right. So you said he came in. You let him in?

13 A I let him in, yes.

14 Q And how did he act when he came in?

15 A He act just as fine as could be. He just came by me
16 and I stopped, I said, "Coco." She had come out the room.
17 She went outside with him. They was getting in the car.

18 Q So he was getting in the car?

19 A He was getting in the car.

20 Q Okay.

21 A He had his hand, you know where the car door is?

22 Q Yes, ma'am.

23 A On the grass, like this.

24 Q Okay.

25 A All of a sudden, I heard arguing -- I couldn't hear

1 nothing they was saying. And then he started charging. He
2 was charging toward them guys.

3 Q All right. Now, where was those guys? Were they
4 standing --

5 A They were standing on the grass.

6 Q Were they standing in front of the door or how were
7 they standing?

8 A Oh, no. They was way from the door. At least ---

9 THE COURT: Hold the microphone up.

10 A This is the door. And they was standing halfway
11 between, right there.

12 Q All right. So if I walk towards you, you'll be able to
13 tell me when to stop?

14 A Yeah.

15 Q Okay. So I'm walking towards you. I'm walking towards
16 you. I'm walking towards you. I'm walking ---

17 A Stop.

18 Q Stop.

19 A That's right.

20 Q All right. So how many feet would you guesstimate that
21 is?

22 A Oh, 20? I don't know. I'm not good at that.

23 THE COURT: Speak up. I can't hear you.

24 A Okay.

25 Q Would you say about maybe like eight feet, ten feet?

1 A You got a pencil?

2 Q Yes, ma'am.

3 A I can show you. I can draw it.

4 ASST. SOL. LEGETTE: Let the record reflect that the
5 State is giving the witness a paper and pencil. May I
6 approach the witness, Your Honor?

7 THE COURT: You may.

8 Q I'll hold the microphone and you can tell me.

9 A Okay. This is my apartment here. This is the parking
10 lot right here. This is the apartment next door right here.
11 This is the grass right here. This is the sidewalk right
12 there. This is where the car was parked right here. Okay.
13 They were standing right -- this is the grass. They were
14 standing right in here, right in there. So the car is here,
15 the sidewalk, and the grass, and they standing right here.
16 The apartment is here, and my apartment over here. See, it
17 was over here on this parking lot side that his car was
18 parked. And this is the sidewalk. This is the grass. And
19 this is where they was standing, right here. So when he ran
20 and he fell, he fell right in that spot, almost by the
21 sidewalk. That's where he fell.

22 Q Okay. So now, what direction did he run in? Did he
23 run to the right or left?

24 A No, he was running straight. He ran straight. He came
25 here, and he ran straight, like that. Bam.

1 Q And where was his car parked?

2 A Right here.

3 Q All right. So he ran from the car toward there?

4 A Toward there, yes, ma'am.

5 Q All right. And where were Taquan and Nayronne?

6 A Right here in the grass.

7 Q In the grass?

8 A In the grass, that's right.

9 Q Okay. So there were actually standing outside in the

10 grass?

11 A They was standing outside in the grass, yes, ma'am.

12 Q Okay. Anything else you want to tell us about what

13 happened, where the location was?

14 A No, ma'am.

15 THE COURT: Show it to counsel for the defendant.

16 (Ms. Legette shows sketch to Mr. Walker.)

17 Q Now, Ms. Mays, so who shot him?

18 A Vaughn.

19 Q Who?

20 A Vaughn.

21 Q Oh, you mean the defendant, Taquan Brown?

22 A Yeah. Yeah, the defendant. I call him Vaughn.

23 Q Okay. Did anyone else have a gun?

24 A No. No, I didn't see no gun. I mean, he -- he was on

25 this side and I was on this side, and I didn't see no gun.

1 I heard it when it happened, you know, that's something to
2 see. I didn't see no gun. If he had it, I couldn't see it,
3 because I got cataracts in this eye here. But if there was
4 a gun, I didn't see it. It was nighttime. We got a light
5 right there, and when something like that happen, you don't
6 go looking for stuff.

7 Q All right. So you have cataracts and there was a
8 light?

9 A Yeah. But I could see where they was standing at
10 because the light shines right on the grass.

11 Q Okay. Right on the grass?

12 A Right.

13 Q Okay. Begging the Court's indulgence.

14 (Brief pause.)

15 Q Now, Ms. Mays, you said that the victim was nice to
16 you?

17 A Oh, yes. Yes, he was.

18 Q And you said he was looking for Coco?

19 A Yes.

20 Q So you said he was getting in the car?

21 A Yes, he was getting in the car.

22 Q So what happened to keep him from getting in the car?

23 Were you outside at this point?

24 A No. I was sitting -- I was out, had the screen door
25 like this.

1 Q You had the screen door closed?

2 A No. When you open it, and you -- I had my feet like
3 this with the door holding it open.

4 Q Okay.

5 A Yeah.

6 Q So when he was getting in the car, what stopped him
7 from getting inside the car?

8 A That's something I don't know, because all I know is he
9 was arguing, but I could not hear what they was saying. My
10 apartment is here, his apartment is here, and the parking
11 lot is like way over here. So I couldn't hear what they was
12 saying. So all of a sudden, he just started running towards
13 them.

14 Q You said "they" were talking, "they" were saying. Do
15 you mean "they" as in Nayronne, Taquan and Quick?

16 A Yeah. They was all gabbing.

17 Q They was gabbing at him?

18 A They was gabbing. They all was gabbing. Everybody was
19 gabbing. I could hear everybody's mouth was going up and
20 down.

21 Q Okay. So they was out in the grass?

22 A Yeah. They was out in the grass and he was to the car.

23 Q Okay. They weren't inside their apartment?

24 A No. No. Unh-unh. No, they were outside. When I came
25 back out after I slammed the door, and let me tell you, Your

1 Honor, exactly what I said. I kept the door opened. That's
2 when I seen them standing in the yard.

3 Q Okay.

4 A I couldn't hear all of them. All I seen was their
5 mouths moving. And I stand there, and all of a sudden, he
6 started running.

7 Q And they were ten feet from the door?

8 A Yes, they was.

9 Q Out in the grass?

10 A Yes.

11 Q And you said Mr. Bright cuts that grass?

12 A Yeah.

13 Q Whose grass is that? Everybody's grass?

14 A That grass don't belong to nobody. I mean, that's
15 grass that grow up on the earth. That's just grass out
16 there where they don't cut.

17 Q Okay.

18 A He don't cut the grass.

19 ASST. SOL. LEGETTE: Begging the Court's indulgence.

20 Q Ms. Mays, thank you, ma'am. I have no further
21 questions.

22 THE COURT: Counsel approach.

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

25 THE COURT: Cross-examination?

1 MR. WALKER: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. WALKER:

4 Q Good afternoon, Ms. Mays.

5 A How you doing?

6 Q I'm all right. I'm going to slide this over so I can
7 see you a little better. Can you hear me all right?

8 A Yes.

9 Q I want to talk a little bit about what you just
10 testified to and then go over a couple other things.

11 A Okay.

12 Q They said you admitted that you didn't tell the truth
13 the first few times you talked to them?

14 A That's right.

15 Q Because you didn't want to get involved?

16 A That's right. I did not want to get involved.

17 Q Because you were scared to get involved?

18 A That's right.

19 Q Is that because you think generally it's not a good
20 idea in Walterboro to be known to be talking to the police?

21 A That's right.

22 Q Okay. But Taquan Brown, or Quick, or your son never
23 threatened you in any way?

24 A Oh, no, no, no, no.

25 Q And you said that Taquan Brown wrote you a letter?

1 A Yes.

2 Q And that he wanted you to come tell the truth to the
3 Solicitor?

4 A Yeah, that's right. That's right.

5 Q And he never asked you to make up a story?

6 A Oh, no, no, no.

7 Q Ms. Mays, you drew this sketch a moment ago for Ms.
8 Legette, and I was sitting so I couldn't see what you drew.
9 Could you just point out to me, what is this right here?

10 A That's a sidewalk.

11 Q And what is this right here?

12 A That one is where his car was parked at.

13 Q All right. And what is this right here?

14 A This is when -- this is where he fell. He fell right
15 there. Q He fell right there. And right here?

16 A That's where they were standing at.

17 Q Okay. Is this where you were?

18 A This where I live at.

19 Q Okay.

20 A And this is the -- how short our apartments are close
21 together, just like that.

22 Q All right. Thank you, ma'am.

23 THE COURT: Let the record reflect that the witness's
24 drawing is now State's Exhibit number Fifty.

25 (Whereupon, State's Exhibit Number Fifty, sketch of Ms.

1 Mays, is received into evidence.)

2 Q Now, when you said you were going to come to Court and
3 tell the truth about what happened?

4 A Yes.

5 Q You said he was banging, banging, banging on your door
6 and you let him in, and you went back and you didn't know
7 Coco was in your house?

8 A Did not know she was in my house. And I keep my second
9 bedroom door open, she was in there crying.

10 Q You said she was crying?

11 A Crying and screaming in there like ---

12 Q She appeared to be afraid?

13 A Yeah, she was afraid, yes. So I said, "Coco, you got
14 to go." And she said, "I can't." He came past me and got
15 her. I slammed the door shut, then I held the door open.

16 THE COURT: Hold the microphone up.

17 A So sorry. And I hold the door open, and she got in the
18 car.

19 Q Did you hear any conversation between her and ---

20 A No, I didn't. Like I said, they was walking out. Our
21 apartment got a long sidewalk. So they had to cut this way
22 to get to the car, because the car was on the other side of
23 the apartment, not in front of the door. So they had to
24 walk to the car. They got in the car -- well, she got in
25 the car. He was getting in the car. He had his arm on the

1 car door thing and that's when I heard the noise, yabba,
2 yabba, yabba, yabba.

3 Q And you heard noises, but you couldn't differentiate
4 what people were saying?

5 A I could not hear what they were saying, because my
6 apartment was here, the sidewalk was right here. Then, from
7 where the last door all the way down, they had to walk that
8 far. And she was on the other side of the car, so she got
9 in the car. He was standing like this.

10 Q Let me ask you this, when they were walking, they were
11 walking away from you, correct?

12 A Yeah, they was walking away from me going this way.

13 Q So his back was to you when he was walking?

14 A Yeah. Yeah. Yes.

15 Q So you couldn't see his mouth when he was walking?

16 A No. No.

17 Q Did you see his mouth when he was at the car?

18 A The only thing I see ---

19 Q He was talking at the car?

20 A Yeah, like that. (Mouth moving silently.)

21 Q But you couldn't understand what he was saying?

22 A I couldn't understand what they were saying.

23 Q But then, after he was done talking, he charged at
24 them?

25 A He charged at them. That's right.

1 Q And that grassy area that you're talking about, that's
2 the yard in front of Taquan's apartment?

3 A No, it's not in front of Vaughn's apartment. It's over
4 on the side. You got four apartments out there, and you got
5 mine, and Vaughn's apartment is right there. Then, the
6 grass is here, over here. We each got a little grassy area.
7 Okay, so he was way over there ---

8 Q On the grass?

9 A Yeah, he was to the car parked where the cement at.

10 Q Okay.

11 A That's where he was parked at and that's when the
12 yabba, yabba, yabba, yabba started.

13 Q Okay.

14 A I couldn't hear nothing they was saying. All of a
15 sudden, he started charging. That's what I seen.

16 Q And you never saw him actually get all of the way into
17 the car?

18 A No. He didn't get in the car. He was getting in. He
19 was still standing up talking, because he had, you know, his
20 arm on the car. He was a big guy. His car was a small car,
21 so he had to lean on the car like this to try and get in the
22 car. Then, I heard all this yabba, yabba. Then, all I seen
23 is him running. I can never forget that.

24 Q Were you close enough to him to hear what he said to
25 Coco to make her go with him?

1 A No, he didn't make her go with him; she went with him.

2 Q Okay. But you didn't know him, correct?

3 A No, I didn't know him.

4 THE COURT: Anything else, counselor?

5 MR. WALKER: No, Your Honor. Thank you.

6 THE COURT: Redirect?

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

8 THE COURT: As to this witness?

9 ASST. SOL. LEGETTE: We ask that she be excused.

10 THE COURT: Any objection?

11 MR. WALKER: No, Your Honor.

12 THE COURT: Ms. Mays, they're going to help you. Hand
13 your microphone to the Major. He will take the microphone
14 from you. You're excused from the trial of this case. You
15 may leave the courtroom.

16 MS. MAYS: Okay. Thank you.

17 THE COURT: Call your next witness.

18 ASST. SOL. LEGETTE: The State calls Nayronne Holmes.

19 (Whereupon, the witness, Nayronne Holmes, enters the
20 courtroom.)

21 CLERK: Please come forward, Mr. Holmes.

22 (The witness, Mr. Nayronne Holmes, is duly sworn by the
23 Clerk of Court.)

24 THE COURT: Please have a seat. Make yourself
25 comfortable. Pull the chair up. Adjust the microphone.

1 Come up to it. I want you to speak into it. It's going to
2 amplify your voice.

3 WITNESS: Okay.

4 THE COURT: Speak up so everybody in the courtroom can
5 hear you. State your full name and spell your last name for
6 the court reporter.

7 WITNESS: Nayronne B. Holmes, H-O-L-M-E-S.

8 THE COURT: Your witness, counsel.

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

10 DIRECT EXAMINATION

11 BY ASST. SOL. LEGETTE:

12 Q Mr. Holmes where are you from, sir?

13 A Walterboro, South Carolina.

14 Q And where do you live now?

15 A Jacksonville, Florida.

16 Q Okay. And were you born and raised in Walterboro?

17 A Yes, I was.

18 Q And who is your mother?

19 A Barbara Mays.

20 Q The lady who just left out?

21 A Absolutely.

22 Q Okay. Now, Mr. Holmes, do you know -- or did you know
23 a woman named Coco?

24 A Courtney Boulware, yes.

25 Q Okay. And her nickname was?

1 A Coco.

2 Q Okay. Do you know Taquan Brown?

3 A I knew him for about 17 to 15 days, but I knew him. He
4 had just moved in next to my mother.

5 Q Okay. Is he present in Court today?

6 A Yes, he is.

7 Q Can you point him out, please?

8 A That's him right there.

9 Q What color shirt does he have on?

10 A It looks like a -- it's grey.

11 Q Okay.

12 ASST. SOL. LEGETTE: Let the record reflect the witness
13 has indicated the defendant, Taquan Brown.

14 Q Now, Mr. Holmes, did you also know Mourice Kemp or know
15 of him?

16 A Never heard of that name before.

17 Q Big Mo?

18 A Oh, well, see I only know him by Mo.

19 Q Okay. So you knew him, too?

20 A I didn't, but I -- really, I didn't know him. I know
21 the streets, but yeah, I did know him as "Mo."

22 Q Okay. So now, Mr. Holmes, let's go back and talk about
23 November 2013. Do you remember that particular month?

24 A Uh-huh (affirmative), yes, ma'am.

25 Q Okay. Who were you living with during November 2013?

- 1 A At the time, I was living with my mother.
- 2 Q Okay. That's Ms. Barbara Mays?
- 3 A Yes, it is.
- 4 Q And what was your address?
- 5 A ■ Bright's Court.
- 6 Q And what county is ■ Bright's Court located?
- 7 A It's in Colleton County.
- 8 Q Now, was anybody else staying with you and your mother?
- 9 A Not necessarily staying at the time, no.
- 10 Q Did anyone come over and visit from time to time?
- 11 A Oh, yes, definitely.
- 12 Q Did Coco come over and visit sometimes?
- 13 A Yes.
- 14 Q Okay. And her name is Courtney Boulware?
- 15 A Uh-huh (affirmative), yes.
- 16 Q All right. So now, Mr. Holmes, let's go back to the
- 17 night of November 20th, 2013. Did anything strange -- well,
- 18 did you see Coco that day?
- 19 A I was actually at work, so no, I didn't see her that
- 20 day.
- 21 Q Okay. So you were at work, so what happens when you
- 22 get off from work? Do you come home?
- 23 A And she was over.
- 24 Q So you obviously saw her?
- 25 A Oh, yeah, she was there.

1 Q Okay. All right. At some point during the night, did
2 something strange happen?

3 A Definitely.

4 Q All right. Can you tell us about that?

5 A We were sleeping. And I heard ---

6 Q You said "we were sleeping." Who was sleeping?

7 A Well, me and Courtney and of course, my mom was in the
8 front room and we were in the back. And I don't know, it
9 was 3:30 or 4 in the morning, and we were sleeping, and I
10 heard this sound, it was crazy. It was like bam, bam, bam.
11 And immediately I jumped up and went to the back window and
12 I peeped. I really couldn't see nobody, because it's real
13 dark because there's no light back there.

14 Q Okay.

15 A And so I kept peeking and I seen this big guy. And I
16 left the apartment. I said, oh, somebody's trying to break
17 in. And the reason I left is because I knew a pistol was
18 next door and my family's there, and I went next door. So
19 when I got next door, by that time when I got next door,
20 evidently he had done made his way over there, and he was
21 beating on the other guy's door. I was like who is that
22 beating on that door like that? One of the guys, Quick or
23 Quan said, "That's Mo."

24 Q Well, let me stop you right there. You said "Quick."
25 Who is Quick?

1 A That's -- like I said, I didn't know Quan 17 days, so I
2 really don't know Quick either, but Quick was over there
3 with Quan.

4 Q All right. Go ahead.

5 A All right. Like I said, about the same time as I got
6 over there, he was over. We was kind of like -- he didn't
7 come in the apartment necessarily. He came like in the
8 kitchen part, and that's when him and -- "Man, what you
9 doing in my house this time of night? You crazy. What's
10 wrong with you?" "Where's Courtney? Where's Courtney?"
11 And one of the guys said, "She's next door." And he went
12 back next door. And by the time -- that's what's strange to
13 me because I never could understand how he got ---

14 Q So you go next door?

15 A And we went outside. And it's almost immediate when we
16 went outside, they were outside. But they were kind of like
17 at the front nose of the car he was driving and so they went
18 and they were sitting in the car. And of course, Mo was
19 talking. And he was talking ---

20 Q "He" as in?

21 A Quan. You know, they were bickering, because the man
22 had just knocked on his door and 4 or 5 in the morning for
23 nothing, pretty much.

24 Q Well, who was he looking for?

25 A Courtney.

1 Q Okay.

2 A He was looking for a woman.

3 Q Okay. And she was with you?

4 A Yeah.

5 Q Okay. So now, let's go back to the part where you said
6 he goes next door.

7 A Uh-huh (affirmative).

8 Q All right. So when he goes next door, what happens or
9 do you know?

10 A After my mom told me I know, but like I said ---

11 Q Your mom and you talked about it?

12 A Of course, yeah.

13 Q Okay. So what do you know personally what happened
14 when he went next door?

15 A I don't know anything what happened when he went next
16 door, the truth I don't.

17 Q All right. Now, do you remember telling me and Ms.
18 Stallings that he went peeking around the building to the
19 left?

20 A He definitely would have to go to the left. But see,
21 that's where it was kind of confusing me, because by the
22 time we got out front, I always wondered about how in the
23 world did Big Mo and Coco get to the car as fast as we did,
24 but my mom told me; she let him in. So that's how they got
25 from ---

1 Q So your mom told you that?

2 A Yeah.

3 Q Okay. When you talked to Ms. Stallings and I, you
4 remember talking to us?

5 A Uh-huh (affirmative), absolutely.

6 Q And you told us he went around the building?

7 A Uh-huh (affirmative).

8 Q You have to say yes or no.

9 A Uh, I didn't tell you that. I said they went to the
10 left.

11 Q To the left? Okay. So they went to the left towards
12 the road?

13 A Yeah.

14 Q All right. Maybe I misunderstood. All right.

15 A It's all recorded.

16 Q We did. So anyway, you said they went to the left?

17 A Uh-huh (affirmative).

18 Q So when they went to the left, where were you?

19 A I was in the apartment with them. Well, Quan and
20 Quick. It happened so fast. Like we was in the apartment,
21 like I said, one second, and that's why it was always
22 confusing me. How did he get from all the way around the
23 apartment to right where he was at. But like I said my mom
24 said, she let him in. I never knew my mom even let him in.

25 Q All right. So you said they were sitting in the car?

1 A Yeah, they was pretty much sitting -- yeah, they was
2 pretty much -- at first, like I said, they met like at the
3 nose of the car by the time we got outside, so she was
4 sitting down. It happened so fast.

5 Q All right. So you said that "we" -- by the time "we"
6 made it outside, who was "we"?

7 A Me, Quan and Quick.

8 Q And did y'all have a gun with you?

9 A Did y'all?

10 Q You said you went next door because somebody had a gun?

11 A Yeah, I definitely went next door to get a gun.

12 Q Who had the gun?

13 A It was his gun.

14 Q "His" as in?

15 A Quan.

16 Q So Taquan had the gun?

17 A Uh-huh (affirmative).

18 Q You have to say yes or no.

19 A Yes.

20 Q All right. So you went next door because Quan had a
21 gun?

22 A Uh-huh (affirmative). If somebody beat on your door at
23 5:00 in the morning, what would you do?

24 Q Yes, sir, I understand. But you said you went next
25 door because Quan had a gun?

1 A Uh-huh (affirmative), yes.

2 Q So Mr. Holmes, you went next door, you said Taquan had
3 a gun?

4 A Yes.

5 Q Okay. And you said that when Courtney and -- well,
6 Coco and Big Mo, or Mo, made it to the car, y'all were
7 coming out the house?

8 A Uh-huh (affirmative), yes.

9 Q All right. Who is "y'all"?

10 A Me, Taquan, Quick and myself.

11 Q All right. Does anyone have a gun?

12 A Of course.

13 Q Who has the gun?

14 A He has the gun.

15 Q "He" as in?

16 A Quan.

17 Q Taquan has the gun?

18 A Uh-huh (affirmative), yes.

19 Q Okay. So y'all, you, Quan, Quick, come outside of
20 Quan's apartment?

21 A Uh-huh (affirmative), yes.

22 Q And you said Quan has the gun?

23 A Yes.

24 Q All right. And when y'all come out of the house, and
25 Quan has his gun, you, Quick and Quan, what do y'all do?

1 Where do y'all stand?

2 A We were standing about 10 feet away from his door, if
3 that, maybe.

4 Q Okay. So do you walk any further?

5 A No.

6 Q So how are y'all standing? Are y'all standing in a
7 parallel line beside each other or are y'all standing
8 straight up and down?

9 A I can't remember exactly, but we was standing out in
10 front of his apartment.

11 Q Okay. So you said that he and Courtney are now sitting
12 in the car?

13 A Yeah, pretty much they were in the car at that point.

14 Q They're in the car.

15 A Not all so much, because he still had his head out
16 talking.

17 Q Okay. You said earlier he was in the car?

18 A I mean, but, hey, you know, because you got the window
19 down; you can yell out and talk.

20 Q Okay. Is somebody talking? What are y'all doing?

21 A Yeah, they were exchanging words, you know.

22 Q Who is "they"?

23 A Quan and Big Mo, they were exchanging words.

24 Q All right. So what happens?

25 A He got out the car. I mean, and started coming

- 1 towards, and then bam, bam, bam.
- 2 Q So who did the bam, bam bam?
- 3 A Quan.
- 4 Q So Quan shot him?
- 5 A Uh-huh (affirmative), yes.
- 6 Q All right. So now, Mr. Holmes, did you call 9-1-1?
- 7 A No, I didn't.
- 8 Q All right. Do you know if somebody called 9-1-1?
- 9 A Yes, my mother called.
- 10 Q Okay. Did anyone respond to help them, the situation?
- 11 A Oh, yeah, definitely.
- 12 Q And did the police respond?
- 13 A Yes.
- 14 Q And did you talk to the police?
- 15 A Yes.
- 16 Q All right. At that point, what did you tell them?
- 17 A I didn't tell the truth, if that's what you want me to
- 18 say.
- 19 Q So you didn't tell them anything? You told them you
- 20 hadn't seen anything?
- 21 A Pretty much.
- 22 Q Okay. And at some point, did you talk to the police
- 23 again?
- 24 A Three more times after that.
- 25 Q Okay. So the second time you talked to them, what did

1 you tell the police then?

2 A I told them I didn't see anything, I'm pretty sure.

3 Q Okay. And then there was another time you talked to
4 the police?

5 A Uh-huh (affirmative), yes.

6 Q Tell us about that one. Did you give a little more
7 information?

8 A Can't remember exactly what I told them, but pretty
9 much along the same line that I really didn't see nothing.

10 Q All right. Then you talked to the police another time?

11 A Uh-huh (affirmative), yes.

12 Q And in that particular statement, you basically told
13 the police that Quan shot Mo?

14 A Yes.

15 Q Okay. And at that point, what else did you tell the
16 police?

17 A What else did I tell the police?

18 Q Yes.

19 A I told them a lot. Not as far as the casewise, but I
20 told them I felt like I was not being treated like a citizen
21 because even though I'm not trying to help anybody in this
22 case in no way possible, how was he able to call my mom's
23 house? And I told Detective Nyle sitting over there, I said
24 what side of the fence are you on?

25 Q Okay. Now, at some point, you also told the Detective,

1 Nyle, that you got a call?

2 A Uh-huh (affirmative).

3 Q You have to say yes or no.

4 A Yes.

5 Q All right. You told him that you got a call from
6 Taquan Brown?

7 A Yes.

8 Q Okay. And what did you tell Nyle, or Detective, that
9 Mr. Brown said in that particular phone call?

10 A We really didn't talk, but I was asking him why and how
11 did that happen?

12 Q About how he called your house?

13 A Yeah. How and why was he allowed to? That's what it
14 was.

15 Q Okay. So in that particular phone call, do you
16 remember telling Nyle that Mr. Brown tried to bribe you?

17 A Yes.

18 Q Okay. And how much did he try to bribe you with?

19 A I can't remember.

20 Q Was it \$3500?

21 A It may have been \$3500.

22 Q Or was it 35 and 35, meaning \$7,000?

23 A It could have been. Yes, it could have been.

24 Q Okay. Now, Mr. Holmes, you said that Courtney was in
25 the car and Mo, Big Mo, was in the car when y'all were

1 outside and he and Quan started having words?

2 A Yes.

3 Q If they were leaving at that point, why did Quan start
4 having words with him?

5 A Because he was having words back with him. I mean,
6 yeah, he was in the car. All he had to do was put it in
7 reverse and back out.

8 Q But Quan was actually outside of the house. All he had
9 to do was stay inside his house, right?

10 A If someone knocked on your door at 4:00 in the morning,
11 what would you do?

12 Q But that threat was over. He was getting in the car.
13 My question to you is ---

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

15 MR. WALKER: I don't know whether she's asking the
16 question more than why did he agree?

17 THE COURT: Direct examination. The objection is
18 sustained. Rephrase your question.

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

20 Q So Mo was in the car?

21 A Yes, he was getting in the car.

22 Q Yes, sir. And y'all didn't stay in Quan's house, y'all
23 came outside?

24 A Yes.

25 Q And Quan had the gun?

1 A Yes.

2 ASST. SOL. LEGETTE: Begging the Court's indulgence.

3 Q Who owned that gun?

4 A I don't know who owned the gun.

5 Q You don't own it?

6 A Of course not.

7 Q Have you ever handled that gun?

8 A I've seen the gun, but I've never really -- I don't
9 think I've handled it.

10 Q But you knew the gun was there?

11 A Oh, yeah, I knew the gun was there.

12 Q Okay. So you had seen Quan with that gun?

13 A Yes.

14 Q Do you remember telling Detective Eltzroth that Quan
15 was actually standing in the door with the gun in his hand
16 before he went out?

17 A He had to come out of the door; of course. I mean, of
18 course. How else was he gonna come out?

19 Q All right. Mr. Holmes, I have no further questions.

20 Oh, and before I ---

21 ASST. SOL. LEGETTE: Begging the Court's indulgence.

22 BY ASST. SOL. LEGETTE:

23 Q Mr. Holmes, was anyone else there that night?

24 A Absolutely not; just who I told you was there.

25 Q So no one else?

1 A Absolutely not.

2 Q Okay. Thank you. No further questions.

3 THE COURT: Cross-Examination.

4 MR. WALKER: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. WALKER:

7 Q Good afternoon.

8 A How are you doing?

9 Q I'm all right. I want to go back to the beginning of
10 your testimony a moment ago. Well, actually I want to go
11 further back than that, but Ms. Legette had asked you who
12 lived at your house, and sometimes Coco stayed there.

13 A Yes.

14 Q And she did sometimes?

15 A Yeah, sometimes.

16 Q But she was not regularly staying there the night in
17 question?

18 A Oh, my mom had just previously told her she could not
19 stay there no more.

20 Q So your mom had put her out of the house?

21 A Yes.

22 Q And before we get to the night of the incident here, I
23 want to talk a little bit about your relationship with Coco.
24 That had been ongoing for how long?

25 A Maybe a year. I'm not sure.

1 Q Was that a, you know, an exclusive consistent
2 relationship or ?

3 A Definitely not.

4 Q Did you have occasion to have an interaction with Mo
5 actually a week before he was shot on Saturday?

6 A Yes.

7 Q Tell us about that occasion.

8 A Well, Larry, that's another guy, his name is Larry. He
9 called me and said that Coco said she wanted to come out and
10 hang out. And so Larry went and I went and Quan, we went to
11 pick her up. When we got there ---

12 Q I want to ask you, where did you go to pick her up?

13 A The Southern Inn.

14 Q Okay.

15 A And when we got there, we -- none of us came for no ra-
16 ra.

17 Q I'm sorry?

18 A I'm sorry. None of us came for any type of violence or
19 any type of nonsense. And immediately it was just, ra-ra,
20 and just talking. He said, "What are y'all doing here?"

21 Q You are saying "he," and who is he?

22 A Mo. "What are y'all doing here? What are y'all doing
23 here? Y'all need to leave and all this." These guys were
24 actually being real nice about it. You know, they just
25 saying, "We not here for no trouble." And he said, well,

1 I'll show y'all, and he shot back in ---

2 Q Who's "he"?

3 A Mo. Went back into his room, and when he came out,
4 honestly, he never pulled it out. When he came out, he had
5 no shirt on, but he had a pistol right here on this side.
6 And me, Taquan and Quick said, "Let's go, man. Let's get
7 out of here, because he's got a gun." We jumped in the car,
8 went down the road, and like -- well, they did call 9-1-1,
9 but then they hung the phone up, you know, because it was
10 nonsense, you know. And we got down by Texaco, the Shell
11 Station here on Jefferies, and Coco called and said, "Y'all
12 need to come and get me." And he turned around and went
13 back and got her.

14 Q Where was Big Mo when you went back to get her?

15 A I guess he was in the room.

16 Q So he had gotten his gun from his room?

17 A Uh-huh (affirmative), yes.

18 Q Was Coco in that room as well?

19 A Yes.

20 Q So he also had a relationship with Coco, or Courtney?

21 A Yeah, they had a relationship. They probably could
22 have made it if he would have -- because she really did like
23 him. She really did.

24 Q Now, I want to -- kind of went through that kind of
25 fast and I want to just go through. Y'all were there to

1 pick up Courtney and you said that Mo reacted or started up?

2 What prompted that?

3 A Probably because we were out there to pick her up, you
4 know. That's definitely the reason.

5 Q But you didn't have any words with him before he got
6 angry?

7 A It didn't -- it didn't get all, you know, crazy that
8 night at all. He was saying some stuff, you know.

9 Q What kind of stuff?

10 A Like what the hell y'all doing out here? I want you to
11 get off my ---

12 Q I mean, don't mumble. Just tell me what he said. We
13 got to know.

14 A Okay. Y'all need to get your asses from my room.
15 Y'all violating me and all of this, you know, nonsense. He
16 shot back in the room and that's when he came out with a
17 pistol. And I was like, y'all, it's time to go. None of
18 us, you know, don't have a pistol. Let's go.

19 Q And so, y'all left?

20 A We left.

21 Q And then you didn't see him anymore that day or
22 anything?

23 A I didn't see him anymore.

24 Q Was the next time you saw him, the night he was killed?

25 A Yes, I think so. That was the last time I saw him.

1 Q So let's jump ahead then to that. Let me back up, I'm
2 sorry. One more thing, just so we're clear. You were in
3 the car with Larry Council?

4 A Yes, Larry Council.

5 Q And Taquan?

6 A Yes.

7 Q Was anybody else with you?

8 A That's it.

9 Q Well, Courtney was with you when you left the second
10 time, but going there the first time, did he point a gun at
11 you?

12 A No, he didn't point it at all.

13 Q He made sure you saw it?

14 A Yes.

15 Q He said leave, and then he got a gun?

16 A Yeah, he got up and got the pistol..

17 Q And that's when y'all left?

18 A Yeah.

19 Q And all three of you could see it?

20 A Yeah. He had on no shirt and the pistol right here.

21 Q So jumping ahead to November the 20th, the night he was
22 killed, tell us again, what time was it?

23 A I would say between -- I'm assuming 3:30 or 4:30,
24 something like that.

25 Q At a very early morning hour?

1 A Very early.

2 Q And tell us again, what prompted you -- what first drew
3 your attention that night?

4 A Repeat that question.

5 Q What first drew your attention at 4:30 in the morning
6 that night?

7 A You want me to describe it to you?

8 Q Yes.

9 A Bam. Bam. (Witness makes sounds with fist on the
10 wooden banister in front of him.) It was crazy.

11 Q All right. And where was that coming from?

12 A My mother's back door.

13 Q Okay. And did you go to the back door?

14 A I went to the window to see who it was.

15 Q Okay. And then you just looked out?

16 A And I really couldn't see from a little reflection of
17 the moon, and I realized it was a big guy out there. My mom
18 was in the front room. I wanted to protect her.

19 Q And then you did what?

20 A I went next door to get the pistol.

21 Q But obviously not that way, because he ---

22 A No. Yeah, I went through the front door. I really
23 didn't know who it was, you know. It was really dark back
24 there.

25 Q Early in the morning? The light area is in the front,

1 right?

2 A Right. There is no light in the back at all.

3 Q Why would you need a pistol if somebody is banging on
4 your door at 5:00 in the morning?

5 A Why would you need one if someone came to your door at
6 5? I couldn't protect myself.

7 THE COURT: Hold on a minute. Let him finish and then
8 you ask a question. Proceed.

9 A My mom was in there. She's in a wheelchair. I'm gonna
10 protect her to the fullest. I didn't know who that is, so I
11 mean.

12 Q And you felt you needed to protect yourself?

13 A At 4:30 in the morning, somebody beating on your back
14 door, you're going to protect yourself, too.

15 Q Well, let's say you had been able to -- it was lighter,
16 and you knew it was Big Mo banging on the door at 5 in the
17 morning ---

18 A Uh-huh (affirmative).

19 Q --- would you still have felt a need to protect
20 yourself?

21 ASST. SOL. LEGETTE: Objection.

22 THE COURT: Grounds?

23 ASST. SOL. LEGETTE: I believe it calls for
24 speculation, Your Honor.

25 THE COURT: He can ask him what he thought in his mind.

1 Objection overruled. Proceed, cross-examination.

2 MR. WALKER:

3 A Can you ask that question again?

4 Q You said you really didn't know who it was, so you
5 wanted to protect yourself. If you had been able to see
6 that it was, in fact, Big Mo, would you still have thought
7 that you needed to protect yourself?

8 A I would be speculating then.

9 Q Well, if it was you, would you have felt afraid of him?

10 A I can't put myself in that situation that you're trying
11 to put me in, but I'm sure -- I can't say that. I can't say
12 that I would have did this or did that. I mean, at 4:30 in
13 the morning, you're asking for a lot of trouble going to
14 anybody's door, beating on it the way he beat on my mother's
15 door.

16 Q So you went next door to get a pistol, and obviously
17 encountered Taquan and Quick, according to your testimony.
18 Did they tell you who it was?

19 A Like I said, by the time I got from my mom's apartment,
20 he was over there, too, bam, bam, bam. What's going on?
21 Who's outside? And they was like, that's Mo.

22 Q So that's how you found out is when they told you it
23 was Mo?

24 A Yeah, I'm pretty sure it was quick who opened the back
25 door; I'm pretty sure. He said, yeah, that's Mo.

1 Q When they told you who it was, did they tell you why he
2 was there?

3 A It was obvious why he was there; we knew that.

4 Q Once you knew who it was, you knew why he was there?

5 A Oh, yeah, of course.

6 Q Now, were you present or did you observe him talking to
7 Coco when they made contact? I shouldn't have said "him".
8 When Mo and Coco were in the house or anything like that,
9 did you hear what he was saying to her?

10 A No, I was next door, so there's no way I could hear
11 them.

12 Q And so when you came out the front door with Taquan and
13 Quick, they were already out the front door of your mother's
14 house?

15 A Yeah, they were already -- they were, basically, like I
16 said, they were right at the nose of the car.

17 Q And there were words exchanged?

18 A Yes.

19 Q Did you hear Mo threaten Taquan?

20 A It was a lot said. I wouldn't call them threats, but
21 I'm sure it was pretty verbal, a lot of trash talk.

22 Q Did you ever recall Taquan threatening Mo?

23 A No, I don't.

24 Q Do you recall him telling Mo to leave?

25 A No, I don't. I mean, it was just a lot of, like I

1 said, verbal cursing, you know, trash talk.

2 Q It was trash talk from your recollection on both sides?

3 A Uh-huh (affirmative).

4 Q All right. But at some point in the trash talk, in
5 your earlier testimony you said that he was kind of talking
6 back and you extended your head up to indicate Mo talking at
7 the car. So was he like between the open car door and the
8 door looking up over the door talking?

9 A Yeah, he was kind of -- he was almost in, like, he was
10 kind of sitting down, but he wasn't. Then, a few seconds,
11 he was out.

12 Q That's what I'm asking. You said something about the
13 window being opened. Was he talking out the window or up
14 over the door?

15 A Okay, you know, how it's like he had the door kind of
16 open like this, so his head was between the door and the
17 frame of the car.

18 Q That's what I asked.

19 A Yeah.

20 Q And then he left from behind there and charged toward
21 the three of you?

22 A Pretty much.

23 Q Did he say anything when he was doing that?

24 A Yeah, he was cursing and talking trash.

25 Q What do you mean by "talking trash"?

1 A Do you really want me to say it?

2 Q Yeah, I do.

3 A "Fuck you, motherfuckers, ain't all this." Just all
4 kinds of dumbness. I'm gonna do this. I'm gonna do that.

5 Q He was gonna do what?

6 A You know, just trash talking, pretty much. I can't
7 remember exactly. I'm not gonna put words in his mouth,
8 because he's not here to defend himself, but he was talking
9 a lot of trash.

10 Q But he said he was gonna do something?

11 A Yeah, of course.

12 Q And he was saying it?

13 A Uh-huh (affirmative).

14 Q And none of the three of you ever left the yard?

15 A No, sir.

16 THE COURT: Anything further?

17 MR. WALKER: No, Your Honor.

18 THE COURT: Redirect?

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

20 THE COURT: As to this witness?

21 ASST. SOL. LEGETTE: We ask that he be excused.

22 THE COURT: Any objection?

23 MR. WALKER: No, Your Honor.

24 THE COURT: Mr. Holmes, you may step down and

25 you're excused from the trial of this case. You may leave

1 the courtroom.

2 MR. HOLMES: Thank you.

3 THE COURT: Call your next witness.

4 ASST. SOL. LEGETTE: The State calls Captain Jason
5 Chapman.

6 (Whereupon, the witness, Captain Jason Chapman, enters
7 the courtroom.)

8 CLERK: Please come forward, Mr. Chapman.

9 (The witness, Captain Jason Chapman, is duly sworn by
10 the Clerk of Court.)

11 THE COURT: Good afternoon. State your full name and
12 spell your last name for the court reporter.

13 WITNESS: Jason Walker Chapman, C-H-A-P-M-A-N.

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

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

16 DIRECT EXAMINATION

17 BY ASST. SOL. LEGETTE:

18 Q Good afternoon, Mr. Chapman. Sir, what is your rank?

19 A Captain.

20 Q So Captain Chapman, and where do you work?

21 A Colleton County Sheriff's Office.

22 Q And what do you do at the Colleton County Sheriff's
23 Office?

24 A I'm in charge of investigations.

25 Q And as being in charge of investigations, what does

1 that entail?

2 A Any and all investigative duties from road patrol to
3 SRO's, civil process, anything at all that has to do with
4 investigations at the sheriff's office.

5 Q And how long have you been in law enforcement?

6 A Eighteen years.

7 Q And tell us a little bit about your law enforcement
8 experience, like where you've worked.

9 A I started as a reserve officer with the City of
10 Walterboro back in '97. In '98, I went to the academy and
11 became fully certified as a class 1 officer. I worked at
12 the City of Walterboro as a Class 1 officer from then until
13 December 27th of 2012. I was unemployed for three days
14 until I came to work for Sheriff Strickland on January 1st,
15 2013. And I've been with the Sheriff's Office since January
16 1st of '13.

17 Q And tell us a little bit about being an investigator.
18 Are you also -- have you ever taken any classes in crime
19 scene investigating?

20 A Yes, I have. I've had all of the mandatory or required
21 academy classes for investigations and over the past 18
22 years, I've had countless courses in everything ranging from
23 fingerprint identification and classification to crime scene
24 processing. I'm a trained K-9 handler, narcotics detective,
25 firearms instructor, hands-on combat tactics, you name it.

1 Q And so over the years, how many crime scenes would you
2 say you've actually worked?

3 A It would be in the hundreds.

4 Q Now, Captain, were you working for the Colleton County
5 Sheriff's Office in November 2013?

6 A Yes, ma'am.

7 Q And specifically, did you receive any calls for
8 assistance on or about November 20th, 2013?

9 A Yes, ma'am.

10 Q And what did you do when you received this call for
11 assistance?

12 A I was notified at home that we had a shooting off of
13 Bright's Court and that the victim had sustained a life
14 threatening gunshot wound and that road patrol officers were
15 on the scene and requesting detectives. Detective Nyle
16 Eltzroth was the on-call investigator at the time and
17 dispatch advised me that he had been notified and I went in
18 route as well to assist.

19 Q And when you arrived at [REDACTED] Bright's Court, is Bright's
20 Court -- what county is Bright's Court located in?

21 A It's in this county, Colleton.

22 Q Okay. And so, when you arrived, what did you find?

23 A Road patrol had already secured the crime scene, and by
24 securing. I mean they had isolated the portion of [REDACTED]
25 Bright's Court and they believed it to be the incident

1 location. It was taped off with what we call barrier tape,
2 or crime scene tape. Individuals had been restricted from
3 accessing that portion of that facility, or location, unless
4 it was absolutely necessary for their duties, like the
5 paramedics or so forth. Road patrol had began attempting to
6 locate any possible witnesses or possible evidence that
7 needed to be secured until detectives arrived on scene.
8 Prior to my arrival, they had their hands full trying to get
9 medical attention to the victim. When I arrived, it was
10 still dark. It was early morning hours. And like I said,
11 it was all taped off. The road was blocked off. The victim
12 had already been moved by the time I arrived on scene.

13 Q And so once you arrive and the victim had already been
14 removed from the scene, what was your response? What did
15 you do?

16 A Shortly after I arrived on scene, I sent Sgt. Davis,
17 one of my detectives, to the hospital to make contact with
18 the victim, photograph injuries, see if he could ascertain
19 any information as to who or what happened. Shortly after
20 arriving, myself and Detective Eltzroth got notification
21 from Sgt. Davis that the victim had expired at the hospital.
22 Obviously, that changed the tune of the investigation from a
23 shooting scenario situation to an active homicide
24 investigation.

25 At that point in time, we usually start with overall

1 photographs where we will take photographs at the scene
2 outside, depending on where it's at. In this case, it was
3 outside, so we photographed the location, the grounds, any
4 vehicles, anything that we then isolated inside the
5 perimeter as evidence was marked with a placard, little
6 yellow placards with numbers on them.

7 We then individually photographed anything that's
8 identified as evidence, recording corresponding number and
9 what the item is, and then if it's something that needs to
10 be lifted or processed or measured, anything further, then
11 that also occurs at that point in time. For example, if we
12 find an item, we'll pull what we call measurements to that
13 item. We use at least two stationary objects, objects that
14 can't be moved.

15 In this case, at Bright's Court, we used two telephone
16 poles, SCE&G telephone poles. The pole numbers were
17 recorded, the distance between the two poles was recorded,
18 and then every item that's located, we pull a measurement
19 from pole one and pole two. The purpose for that is so that
20 later if we need to go out and recreate the crime scene, we
21 can be pretty specific with those measurements and put items
22 where they were at the time of the crime. Then, all that
23 stuff is then recorded, collected, and submitted in whatever
24 fashion it corresponds to the evidence.

25 Q And you talked about the measurements, and are they

1 then put in something to create a crime scene schedule?

2 A After the measurements are recorded by the detective on
3 scene, the measurements are forwarded to one of our two
4 detectives, either Sgt. Atwood or Sgt. Davis. They're both
5 certified in the computer system that we have at the office.
6 It's a either a two dimensional or three dimensional crime
7 scene program. They can take the measurements that we give
8 them and they take other input measurements that they
9 personally take of the facility or Google Earth images or
10 tax map images and they use all of that information and they
11 can compile either a two dimensional or three dimensional
12 crime scene sketch or picture that's a fairly accurate
13 representation of the scene itself.

14 Q Now, Captain, you mentioned earlier about taking
15 photographs of the actual incident location at Bright's
16 Court.

17 A Yes, ma'am.

18 Q I'm going to hand you in a moment what have been marked
19 as State Exhibits Eight, Thirteen, Fourteen, Fifteen,
20 Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one,
21 Twenty-two, Twenty-three. I want you to take a moment and
22 tell me if you recognize these exhibits.

23 ASST. SOL. LEGETTE: May I approach the witness, Your
24 Honor?

25 THE COURT: Give me the numbers again.

1 ASST. SOL. LEGETTE: I'm handing him State's Exhibits
2 Eight, Thirteen through Twenty-three.

3 THE COURT: Inclusive?

4 ASST. SOL. LEGETTE: Inclusive, yes, Your Honor.

5 THE COURT: You may approach.

6 A I recognize the photograph you handed me number Eight
7 and then numbers Thirteen through Twenty-three, all
8 inclusive as photographs I took at the crime scene on the
9 night of the incident.

10 Q And Captain Chapman, are State's Exhibits Eight and
11 Thirteen through Twenty-three, inclusive, are they fair and
12 accurate representations of the crime scene as they existed
13 on Bright's Court the night of November 20th, 2013?

14 A Yes, ma'am.

15 Q Or the morning of?

16 A Yes, ma'am.

17 Q And have they been changed or altered in any way?

18 A Not that I can tell, no, ma'am.

19 ASST. SOL. LEGETTE: Your Honor, at this time, I would
20 offer State's Exhibits Eight and Thirteen through Twenty-
21 three, inclusive, for admission into evidence.

22 THE COURT: Any objection?

23 MR. WALKER: None.

24 THE COURT: Ladies and gentlemen of the jury, State's
25 Exhibit Eight, State's Exhibit Thirteen through Twenty-

1 three, inclusive, will be admitted into evidence in the
2 trial of this case without objection. You may now publish
3 to the jury.

4 (Whereupon, State's Exhibit Number Eight, photograph,
5 is received into evidence.)

6 (Whereupon, State's Exhibit Numbers Thirteen through
7 Twenty-three, all inclusive, photographs, are
8 received into evidence.)

9 ASST. SOL. LEGETTE: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 BY ASST. SOL. LEGETTE:

13 Q Captain Chapman, here is a pointer for you to be able
14 to point at the appropriate time. All right. Captain
15 Chapman, we are looking at State's Exhibit Number Eight.
16 Can you tell us what we are seeing in State's Number Eight?

17 A Yes, ma'am. The building in the background here, this
18 is the actual apartment complex at ■ Bright's Court. This
19 is a common sidewalk that runs parallel to the building.
20 Each individual apartment had its own walkway that branches
21 off of the connector. Number Four placard here indicates a
22 pile of blood where the victim was lying face down when the
23 initial officers arrived on scene. And Number Three depicts
24 a black t-shirt that the victim was wearing at the time when
25 paramedics first got to him, they cut the shirt off in an

1 attempt to provide medical attention.

2 Q And Captain Chapman, this is State's Exhibit Thirteen.

3 What are we seeing in State's Thirteen?

4 A Again, this is almost the same exact picture. Your
5 facility in the background. Number Four with your blood
6 spot. Number three with your t-shirt. In this one, we
7 included what was later identified as the vehicle that the
8 victim drove to the crime scene, driver side door open.

9 Q And Captain Chapman, we're going to skip past Number
10 Fourteen and go to State's Exhibit Number Fifteen. What are
11 we seeing in State's Fifteen?

12 A Again, number four near the bottom of the photograph is
13 your blood spot. Number three, again, the shirt. This is
14 the sidewalk that parallels the complex. This walkway here
15 would be the walkway that goes up to the what was identified
16 later as the defendant's apartment. The vehicle would be
17 off to the right side of this photograph that was identified
18 as the victim's vehicle.

19 Q And now we're going to see State's Exhibit Number
20 Seventeen.

21 A And once again, this is just an overview shot. Your
22 complex here, your shared sidewalk, or parallel sidewalk,
23 here. Placards number Four and Three. The vehicle
24 identified. The number one indicating the actual vehicle
25 itself. The number two indicating a shoe print that was

1 located in the apex of the door of the victim's vehicle.

2 This was one pole that was used to pull the measurements we
3 discussed earlier. And this would be Bright's Court, the
4 actual roadway, behind the vehicle.

5 Q And now, Captain, was there anything significant about
6 this car in State's Exhibit Number Seventeen?

7 A The one thing that interested us was at the time, we
8 were unsure if it was the victim's vehicle, the suspect's
9 vehicle, witness's vehicle, so the footprint that was in the
10 apex of the door was something we paid close attention to.
11 We photographed that shoe print in detail that you will see
12 in the following pictures. Those pictures, the initial
13 photograph is a normal photo. You'll notice that you won't
14 be able to tell a lot of detail in that. The second, or
15 subsequent photographs, are in a different setting. We use
16 a different setting on the cameras so we can show the detail
17 inside the actual shoeprint.

18 Q Now, before we get to the shoeprint, let's talk about
19 the actual car itself.

20 A Okay.

21 Q Was there anything significant? The door, any sounds
22 you heard?

23 A The doors opened at the time of processing. The keys
24 were in the ignition. The ignition was dinging. There was
25 no one else in the vehicle. The vehicle was not processed

1 there, it was processed later. Nothing else of any type of
2 evidentiary value, as far as the scene. The vehicle was
3 parked in the common, or shared, parking lot. There were
4 two parking lots. One on the right up here with this Ford
5 Explorer and the one on the left. The vehicle was slightly
6 angled to its right. In between the defendant's door and
7 the next apartment to the left.

8 Q Now, Captain Chapman, with regard to State's Exhibit
9 Nineteen. What are we seeing in State's Nineteen?

10 A This is a shot of that same vehicle through the
11 passenger side window showing that the keys were in the
12 ignition at the time.

13 Q Okay. And that door was found just like that, ajar?

14 A These pictures were taken just as it was located. The
15 driver's side door open and the passenger's side door
16 closed.

17 Q And you said that you heard audible sounds?

18 A The sound of the key dinging because it was in the
19 ignition.

20 Q And now, Captain, in State's Number Twenty. What are
21 we seeing in State's Twenty?

22 A This is what I was speaking of earlier. Inside this is
23 the actual shoe print that we saw in the apex of the door.
24 We took this shot first just to give you orientation to the
25 vehicle here and the ruler for sizing. You can't tell a lot

1 of detail in this one or the following one. It would be the
2 two after that.

3 Q Okay. So this one and the following one is State's
4 Exhibit Twenty-one. Is that where you're talking about a
5 closer shot?

6 A Just a little bit closer shot. You can see here the
7 outline of the shoe print. Again, this is just a normal
8 picture without changing any color or settings on the
9 camera, just to show the orientation of the footprint --
10 excuse me, shoe print.

11 Q Okay. In State's Twenty-two?

12 A Twenty-two, again, we just changed the setting on the
13 camera. Basically, it picks up more shadows. This is the
14 actual shoe print that we were looking at in the previous
15 two photos where you can see the detail or the design of the
16 tread on the shoe. Same blade of grass, same ruler,
17 nothing's been moved. It's just a setting on the camera to
18 show the design of the print here.

19 Q And in State's Twenty-three?

20 A Same thing. One different setting that we tried to
21 make sure we had two different pictures. The outline of his
22 shoe, tread design, ruler, the blade of grass that was in
23 the previous photo as well.

24 Q And at a point, were you able to do any comparison with
25 any other shoes?

1 A We were able to compare this print with the shoes that
2 the victim was found wearing at the emergency -- well, he
3 was wearing the shoes at the scene, transported to the
4 emergency room where he expired. Shoe prints were compared
5 to the photograph here and were a match to the print size,
6 as far as inches and the design as far as the shoe.

7 Q And tell us about the orientation of this shoe print,
8 as far as it being in that doorway.

9 A The toe of the print was facing towards the residence,
10 indicating that the person stepped out of the vehicle was
11 heading in the direction of the actual apartment complex.
12 We talk a lot about toeing ---

13 MR. WALKER: Objection, Your Honor.

14 THE COURT: Counsel approach.

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

17 Q Captain, you talked earlier about the certifications
18 and crime scene techniques that you've learned over the
19 years. You mentioned K-9 handling.

20 A Yes, ma'am.

21 Q Talk to us about K-9 handling. Are you a K-9 handler
22 or certified; how does that work?

23 A I am a ---

24 MR. WALKER: Objection as to relevancy.

25 ASST. SOL. LEGETTE: We're getting there, Your Honor.

1 THE COURT: I can't tell yet. Give me a moment, Mr.
2 Walker.

3 A I am a certified K-9 handler, yes, ma'am.

4 Q And tell us about the training and education it takes
5 to become a K-9 handler.

6 A I spent 30 days in Chatham County, Georgia training
7 with the Chatham County K-9 team where I became certified as
8 a narcotics handler and tracking with K-9's. At the time, I
9 had a Malinois named Mike, and I carry a certification with
10 him for both K-9 narcotics identification and location and
11 suspect identification or location or tracking.

12 Q So what do you mean by suspect location and tracking?
13 Tell us about that.

14 A If a suspect flees from officers or robs a gas station
15 and runs away on foot, then we can track that individual
16 with a K-9. We use everything from the, you know, the
17 actual dog itself or herself, or the scent, to footprints,
18 shoeprints, marks in a road, items they've dropped behind,
19 whether or not they've broken limbs, bent fence rails when
20 they've jumped over certain things.

21 Q So as part of your K-9 handling or training, you're
22 actually looking at footprints and treadway?

23 A That's correct.

24 Q And tell us about what that actually entails or
25 involves?

1 A Typically, a flat, full complete shoe print is
2 indicative of somebody just walking. Non-load bearing, no
3 rush, just a standard walk at an average pace. Shoeprints
4 or footprints that appear to be toed in or that have big
5 marks in the front ---

6 MR. WALKER: I renew my objection, Your Honor.

7 THE COURT: Sustained. Move along, Solicitor.

8 Q So with regards to your K-9 handling, you actually have
9 to look at footprints?

10 A Yes.

11 Q So in regards to the photograph here, what is this
12 photograph? Just tell us what it is.

13 THE COURT: Counsel approach.

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

16 Q Captain, you were able to basically verify this
17 shoeprint as the shoeprint that seemed to match the victim's
18 shoes?

19 A That's correct.

20 Q And you said the orientation of the shoe itself, the
21 shoeprint itself, what direction did it go in?

22 A It stepped out of the driver's side of the vehicle and
23 walked around the front of the vehicle.

24 Q Now, you also talked about earlier, Captain, that you
25 took measurements.

1 A Yes, ma'am.

2 Q Tell us about those measurements and where you took
3 those measurements from.

4 A There was a pole to the left of the white Ford vehicle
5 that you saw and a pole to the right of the white Ford
6 vehicle that you saw. Two different and separate telephone
7 poles, one on either side of that first driveway. Those
8 were the poles that we used as our stationary objects, and
9 every item that we saw or collected or identified that may
10 have evidentiary value had two measurements pulled,
11 basically, so we could triangulate that item between the two
12 poles.

13 Q And is this something that you're taught as far as
14 crime scene investigations?

15 A Yes, ma'am.

16 Q Okay. So based on those measurements, was the crime
17 scene sketch actually created?

18 A Yes, ma'am.

19 Q And are you familiar with that crime scene sketch?

20 A Yes, ma'am.

21 Q Captain, I'm going to hand you in a moment what has
22 been previously marked for identification as State's Forty-
23 four. Take a moment and tell me if you recognize this item.

24 ASST. SOL. LEGETTE: May I approach the witness, Your
25 Honor?

1 THE COURT: You may.

2 A Yes, ma'am, I do recognize it.

3 Q And what is State's Forty-four?

4 A That is a printed copy of a crime scene sketch
5 completed by Sgt. Davis.

6 Q And is State's Forty-four a fair and accurate
7 reflection of the crime scene as it existed the night of
8 November 20th, 2013?

9 A Yes, ma'am.

10 ASST. SOL. LEGETTE: At this time, Your Honor, I would
11 offer State's Exhibit Number Forty-four for admission into
12 evidence.

13 THE COURT: As to Forty-four?

14 MR. WALKER: No objection.

15 THE COURT: Ladies and gentlemen of the jury, State's
16 Exhibit Forty-four will be admitted into evidence in the
17 trial of this case without objection. You may publish to
18 the jury.

19 (Whereupon, State's Exhibit Number Forty-four, crime
20 scene sketch, is received into evidence.)

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

22 Q Captain, I'm going to hold State's Forty-four. I just
23 ask you to orient us as to where we actually are.

24 ASST. SOL. LEGETTE: Your Honor, may he step down?

25 THE COURT: Certainly, he can.

1 CPT. CHAPMAN: I will talk loud, Your Honor.

2 A The grey shaded area here indicates the actual
3 apartment complex. This brown shaded area here is the
4 parking area, the left parking area. The brown shades here
5 is the right parking area. The white vehicle here is the
6 Ford vehicle that we identified later as the victim's
7 vehicle. These brown lines here indicate the individual
8 sidewalks that go up to all five apartments at the apartment
9 complex. The one that runs adjacent here, or parallel to,
10 is the common or connecting sidewalk. This is Poor Farm
11 Road and Bright's Court.

12 Q And what are we seeing that little red dot?

13 A Right here in this area here is the spot that was shown
14 as Item number four on the overhead as the blood spot.

15 Q Were you familiar with where the actual defendant,
16 Taquan Brown, lived?

17 A I wasn't at the time. I was during the investigation.
18 I learned during the investigation.

19 Q And where did you learn that Mr. Brown lived?

20 A This was his apartment here.

21 Q Thank you, Captain. You can have seat back on the
22 witness stand.

23 A Thank you.

24 Q And Captain, at that point, did you become familiar
25 with where the defendant himself, Taquan Brown, lived?

1 A Yes, ma'am.

2 Q And as a result of becoming familiar with where he
3 lived, did you ever take any measurements from his location
4 or his apartment?

5 A Yes, ma'am.

6 Q And by taking those measurements, did you also have
7 those placed in a crime scene sketch?

8 A Yes, ma'am.

9 Q Are you familiar with that particular crime scene
10 sketch?

11 A Yes, ma'am.

12 Q Captain, I'm going to hand you in a moment what's been
13 previously marked as State's Forty-three. Take a moment and
14 tell me if you recognize this item.

15 ASST. SOL. LEGETTE: May I approach the witness, Your
16 Honor?

17 THE COURT: You may.

18 A Yes, ma'am.

19 Q And what is State's Forty-three?

20 A State's Forty-three is a printed copy of the three
21 dimensional sketch that was completed by Sgt. Davis that
22 shows looking out from the defendant's apartment towards the
23 vehicle and the blood spot.

24 Q And you mentioned earlier that you had actually taken
25 measurements from the door of Mr. Brown out to where?

1 A Out to the actual blood spot itself.

2 Q And are you able to tell us today a distance between
3 that door and the actual blood spot?

4 A Approximately 38 feet.

5 Q So it's 38 feet from the door to the actual blood spot
6 itself?

7 A Yes, ma'am.

8 Q Did you also take any measurements from the actual
9 blood spot to the car?

10 A Yes, ma'am.

11 Q And how far was the blood spot from the car?

12 A I would have to look back in my notes to tell you
13 exactly.

14 Q Do you need to see your notes to help you refresh?

15 A Yes, ma'am.

16 ASST. SOL. LEGETTE: May I approach the witness, Your
17 Honor?

18 THE COURT: You may.

19 A From the driver's side bumper to the actual blood spot
20 was measured out at 19 feet and 10 inches.

21 Q Using the actual bumper itself?

22 A That's correct.

23 ASST. SOL. LEGETTE: At this time, Your Honor, I would
24 offer State's Exhibit Number Forty-three for admission into
25 evidence.

1 THE COURT: As to Forty-three?

2 MR. WALKER: I have an objection.

3 THE COURT: You do?

4 MR. WALKER: Yes, Your Honor.

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

7 THE COURT: Objection withdrawn. State's Exhibit
8 Forty-three is admitted into evidence without objection.

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

10 (Whereupon, State's Exhibit Number Forty-three, 3-D
11 crime scene sketch, is received into evidence.)

12 Q Captain Chapman, if you will step down, sir. I have a
13 microphone for you. If you will give us an overview of what
14 we are seeing in this.

15 THE COURT: Come around so you can view, Mr. Walker.
16 Just a minute, Solicitor. Ladies and gentlemen, let me know
17 if anybody can't see the exhibit. Matt, can you see?

18 MR. WALKER: Yes, sir. Thank you.

19 A Again, this is the would be depicted as the defendant's
20 apartment doorway, the sidewalk that leads to the
21 defendant's apartment, the vehicle driven by the victim at
22 the crime scene, hole to the left of the victim's vehicle
23 that was used for measurements, the pole to the right that
24 was used for measurements, and the blood spot that was
25 measured out as being 19 feet 10 inches from the driver's

1 side corner of the bumper and 38 feet from the defendant's
2 front door.

3 Q Thank you. You may have a seat, please.

4 A Thank you.

5 Q Now, Captain, you made all of these measurements, and
6 was evidence collected from this period of time as well?

7 A Yes, ma'am.

8 Q All right. And was the shirt and anything like the
9 blood spot collected as well?

10 A We did a sample of the blood. The shirt was collected.
11 The vehicle was impounded. A search warrant was obtained
12 for the vehicle. The vehicle was later searched as well.

13 Q Did you find out who actually owned that vehicle?

14 A We did find the owner of the vehicle. Actually, the
15 owner of the vehicle ended up calling us before we found him
16 the following day.

17 Q Now, what was your other involvement in this case?

18 A Later, we received information. Actually,
19 Detective Nyle Eltzroth conducted some interrogations with
20 possible witnesses and was able to provide my team with an
21 approximate location of the weapon that was believed to be
22 used in the incident. I took a team of detectives back out
23 to the intersection of Poor Farm Road and Bright's Court,
24 which is just adjacent to that apartment complex we looked
25 at in the photographs. We initially searched and were

1 unable to locate. Detective Eltzroth went and spoke with
2 that witness again and got more information and we were able
3 to locate the weapon that was later identified as the weapon
4 that was used in the incident.

5 Q And before you actually -- so who actually collected
6 the weapon?

7 A I collected the weapon.

8 Q And once you collected the weapon, what did you do with
9 it?

10 A The weapon was collected as it was found with rubber
11 gloves and put into a sterile box where the seal, and booked
12 into evidence and from there that weapon was transferred to
13 SLED for processing.

14 Q And prior to collecting the weapon, did you take any
15 photographs of it?

16 A Yes, ma'am, I did.

17 Q Captain, I'm going to hand you now what's been
18 previously marked for identification as State's Twenty-four.
19 Take a moment and tell me if you recognize this.

20 ASST. SOL. LEGETTE: May I approach the witness, Your
21 Honor?

22 THE COURT: Yes, but what's the number?

23 ASST. SOL. LEGETTE: State's Twenty-four.

24 A Yes, ma'am. I recognize this as a photograph we took
25 of the weapon before it was touched; when it was located.

1 Q And is State's Twenty-four, previously marked for
2 identification, a fair and accurate representation of the
3 location of the gun?

4 A Yes, ma'am.

5 Q Has it been changed or altered in any way?

6 A No, ma'am.

7 ASST. SOL. LEGETTE: At this time, Your Honor, I would
8 offer State's Twenty-four for admission into evidence.

9 THE COURT: As to State's Twenty-four?

10 MR. WALKER: No objection.

11 THE COURT: Ladies and gentlemen of the jury, State's
12 Exhibit Twenty-four will be admitted into evidence in the
13 trial of this case without objection. State's Twenty-four
14 is in evidence. You may publish.

15 (Whereupon, State's Exhibit Number Twenty-four,
16 photograph of weapon, is received into evidence.)

17 ASST. SOL. LEGETTE: Thank you, Your Honor. May I
18 approach the witness, Your Honor?

19 THE COURT: You may.

20 Q Captain, this is State's Twenty-four. Can you describe
21 for us what we're seeing in that particular exhibit?

22 A Yes, ma'am. The shoe that you see is Sgt. Kyle
23 Strickland. He was one of the members of the team that was
24 present when we located the weapon. This here is a .32-
25 caliber revolver with electrical tape wrapped around the

1 handle. That's the weapon as we located it in the condition
2 it was found.

3 Q And tell us again, where are we looking?

4 A This is the intersection of Poor Farm Road and Bright's
5 Court. If you were facing the defendant's apartment and you
6 moved to the right all the way to the intersection and
7 crossed the street. There is a wire fence that separates
8 the roadway from a sand pit area where they were digging
9 sand for construction. That handgun was found approximately
10 70 feet from the roadway.

11 Q So if I actually showed you State's Exhibit Number
12 Eighteen, would you be able to orient us to where Poor Farm
13 Road is?

14 A Yes, ma'am. This is Bright's Court that runs behind
15 the vehicle. The stop sign that you're looking at right
16 here is the T-intersection and Poor Farm Road runs left to
17 right. That weapon was found in this area here across the
18 street inside that grassy area.

19 Q Thank you. And what information had you received that
20 led you to that particular location?

21 A Detective Eltzroth had conducted an interview, or
22 interrogation, with a possible witness and he was able to
23 provide us that information through his interrogation.

24 Q And did the witness go with you to find this weapon?

25 A Initially, no. The witness provided us with the

1 location and after searching for a long time, it was
2 starting to get dark and we couldn't locate it. Detective
3 Eltzroth actually went back and got the witness and brought
4 him to the scene and we were able to locate it with his
5 assistance.

6 Q And you said earlier that the actual weapon was
7 collected by you and sent off to SLED for testing?

8 A That's correct.

9 Q And tell us briefly about that particular weapon. Did
10 you find anything inside the weapon?

11 A It did have casings and rounds inside the weapon, .32-
12 caliber ammunition. One of the actually had a strike mark
13 where it had not discharged, and one was an empty shell
14 casing with a strike mark.

15 Q Okay. And so you had to send it off to SLED for
16 testing and had to put it in a box?

17 A That's correct.

18 Q I'm going to hand you now what's been previously marked
19 as State's Exhibit Number Thirty-three. Please take a
20 moment and tell me if you recognize this item.

21 ASST. SOL. LEGETTE: May I approach the witness, Your
22 Honor?

23 THE COURT: You may.

24 A Is it still sealed up, ma'am?

25 THE COURT: It's sealed, Solicitor. Do you want him to

1 break the seal?

2 Q If you need to open it to identify it, yes.

3 A Thank you.

4 Q I do have a gun lock, Captain Chapman, whenever you
5 open that box.

6 THE COURT: Do you have the key, Solicitor?

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

8 THE COURT: Hand it to the witness.

9 ASST. SOL. LEGETTE: Thank you, Your Honor. May I
10 approach the witness, Your Honor?

11 THE COURT: You may.

12 A Yes, ma'am. And I do recognize the item as the weapon
13 we recovered that afternoon off of Poor Farm Road.

14 Q And does anything accompany that weapon?

15 A Yes, ma'am. The casings that were found inside the
16 weapon are also individually packaged inside here where SLED
17 conducted a forensics analysis of those casings.

18 Q And Captain, in State's Exhibit Number Thirty-three,
19 previously marked for identification, in fairly the same
20 substantial condition today as when you originally recovered
21 it off of Poor Farm Road?

22 A Yes, ma'am.

23 Q Has it been changed or altered in any way?

24 A No, ma'am.

25 ASST. SOL. LEGETTE: At this time, Your Honor, I would

1 offer State's Thirty-three for admission into evidence.

2 THE COURT: As to Thirty-three?

3 MR. WALKER: No objection.

4 THE COURT: Ladies and gentlemen of the jury, State's
5 Exhibit Number Thirty-three will be admitted into evidence
6 in the trial of this case without objection. State's
7 Thirty-three in evidence. You may publish to the jury after
8 the witness secures the weapon.

9 (Whereupon, State's Exhibit Number Thirty-three,
10 weapon, is received into evidence.)

11 A And this is the actual weapon that we recovered that
12 afternoon at the intersection of Poor Farm Road and Bright's
13 Court.

14 ASST. SOL. LEGETTE: May I approach the witness, Your
15 Honor?

16 THE COURT: You may.

17 Q Captain, this is the gun that you recovered?

18 A Yes, ma'am.

19 Q Okay. And you said earlier that that was what caliber
20 gun?

21 A A .32-caliber.

22 Q You also indicated earlier that there were shell
23 casings inside. Were they inside the revolver?

24 A Yes, ma'am. They were loaded inside the cylinder.

25 Q And you mean cylinder by? Can you point to what the

1 cylinder is?

2 A This area of the gun right here is the cylinder. The
3 rounds are loaded inside that cylinder. The cylinder is
4 then rotated into the main body of the weapon.

5 Q Okay. And how many bullets does that particular
6 cylinder carry?

7 A Six rounds.

8 Q Okay. And right here on the stop, the gun stop. What
9 are we seeing in that?

10 A That was the black electrical tape that you saw in my
11 photograph where the handle itself was wrapped in electrical
12 tape.

13 Q And did you take the shell casings out?

14 A No, ma'am. It was sent exactly as it was located. The
15 only thing that we ever do in a situation like this is make
16 the gun safe. In that case, the cylinder is rolled open.
17 You can see where it was zip tied in a safe position so that
18 the gun can't actually chamber or load around, and then it
19 was sent off to SLED.

20 Q Now, inside of State's Thirty-three, we're looking at
21 shell casings. Are these the shell casings that came up out
22 of that gun?

23 A Yes, ma'am.

24 Q And you talked about earlier there was a -- you
25 mentioned there were five shell casings and a round?

1 A There was one in there that had an actual possible
2 latent print on there and that's actually my sticky note
3 underneath the gun itself indicating that for the SLED
4 forensics investigator to take a look at. And there was one
5 round inside the weapon that was live.

6 Q All right. Now, Captain, you testified about finding
7 that gun off of Poor Farm Road?

8 A Yes, ma'am.

9 Q All right. And this is State's Exhibit Number Forty-
10 four that you have already entered into evidence, and you
11 can stay on the witness stand. But can you tell us where
12 Poor Farm Road is and where that gun was actually found?

13 A Yes, ma'am. This is Poor Farm Road. This is Bright's
14 Court. And that weapon was found approximately 70 feet off
15 the road right here in this grassy area.

16 ASST. SOL. LEGETTE: Begging the Court's indulgence.

17 Q Captain, do you have anymore involvement in this case
18 besides locating the weapon and the crime scene
19 investigations?

20 A No, ma'am.

21 Q At some point, did you go to get a search warrant?

22 A I did get a search warrant, I'm sorry, for the
23 victim's, what was deemed to be his residence at the time,
24 which was the Southern Inn. It's located on Bells Highway
25 behind the Waffle House. The search warrant was obtained or

1 signed off on by a magistrate and executed at the victim's
2 motel room or place of residency early that morning.

3 Q Early what morning? What morning is this?

4 A The morning of the actual incident. After we finished
5 processing the actual incident location, we went and
6 obtained a search warrant and executed that warrant at the
7 motel.

8 Q So on November 20th?

9 A Yes, ma'am.

10 Q And what did you find of any significance at this motel
11 room?

12 A Really the only thing that we found was a revolver or a
13 handgun that was placed in safekeeping at the time, because
14 no one had possession of the hotel room. We found the
15 victim's identification in a wallet, some cell phones, that
16 was about it.

17 Q And what caliber gun was that?

18 A If I'm not mistaken, I believe it was a .38.

19 Q Or was it a .357?

20 A A .357, I'm sorry.

21 Q And it was a revolver also?

22 A It was a revolver. And that item was collected,
23 photographed and entered into evidence.

24 Q And that was the same morning as the victim's death?

25 A Yes, ma'am.

1 Q So by the time you went to that particular location,
2 was he already dead?

3 A Yes, ma'am. It was several hours after we finished
4 processing the original scene.

5 Q Thank you, Captain. I have no further questions.

6 THE COURT: Are all the exhibits back with the court
7 reporter now?

8 ASST. SOL. LEGETTE: I believe they are, Your Honor.

9 THE COURT: Cross-examination.

10 MR. WALKER: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. WALKER:

13 Q Good afternoon.

14 A Good afternoon, sir.

15 Q I want to start off by asking about some of the
16 measurements that you made.

17 A Yes, sir.

18 Q You talked about measuring from the blood spot to the
19 front door and that would be, I guess, the center of the
20 plain front door?

21 A That's correct.

22 Q Then you talked about measuring, and I'm referring to
23 State's Exhibit Number Thirteen. To the front bumper of the
24 white car. Was it this driver's side bumper?

25 A It was the center of the driver's side front bumper, so

1 right on the curve of the bumper where it would turn from
2 the driver's side to the front right, at the very peak of
3 that curve, from there to the blood spot.

4 Q Okay. And did you also measure from there back to the
5 door or from the blood spot back to the door?

6 A No, sir. The only reason I didn't was because the
7 blood spot was triangulated between the two poles, as was
8 the vehicle itself, so I just pulled one measurement from
9 the front bumper to the blood spot.

10 Q So you actually had to know the length of the car to go
11 back from there?

12 A I would have to -- I could put it back based on the
13 triangulation of the vehicle and the blood spot eventually,
14 yes, sir.

15 Q And you had also talked about some photographs that you
16 took of -- and four photographs were introduced into
17 evidence of footprints. Those are all of the same
18 footprint; is that correct?

19 A That's correct.

20 Q And you said you changed the camera settings on the
21 last two and it appeared they were different colors?

22 A That's correct.

23 Q What causes that?

24 A All you're changing is the amount of light that's let
25 in to the iris of the camera or shut out. You have a bunch

1 of different settings whether you choose black and white or
2 serpia, and all it's doing is playing with the light that's
3 gathered into the lens and it will accent shadows or take
4 away shadows, whichever one you want to do.

5 Then, the case of the footprint, usually it's hard to
6 get an angle, especially at night when you're having to use
7 the flash, it's hard to get at an angle where you can show
8 the detail of the print with using the flash, so we'll
9 change the setting of the camera, not the print or anything
10 being collected; just the setting on the camera so that the
11 flash doesn't white out the print or the object that is
12 being photographed.

13 Q Now, you were gathering physical evidence, taking
14 measurements, taking photographs. You didn't interview
15 anybody there that night, correct?

16 A No, sir. Detective Eltzroth conducted most of the
17 interviews, and I may have sat in or monitored several of
18 them but ---

19 Q I'm just talking about that night.

20 A That night I did not do any interviews on scene with
21 anyone.

22 Q And you talked about going out and recovering the gun
23 and you couldn't find it, and then the witness came and
24 showed you where it was. Who was that?

25 A That was Lawrenzer Walker.

1 Q And does he have any other names?

2 A Quick is his street name.

3 Q So we understand that he was also present that night at
4 the shooting?

5 A I know that he was present when the gun was disposed
6 of.

7 Q Well, let me back up. I can say he was able to tell
8 you where the gun was because he's the one who put it there?

9 A If I remember correctly, he did. He did tell us where
10 it was located because he's the one who put it there.

11 Q And then the solicitor asked you about everything you
12 had done, but you actually -- another aspect of your
13 investigation is you had occasion to backtrack the
14 deceased's movements on the night in question; is that
15 correct?

16 A Yes, sir.

17 Q And that you in fact had gone to a convenience store
18 and observed video of him buying alcohol shortly prior to
19 this incident?

20 A Yes, sir.

21 Q And that he was also actually audio recorded on that
22 video saying he was dealing with a girl situation?

23 A I do remember him saying something about dealing with
24 something and sounding upset. I can't remember the exact
25 wording of the conversation.

1 Q I don't have anything further, thank you.

2 THE COURT: Redirect?

3 ASST. SOL. LEGETTE: Briefly.

4 REDIRECT EXAMINATION

5 BY ASST. SOL. LEGETTE:

6 Q Captain, you talked about -- well, Mr. Walker asked you
7 about the video of the victim buying things on the video.

8 Were you able to look at him or his demeanor on the video?

9 A I could tell it was the victim. I could tell he
10 appeared to be upset.

11 Q Upset how?

12 A Like emotionally upset.

13 Q Like depressed?

14 A Like depressed, sad.

15 Q And you said he was dealing with a girl situation?

16 A Something to that effect. I don't remember the exact
17 terminology. Like I told Mr. Walker, he did make a comment
18 to the cashier that he was having a bad evening because of
19 something to do with a girl or girlfriend.

20 Q Was anything else said on that video?

21 A Not that I recall.

22 Q Thank you. I have no further questions.

23 THE COURT: Recross, limited to redirect?

24 MR. WALKER: None, Your Honor.

25 THE COURT: As to this witness, Solicitor?

1 ASST. SOL. LEGETTE: We ask that he be excused.

2 THE COURT: Any objection?

3 MR. WALKER: No, Your Honor.

4 THE COURT: Jason, you may step down and you're excused
5 from the trial of this case. Mr. Foreman, ladies and
6 gentlemen of the jury, we're going to take our mid-afternoon
7 break. Please do not discuss the case. I will be back with
8 you after everybody has a chance to rest their legs a little
9 bit. Please retire to your jury room.

10 (4:10 p.m., whereupon, the jury exits the courtroom and
11 the following is held on the record.)

12 THE COURT: All right. I want everyone to take a break.
13 Counsel approach.

14 (4:10 p.m., off the record; 4:25 p.m., back on the
15 record.)

16 THE COURT: Is the State ready to proceed?

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

18 THE COURT: Is the defendant ready to proceed?

19 MR. WALKER: Yes, Your Honor.

20 THE COURT: Bring us the jury, please.

21 (4:25 p.m., whereupon, the jury enters the courtroom
22 and the following is held on the record.)

23 THE COURT: All right. Ladies and gentlemen, we will
24 now continue with the testimony in the trial of this case.
25 Call your next witness, solicitor.

1 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
2 calls Jodi Taylor.

3 (Whereupon, the witness, Jodi Taylor, is duly sworn.)

4 MADAME CLERK: Please have a seat on the witness stand
5 and state your name for the record.

6 THE COURT: State your full name and spell your last
7 name for my court reporter.

8 MS. TAYLOR: My name is Jodi Taylor. T-A-Y-L-O-R.

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

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

11 DIRECT EXAMINATION

12 BY ASST. SOL. LEGETTE:

13 Q Ms. Taylor, where do you work?

14 A Colleton County Sheriff's Office.

15 Q And what is your rank?

16 A Right now, my rank is Lieutenant.

17 Q Okay. So Lieutenant, and your last name is Taylor?

18 A Yes, ma'am.

19 Q Lt. Taylor, now what are your current duties at the
20 Colleton County Sheriff's Office?

21 A At this time, I am the Lieutenant over the victim's
22 services division and also write grants for the Sheriff's
23 Office.

24 Q And formerly, what was your duties?

25 A Formerly, I was the Captain at the jail for

1 approximately one year and then prior to that I was an
2 investigator in the criminal investigations division.

3 Q And did you have any specific duties in the criminal
4 investigative unit?

5 A Yes, ma'am. I was primarily assigned to the evidence
6 locker.

7 Q And so you were the evidence custodian?

8 A Yes, ma'am.

9 Q And what does it mean to be the evidence custodian?

10 A The evidence custodian is in charge of all the evidence
11 that comes into the sheriff's office. The safety and
12 security and responsibility of that evidence, transports
13 back and forth to SLED and different agencies for forensics
14 and testing and that sort of thing.

15 Q Okay. I want to turn your attention now to November of
16 2013. Do you recall November of 2013?

17 A Yes, ma'am.

18 Q And were you the evidence custodian at the Colleton
19 County Sheriff's Office in November 2013?

20 A Yes, ma'am, I was.

21 Q And did you become involved in a homicide investigation
22 involving a Mourice Kemp?

23 A Yes, ma'am.

24 Q Tell us about your role as evidence custodian as it
25 relates to this investigation.

1 A A number of the items that were obtained as evidence
2 throughout this investigation I received them into the
3 locker and logged them in, which means entering the items
4 into our computer system and then they were transported back
5 and forth to SLED.

6 Q Okay. And so what items did you receive?

7 A Numerous items. Do you want me to go down ---

8 Q Well, you can tell us about did you receive any GSR
9 kits?

10 A Yes, I did.

11 Q Tell us about that.

12 A Okay. I received a GSR kit from Nayronne Holmes. I
13 received that from Detective Eltzroth. I received a GSR kit
14 from Taquan Brown, and that was also received from Detective
15 Eltzroth. Another GSR kit from Lawrenzer Walker, who was
16 also recovered by Detective Eltzroth. And one actually from
17 the deceased, Mourice Kemp, and that was obtained by
18 Detective Rusty Davis.

19 Q And upon receiving these GSR kits, what if anything,
20 did you do with those GSR kits?

21 A Those GSR kits are logged into our computer system at
22 the sheriff's office and then they are placed in a bin to
23 the next place they'll go is to SLED for analysis.

24 Q And did you transport them yourself or did someone else
25 transport those GSR kits to SLED?

1 A I believe I did. I'm checking my notes. Give me just
2 one minute.

3 THE COURT: Yes, sir. Do you have a problem?

4 JUROR: What is a GSR kit?

5 THE COURT: Ask a question, Solicitor.

6 Q Lt. Taylor, what is a GSR kit? You can briefly explain
7 what a GSR kit means.

8 A A GSR kit is, which the GSR means gunshot residue, and
9 it's a kit that is a sterile kit and you do different swabs
10 and different things to a person's hands and it tells
11 whether they have recently shot a gun.

12 Q Lt. Taylor, was it Rusty Davis who took those GSR kits
13 to SLED?

14 A I'm trying to determine by the numbers on here. I
15 believe he did. Yes, I'm sorry, he did. The GSR kits were
16 taken by Rusty Davis.

17 Q And those would have been logged by you to him?

18 A Yes, ma'am.

19 Q Now, Lt. Taylor, did you receive any other items of any
20 other evidentiary value in this case? Did you receive a gun
21 from anyone?

22 A I did.

23 Q From whom did you receive it?

24 A Just one moment. I received a .32-caliber handgun from
25 the 400 block of Poor Farm Road from Jason Chapman.

1 Q And what, if anything, did you do with this gun once
2 you received it?

3 A It was secured in the evidence locker.

4 Q Thereafter, was it transported for any processing to a
5 location?

6 A Yes, ma'am. It went to SLED as well.

7 Q And did you -- was anything inside that gun when you
8 received it? Or was anything processed with it?

9 A The gun was secured in a cardboard box and there were
10 shell casings, Item number 32 was ammunition from the .32-
11 caliber handgun and Item 33 was a spent shell casing.

12 Q And did those items accompany the actual gun to SLED?

13 A Yes, ma'am. They were all in the box.

14 Q And that would have been multiple shell casings?

15 A Yes, ma'am. I was just looking, 34, 35, 36, yes,
16 ma'am.

17 Q Okay. And Lt. Taylor, did you actually transport
18 the gun and the shell casings to SLED?

19 A Yes, ma'am.

20 Q Okay. And did you also receive any other items in this
21 case, including any fired bullets from the autopsy?

22 A What was that item number? Sheriff's office item
23 number?

24 Q I believe that would be, the actual bullets themselves
25 is -- if you look at your page seven, I believe it is on

1 your report.

2 A Okay. The spent round was recovered by Detective Davis
3 and also logged in by Detective Davis.

4 Q Okay. And once they were logged in by Detective Davis,
5 did you actually take them to SLED?

6 A Yes, ma'am, I believe they were.

7 Q And you also took the gun with you to SLED?

8 A Yes, ma'am.

9 Q And the shell casings found inside the gun?

10 A Yes, ma'am.

11 Q And did you have any other involvement with any other
12 area of this case?

13 A Yes, ma'am. There were some more items of evidence that
14 I obtained.

15 Q At some point, did you actually serve warrants on
16 Taquan Brown?

17 A I did.

18 Q Okay. And do you recall what day that was? If you
19 don't recall it, that's fine.

20 A I don't, I'm sorry.

21 Q And other than that, you didn't have any other
22 involvement in this case?

23 A Not to my recollection.

24 ASST. SOL. LEGETTE: Begging the Court's indulgence.

25 Thank you, I have no further questions.

1 THE COURT: Cross-examination?

2 MR. WALKER: No questions.

3 THE COURT: As to this witness, Solicitor?

4 ASST. SOL. LEGETTE: We would ask that she be excused.

5 THE COURT: Any objection?

6 MR. WALKER: None.

7 THE COURT: Jodi, you may step down and you are excused
8 from the trial of this case. Call your next witness.

9 ASST. SOL. LEGETTE: The State calls Rusty Davis.

10 (Whereupon, the witness, Rusty Davis, is duly sworn.)

11 MADAM CLERK: Please have a seat on the witness stand
12 and state your name for the record.

13 THE COURT: Have a seat. Make yourself comfortable.
14 Pull your chair up. State your full name and spell your
15 last name for my court reporter.

16 MR. DAVIS: Detective James R. Davis, D-A-V-I-S.

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

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

19 DIRECT EXAMINATION

20 BY ASST. SOL. LEGETTE:

21 Q Detective Davis, where do you work, sir?

22 A Colleton County Sheriff's Office

23 Q And how long have you worked there?

24 A Approximately nine years.

25 Q And what are your duties at the Colleton County

1 Sheriff's Office?

2 A I've got a couple of different duties. I am Sergeant
3 in the criminal investigations division. I'm also one of
4 the primary evidence custodians at this point, and a few
5 other duties on top of that, as well as the actual crime
6 scene investigations, working cases.

7 Q And do you have any other law enforcement experience?

8 A I've got a few years with the City of Waltherboro prior
9 to that. All total, about 11 and a half years total in all.

10 Q And Detective Davis, were you working for the Colleton
11 County Sheriff's Office on or about November 20th, 2013?

12 A Yes, ma'am, I was.

13 Q And did you become involved in this case during that
14 period of time?

15 A Yes, ma'am.

16 Q What was your involvement?

17 A I received a phone call in the middle of the night
18 waking me up advising me of a situation. At that point, I
19 responded to Colleton Medical Center in order to meet with
20 or to actually go to where the victim was located. He was
21 in Room 18 in the emergency room. At that point, I took
22 some photographs. I swabbed -- I did a GSR, gunshot residue
23 kit, on the victim's hands, and I believe I collected a pair
24 of shoes from the hospital at that point. The following
25 morning, I did go down to the autopsy at MUSC and sat

1 through the autopsy, at which point I collected any and all
2 evidence that the medical examiner had collected from the
3 victim at that point. It was turned over to me and I
4 brought it back and logged it all into evidence. Then,
5 later that same evening, that same afternoon, I also
6 executed a search warrant on the victim's vehicle and took
7 some swabs and things of that nature from the victim's
8 vehicle.

9 Q Now, at some point, you said from the autopsy, were any
10 bullets collected?

11 A Yes. There were some bullets collected.

12 Q Were they turned over to you?

13 A Yes. They were collected by the medical examiner and
14 then turned over to me and I transported them back and
15 logged them into evidence.

16 Q Now, at some point, you said you're the evidence
17 custodian. What does that mean when you say you were the
18 assistant evidence custodian?

19 A At the time, I was the assistant evidence custodian.
20 Basically, that means that I'm responsible for any evidence
21 that is collected and needs to be held or further processed
22 or to be transported to SLED for more -- or Charleston or
23 any other agency for further processing. It's my job to
24 take the evidence from whatever officer collected it, log it
25 into our system, do any further processing. There again, if

1 it needs to be transported somewhere else, I will do the
2 paperwork to get everything situated and then transport the
3 items to SLED or Charleston or wherever they need to go.

4 Q And in this case, did you transport any evidence to
5 SLED?

6 A Yes, ma'am, I did.

7 Q Can you tell us what evidence you transported?

8 A Yes, ma'am. Actually there were a few different trips.
9 My first trip, I transported, I believe it was November the
10 21st of 2013, I transported ten items up there, which
11 included the atomic absorption kits, which are the gunshot
12 residue kits, one was done on Nayronne Holmes. Another one
13 done on Mr. Taquan Brown. Another one done on Mr. Lawrenzer
14 Walker. And then one that I actually had collected off of
15 the victim, Mr. Kemp. I also had taken some swabs while I
16 was at the hospital the night of the incident I went ahead
17 and collected what is called a buccal swab, which is
18 basically just a swab of the inside of the victim's mouth
19 for DNA purposes and to be able to when the items went to
20 SLED they have something to be able to compare so they can
21 know if they do come up with any evidence, DNA evidence, if
22 it comes back to the victim, they have his standard there to
23 be able to compare it against.

24 Q What about the bullets from the autopsy? Were those
25 also taken?

1 A They were taken, but I believe they were taken on
2 another -- originally they were taken by Detective Taylor.
3 They were then returned for processing a few months ago by
4 myself.

5 Q Now, Detective Davis, I'm going to hand you in a moment
6 what's been marked as State's Exhibit Number Twelve. Take a
7 moment and tell me if you recognize this item.

8 ASST. SOL. LEGETTE: May I approach the witness, Your
9 Honor?

10 THE COURT: You may.

11 A Yes, ma'am. This appears to be the package that all
12 the GSR kits were packaged in by SLED when they were
13 returned back to our agency. I picked this package up and
14 brought it back to our evidence locker.

15 Q And is State's Exhibit Twelve in fairly and
16 substantially the same condition today as when you last saw
17 it?

18 A Yes, ma'am.

19 Q Has it been changed or altered in any way?

20 A Not that I can tell.

21 Q And that State's Exhibit Twelve contains which GSR kit?

22 A If I'm not mistaken, this contains all four.

23 Q And that's Nayronne Holmes, Taquan Brown, Lawrenzer
24 Walker and Mourice Kemp?

25 A Yes, ma'am.

1 Q Detective, thereafter, you said there are actually --
2 the actual autopsy bullet was turned over to you?

3 A Yes, ma'am. Once the autopsy was completed, I did sign
4 for them, for the items that were turned over to me and I
5 brought them back to our office.

6 Q In a moment I'm going to hand you what's been
7 previously admitted into evidence as State's Forty. Take a
8 moment and tell me if you recognize these items. State's
9 Forty actually contains State's Forty-A, State's 40-B,
10 State's Forty-C, and State's Forty-D.

11 ASST. SOL. LEGETTE: May I approach the witness, Your
12 Honor?

13 THE COURT: You may.

14 A Yes, ma'am. I do recognize them.

15 Q And are State's 40, State's Forty-A, State's Forty-B,
16 State's Forty-C, and State's Forty-D in substantially the
17 same condition today as when you previously saw them?

18 A Yes, ma'am. The packaging in here actually has my
19 signature on it. Once it was collected from the hospital, I
20 brought it back and then the small envelopes, the orange
21 envelopes that you see there was done by the medical
22 examiner. I then brought it back and packaged it in the
23 paper bags there with my signature on it. But all four of
24 them are in the same condition they were in when I last seen
25 them.

1 Q Thank you. Now, Detective, when you submitted the
2 items to SLED that you submitted in the GSR kits, can you
3 tell us who you submitted those items to at SLED?

4 A I believe it was Ms. Nikki Hughes. Yes, ma'am, Nikki
5 Hughes was the SLED forensic technician that I turned them
6 over to.

7 Q And now, Detective, did you collect any other evidence
8 when you went to the hospital? You said you took a GSRR kit
9 from Mourice Kemp. Was any other evidence collected at that
10 time from that location?

11 A Yes, ma'am. The buccal swab, the DNA swab, from his
12 mouth, as well as a pair of shoes that were on his person --
13 that came off of his person.

14 Q And when you collected those shoes, what did you do
15 with them?

16 A They were brought back to my office where they were
17 packaged and logged into evidence.

18 Q Detective, I'm going to hand you now what's been
19 previously marked for identification as State's Exhibit
20 Forty-five. Can you take a moment and tell me if you
21 recognize this item?

22 ASST. SOL. LEGETTE: May I approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 A Yes, ma'am. This is the packaging that contains the

1 pair of shoes that I collected. Once again, it also still
2 has my signatures.

3 Q And is that how you're able to recognize it?

4 A Yes, ma'am.

5 Q And is State's Forty-five, previously marked for
6 identification, in substantially the same condition today as
7 when you originally collected it?

8 A Yes, ma'am.

9 Q Has it been changed or altered in any way?

10 A No, ma'am.

11 ASST. SOL. LEGETTE: At this time, Your Honor, I would
12 offer State's Exhibit Forty-five for admission into
13 evidence.

14 THE COURT: Any objection?

15 MR. WALKER: No objection.

16 THE COURT: Ladies and gentlemen of the jury, State's
17 Exhibit Forty-five will be admitted into evidence in the
18 trial of this case without objection. State's Forty-five in
19 evidence. You may publish.

20 (Whereupon, State's Exhibit Number Forty-five, pair of
21 tennis shoes belonging to the victim, is received into
22 evidence.)

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

24 Q Detective, if you don't mind, would you open that
25 exhibit? Do you need some gloves?

1 ASST. SOL. LEGETTE: May I approach the witness, Your
2 Honor?

3 THE COURT: You may.

4 Q Will you just show us the bottom, briefly, of those
5 shoes?

6 A (Witness complies.)

7 Q Thank you. Will you put it back in the bag, please?

8 A Yes, ma'am.

9 Q Detective, did you also complete a crime scene sketch
10 in this case?

11 A Yes, ma'am, I did.

12 Q Tell us how you were able to complete that crime scene
13 sketch.

14 A The Sheriff's Office has a software, a program, that is
15 actually -- it's called Eros 360 is the name of the program,
16 but the program is actually designed for 3D digital crime
17 scene reconstruction. I actually can then import Google map
18 of the actual crime scene location that it actually scales
19 the map when it pulls it in to the point where I can
20 actually digitally pull measurements from the Google Earth
21 map. Then what I do is I actually bring in the Google Earth
22 map to where I'm able to sketch out, pull sketches of the
23 roads and the locations of the buildings and everything and
24 then I'm actually able to -- I was able to pull from the
25 measurements, some of the measurements that were taken from

1 the crime scene that were turned over to me to be able to
2 actually place the items, the pool of blood in the yard,
3 approximate location of the vehicle at the time of the
4 incident, just from there again, from the measurements that
5 were taken at the crime scene.

6 Q Now, you said Google Earth, does that mean that what
7 you're importing from Google Earth is accurate?

8 A Yes, ma'am.

9 Q And does it also import buildings? How do you get the
10 buildings?

11 A I can actually -- part of the program is to be able to
12 actually build three dimensional buildings. I can take the
13 measurements of the buildings and create the two dimensional
14 shape matching the shape of the building and then with the
15 click of a button, turn that into a three dimensional shape
16 to where I can then actually put in windows and doors and
17 things of that nature. Put a roof on the building, change
18 the siding on the building, things like that.

19 Q And you actually used this program in this case?

20 A Yes, ma'am, I did.

21 Q And are you trained on this program?

22 A Yes, ma'am.

23 Q And to build this actual crime scene sketch as we call
24 it and saw here today, did you take the actual measurements?
25 Or how did you get your measurements?

1 A I believe the measurements were taken by Captain
2 Chapman and then were turned over to me.

3 Q And is that how you created them?

4 A Yes, ma'am.

5 Q Now, you said you function as evidence custodian at the
6 Sheriff's Office.

7 A Yes, ma'am.

8 Q How did the evidence arrive here today?

9 A I actually, when I got in this morning, I went over to
10 the office and went into the evidence locker. There are
11 only two people at the Sheriff's Office, two people actually
12 in the world, that have direct access to that locker. The
13 Sheriff himself doesn't even have direct access, just myself
14 and another evidence custodian. So this morning when I came
15 in, I went into the locker, all the items for this
16 particular case were stored together, so I was able to pick
17 up the box that you see over there by the Solicitor's desk
18 that had all the items already packaged in it ready to go.
19 I brought them over here this morning when I came.

20 Q And does that evidence remain under the complete
21 custody and control of the Sheriff's Office at all times?

22 A Yes, ma'am.

23 Q Unless it's sent to some other location?

24 A Yes, ma'am.

25 Q Thank you. I have no further questions.

1 THE COURT: Cross-examination?

2 MR. WALKER: None, Your Honor.

3 THE COURT: As to this witness, Solicitor?

4 ASST. SOL. LEGETTE: We ask that he be excused, Your
5 Honor.

6 THE COURT: Any objection?

7 MR. WALKER: No, Your Honor.

8 THE COURT: Very well. Mr. Davis, you may step down
9 and you are excused from the trial of this case. You may
10 leave the courtroom. Leave my exhibits and take your file.
11 Counsel approach.

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

14 THE COURT: Ladies and gentlemen of the jury, I'm going
15 to stop at this point. We will start back at 10:00 here in
16 the morning. We are actually getting here earlier to do
17 some work that has to be done. Please be in your jury room
18 prior to 10:00 in the morning. I promise you I will keep
19 the train on the track for you, ladies and gentlemen.
20 Please do not discuss the case and remember my earlier
21 instructions. You are now excused for the balance of today.

22 (5:00 p.m., whereupon, the jury exits the courtroom and
23 the following is held on the record.)

24 THE COURT: All right. Let the record reflect that the
25 Solicitor assures me that Mr. Walker will have copies of the

1 videos pertaining to the statements of the defendant that
2 have been redacted for his review. Counsel will be in my
3 chambers at 9:30 in the morning to determine whether or not
4 we need a Jackson v. Denno hearing, after Mr. Walker reviews
5 the videos.

6 I will put on the record that there was an objection by
7 the defendant, which I sustained during the testimony of
8 Sgt. Chapman, in which the Solicitor asked him if he was a
9 K-9 officer and in connection with being a K-9 officer he
10 had seen footprints in the past and had occasion to examine
11 them. Mr. Walker objected on the grounds that it was not a
12 sufficient foundation for the witness to give an opinion as
13 to what a footprint showed, and I certainly sustained that
14 objection, as I did not think the witness was qualified to
15 give such an opinion. Even though, earlier in this trial,
16 during the Castle Doctrine hearing, that information was
17 elicited from the witness without objection, although there
18 was no jury present when that occurred.

19 This Court is in recess until 10:00 a.m. tomorrow
20 morning. Counsel in my chambers, ready to go, at 9:30.

21 (Whereupon, the trial in this case is adjourned for the
22 evening of Tuesday, June 23, 2015. and then on Wednesday,
23 June 24, 2015, the following is held on the record.)-

24 THE COURT: Bring us the jury.

25 (10:10 A.M., WHEREUPON, THE JURY ENTERS THE COURTROOM

1 AND THE FOLLOWING IS HELD ON THE RECORD.)

2 THE COURT: Good morning, Mr. Foreman. Good morning,
3 ladies and gentlemen of the jury. Thank you for your
4 patience this morning. Did everyone fill out a lunch menu?

5 MR. FOREMAN: Yes, sir.

6 THE COURT: Great. We will now continue with the
7 testimony in the trial of this case. Call your next
8 witness, Solicitor.

9 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
10 calls Nyle Eltzroth.

11 (Whereupon, the witness, Nyle Eltzroth, is duly sworn.)

12 THE COURT: Pull that chair up. State your full name
13 and spell your last name for the court reporter.

14 WITNESS: Nyle Eltzroth, last name E-L-T-Z-R-O-T-H.

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

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

17 DIRECT EXAMINATION

18 BY ASST. SOL. LEGETTE:

19 Q Good morning, Mr. Eltzroth.

20 A Good morning.

21 Q Tell me where you work?

22 A I currently work for the United States Probation
23 Office.

24 Q And what is your title?

25 A It's U. S. Probation Officer.

1 Q So Agent?

2 A Yes, ma'am.

3 Q Or Mr. Eltzroth?

4 A Either one.

5 Q So Mr. Eltzroth, you work for U. S. Probation now,
6 which department do you work in?

7 A I initially started my law enforcement career with the
8 S. C. Probation and Parole. In October of 2012, I began
9 with the Colleton County Sheriff's Office; that ended on
10 November 3rd of 2014.

11 Q So you worked for almost two years at the Colleton
12 County Sheriff's Office?

13 A Yes, ma'am.

14 Q And at the Colleton County Sheriff's Office, what were
15 your duties?

16 A Initially, the first two months, I was assigned to road
17 patrol. On January 1st of 2013, I was then assigned to
18 criminal investigations division as an investigator.

19 Q And as an investigator, what were your duties?

20 A There were several duties even if it involved backing
21 up road patrol, responding to any kind of crime scenes,
22 burglaries, bicycle thefts, cell phone thefts, anything from
23 cell phone theft all the way up to homicide, photographing
24 scenes, processing scenes, collecting and submitting
25 evidence, just several other duties.

1 Q Okay. And were you working for the Colleton County
2 Sheriff's Office in November of 2013?

3 A Yes, ma'am, I was.

4 Q And did you become involved in an investigation
5 involving this case?

6 A Yes, ma'am. I was actually the on-call officer which
7 if an incident happens, I'm the first one that's called to
8 respond to the scene if deputies require a detective.

9 Q Okay. And so as the on-call detective or the on-call
10 investigator, did you have an occasion on November 20th,
11 2013, to respond to a location in Colleton County?

12 A Yes, ma'am. On that particular date, in the early
13 morning of November 20th, I was called to respond to ■
14 Bright's Court in reference to a shooting.

15 Q And did anyone else respond with you?

16 A Yes, ma'am. Deputies and EMS/Fire Rescue were already
17 on scene, along responding with me, or prior to me, at that
18 time he was Lt. Jason Chapman, now Captain Jason Chapman,
19 arrived first, and then following me were some of the
20 command staff.

21 Q Okay. So upon your arrival, what, if anything, did you
22 do?

23 A The scene was already secured by deputies with crime
24 scene tape, a crime scene log was already started. When I
25 arrived on the crime scene, the victim was already removed

1 from the crime scene by EMS and transported to the hospital.
2 So at that time, I do an overall look of the crime scene,
3 walk in and look for any possible evidence. I generally
4 photograph the scene, initially. I attempted to photograph,
5 but due to it being dark and the flash of the camera, none
6 of the objects were showing up on the camera very well. So
7 at that point in time, there were approximately four people
8 on scene that resided at the apartments. I questioned them
9 about what they may have heard or seen. Then, after that,
10 we began measurements of the crime scene, and I then began
11 photographing the crime scene.

12 Q And can you describe that crime scene for us?

13 A Yes, ma'am. The incident location is right off of Poor
14 Farm Road, as soon as you turn on Bright's Court on the
15 right hand side. When you initially walk in, there is a
16 parking lot closest to the Poor Farm side if you're facing
17 the apartments. It's on the right side, and it's then
18 divided by a grass median with a telephone pole, if I recall
19 correctly, and mailboxes, and then there's another parking
20 lot that is on the left side of the apartment complex.
21 There is a sidewalk parallel to the apartments and to
22 Bright's Court. It runs alongside in front of the
23 apartments and then each apartment has a sidewalk that leads
24 up to it.

25 Q And did you notice anything unusual about the actual

1 crime scene?

2 A Obviously, the fact that we had the victim on the
3 ground with the blood spot, but also what caught my
4 attention was the fact that there was a white vehicle on
5 scene with the driver's side door open and the keys were in
6 the ignition and there was an audible sound from the door
7 being open with the keys in the ignition. That's what
8 mainly caught my attention.

9 Q And as that caught your attention, what steps did you
10 take?

11 A Because we were not sure at that time who the vehicle
12 belonged to, we did not search through the vehicle, because
13 it would require a search warrant. So I took photographs
14 from the outside and went around to the passenger side to
15 photograph the passenger side to the inside of the keys
16 being in the ignition. We also located a foot impression at
17 the driver's side door that we have a ruler that is able to
18 basically measure the length and width. We placed that
19 beside the shoe impression and took a photograph. I began,
20 obviously, prior to doing that, marking each thing that we
21 considered to be evidence with what we call placards. They
22 are yellow signs that are numbered. I marked the car as a
23 piece of evidence, the shoe impression, the blood spot on
24 the ground from the victim, and a black jacket that was
25 removed by EMS -- or black shirt from the victim that was

1 removed by EMS.

2 Q And while you're actually marking these items as
3 evidence, did you collect them?

4 A Yes, ma'am, I did, after photographing them.

5 Q You actually collected what?

6 A I collected the jacket, that was the only thing to
7 actually physically be collected. We did swab the -- I
8 believe we did swab the blood of the victim.

9 Q So thereafter, you said you talked to people at the
10 location?

11 A Yes.

12 Q Were you able to identify who those people were at the
13 location?

14 A I knew the defendant from previous encounters, but I
15 talked to him.

16 Q You mean Taquan Brown?

17 A Yes, I apologize. Taquan Brown, Lawrenzer Walker, who
18 was also goes by "Quick." Ms. Barbara Mays, and Nayronne
19 Holmes, who also goes by "Ron" or "EB".

20 Q And upon talking to them, did you figure out who had
21 done anything?

22 A At that time, they all basically stated they did not
23 see anything. The only thing that one stated they saw,
24 Taquan Brown stated that he was asleep. He didn't hear
25 anything. He was awoken up by Lawrenzer Walker. Lawrenzer

1 Walker stated he was woken by three to four shots. Then, he
2 looked out the window and saw tail lights leaving the area
3 going towards, making a left onto Poor Farm going towards
4 Cooks Hill. Ms. Barbara Mays, I believe she stated she was
5 woken by four shots and did not see anything except the
6 victim laying on the ground. And Nayronne Holmes stated
7 that he heard three shots, which woke him up and he did not
8 see anything.

9 Q At this point, what, if anything, did you have in your
10 investigation?

11 A At that point, we were at a standstill. We did not
12 have anything as far as leads or anything of why Mr. Kemp
13 was over there. At that point, we were at a standstill.

14 Q And so, at some point, did you talk to your Captain?

15 A Yes, ma'am. We reconvened at the Colleton County
16 Sheriff's Office, looked at what we had and discussed it.

17 Q And what was your Captain's name at the time?

18 A Captain Gene Johnson.

19 Q And what, if anything, after you discussed the matter
20 with him, what, if anything did you do?

21 A He instructed me to return to Bright's Court and
22 conduct GSR kits, also known as gunshot residue kits, but we
23 commonly refer to them as GSR kits on Taquan Brown,
24 Lawrenzer Walker, and Nayronne Holmes.

25 Q And did you actually go to the location to do so?

1 A Yes, ma'am.

2 Q Did you collect any GSR kits?

3 A At the scene, I collected one from Taquan Brown, one
4 from Lawrenzer Walker. If I recall correctly, I did not
5 collect one from Nayronne Holmes, because he was already
6 being transported to the Annex. I collected one from him at
7 the Annex.

8 Q And describe briefly if you will what it entails to
9 collect a GSR or gunshot residue kit.

10 A SLED will not accept a GSR kit if it is taken after six
11 hours, so we take it within a six-hour timeframe of what we
12 believe the time that the incident took place. And it's in
13 a sealed, sterile bag. When you open it, it has a form that
14 you fill out with some basic questions of did they wash
15 their hands, what were their activity was during or prior
16 the handling of a gun, if they shot a gun. So you fill out
17 that form, and then it has four capsules that have a
18 magnetic circle up under the cap, and one if for the left
19 back, left palm. Two more for the right back and right
20 palm. Basically, what you do is you unscrew the cap and
21 just dab it around the hand and then you screw it back on
22 and place it into the bag.

23 Q And what is the purpose of taking a gunshot residue kit
24 from a person?

25 A You can determine basically if they handled a gun

1 that's been fired or if they fired a gun or if they were in
2 very close proximity of a gun being fired.

3 Q Detective Eltzroth, I'm going to hand you what's been
4 previously marked for identification, State's Twelve. I want
5 you to take a moment and tell me if you recognize this.

6 ASST. SOL. LEGETTE: May I approach the witness, Your
7 Honor?

8 THE COURT: You may.

9 A Yes, ma'am. State's Exhibit Twelve consists of a
10 gunshot residue kit that I collected from Taquan Brown.
11 It's identified by his name, my name as the officer who
12 collected it, a badge number at the time, the agency's name,
13 which is the Colleton County Sheriff's Office, and the
14 agency case number. And the same for Mr. Nayronne Holmes,
15 with the same identifiers. And then one from Mr. Lawrenzer
16 Walker with the same identifiers and the fourth GSR kit that
17 is in State's Exhibit Twelve, is actually a GSR kit
18 collected by Detective Davis from Mourice Kemp, the victim.

19 Q Thank you. And Mr. Eltzroth, is State's Exhibit Twelve
20 in substantially the same condition today with regards to
21 Nayronne Holmes, Taquan Brown, and Lawrenzer Walker, as it
22 was when you collected them on November 20th, 2013?

23 A Yes, ma'am.

24 Q Have they been changed or altered in any way?

25 A Except for SLED analyzing them, but no, ma'am.

1 Q Now, after you collected the GSR kit, or gunshot
2 residue kit, from these individuals, what else did you do in
3 your investigation?

4 A I had Mr. Taquan Brown, Mr. Lawrenzer Walker and
5 Nayronne Holmes all come to the Colleton County Sheriff's
6 Office Annex for further questioning.

7 Q All right. You can take off the gloves and put State's
8 Twelve back with the court reporter.

9 A (Witness complies.)

10 Q So you said you had Mr. Brown, Mr. Walker, and Mr.
11 Holmes come to see you?

12 A Yes, ma'am.

13 Q And did you talk to all of them?

14 A Yes, ma'am, I did.

15 Q And did you learn anything?

16 A No, ma'am, nothing new.

17 Q Okay. What did Mr. Brown -- did you Mirandize him at
18 the time you talked with him?

19 A Yes, ma'am. All three individuals, although they were
20 not under arrest at the time and were free to leave, because
21 of the nature of the case, I generally Mirandize everybody I
22 talk to. If I'm being recorded under video and audio at the
23 Annex and then able to with the forms, I did Mirandize the
24 standard form that we use. I did Mirandize Mr. Taquan
25 Brown, Mr. Lawrenzer Walker, and Mr. Nayronne Holmes.

1 Q And with regards to Mr. Taquan Brown, at the time you
2 Mirandized him, did he appear to understand his rights?

3 A Yes, ma'am, he did.

4 Q And describe the room for us that you were meeting with
5 him in.

6 A The room is the second interview room that I used with
7 him. Basically, it's a hallway that leads out and there's a
8 door that you enter. Upon entering, there's a table that's
9 horizontal and the subject that we interview generally sits
10 on the far side and I sit on the right side if you're facing
11 the table.

12 Q And when you were talking to him, did he appear to be
13 under the influence of any drugs or alcohol?

14 A His nature appeared to be. He stated he was tired. He
15 acted different from what I talked to him on scene when I
16 had initially arrived compared to when he got to the Annex.

17 Q And different how?

18 A He got very sluggish, was jawing his words, slurring
19 his words. Just acting like he didn't basically want to
20 cooperate.

21 Q Okay. And how is that different from how he acted with
22 you at the actual apartment complex?

23 A Mr. Brown, he talked to me. He basically was clear. I
24 could understand him. He wasn't mumbling words. And
25 although he stated he didn't see anything, he was clear with

1 every question I asked him he responded back with a clear
2 statement.

3 Q And how long was it between the actual you talking with
4 him at the apartment complex and when you asked him to come
5 in to see you at the Annex?

6 A Can't remember specifically, but I would say three to
7 four hours.

8 Q And was he sluggish the entire time you talked with him
9 or was it a point that he became sluggish?

10 A Not initially, when I was going over the form, but as I
11 got further talking to him.

12 Q And during that particular interview, can you tell us
13 about how long did that interview last?

14 A Due to his nature, generally if people are intoxicated,
15 we don't further question them. I wasn't sure if he was
16 under the influence of something. With his, I did his
17 shorter than what I did the others. I can't remember the
18 exact time, 10 to 15 minutes, maybe.

19 Q And was he under arrest when you talked to him on --
20 was it November 20th?

21 A Yes, ma'am. On November 20th, no, ma'am, he was not.

22 Q And he was free to leave at any time?

23 A Yes, ma'am.

24 Q So did he come in voluntarily and speak with you?

25 A Yes, ma'am. I asked all three individuals if they

1 would be willing to come to the Annex and talk to me.

2 Q He got a ride on his own and came up and saw you?

3 A He did not have a vehicle. We offered him a ride,
4 which he accepted.

5 Q And before you actually talked to him, did you advise
6 him of his rights?

7 A Yes, ma'am.

8 Q And did he sign any Miranda forms after you advised him
9 of his rights?

10 A Yes, ma'am. The initial of the form is the Miranda
11 Rights are numbered in numerical order, number one through
12 five. We go over those. If they understand numbers one
13 through five, they will initial beside each number stating
14 that they understand it and sign on a line underneath the
15 Miranda rights saying that they understand all numbers one
16 through five. The next section is called the waiver of
17 rights, which we go over that. If they're willing to waive
18 their rights and talk to me without a lawyer present, then
19 they sign on that next line.

20 Q And did he actually waive his rights and agree to talk
21 to you?

22 A Yes, ma'am, he did.

23 Q Mr. Eltzroth, I'm going to hand you what has previously
24 been marked for identification as State's Exhibit Number
25 Twenty-eight. Take a moment and tell me if you recognize

1 this item.

2 ASST. SOL. LEGETTE: May I approach the witness, Your
3 Honor?

4 THE COURT: You may.

5 A Yes, ma'am. I do recognize State's Exhibit Twenty-
6 eight.

7 Q And what is State's Twenty-eight?

8 A It's the standard Miranda form that Colleton County
9 Sheriff's Office detectives use Miranda form.

10 Q And is State's Exhibit Twenty-eight a fair and accurate
11 reflection of the Miranda form you used on or about
12 November 20th, 2013, with Taquan Brown?

13 A Yes, ma'am, it is.

14 Q Has it been changed or altered in any way?

15 A No, ma'am.

16 ASST. SOL. LEGETTE: At this time, Your Honor, the
17 State would offer State's Twenty-eight for admission into
18 evidence.

19 THE COURT: As to State's Twenty-eight?

20 MR. WALKER: No objection.

21 THE COURT: Ladies and gentlemen of the jury, State's
22 Exhibit Twenty-eight will be admitted into evidence in the
23 trial of this case without objection.

24 (Whereupon, State's Exhibit Number Twenty-eight,
25 Miranda form of 11-20-2013 signed by Taquan Brown, is

1 received into evidence.)

2 THE COURT: State's Twenty-eight is in evidence. You
3 may publish.

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

5 Q Now, Mr. Eltzroth, did you actually talk to Mr. Taquan
6 Brown after you Mirandized him?

7 A Yes, ma'am.

8 Q And was the interview captured on audio and video?

9 A Yes, ma'am.

10 Q And what, if anything, did Mr. Brown say at that time?

11 A He denied basically any knowledge of the crime or
12 knowledge of any person who committed the crime. If I
13 recall correctly, I asked all three individuals if we come
14 back later throughout the investigation, is your name going
15 to come up in the incident, and he stated no.

16 Q And did you subsequently say anything else in that
17 interview of any relevance?

18 A If I recall, I believe he did state that he had been
19 drinking and he was tired. He just wanted to go to sleep.

20 Q And once you were done talking with him and he denied
21 having any knowledge about what happened, what did you do?

22 A I ended the interview and he was given a ride back to
23 the Bright's Court, [REDACTED] Bright's Court.

24 Q And after you talked to Mr. Brown, did your
25 investigation continue?

1 A Yes, ma'am.

2 Q You said you had brought in Nayronne Holmes and
3 Lawrenzer Walker. Did you also talk to them?

4 A Yes, ma'am. They all were Mirandized the same on audio
5 and video.

6 Q And once you talked to them, did you learn anything
7 else that led you anywhere in your investigation?

8 A No, ma'am.

9 Q So what did you next do after talking to Taquan Brown,
10 Lawrenzer Walker and Nayronne Holmes?

11 A Well, obviously, at that time, all the evidence I began
12 packaging to get submitted and download videos, do some
13 basic documentation and download the pictures. We sent some
14 detectives back out to the animal shelter to review video.

15 Q Why is the animal shelter relevant?

16 A When you go down Greenpond Highway, or 303, you make a
17 left onto Poor Farm Road. Immediately there is the animal
18 shelter. That's the only building between Bright's Court
19 and the Greenpond Highway on Poor Farm Road. There is a
20 camera that faces Poor Farm Road and there is a camera that
21 faces Green Pond Highway.

22 Q And did you find anything relevant on that video?

23 A The victim's car that he was driving at the time, the
24 white vehicle that we determined to be the one he was
25 driving, enters from Greenpond Highway towards Bright's

1 Court, and of course, never leaves. And then, the only
2 other vehicle that it has going out, we determined to -- we
3 knew the individual it belonged to.

4 Q Okay. And subsequent to actually reviewing the video
5 at the animal shelter, at this point do you have any leads?

6 A No, ma'am.

7 Q So what do you do next?

8 A I reached out to some individuals that I knew on the
9 street and provided my work cell phone number that if they
10 saw anything to please call me. And it was determined that
11 we found out that Mourice was involved with a female,
12 Courtney Boulware, that goes by "Coco". We put that name
13 out to the street and had one individual that resided near
14 the Southern Inn. He actually called me the night of
15 November 20th, close to midnight, and stated that he
16 believed that Courtney Boulware, a/k/a Coco, was back at the
17 hotel. I called my Lieutenant to let him know that I was
18 going to respond to the location. I had other deputies
19 respond to the location with me. The female he saw was
20 determined not to be Coco, or Courtney Boulware. Then, I
21 proceeded to go ahead and knock on all the doors to see if
22 anybody had seen Courtney Boulware, or Coco, or knew where
23 she might be. To the left of what was determined to be the
24 victim's residence, or hotel room, was Larry Council who I
25 had previously known. I asked him if he knew who Courtney

1 Boulware, or Coco, was. He immediately informed me that,
2 yes, she has been staying with Nayronne Holmes, or E.B.,
3 over there on Bright's Court, which opened up the
4 investigation as to why we knew why Mourice Kemp was going
5 over there.

6 Q Okay. And so at this point, you learned the name Coco,
7 or Courtney Boulware, and Larry Council?

8 A Yes, ma'am.

9 Q And Nayronne Holmes, in association with Courtney
10 Boulware?

11 A Yes, ma'am.

12 Q Once you learned this information, what did you do
13 next?

14 A Well, due to the hour of the night, the next morning
15 when I woke up and came into work, we had gone back out to
16 Bright's Court and Nayronne Holmes came in and rode with a
17 deputy to the Annex for further questioning.

18 Q And you got to talk to him?

19 A Yes, ma'am.

20 Q Did you learn anything different than you had the night
21 before?

22 A Yes, ma'am.

23 Q And was what you learned consistent with what he
24 testified to yesterday?

25 A Not completely; parts of it. He did not go into the

1 actual shooting, the incident. He still denied seeing it at
2 that time, but he did confirm that Courtney Boulware was
3 over at the incident location.

4 Q And once you learned this information, did you go
5 looking for Coco, or Courtney Boulware?

6 A Yes, ma'am, we did.

7 Q Did you ever find her?

8 A Yes, ma'am, we did.

9 Q And did you talk to her?

10 A Yes, ma'am.

11 Q So at some point after you talked to her, have you
12 talked to her since?

13 A I did talk to her on two occasions just to verify other
14 people's stories after that. However, as of last year, it
15 was found that she had died in a car accident which was
16 confirmed through viewing an obituary online.

17 Q Okay. So Courtney Boulware is dead?

18 A Yes, ma'am.

19 Q And did you say how she died?

20 A In a traffic accident.

21 Q And this was after you had already talked to her?

22 A Yes, ma'am.

23 Q All right. And so after you talked to Courtney
24 Boulware, did you learn anything different?

25 A Yes, ma'am, I did.

1 Q Okay. And so based on that information that you
2 learned, what did you do next?

3 A At that time, I can't recall the exact time, but it may
4 have been around 4:00 in the afternoon. At that time, the
5 following day, after talking to another individual, warrants
6 were obtained.

7 Q And who were the other individuals that you talked to?

8 A We had gotten a location on Lawrenzer Walker, Quick,
9 and we were able to apprehend him on obstruction of justice.
10 On that date we issued obstruction of justice warrants on
11 both Taquan Brown and Lawrenzer Walker.

12 Q And this is after you learned information from Coco?

13 A And also from the fact that we were able to verify that
14 all of the individuals said that nobody else was over there,
15 and it was determined the Courtney Boulware, or Coco, was
16 indeed over there, which was a key part to the
17 investigation, because that's another witness.

18 Q So you said you charged Mr. Taquan Brown -- or did you
19 charge him with obstruction of justice?

20 A Yes, ma'am, I did.

21 Q And you also charged who?

22 A Lawrenzer Walker, also known as Quick.

23 Q And what did you base those charges on?

24 A The fact that I asked each individual if anybody else
25 was over there and they all stated no, which prohibited me

1 from furthering my investigation, because that's another
2 witness, so obstruction of justice warrants were obtained
3 for basically the fact that they didn't know why Mourice
4 Kemp came over there, and indeed they did.

5 Q So once you got the obstruction of justice warrants for
6 Taquan Brown and Lawrenzer Walker, what did you do next?

7 A We were able to apprehend Lawrenzer Walker in
8 Walterboro at his mother's residence. I got the call from
9 my Lt. Chapman that he was apprehended. This was in the
10 late hours of the night around 10:30, close to 11. At that
11 time, I went to the Colleton County Sheriff's Office Annex
12 where I interviewed Lawrenzer Walker.

13 Q And at the time, did you Mirandize him as well?

14 A Yes, ma'am, I did.

15 Q On the same form that you used before?

16 A Yes, ma'am.

17 Q And did you learn anything during that interview that
18 was different from what you learned before?

19 A Yes, ma'am. He completely told me everything from
20 point A to Z, basically, and he even took me to the alleged
21 murder weapon.

22 Q And did he indicate to you how that murder weapon ended
23 up where it did?

24 A Yes, ma'am. He indicated to me that he panicked at the
25 time of the incident and grabbed the gun from the defendant

1 and ran across Poor Farm Road, which is -- across Poor Farm
2 Road there is a sandpit, and at the sandpit they had, I
3 guess you would say, mounds with grass, briars, and there's
4 a fence that prohibits anybody from obviously going over
5 there, but he threw it across the fence towards the mounds.

6 Q And what was his intent in throwing it?

7 A He said he just wanted to get rid of it.

8 Q At that point, was he your trigger man?

9 A No, ma'am.

10 Q Who was the trigger man?

11 A Taquan Brown, the defendant.

12 Q Okay. And so once you talked to Lawrenzer Walker and
13 you were led to the weapon, what did you do next?

14 A At that time, of course once again it was late hours of
15 the night when all of that was found out. The following
16 day, I obtained murder and possession of a weapon during the
17 commission of a violent crime warrants on Taquan Brown.

18 Q And once you got the murder warrant and the possession
19 of a weapon during the commission of a violent crime
20 warrant, did you serve it or did you try to find Mr. Brown?

21 A We were informed actually, and I backtrack on the day
22 the second time I interviewed Nayronne Holmes after finding
23 out that Coco was over there for him, he informed me that
24 Taquan Brown

25 MR. WALKER: Objection, Your Honor, hearsay.

1 THE COURT: Counsel approach.

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

4 THE COURT: Objection sustained.

5 Q Detective, don't tell me what someone told you.

6 A Yes, ma'am.

7 Q So once you obtained the warrant, what was your next
8 step?

9 A We had already known that Taquan Brown was no longer at
10 ■ Bright's Court. We then did not know his location so we
11 turned the warrants due to the nature of the warrants, the
12 nature of the crime, to SLED's fugitive task force.

13 Q And were you able to locate him quickly?

14 A Yes, ma'am. That same evening, they located him in
15 Charleston, South Carolina.

16 Q And did you go with them to get him or how did he
17 return?

18 A No, ma'am. We sent two of our detectives to transport
19 him from the Charleston County Detention Center to Colleton
20 County. They actually transported him to the Colleton
21 County Sheriff's Office Annex, because he stated he was
22 willing to talk to us.

23 Q Okay. And so at this point, was he under arrest?

24 A Yes, ma'am, he was.

25 Q And he stated that he wanted to talk to you?

1 A Yes, ma'am.

2 Q Okay. So did you at that time attempt to talk to Mr.
3 Brown?

4 A Yes, ma'am, I did.

5 Q Did you give him a Miranda warning?

6 A Yes, ma'am. I went through the same steps, especially
7 since he was in custody at this time. Went over the same
8 Miranda form, went over the same steps. He initialed and
9 signed saying he understood his Miranda rights, and then we
10 went over the waiver of rights and he signed stating that he
11 waived his rights.

12 Q And was this particular statement captured on audio and
13 video?

14 A Yes, ma'am, it was.

15 Q And during this period of time, did he give a voluntary
16 statement?

17 A Yes, ma'am.

18 Q At any point did you promise him anything if he gave a
19 statement to you?

20 A No, ma'am.

21 Q Did you ever threaten him in order to get him to make a
22 statement to you?

23 A No, ma'am.

24 Q Did you hold out any promise of reward in order to get
25 him to make a statement to you?

1 A No, ma'am.

2 Q What was his overall demeanor as far as did he appear
3 to be sleepy this time?

4 A No, ma'am, absolutely not.

5 Q Was he alert?

6 A Yes, ma'am.

7 Q Did he appear to be under the influence of any alcohol
8 or drugs?

9 A No, ma'am, absolutely not.

10 Q Did he appear to understand his rights under Miranda?

11 A Yes, ma'am.

12 Q Detective -- or Agent Eltzroth, I'm going to hand you
13 what's been previously marked for identification as State's
14 Exhibit Twenty-nine. Take a moment and tell me if you
15 recognize this item?

16 ASST. SOL. LEGETTE: May I approach the witness, Your
17 Honor?

18 THE COURT: You may.

19 A Yes, ma'am. I do recognize State's Exhibit Twenty-
20 nine.

21 Q And Agent, what is State's Twenty-nine?

22 A It's once again the same standard form that we use at
23 the Colleton County Sheriff's Office for Miranda. At the
24 top, we fill out this basic information and then the next
25 section is his Miranda rights numerically ordered once again

1 number one through five. We go over each one. If he
2 understands them, he initials beside the number and then
3 signs up under it saying that he understands number one
4 through five.

5 The next section is the waiver of rights, which I go
6 over that he is willing to waive his rights and talk to me
7 without an attorney present. He signs on that line, which
8 he did, which is indicated by his signature and then I
9 witness it with my name and date.

10 Q And Agent Eltzroth, is State's Twenty-nine a fair and
11 accurate reflection of the actual Miranda warning that you
12 gave to Mr. Taquan Brown on November 22nd, 2013?

13 A Yes, ma'am.

14 Q Has it been changed or altered in any way?

15 A No, ma'am.

16 ASST. SOL. LEGETTE: At this time, Your Honor, I would
17 offer into evidence State's Exhibit Number Twenty-nine for
18 admission into evidence.

19 THE COURT: Mr. Walker, as to State's Twenty-nine.

20 MR. WALKER: No objection.

21 THE COURT: Ladies and gentlemen of the jury, State's
22 Exhibit Number Twenty-nine will be admitted into evidence in
23 the trial of this case.

24 (Whereupon, State's Exhibit Number Twenty-nine, Miranda
25 Form dated 11-22-13, is received into evidence.)

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

2 Q Agent Eltzroth, once Mr. Brown signed the Miranda
3 waiver and agreed to talk to you without an attorney, did he
4 give you a freely and voluntary statement?

5 A Yes, ma'am.

6 Q In that statement, what did Mr. Brown say?

7 A Initially, he stuck to his story and I basically had to
8 not completely give him everything that we had, but kind of
9 let him know that obviously I had talked to people and they
10 had told me things. Going into several hours, well not
11 several hours, but the total time of the interview was
12 approximately two hours. The first part of it was,
13 basically, me having to talk to Taquan, get him comfortable,
14 tried to get him just to admit that he did shoot Mr. Kemp.
15 Make him comfortable enough to say that so then I could go
16 into further of what I had from my investigation.

17 Q And what did he tell you?

18 A Initially, he said he did not shoot Mr. Kemp. Then,
19 eventually, as he went on, he went into detail about Mr.
20 Kemp coming over there.

21 Q Before we go to Mr. Kemp coming over there, you said
22 "initially". Did he ever talk to you about knowing Mr.
23 Kemp?

24 A Yes, ma'am. He stated, if I recall correctly, the
25 amount of years, he's known Mr. Kemp for approximately 10

1 years. Never had a problem with him. Knew his family. And
2 never had any bad dealings with him.

3 Q Did he say anything about having any problems with him?

4 A Throughout my investigation, I had found out there was
5 an incident at Southern Inn involving Mr. Taquan Brown,
6 Nayronne Holmes, Larry Council and Mr. Mourice Kemp. I
7 asked him about that and if the victim, Mourice Kemp,
8 pointed a gun at him on that particular incident; I believe
9 it was a week to two weeks prior to November 20th. Mr.
10 Brown immediately stated that "No, he did not point the gun
11 at me. He pointed it at the other two individuals," which
12 throughout my investigation I found out that Mr. Kemp never
13 actually pointed the gun, but rather presented showing that
14 he did have a firearm. He informed me that he, I believe,
15 had to go to the store because he didn't have a vehicle, and
16 that Larry Council informed Nayronne that Coco wanted to
17 hang out. So Larry Council picked up Nayronne Holmes and
18 Mr. Taquan Brown, went over to the Southern Inn. At that
19 time, I believe it was Mr. Nayronne Holmes told Mr. Mourice
20 Kemp that he was there for Coco. Of course, Mourice Kemp
21 became offended because he was dating Coco, told them to
22 leave, went back inside, came out with the gun tucked in
23 here and told them to leave.

24 Mr. Brown claimed he called 9-1-1 and then hung up and
25 that he claimed that 9-1-1 called back. In fact, when they

1 tried to call back, it came to a disconnected number.

2 Q So at that point, Mr. Brown is telling you that he does
3 not have a problem with Mourice Kemp?

4 A Yes, ma'am.

5 Q How long did he say he knew Mourice Kemp?

6 A He specifically said approximately 10 years.

7 Q Did he say anything about anybody in Mourice Kemp's
8 family as far as dating anyone in Mourice Kemp's family?

9 A I can't remember specifically if it was a cousin. It
10 was some kind of relative that he had been seeing. I can't
11 remember the specific relative though.

12 Q And was he pretty adamant that they had never had a
13 problem?

14 A Yes, ma'am. He repeated it several times.

15 Q Okay. And so, once you established that Mr. Kemp and
16 Mr. Brown never had a problem, does Mr. Brown continue
17 talking?

18 A Yes, ma'am, he does.

19 Q What does he say?

20 A He then goes into the day prior to the incident that
21 Courtney Boulware, I believe, came over there to -- Coco
22 came over there to see Lawrenzer Walker, also known as
23 Quick, and brought some of her belongings that she put into
24 his residence. He stated that they hung out. That she
25 eventually, I believe, went over to Nayronne Holmes's

1 residence. He then goes into the morning of the incident
2 and states that he was woken up by Lawrenzer Walker because
3 -- or an unknown individual at that time was knocking, or
4 bamming, on his door. He stated by that time, Lawrenzer had
5 already opened the door, and that Mourice Kemp came in.
6 Taquan Brown stated he even at that time, during this
7 interview, stated that he even shook Mourice's hand, asked
8 him how he was doing. Mourice asked where Courtney
9 Boulware, Coco, was and they told him that she was next
10 door.

11 At that time, he stated that Mr. Kemp, Mr. Mourice
12 Kemp, the victim, went out the back door of Mr. Brown's
13 apartment and went next door to what was Ms. Mays's
14 residence and Nayronne Holmes' residence at the time, and
15 began knocking on that door. He stated he found out that
16 Coco was in there. He tried to come back around and wanted
17 to come back through their residence and he told them no and
18 closed the door, and that Mourice came out back around the
19 apartment complex, got Coco. She was actually -- he
20 specifically stated she was walking behind him and they were
21 going to the car. He stated that Courtney got into the car.
22 Mourice got in to the car. Then, Mr. Brown stated that
23 Lawrenzer Walker came out with the gun. And at that time,
24 he stated that Mourice Kemp saw the gun and stated, "If
25 you're going to pull that" -- excuse my language, "G-damn

1 gun, then you better use it." Then, at that time, he
2 started charging towards Lawrenzer and he stated that
3 Lawrenzer shot him. And that Mr. Kemp fell exactly where he
4 was shot.

5 Q Now, does Mr. Brown go into detail with you about his
6 relationship with Lawrenzer Walker?

7 A Yes. He said he's known him since, I believe, it was
8 1999. They were basically real good friends. And I think
9 he mentioned -- well, in fact he did mention the fact that
10 the main thing he was sad about was that he had even invited
11 Lawrenzer over to come to his place.

12 Q So he was sad about the shooting?

13 A He said he was sad about the fact that he invited
14 Lawrenzer over in the first place is all he said he was sad
15 about.

16 Q Did he ever talk about the relationship between Mourice
17 Kemp and Coco and how she felt about Mourice Kemp?

18 A I know he said that they were in a relationship and
19 that Courtney, I believe, kind of went back and forth, but
20 he never went into, from what I can recall, a detailed
21 account of their relationship.

22 Q But he did tell you that he closed the door when
23 Mourice Kemp asked to come back through and didn't let him
24 come back through?

25 A Yes, ma'am.

1 Q And did he also talk about who actually went outside
2 with the gun?

3 A He stated that Lawrenzer Walker had the gun.

4 Q And he went outside the house with it or did he go into
5 detail about that?

6 A Yes, ma'am. That he came from inside the residence to
7 outside with the gun.

8 Q Now, did Mr. Brown indicate to you where he was
9 whenever supposedly Lawrenzer Walker was outside shooting
10 Mourice Kemp?

11 A Yes. He stated that he was outside in front of his
12 residence in the grass.

13 Q So while Mr. Brown is telling you all of these things,
14 how do you respond to Mr. Brown?

15 A That I basically tell him that everything throughout my
16 investigation that he basically said added up and
17 corroborated what my investigation had found and that he did
18 tell me the truth in that statement, except for the fact
19 that he put Lawrenzer Walker as him. In other words,
20 stating that he didn't put himself as the one inside the
21 residence and came out with the gun and then shot Mourice
22 Kemp.

23 Q Now, did he also talk about anyone planning to rob or
24 do anything sinister to Mourice Kemp?

25 A Yes, ma'am. He had mentioned that Lawrenzer Walker,

1 also known as Quick, and Courtney Boulware, also known as
2 Coco, had planned on robbing the victim to get him over to
3 the apartments and rob him. And that Lawrenzer Walker was
4 calling in another Crip gang member over to help him do the
5 robbery, but he never showed up.

6 Q Now, at any point during your interview with Mr. Brown,
7 do you talk to him about the possibility that it was -- it
8 happened a little different?

9 A Yes, ma'am. Initially, prior to him giving Lawrenzer
10 Walker statement, I tried to get him comfortable. I was
11 basically saying it wasn't his fault. That everything was
12 caused by Mourice Kemp, so he would be comfortable enough to
13 tell me that he shot and then that did not work; he never
14 said anything. Then when he told the Lawrenzer Walker
15 story, and confirmed with the fact that he was the one that
16 was the trigger man and that he was the one that exited the
17 residence with the firearm while Mourice Kemp was already
18 getting into the car trying to leave.

19 Q Now, prior to Mr. Brown actually telling you that it
20 was Lawrenzer Walker, did you actually present that
21 information to him?

22 A Yes, ma'am.

23 Q And how did you do that?

24 A I told Mr. Taquan Brown that Mourice Kemp was the one
25 who came over there and disrespected him by waking him up in

1 the early morning hours by banging on his door, coming
2 inside his residence, accusing him of being with Courtney
3 Boulware, and that he felt disrespected and snapped. But
4 Taquan Brown still denied ever pulling the trigger or
5 anything of that sort.

6 Q Now, at some point, did you plant a seed in his mind
7 that it was Lawrenzer Walker?

8 A Yes, ma'am, I apologize. I did state, "Well, if you
9 didn't pull the trigger, then who did?" I said, "We all
10 thought initially that it was going to be Lawrenzer Walker
11 and that it wasn't going to be him." Then, after that
12 statement was out there, a little while later is when he
13 placed Lawrenzer Walker as the trigger man.

14 Q So once you confirmed to him with the information that
15 you didn't believe him about the Lawrenzer Walker story,
16 what happened? What did he say then? Did he maintain that
17 it was Lawrenzer Walker?

18 A Yes, ma'am.

19 Q Now, at some point during the interview, does anyone
20 else accompany you during the interview?

21 A Yes, ma'am. Captain Gene Johnson has known Taquan
22 Brown since he was about 13 years old and had a lot better
23 repore with him than what I did. So Captain Gene Johnson
24 did come in and assist and I could see that we were still
25 getting nowhere initially, so I exited the room and watched

1 from outside and then he opened up to Captain Gene Johnson.

2 But again, placed Lawrenzer Walker as the trigger guy.

3 Q So he maintained the same story?

4 A Yes, ma'am.

5 Q And about how long did this go on?

6 A I believe approximately, I can't give you an exact
7 time, but approximately the interview was approximately two
8 hours.

9 Q And at any point did he ever say that it was anyone
10 besides Lawrenzer Walker?

11 A No, ma'am, not during that period.

12 Q Okay. And so, once the interview ends, at some point,
13 is he served with the arrest warrant?

14 A Yes, ma'am. Jodi Taylor, who I believe now is a
15 Captain, came in and served him the warrants. During the
16 interview, however, I did inform him that he was being
17 charged with the murder.

18 Q At some point, whenever Captain Taylor is serving the
19 arrest warrant, did he even tell her the same story?

20 A Yes, ma'am.

21 Q And he maintained that it was Lawrenzer Walker?

22 A Yes, ma'am.

23 Q So at some point, does the interview end?

24 A Yes, ma'am.

25 Q And once the interview ends, what is your next step in

1 the investigation?

2 A At that time, due to the statements he made, I wanted
3 to bring back in Lawrenzer Walker and Courtney Boulware and
4 ask them about what he said. Due to he made accusations
5 that they were planning to rob him, the victim, and that
6 sort, and also that obviously he placed Lawrenzer as the
7 trigger man.

8 Q And how did those interviews end up?

9 A Completely both denied any allegations of robbery and
10 both denied Lawrenzer Walker as the trigger man.

11 Q So once you have this information, do you do anything
12 else as far as the investigation is concerned, collecting
13 any evidence, anything of that nature?

14 A Yes, ma'am. DNA samples were acquired from Mr. Brown
15 and Mr. Walker.

16 Q Did those turn up any evidence of any evidentiary
17 value?

18 A No, ma'am.

19 Q And so, next in your investigation, talk me through
20 what happened? Did you talk to anyone else?

21 A Yes, ma'am. On Sunday, November 24th, 2013, I got a
22 call from -- at the time it was Lt. Chapman saying that
23 Correction Officer Chris Moran stated that Taquan Brown had
24 requested to talk to me. So at that time, I did go and get
25 Taquan Brown from the jail and sat him down in the interview

1 room, confirmed through him that he did request to talk to
2 me.

3 Q And at that time, he was in custody, correct?

4 A Yes, ma'am. He was in custody at the Colleton County
5 Detention Center.

6 Q Did you Mirandize him?

7 A Yes, ma'am.

8 Q And did you use the same form that you had used in the
9 previous interviews?

10 A Yes, ma'am. All the same forms with the same steps.

11 Q And did he actually sign the Miranda waiver indicating
12 that he wanted to talk to you?

13 A Yes, ma'am. He signed stating that he understood his
14 rights, as well as he understood that he wanted to waive his
15 rights.

16 Q And at any time did you ever promise him anything to
17 get him to tell you anything?

18 A No, ma'am.

19 Q Did you ever threaten him in any way in order to get
20 him to tell you anything?

21 A No, ma'am.

22 Q Did you give him any promise of reward in order to get
23 him to tell you anything?

24 A No, ma'am.

25 Q Did he appear to understand his Miranda rights?

1 A Yes, ma'am.

2 Q And did he eventually agree to talk with you without an
3 attorney?

4 A Yes, ma'am.

5 Q I'm going to hand you what's been previously marked for
6 identification as State's Thirty. Please take a moment and
7 tell me if you recognize this item.

8 ASST. SOL. LEGETTE: May I approach the witness, Your
9 Honor?

10 THE COURT: You may.

11 A Yes, ma'am, I do recognize State's Exhibit Thirty.

12 Q And what is State's Thirty?

13 A Once again, it's the same standard form used by
14 Colleton County Sheriff's Office investigations Miranda
15 rights form, which once again contains section of the basic
16 information of the individual being interviewed. Then, the
17 next section is the Miranda rights; once again, one through
18 five listed in numeric order, which is indicated by Mr.
19 Taquan Brown's initials that he understood number one
20 through five, as well as his signature.

21 The following section is the waiver of rights, which
22 once again is explained to the individual being interviewed.
23 Once again it is signed by Mr. Taquan Brown indicating that
24 he was willing to waive his rights and then it's witnessed
25 by me with my information, date, and time.

1 Q And Agent Eltzroth, is State's Exhibit Thirty a fair
2 and accurate reflection of the Miranda warning that you gave
3 to Taquan Brown on or about November 24th, 2013?

4 A Yes, ma'am.

5 Q Has it been changed or altered in any way?

6 A No, ma'am.

7 Q Thank you.

8 ASST. SOL. LEGETTE: At this time, Your Honor, I would
9 offer State's Thirty for admission into evidence?

10 THE COURT: As to State's Exhibit Number Thirty, Mr.
11 Walker?

12 MR. WALKER: No objection, Your Honor.

13 THE COURT: Ladies and gentlemen of the jury, State's
14 Exhibit Number Thirty will be admitted into evidence in the
15 trial of this case without objection.

16 (State's Exhibit Number Thirty, Miranda statement dated
17 11-24-13 of Taquan Brown dated November 24, 2013, is
18 received into evidence.)

19 THE COURT: State's Thirty in evidence. You may
20 publish.

21 ASST. SOL. LEGETTE: Thank you.

22 Q Agent Eltzroth, going back to the second statement
23 where you talked to Mr. Brown on November the 22nd, 2013?

24 A Yes, ma'am.

25 Q At some point, after he's telling you that it is

1 actually Lawrenzer Walker, do you also tell him that it
2 actually could have been self defense?

3 A Yes, ma'am.

4 Q And tell us how you laid that foundation?

5 A Once again, it was basically under the fact that I told
6 him that Mourice Kemp came over to his residence, bammed on
7 his door early in the early morning hours, disrespected him
8 and woke him up, came inside his residence, accusing him of
9 having his girlfriend over there. And the reason for that
10 is anytime you interview somebody, especially of a crime or
11 something that they may have done wrong, they may be
12 hesitant to tell you anything unless they're either
13 comfortable with you or that they have a way of saying they
14 didn't do anything wrong. If you're able to get the
15 individual comfortable enough, especially with obviously
16 giving them an out such as self defense, they're a lot more
17 willing to, in this instance, tell you that yes, they did
18 pull the trigger. They did shoot the individual.

19 Q So when you told him that, did you really believe it
20 was self defense?

21 A No, ma'am. My reason for that was, once again,
22 obviously, to get him comfortable enough ---

23 MR. WALKER: Objection, Your Honor.

24 THE COURT: Counsel approach.

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

1 and out of the hearing of the jury.)

2 THE COURT: Objection withdrawn.

3 Q Agent, you were telling us -- you were telling Mr.
4 Brown that it could have been self defense?

5 A Yes, ma'am.

6 Q And this was after you told him it was Lawrenzer?

7 A Yes, ma'am.

8 Q And then you told him -- tell us again why are you now
9 after you told him it was Lawrenzer and he adopted that
10 theory, why are you now telling him it was self defense?

11 A Well, obviously, with Lawrenzer, our reasoning for that
12 was hopefully he would take me through the steps of what
13 Lawrenzer allegedly did. Then, the purpose of the self
14 defense was to hopefully get him to be comfortable enough
15 with stating to me that he shot the individual, or shot the
16 victim, Mr. Kemp.

17 Q So did you actually tell him that, thinking that this
18 is what it was, self defense?

19 A No, ma'am, because I obviously charged him with murder.
20 and possession of a weapon during the commission of a
21 violent crime.

22 Q And the other evidence that you had by that time
23 gotten, did it contradict self-defense?

24 A Yes, ma'am. Even when he gave ---

25 Q Did it appear through the information you had gotten

1 appear to be self defense?

2 A Even when he gave Lawrenzer Walker the version as him
3 being the trigger man, it did corroborate what I had found
4 out throughout my investigation. The fact that Mourice Kemp
5 was leaving and getting in his car, that according to him at
6 this time, it was Lawrenzer Walker coming out, but what my
7 investigation led to, in fact, Taquan Brown that Mourice
8 Kemp was already getting inside the vehicle. He came there
9 for his girlfriend. She willingly left. They were both
10 getting in the vehicle to leave, and at that time was when
11 Mr. Brown came out of the residence with the gun in hand.

12 At that time, obviously when Mr. Kemp got into the
13 vehicle, it was facing the apartments. So at that time when
14 he got into the vehicle is when he saw Mr. Brown come out
15 with the gun at that time and then got out of his vehicle,
16 made a statement that "if you're going to pull that GD gun,
17 then you better use it," and then started to approach Mr.
18 Brown at that time is when Mr. Brown fired the shots.

19 Q So at that point, you did not think it was self
20 defense?

21 A No, no, because of the simple fact that there was no
22 evidence of Mr. Kemp being in possession of a gun or even
23 threatening any deadly or serious bodily injury, and the
24 fact that he was leaving, and there was no threat at that
25 time.

1 Q Did you actually find a gun in the crime scene area
2 where Mourice Kemp would have been lying?

3 A No, ma'am.

4 Q Now, so at this point, in the second interview, you
5 have basically planted the seed that it was Lawrenzer
6 Walker, correct?

7 A Yes, ma'am.

8 Q And then when Mr. Brown adopted that theory of it being
9 Lawrenzer Walker, you planted the seed about possible self
10 defense?

11 A Yes, ma'am.

12 Q So you talked to him again? You talked earlier, I
13 believe State's Thirty with the Miranda. And once you
14 Mirandized him, did he agree to talk to you?

15 A For the November the 24th?

16 Q Yes, sir.

17 A Yes, ma'am.

18 Q And he actually sent for you at this time?

19 A Yes, ma'am.

20 Q And how many days later is it since he has been in
21 jail?

22 A Two days.

23 Q Okay. So what, if anything, does Taquan Brown tell you
24 on November 24th?

25 A On November 24th, he goes through the exact -- not

1 exact, but along the same story with the same story line,
2 except this time at the Southern Inn he claims that Mourice
3 Kemp pointed the gun at him. So then he stated that the guy
4 who pointed the gun at him, came to his residence, bamming
5 on his door, barged in, running his mouth and stating that
6 he was looking for Coco. Where was she? Going through all
7 his stuff.

8 Then, when they told him next door, then he proceeded
9 out the back door. He said he was kicking on Ms. Barbara
10 Mays' door, making threats. He said that Ms. Barbara Mays
11 told him he could not come inside the residence. So he
12 cussed her out and then tried to come back through his
13 residence where he told him he was going to have to go
14 around. "He's not coming back through his residence."

15 He closed the door. He then stated that he came back
16 around and that he stated that they were already going to
17 leave and he stated that Lawrenzer Walker once again had the
18 gun, but then he stated that Mourice started running his
19 mouth, so he grabbed the gun from Lawrenzer Walker, and at
20 that time is when Mourice was charging, running towards him,
21 and he shot.

22 Q And so, in this statement, more or less, he had adopted
23 what you told him happened?

24 A Yes, ma'am.

25 Q Does he talk any -- he said that Lawrenzer Walker had

1 the gun?

2 A Yes, ma'am.

3 Q Did he tell you anything of any significance in the
4 third interview?

5 A Oh, he also stated that once he obviously shot Mr. Kemp
6 that Mr. Walker started searching on the -- I apologize. He
7 stated that when Mr. Kemp was running towards him that he
8 reached for his back right pocket, which as you can see from
9 the pictures was probably about lower thigh. And then
10 stated after he shot him that Lawrenzer Walker retrieved --
11 he specifically stated a .357 snub nose revolver from the
12 victim's body and then later sold it to a Tremaine Campbell,
13 also known as "Baby" on the streets in Jacksonboro.

14 Q And as a result of that information, did you try to
15 investigate the snub nose revolver and the sale to somebody
16 named Baby?

17 A Yes, ma'am. I am familiar with Tremaine Campbell. I
18 knew where he resided, so I went to his house. And he
19 stated ---

20 Q Don't tell me what he said.

21 A Oh, I apologize.

22 Q But you can tell me what you determined.

23 A I determined that he did not know Quick and he did not
24 purchase a gun.

25 Q At some point, did you actually find -- or during the

1 investigation, was a .357 snub nose revolver actually found?

2 A Yes, ma'am. A .357 snub nose revolver was found at the
3 victim's residence, or hotel room, the morning of the
4 incident during the search warrant.

5 Q And this was after the victim is already dead?

6 A Yes, ma'am.

7 Q Now, did you find out anything else of significance
8 during that third interview with Mr. Taquan Brown?

9 A (NO RESPONSE.)

10 Q Did he tell you that he was afraid?

11 A Oh, I apologize. Yes, ma'am, he did at that time.

12 Q In previous times past, he told you that he had no
13 problem with Big Mo?

14 A Yes, ma'am.

15 Q And was the third interview also captured on audio and
16 video?

17 A Yes, ma'am.

18 Q Now, once you received the information in the third
19 interview from Mr. Brown, what, if anything else did you do
20 with this investigation?

21 A Well, I received a phone call from Nayronne Holmes, so
22 I re-interviewed him and determined that Mr. Brown had
23 called him from the detention center, which all of our --
24 unless it's the phone that's in GP, the one there in booking
25 and stuff, are recorded that he called Nayronne Holmes and

1 offered, I believe it was approximately around \$7,000 to
2 tell the truth and that was retrieved from the detention
3 center. Also, I can't remember the exact date, but it was
4 several days later, I received three -- well, a letter from
5 Taquan Brown containing three letters from a Mr. Jermaine
6 Brown, Wylie James, and Jerome Hall stating they were
7 present on the scene and saw it.

8 Q And at some point, did you interview these individuals?

9 A I interviewed Mr. Jerome Hall first at the Colleton
10 County Sheriff's Office Annex. I Mirandized him because he
11 was in custody at the detention center under audio and
12 video, because I'm familiar with Mr. Hall.

13 Q And did you also interview Wylie James?

14 A Wylie James; I then interviewed Jermaine Brown second,
15 and Wylie James, he ended up getting, I believe, at a later
16 date, arrested again. He had been released at this time
17 that I retrieved the letter. And I went over to the booking
18 area of Colleton County Detention Center and advised Mr.
19 James that I had gotten his letter would he be willing to
20 come to the Annex and talk to me about it. I was advised
21 that he didn't know anything, that he didn't write a letter,
22 wasn't there, and did not want to talk to me.

23 Q And did you learn anything differently from the others,
24 Mr. Jerome Hall and Jermaine Brown?

25 A Yes, ma'am. Mr. Hall ended up telling me that ---

1 MR. WALKER: Your Honor?

2 Q Don't tell me what he said, but what did you learn?

3 A I learned that Mr. Hall did not write a letter and then
4 I learned that Mr. Brown stuck to his story.

5 Q Okay. And what, if anything, else did you do as far as
6 an investigation in this case? Did Mr. Brown ever send for
7 you again and talk to you about what happened in this
8 matter?

9 A I believe so. I know he had sent letters. I can't
10 remember specifically what they stated.

11 Q But did you ever talk to him again about the case?

12 A No, ma'am.

13 ASST. SOL. LEGETTE: Your Honor, may we approach?

14 THE COURT: Counsel approach.

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

17 Q Agent Eltzroth, I have no further questions. Please
18 answer any questions from the defense.

19 THE COURT: Cross-examination.

20 MR. WALKER: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. WALKER:

23 Q Good morning.

24 A Good morning.

25 Q Going back through your investigation, it would be fair

1 to characterize your previous testimony as initially no one
2 being truthful? On your first set of interviews?

3 A Oh, yes, sir.

4 Q And then, as things went along, people became more and
5 more truthful?

6 A Yes, sir.

7 Q Taquan Brown, more and more truthful as you went along?

8 A Yes, sir.

9 Q Other witnesses you interviewed?

10 A Yes, sir.

11 Q The first time you interviewed Mr. Brown was the night
12 of the incident?

13 A Well, the morning.

14 Q The morning, right, because it was at 4:35 in the
15 morning?

16 A Yes, sir.

17 Q And at that point, he was trying to stay completely out
18 of it; is that fair to say?

19 A Yes, sir.

20 Q As did everyone else who was there at Bright's Court
21 that day?

22 A Yes, sir.

23 Q And in fact, they're the ones who stayed around. Other
24 people just took off from Bright's Court?

25 A Well ---

1 Q Coco left, right?

2 A Yes.

3 Q But then, the second time you interviewed Taquan Brown,
4 you had arrested him for obstruction of justice, correct?

5 A Yes, sir. And we had murder warrants and possession of
6 a weapon during the commission of a violent crime.

7 Q Did you get the impression during your interview, the
8 second interview, that you say was over two hours long, that
9 at the beginning he understood he was being charged with
10 murder at that time?

11 A As I was starting to go over the Miranda rights, he
12 mentioned that he was being told he was being charged with
13 murder and obstruction of justice.

14 Q And did he say that in a way that he didn't really
15 think that was true?

16 A He stated that's what he was being told as the
17 interview went on, I did tell him that he was, in fact,
18 being charged with murder and possession of a weapon during
19 the commission of a violent crime.

20 Q How did he react to that?

21 A Shocked.

22 Q That was the total characterization of his reaction?

23 A Well, I mean, he immediately denied murdering anybody,
24 pulling the trigger.

25 Q Do you think that the interview changed in intensity

1 for him after you informed him of that?

2 A I don't quite understand what you mean by that.

3 Q Well, would you say that prior to really you
4 reinforcing the idea to him that he was being charged with
5 murder, do you think that he was still trying to deny any
6 involvement in the situation?

7 A Are you saying ---

8 Q Was he still trying to keep to his earlier story?

9 A Well, yes, sir.

10 Q And then he -- that kind of jolted him to give you more
11 facts and details?

12 A And then he eventually started giving more facts.

13 Q And over the course of this, it was like pulling hen's
14 teeth, right?

15 A Yes, sir, that's fair to say.

16 Q And but eventually, as you told Ms. Tameaka, he gave
17 you what you believed to be a general summation of facts
18 that was generally correct, except for the fact that where
19 you thought it was Taquan Brown, he inserted Lawrenzer
20 Walker?

21 A Yes, sir.

22 Q And that was pretty much the end of that interview?

23 A He was confronted again of him being the trigger man,
24 but ultimately ---

25 Q -- but that was the ultimate version that he left that

1 interview ---

2 A --- yes.

3 THE COURT: Hold on. One question. One answer. You
4 let him finish and then you ask a question. Don't talk over
5 each other. Proceed.

6 MR. WALKER: My apologies, Your Honor.

7 Q You continued to ask him questions when that version
8 came out, but he ultimately stuck to that version?

9 A Yes, sir. That was the ultimate -- that was the version
10 we ended with on that particular interview.

11 Q And this was a day and a half after the initial
12 incident?

13 A It was on November 22nd, 2013.

14 Q And the shooting happened in the early morning hours of
15 November 20th?

16 A Yes.

17 Q Two days before?

18 A Yes, sir.

19 Q Was it the next day that the third interview happened?

20 A No, sir. It was two days later.

21 Q So another two days?

22 A Yes, sir.

23 Q Four days after the initial interview?

24 A Yes, sir.

25 Q So the first statement is right after the shooting

1 happened?

2 A Yes, sir.

3 Q Two days go by and then you're able to extract what you
4 believe is a reasonably accurate rendition of the facts with
5 the substitution of Lawrenzer Walker for Taquan Brown?

6 A Yes, sir.

7 Q And then two more days go by, and he contacts you and
8 admits that it was him?

9 A Yes, sir.

10 Q Still sticking to the same general narrative of the
11 events that night?

12 A Not quite as to the demeanor of the victim, because the
13 second interview on November 22nd, he stated that he shook
14 the victim's hand inside the apartment and the victim was
15 ultimately there for Coco.

16 Q At that point, he was still trying to say he wasn't
17 really involved and didn't have any problems with Mr. Kemp?

18 A That's correct, yes, sir.

19 Q And that third interview was 45 minutes or so?

20 A I believe so. I know it wasn't as long as the second
21 one.

22 Q Because the process in the second interview was more
23 about him admitting it was him, not getting up to all that
24 happened?

25 A Well, obviously, the goal was to pull what happened,

1 because I have to inform the family that a loved one has
2 been killed, and the number one question is ---

3 Q --- well, the ---

4 THE COURT: Hold on. Let him finish before you ask him
5 a question, counsel. That's the second warning and the last
6 one. Proceed.

7 A So the ultimate question from family is generally why,
8 and if I can figure out the why, then I can at least let the
9 family know.

10 Q But as far as a general narration of what led up to the
11 shooting, you kind of had that, you were just trying to get
12 him to admit that it was him and not Lawrenzer Walker?

13 A Yes, sir.

14 Q Now, talking about Mourice Kemp, the deceased, isn't it
15 true that he has a reputation for violent behavior?

16 A I was not familiar with the victim prior to this
17 incident.

18 Q You were the lead case officer in this case?

19 A Yes, sir.

20 Q You prepared the reports?

21 A Yes, sir.

22 Q So let's talk about the police reports. What goes into
23 a police report?

24 A Basically, the facts from what's taken -- the initial
25 report is from the responding officer, and he puts in his

1 version of what he found when he responded. With
2 investigators, we try to document each action taken briefly.
3 Because a lot of interviews you record on both audio and
4 video, obviously, a two-hour video I can't document word for
5 word, so we try to give a brief version of what went on and
6 that way the rest can be referred to by the recorded
7 interview.

8 Q So you would have sections of text written down as to
9 what you did and what you learned?

10 A Yes, sir.

11 Q Okay. There would also be sections in a report
12 describing what evidence you collected?

13 A Yes, sir.

14 Q There would be sections in your report describing all
15 of the individuals involved from people that you had and you
16 would list what their role was in the investigation?

17 A Yes, sir.

18 Q Whether they were a suspect?

19 A Yes, sir.

20 Q Or a witness?

21 A Yes, sir.

22 Q Or a victim?

23 A Yes, sir.

24 Q And then your information that you used to do that, you
25 maintained a database at the Sheriff's Office of ---

1 A Yes, sir.

2 Q --- people that you interviewed and so forth? Did the
3 Sheriff's Office database allow you to automatically
4 repopulate fields about people?

5 A You can enter it mainly with the information that you
6 have or you can bring up from a prior incident, copy it into
7 the report, and update the information as you need it.

8 Q So when the Colleton County Sheriff's Office instant
9 report, the victim information section regarding Mourice
10 Kemp says, "Caution - violent behavior," was that put in by
11 you or put in by the software at the Sheriff's Office.

12 A No, sir. That was probably a quick link from another
13 officer's input.

14 Q So the Sheriff's Office warns anyone looking at Mourice
15 Kemp's information that he has -- to be cautious around him?

16 A Yes. A prior officer entered that information.

17 Q Well, obviously, you wouldn't have entered it, because
18 your interaction at that point was that he was deceased?

19 A Yes, sir.

20 Q So you wouldn't have to caution anybody having any
21 further interaction?

22 A No, sir.

23 Q So this would have been based on his prior record?

24 A I would assume. I don't know what it's based on, but
25 it is repopulated and then ---

1 Q From the Sheriff's Department?

2 A Yes, sir.

3 Q So if any officer put in Mourice Kemp's name, he would
4 get "Caution-violent behavior" coming up because it was part
5 of the information?

6 A If he repopulated it and not mainly entered it.

7 Q Every version of every -- well, I'm sorry. The initial
8 version that everyone told you, no one knew him, right?

9 A On my initial interviews of the individuals on scene,
10 yes, sir.

11 Q But as the case developed and the stories started to
12 come together, every version had Mourice Kemp arriving at
13 Taquan Brown's?

14 A Yes, sir.

15 Q And every version had Mourice Kemp after whatever
16 happened, depending on who is telling the story, at his car?

17 A Yes, sir.

18 Q I guess it's a dirt driveway. And every version had
19 him either getting out of his car or leaving his car and
20 charging towards the people on the ---

21 A -- yes, sir, it was --

22 Q -- grass or whether it was ---

23 THE COURT: Hold on. One at a time. Finish your
24 question and don't answer before he finishes his question.
25 Proceed.

1 Q There were some versions it was who he was charging at,
2 but all the versions have him charging towards the people on
3 the lawn.

4 A There were three terms used as far as describing him
5 coming out of the car. One was walking. One was charging.
6 And one was running.

7 Q No further question for you at this time.

8 THE COURT: Redirect?

9 ASST. SOL. LEGETTE: Your Honor, none at this time. I
10 would like to be able to recall him at a later time.

11 THE COURT: I understand. Mr. Foreman, ladies and
12 gentlemen of the jury, we're going to take our mid-morning
13 break at this time and let you stretch your legs, use the
14 restroom. Please do not discuss the case amongst yourselves
15 or with anybody else. I will be back with you just as soon
16 as I can. Thank you very much.

17 (11:35 a.m., whereupon, the jury exits the courtroom
18 and the following is held on the record.)

19 THE COURT: All right. Let the record reflect that
20 when we adjourned yesterday, Mr. Walker had not been given
21 what the Solicitor intended to introduce by way of video
22 from the statements taken by Agent Eltzroth. Mr. Walker was
23 given copies of that last night. He presented in my office,
24 along with the Solicitor, at 9:30 this morning, with three
25 pages of notes where he objected to things in the video.

1 I went through his requests in my chambers with he and
2 the Solicitor and I agreed with him that a number of the
3 matters that he was objecting to should not have been
4 included.

5 While Agent Eltzroth has been on the stand, we started
6 at 10:00 this morning, it's now 11:35, Angela Stallings has
7 been working on trying to redact the videos that were
8 obtained in order that they could be presented to the jury.
9 I'm concerned about the length of the videos, however, we
10 have to see a finished produce in order to view what is to
11 be published so that I can give Mr. Walker an opportunity to
12 make a record of any objections he may have. For that
13 reason, I have informed the Solicitor that she may recall
14 this witness. That Ms. Stallings is still in the progress
15 of her work. We will take our ten minute recess.

16 (11:36 a.m., off the record; 11:55 a.m. back on the
17 record.)

18 THE COURT: Bring us the jury, coach.

19 (12:00 p.m., whereupon, the jury enters the courtroom
20 and the following is held on the record.)

21 THE COURT: All right. Ladies and gentlemen, we will
22 now continue with the testimony in the trial of this case.
23 Call your next witness, Solicitor.

24 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
25 calls Whitney Berry.

1 (Whereupon, the witness, Ms. Whitney Berry, enters the
2 courtroom.)

3 MADAME CLERK: Please come forward to be sworn.

4 (Whereupon, the witness, Whitney Berry, is duly sworn.)

5 THE COURT: Watch your step. Good afternoon to you.
6 Pull that chair up. Pull that microphone down and adjust it
7 to your height. State your full name and spell your last
8 name for the court reporter.

9 WITNESS: Whitney Berry, B-E-R-R-Y.

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

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

12 DIRECT EXAMINATION

13 BY ASST. SOL. LEGETTE:

14 Q Good morning, Ms. Berry.

15 A Good morning.

16 Q Ms. Berry, where do you work?

17 A I work for the South Carolina Law Enforcement Division,
18 also known as SLED.

19 Q And how long have you worked for SLED?

20 A I've worked for SLED about two to two and a half years.

21 Q And what are your duties at SLED?

22 A I am the gunshot residue analysis analyst for the trace
23 evidence department.

24 Q And Ms. Berry, please tell us about your educational
25 background and training as it applies to working in the

1 trace evidence department with gunshot residue.

2 A I have a Bachelors of Science degree in Chemistry from
3 the University of South Carolina. Once I was hired by SLED,
4 I began SLED's nine month in-house training program for
5 gunshot residue analysis. This included technical readings,
6 journal readings, as well as hands on and written practical
7 examinations for how instrumentation works and how to
8 analyze for GSR. It also included working under the direct
9 supervision of a qualified analyst. I worked about 100
10 cases in my training.

11 Then, it ended with a mock court where I had to analyze
12 evidence as though I would in a case and defend it as though
13 I would in a case. Additionally, I have sought training
14 through the Hope College of applied sciences in Westmont,
15 Illinois, where I've gone to take the scanning electron
16 microscopy for GSR class.

17 Q And Ms. Berry, have you ever been qualified as an
18 expert in the area of Gunshot residue testing and analysis?

19 A Yes, ma'am.

20 Q How many times?

21 A Thirteen.

22 Q And testified in Court, also?

23 A Yes, ma'am.

24 ASST. SOL. LEGETTE: Your Honor, at this time, I would
25 offer Ms. Whitney Berry as an expert in the area of gunshot

1 residue testing and analysis.

2 THE COURT: Any objection as to qualifications?

3 MR. WALKER: Without objection.

4 THE COURT: Ladies and gentlemen, recalling my earlier
5 instruction to you in this trial concerning expert
6 testimony, the witness is qualified without objection. You
7 may proceed, Solicitor.

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

9 BY ASST. SOL. LEGETTE:

10 Q Ms. Berry, tell us, what is gunshot residue?

11 A Gunshot residue is everything that comes out of the
12 muzzle end of a gun when it is fired. This can include
13 primer particles, rust, dirt, debris, lubricant from inside
14 the barrel, all sorts of different things. What we're
15 looking for specifically is the primer residue. The primer
16 for a cartridge typically contains lead, barium and
17 antimony. These three elements are unique specifically to
18 gunshot residue. Now, when a trigger is pulled, the primer
19 will vaporize, so it will go from a solid to a vapor, and
20 then as it recondenses back to cool air, it will come back
21 in a round or molten shape. So when we're looking for
22 particles of gunshot residue, what we're looking for are
23 molten or round particles that contain lead, barium or
24 antimony.

25 Q And Ms. Berry, how is gunshot residue collected?

1 A Gunshot residue is collected with a gunshot residue
2 collection kit. I brought a demo, because it's a little bit
3 easier to explain. This is a particle lift from inside a
4 gunshot residue collection kit. It contains four particle
5 lifts, the kit does. For the right palm, the right back,
6 the left palm, and the left back of the hand. This demo,
7 the black spot in the center is a carbon tape, so it's
8 sticky and what someone would do to collect is just dab it
9 on the skin of the hand and it would lift up any particulate
10 matter. It would then be resealed and then it would be put
11 in the kit and sealed with tamper evidence tape. From
12 there, it would most likely be submitted to SLED for
13 analysis.

14 Q And Ms. Berry, how might somebody get gunshot residue
15 on their hand?

16 A You can get gunshot residue on your hands from being in
17 the vicinity of the discharge of a firearm, so that could
18 mean standing near somebody who pulls the trigger, or being
19 the person who pulls the trigger yourself. You can get it
20 from handling something that was in the vicinity to the
21 discharge of firearms, that could include a gun, that could
22 include cartridge casings from a gun, and that could include
23 anything that may have been in the path of the bullet on the
24 way to the intended target.

25 Q So someone being shot could also get it on their hands?

1 A Yes. The majority of gunshot residue when the trigger
2 is pulled, actually follows the path of the projectile or
3 the bullet. So it will follow up to a certain distance in
4 that in a cone-like pattern coming out of the muzzle of the
5 gun.

6 Q And Ms. Berry, what is the consistency of gunshot
7 residue?

8 A Gunshot residue is very fragile. If you can imagine
9 being in your kitchen and having your hands covered with
10 flour. Every time you clap your hands or wipe your hands on
11 something or touch anything, a little bit of that flour
12 comes off. And gunshot residue can transfer just like that.
13 It's very delicate and fine. It's not very hard to remove.

14 Q Now, Ms. Berry, how long will gunshot residue remain on
15 a person who is alive on their hands?

16 A It's generally expected in the scientific community
17 that gunshot residue will not last on a living person's
18 hands for more than four to six hours after an incident.
19 It's SLED's policy to not test anything that's been
20 collected over six hours, because we don't expect to find
21 anything that we could tie to a specific incident.

22 Q And what about a deceased person? How long would it
23 remain on their hands?

24 A On a deceased person, it can remain indefinitely until
25 it's removed. It could be removed by EMS working on

1 somebody or autopsy, different things like that could
2 possibly remove it from a deceased person.

3 Q Ms. Berry, did you receive and analyze any evidence
4 before the Court today?

5 A Yes, ma'am, I did.

6 Q What evidence did you receive?

7 A Let me refer to my notes. I received a gunshot residue
8 kit from Nayronne Homes. A gunshot residue kit from Taquan
9 Brown. A gunshot residue kit from Lawrenzer Walker. A
10 gunshot residue kit from Mourice Kemp, and I also retrieved
11 the cartridge casings from -- or -- yeah, the used cartridge
12 casings.

13 Q And Ms. Berry, can you tell us with your internal chain
14 of custody with SLED from whom you received the evidence?

15 A Yes, ma'am. I received the evidence in this case from
16 a storage shelf unit trace evidence department. When
17 evidence comes to SLED, it goes through one of our evidence
18 control technician. When everything is logged in, the case
19 is assigned a unique laboratory identifying number and each
20 item in the case is assigned a unique item number. These
21 numbers allow us to electronically track the evidence from
22 the time it enters the building until it leaves.

23 In this specific case, the intake, the evidence was
24 taken in by our evidence technician, Nikki Hughes, who then
25 transferred it to the trace evidence intake storage. This

1 is a shelf down in the evidence control area that is locked
2 up, it's climate controlled. Only members of upper
3 management at SLED, as well as the evidence technicians
4 themselves, have access to it. So it's a very secure area.

5 It was then moved by Lisa Barfield to another storage
6 area. Sometimes we have to move the evidence around just
7 because we have so many other Gunshot residue kits and so
8 much other evidence that we have to make room for other
9 things.

10 On August 1st, 2014, it was taken into custody by
11 forensic technician, Am Stephens, who then transferred it to
12 forensic scientist, Tyler Sturkey, who works in the trace
13 evidence department. He then took it upstairs and he put it
14 onto 329, Shelf 2, which is a storage area in the trace
15 evidence department, which again is a very secure area.
16 Only members of upper management and the trace department
17 have access to it. Then, on April 17th, 2015, I took
18 custody of it.

19 Q And Ms. Berry, when you took custody of the items in
20 the Gunshot residue kit in this case, what were the
21 conditions of those items?

22 A They were sealed per our protocol. Whenever something
23 comes into SLED, even if it's already in another container,
24 we will put it in a SLED container and then it will be
25 sealed with SLED tamper evidence tape and the submitting

1 officer or evidence custodian will initial and date the
2 tape. So once that tape is initialed, if it's still in
3 tact, then you know it hasn't been tampered with.

4 Q And is all of that done in an effort to maintain the
5 integrity of the evidence?

6 A Yes, ma'am.

7 Q Okay. And if the evidence had been tampered with,
8 would you have made a note of it?

9 A Yes, ma'am.

10 Q In this case, it was not tampered with?

11 A It was not tampered with.

12 Q Ms. Berry, I'm going to hand you what's been previously
13 marked for identification State's Exhibit Twelve. Please
14 take a moment and tell me if you recognize this item.

15 ASST. SOL. LEGETTE: May I approach the witness, Your
16 Honor?

17 THE COURT: You may.

18 A Yes, ma'am. I recognize this item.

19 Q And what is State's Exhibit Twelve?

20 A This is lab number L13-14929, which is this case
21 number; container number A, which is the container that was
22 said to contain the GSR kits for four people involved in
23 this case.

24 Q And Ms. Berry, how were you able to recognize State's
25 Exhibit Twelve?

1 A I'm able to recognize it not only by the lab number on
2 the front, but it also has my initials on the back from when
3 I opened it, and it has my initials and date at the top from
4 where I sealed it. It's been opened. However, I can also
5 see inside and each individual GSR kit is still sealed from
6 when I sealed it and put it back in here with my initials
7 and date.

8 Q And Ms. Berry, State's Number Twelve, previously marked
9 for identification, other than having been opened in this
10 courtroom, is it in substantially the same condition today
11 as it was when you last saw it?

12 A Yes, ma'am.

13 Q Has it been changed or altered in any other way,
14 besides from being opened?

15 A Not that I can tell.

16 ASST. SOL. LEGETTE: At this time, Your Honor, I would
17 offer State's Exhibit Twelve for admission into evidence.

18 THE COURT: As to State's twelve?

19 MR. WALKER: No objection.

20 THE COURT: Ladies and gentlemen of the jury, State's
21 Exhibit Number Twelve will be admitted into evidence in the
22 trial of this case, without objection. State's Twelve in
23 evidence.

24 (Whereupon, State's Exhibit Number Twelve, four GSR
25 kits, is received into evidence.)

1 THE COURT: You may publish, Solicitor.

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

3 Q Ms. Berry, what were your findings in regards to
4 State's Exhibit Number Twelve?

5 A As I mentioned previously, within State's Exhibit
6 Number Twelve are four GSR kits. So each GSR kit has its
7 own result. From SLED number -- well, we won't do -- from
8 the GSR kit for Nayronne Holmes, the right hand and the left
9 hand were negative, and no primer or gunshot residue was
10 found. For the GSR kit for Taquan Brown, the right hand was
11 positive and had multiple particles of gunshot residue. The
12 left hand was also positive and had one particle of gunshot
13 residue.

14 On the kit for Lawrenzer Walker, the right hand was
15 positive for multiple particles of gunshot residue and the
16 left hand was positive for one singular particle of gunshot
17 residue. The GSR kit for Mourice Kemp, the right hand was
18 positive for gunshot residue, multiple particles were found,
19 and the left hand was positive for gunshot residue where
20 multiple particles were found.

21 Q So Ms. Berry, in other words, Nayronne Holmes did not
22 have any GSR on his hands?

23 A No, ma'am.

24 Q And Taquan Brown had GSR on his hands?

25 A Yes, ma'am.

1 Q And Lawrenzer Walker had GSR on his hands?

2 A Yes, ma'am.

3 Q Mourice Kemp had GSR on his hands?

4 A Yes, ma'am.

5 Q Now Ms. Berry, how far does GSR, or gunshot residue,
6 travel usually?

7 A It depends on the caliber of gun and the condition of
8 the gun that is used. In this specific case, we had a .32-
9 caliber weapon, and a .32-caliber weapon we don't expect GSR
10 to travel more than maybe two to three feet.

11 Q And why do you expect to find GSR on a victim?

12 A You typically find GSR on the victim because they are
13 the victim of the gunshot wound. As I mentioned earlier,
14 the majority of the gunshot residue will follow the bullet
15 towards its intended target. So on a .32-caliber weapon,
16 the victim, in order to get it on their hands, would have
17 had to have been within that distance of two to three feet
18 away from the gun.

19 Q Okay. So basically, Mourice Kemp had gunshot residue
20 on his hands in this case, and that tells us that he had to
21 be within two to three feet of the actual gun barrel?

22 A Yes, ma'am.

23 Q Now, you said that you actually examined the .32-
24 caliber shell casings in this case as well?

25 A Yes, ma'am.

1 Q And that's how you were able to come to that
2 conclusion?

3 A Um, no. We actually have a chart, for a lack of better
4 term, with the different calibers of weapon and how far you
5 would expect the GSR to travel on those specific calibers.

6 ASST. SOL. LEGETTE: Beg the Court's indulgence.

7 Q Ms. Berry, I have no further questions. Please answer
8 any questions from the defense.

9 A Okay.

10 THE COURT: Cross-examination.

11 MR. WALKER: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. WALKER:

14 Q Good afternoon, Ms. Berry.

15 A Good afternoon.

16 Q I want to start out right at the beginning of your
17 testimony. You defined gunshot residue as everything that
18 comes out of the barrel when you fire, correct?

19 A Yes, sir.

20 Q Would you agree with me that it's more technically
21 correct to say that gunshot residue is everything that comes
22 out of a cartridge when it's fired?

23 A I would not say that would be a more technically
24 correct answer as the barrel of the gun can have rust or
25 dirt or anything else inside of it. As I mentioned

1 previously, what we're specifically looking for is primer
2 residue. The reason we call it gunshot residue testing at
3 SLED is that's just what people have become to know it as,
4 and instead of trying to change the definition within the
5 state of South Carolina to primer residue, we've just left
6 it as gunshot residue. However, in our report, it does say
7 no primer, (gunshot residue was found.)

8 Q The residue is generated upon the explosive detonation
9 of the propeller in the cartridge, correct?

10 A Yes.

11 Q Okay. And you testified that the majority of that
12 residue follows the path of the bullet?

13 A Yes.

14 Q So most of that would come out the front of barrel,
15 wouldn't it?

16 A Yes, sir.

17 Q It is also true that gunshot residue can be ejected
18 from the ejection port of a semi-automatic or automatic
19 weapon, correct?

20 A Yes, sir.

21 Q It is also true that gunshot residue can also be
22 ejected from the rear of the revolver out of the cylinders?

23 A Yes, out of the cylinder gap.

24 Q So you have residue coming out of multiple directions,
25 not just the propelled port out of the barrel?

1 A Yes, sir.

2 Q Okay. And, in fact, it's probably true that's how you
3 get it on your hands, or on the gun, is from the ejection
4 port or from the rear of the cylinder on the revolver?

5 A Yes, sir. That's exactly how you would get it on the
6 hands. If you've ever seen an old western movie where they
7 pulled the trigger of a revolver, you see that little plume
8 of smoke, that's how it gets on your hands.

9 Q And it can be on the hands, but firing it also gets on
10 the weapon itself?

11 A Yes, sir. It can potentially get on the weapon itself.

12 Q You testified that it can be directly deposited from a
13 gun shot onto an item?

14 A Yes, sir.

15 Q Or if it's already on an item, it can be transferred by
16 rubbing?

17 A Yes, sir.

18 Q And you can have a positive test from either firing a
19 weapon, from direct transfer?

20 A Yes, sir.

21 Q Or touching a weapon that already had gunshot residue
22 on it?

23 A Yes, sir.

24 Q Would it be fair to say that you would expect to find
25 gunshot residue if you swabbed most weapons, absent it being

1 meticulously clean just previously?

2 A I would say it would be a fair statement that you would
3 likely find three component particles. So, particles
4 containing lead, barium, and antimony. You may or may not
5 found round or molten three-component particles, you could
6 find crystal in one, which in my line of work we wouldn't
7 call a particle of GSR, but you could potentially find some.

8 Q Okay. And so, again, I believe you testified to this,
9 you can get it from being in the vicinity of a discharge?

10 A Yes, sir.

11 Q You can get it from being the person that discharged
12 it?

13 A Yes, sir.

14 Q Or you can get it from handling either a weapon or
15 something else that had gunshot residue on it?

16 A Yes, sir.

17 Q It is common for weapons to have gunshot residue on
18 them?

19 A I wouldn't say it's common; I would say it's possible.

20 Q Okay. If you would just review again -- you said that
21 the results of your testing unforced, and going through the
22 testing you had, tell us again who had what where.

23 A Okay. Nayronne Holmes had no primer, or gunshot
24 residue, on either one of his hands. So he was negative for
25 both his right and left hand. Taquan Brown had multiple

1 particles of gunshot residue on his right hand and one
2 singular particle of gunshot residue on his left hand.
3 Lawrenzer Walker had multiple particles of gunshot residue
4 on his right hand and one singular particle of gunshot
5 residue on his left hand. And Mourice Kemp had multiple
6 particles of gunshot residue on both his right and left
7 hand.

8 Q Thank you. And you also testified that in order to
9 have -- you kind of ended your testimony saying that -- or
10 you were asked that in order for the victim to have gunshot
11 residue on his hands, he would have had to have been within
12 two or three feet of the barrel of a fired weapon?

13 A Of the muzzle end of a weapon, yes.

14 Q But that's only true if that gunshot residue is the
15 residue from that weapon?

16 A That's correct.

17 Q You have no information, and cannot make a
18 determination where that gunshot residue originated?

19 A That's correct. I can only detect the presence of
20 gunshot residue.

21 Q It could have ejected easily, as far as you know, from
22 handling a weapon?

23 A It could have. However, given the morphology of the
24 particles that were found, it would be most likely
25 consistent with being in the vicinity to gunfire.

1 Q Or if he fired one?

2 A I can't say if he did or not. It would be more
3 probable that it come from gunfire than handling.

4 Q Okay. What I'm saying is he could have fired a weapon;
5 he could have handled a weapon. Although you think the
6 probability is from the particles you saw were from firing,
7 or he could have been in the vicinity of a weapon somebody
8 else fired?

9 A Yes, sir.

10 Q I'm going to use the example that the Solicitor used
11 that someone would have to be within two to three feet of
12 the gun barrel. It comes out of the point of the
13 circumference of the gun barrel. To what level in two to
14 three feet would that cone expand that you would expect to
15 see particles?

16 A I have not read any technical papers where anybody has
17 done any sort of experimentation upon how far out that cone
18 would go, so I really would not know exactly how far out it
19 would go. I would say that I would expect the victim of a
20 gunshot wound who was within the distance, we would expect
21 to find GSR from the barrel of the gun to have gunshot
22 residue on them. But I really don't know how far out it
23 would go. I can just estimate the distance.

24 Q It would not be uncommon to expect to find it?

25 A It is not uncommon to find GSR, no.

1 Q And I understand it. My thought is would it be
2 uncommon to expect to find it anywhere on the body -- and
3 that's why I asked the size of the cone, but you said you
4 don't know.

5 A It would. I mean, you would expect to find it other
6 places on the body, or clothing, anything of that nature.
7 Of course if it's going to encompass the hands, and I really
8 have no idea where the hands were, so my example is always
9 your hands by your side. If you have your hands by your
10 side and they get covered in GSR, then you would expect that
11 the rest of your body probably also got covered in GSR.

12 Q And just to be clear again, you are not able from the
13 particles to determine their source?

14 A No. I can only say that they are from gunfire as
15 opposed to other sources.

16 Q Yes. And thank you. I wasn't clear there. I meant to
17 be more specific. You can't tie them, in this case, to a
18 specific firearm?

19 A No, sir, not in this case.

20 Q And there's no differentiation between the particles
21 you found on anyone's hand?

22 A No, sir.

23 MR. WALKER: I don't have any further questions.

24 THE COURT: Redirect.

25 ASST. SOL. LEGETTE: Just very briefly.

1 REDIRECT EXAMINATION

2 BY ASST. SOL. LEGETTE:

3 Q How far does gunfire, or gunshot residue, from a .32-
4 caliber usually travel?

5 A We expect to see it travel somewhere between two and
6 three feet.

7 Q And Mr. Walker got off -- I got a little confused about
8 the molten versus crystalline. Can you kind of explain that
9 about the molten and did you find what you consider molten
10 GSR?

11 A Molten particles are particles that you would see and
12 you would say, "Wow, that's round." or "Wow, that has a
13 really smooth edge." So they may not have an exact definite
14 shape, but they're smooth around the edges. Whereas, you
15 have crystalline particles which are harder, more angular,
16 they have more points on them. If you think about a cube, a
17 cube would be an example of a crystalline particle.

18 Anything of that nature, we would consider crystalline and
19 we wouldn't call. Now, I believe what you're referring to
20 is with the transfer?

21 Q Yes.

22 A So when a particle transfers, because it's so delicate,
23 sometimes you can start with a perfectly round particle, and
24 you can touch it and it might break. And when it breaks,
25 you're going to have a straight edge, which is going to have

1 some angles on it, or you may have a jagged edge. And these
2 are some things that we would use to rule out that particle.
3 So it would no longer be a molten particle, it would now be
4 a crystalline particle because it has that edge on it.

5 Q So if I understand you correctly, when gun shot -- or
6 when, I guess, particles get on the person's hands and they
7 are more crystalline, that comes from transferred?

8 A It's more likely to come from transferred. I believe
9 as I was trying to explain -- you can find both molten and
10 crystalline particles on a gun after it's been fired. More
11 likely with transfer you will see more crystalline particles
12 because, chances are, they will have broken.

13 Q So in this case, what did you find on the victim,
14 Mourice Kemp's, hand?

15 A I found round, molten GSR particles.

16 Q And that's what you call GSR?

17 A Yes.

18 Q Thank you.

19 ASST. SOL. LEGETTE: I have no further questions.

20 THE COURT: Recross limited to redirect?

21 MR. WALKER: None, Your Honor.

22 THE COURT: As to this witness, Solicitor?

23 ASST. SOL. LEGETTE: We ask that she be excused, Your
24 Honor.

25 THE COURT: Any objection, Mr. Walker?

1 MR. WALKER: No, Your Honor.

2 THE COURT: Ms. Berry, you may step down and you are
3 excused from the trial of this case. You leave my exhibits,
4 but you take your file. Counsel approach.

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

7 THE COURT: We're going to stop at this point for your
8 lunch; it has arrived. I'm going to do my best to complete
9 the testimony in this case this afternoon. We won't
10 complete the trial this afternoon because of scheduling
11 issues, however, we will complete it first thing in the
12 morning is my best estimate at this point. Thank you so
13 much for your patience.

14 Please do not discuss the case. You have not heard all
15 of the evidence in this case. You have not heard the final
16 arguments of the attorney's or received my charge on the law
17 that applies to this case. I hope everybody has a pleasant
18 lunch. Thank you very much. You may retire to your jury
19 room at this time.

20 (12:45 p.m., whereupon, the jury exits the courtroom
21 and the trial in this case is recessed for lunch.)

22 (1:55 p.m., whereupon the jury enters the courtroom and
23 the following is held on the record.)

24 THE COURT: All right. Mr. Foreman and ladies and
25 gentlemen of the jury, we will now continue with the

1 testimony in the trial of this case. Call your next
2 witness, Solicitor.

3 ASST. SOL. LEGETTE: Thank you, Your Honor. The State
4 calls Mr. Chad Smith.

5 (Whereupon, the witness enters the courtroom and is
6 duly sworn by the Clerk of Court.)

7 THE COURT: Watch your step on those stairs. Pull that
8 chair up and make yourself comfortable. Adjust that
9 microphone. It's going to amplify your voice. Please state
10 your full name and spell your last name for my court
11 reporter.

12 MR. SMITH: My name is Chad Smith, S-M-I-T-H.

13 THE COURT: Your witness, Counsel. Direct examination.

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

15 DIRECT EXAMINATION

16 BY ASST. SOL. LEGETTE:

17 Q Good afternoon, Mr. Smith.

18 A Good afternoon.

19 Q Mr. Smith, where do you work?

20 A I'm employed with the South Carolina Law Enforcement
21 Division. Specifically, I work in the Firearms Department
22 in SLED's Forensic Services Laboratory in Columbia.

23 Q Okay. And how long have you worked for SLED?

24 A It will be seven years in November.

25 Q And you said you worked in the Firearms Department?

1 A Yes, ma'am.

2 Q And what do you do in the Firearms Department?

3 A Our main responsibility is the examination of firearms,
4 ammunition, ammunition components, tools, and tool marks.
5 This is the area of forensic science which is known as
6 firearm and tool mark identification. Our main
7 responsibility is the examination of ammunition components,
8 to try to determine if a particular firearm fired an
9 ammunition component such as a bullet or cartridge case.
10 Sometimes, we also do tool mark cases where we try to
11 identify a specific tool mark back to a tool, such as a
12 crowbar or wrench or something like that.

13 Q Okay. Mr. Smith, please tell us about your education
14 and background and training as it relates to firearm
15 identification and tool marking examiner.

16 A I attended Clemson University where I earned Bachelors
17 in Science degree in Biological Sciences. Then I came on
18 board at SLED in November of 2008 and began my training as a
19 firearm and tool marking examiner. This program is a really
20 long training program that lasts between three to five years
21 and is supervised by the court-qualified examiners of the
22 firearms department. There's extensive reading and studying
23 involved. I also attended various classes and seminars on
24 the subject. There were numerous examinations that I had to
25 take.

1 Later in my training, I was able to help the other
2 examiners prepare their own case work. At the end of the
3 training program I received my own comprehensive multipart
4 examination, which I successfully passed, and then I began
5 to receive my own case work.

6 Q And Mr. Smith, have you ever been qualified as an
7 expert in the area of firearms identification and tool
8 marking?

9 A Yes, ma'am. Fourteen times.

10 Q And you testified in Court as well?

11 A Yes, ma'am.

12 ASST. SOL. LEGETTE: At this, Your Honor. I would
13 offer Mr. Chad Smith as an expert in the area of firearms
14 identification and tool marking.

15 THE COURT: Any objections to his qualifications?

16 MR. WALKER: No objection.

17 THE COURT: Ladies and gentlemen of the jury, recalling
18 my earlier instruction to you concerning expert witness
19 testimony, the witness is qualified without objection. You
20 may proceed, Solicitor.

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

22 Q Mr. Smith, what is firearms identification?

23 A Firearms identification is the process of trying to
24 identify a fired ammunition component, such as a fired
25 bullet or a cartridge case back to the firearm that actually

1 fired it. And how we're able to do that is during the
2 manufacturing process of the firearm there are many
3 microscopic defects that are placed in the surfaces of the
4 firearm parts themselves. This occurs during the
5 manufacturing, the machine process. These are totally
6 random and unique markings that are placed, it's just
7 incidentally during the process of manufacturing. So what
8 happens is when a firearm fires a cartridge, the bullet in
9 the cartridge case itself get marked by these defects and
10 place individual markings on those ammunition components.
11 So what we do is we're able to microscopically observe those
12 markings and compare those markings with test fired
13 cartridge cases and bullets from a known firearm to try to
14 make an identification if that firearm fired that particular
15 fired ammunition component.

16 Q And is that what makes tool marking identification
17 possible?

18 A Tool marking -- basically, firearms identification is a
19 subset of tool mark identification. We usually specify tool
20 marks being hand held tools, such as pliers or a wrench or a
21 crowbar, something like that. But, a firearm is actually a
22 tool itself, so it would be the same thing.

23 Q Mr. Smith, did you receive any evidence before the
24 Court today?

25 A Yes, ma'am. I received two fired bullets, two lead

1 fragments, a revolver, and five fired cartridge cases, and
2 one unfired cartridge.

3 Q And can you tell us who you received this evidence
4 from?

5 A Specifically, the fired bullet I received from our
6 evidence control department in our laboratory. What happens
7 is when evidence is submitted into our laboratory it goes
8 through evidence control department. They issue a SLED case
9 number for the agency that's bringing the evidence in and
10 then the evidence gets stored in the evidence control
11 department until it's ready to be picked up by an examiner
12 to be worked.

13 In this instance, I received the fired bullet from one
14 of the forensics technicians that worked in the evidence
15 control departments, as well as the fragments I received
16 from her. Now the actual firearm itself and the fired
17 cartridge cases and unfired cartridge I received from
18 another examiner directly who actually had those items
19 before me. There was a latent prints request on those
20 items, so they were trying to get fingerprints off of those
21 items of evidence. So after he was done with it, he just
22 actually transferred the evidence directly to me since our
23 departments are next door to each other.

24 Q And what was the condition of the evidence when you
25 received it?

1 A As far as?

2 Q As far as it being in a sealed condition. Was it in a
3 sealed condition when you received it?

4 A Yes, ma'am. All the containers that the evidence was
5 in were sealed by the previous examiner or by the submitting
6 agency that submitted the evidence itself.

7 Q And in this case, what agency submitted the evidence to
8 SLED?

9 A It would have been Colleton County Sheriff's Office.

10 Q Mr. Smith, I'm going to hand you what's been previously
11 marked, or entered into evidence, as State's Forty and
12 State's Thirty-three. Please take a moment and tell me if
13 you recognize these items. State's Forty does contain
14 State's Forty-A, State's Forty-B, Forty-C and Forty-D, which
15 have also been entered into evidence.

16 ASST. SOL. LEGETTE: May I approach the witness, Your
17 Honor?

18 THE COURT: You may. Have him identify which is which
19 for the record.

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

21 Q And we do have gloves, Mr. Smith, to your left.

22 A Okay. The State's Exhibit Forty was A through D -- A
23 and B, I assume, would be my items Fourteen and Fifteen,
24 which ---

25 THE COURT: Hold on just a second. It ought to be on

1 the back.

2 A Yes, sir. Let's start over. Forty-A is actually a
3 lead fragment, it's my item Seventeen, that's here, and the
4 packaging that I sent the items back has not been tampered
5 with, it still has my initials and the sealed date, which
6 are on the packaging itself. Item Forty-B is a fired
7 bullet; it's my item Fifteen. Again, the packaging has not
8 been opened. Forty-C is another fired bullet; it's my item
9 Fourteen. And Forty-D would be the last lead fragment; my
10 item Sixteen.

11 Ladies and gentlemen, if you feel comfortable, this
12 firearm is safe to handle. It has a cable tie going through
13 the barrel and a lock going through the cylinder, so it's
14 safe and unloaded. This would be the item, State's Exhibit
15 Thirty-three, which is the firearm; my item Eighteen, which
16 I received. And then along with that would be the fired
17 cartridge cases and the unfired cartridge that was also
18 received with the revolver, and those items were said to
19 have been removed from the revolver by law enforcement
20 personnel.

21 Q Thank you, Mr. Smith. And are State's Exhibit Forty-A,
22 B, C and D as substantially in the same condition today as
23 when you last saw them?

24 A Yes, ma'am.

25 Q Have they been changed or altered in any way?

1 A No, ma'am.

2 Q Additionally, with regards to State's Exhibit Thirty-
3 three, is it, too, in substantially the same condition today
4 as when you last saw it?

5 A Yes, ma'am.

6 Q Has State's Exhibit Thirty-three been changed or
7 altered in any way?

8 A No, it has not.

9 Q Mr. Smith, can you tell us what examinations you made
10 with regards to State's Forty A, B, C and D along with
11 State's Thirty-three?

12 A What I would have done is when I received -- I probably
13 would have worked the firearm first. As soon as I open it
14 from the box, I make sure that it's unloaded and then I
15 examine it to make sure that there's no obvious signs of
16 defect or mechanical problems that I might encounter, which
17 there were none in this particular instance. The revolver
18 was in proper working condition. Then, I would have noted
19 all this stuff on my worksheets. I would have also marked
20 the condition that the revolver was received in.

21 As far as projectiles, I would have done the same
22 thing. Open it up, inspect them for any sort of trace
23 materials such as any sort of biological material, which
24 these were actually taken from autopsy, so they did contain
25 material that was consistent with body tissue or blood on

1 them, and then I would have decontaminated them so they
2 would have been safe to handle.

3 Then I would weigh them, measure the diameter if they
4 had any, the two bullets did, whereas the two fragments did
5 not have a certain shape or angle to them. Then, I would
6 try to determine what particular caliber those projectiles
7 would have been. The two fired bullets, State's Exhibit
8 Forty B and C, I determined to be most consistent with a .32
9 Smith and Wesson, long caliber, which is the same caliber as
10 the .32-revolver. I would have test fired the revolver to
11 get suitable cartridge cases and bullets for examination
12 purposes.

13 What we're looking for in the projectiles is the marks
14 that the rifling of the barrel impart onto the projectile.
15 Now, rifling is a process that manufacturers put in their
16 barrels to impart a spin onto the bullet itself. What
17 happens is the bullet spinning actually stabilizes it once
18 it leaves the barrel and makes it more accurate and gives it
19 more velocity towards its target.

20 The rifling is actually made of a series which is
21 called lands and grooves, so it's raised portions and then
22 lowered portions inside the barrel itself. As the bullet
23 travels down the barrel, it picks up the markings of the
24 rifling and we can use those markings that are microscopic
25 in nature, remember when I was talking about the defects

1 that are placed during the manufacturing process, that's
2 what we're looking for. Those markings that are placed on
3 the bullet by the land and groove impressions. We can
4 examine test fires that are known to have come from the
5 firearm with the submitted evidence using what we call
6 comparison microscopes. Basically, it's two microscopes
7 that are connected together using an optical bridge system
8 so we can compare two specimens simultaneously. So that's
9 how we try to match up those markings and the test fires to
10 the evidence to determine if it was fired by that particular
11 firearm. And so after test firing it, and actually going
12 through and making microscopic examinations, I was able to
13 determine that the two fired bullets, which are State's
14 Exhibits Forty-B and Forty-C, were fired by the submitted
15 firearm.

16 Now, the cartridge cases that were removed from the
17 firearm did not do a microscopic comparison with test fires
18 because they were said to have been removed from the actual
19 cylinder of the firearm itself, so we don't normally do
20 those sorts of comparisons for ammunition components that
21 are removed from a firearm just to save time. But the
22 unfired cartridge that was also removed from the cylinder
23 was the correct caliber for use in the firearm, as well as
24 the fired cartridge cases were correct for use.

25 Q Were you able to make any determination with regards to

1 State's Forty A and State's Forty D?

2 A The two lead fragments. I was not able to determine
3 the origin of these fragments. They didn't really show any
4 signs of rifling impressions, so I can't say for sure that
5 they were from a fired bullets. They did have some
6 microscopic markings on them, but again I couldn't determine
7 the nature of those markings, whether it was from damage,
8 hitting bone, or some other sort of material, or they could
9 have actually been some markings from the rifling; I just
10 could not tell. So, these compared with each other and with
11 the firearm were inconclusive as to whether they were
12 actually fired by the firearm or not. I couldn't determine
13 any sort of caliber in relation to these two fragments
14 because they were so small and so damaged.

15 Q But the main conclusion you reached in this case is
16 that State's Thirty-three actually fired State's Forty-B and
17 Forty-C fired bullets?

18 A Yes, ma'am that's correct.

19 Q Thank you.

20 ASST. SOL. LEGETTE: I have no further questions.

21 THE COURT: Cross-examination.

22 MR. WALKER: No questions, Your Honor.

23 THE COURT: As to this witness, Solicitor?

24 ASST. SOL. LEGETTE: We ask that he be excused, Your
25 Honor.

1 THE COURT: And you've also advised him of that?

2 MR. WALKER: Yes, sir.

3 THE COURT: And that's his decision and not anyone
4 else's?

5 MR. WALKER: Yes, sir.

6 THE COURT: Thank you. You may return to your seats.
7 Mr. Walker, I'd be happy to hear from you on any matters of
8 law since the State has rested, conditionally, upon us
9 obtaining the copies of the video statement that they seek
10 to introduce.

11 MR. WALKER: Your Honor, at this time we'd move for a
12 directed verdict on charges of murder and the possession of
13 a weapon during the commission of a violent crime. We
14 believe the testimony is uncontroverted that Mr. Brown was
15 in his yard of his residence. There is no testimony that he
16 was -- though he was armed with a weapon, there is no
17 testimony from anyone that he threatened, provoked, or
18 caused any sort of disturbance toward Mr. Kemp, the
19 deceased. Rather, the testimony and all the results are
20 uncontroverted that Mr. Kemp was at his car adjacent to a
21 public driveway outside of Mr. Brown's yard. That Mr. Kemp,
22 who is 350 pounds, six-feet tall, and with a reputation for
23 violent and aggressive behavior, and who Mr. Brown knew to
24 carry -- or knew to own a firearm, advanced on him in a
25 threatening manner and we believe in light of that

1 uncontroverted testimony there would be no basis to proceed
2 as to the murder and the possession of a weapon during the
3 commission of a violent crime.

4 THE COURT: So your motion is on murder and possession
5 of a weapon?

6 MR. WALKER: Yes, sir.

7 THE COURT: Thank you very much. Solicitor, I'd be
8 happy to hear from you.

9 ASST. SOL. LEGETTE: Thank you, Your Honor. Your
10 Honor, with respect to the motion of the defendant, I would
11 respectfully ask the Court to deny the motion. When ruling
12 on a motion for a directed verdict, as the Court is aware,
13 you are concerned with the existence of evidence and not its
14 weight, Your Honor.

15 At this point, we believe that the State has submitted
16 the burden to prove that there is murder and malice
17 aforethought. Based on the testimony, Your Honor, according
18 to Mr. Taquan Brown, there had been some previous issues
19 with Mr. ---

20 THE COURT: The testimony of who?

21 ASST. SOL. LEGETTE: I'm sorry, not testimony, but the
22 statement, as elicited from the Solicitor's Office by
23 Detective Eltzroth that there had been some issues between
24 the defendant and the victim, Mourice Kemp. Additionally,
25 Your Honor, the victim himself was said to have been going

1 to the car and was said to have been getting inside the car
2 when Mr. Brown exited his home with a gun in hand, and
3 actually, there was testimony that there had become some
4 verbal ---

5 THE COURT: I recall the witness saying there was some
6 -- I don't know if she used the term "ya-ya." She couldn't
7 tell us what was said, but there was discussion going on.
8 And then another witness described it as "trash talking"
9 back and forth.

10 ASST. SOL. LEGETTE: Yes, Your Honor. There was trash
11 talking and ya-ya, and verbal animates just going on between
12 the victim and Mr. Brown, when Mr. Brown having exited the
13 house with a gun in hand and then there were three parties
14 inside that yard, Your Honor. Additionally, the testimony
15 is that the victim himself is at the car and that he,
16 according to Detective Eltzroth, he was either walking,
17 charging, or running towards Mr. Brown and Mr. Brown, at
18 this point, shoots him.

19 Additionally, Your Honor, there is testimony that the
20 GSR would have gotten on the victim, but would have traveled
21 no more than two to three feet indicating that Mr. Brown was
22 close to the victim than we initially believed from the
23 testimony from the witness stand, Your Honor.

24 If you will look at the actual photograph that was
25 submitted into evidence, the victim appears to be just off

1 the sidewalk and given his length of 72 inches, meaning six
2 feet, if you stand him up, Your Honor. Based thereon, Mr.
3 Brown is closer to the sidewalk than he is to his own home.
4 And so, Your Honor, we believe that there is malice
5 aforethought with Mr. Brown having armed himself after Mr.
6 Kemp asked him to come back to his house and he closed the
7 door -- at one point, in his statement I believe, he said he
8 was going to close the door and turn off the lights, Your
9 Honor.

10 Unfortunately, he does not close the door and turn off
11 the lights, he actually comes outside, having armed himself
12 with a firearm, at which point, he did walk down the
13 sidewalk, according to our measurements, Your Honor, and
14 according to the pictures that the State has submitted, Mr.
15 Brown would have had to be within two to three feet of the
16 actual victim for him to get GSR on his hands. At least,
17 that is the State's position with regards to the evidence,
18 Your Honor.

19 We believe that the defense motion for the directed
20 verdict on the murder charge should fail. In addition, Mr.
21 Brown according to testimony from the witness stand from
22 Detective Eltzroth and according to testimony from Nayronne
23 Holmes, and Ms. Barbara Mays, Mr. Brown himself is the
24 person who's armed with the firearm, making it a possession
25 of a weapon during the commission of a violent crime, which

1 murder is defined as a violent crime. At this point, Your
2 Honor, we would ask the Court to respectfully deny the
3 motion of the defense to direct a verdict for both the
4 murder charge and the possession of a weapon during the
5 commission of a violent crime.

6 THE COURT: Very well. What is standard and I am
7 required to apply at the directed verdict stage is the
8 existence or non-existence of evidence, and certainly not
9 its weight. Mr. Walker, I feel like I am extremely familiar
10 with the evidence in this case, because you are aware, I've
11 heard it as you have, twice, during the Castle Doctrine
12 hearing, as well as during the trial of this case.
13 Although, I'm anticipating I'm going to hear evidence again
14 from the defendant, which I've heard during the Castle
15 Doctrine hearing, and I certainly don't consider that for
16 the purposes of this motion, just what was presented by the
17 State subject to them being able to put in their video.

18 Your motion for directed verdict is respectfully
19 denied. It is my intention, Mr. Walker, to charge self
20 defense. It is my intention to charge the lesser included
21 offense of voluntary manslaughter, and I thought I'd make
22 you aware of that now that I've heard all of the State's
23 case, except for viewing the video in its entirety.

24 All right. Is the defendant ready to proceed?

25 MR. WALKER: Before I begin, Your Honor, and again this

1 is something I've never done. I just want to procedurally,
2 I want to make sure the Court is comfortable with it. It
3 would be the defense's intention to enter the transcript of
4 the guilty plea of Lawrenzer Walker into evidence.

5 THE COURT: Counsel approach. I understand that. You
6 told me about that and I appreciate it. Come on up here, we
7 need to take a look at it. Do you have the whole thing?

8 MR. WALKER: Yes, sir.

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

11 THE COURT: Let the record reflect that I conferred
12 with the attorneys in my chambers, and again just now at the
13 bench. The parties will stipulate, the State and the
14 defendant, to the admission of the entire guilty plea
15 transcript being offered by the defendant in this case, the
16 guilty plea transcript of record of Lawrenzer, L-A-W-R-E-N-
17 Z-E-R, Walker, dated January 20th, 2015, before the
18 Honorable Thomas W. Cooper, Judge. And they agreed to
19 stipulate to the entire transcript, which consists of
20 sixteen pages, plus a certificate of the court reporter,
21 Joyce Reuger, on page seventeen. It goes through line nine
22 on page sixteen. And the parties agree to stipulate that it
23 is admissible for purposes of this case. Is that correct
24 from the State?

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

1 THE COURT: From the defendant?

2 MR. WALKER: Yes, Your Honor.

3 THE COURT: Very well. That will be your first matter
4 that you want to put in, because you've pre-marked it as
5 Defendant's One; is that correct?

6 MR. WALKER: That will probably be our only actual
7 entrance, yes, sir. Yes.

8 THE COURT: Is the State ready to proceed, now?

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

10 THE COURT: Is the defendant ready to proceed?

11 MR. WALKER: Before the jury comes in, I believe our
12 first witness is in the holding cell downstairs from SCDC.

13 THE COURT: All right. Where's my Major? Will you go
14 get me -- what's his name?

15 MR. WALKER: Jermaine Brown.

16 (Whereas, Mr. Jermaine Brown is brought into the
17 courtroom.)

18 THE COURT: Is the State ready to proceed?

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

20 THE COURT: Is the defendant ready to proceed?

21 MR. WALKER: Yes, Your Honor.

22 THE COURT: Bring us the jury, please.

23 (2:40 p.m., whereupon, the jury enters the courtroom
24 and the following is held on the record.)

25 THE COURT: Mr. Foreman, ladies and gentlemen of

1 the jury, you have now heard the evidence from the State.
2 You will now hear from the defendant. Mr. Walker, you may
3 call your first witness.

4 MR. WALKER: Thank you, Your Honor. The Defense calls
5 Jermaine Brown.

6 THE COURT: Mr. Brown, come around and be sworn by the
7 Clerk of Court.

8 (Whereupon, the witness, Mr. Jermaine Brown, is duly
9 sworn.)

10 THE COURT: I need you to speak into the microphone.
11 State your full name and spell your last name for the court
12 reporter.

13 MR. BROWN: Jermaine Brown, B-R-O-W-N.

14 THE COURT: Very good, Mr. Brown. Your witness,
15 counsel.

16 DIRECT EXAMINATION.

17 BY MR. WALKER:

18 Q Good after, Jermaine.

19 A Good afternoon.

20 Q Where are you from?

21 A Jacksonboro.

22 Q Is that where you live now?

23 A No, sir.

24 Q Where do you live now?

25 A I'm incarcerated right now, but before incarceration, I

1 was living in Walterboro.

2 Q Okay. Where are you incarcerated at?

3 A In Aiken.

4 Q Okay. Why are you incarcerated?

5 A A lot of things.

6 Q Okay. Would it be for burglary and breaking into a
7 motor vehicle?

8 A Yes, sir.

9 Q Okay. And those instances that you're incarcerated for
10 are not related at all to the incident of a shooting on
11 November 20th, 2013, correct?

12 A No, no relation.

13 Q Are you aware of the shooting that occurred that night?

14 A Yes, sir.

15 Q How are you aware of it?

16 A I was there.

17 Q All right. Where were you?

18 A I was present in the house.

19 Q Who's house?

20 A Taquan's apartment.

21 Q When you say Taquan, you mean the defendant, Taquan
22 Brown?

23 A Yes, sir.

24 Q Well, tell us what you remember about that evening?

25 A Well, when I got there, I came for other purposes, but

1 it took so long, I eventually fell asleep and woke up to a
2 big man around the house causing all kinds of chaos. And he
3 just left out the back door. When he left, I took it upon
4 myself to try to leave the house. So I left out, and in the
5 midst of me trying to leave, the defendant, Taquan Brown,
6 and a couple other guys came outside the house saying the
7 big man came in the house raising all kinds of chaos. He
8 came in the door and he eventually was, I guess, he was
9 about to leave, and he started talking all crazy things.
10 Saying all type of things to Taquan. Eventually, he charged
11 Taquan like he was in the process of wanting to harm him.
12 Taquan shot him. After he shot him, I just left.

13 Q Okay. Thank you. And I'm going to go back to that
14 narrative and we're going to slow it down a little bit.
15 Okay? You say when you got there, do you remember about
16 what time you got there?

17 A About 2, 2:45, something like that.

18 Q And you said you were there for other purposes. Why
19 did you come over?

20 A For sexual purposes of a female that was supposed to be
21 over there.

22 Q Was that Coco, or Courtney?

23 A Yeah, they said her name was Coco.

24 Q Okay. And you had come because you heard that she
25 might have sex with you?

1 A Yes, sir.

2 Q But that didn't happen?

3 A No, sir.

4 Q Did you ever interact at all with Coco that night?

5 A No, sir.

6 Q And then you said that that didn't happen, you fell
7 asleep, and you woke up. What woke you up?

8 A A big man -- well, really noise woke me up. I hear
9 people, loud talking. When I woke up, there was somebody
10 raising a lot of chaos.

11 Q Was he raising chaos outside or inside?

12 A Inside.

13 Q When you say "raising chaos," and again, I'm trying to
14 get you to be a little more specific, was he being loud?

15 A Yes, sir.

16 Q Was he cursing?

17 A Yes, sir.

18 Q Was he making threats towards anyone?

19 A Yes, sir.

20 Q Okay. What kind of threats was he making?

21 A He was -- I guess he was looking for the girl that had
22 came over and he was threatening if he couldn't find her, he
23 would do things, I guess.

24 Q Okay. And where were you when this -- where did you
25 fall asleep at when you woke up?

1 A I was in the living room in a chair.

2 Q All right. And he was in the living room when you woke
3 up?

4 A Yes, sir.

5 Q Okay. And so from the living room, is that by the
6 front door?

7 A Yes, sir.

8 Q So he is in the living room when you wake up, you see
9 him. And where does he go next?

10 A He went around from room to room, checking rooms, and
11 then he left out the back door.

12 Q Okay. Did you follow him around and see him or?

13 A No, I didn't follow him around.

14 Q Were you able to hear him?

15 A Yes, sir.

16 Q All right. Was he raising chaos, to use your phrase,
17 the whole time?

18 A Yes, sir.

19 Q And after he left out the back door, what did you do?

20 A I left out the front.

21 Q Where did you go when you left out the front?

22 A I went to the street to try and get in my vehicle to
23 leave.

24 Q So you were at the street when you observed the
25 shooting?

1 A Yes, sir.

2 Q And you said that you saw Mr. Kemp -- did you know the
3 big man?

4 A No, sir.

5 Q You didn't know his name or hadn't had any dealings
6 with him?

7 A No, sir.

8 Q So you just know him as "the big man" and you saw him
9 leave from next door?

10 A Yes, sir.

11 Q And went to his car?

12 A Yes, sir.

13 THE COURT: Counsel, I'm giving you some latitude, but
14 this is direct examination. Let him testify, not you.

15 MR. WALKER: Yes, sir, Your Honor.

16 Q And so you say you saw him go to his car. Were you
17 able to hear what he was saying?

18 A I couldn't make out exactly everything he was saying.

19 Q Were you able to hear what anyone else was saying?

20 A Really, he was doing all the yelling.

21 Q So from your vantage point, he seemed to be producing
22 the most noise?

23 A Yes, sir.

24 Q Who else did you see out in the yard?

25 A It was a guy. I guess he stayed next door. Taquan.

1 There was a couple other people in the yard.

2 Q Did you know their names?

3 A No, sir.

4 Q Did you see a woman?

5 A Yes, sir.

6 Q How many women did you see?

7 A Well, in Taquan's yard was one of them.

8 Q Okay. Was she an older woman?

9 A Yes, sir.

10 Q Tell us again where were you in relation to the yard,
11 the car, where the big man was. Where were you in your car?

12 A On the street. Well, really, I probably was doing --
13 distance, well, really, I can't measure it out. I was a
14 couple feet away from everything.

15 Q I'm holding up the State's Exhibit Forty-four. Can you
16 see that?

17 A Not all the way from over here.

18 MR. WALKER: Would it be all right if I came closer?

19 THE COURT: Absolutely. You may approach.

20 Q Can you see that there?

21 A Yes, sir.

22 Q All right. Does that look like the apartments you were
23 at that night?

24 A Yes, sir.

25 Q All right. Does that appear to be where the white car,

1 the big man was at, where you saw him?

2 A Supposed to be the white car?

3 Q Let me come closer. Can you see that white?

4 A Yes, sir.

5 Q Does it appear to be a car to you?

6 A Yes, sir.

7 Q All right. Is that where the big man was?

8 A Yes, sir.

9 Q So from that white car, the way we're looking at it,
10 where was your car?

11 A Excuse me. I do need glasses.

12 Q I see you squinting. Do you want me to bring it
13 closer?

14 A Yes, sir.

15 THE COURT: Hand it to him, counsel.

16 Q (Hands exhibit to witness.)

17 THE COURT: Bring it back so the jury can see what he
18 did. Put your finger where you just did so the jury can
19 see.

20 Q So you were parked on Poor Farm Road next to the
21 apartments?

22 A Yes, sir.

23 Q Thank you. And that's where you viewed the events
24 from?

25 A Yes, sir.

1 Q And what did you do after the shooting?

2 A I left.

3 Q Which way did you go? Well, where did you go after you
4 left?

5 A I was intending to go back to Jacksonboro.

6 Q Okay. Did you ever contact -- well, I'll stop here.
7 Was anyone else with you?

8 A Yes, sir.

9 Q Who was with you?

10 A Jerome Hall and Wylie James.

11 Q Were they in the same place you were during the
12 shooting?

13 A Yes, sir.

14 Q They were with you in your car?

15 A Yes, sir.

16 Q I don't have any further questions.

17 THE COURT: Cross-examination.

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

19 CROSS-EXAMINATION

20 BY ASST. SOL. LEGETTE:

21 Q Good afternoon, Mr. Brown.

22 A Good afternoon.

23 Q Mr. Brown, you've been convicted of common law robbery?

24 A In the past.

25 Q You've been convicted of common law robbery?

1 A Yes, ma'am.

2 Q Okay. And that's basically stealing, right?

3 A If you label it that.

4 Q Okay. You've also been convicted of shoplifting and
5 also burglary? Stealing, right?

6 A If you label it that way.

7 Q Okay. Mr. Brown, you said you saw two women out there
8 that night?

9 A In the yard?

10 Q Wherever. I mean, what all did you see?

11 A I mean, I saw one woman in the yard when I was leaving.

12 Q Okay. Now, you said you came over for sexual purposes
13 with Coco. Did you ever see Coco?

14 A I seen her when she was about to leave.

15 Q Can you describe Coco?

16 A She was red.

17 Q She was what?

18 A She is red, like light-skinned.

19 Q She's light skinned?

20 A Yes, ma'am.

21 Q Okay. So when you said you came over for sexual
22 purposes with Coco, who called you over there?

23 A Well, people be talking about her, so I came, too.

24 Q Well, who was talking about her? You said somebody
25 called you and told you she was there.

1 A They said they had a female over.

2 Q I'm sorry. Who was "they," Mr. Brown?

3 A The defendant and other people. I really don't know
4 their names like that.

5 Q So what was your intention with Coco? Were you going
6 to, I guess, just woo her and convince her to sleep with you
7 or were you going to pay her?

8 A No, I really wasn't trying to pay her.

9 Q Well, what was your purpose, Mr. Brown? Were you going
10 to rape her?

11 A No.

12 Q Okay. So you planned on having sex with Coco?

13 A Yes.

14 Q Okay. Now, you said some people came with you. Who
15 came with you?

16 A Wylie and Jerome.

17 Q And why did they come? You said it was 2:00 in the
18 morning, so why did they come with you?

19 A Same reason. I hope they had the same reason on their
20 mind.

21 Q They had the same reason on their mind, too?

22 A Yes, ma'am, should have.

23 Q Were they going to pay Coco or they was just going to
24 convince her?

25 A Word of mouth, convince her.

1 Q Convince her?

2 A Yes, ma'am.

3 Q The three of y'all?

4 A Yes, ma'am.

5 Q Okay. Now, you said that when you were trying to
6 leave, you and Wylie James and Jerome Hall -- Jerome Hall,
7 right?

8 A Yes, ma'am.

9 Q That y'all were parked on Poor Farm Road?

10 A Yes, ma'am.

11 Q Did y'all see any other cars out there when y'all were
12 out there?

13 A Well, a couple of cars.

14 Q What cars did you see?

15 A I seen a couple cars. Really, I mean, it's not really
16 different to the day.

17 Q Was it three cars? Four cars?

18 A I can't remember.

19 Q Okay. But you saw the big man's car?

20 A Yes, ma'am.

21 Q Now, you sent a statement to the detective, right?

22 A Yes, ma'am.

23 Q A letter?

24 A Yes, ma'am.

25 Q And when you sent that letter, had you had any contact

1 with Mr. Brown prior to sending that letter?

2 A I seen him while I was in the county.

3 Q Okay. But you didn't come to law enforcement before
4 you sent the letter? You just sent the letter and then you
5 came to law enforcement when they came to see you?

6 A Yes, ma'am.

7 Q Okay. Now, did all y'all leave together?

8 A Me, Jerome and Wylie.

9 Q Yes, sir. And what direction did y'all travel in?

10 A To the left.

11 Q To the left? So you were already on Poor Farm Road and
12 you turned left again?

13 A Yes. I mean, shoot, I was just confused. I was trying
14 to get back to Jacksonboro.

15 Q Okay. Well, how well do you see? Because just now you
16 acted like you couldn't see?

17 A Well, really, I'm supposed to wear glasses, but I
18 don't.

19 Q Did you have on glasses that night?

20 A No, ma'am.

21 Q Now, you said you were asleep on the couch. And you
22 said Wylie James was there, and whose apartment were you in
23 by the way?

24 A Taquan's.

25 Q You were asleep on the couch. Where was Wylie James?

1 A He was on the couch, too.

2 Q And where was Jerome Hall?

3 A He was on the couch when I went to sleep.

4 Q The same couch?

5 A Yes, ma'am.

6 Q Tell me how big this couch is?

7 A It was big enough to where enough people could sit on
8 it.

9 Q Could you stand up? Well, no, no. How tall are you?

10 A I think I'm about six, one.

11 Q Six, one, okay. And all three of y'all are on the same
12 couch?

13 A Yes, ma'am.

14 Q Where was Taquan Brown?

15 A I don't know where he was at?

16 Q And was there another person there?

17 A Not to my knowledge.

18 Q So it was just you, Wylie, Taquan and Jerome?

19 A Well, thinking about it ---

20 Q Think about it, Mr. Brown.

21 A In the living room, on the chairs, and when I got
22 there, there was somebody else, but I don't believe -- I
23 didn't really pay attention if he was still there when I was
24 about to leave.

25 Q Okay. Well, since you can't remember that, Mr. Brown,

1 how about this shooting. When you said you saw this
2 shooting and you were over on Poor Farm Road. Who was
3 outside?

4 A Taquan and Coco. He was in his yard.

5 Q Okay. So you can see all the way back over there?

6 THE COURT: Refer to the exhibit number you're holding
7 for the record, counsel.

8 ASST. SOL. LEGETTE: I'm sorry, Your Honor. This is
9 State's Forty-four.

10 Q Mr. Brown, you said you were supposed to wear glasses?

11 A Yes, ma'am.

12 Q Do you know how far this distance is on State's Forty-
13 four from Poor Farm Road to Bright's Court?

14 A I can see a face.

15 Q I'm saying you were there, so can you give me a
16 distance, an estimated distance?

17 A Not really.

18 Q Not really? Okay. Was anything obstructing your view?

19 A In the way?

20 Q Yes, sir. Was there anything causing you not to be
21 able to see that particular night?

22 A No, not really.

23 Q Okay. Not really. Other than needing glasses. How
24 much lighting is over there on that side, Mr. Brown?

25 A There was quite a few lights.

1 Q Quite a few lights?

2 A Yes, ma'am.

3 Q Okay. How many times did Mr. Taquan Brown shoot?

4 A I think about two times.

5 Q Two times?

6 A I think.

7 Q Two times, okay.

8 A I know the first shot was trying to blow.

9 Q You only heard two shots?

10 A Yes.

11 Q All right. Now, Mr. Brown, I noticed that you gave the
12 statement to the detective in May and you didn't write the
13 letter until March of 2014. How well do you know Mr. Brown,
14 Mr. Taquan Brown that is?

15 A I know of him.

16 Q You know of him? Why did it take you so long to come
17 forward and give this information to the police?

18 A I'm not well with the police.

19 Q You're not well with the police?

20 A Yes, ma'am.

21 Q Okay. Are you well with Mr. Brown, Taquan Brown?

22 A He's all right.

23 Q Have you been promised anything for your testimony here
24 today, Mr. Brown?

25 A No, ma'am.

1 Q You've been paid any money to come in here and tell
2 this tale to the Court?

3 A No, ma'am.

4 ASST. SOL. LEGETTE: Begging the Court's indulgence.

5 Q Mr. Brown, I have no further questions. Thank you

6 THE COURT: Redirect?

7 MR. WALKER: Nothing further, Your Honor. We would ask
8 that this witness be excused.

9 THE COURT: Any objection, Solicitor?

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

11 THE COURT: You may step down. Major, you can help him
12 down the stairs and take him out. Call your next witness.

13 MR. WALKER: Your Honor, at this time, we would seek to
14 publish portions of the transcript of the guilty plea of
15 Lawrenzer Walker.

16 THE COURT: I understand that there is no objection; is
17 that right, Solicitor?

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

19 THE COURT: Has it been previously marked by the court
20 reporter?

21 MR. WALKER: Yes, Your Honor. It's been marked as
22 Defendant's Number One.

23 THE COURT: All right. Solicitor, he wants to publish
24 a portion of Defendant's Number One, which is the transcript
25 of the guilty plea of Lawrenzer Walker dated January 20th,

1 2015. Do you have a copy?

2 THE COURT: I do, Your Honor. You may proceed without
3 objection from the State.

4 MR. WALKER: Thank you, Your Honor. We would ask Jake
5 McKinsey, the intern in our office, to take the witness
6 stand.

7 THE COURT: Any objection, Solicitor?

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

9 THE COURT: Come around.

10 (Whereas, Mr. Jake McKinsey, takes the witness stand.)

11 THE COURT: This gentleman, ladies and gentlemen of the
12 jury, will read the answers that are in the transcript. We
13 will have to identify the person who is speaking for you. We
14 will also have to identify the person who is asking the
15 questions, because it is not Mr. Walker. This is a guilty
16 plea transcript of Lawrenzer Walker, dated January 20th,
17 2015, in which he entered a plea to obstruction of justice
18 before Judge Thomas Cooper. Identify who is speaking.

19 MR. WALKER: Thank you, Your Honor.

20 Can you tell us who you are, sir?

21 MR. MCKINSEY: My name is Jacob McKinsey.

22 THE COURT: Hold it. First, tell us who you are, since
23 you are going to read the question. Or do you just want him
24 to introduce himself to the jury?

25 MR. WALKER: I want him to introduce himself and

1 explain who the parties are.

2 THE COURT: No speech to the jury. You can introduce
3 yourself, give them your name.

4 WITNESS: My name is Jake McKinsey.

5 THE COURT: Mr. McKinsey is not going to make any
6 statement to you. Mr. McKinsey is only going to read what
7 is in this transcript and nothing else. Identify the
8 questioner and you identify whoever is speaking in the
9 transcript. Proceed.

10 MR. WALKER: I will read starting in the plea
11 transcript of Lawrenzer Walker, beginning page 8, line 4.
12 The speaker is Ms. Legette. Reading through line 12.

13 THE COURT: Hold on now. You are speaking for Ms.
14 Legette at line 4. Read it to the jury.

15 As read by Mr. Walker:

16 Q Thank you, Your Honor. As to the facts
17 at this time, Your Honor, I would ask that Mr.
18 Walker, himself, allocute on the record as I will
19 with a short colloquy ask him some questions about
20 what happened on the night of November 20th, 2013.

21 MR. WALKER: At line 9, the Court:

22 THE COURT: All right. Mr. Walker, let me
23 hear from you. You're under oath, of course. Let
24 me hear from you in regards to your involvement in
25 this matter. Then, Ms. Legette will ask you some

1 additional questions.

2 MR. WALKER: If Mr. McKinsey will read line 24,
3 the response
4 of Mr. Lawrenzer Walker.

5 MR. MCKINSEY: Mr. Walker:

6 A You want me to tell the whole story?

7 THE COURT: Identify who's speaking to the jury.

8 MR. MCKINSEY: This is Mr. Walker:

9 A You want me to tell the whole story?

10 MR. WALKER: Ms. Legette:

11 Q That's fine. Yes.

12 MR. MCKINSEY: Mr. Walker:

13 A Well, about four-something in the
14 morning, we had got a bang on the door. By that
15 time, I just got finished using the phone and
16 asked if I could use the phone. So told -- I told
17 Taquan somebody's banging on his door.

18 MR. WALKER: The Court:

19 THE COURT: I need you to slow down just a
20 bit for the court reporter. You said you told
21 Taquan somebody was banging on the door.

22 MR. MCKINSEY: Mr. Walker:

23 A Yes, sir.

24 MR. WALKER: The Court:

25 THE COURT: Pick up at that point and just

1 kind of slow down.

2 MR. MCKINSEY: Mr. Walker:

3 A I go to the door to answer the door.
4 Mourice Kemp is just about to walk in so I stopped
5 him and was like, "What you doing? You can't just
6 be coming in here."

7 MR. WALKER: The Court:

8 THE COURT: Mourice who?

9 MR. MCKINSEY: Mr. Walker:

10 A Kemp. Big Mo.

11 MR. WALKER: Ms. Legette:

12 Q The victim.

13 THE COURT: Okay.

14 MR. MCKINSEY: Mr. Walker:

15 A So when he sees Taquan, he automatically
16 was just getting on him saying oh, he's going to
17 do this and do that. Well, basically saying he's
18 going to kill him. If he finds that Coco, which
19 is Courtney, is in the house. So he's looking at
20 him like what's going on. So he done walk through
21 and he done did his own little look around.

22 MR. WALKER: The Court:

23 THE COURT: Who did the looking around?

24 MR. MCKINSEY: Mr. Walker:

25 A Mo, Big Mo. Nobody let, like, allowed

1 him to come in. He just come in the house all he
2 wanted to, and then he went toward the back door.

3 MR. WALKER: Ms. Legette:

4 Q Slow down some. She can't keep up.

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

7 MR. MCKINSEY: Mr. Walker:

8 A So he come in and he goes toward the
9 back door. So he told him that she's not here.
10 She's next door. He leaves and we lock the back
11 door. He go and bang on the back door, or the
12 back window, then he come back saying asking
13 Taquan can he let him come in so he can go through
14 the front to the car. Taquan told him no. He
15 started threatening him again as he was going
16 around. But by the time he was leaving to go like
17 toward the living room, EB, that's the next door
18 neighbor, he was coming in the house. He had a
19 gun in his hand, the revolver, the one I had threw
20 over the field. Taquan took it from him. He
21 asked him, no, give it to me. I need it. And
22 Taquan say, "You don't need the gun. For what?"
23 I look out the door. I see Courtney walking
24 toward the car and I see Big Mo walking toward the
25 car. And Ms. Barbara was behind them in the

1 walkway. So we all go outside and that's when
2 everything took place from there. Big Mo got out
3 of his car talking stuff to Taquan. Taquan told
4 him to get off his property. Big Mo said that
5 what he was going to do was kill him and then he
6 just started charging him, and that's when Taquan,
7 you know, pulled the trigger and he shot him until
8 he fell.

9 MR. WALKER: The Court:

10 THE COURT: He shot Big Mo?

11 MR. MCKINSEY: Mr. Walker:

12 A Yes, sir. And then he came in the house
13 and I took the gun from him and I ran across the
14 field and threw it in the field and then I called
15 the police.

16 MR. WALKER: The Court:

17 THE COURT: Okay. You threw it in the field.
18 What is that?

19 MR. MCKINSEY: Mr. Walker:

20 A Right across the street.

21 MR. WALKER: The Court:

22 THE COURT: The field?

23 MR. MCKINSEY: Mr. Walker:

24 A Yeah.

25 MR. WALKER: The Court:

1 THE COURT: Okay. Ms. Legette?

2 MS. LEGETTE: Thank you, Your Honor.

3 MR. WALKER: Questioning by Ms. Legette beginning
4 at line 24, page 11.

5 Q At a point, did you ever talk to the
6 police about your involvement in this case?

7 A Yes, I had lied to them at first. I
8 told them I didn't know what happened. I told
9 them I didn't see nothing and I just told them
10 that I seen like headlights leaving, which was a
11 lie. Like I said, that was my first statement.

12 Q And you talked to them again. And what
13 did you tell them?

14 A I told them partially what happened at
15 the time. I told them that I didn't get rid of
16 the gun, and you know, what I'm saying, that I
17 didn't, you know what I'm saying, I just didn't
18 want no involvement in it period. That's my
19 basically my thing. I didn't want to be involved
20 and involve anybody else in it.

21 Q At a certain point, did you take police
22 to the location of the gun?

23 A I sure did. I showed them the night of
24 when they came and got me and arrested me. And
25 you know, I thought about my kids, so I just told

1 them exactly where I threw the gun at and
2 everything. And I took them out there to the
3 scene.

4 Q And did you locate the gun?

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

6 Q Ms. Legette, was anyone else present
7 when this happened?

8 A Yes. It was Ms. Barbara, E.B., Taquan,
9 myself, Coco, Mourice, Jermaine, Jerome, and
10 little Wylie.

11 MR. WALKER: The court reporter:

12 COURT REPORTER: What was the last name you
13 said? Little who?

14 A Little Wylie.

15 MR. WALKER: Ms. Legette continues at line 9:

16 Q Do you know any of their last names?

17 A Wylie's name is James. Wylie James.

18 Jermaine is Brown, and Jerome is Hall, H-A-L-L.

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

20 A Nayronne, N-A-Y-R-O-N-N-E.

21 Q Do you know his last name?

22 A I want to say Holmes, but I'm not quite
23 sure.

24 Q Okay.

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

1 Q To your knowledge, did all of these
2 people that you just named, did they witness what
3 happened?

4 A To my knowledge, I mean besides Wylie,
5 Jermaine, and Jerome, because they was already in
6 their whip getting ready to leave.

7 Q What's a whip?

8 A Car, a vehicle.

9 Q Okay.

10 A They was in their vehicle getting
11 ready to leave and so I can't really call it or
12 not if they seen exactly the shooting. But I know
13 that their car was on the scene.

14 Q You said Ms. Barbara?

15 A She was right there in the field
16 with us.

17 Q And what about that person,
18 Nayronne Holmes, did he?

19 A He was like close to her. He was
20 out there, too.

21 Q To your recollection, did Big Mo
22 have a weapon? Did you see a weapon?

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

24 Q Okay. What's Ms. Barbara's last
25 name? Do you know?

1 A Mays.

2 Q Mays? Where does she live?

3 A On Bright Court.

4 Q Was she a neighbor of Taquan's?

5 A Yes. She lived on -- if you come
6 in his house, she stayed on the left hand side.

7 Q Before the shooting, where did
8 Taquan have the gun?

9 A Taquan didn't have the gun.
10 Taquan, before the shooting, Nayronne came into
11 the house with the gun.

12 Q Okay. And then?

13 A Taquan took it from him.

14 Q Okay. And where did he have it
15 before the shooting started?

16 A Taquan, he had it in his back
17 pocket, I believe.

18 Q Okay. I have no further questions.

19 THE COURT: Anything else?

20 MR. WALKER: At this time, I would like to read the
21 calling of the case by Ms. Legette, beginning on page 3 at
22 line 5 down to line 20. Identify yourself as Ms. Legette
23 and then read from 5 to 20.

24 MR. MCKINSEY: Ms. Legette:

25 MS. LEGETTE: Your Honor, before the

1 Court is Mr. Lawrenzer Walker, L-A-W-R-E-N-Z-E-R,
2 Walker. He is before the Court on indictment
3 number 2013-GS-15-01044, for the offense of
4 obstruction of justice. He will be entering a
5 plea of guilty to the offense as indicted. And
6 Your Honor, we are actually going to hold his
7 sentencing in abeyance until after the trial of
8 the case of his co-defendant, Mr. Taquan Brown.
9 And for this plea, he is going to -- as part of
10 the plea, he is going to testify truthfully and
11 voluntarily in that trial, and when he does, he
12 will come back before the Court and ask that he be
13 sentenced, Your Honor. At that, we will be making
14 -- depending on what his testimony has been,
15 making a recommendation of a time served sentence,
16 Your Honor, at that time. If not, then we will be
17 making a different recommendation.

18 MR. MCKINSEY: The Court:

19 THE COURT: Thank you.

20 MR. WALKER: Stop there. You may step down.

21 THE COURT: Call your next witness.

22 MR. WALKER: The defense calls Jessica Fulks.

23 (Whereupon, Ms. Fulks enters the courtroom and is duly
24 sworn by the Clerk of Court.)

25 THE COURT: Watch your step on my stairs.

Direct examination of Jessica Fulks by Mr. Walker

1 Have a seat. Pull your chair up. Adjust the microphone to
2 your height. Speak up for me. State your full name and
3 spell your last name for the record.

4 MS. FULKS: Jessica Fulks, F-U-L-K-S.

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

6 MR. WALKER: Yes, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. WALKER:

9 Q Good afternoon, Ms. Fulks. Where do you live?

10 A In Walterboro, South Carolina.

11 Q Did you know Mourice Kemp?

12 A Yes, sir.

13 Q Did you know him by a different name?

14 A Yes, sir.

15 Q What did you know him by?

16 A As Big Mo.

17 Q And do you remember when he was killed?

18 A Yes, sir.

19 Q Did you see him that day?

20 A I seen him that night, yes, sir.

21 Q Where did you see him?

22 A He had came to my house.

23 Q All right. Why did he come to your house?

24 A He was looking for a girl named Coco.

25 Q Okay. Was he looking for her at your house?

1 A Yes, sir. He had asked me did I know where she was at?

2 Q So he was hunting for her?

3 A I guess, if that's what you want to call it. I'm not
4 sure.

5 THE COURT: You got to speak up, now.

6 A If that's what you want to call it.

7 Q While he was at your house, did you observe him
8 drinking?

9 ASST. SOL. LEGETTE: Objection, leading.

10 THE COURT: Sustained. Rephrase your question,
11 counsel. Direct examination. Don't ask questions that
12 suggest a yes or no answer.

13 Q Did Mr. Kemp do anything else while he was at your
14 house?

15 A Yes, sir.

16 Q What was that?

17 A He was drinking and smoking.

18 Q What was he smoking?

19 A Marijuana.

20 Q And after he could not find -- and then what did he do?

21 A He told me he was going to leave because his phone was
22 about to go off. He told me he was going to get him a phone
23 card and then he was going to leave.

24 Q And did he leave?

25 A Yes, he did leave.

Cross-examination of Jessica Fulks by Asst. Sol. Legette

1 Q And that was the last time you saw him?

2 A Yes.

3 Q He wasn't being mean to you, was he?

4 A No, sir.

5 MR. WALKER: I don't have any further questions.

6 THE COURT: Cross-examination?

7 CROSS-EXAMINATION

8 BY ASST. SOL. LEGETTE:

9 Q Ms. Fulks?

10 A Yes, ma'am.

11 Q You said he was looking for a girl named Coco?

12 A Yes, ma'am.

13 Q How did he seem when he was looking for her?

14 A Calm.

15 Q Calm? Okay. Thank you. I have no further questions.

16 THE COURT: Redirect?

17 MR. WALKER: No, Your Honor. We ask that this witness
18 be excused.

19 THE COURT: Any objection?

20 ASST. SOL. LEGETTE: None from the State.

21 THE COURT: Ms. Fulks, you may step down from the
22 witness stand and you are excused from the trial of this
23 case. You may leave the courtroom. Call your next witness.

24 MR. WALKER: The defense calls Larry Council.

25 (Whereupon, Mr. Council enters the courtroom and is

1 duly sworn by the Clerk of Court.)

2 THE COURT: Watch your step. Have a seat. Pull that
3 seat up. Adjust the microphone. Speak up so everybody can
4 hear you. State your full name and spell your last name for
5 the court reporter.

6 MR. COUNCIL: Larry Council, C-O-U-N-C-I-L.

7 THE COURT: Your witness, counsel.

8 DIRECT EXAMINATION

9 BY MR. WALKER:

10 Q Mr. Council, good afternoon.

11 A Good afternoon.

12 Q Where do you live?

13 A [REDACTED] Rhode Drive, Cottageville.

14 Q Did you know Mourice Kemp?

15 A I know of him.

16 Q You had met him?

17 A That's right.

18 Q Did you know a woman named Coco, or Courtney?

19 A Yes, I do.

20 Q Which name did you know her by?

21 A I known her as Coco.

22 Q Do you remember when Mourice Kemp, or did you know him
23 by any other name?

24 A That's right.

25 Q What names did you know Mourice Kemp by?

1 A I known him as Big Mo.

2 Q So you knew Mourice and Courtney as Big Mo and Coco?

3 A Beg your pardon?

4 Q You knew Mourice and Courtney as Big Mo and Coco?

5 A Right.

6 Q Do you remember when Big Mo, or Mourice, was killed?

7 A Yes, I do.

8 Q Were you present when he was killed?

9 A No, I didn't.

10 Q Do you remember -- let me direct your attention to a
11 time approximately a week before he was killed and ask you
12 do you recall an incident involving Mourice Kemp, or Big Mo,
13 at the Southern Inn?

14 A Yes.

15 Q Can you tell us what you remember about the incident at
16 the Southern Inn?

17 A Well, I remember we was at the Southern Inn in the
18 parking lot.

19 Q Let me stop you. You said "we." Who was "we"?

20 A Well, it was me, Ron, and Mr. Taquan Brown.

21 Q Please continue.

22 A Beg your pardon.

23 Q Please continue to tell us what you remember.

24 A Well, I remember when we was in the parking lot, you
25 know, he did went in the room.

1 Q Again, who is "he"?

2 A Big Mo.

3 Q Okay. Continue.

4 A Well, he went in the room, he got his gun and told us
5 we better leave the parking lot before he drop one of us in
6 the parking lot, and I also remember I had a room up there
7 during the time, and he had came to my room door and he did
8 told me out of his own mouth if anybody was to knock on his
9 door again looking for Coco, he was gonna drop them right in
10 their tracks at the room, because he don't care nothing
11 about the police. That was his words to me.

12 Q Well, let me go back to the first incident you just
13 spoke about where he told you to leave.

14 A Beg your pardon?

15 Q When he told you to leave with a gun, why were you
16 there?

17 A Well, I had a room out there during that time and you
18 know, the only reason why Ron he had wanted to go out there,
19 because he used to date Courtney, too, when ---

20 Q Let me stop you. You're saying "Ron". Is Ron,
21 Nayronne Holmes?

22 A Yeah, right. Everybody know him on the street as E. B.
23 And he used to date Courtney, too, and you know, Coco, she
24 was like with Big Mo, and Ron ran out there, the only thing
25 he had wanted to do was just tell Big Mo that, you know, if

1 Coco with him, just tell Coco to quit calling him and just
2 leave him alone and just stay there with him, but Big Mo, he
3 was the one that went off the handle, flip off the handle.

4 Q And so the confrontation was primarily between Big Mo
5 and Nayronne?

6 A Beg your pardon?

7 Q So the confrontation, what started the argument, was
8 that primarily between Big Mo and Nayronne, or E.B.?

9 A Well, actually what started the argument when Ron knock
10 on Big Mo's door and that's why Big Mo said what he did to
11 me that if anybody knock on his door again for Coco, he was
12 gonna drop them right in their tracks. He don't care
13 nothing about the police. During the time he went in the
14 room to get the gun and told us to leave the parking lot
15 before he drop one of us out there, you know, I didn't see
16 him pointing a gun at anything, but he did that and we just
17 got in the car and left.

18 Q And who was in the car when you left?

19 A It was me, Ron and Mr. Brown.

20 Q Were all three of you in a position to have seen the
21 gun that Big Mo had?

22 A Yes.

23 Q Were you all standing fairly close together when Big Mo
24 told you to leave?

25 A Beg your pardon?

1 Q Were y'all all close together when Big Mo told y'all to
2 leave?

3 ASST. SOL. LEGETTE: Objection, Your Honor, leading.

4 THE COURT: Sustained.

5 Q You said that you knew Coco. What does Coco do for a
6 living?

7 A She was a prostitute.

8 Q Did you -- other than the two incidents that you just
9 told us about, did you have any other interaction with Big
10 Mo between what you've described and the time he was killed?

11 A Repeat your question.

12 Q Did you have any other problems with Big Mo between the
13 time you've just described and when he was killed?

14 A Oh no. I didn't have any problems with him at all, not
15 me, to my knowledge. I didn't have no problems with him,
16 but you know, the only reason why Ron went out there to let
17 him know that Coco was calling him and if Coco was there
18 with him to quit calling him and to leave him alone.

19 Q So Ron wasn't trying to start an argument with Big Mo?

20 A Hmmm?

21 Q Was Ron trying ---

22 ASST. SOL. LEGETTE: Objection, Your Honor.

23 THE COURT: Sustained. Rephrase your question.

24 Q Who started the argument between Big Mo and Nayronne?

25 A Well, Big Mo started the argument because he the