

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Sumter County

Honorable George C. James, Circuit Court Judge

SHONTA HELTON,

RECEIVED
JUL 14 2017
S.C. SUPREME COURT
PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-002388

APPENDIX

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1 State of South Carolina

2 County of Dillon

3

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5 State of South Carolina,
6 Plaintiffs

7 vs.

Transcript of Trial
2013-GS-43-00239

8

9

10 Gary R. Dargan,
11 Defendant

April 14th-17th, 2014
Sumter, S.C.

12

13

BEFORE THE HONORABLE W. JEFFREY YOUNG,

14 Judge.

15

16

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

18 Mr. John P. Meadors,
19 Assistant Solicitor for the State

20 Mr. Timothy W. Murphy,
21 Attorney for Dargan

22 Mr. Shaun C. Kent,
23 Attorney for Helton

Margaret T. Sullivan,
Court Reporter

24

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1 MR. MEADORS: May it Please, Your Honor.
2 Your Honor, at this time the State of South
3 Carolina would call indictment, Sumter County true
4 bill Indictment 2013-GS-43-0239. The State of
5 South Carolina versus Gary Dargan. Count 1,
6 murder. The State of South Carolina versus Gary
7 Dargan Count 2, possession of a weapon during the
8 commission of a violent crime. Count 3, the State
9 of South Carolina versus Shonta L. Helton.
10 Accessory before the fact of murder.

11 THE COURT: Ladies and gentlemen, as the
12 solicitor stated, we are getting ready to start
13 the case of Gary R. Dargan and Shonta Larissa
14 Helton. They are charged with murder, possession
15 of a weapon during the commission of a violent
16 crime, and accessory before the fact of murder.

17 And I am going to read the indictment to
18 you. Count 1, murder. That Gary R. Dargan did in
19 Sumter County on or about December 9th 2012,
20 willfully, feloniously and intentionally kill the
21 victim, Mario Scott, with that malice aforethought
22 either express or implied by means of shooting
23 said victim with a firearm, and the victim did die
24 as proximate result thereof on or about December
25 9th 2013. Is that correct? It should be, 2000,

1 I have got a difference in the dates.

2 MR. MEADORS: It should be 2012.

3 THE COURT: 2012.

4 MR. MEADORS: Yes, sir.

5 THE COURT: In Sumter County. In
6 violation of Section 16-3-10 of the South Carolina
7 Code of Laws 1976 as amended. Count 2, possession
8 of a weapon during the commission of a violent
9 crime. That Gary R. Dargan, did of should down
10 over to December 9th 2012, possess a firearm, or
11 visibly display what appeared to be a firearm, or
12 visibly displayed a knife during the commission or
13 attempted commission of a violent crime in
14 violation of Section 16-23-490 of the South
15 Carolina Code of Laws 1976 as amended.

16 And Count 3, accessory before the fact of
17 murder; that Shonta L. Helton, did in Sumter
18 County, on about December 9th 2012, advise or
19 agreed with or urged for hire or in some way
20 aided, counseled or encouraged the principal felon
21 to commit the felony of murder, but was not
22 present when the crime was committed, in violation
23 of the common law and Section 16-1-40 of the South
24 Carolina Code of Laws 1976 as amended.

25 Now, Ladies and gentlemen, let me remind

1 you, the fact that these defendants were arrested,
2 charged and indicted in no way is indicative that
3 they are guilty of the crimes charged. The
4 defendants have pled not guilty, and therefore the
5 State has the burden of proving their case beyond
6 a reasonable doubt. And the indictment is simply
7 a formal written document that brings this case
8 into court.

9 Now, Ladies and gentlemen, before we
10 strike the jury, there are some questions I am
11 going to need to ask you and I remind you, that
12 you are still under oath from earlier. Now,
13 Ladies and gentlemen, the reason I am keeping you
14 under oath is because this is such an important
15 stage of the trial. And it's just like a building
16 must have a firm foundation to be strong and
17 protective of those who live in it, so must a jury
18 be strong as a basis of a fair and impartial trial
19 for those who participate, and the solicitor's
20 office for the State, and the defendants who are
21 on trial. And the attorneys will be relying on
22 your truthful answers to these questions. And as
23 they try to build a jury that is fair and
24 impartial in this matter.

25 Now, Ladies and gentlemen, the first

1 question is, has anyone ever been related by blood
2 or marriage to Gary R. Dargan or Shonta Larissa
3 Helton or Mario -- the alleged victim, Mario
4 Scott. And if the defendants would please stand.

5 If anybody has ever been related by blood
6 or marriage or had a close personal business
7 relationship with any of these people, please
8 stand. You all may be seated. Any of the jurors.

9 (Whereupon, no response.)

10 THE COURT: Thank you, no one is standing.
11 Ladies and gentlemen, this is a list of possible
12 witnesses in this case. And as I go through, just
13 listen up, and then I am going to ask you a
14 question about whether you know these witnesses:
15 Betty Ann Welch, Diana Brown, Dominick Gooden,
16 Alexa Smith, Kenyardo Bolden, Robert B. Mellette,
17 Tamar Lawson, Danielle Govan, Tajuana Davis,
18 Debbie Prince, Lieutenant Rusty Brannon of the
19 Sumter Police Department, Detective Billy Lyons of
20 the Sumter Police Department. Crime Scene
21 Investigator Jacob Mitchell of the Sumter Police
22 Department. Agent, Special Agent Trey Fallon,
23 formerly of the Sumter Police Department, now with
24 the state law enforcement division.

25 Detective Natalie Kelly of the Sumter

1 Police Department. Detective Heath Gardner of the
2 Sumter Police Department. Marcus Mellette, Rico
3 Hamm, Kurt Gowdy, Special Agent James Green of
4 sled. Captain Teresa Ray Lee of the Sumter/Lee
5 Regional Detention Center. Special Agent Mitchell
6 of sled. Clint O'dell Roberts, Jr. Freddie
7 Cabbagestalk, Dr. Janice Ross, Newberry Pathology
8 and Karen Milbrock Verizon wireless.

9 Now has any member of the jury panel, ever
10 had any close personal relationship and related by
11 blood or marriage, or had any business
12 relationship with any of the potential witnesses
13 in this case? If so, please stand. Yes, sir.
14 Please state your name and juror number.

15 THE JUROR: My name is Jonathan Lakelski,
16 Juror 125.

17 THE COURT: Yes, sir.

18 THE JUROR: I work with the Sumter Police
19 Department.

20 THE COURT: I remember. You're in IT, is
21 that correct?

22 THE JUROR: That is correct.

23 THE COURT: Would the fact that you work
24 in the IT department in the Sumter Police
25 Department make it so that you can't be fair and

1 impartial to the State or the defendants in this
2 case?

3 THE JUROR: I think I would be fair.

4 THE COURT: You think you can.

5 THE JUROR: Yes, sir.

6 THE COURT: Very well. Thank you. Yes,
7 ma'am.

8 THE JUROR: My name is Sue Geddings. I'm
9 Juror No. 50. I went to school with Diane Brown.
10 And also a friend of Bill Roberts. I have a
11 brother-in-law by that name. And I believe a
12 nephew as well. I am not really sure the name
13 O'dell.

14 THE COURT: That probably needs to be
15 cleared up if he's your actual nephew. How old is
16 he?

17 THE JUROR: My brother-in-law, he's about
18 my age, probably, 60's.

19 THE COURT: Do you all have any more
20 information on this witness?

21 THE JUROR: My nephew is probably in his
22 30's.

23 THE COURT: He's early 60's. Would that
24 be?

25 THE JUROR: It's probably him. Yeah. The

1 same thing. You know, the same person.

2 MR. MEADORS: Clint O'dell Roberts, Jr.

3 THE COURT: And that you be your nephew?

4 THE JUROR: Well my nephew is Clint too.

5 I'm not sure if his middle name is O'dell. I know

6 my brother-in-law is O'dell. I am pretty sure his

7 first name is Clint. Clint O'dell Roberts. I'm

8 not positive, but I think he goes by O'dell.

9 THE COURT: It sounds like she might be
10 related there.

11 MR. MEADORS: Yes, sir.

12 THE COURT: I'll excuse you for cause.

13 MR. MEADORS: Your Honor, what was her
14 name, I apologize.

15 THE COURT: What was your number again?

16 THE JUROR: 50.

17 THE COURT: No. 50. Yes, sir, in the
18 back.

19 THE JUROR: Melvin Scott Juror 121.

20 THE COURT: I am friends with the Lyons
21 family. So I know Detective Lyons pretty well.

22 THE COURT: Would the fact that you know
23 the Lyons family, make it so that you can't be
24 fair and impartial to the State---

25 THE JUROR: I would see no way it would be

1 a problem.

2 THE COURT: Thank you, sir. Thank you,
3 very much. Yes, sir.

4 THE JUROR: William Tanner. I forgot my
5 juror number, but I used to work with Billy Lyons.

6 THE COURT: Okay. The fact that you used
7 to work with Billy Lyons do you think you can
8 still be fair and impartial to the defendants and
9 the State?

10 THE JUROR: Yes, sir.

11 THE COURT: Thank you, sir. That you very
12 much. Now, Ladies and gentlemen, the attorneys
13 who will be trying this case are Mr. John Meadors
14 for the State. Mr. Meadors, you want to introduce
15 your team?

16 MR. MEADORS: May it please, Your Honor.

17 THE COURT: Yes, sir.

18 MR. MEADORS: Mr. Tyler Brown and
19 Mr. Tom Miller will be assisting. And of course
20 the Honorable Chip Finney, the Solicitor, may
21 also be here. Thank you.

22 THE COURT: Mr. Murphy.

23 MR. MURPHY: Good morning. My name is Tim
24 Murphy. I work in the Sumter County Public
25 Defender office. I also practice law privately

1 with the law firm of Kolb and Murphy right here on
2 Main Street.

3 THE COURT: Mr. Kent.

4 MR. KENT: Thank you, Judge. How are you
5 doing. My name is Shaun Kent. I practice law
6 over in Manning, South Carolina. I have the
7 pleasure of representing Shonta Helton who you
8 have already met. Assisting me is my
9 investigator Cedric Brown. Thank you so much.

10 THE COURT: Has any member of the jury
11 panel ever been related by blood or marriage or
12 had a close personal business relationship with
13 any of these attorneys, or have you ever been
14 represented by any of these attorneys? If so
15 please, stand. Yes, ma'am.

16 THE JUROR: Mr. Kent is representing my
17 son in a criminal case.

18 THE COURT: And what's your name and
19 number?

20 THE JUROR: Juror 24, Gwendolyn Copeland.

21 THE COURT: And would the fact that
22 Mr. Kent is representing your son, make it so that
23 can't be to fair and impartial to the State or the
24 defendants in this case?

25 THE JUROR I can.

1 THE COURT: You can be?

2 THE JUROR: I can.

3 THE COURT: Okay. Very well. Thank you.

4 Anyone else?

5 (Whereupon, no response.)

6 THE COURT: Has any member of the jury
7 panel formed or expressed any opinion about any
8 issue or matter involved in this case? If so,
9 please stand.

10 (Whereupon, no response.)

11 THE COURT: Thank you no one is standing.
12 Have you or any member of your immediate family
13 ever been the victim of or charged with committing
14 a violent crime? If so, please stand.

15 (Whereupon, no response.)

16 THE COURT: Thank you. No one is
17 standing. Is there any member of the jury panel
18 who is aware of any bias or prejudice for or
19 towards either the State or the defendants in this
20 matter? If so, please stand.

21 (Whereupon, no response.)

22 THE COURT: Thank you. No one is
23 standing. Is there any member of the jury panel
24 who is also a member of grand jury that indicted
25 this case? If so, please stand.

1 (Whereupon, no response.)

2 THE COURT: Thank you. No one is
3 standing. Is there any member of the jury panel
4 who is a member of or a contributor to, any group
5 which has as its primary concern the promotion of
6 law enforcement or victim's rights? These groups
7 would include, and certainly not be limited to,
8 Mother's Against Drunk Drivers, Students Against
9 Drunk Drivers or Citizens Against Violent Crime?
10 If so, please stand.

11 (Whereupon, no response.).

12 THE COURT: Thank you. No one standing.
13 Does any member of the jury panel know of any
14 reason whatsoever why he or she should not serve
15 as a juror in this case with a particular emphasis
16 being placed on your ability to be fair and
17 impartial to both the State and the defendants?
18 If so, please stand.

19 (Whereupon, no response.)

20 THE COURT: Thank you. No one is
21 standing. Does the State have any additional
22 questions it would like for me to ask?

23 MR. MEADORS: I beg the Court's
24 indulgence.

25 THE COURT: Yes, sir. Now let me ask the

1 question again. Do you have any other questions
2 that the State or the defendant wants me to ask?

3 MR. MEADORS: Have either they or a family
4 member been the victim of or accused of committing
5 a violent crime.

6 THE COURT: Has any member of the jury
7 panel been the victim of or accused of committing
8 a violent crime?

9 THE JUROR: Yes.

10 THE COURT: Why don't you come over here
11 and answer that question. Anyone else? Come
12 right over here. What is your juror number?

13 THE JUROR: Juror No. 144. My cousin was
14 charged with murder. I believe it was 2007 or
15 2008 in Rembert, South Carolina.

16 THE COURT: Would the fact that your
17 cousin was charged with murder make it so you
18 can't be fair and impartial to the State or the
19 defendants in this case?

20 THE JUROR: No, sir.

21 THE COURT: Thank you, ma'am. Yes, next
22 one. What is your name and juror number?

23 THE JUROR: I forgot it. Candace
24 Chambers.

25 THE COURT: Ms. Chambers.

1 THE JUROR: My father was convicted to
2 armed robbery probably around 20 or 30 years ago.

3 THE COURT: Was the fact that your father
4 was convicted of armed robbery 20 or 30 years ago,
5 make it so you can't be to fair and impartial to
6 the State or the defendants?

7 THE JUROR: No, sir.

8 THE COURT: Thank you. No. 18. And your
9 number.

10 THE JUROR: Juror No. 148. I think it is
11 was 148. Shonta Helton, I worked with her mother.

12 THE COURT: Why didn't you say that
13 earlier.

14 THE JUROR: I didn't know it was the same
15 person.

16 THE COURT: Would the fact you know her,
17 make it so that you that can't be fair and
18 impartial to the State or the defendant?

19 THE JUROR: I am not certain.

20 THE COURT: You are not certain. Okay.
21 Well I am going to take that as a no. I'm going
22 to strike her---

23 THE CLERK: 112.

24 THE COURT: 112. I'm going to strike her
25 for cause. 112. Just have a seat back there

1 Next?

2 THE BAILIFF: 49.

3 THE COURT: 49.

4 THE JUROR: I have a brother that was
5 involved with a shooting in Sumter County.

6 THE COURT: Would the fact that you have a
7 brother who is involved in a shooting, make it so
8 that you can't be fair and impartial to the State
9 or defendants in this case?

10 THE JUROR I can be fair.

11 THE COURT: Thank you, sir.

12 MR. MURPHY: Was your brother accused of
13 the shooting?

14 THE JUROR: Accessory before the fact.

15 MR. MURPHY: Before the fact. Thank you.

16 THE BAILIFF: Juror No. 83 Mr. Mayfield.

17 THE COURT: Mr. Mayfield.

18 THE JUROR: My brother was convicted of
19 first degree burglary. Richard Mayfield.

20 THE COURT: Would the fact that your
21 brother was convicted of a first degree burglary,
22 would that make it so you can't be fair and
23 impartial to the State or the defendants in this
24 case?

25 THE JUROR: No, sir.

1 MR. MEADORS: What was the charge, I am
2 sorry?

3 MR. MURPHY: Burglary first degree.

4 THE COURT: Okay. Let me call someone
5 else up here. Thank you, you're good.
6 Mr. Scott, would you step down here, please.

7 THE JUROR: Yes.

8 THE COURT: Your grandmother was murdered.

9 THE JUROR: Before I was born.

10 THE COURT: I know there some time around
11 then. But you wouldn't have known her. But the
12 fact that that happened to your family, make it so
13 you can't be fair and impartial to the Sate and
14 the defendant?

15 THE JUROR: No, sir. Because I know there
16 are some similar charges involved. The second
17 charge in which the guy only served 5 years of
18 that. And he never served any for the murder
19 charge.

20 THE COURT: Okay. So you don't think you
21 can be fair and impartial?

22 THE JUROR: I probably will not be able
23 to.

24 THE COURT: That's why I brought you up
25 here. I'm going to strike you for cause. I won't

1 put you in the computer.

2 MR. MEADORS: Mr. Scott.

3 THE COURT: 121. Does the State have
4 anything else they would like me to ask?

5 MR. MEADORS: No, sir, Your Honor.

6 THE COURT: Mr. Kent, do you have any
7 additional questions?

8 MR. KENT: Nothing on behalf of
9 Ms. Helton.

10 THE COURT: Ladies and gentlemen, what is
11 going to happen now is the computer is going to
12 generate a random list of names. If your name is
13 called, please stand. The State will have an
14 opportunity to strike you. And then each
15 defendant will have an opportunity to strike you.
16 Now, Ladies and gentlemen, please don't take it
17 personally if they strike you from the trial of
18 this case. It's just that each of these attorneys
19 has some idea of what they think would be an ideal
20 jury. So they can strike you for any reason or no
21 reason except for based on the race or gender.

22 Ladies and gentlemen, when you, if your
23 name is called and you are impaneled, please bring
24 all your personal items with you, because you will
25 not be rejoining -- you won't be going back out

1 there. Thank you. Are we ready?

2 THE CLERK: Yes, sir.

3 THE COURT: And I am going to go with 12
4 primary and 2 alternates.

5 THE BAILIFF: Juror No. 84 Shirley McBride
6 (f-b) state struck. Juror No. 134 William Tanner
7 jr. (m-w) defense struck. Juror No. 153 Renji
8 Zeeff, II (m-w) state struck. Juror No. 100
9 George Nash jr. (m-w) defense struck. Juror 83
10 Wilbur Mayfield (m-w) state struck. Juror No. 70
11 Terrance Jenkins (m-b) accepted. Juror No. 72
12 James Johnson (m-b) accepted. Juror No. 64 Mi Sou
13 Hood (f-a) accepted. 127 Arthur Soderberg (m-w)
14 defense struck. Juror No. 96 Michael Mitchell
15 (m-b) accepted. Juror No. 69 Stephanie Jackson
16 (f-w) accepted. Juror No. 68 John Jackson jr.
17 (m-b) state struck. Juror No. 60 Kamala Henley
18 (f-b) defense struck. Juror No. 148 Antoine
19 Wright (m-b) accepted. Juror No. 23 Wanda
20 Commander (f-b) accepted. Juror No. 149 Messiah
21 Wright (m-b) state struck. Juror No. 132
22 Elizabeth Stewart (f-w) defense struck. Juror No.
23 36 Mary Dutcher (f-w) defense struck. Juror No.
24 144 Jenell Williams (f-b) state struck. Juror No.
25 77 Caleb Kershaw (m-b) state struck. Juror No. 48

1 John Gadson (m-b) accepted. Juror No. 16 Martha
2 Butler Kenty (f-b) state struck. Juror No. 51
3 Kathy Gerlt (f-w) defense struck. Juror No. 76
4 Bryan Keels, Jr. (m-b) state struck. Juror No. 12
5 Matt Brunson (m-w) accepted. Juror No. 130 Sandra
6 Trimnal (f-w) accepted. Juror No. 49 Jerry Gains
7 (m-b) accepted. Juror No. 108 Delphine Pearson
8 (f-b) state struck. Juror No. 11 Shelton Brown
9 (m-w) defense struck.

10 MR. KENT: Can we approach .

11 THE BAILIFF: Juror No. 87 Edgar McFadden,
12 III (m-b) defense struck. Juror No. 24 Gwendolyn
13 Copeland (f-b) defense struck. Juror No. 24
14 Dennis Cox (m-w) defense struck. Juror No. 46
15 Christopher Freeman, II (m-w) accepted. Juror No.
16 109 Michelle Lamb (f-w) accepted.

17 THE COURT: Ladies and gentlemen, you all
18 have been selected as the jurors in the trial of
19 this case. At this point and time, as the jury
20 in the trial of this case, I am going to send you
21 back to the jury room for a few minutes, while we
22 take up a few matters. And then I will bring you
23 back out. Thank you. Please do not discuss
24 anything about the case. In the meantime, if you
25 all, while you are back there, discuss amongst

1 yourselves, who you want to be the foreman of the
2 jury. Thank you.

3 (Whereupon, the following takes place
4 outside the presence of the jury.)

5 THE COURT: Are there any motions?

6 MR. MEADORS: Your Honor, may we approach.

7 THE COURT: You may.

8 THE COURT: Bring our jury back in.

9 (Whereupon, the following takes place
10 within the presence of the jury.)

11 THE COURT: So you are our foreman?

12 THE FOREMAN: Terrance Jenkins.

13 THE COURT: Mr. Jenkins, thank you very
14 much for accepting that responsibility. Ladies
15 and gentlemen, you all are the jury, who will be
16 listening to this case. I'm going to dismiss you
17 now to go to lunch, with the instruction, that you
18 be back here just a little before 3 o'clock. And,
19 Ladies and gentlemen, please do not discuss
20 anything about the case.

21 I'll tell you how you don't have to be a
22 position where you don't have to discuss it.
23 Don't tell anybody you are on a jury right now.
24 Because what they are going to do is say, what
25 kind of jury is it. And you're going to say, well

1 it's pretty serious charges. And they're say,
2 you know, I was on a jury one time. And they
3 will start telling you about their jury. And you
4 don't need that. Okay. And you don't need
5 someone else saying they're heard something. So
6 just don't discuss it with anyone. Have a nice
7 lunch. Be back here just a little bit before 3
8 o'clock. Thank you. They'll show you where to
9 come in at.

10 (Whereupon, the following takes place
11 outside the presence of the jury.)

12 THE COURT: Do we have any motions to be
13 made at this time.

14 MR. MURPHY: Your Honor, at this point, I
15 would renew my motion for a severance. Your
16 Honor, it is the position, my position that the
17 co-defendants have an adverse interest in each
18 other. In looking at the facts, I think it's
19 pretty clear that Mr. Kent's client is in the
20 position of pointing the finger at my client as
21 part of his defense strategy. It's kind of
22 renegade whose sole motivator -- who exercised an
23 insular and sole motivation for committing this
24 crime. And as a result, my client is left in a
25 position where he is effect facing two

1 prosecutors.

2 I have looked at the case law. And I
3 would submit to the court that the case law
4 supports our position. And it is also our
5 position that an instruction cannot cure this
6 fundamental distinction between the two. So I
7 respectfully make this motion.

8 THE COURT: Mr. Kent.

9 MR. MURPHY: That's all I have, Your
10 Honor.

11 MR. KENT: I have no position, Judge.

12 MR. MEADORS: May it Please the Court.

13 THE COURT: Yes, sir.

14 MR. MEADORS: Judge, inconsistent defenses
15 have been held is not a reason to sever. Quite
16 frankly, there is no way to tell this tail
17 without, they're inextricably intertwined, which I
18 think is the language from some of cases; that if
19 that is the case, the State is entitled for a fair
20 representation to present both. That's what we're
21 asking Your Honor to do.

22 THE COURT: I'm going to respectfully deny
23 your motion.

24 MR. KENT: And, Judge, just for the record
25 for strategy reasons, I had talked to my client,

1 and he declined to make a motion for severance.
2 Just for the record.

3 THE COURT: All right.

4 MR. KENT: That's why we didn't make a
5 motion for severance.

6 THE COURT: Other motions?

7 MR. MURPHY: Your Honor, I believe the --
8 we may have a motion for a Jackson vs. Denno
9 hearing, in regard to the questioning. So I'll
10 preserve that. We also may make an objection to
11 the piece of evidence that the State has indicated
12 it intends to introduce. I think probably I
13 should discuss that now so that depending on your
14 ruling, at the time trial flows a little clearer.

15 THE COURT: All right.

16 MR. MURPHY: The State has advised us,
17 that it intends to introduce through a witness,
18 Mr. Reco Hamm, a letter purportedly written by my
19 client. I will note -- I preserve the right to
20 hold the State to its foundational purposes. So
21 we are not arguing foundation at this point.

22 THE COURT: Right.

23 MR. MURPHY: However, I would argue that
24 in particular the substance of the letter, is not
25 relevant unless the defendant is putting an alibi

1 defense. I anticipate based on reading the
2 letter, and some conversations with the State,
3 that the State intends to introduce this letter,
4 and argue to some degree that it is an intent by
5 my client to fabricate an alibi defense. We are
6 not putting on an alibi defense. I think the
7 letter might be relevant in that situation. It is
8 not, because we are not putting on an alibi
9 defense. So I would argue that it is not
10 relevant. If the court concludes it is relevant,
11 in regard to the substance, there is language used
12 in the letter; particularly, racial slurs,
13 directed at both African Americans and Caucasians.
14 There are not really probative of anything other
15 than they are prejudicial impact. And I would
16 submit to the court and the court may have the
17 opportunity or will have the opportunity to take a
18 look at the letter. The prejudicial impact is
19 overwhelming.

20 So if the court concludes that---

21 THE COURT: Yeah, I would have to look at
22 the letter.

23 MR. MURPHY: If the court concludes that
24 it is relevant, we would ask that those references
25 be excised from the letter that's produced to the

1 jury.

2 THE COURT: Yes, sir.

3 MR. MEADORS: Your Honor, Rico Hamm will
4 coming Wednesday. I think at the appropriate
5 time. It won't take long. I can give Your Honor
6 obviously a copy of that beforehand and let Your
7 Honor look at it. And I assure the court and
8 these parties, I will not mention that letter in
9 my opening or anything---

10 THE COURT: Okay.

11 MR. MEADORS: ---until Your Honor has
12 ruled on it.

13 THE COURT: Thank you.

14 MR. MURPHY: That's all from me, Your
15 Honor.

16 MR. KENT: Judge, just briefly. We
17 mentioned to you that we want to seek a
18 sequestration motion from the court.

19 THE COURT: Any objection to that?

20 MR. MEADORS: No, sir.

21 THE COURT: Of course the investigating
22 officer would be allowed to stay in.

23 MR. MEADORS: Your Honor, these are
24 family. None of them are fact witnesses. And
25 other than that, all fact witnesses, I think is

1 what they want out of the court.

2 MR. KENT: Just fact witnesses. Because I
3 have no problem with any of the officers or
4 anything of that nature.

5 THE COURT: All right.

6 MR. MEADORS: That's all I'm aware of.

7 MR. KENT: And, Judge, this may or may not
8 be the appropriate time. There is some
9 allegations that a conversation was held, a cell
10 phone conversation was held, which I think the
11 State is going to allege that my client made a
12 phone call to the co-defendant and certain things
13 were said. I would just ask that until a proper
14 foundation is made by the individual witnesses
15 that it not be -- that it not be mentioned that my
16 client specifically was talking to the
17 co-defendant on a phone conversation until a
18 proper foundation has been made. I don't know if
19 they are planning on using that in opening
20 statements.

21 MR. MEADORS: Oh, you are talking about
22 openings? Your Honor, the testimony is going to
23 be from several witnesses that they heard
24 Ms. Helton, Gary by come kill this N. He pushed
25 me. Come get this mother fucker. I mean there is

1 a bunch of bad language, which at some point, I am
2 going to assure you if it gets in, I'm going to
3 tell the jury if Your Honor allows me to. That's
4 fine. I can hold off, I guess.

5 THE COURT: I mean, you know---

6 MR. KENT: That's fine.

7 THE COURT: Very well. Anything further?

8 MR. MEADORS: No.

9 THE COURT: Court is adjourned until
10 3:00 o'clock. And we need to be back here around
11 1:30, because we've got another court hearing.

12 MR. MEADORS: Your Honor, we might be able
13 to knock out the Jackson v. Denno. I'm not even
14 sure we are going to offer these statements. But
15 Ms. Kelly is here, we can go ahead and do it and
16 get that out of way. I told her it would be after
17 lunch. If we could just have one minute.

18 THE COURT: Let's do it.

19 MR. KENT: Your Honor, if I may.

20 THE COURT: Yes, sir.

21 MR. KENT: Some new information came to
22 light that might aid with our defense. If I could
23 request, they've given us, of course, all the
24 discovery they are required to give us. There is
25 one particular witness, Tajuana Davis. Of course

1 her birth date and her Social Security number are
2 blocked out. I am going to actually need that
3 information, so I get some information that may
4 aid my defense. If the State could actually
5 provide birthdate and her Social Security.

6 THE COURT: You all can provide that.

7 MR. MEADORS: Well we're going to give him
8 the rap sheets. Do you need more than? I am
9 hesitate about giving a social security.

10 Mr. KENT: And I'll use them.

11 THE COURT: You all give them the rap
12 sheets.

13 MR. KENT: Their social is on the rap
14 sheet?

15 MR. MEADORS: Yes, sir.

16 MR. KENT: Thank you.

17 MR. MEADORS: Can I mark these?

18 (Interview Forms marked Court's 1 and
19 Court's 2 marked for Id. only.)

20 MR. MEADORS: Your Honor, the State would
21 call Natalie Kelly.

22 Natalie Kelly, Being first duly
23 sworn, testified as follows:

24 THE BAILIFF: Please state your full name
25 and spell your last name for the record.

Detective Kelly-direct by Meadors

1 A Detective Natalie Kelly. K-E-L-L-Y.

2 Direct Examination by Mr. Meadors:

3 Q Good morning.

4 A Good morning.

5 Q I am going to ask you to tell Your Honor
6 about the opportunity you had to talk with a
7 Ms. Shonta Helton and Mr. Gary Dargan, back in
8 December of 2012. Are you the -- were you the
9 lead investigator?

10 A Yes, sir, I am.

11 Q And did you have an occasion to talk with
12 Ms. Shonta Helton on December 10th 2012, at the
13 law enforcement center?

14 A Yes, sir, I did.

15 Q And I am showing you what is marked
16 Court's No. 2. Is your signature on there?

17 A Yes, sir, it is.

18 Q Can you tell the judge how all that came
19 about that you talked with Ms. Shonta Helton, in
20 December? Specifically, December 10th 2010?

21 A Ms. Helton came to the law enforcement
22 center in reference to giving a statement about
23 what happened. Prior to that statement, she was
24 given a miranda verbally, and written. She stated
25 she understood both. And she signed it, and I

Detective Kelly-direct by Meadors

1 signed it as well.

2 Q Let's go through your procedure,
3 specifically for His Honor using Court's 2. And
4 where were you?

5 A I was at the law enforcement center.

6 Q And where in the law enforcement center?

7 A In the investigation office.

8 Q And who else was there with you?

9 A It was myself and actually Detective Billy
10 Lyons.

11 Q Is Court's 2 the form that you used with
12 Ms. Helton?

13 A Yes, sir, it is.

14 Q And did you actually read it and go
15 through it with her?

16 A Yes, sir, I did.

17 Q Can you take your time and do that now for
18 the judge like you did with Ms. Helton?

19 A Absolutely. Before, this is the Sumter
20 Police Department interview form. Before we ask
21 you any questions you must understand your rights.
22 You have a right to remain silent. Anything you
23 say can be used against you in court. You have
24 the right to talk to a lawyer for advice before we
25 ask you any questions. And to have him or her

Detective Kelly-direct by Meadors

1 present with you during questioning. If you
2 cannot afford a lawyer, one will appointed to you
3 before any questions if you wish. If you decide
4 to answer any questions now without a lawyer
5 present, you will still have the right to stop
6 answering at any until you talk with a lawyer.

7 Q Now as you went through each one of these
8 rights, did the defendant Helton, indicate she
9 understood those rights?

10 A Yes, sir, she did.

11 Q And how did she do that, did she do that
12 orally?

13 A She did that orally and also by signing
14 her signature.

15 Q So when you went through each one of them,
16 did she tell you, I understand that?

17 A Yes, sir, she did.

18 Q And after you had -- and she did that on
19 each of one of these, correct?

20 A That's correct.

21 Q And could you understand her when she told
22 you she understood the rights?

23 A Yes, sir, I did.

24 Q And I guess my question, did she appear to
25 understand your questioning based on her answers?

Detective Kelly-direct by Meadors

1 A Yes, sir, she did.

2 Q Were they content and subject matter
3 appropriate?

4 A Yes, sir, they were.

5 Q Like if you asked her did you understand
6 this, did she respond to your question?

7 A Yes, sir, she did.

8 Q And was it timely?

9 A Yes, sir.

10 Q Did you have to wait a long time? So
11 based on your experience and the time that you
12 were with her, did she appear to understand?

13 A Yes, sir, she did.

14 Q Did you talk to her a little bit about
15 her background or education or, you know, what she
16 had done in life? Schooling or anything?

17 A We actually talked about children.

18 Q And did she appear to be under the
19 influence of alcohol, drugs or any other
20 intoxicant?

21 A No, sir, she didn't.

22 Q Could you smell anything on her?

23 A No, sir.

24 Q After you read her rights and you said she
25 indicated that orally to you that she understood

Detective Kelly-direct by Meadors

1 them. And she appeared to understand them, right?

2 A That's correct.

3 Q Did you read her, her waiver of rights?

4 A Yes, sir.

5 Q Would you do those now for the judge like
6 you did on December 10th of 2012?

7 A Before any questioning, I was furnished
8 the above statement of my rights at 4:51 p.m. on
9 December 10th 2012, at the law enforcement by
10 Officer Kelly of the Sumter Police Department. I
11 have read or had read to me this statement of my
12 rights. I understand what my rights are. I am
13 willing to answer questions at this time without a
14 lawyer present. No promises or threats have been
15 made to me and no pressure has been used against
16 me.

17 Q And did she sign that?

18 A Yes, sir, she did.

19 Q And you didn't force her to sign it.

20 A No, sir, I didn't.

21 Q And your signature is there along with
22 Billy Lyons?

23 A My signature is there as well.

24 Q Who is the other signature below yours?

25 A There is no signature below mine.

Detective Kelly-direct by Meadors

1 Q I am looking at the other one. I'm
2 looking for Court 2. I'm looking at Court 1.
3 Thank you. Is that after your signature?

4 A Yes, sir, it is.

5 Q And the waiver said it. But did you in
6 fact threaten her, or hold out any hope or promise
7 of reward in exchange for her testimony. You
8 didn't do that, did you?

9 A No, sir.

10 Q And if she wanted to use the bathroom or
11 get something to eat, would you have provided for
12 her? Maybe you did, I don't know.

13 A Absolutely.

14 Q And after that, and we're not going over
15 it now, but you took a statement from her?

16 A Yes, sir, I did.

17 Q Let me ask you. On your statement form,
18 does it again say, "having been advised of your
19 constitutional rights, do you still want to give a
20 statement?

21 A That's correct.

22 Q So you even went over that again with her
23 written statement, right?

24 A That's correct.

25 Q And she signed her statement?

Detective Kelly-direct by Meadors

1 A Yes, sir, she did.

2 Q And at the end is there a sentence saying
3 she's had -- either read it or had it read to her,
4 and she agrees this is her statement?

5 A Yes, sir.

6 Q At anytime during the giving of her rights
7 and the taking of her statements, did she ever
8 say, I don't want a lawyer?

9 A No, sir, she didn't.

10 Q Did she say, I don't want to talk to now?

11 A No, sir, she didn't.

12 Q Were you mean or did you threaten her?

13 A No, sir.

14 Q Now did you have an occasion to talk to,
15 and is that defendant Shonta Helton the individual
16 that you took a statement from on December 10th
17 2012?

18 A Yes, sir, it is.

19 Q Now did you have an occasion on December
20 11th 2012, to take a statement from Gary Dargan?

21 A Yes, sir, I did.

22 Q Please tell the judge where that took
23 place?

24 A At the law enforcement center.

25 Q And who was present for that?

Detective Kelly-direct by Meadors

1 A Myself and Detective Billy Lyons.

2 Q Did you read defendant Gary Dargan his
3 rights?

4 A Yes, sir, I did.

5 Q And go over with it the judge, like you
6 did with Gary Dargan, please.

7 A Sumter Police Department Interview Form.
8 Before we ask you any questions, you must
9 understand your rights. You have the right to
10 remain silent. Anything you say can be used
11 against you in court. You have the right to talk
12 to a lawyer for advice before we ask you any
13 questions, and have him or her present with you
14 during questioning. If you cannot afford a lawyer
15 one will be appointed for you before any
16 questioning if you wish.

17 If you decide to answer any questions now
18 without a lawyer present, you will still have the
19 right to stop answering at time until you talk
20 with a lawyer.

21 Q Did she -- did he appear to understand
22 those rights as you read them to him?

23 A Yes, sir, he did.

24 Q Did he indicate to you orally that he
25 understood them?

Detective Kelly-direct by Meadors

1 A Yes, sir, he did.

2 Q Did he tell you, I understand them?

3 A Yes, sir, he did.

4 Q And could you understand him when he
5 responded you?

6 A Yes, sir.

7 Q Did he appear to be under the influence of
8 alcohol, drugs or other intoxicant?

9 A No, sir.

10 Q And were his answers timely and subject
11 matter appropriate?

12 A Yes, sir.

13 Q And did you talk to him about his
14 background, his education or his training?

15 A We talked briefly. I don't recall exactly
16 what we talked about.

17 Q But based on your experience, he appeared
18 to understand?

19 A Yes, sir.

20 Q And he told you that.

21 A Yes, sir.

22 Q And please read His Honor the waiver of
23 rights, as you read them to Gary Dargan on
24 December 11th 2012, please, ma'am.

25 A Before any questioning, I was furnished

Detective Kelly-direct by Meadors

1 the above statement of my rights at 21:30 p.m. on
2 December 11th 2012, at the law enforcement center.
3 Signed Officer Kelly of the Sumter Police
4 Department. I have read or had read to me, this
5 statement of my rights. I understand what my
6 rights are. I am willing to answer any questions
7 at this time without a lawyer present. No
8 promises or threats have been made to me, and no
9 pressure has been used against me.

10 Q And he signed that he understood those
11 rights and waived them.

12 A Yes, sir, he did.

13 Q And you saw him sign his signature?

14 A Yes, sir.

15 Q Did you force him to?

16 A No, sir.

17 Q At any time of reading of these rights and
18 his waiver of rights, did you threaten him or hold
19 out any hope or promise of reward in exchange for
20 his statement?

21 A No, sir.

22 Q Did he ever say, I don't want to talk to
23 you?

24 A No.

25 Q Did Shonta Helton say, I don't want to

Detective Kelly-direct by Meadors

1 talk to you?

2 A No, sir.

3 Q Did either one of them ever say at this
4 point, let me say, at this point, did they ever
5 say I want a lawyer?

6 A No, sir.

7 Q And in fact if they said they wanted a
8 lawyer, what would you have done?

9 A I would have stopped talking to him at
10 that time.

11 Q And that in fact happened with Gary Dargan
12 later on in his statement, correct?

13 A Yes, sir, it did.

14 Q And getting back to Court's 1, you
15 witnessed that. You witnessed that along with
16 who?

17 A Detective Billy Lyons.

18 Q And after you had read, and I'll ask you
19 this much. If he wanted to use the bathroom or
20 get something to drink, would you have let him?

21 A Absolutely.

22 Q And did you take a statement from him?

23 A Yes, sir, I did.

24 (Statement of Gary Dargan marked Court's
25 Exhibit No. 3 for Id. only.)

Detective Kelly-direct by Meadors

1 Q And is that Gary Dargan who you took this
2 statement from on December 12th?

3 A Yes, sir.

4 Q Sitting by Mr. Murphy? And that was a
5 yes, I'm sorry.

6 A Yes, sir, it is.

7 Q Now this is Court's 3, which is a
8 statement of Gary Dargan. Specifically, did you
9 ask him about Shonta? Well did you ask him what
10 her last name was? He stated an argument between
11 Mario and his ex-girlfriend, Shonta?

12 A That's correct.

13 Q And did he say that Shonta called him and
14 needed a ride, and she was at Betty's?

15 A Yes, sir.

16 Q And I guess maybe because you have in your
17 statement, when I asked what is Shonta's last
18 name, the subject stated why are you trying to
19 play with me, you know her last name.

20 A That's correct.

21 Q So did you ask him Shonta's last name and
22 he said, why are you playing with me?

23 A Yes, sir, I did.

24 MR. MEADORS: And, Judge, just for down
25 the road, I know we've mentioned any potential

Detective Kelly-direct by Meadors

1 Bruton issues. Could I have her publish this just
2 to---

3 THE COURT: Yes.

4 Q Would you publish the statement?

5 A This is the Sumter Police Department
6 miranda interview. Memorandum interview form.
7 It's dated December 11th 2012. Time: 21:30.
8 Location Sumter Police Department. Interviewee is
9 Gary Rasheem Dargan. Interviewer is Detective
10 Kelly along with Detective Lyons. And this a
11 summary of the interview. Subject stated an
12 argument started between Mario and his
13 ex-girlfriend, Shonta. Subject stated Shonta
14 called him and said she needed a ride. And said
15 she was Betty's house. When asked what is
16 Shonta's last name, the subject stated why are you
17 trying to play me like that, you know her last
18 name.

19 Subject stated he told Shonta that he was
20 running a card game, and he wasn't messing with
21 her like that. The subject stated he decided to
22 call his home boy Bernard, and he told him, that
23 she, Shonta, was on the west side at El Cheapo's
24 and give, and give her -- I am sorry, and gave
25 Bernard, Shonta's number. Subject stated Bernard

Detective Kelly-direct by Meadors

1 told Shonta -- brought Shonta to the card game he
2 was running. Subject stated she got into a right
3 with some boy. He told her to take her ass home.

4 Subject stated he called her, Shonta's
5 phone, and said she was at Danielle's house, and
6 she about to go to the club. Subject stated he
7 asked her, Shonta, how was she going to get there.
8 And she said she would find a way. Subject stated
9 her told her okay. Subject stated he picked her,
10 Shonta up, and dropped her off at Club Miami out
11 at Shaw. And he left to go to Wal-Mart to get
12 some tee shirts. Subject stated he changed
13 clothes and then he went to Club Miami. Subject
14 stated after the club he took her, Shonta, to
15 McDonald's to eat, and then he took her home.

16 Subject stated when he was at the card
17 game, some dude, unknown name, came through around
18 the way and said somebody got killed on this west
19 side. Subject stated dude who Shonta got into it
20 with was named Mario, and he lived with Betty.
21 Subject stated he knew Mario a long time, and they
22 never had any problems before. Subject stated
23 everybody is cool all four of them: He, Mario,
24 Betty and Shonta. And they all have been to the
25 club together. Subject stated people are saying

Detective Kelly-Cross by Murphy

1 that he did it. He guessed, because if somebody
2 to got into an argument with, referring, with, if
3 someone got into an argument with we, referring to
4 Detective Lyons and I, was dealing with, and they
5 got hit, they would think that we did it too.
6 It's just a rumor.

7 Q Read it all. Yes.

8 A When asked the subject to tell us about
9 the van, the subject stated, I want a lawyer.
10 This was at 10:01 p.m. This concluded the
11 interview.

12 Q When asked the subject to tell us about
13 the van, did he immediately say, I want a lawyer
14 when you brought up the van?

15 A Yes, sir, he did.

16 Q And did you stop talking to him?

17 A Yes, sir, I did.

18 MR. MEADORS: That's all. Thank you.

19 THE COURT: Mr. Murphy.

20 Cross Examination by Mr. Murphy:

21 Q The narrating the interview, that's your
22 compilation of your notes and Detective Lyons'
23 notes?

24 A That's correct.

25 Q Okay. So my client actually didn't look

Detective Kelly-Cross by Murphy

1 at this memorandum or look at your notes and okay
2 them or anything, prior to your memorializing this
3 document, is that correct?

4 A That's correct.

5 Q So these are your summaries of what
6 happened after getting together, correct?

7 A That's correct.

8 Q Are there things that you asked him in
9 parts of the conversation that you had with him
10 that are not memorialized in this document; that
11 you recall independently from this document?

12 A No, sir.

13 Q Okay. So looking back on it, everything
14 that you talked to him about is recorded in this
15 document?

16 A That's correct. To best of my knowledge.

17 Q And there is nothing that he may have told
18 you that is not recorded in this document.

19 A That's correct.

20 Q And again, when you asked the question
21 about the van, he stated, I want a lawyer.

22 A That's correct.

23 MR. MURPHY: Thank you. I have nothing
24 further.

25 MR. KENT: No questions.

Detective Kelly-Cross by Murphy

1 THE COURT: Thank you.

2 MR. MEADORS: That's all. Thank you.

3 THE COURT: You may step down.

4 MR. MEADORS: I think that's all.

5 MR. MURPHY: Your Honor, the only point I
6 would make and I believe this is the basis of some
7 of discussion that I've had with the solicitor.
8 First of all, in regard to the response to the
9 statement about the van and his responses in
10 exercising his rights, we were advised by the
11 State that they were inclined to end the summary
12 of that testimony with her repeating what the
13 question was.

14 We would state or we would submit to the
15 court that that would in effect, not in effect, it
16 actually would be a comment on the exercise of my
17 client's right. If you look at the -- in support
18 of that, we would cite the Salinas case at 133
19 Supreme Court, 174. 2013. In Salinas the Supreme
20 Court was faced with a situation in which a series
21 of questions were asked of a defendant, and he
22 just sat there and said nothing. And then later
23 argued that he was exercising his right to remain
24 silent. And the court said that in a situation --
25 it is imperative that a defendant exercise his

1 right to remain silent in order to be given the
2 benefit of the 5th amendment.

3 I would submit to the court that's exactly
4 what's happened here; that there's clear nexus
5 between that question and my client's exercise of
6 his 5th Amendment Rights. It also it's reported
7 in support of that, there is some language in this
8 case, Pennsylvania vs. Munez, at 496 U.S. 582,
9 which is a 1990 case. In that opinion they talk a
10 little bit about the different types of responses
11 that can be incriminating. When an individual,
12 and the context isn't perfect. But when an
13 individual is faced with questioning, they can
14 either tell the truth, incriminate themselves.
15 They can say something untrue that's later proven
16 untrue, that can be incriminating. Or they can
17 say nothing and it's can be determined that it's
18 incriminating. But it's all testimonial.

19 Clearly in this situation, the question
20 and his exercise of his rights, are linked
21 together. And it's designed not to be
22 testimonial. So we would submit to the court that
23 if the State is permitted to elicit from the
24 officer, the detective, the question they ask, the
25 only inference the jury can receive or could get

1 from the nonresponsiveness from my client, is
2 silence, and that can be used in an incriminating
3 fashion.

4 So we would ask the court to rule that the
5 State may not comment on that particular question
6 at the end which elicited the exercise of my
7 client's rights. Secondly, I don't know if the
8 State intends on introducing the actual miranda,
9 but we would object to that. I mean I think this
10 is a memorandum prepared by the police; that they
11 could use to fresh her recollection. But this in
12 effect their statement of what happened. It's
13 unsigned by my client. So while the substance of
14 it maybe used against him, I would submit that the
15 actual document itself is not appropriate to be
16 introduced. And those are the two motions I would
17 have essentially.

18 THE COURT: Mr. Meadors.

19 MR. MEADORS: I agree with him on both
20 counts.

21 THE COURT: Okay, that's easy. Do you
22 have anything to add?

23 MR. KENT: Judge, nothing by way of
24 Jackson vs. Denno. Just to cover myself clearly
25 for the record. I don't think I heard anything,

1 and I haven't seen anything that could create a
2 Bruton issue. Even from what the solicitor has
3 read those statements. I don't think it does.
4 But for some reason some Appellate Court down the
5 road. We're fine with it either way, that's why
6 we haven't made any motions.

7 MR. MEADORS: And we didn't read through
8 Shonta Helton's statement completely but, or at
9 all, excuse me. But it basically tells her story,
10 if we decide to use it; of being at a party,
11 having contact with Mr. Scott. Puts it in a
12 better light. Or accepts her part of it, but if
13 we need to go over that in detail.

14 MR. KENT: I have not objection.

15 THE COURT: I find that the statements may
16 come in; that they were given freely and
17 voluntarily. Only the statement of the -- the
18 actual statement will not come in, because it is
19 just a rendition of what the police officers
20 thought it was. But they will be able to testify
21 to it; that it was given freely and voluntarily.
22 Up until the point where that last question came
23 in, you will not be able to use that. Anything
24 further?

25 MR. MEADORS: Nothing from the State.

1 THE COURT: The court is in recess until
2 three.

3 MR. MEADORS: Your Honor, it's my understanding
4 we are just going to do openings today?

5 THE COURT: That's probably all.

6 (Whereupon, the court takes a lunch recess.)

7 THE COURT: Is there anything we need to bring
8 up before we bring our jury, from the State?

9 MR. MEADORS: Nothing from the State.

10 THE COURT: Mr. Murphy?

11 MR. MURPHY: No.

12 THE COURT: Let's bring our jury in.

13 (Whereupon, the following takes place
14 within the presence of the jury.)

15 THE COURT: Mr. Bradley, if you will swear
16 the jury.

17 (Whereupon, the jury is sworn.)

18 THE COURT: Thank you, Ladies and
19 gentlemen. Ladies and gentlemen, before we begin
20 this trial, I want tell to you that this trial
21 will probably be different form what you might
22 expect. You know, most people never have an
23 opportunity to actually participate in an actual
24 court case as you are now, and may think from
25 watching TV, movies, or reading books that trials

1 are always full of high trauma, intense action and
2 riveting circumstances. Now while these things
3 may be true at times, this trial is not for
4 entertainment. This is a real trial, which is a
5 fundamental part of our democracy. It is a search
6 for the truth in an effort to make sure that
7 justice is done. In searching for the truth and
8 ensuring that justice is done is often, slow,
9 deliberate, and repetitive. The exact opposite
10 of what you might have seen on TV, movies or read
11 in books.

12 But, Ladies and gentlemen, this courtroom
13 is a place of honor that is dedicated to the
14 protection and the preservation of our citizen's
15 rights, through what has been called, and I truly
16 believe in my heart to be the greatest justice
17 system ever created by mankind. The attorneys who
18 are appearing before you, are advocates for the
19 parties that they represent. But first and
20 foremost, they are officers of this court, who are
21 sworn to uphold the integrity and the fairness of
22 our judicial system and to help you in the search
23 for the truth.

24 Ladies and gentlemen, you should expect
25 them to be professional, competent and ethical in

1 the representations of their client's interest.
2 And remember, Ladies and gentlemen, you also just
3 took an oath to listen to the evidence in this
4 case, and to reach a fair and just verdict. And
5 you are expected to professional, reasonable and
6 ethical as well. And again, thank you for
7 accepting this very important responsibility of
8 jury service.

9 Now, Ladies and gentlemen, what I am going
10 to tell you to now is just intended to serve as an
11 introduction of the trial of this case. These
12 remarks are not a charge on the law. I will
13 charge you the law that is applicable to this
14 particular case at the end of the trial. This is
15 merely an explanation of the procedures that we
16 will follow so you may better understand what is
17 happening. Let me say up front, Ladies and
18 gentlemen, that you will not be allowed take
19 notes. Therefore, it's especially important that
20 you listen closely throughout this trial.

21 Now, Ladies and gentlemen, the defendants
22 in this case are charged by an indictment filed in
23 this court, with murder and possession of a weapon
24 during the commission of a violent crime for
25 Mr. Dargan. And accessory after the fact or

1 murder for Ms. Helton. And the specific elements
2 will be explained to you at a later time. But I
3 am going to tell you again, that the indictment
4 charging these defendants is simply the document
5 which this case is brought -- brings this case
6 into court, and is not in any sense evidence of
7 any of the allegations therein. The defendants
8 have pled not guilty to the charges in the
9 indictment. So the State therefore has the burden
10 of proving all the elements of each of the charges
11 for each defendant in the indictment beyond a
12 reasonable doubt.

13 And it will be your duty, Ladies and
14 gentlemen, as jurors to decide whether the State
15 has met that burden. Now your purpose though is
16 to determine the facts in this case. You will
17 determine the facts from the testimony that is
18 given from this witness stand, and any other
19 evidence that is presented here in court. It will
20 be up to you to determine the inferences that you
21 feel may be properly drawn from the evidence.
22 Ladies and Gentlemen, it is especially important
23 that you perform your duty diligently and
24 consciously. Because ordinarily there is no way
25 to correct an erroneous determinations of fact by

1 a jury.

2 On the other hand with equal emphasis, the
3 same law that makes you the judges of the facts,
4 makes me the judge of the law. The law as given
5 to you by me is the only law that you may
6 consider. And you must accept the law as I give
7 it to you, even though you might disagree. And
8 I'll make an agreement which you. I won't tell
9 you what the facts are, and you will not disagree
10 with me about what the law is or what you think
11 the law ought to be. Your job is to take the law
12 as I give it to you and apply it to the facts as
13 you find them from the testimony and other
14 evidence that is presented. And after hearing the
15 evidence, you will deliberate and render a true
16 and just verdict under the solemn oath that you
17 just took as jurors.

18 Now, Ladies and gentlemen, until I advise
19 you to begin your deliberations at the conclusion
20 of the case, you must not discuss the case with
21 others, including your fellow jurors, except as I
22 authorize you to do. And I doubt if I will. You
23 may not use a computer, a cellular phone, or other
24 electronic device with communications capabilities
25 while in attendance here at trial or during your

1 deliberations. These devices may be used during
2 your breaks or when you go home for the evening.
3 But even then they can not be used to disclose any
4 information about the case when you are not here
5 in court. And information about the case would
6 include, but certainly would not be limited to
7 any information about a party, a witness, an
8 attorney or a court officer, any news accounts
9 about the case, any information collected through
10 jury research, or any topic raised on testimony
11 offered by any witness, or information collected
12 through jury research on any topic that you think
13 might be helpful in deciding the case.

14 Ladies and gentlemen after the case is
15 submitted to you, you must discuss it only in the
16 jury room with your fellow jurors. The attorneys
17 and the parties in this case are advised that they
18 are not to talk to you at all. So if you see if
19 someone who is involved in this matter in this
20 small courthouse square and they don't even say
21 hello, well they're not be unfriendly, they're
22 just following my instructions. Now, Ladies and
23 Gentlemen, it's very important that you keep an
24 open mind and not decide any issue in this case
25 until all the evidence has been presented, the

1 attorneys have made their closing arguments, and I
2 instructed you on the law that is applicable to
3 this case.

4 And, Ladies and gentlemen, it is your
5 solemn responsibility to determine the guilt or
6 innocence of these defendants. And your verdict
7 must be based solely on the evidence as it is
8 presented in this courtroom and on the law as I
9 instruct you at the close of this trial. In just
10 a just moment, Ladies and gentlemen, the solicitor
11 will make what is called an opening statement,
12 where he will explain to you to what he believes
13 the issues are in this case. The attorney for the
14 defendants may also make an opening statement,
15 although they are not required to do so. But what
16 the attorneys tell you during the opening
17 statements is not evidence in this case. It is
18 only their contention as to what they believe the
19 issues are.

20 Now Ladies and gentlemen, from time to
21 time during this trial you may hear one of the
22 lawyers say something like, Your Honor, I believe
23 we have a question or a matter of law to discuss
24 with you. Or, Your Honor, may we approach the
25 bench. Or sometimes I might find it necessary to

1 excuse you from the courtroom for a short period
2 of time so the attorneys and I can discuss a
3 matter of law. Now the reason that you are
4 excluded from these conversations is because as
5 I've said to you, you are the judges of the facts.
6 And sometimes when I am discussing matters of law
7 with the attorneys, it may be necessary to make
8 some comment on as to the facts as to making a
9 ruling, or whether or not a particular law
10 applies. And as I've said, I'm not supposed to
11 tell you what I think the facts are. So as I
12 said, I will excuse you from the courtroom while
13 these discussions take place so that you will in
14 no way be influenced by anything that I might say
15 or do in connection with the facts.

16 Also during the trial you may hear one of
17 the attorneys make an objection to certain
18 testimony or evidence which is about to be
19 presented. Whether I sustain, which would be to
20 grant the objection, which would then stop the
21 testimony, or overrule which would be to deny the
22 objection and allow the testimony to continue,
23 should not be construed that I favor one side over
24 the other. I do not. Nor should you infer that
25 the objecting party is trying to hide something

1 from you. Ladies and gentlemen, in this court as
2 in all situations in the life, there are specific
3 rules that must be followed. And the attorneys as
4 officers of this court are merely trying to follow
5 the rules of evidence of this court in making
6 their objections. And I am only ruling based upon
7 what I believe the law of this state to be
8 concerning the evidence being presented.

9 Ladies and gentlemen, in determining what
10 the true facts are in this case, you must decide
11 whether or not the testimony of a witness is
12 believable. It will be my responsibility as the
13 trial judge to rule as a matter of law as to
14 whether certain testimony is admissible. But
15 once the testimony is admitted, whether or not you
16 decide to believe it is entirely up to you.

17 In deciding whether to believe a witness,
18 you have the right to consider the interest of any
19 witness, the bias of any witness, the prejudice of
20 any witness, the opportunity for the witness to
21 actually observe the things and matters about
22 which the witness may testify, and the way the
23 witness acts on this witness stand. Ladies and
24 gentlemen, you have a right to consider anything
25 that is in the record that will help you evaluate

1 the testimony of a witness. That means as jurors
2 it is your duty to pay close attention to
3 witnesses, to observe the witnesses, and to listen
4 to witnesses, and to pay close attention to the
5 attorneys and to the court. Ladies and gentlemen,
6 please don't let your thoughts wander, but give
7 strict attention to the testimony in this case, so
8 at the end of all of the testimony, after the
9 arguments of counsel and the charge on the law by
10 me, you will then be in a position to determine
11 what the true facts are and to apply the law to
12 those facts. And thus render a true and just
13 verdict.

14 Now, Mr. foreman, in addition, it will be
15 your responsibility to preside in the jury room
16 and be the jury spokesperson here in court. It
17 will also be your responsibility to write down the
18 verdict. But I will gave you further instructions
19 on that at the appropriate time. Now in order to
20 preserve everyone's rights, I live give the
21 parties an opportunity to object to anything that
22 I've stated to the jury. Does the State have any
23 objections?

24 MR. MEADORS: No, sir.

25 THE COURT: Mr. Murphy, any objections?

1 MR. MURPHY: No, Your Honor.

2 THE COURT: Mr. Kent?

3 MR. KENT: Nothing on behalf of
4 Ms. Helton.

5 THE COURT: Thank you. Ladies and
6 gentlemen, we will now begin the trial of this
7 case. Mr. Meadors.

8 MR. MEADORS: May it please the court.

9 THE COURT: Yes, sir.

10 MR. MEADORS: On December 8th of 2012,
11 late in the evening, Shonta Helton got angry, got
12 mad because she was embarrassed in front of bunch
13 of her friends by the victim, Mario Scott. She
14 was embarrassed and they were laughing. And she
15 got angry and she called Gary Dargan. And said,
16 come kill him. Kill him. And Gary Dargan, the
17 evidence will show, did. That's what this case is
18 about. The slaying of Mario Scott because he
19 embarrassed Shonta Helton.

20 Mr. Foreman, Ladies and gentlemen of the
21 jury, as Your Honor has said, thank you for being
22 here. My name is John Meadors. I'm an assistant
23 solicitor and work for the Honorable Ernest E.,
24 Chip Finney, III. As it was introduced earlier,
25 your elected official. I am honored to be here on

1 his behalf. Tyler Brown, and Mr. Tom, and Natalie
2 with the Sumter Police Department. Natalie Kelly
3 and Tom Miller. And we are here today
4 representing the people of the State of South
5 Carolina, the people of Sumter, against the
6 defendant, Gary Dargan, represented by
7 Mr. Murphy. And Shonta Helton represented by
8 Shaun Kent. We're also here representing the
9 family, Karen and Rosa Jennings, back here in the
10 front, the parents of Mario Scott.

11 Your Honor, could I see the indictment?

12 THE COURT: Yes, sir.

13 MR. MEADORS: And as His Honor has told
14 you, Sumter County Grand Jury returned an
15 indictment. And this is just a charging paper.
16 It's not evidence as Your Honor told you. But
17 they returned an indictment charging the
18 defendant, defendants, Helton and Dargan, with
19 three different crimes. I'm going to go through
20 them briefly, and tell you what the elements are
21 and what the State must show you in this trial for
22 you to consider a verdict in this case;
23 respectfully, a verdict of guilty. But, you know,
24 as the judge said, that decision is up to you.
25 That is the beauty of this system. We all come

1 in here, day and day out. This is our office, our
2 job. I love it. And our job is to present to you
3 the facts fairly, following the rules.

4 His Honor is the law. He tells us the
5 rules, and we will follow them. And you decide
6 what's credible from this stand. Decide what the
7 facts are. The judge gives you the law. And then
8 you as a community decide this is what the verdict
9 is. And that's why as His Honor said, is so pure.
10 And that's all we're going to ask of you this
11 week. And we'll finish Thursday.

12 But what's the charges? Well Mr. Dargan
13 is charged with murder. You have all heard it on
14 TV. You're going to get to hear it live in this
15 courtroom this week. Murder is the unlawful,
16 malicious, intentional killing of another living,
17 breathing, human being with malice aforethought.
18 What's malice. You have heard that. You've seen
19 it on TV. And maybe seen it in life. Malice is a
20 meanness, a wickedness, that evilness, a
21 spitefulness, one person chose to the other.
22 It's just mean. The unlawful, intentional killing
23 of another individual with malice aforethought.

24 Now that word, aforethought, is just a
25 term of art. Malice can -- it doesn't have to

1 exist at any particular time. It's just kind
2 exist an instant in this case and when the trigger
3 was pulled. We don't have to have motive in this
4 State. We don't have to have it planned,
5 premeditation. That's not the law in South
6 Carolina. So malice aforethought it's just at
7 that instance. At that instance malice exists.
8 Malice can be expressed, I am going to kill you.
9 Or it can be inferred in this case. And in this
10 case it can inferred with the use of a deadly
11 weapon.

12 Malice aforethought. Shooting at somebody
13 8 times as they're walking down the street.
14 Malice. Meanness. Evilness. We've also got to
15 show you this happened Sumter County, and that
16 Mario Scott died as a result of this. In this
17 case the allegations are, the defendant, shot
18 Mario Scott. We believe 8 times. Hit him twice.
19 With a 45. And we have to prove to you the
20 approximate cause of death was from one of those
21 gunshot wounds.

22 And will have a lady named Dr. Janice Ross
23 that's going to come in here, either late Tuesday
24 or Wednesday, and tell you based on her
25 examination of Mario Scott, this is what he died

1 of. He died of a gunshot wound. You will have
2 that testimony. But we've got to prove that to
3 you. Mr. Dargan is also charged with possession
4 of a weapon during the commission of a violent
5 crime. Well that kind of speaks for itself. His
6 Honor will go over that law with you, a firearm
7 during a violent crime, which murder is. If you
8 so find this is murder.

9 Count 3, accessory before the fact of
10 murder. And that's what Ms. Helton is charged
11 with. We submit to you that that the evidence
12 will show -- we submit to you the evidence will
13 show that if it wasn't for Shonta Helton telling,
14 encouraging, aiding Gary Dargan to come kill Mario
15 Scott, he'd still be here. And she's charged with
16 accessory before the fact of murder. The
17 allegations that she devised or agreed or urged,
18 in some way, aided, counseled, or encouraged this
19 murder to happen. And you're going to have to
20 decide if the State has presented that evidence
21 that she did that. And that's what the case is
22 about for Ms. Helton. Did she urge, encourage
23 Gary Dargan to come unload a 45 that ended the
24 life of Mario Scott. Well those are the elements.

25 Now what is the burden on the State in

1 this case. We'll you've all seen it, and know
2 what it is. You can recite it as good as I can.
3 It's beyond a reasonable doubt. Beyond a doubt
4 that makes reasonable folks hesitate to act. It's
5 not beyond all doubt. If that was the burden, no
6 use to build this beautiful new courthouse. You
7 could never prove anything beyond all doubt. It's
8 beyond a reasonable doubt. Beyond a doubt that
9 makes reasonable folks hesitate to act.

10 Now His Honor talked about this. I'm
11 going to briefly, just briefly talk about it, the
12 types of evidence you are going to hear. Direct
13 evidence is an evidence -- is evidence that comes
14 from a witness who takes this stand and says, I
15 heard this. I heard a gunshot. I saw this. I
16 saw people arguing. Heard it, saw it, felt it,
17 touched it. One of my senses, I smelled it. If
18 they come in here and tell you all, this is what I
19 heard, what I saw, what I smelled, that's direct
20 evidence. In the law there is also something
21 called, circumstantial indirect evidence. Which
22 the law says it's just as powerful. You can
23 consider it just as much as you can direct
24 evidence. Give them both even weight.

25 It's proof of a chain of facts and

1 circumstances indicating an existence of a fact.
2 Proof of a chain of facts and circumstances that
3 establishes a fact. It's just as strong as direct
4 evidence. Well what's an example of that.
5 Obviously once you go to bed and it's snowing.
6 You get up in the morning and there is snow on the
7 ground. Well you didn't see it. But that's
8 indirect circumstantial evidence. It's just as
9 good as if you saw it. A gunshot wound to the
10 body, well you don't know where the bullet went.
11 You don't have a bullet. You don't have a bullet.
12 You didn't see anybody shot it. But there's a
13 bullet hole in them. And the doctor says this is
14 what they died.

15 Just as good as seeing shoot it, as far
16 cause of death. Indirect evidence. You don't
17 necessarily see it and have a video of everything.
18 Direct, indirect. You're going to see some
19 pictures, aerials, the south side of Sumter, all
20 of Sumter where this incident took place.
21 Documents, phone records. Other evidence you
22 will have, that after it's admitted into evidence,
23 you will have for your consideration. And
24 finally about all of us in here, the Judge has
25 said it, and I will be brief, he is the law. I

1 mean, no question he is the law. He tells
2 everybody what the law. And knows the law better
3 than anybody. And he governs with that law. And
4 he's the judge of the law. But you're also
5 judges; judges of the facts. And you didn't come
6 in here and Mr. Campbell didn't have a school for
7 you to go to be jurors. But you've kind of been
8 going through that school your whole life. You
9 all know it. It's the school of common sense.
10 It's evaluating people every day whether it's in
11 your house, whether it's your friends or people
12 you work with. What the truth is, evaluating
13 people. And that's all we ask you to bring in
14 here today, and you brought it, your common sense
15 and abilities you've got here, and determine what
16 the truth is. And that's all we can ask.

17 Well let's get down to it. This is
18 opening statements. It gives us a chance to tell
19 what we believe the evidence will show. And later
20 on, we will be able to come back afterwards and
21 present closing arguments, arguing to you what we
22 believe the evidence showed and the reasonable
23 inferences. Again, you tell us what it showed
24 with your verdict. And that is the way it should
25 be. Well what happened. It's December 8th 2012,

1 we're going to ., on the south side
2 of Sumter. ., the residence of
3 Betty Welch. And Betty is going to tell you, I
4 just got a new job starting at a convenience
5 store. I believe it's El Cheapo, starting Monday.
6 And I want to have a party. So she has a party at
7 her residence. Sometime late that evening,
8 December 8th Saturday.

9 People start gathering at 6:30 to 8
10 o'clock. It's mostly a girl's party, we are going
11 to find out, the evidence will show. Mostly,
12 girls there. Betty's friends, Tajuana Davis,
13 Kenyardo Bolden, Alexia Smith, Danielle Govan, a
14 bunch of different folks. And some others I may
15 be leaving out. And they get there and they're
16 partying. And some are drinking. Some not
17 drinking that much. Some not drinking at all.
18 But they're having a good time.

19 You will learn that Betty Welch is in a
20 relationship with Mario Scott, our victim here.
21 And Mario was at the residence. He stayed there
22 some; also stayed with his folks some. He was
23 kind of in the back. It was a girl's party.
24 Early evening, becomes later evening. You're
25 getting towards 10:30, 11 o'clock. Some of the

1 ladies are getting loud. Don't mean that
2 disrespectful at all. Some drinking. Some having
3 a good time, getting a little loud. Betty and
4 some of them are worried about the neighbors.
5 Perhaps calling the police. Ms. Helton we believe
6 it will show, was drinking, was getting loud.

7 At some point Mario Scott comes out of the
8 house, gets in between Ms. Helton and another
9 individual and tries to calm things down. You
10 will hear different testimony. People see
11 different things. Somebody sees Ms. Helton push
12 Mario Scott. Mario Scott pushes her. He mashes
13 her. He mashes her. Maybe not that hard. The
14 evidence says he mashes her. He mashes her. And
15 her wig goes off a little bit. And I'm not trying
16 to make fun of that. But that's what happened the
17 evidence will show, and she got mad. She got mad.
18 She got angry. Somebody picks up, Mario, you will
19 hear his size. He's a small fellow. The
20 pathologist will tell you, some witnesses will
21 tell you. Takes him up on the porch, kind of
22 separated him.

23 Betty says, get out of here Mario. Head
24 on back on home with your folks. Start walking.
25 Shonta Helton, the evidence will show, gets on the

1 phone, and listen to the witnesses as they
2 describe them. She gets on the phone, and makes a
3 phone call and calls Gary, and guess the evidence
4 will show, some witnesses will say, Gary, this
5 mother fucker put his hands on me, come do
6 something. This, and I not going to say the word.
7 But she says this N. done touch me, come kill him.
8 Listen to that testimony.

9 And at this time Mario Scott, the evidence
10 will show, is walking home, down
11 Walking up to . Walking up Guinyard. You
12 are going to have maps If I mess it up. Walking
13 down toward I believe, toward Purdy and going to
14 take a right on Dingle. Where your witnesses say,
15 after they tell him, let's calm it down. And a
16 couple of witnesses are going to say they saw
17 Shonta Helton come out with a knife in her hand.
18 Listen to them when they tell you. They separate
19 them. Mario is leaving the evidence will show.

20 Shonta Helton is following him, on the
21 phone. Following him down to . Across
22 Guinyard. Danielle Govan actually goes down, the
23 evidence will show, stops and then moves on. And
24 the last scene from , Shonta Helton,
25 following Mario Scott, across Guinyard, down

1 toward Dingle. Well what happens next? Proof of
2 a chain of a facts and circumstances indicating an
3 existence of a fact. The evidence will show Gary
4 Dargan answered the phone. Answered the phone,
5 and he calls a fellow named Robert Bernard
6 Mellette. You are going to hear this. Robert
7 Bernard Mellette gets on the phone and says, what
8 do you want. And he said go down. Gary orders
9 him to Guinyard. Go down toward the bridge. I'll
10 tell you when you get there. He gets down to
11 Guinyard and said, what do you want. Go pick up
12 Shonta Helton.

13 The evidence will say she is not here.
14 And then you see or hear and see a series of phone
15 calls between Robert Mellette, Gary Dargan, Shonta
16 Helton. Trying to locate Shonta Helton, Robert
17 Mellette will tell you. Finally with a series of
18 phone calls in between each other, Robert Bernard
19 Mellette, at Gary Dargan's instructions, goes down
20 and finds Shonta Helton on Dingle Street. And
21 he's going to tell you, I see her there with Mario
22 Scott. And I see them arguing together.

23 And he's going -- he says I see them, and
24 I tell her get in the car. One door is broken. I
25 had to let her in another door. She gets in. He

1 said she even demonstrates to him how Mario mushed
2 her, and she was upset and punched him in the eye.
3 Robert Bernard Mellette, heads down towards south
4 Sumter. Takes a right on south Sumter. Takes a
5 right on south Sumter after Dingle. Dingle and
6 Wright intersection. We will show you maps. He
7 heads down to south Sumter and takes a right.

8 This time he sees a van with writing on
9 it, fly by. Comes back down on Street.
10 Because he's told Gary Dargan, I got her. What do
11 you want me to do. Take her to Street.
12 He then goes to Street. When he gets to
13 Street, he sees that same dark van with
14 writing on it, at the house on Street.
15 And it flew by in the van. And he sees Gary
16 Dargan get out of the van.

17 And, Ladies and gentlemen, we are going to
18 have, we believe between 5, 10 minutes when we
19 will be able to show you Mario Scott was killed,
20 was murdered. When Gary Dargan came down Dingle
21 Street and unloaded a 45. Listen to the evidence.
22 Circumstantial evidence. A chain of facts and
23 circumstances indicating the existence. Bernard
24 leaves. Robert leaves. Sometime later on in the
25 evening, we go back to scene one, the evidence

1 will tell you. And I'll explain as best way I
2 can.

3 These ladies left that party. And they
4 will tell you, we didn't think anything was going
5 to happen. They go out to Miami. Club Miami
6 across from Shaw. Some point later when they get
7 to Club Miami, Kenyardo Bolden, I believe she is
8 going to testify, she got a call from Gary Dargan,
9 and said, tell Betty Welch to go check out there
10 on Dingle Street, her man has got shot. They go
11 inside Miami. Later on you're going to hear that
12 Gary Dargan and Shonta Helton go to Club Miami.

13 They all leave sometime late that morning.
14 Betty Welch goes back to house. Sees the police
15 there. Tajuana Davis is with her. Takes her back
16 to her house. The next morning they discover
17 Mario Scott was shot up on Dingle Street, and died
18 as a result at 4:00 o'clock in the morning. And
19 this happened we believe at 12:09. Around 12:15
20 or shortly after that van went by there, we
21 believe a witness is going to say she heard some
22 shots fired about 12:15. Four o'clock in the
23 morning on December 9th, Robert Mellette gets a
24 phone call and said, don't tell the police you
25 picked up, Shonta Helton where you picked her up.

1 And don't tell the police that you saw Shonta
2 Helton with Mario Scott when you picked her up.
3 Don't tell them that.

4 And Robert Mellette said, I all going to
5 tell them. But that's what happened. And He did
6 tell the police. And to this day, he's going to
7 come in here and you are going to hear him testify
8 to what happened; who he saw and what he saw.
9 Ladies and gentlemen, I know you will pay
10 attention to the evidence that goes through. And
11 it's a piece of evidence that establishes one
12 part, and then another part. And then another
13 part. And when you put them all together, it's
14 going to show the fact in question; that on
15 December 8th about 11 o'clock, maybe 11:30,
16 Ms. Helton, got of mad at Mario for mushing her.
17 she called Gary and said come kill him. Gary
18 called Bernard. Picked her up. Sees a van come
19 by with writing on it. A few minutes later
20 somebody hears shots. We see the same van, which
21 Gary Dargan gets out of.

22 And then somebody calls and the police
23 come. And Mario Scott is shot on Dingle and
24 Wright Street. We've got phone calls. Some other
25 evidence you are going to see. Just pay

1 attention. Use your common sense as you go
2 through. Decide what the truth is.

3 His Honor had mentioned to you briefly
4 about the credibility and believability. That's
5 that all every case comes down to. Every case.
6 That's all life comes down to. It's all our
7 relationships with other people, credibility and
8 believability. And when you make that decision of
9 all the witnesses, decide what the truth is. What
10 is credible. What is believable. And y'all know
11 it. And when you decide it, we believe, after
12 you're heard all the evidence Thursday, you are
13 going to come back with a verdict that says Mario
14 should still be here, but he's not. And
15 Ms. Helton ordered the killing. And Mr. Dargan
16 completed it. And we are going to find them both
17 guilty. Thank you.

18 THE COURT: Thank you, Mr. Meadors.
19 Mr. Murphy.

20 MR. MURPHY: Thank you, Your Honor.
21 Pleases the court, good afternoon. My name Tim
22 Murphy, and I represent Mr. Gary Dargan.
23 Mr. Gary Dargan, as you heard is charged with
24 murder. Charged with shooting Mr. Scott on
25 Dingle Street. This is a serious crime. The most

1 serious crime one can imagine.

2 Mr. Dargan didn't do it. He's not
3 guilty. And the State will not be able to show
4 you that. Now that's it in a nutshell. I mean
5 you probably think well I kind of expected him to
6 say that. But what I would like to do is, in my
7 opening remarks, is to leave you with some
8 concepts on how to view of the evidence, and
9 advise you of what we believe the evidence will
10 not show. First of all, Gary Dargan is innocent.
11 Innocent. Not just not guilty, innocent. And it
12 is through that prism of innocence that the judge
13 will advise you, His Honor will advise you, you
14 must examine the evidence presented by the State,
15 throughout its presentation of the case.

16 He is presumed innocent by law. It is a
17 fundamental right. So what does that mean as a
18 practical example. I mean if you sit or somebody
19 sits thinking, you know, I wonder whether he did
20 it. And I wonder what the State is going to show
21 today, or I wonder. What the law says is that you
22 must come in and view the evidence from the very
23 beginning, as if Mr. Dargan is clothed in a robe
24 of righteousness. That's exactly what the
25 instructions will say, innocent. Not just not

1 guilty, not just maybe, maybe not, innocent.

2 And Mr. Dargan asks and I ask on his
3 behalf, that you hold the State to its burden.
4 You hold the State to its burden. Now you heard
5 Mr. Meadors outline what they believe they are
6 going to prove. Hold them to it. Beyond a
7 reasonable doubt. No, it's not absolute doubt,
8 but you've got to be certain. At the end of this
9 process, that he was Dingle Street that night,
10 pulling that trigger. And they're not going to be
11 able to demonstrate that, because it didn't happen
12 that way. He wasn't there.

13 We anticipate that no witness, and there
14 is no witness who saw Mr. Dargan shoot Mr. Scott.
15 No witness will testify to that. There is no gun.
16 No murder weapon will be produced. No murder will
17 be tied to Mr. Dargan at all throughout this
18 trial. That's what we anticipate that this case
19 will show. The State's case will show. No DNA or
20 other type of physical type evidence of that sort,
21 fingerprints, DNA, will tie Mr. Dargan to Dingle
22 Street that night. None. Zero. It won't be
23 produced. We anticipate no witness will testify
24 that Mr. Dargan had any motive.

25 I mean now the State's motive is his

1 ex-girlfriend calls him up and says take care of
2 this guy. And then he goes out and shots her.
3 But we submit that no one will testify, yeah, you
4 know, Mr. Dargan, really hated Mr. Scott. Really
5 had it out for him. That's what we anticipate.
6 No real motive. We invite you to examine the
7 evidence that they produce. Now a lot of the
8 evidence we anticipate they're going to produce is
9 on some of the things that Mr. Dargan said or did
10 after the fact.

11 And look, some of it wasn't smart. Okay.
12 I mean, weren't not holding anything back here.
13 Okay. He did some stupid things. But look at
14 those things that they produced. None of it is
15 incriminating. None of it.

16 They've got one witness who says he
17 admitted to something who's a convicted felon.
18 That's it. We anticipate that because they're
19 going ot call that witness. The bottom line,
20 Ladies and gentlemen, is that the State, not only
21 won't be able to -- they're just not going to be
22 able to prove their case. There is no case here.
23 My client is innocent. He didn't do this crime.
24 They jumped to conclusions, and they arrested the
25 wrong guy. That's what the next couple of days is

1 going to be about. That's what their case is
2 going to show. And at the end of the presentation
3 of their case, we're confident that you're going
4 to conclude that my client is innocent of this
5 horrible crime. Thank you.

6 THE COURT: Thank you, Mr. Kent.

7 MR. KENT: Thank you, Judge. May it
8 please the court, Solicitor. How are you all
9 doing. Tomorrow morning, tomorrow sometime my
10 girlfriend is going to be leaving to go to Russia.
11 She's going to back. She's going to visit for a
12 couple of weeks. So last night, we all got
13 together with my family, and we decided to have
14 dinner. So we're sitting there having a big
15 dinner. Everybody is talking. We're talking
16 about where we're going. Everything is going
17 fine. Everybody is having this delightful
18 conversation with my parents.

19 And all of a sudden the mood of the room
20 got a little bit rude. Mom started giving dad
21 this mean look. And then dad started giving mom
22 this mean look. You could cut the tension with a
23 knife. So finally unfortunately, I know what
24 that look meant. But my girlfriend unfortunately,
25 decided she was going to say, what is going on

1 with you. My dad looks at her and he is like,
2 she got me a speeding ticket. My mom looks at
3 him, and says no, I did not. She got me a
4 speeding ticket. No, I did not. I left it alone.
5 I didn't have any stake. I figured I am going to
6 stay out of it. I don't want any part of it. But
7 my girlfriend said, well tell me what happened.
8 So my dad says, she came to me, she told me that
9 she needed me to go to the store; she needed me to
10 pick up some stuff. She said I want you to go to
11 the store. I want to pick you some ice cream. My
12 absolute favorite was Piggly wiggly, go pick it up
13 for me. And I want it when I get home.

14 He says, I really don't have time to do
15 this. I have to make it to a bunch of different
16 places. I have to make it back to work. When I
17 get back to work, I have to get back home. And we
18 have to make it out dinner with Shaun. Finally,
19 he left the house, he got a speeding ticket. And
20 he figures he's going to blame my mom on speeding
21 ticket. I started laughing at the story. And the
22 more I laughed at the story, I realized that's
23 exactly what the State of South Carolina is trying
24 to do. They're trying to tie Shonta Helton, who
25 is standing right over here, into that crazy chain

1 the solicitor keeps talking about, the chain of
2 evidence. He keeps talking about this chain of
3 evidence. And sometimes you can make a chain do
4 just about anything. You just put it together the
5 way you want to put it together. And that's what
6 they're doing.

7 This case is not complicated. And it's
8 not going to be the case of the State of South
9 Carolina versus Shonta Helton. It's not. It's
10 going basically be like me and my girlfriend who
11 sat there, who felt uncomfortable watching my mom
12 and dad argue. And there's my mom and dad right
13 there. The State of South Carolina and Gary
14 Dargan. That's who the fight is. And we're just
15 the innocent bystanders, who is just sitting
16 there, oh my God, I can't believe we've gotten
17 ourselves caught in the middle of this mess. I
18 just wanted some ice cream.

19 When you hear the facts, and they boil
20 down to all that fancy arguing and all these big
21 words that everybody is using, what they are
22 basically is, and I loved the way the State used
23 the word fortunately. What they're basically
24 saying is a party happened. And we're not going
25 to disagree with that. You're not going to hear a

1 lot of disagreement from this trial. There was a
2 party. And there were women at this party, and
3 these women we intoxicated. And someone did get
4 their face mushed. Shonta did. She had a wig and
5 it did get mushed off of her face.
6 Wholeheartedly. And she was angry. I am not
7 going to disagree with that. She was upset. And
8 she was angry. She was very upset about what
9 happened. And she was mad at the man who laid
10 hands on her, and hit her in her face. Very
11 upset. All these facts are proven. You're not
12 going to hear me disagree with any of them.

13 Well here comes the disagreement. Well
14 not really. She picks up the phone, and she
15 actually does make a phone call. You're not going
16 to hear a disagreement. She calls Gary Dargan.
17 She has a conversation. I don't know what was
18 said on that conversation, because and you know
19 what the funny part is, neither does the State of
20 South Carolina. Because they're going to offer
21 you a bunch of witnesses who are going to give you
22 3 and 4 different versions of what was actually
23 said on this phone conversation. But a
24 conversation happened. And she clearly called
25 Gary Dargan. And guess what, that's the State's

1 case. All that other fancy stuff over there,
2 that's the case: we made a phone call.

3 We're not sure exactly what was said,
4 because this witness says you say this. And this
5 witness says you say this. And this witness said
6 we say this. So let's take the best one that we
7 can use, to try to convict you. And that's what
8 the State is going to offer you today against
9 Shonta Helton. I've heard all that stuff about
10 the type of evidence, the circumstantial evidence,
11 and all these other things. And what scares me
12 the most, is no matter what we say, Shonta Helton
13 is charged with murder. They can dress it up, and
14 they can dance up whatever they want to do, but
15 she is charged with murder.

16 MR. MEADORS: Your Honor, I object. That
17 is incorrect, and I would like to approach.

18 THE COURT: Yes, sir, you may.

19 (Whereupon, the attorneys approach and
20 confer with judge.)

21 THE COURT: Mr. Kent.

22 MR. KENT: Haven't they told in the
23 indictment, they have charged her with accessory
24 before the fact of murder. His Honor has said
25 that. She is charged with murder. And you've

1 heard the argument from the State of South
2 Carolina that none of this would have happened,
3 but for her. She's been charged in the indictment
4 from the State as accessory before the fact of
5 murder. But you've heard the State's argument.
6 None of this would have happened. None of this
7 would have happened. This murder would not have
8 happened, but for her, but for her conversation;
9 that they don't know what happened on the phone
10 call; on a murder that they're going to have
11 immense difficulty proving.

12 This is one thing that becomes scary is
13 when the State starts guessing and juxtaposing and
14 trying to figure out what happened and they don't
15 really know. What they tried to do is that they
16 tried to put Shonta Helton who stands here, as
17 Mr. Murphy said, in a cloak of righteousness and
18 innocence, and they've put her on trial for a
19 phone call. I love the fact, and I've said it
20 earlier, that they keep using the word, order.
21 And when you listen to the facts and get on the
22 stand, I want you to hear about this: "order,"
23 that they talk about. I want you talk about the
24 fact, and ask the witnesses anything of the nature
25 of, was their money offered. Did Shelton Helton

1 pick up the phone, and say, Gary, I want you to go
2 kill somebody. And there's going to be a gun at
3 this place and pick up the gun and do this. Gary,
4 I want you to go kill somebody. Here's \$30,000.
5 This is what I want you to do with this. Gary,
6 this is the plan. This is the preparation. This
7 is how we are going to actually do it. Or are
8 they going to say she made a phone call, and we
9 don't know exactly what she said.

10 The State offers, and this is what is
11 called discovery pack, where they give us all
12 their evidence. They're going try to present all
13 of this evidence. And when we look through all
14 this evidence, and go through all of that research
15 and going through everything, the evidence that
16 they offer again against Shonta Helton, is a phone
17 conversation. And we'll listen. And I want you
18 to listen to the whole case. And listen to what
19 they have to offer. Murder weapons.
20 Fingerprints. Any of this stuff and nature. She
21 has given statements. All of this stuff, and see
22 what do they have to offer against Shonta Helton.
23 A phone call.

24 You will hear the evidence that she wasn't
25 there when the murder took place. There is no

1 question about that. No murder weapon. Wasn't
2 there. Didn't plan. Didn't prepare. Made a
3 phone call. She's not his sergeant. She's not
4 his captain. She's not his leader. She's just
5 somebody who made a phone call who got angry. And
6 that's what it was. An angry woman picked up the
7 phone and called her boyfriend upset. And said,
8 Gary, come pick me up and get met out of here.
9 Somebody hit me.

10 I don't know what happened after that.
11 And I'll be interested just as you all, to hear
12 it. Because that's not the part of the trial that
13 has anything to do with us, so I'll be sitting
14 here listening at the same way you will; as to
15 what happened after that. Because none of that is
16 going to have anything to do with Shonta Helton.
17 But I will be interested to see there little
18 chains, and how they try to put them together, for
19 a girl who is just getting some ice cream.

20 Thank you so much.

21 THE COURT: Thank you. Ladies and
22 gentlemen, that's all we are going to have for
23 today. Because of the scheduled situations, I'm
24 going to excuse you for the evening, with
25 instructions to be back here at 1:30 tomorrow.

1 1:30 in the afternoon, of course. So, Ladies and
2 gentlemen, please do not discuss anything about
3 the case. And do you read the newspaper tomorrow
4 morning or anything like that. If you see
5 anything on the news, please just disregard it.

6 So, Ladies and gentlemen, have a nice
7 evening. Do not discuss the case with anyone.
8 And I'll see you all at 1:30. And go ahead and
9 eat lunch before we start, because we will not
10 have a lunch break tomorrow. And I'll tell you
11 this story. Don't eat a whole lot though.
12 Sometimes during trials, it gets warm in here. I
13 had a jury like you all. And I had one of the
14 jurors kind of nodding their head a little bit.
15 And I said, stop the trial. Everybody stand up.
16 Well one juror didn't stand up. They were sound
17 asleep. So don't eat a real big lunch before
18 this. And that way you will be attentive and all
19 that. Thank you, Ladies and gentlemen. Have a
20 nice evening.

21 Is there anything we need to put on the
22 record before we break?

23 MR. MEADORS: No, sir.

24 MR. MURPHY: No, Your Honor.

25 THE COURT: Thank you. Court is adjourned

1 until 1:30 tomorrow afternoon.

2 (Whereupon, the trial commences at 1:30 p.m. on
3 Tuesday, Aril 15, 2014.)

4 (Whereupon, the following takes place outside
5 the presence of the jury.)

6 MR. KENT: There was an issue and we did
7 it before Mr. Murphy could come into court. But I
8 don't think it was issue that actually involved
9 him or his client.

10 THE COURT: Speak up.

11 MR. KENT: It wasn't an issue that
12 involved Mr. Murphy or his client.

13 THE COURT: Right.

14 MR. KENT: So we discussed this with you
15 in private. Yesterday after we had gotten done
16 with the testimony my client as well as my
17 client's mother informed me, that her brother, my
18 client's mother Shonta's Helton brother, a client
19 by the name Jamal Helton, this individual,
20 actually was the individual unfortunately who had
21 broken into your home; making you a victim. I
22 think approximately two or three years. In fact,
23 it was quite some time ago. It was about 3 years
24 ago. I think he pled, two or three years ago.

25 THE COURT: In front of Judge James.

1 MR. KENT: He pled in front of Judge
2 James, who was represented by Jack Swerling as
3 well as myself. John Meadors was the prosecutor
4 on the case. The family became concerned when
5 they recognized that you were actual judge, and
6 you were victim technically against them. Mr.
7 Helton---

8 THE COURT: I was not a victim against
9 them. I was the victim.

10 MR. KENT: You were the victim. Yes, sir.

11 THE COURT: Right. And I would not have
12 known this had you told me.

13 MR. KENT: And, Judge, you were the victim
14 on the case. The family was all. They were
15 present during the sentencing. They were
16 concerned about the impression of impartiality. I
17 explained to them that your role as the judge.
18 They still requested me to come in front of you
19 and ask you to recuse yourself as the judge.
20 Based upon a potential impartiality of the fact
21 that you were the victim when it occurred. So I
22 am just placing that on the record; that you were
23 the victim of the brother, Jamal Helton, who is
24 not on trial in this case.

25 THE COURT: And she had nothing to do with

1 that.

2 MR. KENT: There were no allegations
3 whatsoever, that Shonta Helton had anything to do
4 with the prior case of breaking into house
5 whatsoever.

6 THE COURT: Mr. Meadors.

7 MR. MEADORS: May it please the court,
8 Your Honor, I think that's more than 3 or 4 years
9 ago. I did handle the case for the State.

10 THE COURT: Actually it was in November of
11 2008.

12 MR. MEADORS: And, Judge, I handled the
13 case. Mr. Helton ended up pleading guilty in
14 front of His Honor, Judge James. His attorney was
15 Mr. Swerling. There was no indication whatsoever
16 that Shonta Helton had any involvement in that at
17 all. That's all we have.

18 THE COURT: I find there is no conflict of
19 interest. I, like I said, I never even drew the
20 correlation until you told it me. And I didn't
21 even know she existed. So there is no conflict.
22 Let's bring our jury in.

23 (Whereupon, the following takes place
24 within the presence of the jury.)

25 THE COURT: Good afternoon, Ladies and

1 gentlemen. I guess with it being kind of yucky
2 outside, it this is a good place to be. We'll try
3 to make sure, we've had a little trouble with the
4 air, which we thought we would never have that
5 problem again once we moved over from the other
6 building. It's more humid in here, but they'll
7 try to keep it so it's comfortable for you.

8 Ladies and gentlemen, like I said, I hope
9 you had a good night's sleep. We're going to be
10 here for several hours this afternoon. I don't
11 anticipate that we'll have to go into the evening.
12 But if starts looking that way, I will gave you as
13 much notice as possible.

14 THE COURT: Is the State ready to proceed?

15 MR. MEADORS: The State is ready.

16 THE COURT: Mr. Murphy, is the defense
17 ready?

18 MR. MURPHY: Yes, Your Honor.

19 THE COURT: Mr. Kent.

20 MR. KENT: On behalf of Ms. Helton, yes,
21 we are, Judge.

22 THE COURT: Thank you. The State may call
23 first witness.

24 MR. MEADORS: May it please, Your Honor.

25 THE COURT: Yes, sir.

1 MR. MEADORS The State would call Ms.
2 Tajuana Davis.

3 Tajuana Davis, being first duly
4 sworn, testified as follows:

5 THE BAILIFF: Please, state your full
6 name and spell your last name for the record.

7 A Tajuana Davis. D-A-V-I-S.

8 DIRECT EXAMINATION by Mr. Meadors:

9 Q Good afternoon, Ms. Davis. Will you
10 please tell the Ladies and gentlemen of this jury
11 about Tajuana Davis. First of all, where were you
12 born?

13 A Fort Benning, Georgia.

14 Q And where you raised?

15 A Jasper, Alabama.

16 Q And what kind of profession were you folks
17 in.

18 A My dad was in the army.

19 Q In this army?

20 A Uh-huh. (Affirmative.)

21 Q And how long were you in Jasper, Alabama?

22 A Probably until the age of 5 or 6.

23 Q Then where did you move to?

24 A Sumter, South Carolina in 89.

25 Q What year?

1 A 89.

2 Q Can you tell the folks about your
3 schooling? Where did you go to school?

4 A Central Carolina.

5 Q Prior to that, where did you go to like
6 your elementary, middle, high school? Where did
7 you go?

8 A Elementary was R. E. Davis. Then I went
9 to Maywood until they split the schools up and
10 turned them into Lakewood and Crestwood. And I
11 finished out my degree at Lakewood.

12 Q And what year did you finish Lakewood?

13 A 98.

14 Q And what did you do after that?

15 A I left and went into the U.S. Navy.

16 Q Where did you get your basic training?

17 A Great Lakes, Illinois.

18 Q Where?

19 A Great Lakes, Illinois.

20 Q And how long was that?

21 A 8 weeks.

22 Q Did you have any specialty? Or that was
23 basic. What did you do after that in the navy?

24 A I ended going to a school to learn my
25 trade which was an operation's specialist.

1 Q And what is that mean?

2 A I pretty much deal with navigation and
3 communications on a ship.

4 Q And tell these folks what are some of the
5 different places that you were stationed in the
6 navy.

7 A I was stationed in Jacksonville, Florida.
8 Norfolk, Virginia and New Jersey.

9 Q And how long were you in the navy?

10 A 11 and a half years.

11 Q Did you ever go to any countries outside
12 of the U.S?

13 A Yes.

14 Q Tell us about that.

15 A I went to Spain, Italy, Greece, Turkey,
16 Puerto Rico, the Virgin Islands, and Turkey.

17 Q And just briefly. Just a little more
18 background, Your Honor. Not much. In the navy,
19 were you on a ship, a carrier. What did you do in
20 the navy?

21 A I was on a ship. I was on three different
22 kinds of ships. One was a oiler. We pretty much
23 refueled the ships while they were out to sea.
24 The other one was an LHD, which was a landing
25 craft for the marines. We pretty much dealt with

1 the transport for them whenever they had to go and
2 do any kind of field training anywhere in another
3 country, we transported them there. And also I
4 was on an aircraft carrier, which we have all
5 heros. And everything else on there pretty much
6 were able to do everything.

7 Q That was a real life aircraft carrier.

8 A Yes.

9 Q What was the name of that ship?

10 A John F. Kennedy.

11 Q And after you -- and you got out in what
12 year?

13 A 2009.

14 Q And you got a medical discharge?

15 A Yes, sir.

16 Q What did you do after that?

17 A I went to school at Central Carolina and
18 took up computer technology.

19 Q In what technology?

20 A Computer technology.

21 Q And are you almost through with that
22 degree?

23 A Yes, I have one more class left.

24 Q And do you have any children?

25 A I have three.

1 Q And back when this happened, and I say
2 this, at the end of 2012, were you in school then?

3 A Yes.

4 Q And you reside here in Sumter?

5 A Yes.

6 Q Now taking your attention directly to,
7 please, Ms. Davis, December 2012. Specifically,
8 December 8th 2012. Do you remember that day?

9 A Yes, sir.

10 Q And can you tell the jury how it is you
11 came about going to Ms. Betty Welch's house?

12 A We all decided to have a lady's night,
13 and pretty much food, drinks. Just having a good
14 time amongst ourselves.

15 Q And you say we decided. Who is we?

16 A Myself, Betty Welch, Tamar Lawson,
17 Kenyardo, Ninnie, and Lexie and also Shonta.

18 Q And you said some names, Kenyardo. Do you
19 know Kenyardo's last name.

20 A No.

21 Q And you said a Tamar?

22 A Tamar Lawson.

23 Q And you said a Ninnie?

24 A Yes.

25 Q Do you know any reference besides that for

1 Ninnie?

2 A No.

3 Q And I think you said an Alexis.

4 A Lexie.

5 Q Alexie. And Shonta.

6 A Yes.

7 Q And had you known all of these folks for a
8 while? Or who did you know?

9 A I knew Tamar and Betty. I knew Shonta
10 through a mutual friend. Well actually through my
11 sister. I also knew Prissy through my sister.

12 Q I am sorry to interrupt you, but who is
13 Prissy?

14 A That's Kenyardo.

15 Q Kenyardo is Prissy. And you knew her how?

16 A Through my sister. And Ninnie, we just
17 met Ninnie and Lexie. I don't know them very well
18 at all.

19 Q You said you knew, and this is Shonta
20 Helton next to Mr. Kent.

21 A Yes.

22 Q You knew her through your sister?

23 A Yes.

24 Q And how long had you known Shonta Helton?

25 A Probably not even a year.

1 Q Knew her by name and sight though when you
2 saw her.

3 A Right.

4 Q And how did you get to Betty Welch's
5 house?

6 A I drove.

7 Q And what kind of care were you driving?

8 A A Cadillac Deville.

9 Q And where does Betty Welch live?

10 A She lives at .

11 Q As far as you know, is that near Guinyard?

12 A Yes.

13 Q And what time did you, Tajuana Davis,
14 arrive at ?

15 A Between 6 and 6:30.

16 Q And who were you were with if anything?

17 A I got there---

18 Q Who did you come with?

19 A Oh, just myself.

20 Q And when got there, who was there?

21 A Betty, of course was already there. Mario
22 was there. I am not sure if Danielle was already
23 there or not. We may have came around the same
24 time, but we waiting on everybody else to come.

25 Q You've said some other names now. Mario

1 was there. Who is Mario?

2 A The deceased.

3 Q Last name Scott?

4 A Yes, sir.

5 Q You said Danielle. Who is that?

6 A She's one of the other females that was
7 there. I'm sorry, I left her out.

8 Q So this sounds like primarily, pretty
9 much an all girl's party?

10 A Yes, sir.

11 Q Do you know why Mario was there?

12 A Well he lived there. And according to
13 Betty, he didn't really have anywhere to go. You
14 know, I guess hanging out with some of his
15 friends. So he decided to stay there, but he
16 stayed in the back. So the girls pretty much had
17 time to ourselves.

18 Q Describe Mario to these folks. How big
19 was he?

20 A He was short. Very tiny.

21 Q So you got there by yourself.

22 A Uh-huh. (Affirmative.)

23 Q And it's how long did it take for these
24 other folks to arrive that you told these ladies
25 and gentlemen about?

1 A I'd say, a little after eight were all
2 there. Everyone was there.

3 Q And you say you are there. Where, you all
4 start partying?

5 A I am sorry?

6 Q You start partying or talking?

7 A Well we, I guess, as the people arrived,
8 they just kind of fell in. So, no, we weren't
9 just sitting there waiting for everyone. We just
10 kind of started doing everything. And once the
11 other people showed up, they fell in. And then
12 when other people showed up.

13 Q Just like coming, when you get there, join
14 the conversation or whatever.

15 A Yes, sir.

16 Q And the start of the evening 7:30, 8
17 o'clock, where were most of the people inside or
18 outside of the house?

19 A Inside.

20 Q And so when everybody was there, if this
21 makes sense, how many people were there,
22 approximately?

23 A Excluding Mario or including him?

24 Q Including.

25 A Mario, Betty, Tamar, Ninnie, Lexie,

1 Danielle, Kenyardo and Shonta. Nine.

2 Q And tell the folks, ladies and gentlemen,
3 what were you all doing?

4 A Well we were drinking and eating. And
5 just talking amongst ourselves, lady talk.

6 Q And where were Mario?

7 A In the back room.

8 Q Are there neighbors around Ms. Betty's
9 house?

10 A Yes.

11 Q Did some point the talk get louder?

12 A A little bit louder, you know, in a way,
13 not to where would want to call for a, you know,
14 disturbance of the peace or anything.

15 Q And at some point did you go outside?

16 A Yes.

17 Q Tell the ladies and gentlemen how did that
18 come about.

19 A Well Danielle, she was in there talking
20 about, you know, I guess distinguishing, between
21 what a lady is and what a lady isn't. And we all
22 just kind of chimed in. And said, yeah, you know,
23 I am lady. I am a lady. I know I am a lady. And
24 Shonta said, well I know, you know, I am lady.
25 And Danielle pretty much looked at her and said,

1 you're everything but a lady.

2 And then it kind of started an argument
3 between Danielle and Shonta. And the argument
4 just kind of escalated. And pretty much, when me
5 and Betty seen that it wasn't going of calm down,
6 it was kind of, you know, it was just get a little
7 out of hand. That's when Mario came from the back
8 room. So that's when everybody actually started
9 getting pretty loud.

10 So between me, Betty and Mario, we decided
11 that, hey, you know, maybe we should go ahead and
12 end this. Everybody should just get ready, you
13 know, to go home. And that's how ended up going
14 outside.

15 Q And were you, you all said you needed to
16 end it, were worried about the noise?

17 A Yeah. And we didn't want those two to
18 get in any kind of, you know, physical
19 confrontation or anything. We didn't want any
20 cops called or, you know, actual disturbance of
21 the peace or anything bad going on. And so we
22 were all adults, we figured that is the best thing
23 to do since they couldn't calm down.

24 Q Try to nip it.

25 A I'm sorry.

1 Q Try to nip---

2 A Yes.

3 Q It before it gets out of hand.

4 A Yes.

5 Q So your testimony it was ladies or girl's
6 talk which lead to an alteration or words between
7 Danielle and Shonta.

8 A Yes, sir.

9 Q So it was after that, that Mario came up
10 front, or came up out of the back?

11 A Right.

12 Q And what happened after that?

13 A Pretty much everybody else, we were all
14 calm. We tried to -- we were talking to Danielle,
15 talking to Shonta. You know, pretty much letting
16 them know this is okay. It's just talk. You
17 know, there is no need to argue or anything about
18 it. And everyone else, you know, was getting
19 ready to go to their cars. And Shonta, she just
20 kept arguing. She kept being loud. And that's
21 when Mario, you know screamed out to Betty, you
22 need to get this trick ass girl out of your yard.

23 Q You need to get this trick ass girl out of
24 your yard.

25 A Uh-huh. (Affirmative.)

1 Q And what happened after that?

2 A It upset her that he called her a trick.
3 And she yelled out, trick, trick or whatever. And
4 she proceeded to go to him and try to push him.
5 And that's when Lexie kind of got in between them.
6 She grabbed Mario, and I guess, kind of kept them
7 away from each other so they wouldn't fight. And
8 after that----

9 Q And you say and again, you said, she came
10 after him. You're referring to Helton.

11 A Yes.

12 Q Came after Mario after he said that.

13 A Yes.

14 Q And this Alexie -- I'm sorry, Alexie,
15 what's her last name?

16 A I don't know remember.

17 Q But you saw her do what with Mario?

18 A She grabbed came him. She came behind him
19 and kind of grabbed him.

20 Q Picked him up?

21 A Yeah, and brought him away from her.

22 Q Separated him from the situation?

23 A Yes.

24 Q And where were you when that happened?

25 A I was still at the porch at first. And

1 then after that I walked over to Danielle, and I
2 noticed she had purses in the back of her truck
3 that she sells. And I wanted to see what she had
4 so I can possibly buy one from her. And while me
5 and her were at the back of the truck, Shonta was
6 not even 2 steps away from me. That's when I
7 heard Mario yell out, you know what, you know
8 what. You know, I guess, being that she put her
9 hands on him first. That's when her ran up to her
10 and snatched her wig a little bit on her head.
11 And we all kind of, you know, laughed a little bit
12 about it.

13 Q When you said, did you all laugh?

14 A Yes, we laughed. It was, you know, funny.
15 And then I guess it really upset her.

16 Q She didn't think it was funny, did she?

17 A No. (Uh-uh.) (Negative.)

18 Q Go ahead.

19 A And that's when Lexie came again and
20 grabbed Mario. And this time they were kind of on
21 my car and broke the side view mirror off.

22 Q Who broke her side view? Alexie?

23 A I would say it was both of them. Because
24 she trying to get him. And he was kind of trying
25 to resist.

1 Q Alexio and Mario.

2 A Right. And after that, that's when, you
3 know, we told Betty hey, you know, you need to do
4 something. You need to do something. You know,
5 this is your man and this is your best friend.
6 Something needs to be done. So Betty of course
7 told Mario, hey, you need to leave. You need to
8 go on home. And from what, you know, Betty said,
9 whenever her and Mario may get into some kind of
10 argument or altercation or something, this is
11 normal. He will go ahead and walk home. You
12 know, to avoid anything else happening.

13 So he proceeded to get ready to walk out
14 in the yard. And that's when Shonta came back up
15 to him again, and she was yelling at him saying,
16 saying yeah, I am about that life. I am about
17 that life. And that's when Betty tried to break
18 it up again. And that's when he actually was able
19 to get fully out of the yard, and started walking
20 across the street and down the road.

21 Q Mario?

22 A Yes.

23 Q Okay.

24 A And that's when Shonta, she got on the
25 phone, and, you know, I heard here say, Gary, this

1 nigger put his hands on me. Come over here and
2 kill this nigger. I am at Betty's house. And
3 then that's when she started walking down the
4 street behind him.

5 Q Now, Ms. Tajuana, did you hear her say
6 those words?

7 A Yes, sir, I did.

8 Q Gary and the N. word?

9 A Yes, I did.

10 Q Put his hand on me and come kill this N.?

11 A Yes.

12 Q And can you describe her? Was she angry?

13 A Yes.

14 Q And at this point had Mario, where was
15 Mario?

16 A He was probably maybe half way down the
17 street.

18 Q So he was leaving.

19 A He was already leave. Uh-huh.

20 (Affirmative.)

21 Q What happened after you heard those words
22 on the phone call?

23 A She started walking down the street behind
24 him.

25 Q Prior to that, had you heard or seen her

1 with anything else?

2 A No.

3 Q What happened next?

4 A Well we saw those two -- well we saw her
5 walking down behind him. And Danielle, she got in
6 her truck. She was getting ready to leave. But
7 we saw Danielle stop where they were. And of
8 course I don't know what was said, or maybe she
9 was help to try to separate them. I have no idea.

10 Q But you don't know.

11 A I have no idea. But she ended up driving
12 off after that. And then that's when Tamar, she
13 was still able to see them. And she said they
14 were actually facing to face. But by the time we
15 all came out to the road to see what was really
16 going on, all we saw were bright lights from
17 another car. And we didn't see either one of
18 those. Either one of them, Mario or Shonta after
19 that.

20 MR. MEADORS: With the Judge's permission,
21 and if Ms. Davis will keep her voice up, can we
22 ask her to come down briefly to look at map?

23 THE COURT: Certainly. Please just speak
24 up, ma'am.

25 (Whereupon the witness steps down from the

1 witness stand.)

2 THE COURT: And you all can move where you
3 need to see.

4 MR. MEADORS: Your Honor, State's 1 and 2
5 without objection.

6 THE COURT: Without objection. State's 1
7 and 2 are admitted.

8 (Diagram State's Exhibit Nos. 1 and 2 into
9 evidence.)

10 Q And I am going to show you what's marked
11 State's No. 1. And I know you are soft spoken.
12 But if you would please speak up so this lady can
13 hear you, and the ladies and gentlemen please.
14 Okay.

15 A Okay.

16 Q Can you show the ladies and gentlemen of
17 the jury where Ms. Betty's house was? Ms. Betty
18 Welch?

19 A Her house is right there.

20 Q In what direction did you see Mario leave
21 Betty Welch's house?

22 A He was, he came across , and
23 started walking up .

24 Q And would you point to ?

25 A This is right here.

1 Q And he started walking in which direction?

2 A This way going up towards Guinyard.

3 Q And please show the Ladies and gentlemen
4 of the jury, where did you see Ms. Shonta Helton
5 go after Mr. Mario had left.

6 A The same direction. She was following
7 behind him going up towards Guinyard.

8 Q And when you saw and heard her on the
9 phone and what she said, where was then?

10 A She was standing in the yard.

11 Q And is it after that she went walking down
12 the road?

13 A Yes, after she hung up the phone.

14 Q And where did you lose sight of them? You
15 said Ms. Danielle went down the road. Can you
16 show the ladies and gentlemen where, the best you
17 can remember, where Danielle went?

18 A Right before the railroad tracks. I am
19 trying to look for it on here. I think these are
20 railroad tracks.

21 Q These appear to be railroad tracks?

22 A Yeah, we lost sight of them after that.

23 Q But at that point, they were still
24 together.

25 A Yes, they were actually. According to

1 Tamar Lawson, they were face to face but....

2 Q What time of night was this? Was this
3 nighttime? Let me just say that.

4 A Yes.

5 Q Was it dark?

6 A Yes.

7 MR. MEADORS: That's all we have on this.

8 Thank you.

9 (Whereupon, the witness resumes the
10 witness stand.)

11 Q Ms. Davis, you had said there was alcohol
12 consumed there. Did you drink?

13 A Yes.

14 Q What did you drink?

15 A I had was it vodka. And I'm not sure of
16 what mix, maybe cranberry juice.

17 Q Are you a big drinker?

18 A No.

19 Q How much did you have that night?

20 A Probably maybe two or three.

21 Q After this, strike that, please. After
22 you saw them leave, them being Mario Scott and
23 Shonta Helton, what if anything did you do or
24 anybody else in party. Did you go anywhere else?

25 A We all decided to go to the club. Club

1 Miami.

2 Q And I am sure everybody in the world knows
3 where that is. Is that the one across from Shaw?

4 A Yes, sir.

5 Q And who did you go with?

6 A I rode by myself.

7 Q And who else from the party at Betty
8 Welch's house, went to Club Miami?

9 A Tamar, Ninnie, Betty and Kenyardo.

10 Q And did you go -- what time did you to
11 Club Miami, as best you can remember?

12 A I would say maybe around 12.

13 Q And what happened when you got there?

14 A When I got there, I got in the car with
15 Tamar and Ninnie. We left and went to El Cheapo
16 and then we came back.

17 Q Why did you do that?

18 A So they could buy cigars.

19 Q So you park your car Club Miami.

20 A Yes, sir.

21 Q And you go to El Cheapo's.

22 A I get in the car with Tamar, and then we
23 go to El Cheapo's.

24 Q How far is El Cheapo's from Club Miami?

25 A Traveling distance not even 2 minutes.

1 Q And so how long were you gone?

2 A Not even four.

3 Q You come back to Club Miami?

4 A Yes, sir.

5 Q Who else do you see there that was from
6 the party?

7 A When we got there, Betty and Kenyardo were
8 there.

9 Q And specifically where did see them at
10 Club Miami?

11 A Out in the parking lot.

12 Q Now are there are cars parked in the
13 front, the back, the side. Where were you parked?

14 A Really there is one big side, which we
15 really park at.

16 Q Yes, ma'am.

17 A So if you're facing Miami, of course,
18 there is no room to park where the road side is.
19 So we were all pretty much where the field area
20 is. The main parking spot.

21 Q And what transpired if anything outside
22 Club Miami before you went in there?

23 A As we opened our doors to get ready to get
24 out, Kenyardo and Betty came over and they said
25 specifically, that Gary called Kenyardo's phone

1 and said that Betty, they need to check on her
2 boyfriend.

3 MR. KENT: Objection, Your Honor, to the
4 hearsay.

5 THE COURT: Sustained.

6 Q Did Kenyardo receive a phone call? And
7 that's all you can testify to.

8 A Yes.

9 Q What happened after that?

10 A We all went -- well before that we kind of
11 talked about a little bit about it at first. You
12 know, Betty didn't seem.

13 Q Okay go ahead. Go ahead and finish that.

14 A She didn't, being that Gary and Shonta are
15 her friends, she didn't believe it. So it didn't
16 really I guess sit with her, as you know that
17 would be something true. So we all still
18 proceeded to go into the club.

19 Q And who is -- and I won't ask you this
20 again, or I may. Who is we all that went in.

21 A Myself, Tamar, Ninnie, Betty, and
22 Kenyardo.

23 Q And what time is this? Best you can say?

24 A A little after 12.

25 Q What did you do when went in Club Miami?

1 A We all went and we went back to the club.
2 We were looking for some seats. And when we got
3 back there, we found a couple of seats and sat
4 down. And maybe 15, maybe 20 minutes later,
5 that's when Shonta comes to the club. And she
6 came straight to back and where we were. She saw
7 Betty. And, you know, she had this smile on her
8 face like she was happy to see her. And she was
9 saying, you know, you are my, B-I-T-C-H.

10 Q You're my bitch?

11 A Yes. And then they started dancing
12 together, you know, briefly. And then after
13 that, myself and Tamar, Kenyardo, Ninnie we went
14 up to the front of the bar also with Betty. And
15 that's when Tamar and Ninnie decided to leave.
16 They were uncomfortable, you know, with the
17 situation at hand. So those two left. And me and
18 Kenyardo and Betty were one end of the of bar.
19 And Shonta, she went down to the other end of the
20 bar. And that's when Betty got up and went down
21 to the other end of the bar as well, and started
22 sharing a drink with her.

23 Q Did you go down there then?

24 A No.

25 Q What did you do?

1 A I sat with Kenyardo and she was telling
2 me, you know, the same thing that she was
3 uncomfortable with---

4 MR. KENT: Objection, Your Honor.

5 THE COURT: Sustained.

6 Q How long did -- who, do you know Shonta
7 Helton came with?

8 A No.

9 Q And how long did you stay at Club Miami or
10 any of these other folks, if you know?

11 A Until they we getting ready to close.

12 Q And did Gary Dargan show up?

13 A Yes.

14 Q And how long after Shonta showed up, did
15 Gary Dargan show up?

16 A I am not sure. I am not sure if he came
17 right with her, but he was there.

18 Q And tell me, how crowded was Club Miami
19 after 12 o'clock now it would December 9th of
20 2012, I guess. Was it crowded when you came in?

21 A Yes.

22 Q Okay. Did you -- while you were still in
23 Club Miami, did you ever see Gary Dargan and
24 Shonta Helton sitting together or talking in Club
25 Miami before you left?

1 A Yes.

2 Q Where were they in the club?

3 A As soon as you walk into the club, there
4 it a little sitting area off to the right. I am
5 not sure, but I'm guessing that's probably there
6 little VIP area. But that's where they were
7 sitting at.

8 Q Did you ever talk to Gary Dargan then?

9 A No.

10 Q Did he come up and join the group? Either
11 your group or?

12 A No.

13 Q I don't think you said this, if you did, I
14 apologize to everybody. What time? You said you
15 left when Miami closed. What time did they close?
16 What time did you leave?

17 A It was almost 4:00 o'clock.

18 Q And who did you go with?

19 A Betty.

20 Q And had everybody closed? But had
21 everybody else already left before you all?

22 A Yes.

23 Q And had Shonta Helton or Gary Dargan left
24 before you?

25 A No.

1 Q They were still there?

2 A Yes.

3 Q What did you do?

4 A Well Betty went to use the bathroom. And
5 of course, I took her there. And she was pretty
6 under the influence. So I went with her to the
7 bathroom.

8 Q And you are talking about at Club Miami?

9 A Yes. And after that, when we came out of
10 the bathroom, the lights were already on, you
11 know, that lets everyone know it is time to start
12 leaving. And when she tried to go and talk to
13 Shonta and Gary where they were sitting at. And I
14 pulled her hand and I told her, no. Let's go.
15 But she tried to pull a little bit harder to go
16 back over there. So I used a little bit more
17 force to keep her away. And after that, that's
18 when we walked outside and got in the car and left
19 to go home.

20 Q And then where did you go?

21 A I started to -- well I left to take Betty
22 to her house.

23 Q That's back where you left from?

24 A Right.

25 Q .

1 A Yes. And when we came around the corner,
2 we all, we took the back way. McCray's Mill Road.

3 Q Yes, ma'am.

4 A And when we came around the bin on
5 , that's when we seen maybe 2 or 3 black and
6 yellow police cars. And one unmarked SUV.

7 Q Yes, ma'am.

8 A So I'm guessing it kind of shook her up a
9 little bit when she thought back to---

10 MR. KENT: Objection, Your Honor.

11 Q You wouldn't know.

12 THE COURT: Sustained.

13 Q But did she appear flustered?

14 A Yes. Yes, she did. She told me, the
15 police, don't stop. Let's go to your house.

16 MR. MEADORS: Your Honor, I am not
17 offering that for the truth.

18 Q Did she want to stop?

19 A No.

20 Q What did you do?

21 A I kept going to my house.

22 Q And where did you go?

23 A . In the Cherryvale area.

24 Q And I'll just ask you, did you go to your
25 house?

1 A Yes.

2 Q And as best you can remember, what time
3 was it when you got home?

4 A Sometime between maybe 4 and 4:30.

5 Q So this is December 9th, 2012. Did you go
6 to bed?

7 A No, when we got there, I called 411 so we
8 can get a number to Tuomey Hospital. And also the
9 number to the hospital in Columbia. I keep
10 forgetting the name.

11 Q You did?

12 A Yes.

13 Q Why were dong that?

14 A To check and see, because pretty much, the
15 way I saw it is, if someone called for, you know,
16 a disturbance of peace, I don't think the cops
17 would just would sit there and wait until
18 4 something in the morning for you to come home.
19 That's what we made me, you know, tell her, you
20 know, maybe she needs to check on Mario. Maybe
21 she needs to call his mom. You know, see if he
22 made it home. So when I called 411, I wrote the
23 numbers down for her. And she called both
24 hospitals and he wasn't admitted into either one
25 of them.

1 Q So the hospitals were checked, he wasn't
2 admitted.

3 A Right.

4 Q Did you go to sleep?

5 A No. She wanted to go to her friend's
6 house.

7 Q And where did you take her?

8 A I took her to her friend's house on
9 .

10 Q And I am not sure, who was it?

11 A Hugh.

12 Q What did you do then?

13 A After that I went back home and went to
14 sleep.

15 Q What's the next thing? Did you
16 subsequently learn that Mario Scott had been shot?

17 A When I woke up during the 8 o'clock, I am
18 not sure exactly what time. My boyfriend had
19 unplugged the phone. And I plugged it back in.
20 There was this number that calling me. I had no
21 idea, you know, who the number. So I was getting
22 ready to call it back. But before I called it
23 back, you know, the number popped up again. And
24 so when I answered the phone it was Danielle.

25 Q And as a result of that you learned Mario

1 was dead.

2 A Yes, sir.

3 Q What did you do then?

4 A I hung up the phone with her, and I went
5 straight to where I took Betty to, and let her
6 know the news.

7 Q And then what did you do after that?

8 A We're getting ready to leave. And that's
9 when Danielle pulled up. And she was, you know, I
10 guess we were kind of trying to console Betty.
11 But after that, we all just left. Me, Betty, and
12 Danielle, we drove over to Betty's house. And
13 that's when the seen the investigators go to the
14 door. So Betty got on the phone and called the
15 investigator, and let him know we were there
16 waiting.

17 Q And subsequent or at some point, did you
18 give a statement to law enforcement?

19 A I'm sorry.

20 Q Did you give a statement to law
21 enforcement?

22 A Yes.

23 Q And would that have been on December 12th
24 2012?

25 A Yes.

1 Q When you saw or when you heard Shonta say
2 those words, and is the person in the courtroom
3 that you heard say those words?

4 A Yes.

5 Q He put his hand on me, come kill the N.
6 Is she in the courtroom?

7 A Yes.

8 Q Would you point her out to the jury?

9 A She is right there.

10 MR. MEADORS: I'd like the record to
11 reflect she is pointing to Ms. Shonta Helton.

12 THE COURT: The record will so reflect.

13 Q After that, and that when you saw
14 Ms. Helton go down the road, were you concerned?

15 A Yes.

16 Q You were concerned.

17 A Yes.

18 Q Ms. Betty Welch was -- her relationship
19 with Mario was what?

20 A Boyfriend and girlfriend.

21 Q Had Betty Welch had a prior relationship
22 with Ms. Helton?

23 A Yes.

24 Q A relationship.

25 A Yes.

1 MR. MEADORS: I beg the Court's
2 indulgence.

3 Q This is all in Sumter County?

4 A Yes, sir.

5 Q And all the folks you mentioned were at
6 Betty's House.

7 A Yes.

8 Q Until after Shonta and Mario left.

9 A Right.

10 Q Then everybody went to the club.

11 A Yes.

12 Q A little after 12.

13 A Yes.

14 Q And you stayed there until closing time.

15 A Just myself and Betty.

16 Q And during that time, Shonta Helton and
17 Gary Dargan came to the club.

18 A Yes.

19 Q And dancing going on at the club.

20 A Just a little bit of dancing that those
21 two shared. Betty and Shonta.

22 Q But I mean in general this club, is there
23 dancing? I'm sorry---

24 A Yes.

25 Q ---that was a terrible question.

1 A Yes.

2 MR. MEADORS: That's all. Thank you.

3 THE COURT: Mr. Murphy.

4 Cross Examination by Mr. Murphy:

5 Q Hi, Ms. Davis. How are you?

6 A Fine, how are you.

7 Q You said you had three drinks at the
8 house, right?

9 A Yes, sir.

10 Q And you're not a big drinker.

11 A No, sir.

12 Q Now did you feel the effects of it at all?

13 A No, sir.

14 Q Did you have anything to eat?

15 A Yes.

16 Q Did you drink at Club Miami?

17 A Just one beer.

18 Q One beer?

19 A Yes.

20 Q You were concerned when Shonta followed
21 Mario?

22 A Yes.

23 Q But not concerned enough to call the
24 police or anything like that.

25 A Well pretty much, no. Because we pretty

1 much confided in Betty. Like I said before, she
2 knows these two---

3 Q So it really wasn't---

4 MR. MEADORS: Your Honor, object. Please
5 let her finish.

6 THE COURT: Please let her finish her
7 answer.

8 A No. She considered them as really good
9 friends. And she didn't think that anything like
10 that would happen.

11 Q Okay. And at the time you met with Betty
12 outside of Club Miami, she didn't appear concerned
13 either, did she?

14 A No.

15 Q Despite what she had learned.

16 A Right.

17 Q And Mario was her boyfriend.

18 A Yes, sir.

19 Q She didn't appear worried at all.

20 A No, sir.

21 Q You said at the club, that my client came
22 in at what time?

23 A Let's see, we got there a little after 12.
24 I would say maybe before 12:30.

25 Q Okay. And you said you never went up to

1 him to talk.

2 A No.

3 Q Did Betty go up to him and talk, that you
4 saw?

5 A Yes.

6 Q And as far as the times go, I mean, I
7 understand. These times are approximately, right?

8 A I am not sure.

9 Q You're not sure exactly of the times.

10 A No. The approximate times, I am just kind
11 of giving.

12 Q A general time.

13 A Yes.

14 Q So you can be off by 5, 10, 15 minutes
15 either way, right?

16 A Could be.

17 MR. MURPHY: I have no further questions,
18 thank you.

19 THE COURT: Mr. Kent.

20 MR. KENT: Thank you, Judge.

21 Cross Examination by Mr. Kent:

22 Q Hi, Ms. Davis, how are you?

23 A Fine, yourself.

24 Q I don't have too many questions, but I
25 want sure I understand everything. And I might

1 duplicate some of the questions that Mr. Murphy
2 was asking. And I think the first thing he was
3 talking about was drinking. And there was some
4 drinking going on at this party, correct?

5 A Yes.

6 Q And say this is a cup. How much -- is
7 that about the size of the drinks you were having?
8 Or were they bigger than that?

9 A Oh, they were bigger than that.

10 Q They were bigger than that.

11 A Yes.

12 Q So maybe two of these cups.

13 A Not even, I'm not -- I don't handle the
14 like the taste very well, so I will pour a whole
15 lot of cranberry juice or ginger ale or something.
16 So like they always pick at me a lot about, you
17 know, you're messing up the drink. And you pour
18 maybe this much, and you pour a whole bunch of
19 juice after that.

20 Q That's fine. And so it's probably one and
21 like a half of these?

22 A No.

23 Q So how many of -- I mean one, a quarter is
24 one drink?

25 A Not even a full cup of that.

1 Q Okay. And you were pouring the drinks
2 yourself?

3 A Myself. Yes.

4 Q So you were controlling.

5 A Yes.

6 Q And I think the question was, you had
7 what, 3 drinks, or 2 or 3 drinks, but not quite
8 sure how many you had.

9 A Maybe 2 or 3.

10 Q Were you on any medications or anything
11 that evening?

12 A No, sir.

13 Q Do you take any medications or anything?

14 A No, sir.

15 Q So you had about three drinks?

16 A Uh-huh. (Affirmative.)

17 Q How much was everybody else drinking
18 around there? I mean, and I think I read your
19 statement. People were pretty tight.

20 A Yeah.

21 Q So people were drinking a lot.

22 A Yes.

23 Q And when you say a lot, what do you mean
24 by a lot?

25 A They can drink.

1 Q They can drink.

2 A Yeah. I'm normally the one that, you
3 know, stays sober. I'm always the designated
4 driver. Stuff like that. So when they let loose
5 it was---

6 Q Let it go.

7 A Let it go.

8 Q And I want to go over the names again, you
9 had talked about. There was bunch of people
10 there. I think the number 9. So there was nine.
11 And I apologize for interpreting. But there was 9
12 people there?

13 A Uh-huh. (Affirmative.)

14 Q Could you give the names one more time so
15 I make sure I have them in my head.

16 A Myself, Mario Scott, Tamar Lawson, Betty
17 Welch, Kenyardo, Shonta, Ninnie, Lexie, and
18 Danielle.

19 Q And, darling, like I said, you are so soft
20 spoken. This lady right here is taking down every
21 word you're saying. So I want you to speak just a
22 little loud and clearly so she can get every word.

23 A Okay.

24 Q And we want to make sure this lady all the
25 way in the back of the jury can hear every word

1 that you are saying. So you're going to have to
2 enunciate a little bit for me, do you mind that?

3 A Okay.

4 Q That's even better. That's perfect.

5 A Okay.

6 Q So there was about 9 people.

7 A Yes, sir.

8 Q And you guys were all sitting around.

9 A Uh-huh. (affirmative.)

10 Q And I'm going to go unfortunately to the
11 point and time with the statement that you heard,
12 or that you state that Shonta Helton stated.

13 A Yes.

14 Q Now at this point and time, if I am not --
15 if I'm correct, on your direct examination, you
16 all were outside on the front porch---

17 A Yes.

18 Q ---when she said it?

19 A Yes. In the yard, on the porch, yes.

20 Q In the yard. Where was everybody's
21 position? Do you understand what I am saying? If
22 I am on the front porch, right here. Let's say
23 and for the record, And I sitting next to this
24 podium.

25 A Uh-huh. (Affirmative.)

1 Q I'm on the front porch.

2 A Uh-huh. (Affirmative.)

3 Q I'm Shonta Helton.

4 A Uh-huh. (Affirmative.)

5 Q That's where she was on the front porch,
6 correct?

7 A At the time when she was talking to me,
8 and then, yeah, we were right on the stair area.
9 It's kind of like of small little, brick patio
10 type thing. But we were pretty much right there.
11 Not like every, everybody. But the other people
12 were around their cars and stuff.

13 Q And this isn't a huge space.

14 A No.

15 Q So let's say and you can remember where
16 everybody was at this point and time?

17 A Not everybody, but....

18 Q How far do you think the furthest person
19 was away when she on the phone explaining this
20 statement you said she did.

21 A Probably Danielle.

22 Q And let's say where the bailiff is right
23 there. Was Danielle further away than he is right
24 there?

25 A Yes.

1 Q And I am going to walk backwards. And I'm
2 going to keep walking. Was she past that door,
3 Danielle?

4 A No.

5 Q Okay. So I am going to start walking
6 back. Would you tell me stop where Danielle was,
7 when Shonta was explaining this statement?

8 A Basing this off where?

9 Q Off of where Shonta was.

10 MR. MEADORS: Your Honor, can he give her
11 a reference?

12 MR. KENT: And I am sorry. And I
13 apologize. I am using this podium is where Shonta
14 was?

15 A Okay.

16 Q And I'm trying to make sure we orientate
17 the jury where everybody was when this statement
18 was being made.

19 A Okay.

20 Q And I think what I said a moment ago, was
21 she further away than that door? Danielle?

22 A No.

23 Q So I am going to start walking towards
24 that door, and you just tell me to stop. And that
25 way we can figure out where the furthest person

1 was when she yelled this statement. Okay. You
2 just tell me to stop.

3 MR. MEADORS: If I could -- is that
4 Shonta?

5 THE COURT: I think that's where Shonta
6 was. Yes, sir.

7 MR. MEADORS: I am not sure where she's
8 saying she was.

9 THE COURT: Where were you?

10 A I was maybe not even 2 or 3 steps from
11 her.

12 THE COURT: Clear it up.

13 MR. KENT: I think the witness
14 understands, Judge. I'll do it again.

15 Q Shonta Helton is right here.

16 A Okay.

17 Q We're on the same page, correct?

18 A Yes, sir.

19 Q At this statement.

20 A Uh-huh. (Affirmative.)

21 Q And I think the question was Danielle was
22 not further away than that door.

23 A Right.

24 Q And I am going to start walking towards
25 that door.

1 A Uh-huh. (Affirmative.)

2 Q And you tell me to stop where Danielle
3 was.

4 A Okay.

5 Q Okay.

6 A Uh-huh. (Affirmative.)

7 Q And just you all stop, and I will stop.

8 A I'd probably say there.

9 Q So this is where the furthest person was
10 away---

11 A Uh-huh. (Affirmative.)

12 Q ---when Shonta was making that statement.

13 A Yes.

14 Q So I just wanted to make sure. So I'm
15 going back to where Shonta was.

16 A Okay.

17 Q So Shonta is here by the podium.

18 A Uh-huh. (Affirmative.)

19 Q And I think that somebody just asked you a
20 question how far away were you.

21 A Probably not even 2 or 3 steps away from
22 her.

23 Q Going this way.

24 A She was standing -- she was facing this
25 way, and I was coming kind of like angling.

1 Because I'm, you know, looking to see where
2 everything is going on or whatever. But I was
3 pretty close to her.

4 Q So if I take a couple of steps, it's about
5 this close.

6 A Uh-huh. (Affirmative.)

7 Q And for the record, I just took two steps
8 away from the podium.

9 A Yes.

10 Q And that's about where you were?

11 A Yes.

12 Q So you're here where I'm standing, which
13 is two steps away from the podium.

14 A Uh-huh. (Affirmative.)

15 Q Or map, Shonta Helton is right next to
16 where the podium is.

17 A Uh-huh. (Affirmative.)

18 Q And right through this entrance way, where
19 the door is, is where we're saying Danielle was.

20 A Right.

21 Q And Danielle is the furthest person away
22 from the 9 people who are out there.

23 A Uh-huh. (Affirmative.)

24 Q Who else was to next to you?

25 A Well the closest person next to me beside

1 Shonta was Tamar. She was right at her truck---

2 Q Yes, ma'am.

3 A ---with Ninnie.

4 Q Okay. And where would Tamar be? You know
5 I'm trying to make sure everybody understands
6 where everybody was.

7 A Well if this is me here. Shonta here.
8 Her truck is right here.

9 Q So I don't get confused. I'm you standing
10 right here.

11 A Okay.

12 Q So am I walking closer toward this way to
13 say where Tamar is?

14 A Turn around so I can get a better. I'm
15 sorry. Face, yes.

16 Q Yes, ma'am.

17 A Okay, that's me.

18 Q Yes, ma'am.

19 A Shonta. And I would say he is where this
20 young man right here---

21 Q The bailiff?

22 A ---is where Tamar where was standing next
23 to her truck with Ninnie.

24 Q And I'm going to walk right here just so I
25 understand. So where I'm standing right now is

1 where Tamar would have been standing.

2 A Yes, Tamar.

3 Q And that's coming directly from where you
4 were.

5 A Yes, sir.

6 Q Where Shonta was.

7 A Uh-huh. (Affirmative.)

8 Q And know we know where Danielle was.

9 A Uh-huh. (Affirmative.)

10 Q Okay. Who else?

11 A Okay. Ninnie and Kenyardo. I'm not sure
12 if they were sitting in her car. But I really
13 didn't see those two at the time.

14 Q And that's fine.

15 A Until I guess the words were exchanged.

16 Q Okay. And let's go over the words.

17 They're pretty awful words.

18 A Yes.

19 Q And this is a long sentence you heard.

20 This isn't one of those short sentences. And I am
21 going to make sure I get exactly what you said you
22 heard. This Nigger Mario put his hands on me, and
23 I need you to kill and this Nigger. Gary, I'm at
24 Betty's house. He put his hands on me. Come kill
25 this Nigger. That was the whole sentence you

1 heard.

2 A Uh-huh. (Affirmative.)

3 Q And how loud was it? Was she whispering
4 it? Come kill this.

5 A No, she was loud.

6 Q Was she this loud.

7 A Yes.

8 Q So it this loud that she was yelling.

9 A She was loud enough for everyone to hear
10 her.

11 Q So there's no doubt you are standing two
12 steps. Danielle is a little bit this way. Tamar
13 is right here. Where was Betty?

14 A Betty was on the porch.

15 Q So Betty's near on the porch.

16 A Uh-huh. (Affirmative.)

17 Q So everybody could have heard this
18 statement.

19 A They could have.

20 Q Okay.

21 A You know I am closer to her, and of course
22 it sounded more louder to me.

23 Q But she's loud. She's screaming this
24 right?

25 A Not screaming, no.

1 Q Well you tell us.

2 A Uh-huh. (Affirmative.)

3 Q Say it. How loud was she so the jury can
4 hear. Because we need to hear how loud this
5 statement was. It wasn't a whisper.

6 A Uh-huh. (Affirmative.)

7 Q But it was loud and clear for everyone.
8 Or it was loud and clear enough for you to hear.

9 A Yes.

10 Q So how loud was it?

11 A Let's see, pretty much, she said, Gary.

12 Q Was it just like that.

13 A This nigger put his hands on me. I'm at
14 Betty's house. You need to come and kill this
15 nigger.

16 Q It was that loud, that clear.

17 A It was that loud and that clear.

18 Q Not slurred.

19 A No.

20 Q No doubt you understood every word they
21 were saying.

22 A I understood every word she said.

23 Q And 9 different people overheard this at
24 least.

25 MR. MEADORS: Your Honor, there's no way

1 she could know 9 people overheard that.

2 THE COURT: Sustained. It's speculation.

3 Q Nine people were out there when this
4 statement was stated.

5 A We were all outside, yes.

6 Q You were all outside.

7 A Yes.

8 Q And so you don't know everyone heard this
9 particular statement.

10 A Right. Like I said me, being closer to
11 her, of course, it sounds different to me.

12 Q I'm sorry. Please, please. I didn't want
13 to cut you off.

14 A Go ahead.

15 Q No, go ahead. Finish your statement. I
16 want sure the jury understands.

17 A No. I was saying again, I was closer to
18 her. Of course the tone was loudness and stuff is
19 going to be, you know, different to me versus
20 standing way over here. So I can't sure, you
21 know, if everyone heard it as clear as I did.

22 Q Okay. And it's a long sentence.

23 A I'll just speak on my behalf.

24 Q And that's fine. I completely
25 understand. That was a long sentence what you

1 heard. Was there music going on at the party at
2 that point?

3 A No.

4 Q No music?

5 A No.

6 Q Clear night?

7 A Yes.

8 Q Any horns?

9 A No.

10 Q Cars going back and forth?

11 A No.

12 Q So this would have been the only clear
13 thing that was being heard out there.

14 A Yes, with her being as close as she was to
15 me, yes.

16 Q Okay. And I'm sorry. Remember you're
17 nodding your head, and this young lady taking down
18 every word that is being said.

19 A Uh-huh. (Affirmative.)

20 Q And I guess it's pretty clear, and I know
21 Mr. Murphy asked you a question. No one called
22 the police. I think from the build up from the
23 State, everybody was so concerned and so worried,
24 but no one called the police.

25 MR. MEADORS: Your Honor, I am going to

1 object to the conscience build up from the---

2 THE COURT: Sustained. The jury will
3 strike that last response.

4 Q No one called the police?

5 A No.

6 Q Was no one that -- I mean, I guess the
7 testimony was we were really concerned, but no one
8 was concerned enough to call the police.

9 A Like I said before, we spoke with Betty,
10 and from her reassuring us that, you know, it's
11 okay, I was going to make him leave. He was going
12 to go ahead and on home. You know, and her also
13 saying that, you know, Shonta and Gary, they
14 wouldn't do that to her. They are not like that
15 or whatever. Being that she didn't believe that
16 that would end up going down, or happen in the way
17 that it did, she also, you know, reassured us and
18 lead us to believe that everything would have been
19 okay.

20 Q And y'all went to a club.

21 A Yeah.

22 Q Everybody went to a club. Had a good time
23 dancing and doing whatever, right? Is that a yes?

24 A No, that's a no.

25 Q There was no dancing.

1 A No, not with us. Just Betty and Shonta.

2 Q And there is no doubt this was most fresh
3 on your mind when this happened December 8th or
4 9th, correct?

5 A Yes.

6 Q And we didn't give a statement until a few
7 days later, December 12th.

8 A Yes. Uh-huh. (Affirmative.)

9 Q So a couple of days later you gave a
10 statement?

11 A Yeah.

12 Q How come you didn't give a statement that
13 same night? And I'm just curious. Why wasn't a
14 statement given that quickly? Because you guys
15 mentioned the investigator were there, everybody
16 was around there. How come---

17 A When the interview was going on, the
18 people that were there, just closely a couple of
19 them going before me. So I just whenever he got
20 to me, that's when he told me to come in and do my
21 statement.

22 Q What do you mean by that? He got to you
23 that night and talked to you and asked you what
24 happened that night?

25 A No.

1 Q He never asked you what happened?

2 A No, we were all, it was that morning, the
3 next morning.

4 Q Which would have been---

5 A You know, to come.

6 Q Which would have been December the 9th.

7 A Uh-huh. (Affirmative.)

8 Q SO December 9th, you met up with the
9 officer.

10 A Uh-huh. (Affirmative.)

11 Q Where did you meet with this officer?

12 A In Betty's front yard.

13 Q And no one gave a statement, hey, let me
14 tell exactly what happened last night.

15 A We told him a little bit of what happened,
16 but he wanted everyone to come in and give their
17 own personal statement as to what happened that
18 night.

19 Q Was he taking notes when he was talking to
20 you all.

21 A I don't remember if he did.

22 Q When you were all giving a statement and
23 everybody was talking about everything that
24 happened, was everybody around in a circle talking
25 about it, you and Betty and Danielle?

1 A No.

2 Q So I guess I'm confused. When you all
3 were there the next morning on December 9th, how
4 were you talking about it with everybody around?

5 A Well pretty much, he was talking to Betty.
6 And she was in front yard.

7 Q Yes, ma'am.

8 A So me and Danielle, we were also in the
9 front yard. And she was telling him, you know,
10 what happened. And pretty much we were backing
11 her up as to the things that she was saying.

12 Q So if Betty was talking to law
13 enforcement, you guys were behind her, as backup
14 dancers, telling yeah, this happened and this
15 happened. Tell us what happened so I am clear.

16 A No. Like telling him pretty, yes, you
17 know, she is right. This is what happened.
18 Things like that.

19 Q So it was like one universal statement on
20 December 9th.

21 A You can call it that.

22 Q How many times have you met with the
23 solicitor's office preparation of this case?

24 A Him?

25 Q Yeah.

1 A One time.

2 Q One time.

3 A Before today. Uh-huh. (Affirmative.)

4 Q And how many times have you met with law
5 enforcement about this case?

6 A One time.

7 Q I'm curious, earlier this morning I tried
8 to talk to you about the case, and what did you
9 tell me?

10 A I told you that, you know, it would be in
11 my best interest not to talk to you.

12 Q Didn't you specifically tell me they told
13 you -- they told me not to talk to you. Who told
14 you not to talk to me?

15 A Well they spoke to me and they said
16 specifically that if any other, you know, person
17 tries to come and talk to you about it, you don't
18 have to.

19 Q Okay.

20 A And I chose not to.

21 Q Okay. I'm just making sure. When we
22 talked earlier, I thought you said they told me
23 not to talk to you.

24 A You were walking out as I trying to tell
25 you.

1 MR. KENT: Thank you so much, Ms. Davis.

2 A Uh-huh. (Affirmative.)

3 MR. KENT: I appreciate your time.

4 THE COURT: Any redirect?

5 MR. MEADORS: Please.

6 Redirect Examination by Mr. Meadors:

7 Q I didn't tell you not to talk anybody, did
8 it?

9 A No.

10 Q So if he misheard you there, correct?

11 A Yes. He was walking out as I was
12 finishing what I was saying, yes, sir.

13 Q As a matter of fact, I told you it's up to
14 whether you want to talk to anybody or not, right?

15 A Yes, sir.

16 Q And he tried to talk to you just seconds
17 before you came out here?

18 A Yes, sir.

19 Q So that's what he's talking about.

20 A Yes, sir.

21 Q Not beforehand. Not last week. Not a
22 year and a half ago. Just seconds before you come
23 in here?

24 A He came and tapped me on my shoulder as I
25 was sitting back there, and asked me was I Tajwana

1 Davis. And asked me if I was in the room. And
2 he said, he told me that he was her attorney, and
3 he had some questions for me.

4 MR. MEADORS: Court's Exhibit please.

5 (Statement of Tajuana Davis marked Court's
6 Exhibit No. 4 marked.)

7 Q I am going to show you what is marked
8 Court's Exhibit only. And you testified earlier
9 and Mr. Kent cross examined you. Did you give a
10 statement to the police?

11 A Yes.

12 Q And what date was that statement on?

13 A On December 12th 2012.

14 Q Just this three days after this happened.

15 A Yes.

16 Q And did you sign that?

17 A Yes.

18 Q And what was your phone number back then?

19 A (- .

20 Q And where were you when you gave this
21 statement?

22 A I was in the office.

23 Q What office?

24 A The detective's office.

25 Q And who else was there with you when you

1 gave that statement?

2 A Myself.

3 Q Just by yourself.

4 A Uh-huh. (Affirmative.)

5 Q And is that the statement that he's
6 pointed out to you at 3 feet, that you put in
7 there, and you heard, come get this N.?

8 A Yes.

9 Q Come kill this N.

10 A Yes.

11 Q And you were concerned.

12 A Yes.

13 MR. MEADORS: I beg the court's
14 indulgence. thank you. That's all.

15 THE COURT: Mr. Murphy.

16 MR. MURPHY: No questions.

17 THE COURT: Any recross?

18 MR. KENT: Nothing further.

19 THE COURT: Why don't we take a 10 minute
20 recess. Ladies and gentlemen, I'm going to send
21 you back to the jury room for about 10 minutes.
22 Please do not discuss anything about the case
23 while you're back there. Thank you. You all
24 have some cokes or something back there.

25 (Whereupon, the following takes place

1 outside the presence of the jury.)

2 THE COURT: Okay, the court is in recess
3 for 10 minutes.

4 MR. KENT: Your Honor, if I could just put
5 one simple thing on the record.

6 THE COURT: Yes.

7 MR. KENT: And just practically I don't
8 know it realistically matters; however, of course,
9 at the beginning of trial of course you read the
10 indictment.

11 THE COURT: Yes, sir.

12 MR. KENT: I don't think we ever made a
13 motion -- or I don't think the State ever made a
14 motion to amend the indictment. I don't think it
15 matters now, of course, because the trial has
16 started. But just procedurally for the record, if
17 they can just make their motion to amend the
18 indictment to reflect the proper date. I think
19 when we were reading it to the jury, it had an
20 incorrect date. No one ever on the record made a
21 motion to amend. I am not making that as a
22 challenge, because if I would have, I would have
23 had to make it before the jury was sworn. But
24 just for a practical record, I think they should
25 make a motion to amend the indictment.

1 THE COURT: That's just scrivener's error?

2 MR. MEADORS: Yeah, I think, Your Honor,
3 should that be just a typo. It's got the right
4 date on the top, and just a typo on the bottom.
5 And I thought we practically did that when
6 everybody agreed that was the same.

7 THE COURT: I don't there was anyone who
8 was confused about that. So, thank you.

9 (Court takes a 10-minute recess.)

10 THE COURT: You may bring the jury.

11 (Whereupon, the following takes place
12 within the presence of the jury.)

13 THE COURT: Mr. solicitor, you may call
14 your next witness.

15 MR. MEADORS: May it please the court.

16 THE COURT: Yes, sir.

17 MR. MEADORS: The State of South Carolina
18 would call Betty Ann Welch.

19 Betty Ann Welch, Being first
20 duly sworn, testified as follows.

21 THE BAILIFF: Please state your full name
22 and spell last for the record.

23 A Betty Welch. W-E-L-C-H.

24 Direct Examination by Mr. Meadors:

25 Q Good afternoon, Ms., how do you pronounce

1 your last name?

2 A Welch.

3 Q Welch. Good afternoon, Ms. Welch. Would
4 you please tell the ladies and gentlemen of this
5 jury about Betty Ann Welch; specifically where you
6 were born and where you were raised?

7 A Born in Sumter, South Carolina. Born and
8 raised. I have two children. And I work all the
9 time.

10 Q Tell them where you went to school.

11 A Which one? Elementary?

12 Q Start with elementary school, please,
13 ma'am.

14 A R. E. Davis elementary. Crestwood High.
15 And that's about it.

16 Q When did get out of -- or when did you
17 finish Crestwood?

18 A 1998.

19 Q And what did you do after that?

20 A I went to work.

21 Q Tell them where you worked Ms. Betty.

22 A I worked at the nursing home. I went to
23 nursing school also.

24 Q Slow down a little bit. Where did you
25 work in a nursing home out, please, ma'am.

Betty Welch-Direct by Meadors

1 A At NHC.

2 Q NEC?

3 A NHC.

4 Q NHC, I'm sorry. How long did you do that?

5 A I worked there for about a year. And then
6 I went to Subway and managed Subway for 5 years.

7 Q When was that?

8 A I am going to say 2002, I started at
9 Subway.

10 Q And did you start off as a manager or work
11 your way up to manager?

12 A Worked my way up.

13 Q And for there for how long?

14 A 5 years.

15 Q And what did you do after that?

16 A I went to Logan's Road House. I worked
17 there for three years.

18 Q What did you do at Logan's?

19 A Served and waitress.

20 Q And what did you do after that?

21 A I went back to the nursing home, Eastern
22 Star. I worked there for a year. Then I went to
23 El Cheapo.

24 Q And what did you do at Eastern Star?

25 A Health care, the same thing.

Betty Welch-Direct by Meadors

1 Q And what year did you to go to El Cheapo?

2 A It was last year, 2012.

3 Q What, are you there now?

4 A No.

5 Q What did you at El Cheapo in 2012?

6 A Cashier.

7 Q You're moving you chair a little bit, are
8 you nervous?

9 A I am.

10 Q That's all right.

11 A I'm on the spot.

12 Q Are you here to testify about what
13 happened at your house---

14 A Correct.

15 Q ---December 8th and December 9th.

16 A Uh-huh. (affirmative.)

17 Q Are you ready to do that?

18 A I am.

19 Q And what do you want me to call, Ms. Welch
20 or Betty Ann?

21 A Betty.

22 Q If I may say, Ms. Welch, I'm sorry. But
23 on December, in December of 2012, specifically
24 December 8th of 2012, where was your residence?

25 A At .

Betty Welch-Direct by Meadors

1 Q How long had you been there?

2 A 5 years.

3 Q And who stayed with you at ?

4 A Me and my two children.

5 Q How old are they?

6 A 10 and 13.

7 Q And was there anybody else that stayed

8 there, or stayed there off and on?

9 A Mario Scott.

10 Q And that's deceased in this case.

11 A Correct.

12 Q And how long had -- well first of all, how

13 long had you known Mario Scott?

14 A I've known him since R.E. Davis.

15 Q I'm sorry?

16 A Elementary school.

17 Q And you all were in a relationship?

18 A Uh-huh. (Affirmative.)

19 Q And how long had you been in a

20 relationship with Mario Scott?

21 A Off and on for 6 months.

22 Q So how often would he stay at your house

23 at

24 A , I think every other day.

25 Q And when he wasn't there, where would he

Betty Welch-Direct by Meadors

1 stay?

2 A His mother's house.

3 Q Standing back here, correct?

4 A Yes.

5 Q And what street was that?

6 A .

7 Q How would he get back and forth from your
8 house to his mama and daddy's house?

9 A Sometimes friends would come and pick him
10 up. His mother would come pick him up. And
11 sometimes his stepfather would come pick him up.
12 Or he would walk.

13 Q So he didn't have transportation on his
14 own.

15 A Uh-uh. (Negative.)

16 Q So if he didn't have somebody that was
17 taking him, he would walk.

18 A Correct.

19 Q What was going on in your life on December
20 8th? Where were you working or what were you?

21 A Well I just got hired at El Cheapo.

22 Q Which El Cheapo?

23 A The one on Guinyard. Right down the
24 street from my house.

25 Q So you could have walked to work.

Betty Welch-Direct by Meadors

- 1 A Correct, I did.
- 2 Q You did walk to work.
- 3 A Uh-huh. (Affirmative.)
- 4 Q When were you suppose to start?
- 5 A That Monday.
- 6 Q So that would have been the 11th?
- 7 A Correct.
- 8 Q And did you start?
- 9 A I did.
- 10 Q So in anticipation of that new job at El
- 11 Cheapo's, what did you do?
- 12 A We were celebrating.
- 13 Q And when you say we, who are you talking
- 14 about?
- 15 A Me and all my home girls, and him.
- 16 Q And when you say your home girls, your
- 17 friends.
- 18 A Correct.
- 19 Q Who came to the party?
- 20 A It was Kenyardo Bolden, Tajuana Davis,
- 21 Tamar Lawson, Danielle Morgan.
- 22 Q What's Danielle's last name?
- 23 A Morgan.
- 24 Q Did she have another last name?
- 25 A Yeah, maybe so. And Alexis. I am not

Betty Welch-Direct by Meadors

1 sure of Alexis' last name. And that's it.

2 Q Who Shonta Helton there?

3 A Oh, yeah, Shonta. I forgot about her.

4 Q And what time was the party going to
5 start, or when did people start getting there?

6 A Probably around 7. Well Tajuana came and
7 picked me up earlier.

8 Q From where?

9 A From . And then we went to the liquor
10 store. Then we went and picked Shonta up.

11 Q From where?

12 A From her home. And then we liquor store.
13 Then we went back to my house, and I started
14 cooking some food.

15 Q What were you cooking?

16 A Some dip, and some chicken wings.

17 Q So what time did everybody start gathering
18 after you and Shonta---

19 A I would say everybody---

20 Q ---and Tajuana got there?

21 A Well Tajuana was already there. But okay
22 I would say about 8:30ish, 9.

23 Q And when all your friends got there, where
24 was Mario?

25 A He was in a room watching TV.

Betty Welch-Direct by Meadors

1 Q Was it supposed to be an all girl's party?

2 A It wasn't really specific but, yeah.

3 Q And so Mario was just there.

4 A Right.

5 Q And you said he was in a back room.

6 A Right.

7 Q And tell the folks what was going on at
8 the all women, or all friends party. What were
9 you all doing?

10 A We were drinking having fun.

11 Q What's the first thing you said, I just
12 missed it.

13 A Drinking and having fun.

14 Q And eating?

15 A And eating.

16 Q And were you all inside or outside to
17 start with?

18 A Inside. In the kitchen.

19 Q Did anything lead to you all going outside
20 at some point?

21 A Yes. Shonta started arguing, getting
22 defensive with Danielle at first. And then her
23 and Mario got into it. Me and her got into it.
24 So Mario was like well you need to go ahead and
25 leave.

Betty Welch-Direct by Meadors

1 Q Who was he saying that?

2 A He was saying that to Shonta.

3 Q Okay.

4 A In the process of that, Danielle was like,
5 okay, well, you know, I've got some bags outside
6 if you all want to come back take a look. So that
7 was, everybody ended up going outside.

8 Q Is Danielle, does she sell -- are these
9 purses? Hand -- women's bags you are talking
10 about?

11 A Uh-huh. (Affirmative.)

12 Q And so she had some of those for you all
13 to view?

14 A Correct.

15 Q And where were they?

16 A In her truck.

17 Q And so did some folks go look at the
18 purses in Danielle's truck?

19 A Uh-huh. (Affirmative.)

20 Q So that meant some folks went outside.

21 A Yes.

22 Q So tell the folks what happened. Tell the
23 ladies and gentlemen of this jury what happened.

24 A Okay. So we went outside and then Shonta
25 and Mario was arguing really, really bad. So me

Betty Welch-Direct by Meadors

1 and her got into it really, really bad.

2 Q And you and who? Shonta?

3 A Me and Shonta. Uh-huh. (Affirmative.)

4 So we were outside. And Shonta just keep arguing
5 with Mario. And they kept arguing back and forth.
6 So I was just like calm down. Everybody just calm
7 down. I walked back in for something, and then I
8 walked outside. And then I see Mario pushed, like
9 not pushed her, but hit her in head and made her
10 wig move or whatever. And then It just went on
11 from there.

12 Q Was there a reaction?

13 A There was a lot of reaction. She flipped
14 out. She started cussing. He started cussing. I
15 walked outside. I just saw that part. So I
16 started cussing. I was just like, look,
17 everything needs to chill out. I was like Mario
18 you should probably leave. The next thing I know,
19 Alexis comes. She picks him up and moves him
20 back, so he wouldn't hit Shonta. But she jumps on
21 the phone. Calls Gary.

22 MR. MURPHY: Objection. No basis for who
23 she called. That's speculation.

24 Q Do you know who she called?

25 A She said Gary.

Betty Welch-Direct by Meadors

1 Q You heard Gary? Thank you.

2 A Okay. So she was on the phone telling
3 Gary that she (sic) needed to come over there. Is
4 it okay for me to cuss?

5 Q If you say what you heard.

6 A She said you need to come get this mother
7 fucker. He just put his mother fucking hands on
8 me and to that sort.

9 Q Were there any other terms she used?

10 A No, just, you need to come get this mother
11 fucker.

12 Q What was her demeanor when she was saying
13 that?

14 A Very irate.

15 Q Where was Mario when she was saying that
16 on the phone?

17 A Alexis had him still like, you know,
18 holding him back a little bit. And then I was
19 like, you know, Mario it's best you leave. So I
20 walked him to the stop sign.

21 Q Mario.

22 A Yes, with Mario to the stop sign. Which
23 is like right directly across from my street.

24 Q What's the street that comes beside?

25 A . and . And

Betty Welch-Direct by Meadors

1 meanwhile she is still on the telephone cussing
2 and being irritate.

3 Q Could you hear her?

4 A Yeah, everybody could hear her. And so he
5 ends up walking. And so I ended up turning
6 around. And she ends up following him, cussing
7 still.

8 Q Who is this?

9 A Shonta is following Mario now. All the
10 way down the street, cussing. Racing, you know,
11 racing and cussing behind him. And so I was like,
12 you know what, let me go and ahead and go, and get
13 all these people from out of the house. I was
14 like you're just going to leave. And so Danielle
15 Morgan---

16 Q Is that you saying that?

17 A Yeah.

18 Q Okay.

19 A Yeah. So Danielle gets in her truck, and
20 she -- when she pulled out, she rode, like I'd say
21 maybe like 2 or 3 minutes. And I seen her stop
22 beside Mario and Shonta. I seen that Shonta got
23 in the truck with Danielle.

24 MR. KENT: Objection, Your Honor.

25 THE COURT: Restate your question.

Betty Welch-Direct by Meadors

1 Q Do you know what happened Shonta after
2 they left the street?

3 A I don't. I probably should not -- so I
4 can't say.

5 Q But you don't know.

6 A I don't know.

7 Q So did you see Danielle go in that
8 direction?

9 A Correct.

10 Q Did you say Donielle or Danielle?

11 A It's Danielle.

12 Q You saw Danielle go in that direction
13 after Shonta and Mario left.

14 A Right.

15 Q And you don't to what transpired down
16 there between them, if anything.

17 A No.

18 Q Prior to that, you said you told Mario
19 just leave.

20 A Yeah, just go ahead and go.

21 Q Was he leaving?

22 A Uh-huh. (Affirmative.)

23 Q And I don't mean, just say for this lady
24 please.

25 A Yeah. I'm sorry.

Betty Welch-Direct by Meadors

1 Q And how was he leaving?

2 A Walking. He was walking.

3 Q And did you see him walking?

4 A Uh-huh. (Affirmative.) Yes, sir.

5 Q Which way was he going?

6 A He was going on .

7 Q Toward which way?

8 A Towards El Cheapo. Towards Guinyard.

9 Q Now at this point had Betty -- did you see
10 Betty with anything else in her hand besides a
11 phone?

12 A I'm Betty. Do you mean Shonta?

13 Q I did know that. I'm sorry Shonta.

14 A Yes. She came running out of the house,
15 and she slid down the porch, and she had a knife
16 in her hand.

17 Q And when was this?

18 A This is before Alexis picks him up.

19 Q And you've got to say names. And I
20 messed up on that name, and I apologize to you.

21 A Right.

22 Q This is before Alexis picked who up?

23 A Mario to hold him back.

24 Q Betty, went in -- Betty, you say that
25 Shonta went in the house and got what?

Betty Welch-Direct by Meadors

1 A A knife.

2 Q Where were you, Betty Welch, when that

3 happened?

4 A I was outside.

5 Q And what happened after that?

6 A I don't know what happened to the knife

7 after that point. All I know is that I just told

8 Mario to go ahead and leave.

9 Q And when you told Mario, did he leave?

10 A Uh-huh. (Affirmative.) Yes, sir.

11 Q And what did Shonta do after that,

12 Ms. Welch?

13 A Continuously follow behind and on the

14 phone.

15 Q Now, I don't, don't take this the wrong

16 way.

17 A Uh-huh. (Affirmative.)

18 Q Don't get mad.

19 A I am not.

20 Q But you had been drinking?

21 A All day.

22 Q And had you---

23 A And the night before.

24 Q I was going to ask you that, and that's

25 fine. Tell it all.

Betty Welch-Direct by Meadors

1 A Okay.

2 Q Had you been drinking a lot that night?

3 A Yes.

4 Q And were you tipsy?

5 A I was.

6 Q And why were you out in the yard? Were
7 you worried about the police coming?

8 A Uh-Huh. (Affirmative.) Yes, sir. With
9 all that yelling that she was doing, yes.

10 Q And is that when you tried to defuse the
11 situation?

12 A Correct. And told him to go ahead and
13 leave.

14 Q And he left your house. And you said,
15 walking before, that time of night?

16 A Uh-huh. (Affirmative.)

17 Q Were you worried about him leaving?

18 A No, I wasn't.

19 Q What did you do after Mario walked down
20 the road, and you say Shonta walked down the road,
21 Ms. Welch? What did you do next?

22 A I walked in the house, and went to fixed
23 my hair.

24 Q Fixed your what?

25 A Hair.

Betty Welch-Direct by Meadors

- 1 Q And then what did you do?
- 2 A And get ready to leave, because we were
- 3 leaving to go out.
- 4 Q And was that the plan to go out?
- 5 A Correct.
- 6 Q And where were you going?
- 7 A To Miami.
- 8 Q And that's Club Miami. Not Miami,
- 9 Florida.
- 10 A Yes. Correct.
- 11 Q And who all was going?
- 12 A It was me, T.
- 13 Q And I know you know these people than I
- 14 do, but who is T.?
- 15 A Tajuana.
- 16 Q Go ahead.
- 17 A It was me, Tajuana, Kenyardo, Tamar, and
- 18 one of Tamar's friends. I forget her name though.
- 19 I don't know her name.
- 20 Q Do you was remember how you got to Miami?
- 21 A Kenyardo's truck.
- 22 Q And was it a little after 12 when you got
- 23 there?
- 24 A Yes, sir.
- 25 Q You don't know exact time.

Betty Welch-Direct by Meadors

1 A I am not exactly sure what time. I know
2 it wasn't that late though.

3 Q What time does Miami close?

4 A Like 5.

5 Q And when you got to and we're saying Miami
6 for the record, Club Miami. What did you do when
7 got to Club Miami?

8 A We were getting out of the car and then
9 the phone rings. And it was Gary saying that my
10 boyfriend was hurt; shot up bad, and I needed to
11 check on him. And we were getting out of the
12 truck, and I just brushed it off.

13 Q Tell them why you just brushed it off?

14 A Because I thought he already made it home
15 to his mother's house by that time.

16 Q Don't get mad at this time now, but did
17 you try to call?

18 A I didn't have no phone.

19 Q What did you do after that?

20 A We all went in the club.

21 Q And who is all?

22 A Me, Tajuana, Kenyardo, Tamar, her friend.
23 I don't know her friend; that person, I'm not
24 sure. That's it.

25 Q And what did you do when you went in Club

Betty Welch-Direct by Meadors

1 Miami?

2 A Got me a drink.

3 Q What had you been drinking prior?

4 A I was drinking Exclusive, and Paulson and

5 beer.

6 Q And is Exclusive?

7 A Liquor, Vodka.

8 Q And then when you got Miami, what did you

9 have?

10 A Paul and coke actually.

11 Q Coca Cola.

12 A Coca cola, yeah.

13 Q And how long -- when you got into Miami,

14 aside from the people you named, Ms. Betty Ann

15 Welch, did you see anybody else come in after

16 that?

17 A I seen Shonta probably come out -- come in

18 like about 35, 45 minutes later.

19 Q Do you know who she came in with?

20 A I do not.

21 Q And did you have an occasion to talk with

22 Shonta? Are we now, I apologize. Strike that.

23 Are we now in the early morning hours of December

24 9th? Is it the next morning? It's after 12?

25 A Correct.

Betty Welch-Direct by Meadors

1 Q Did you have an occasion to talk to
2 Shonta?

3 A She come up like nothing had happened.

4 Q What do you mean by that?

5 A She was just like what's up bitch. You
6 know, just dancing. All up in my face. Like
7 nothing happened. Something she would normally
8 do.

9 Q And did you talk to her?

10 A Yeah, we talked.

11 Q Did you see Mr. -- the defendant Gary
12 Dargan that night?

13 A Towards the end of the club, yes. We were
14 all walking out, and I seen him sitting at the
15 bar, and she was standing by him.

16 Q Did you talk to Gary Dargan at Club Miami?

17 A I did not.

18 Q Who did you leave with?

19 A Tajuana Davis.

20 Q And when you left there, was Ms. Helton
21 with Mr. Dargan?

22 A Whenever I walked out of the club, I seen
23 her standing by him.

24 Q And what time did you leave club?

25 A I would say about 4:45.

Betty Welch-Direct by Meadors

1 Q A.M.?

2 A A.M., yes.

3 Q And was everybody pretty much filing out
4 then?

5 A Correct.

6 Q And specifically did the lights come on,
7 and did they make you come out?

8 A No the lights were still kind of dim.

9 Q Was it closing?

10 A Yes, everybody was walking out.

11 Q You're leaving the club now okay.

12 A Uh-huh. (affirmative).

13 Q And can you remember leaving the club?

14 A Uh-huh. (affirmative.) Kind of fuzzy,
15 but, yes.

16 Q And you said you were with Tajuana.

17 A Correct.

18 Q Where did you go?

19 A We rode by my house. And I seen all the
20 police outside, and I didn't stop. I was like,
21 take me to your house.

22 Q Tell them why didn't you stop, Betty Ann
23 Welch?

24 A Because I didn't want to get in trouble.
25 I seen all them police. I didn't know what they

Betty Welch-Direct by Meadors

1 were there for.

2 Q So---

3 A I was assuming that it was because of all
4 of the noise.

5 Q You didn't know why they were there?

6 A No, I didn't.

7 Q And you didn't bother to go check it out.

8 A No, I did not.

9 Q And where did you go?

10 A I went to Tajuana's house.

11 Q And what happened next?

12 A I called one of my best friend's and I
13 went to his house. And then I woke up to Tajuana
14 calling me, saying that Mario had gotten killed.
15 It was all on facebook. And then she came to get
16 me. And then as we were pulling out---

17 Q And who came to get you?

18 A Tajuana.

19 Q I'm sorry.

20 A That's fine. Tajuana. And then we were
21 pulling out and then Danielle was pulling in. And
22 she was telling me that---

23 Q You can't say what she said.

24 A Okay.

25 Q What did you do after that?

Betty Welch-Direct by Meadors

- 1 A I went home.
- 2 Q You went to .
- 3 A I went to . .
- 4 Q And after that did you see some of Mario's
- 5 family come up?
- 6 A Yes, sir.
- 7 Q Let me ask you a couple of questions. How
- 8 long had you known Shonta Helton?
- 9 A I would say like 4 years maybe. Four or 5
- 10 years. Actually not four.
- 11 Q How did you get to know her?
- 12 A We just met through a mutual friend.
- 13 Q You all were friends.
- 14 A Correct.
- 15 Q Talk a while?
- 16 A Correct.
- 17 Q And that was over?
- 18 A Yes.
- 19 Q While back?
- 20 A Correct.
- 21 Q And you were in relationship with Mario
- 22 at this time?
- 23 A No, not at this time.
- 24 Q When this happened.
- 25 A When this happened?

Betty Welch-Direct by Meadors

1 Q Yes, ma'am. Not now. When this happened,
2 were you in a relationship with Mario.

3 A I know you are not saying not now.

4 Q And Gary Dargan did you know him?

5 A Uh-huh. (affirmative.)

6 Q And again, I apologize, for the Court
7 Reporter. Just say yes.

8 A Yes.

9 Q How long had you known Gary Dargan?

10 A Not long.

11 Q You didn't see him. Prior to the club did
12 you see him?

13 A No, sir.

14 Q And was your phone number () - ?

15 A Correct.

16 MR. MEADORS: Beg the court's indulgence.

17 THE COURT: Yes, sir.

18 Q When you were at the club you said you
19 talked Gary Dargan. You didn't have your phone.
20 Was that somebody else's phone?

21 A Correct.

22 Q Whose was it?

23 A Kenyardo's?

24 Q And does Kenyardo have another -- do you
25 know her whole name?

Betty Welch-Cross by Murphy

1 A Kenyardo Bolten.

2 Q Does she have a nickname?

3 A Prissy.

4 Q Prissy. And the individual that you heard

5 or that you saw with a knife, and then the

6 individual that you heard say Gary, come handle

7 this mother fucker, or whatever you heard, is that

8 individual in the courtroom?

9 A Yes, she is.

10 Q Would you please, is she sitting next to

11 Mr. Kent?

12 A Yes. That's her.

13 MR. MEADORS: We would like the record to

14 reflect.

15 THE COURT: The record will so reflect.

16 MR. MEADORS: Thank you. That's all.

17 THE COURT: Yes, sir.

18 MR. MURPHY: Thank you, Your Honor.

19 Cross Examination by Mr. Murphy:

20 Q Ms. Welch, correct?

21 A Welch.

22 Q Welch.

23 A Uh-huh. (Affirmative.)

24 Q I'm sorry.

25 A You're fine.

Betty Welch-Cross by Murphy

1 Q Ms. Welch, you indicated that you had how
2 much to drink at the party?

3 A A good bit.

4 Q So you were kind of feeling it?

5 A I was feeling good, yes.

6 Q Did you have more to drink at Club Miami?

7 A Yes, I did.

8 Q A whole lot more?

9 A Maybe about three more drinks.

10 Q So it's fair to say that your perception,
11 you were under the influence throughout---

12 A I was under---

13 Q ---this whole process.

14 A ---the influence, yes.

15 Q That's fair to say?

16 A Yes.

17 Q Correct. Now you, you don't know my
18 client that well, correct?

19 A No, I do not.

20 Q Do you know what he does for a living?

21 A No, I do not.

22 Q You don't know.

23 A Uh-uh. (Negative.)

24 Q He's never delivered drugs to you?

25 A To me?

Betty Welch-Cross by Murphy

- 1 Q Yeah.
- 2 A No, not to me specifically, no.
- 3 Q So he never delivered drugs to you.
- 4 A No, he did not.
- 5 Q And you don't know that he's a drug
6 dealer.
- 7 A Yes.
- 8 Q So you do know that.
- 9 A Right.
- 10 Q Now you indicated that Ms. Helton was on
11 the phone the whole time?
- 12 A Correct.
- 13 Q So how long total was she on this phone
14 with Mr. Dargan?
- 15 A All I know is that she was on the phone
16 with him until the time that I walked back in the
17 house.
- 18 Q So how long was that? A minute, 2
19 minutes, 5 minutes?
- 20 A I would say 5, 10 minutes maybe.
- 21 Q Five, 10 minutes. Total time.
- 22 A Maybe.
- 23 Q Let's be conservative. Let's go with
24 small.
- 25 A Okay, I am not sure.

Betty Welch-Cross by Murphy

1 Q Five minutes?

2 A I am not sure how long, but I know
3 whenever I walked in the house, she was still on
4 the phone.

5 Q So at least 5 minutes.

6 A Maybe.

7 Q Total.

8 A Total.

9 Q You never saw her hang up?

10 A No.

11 Q Now when you decided to leave the yard to
12 go to Club Miami and get your friends together,
13 you weren't concerned about what was going to
14 happen down the street. Or you weren't concerned
15 about---

16 A No.

17 Q ---Shonta and Mario at all.

18 A No.

19 Q I mean, Gary and Mario did they have a
20 beef with each other?

21 A That's Mario?

22 Q Mario.

23 A No.

24 Q You never heard Mario say any bad things
25 about Gary?

Betty Welch-Cross by Murphy

1 A No.

2 Q Or vice versa. You never heard Gary say
3 anything. In the short, the short interactions
4 you may have had with Gary he never said anything
5 about Mario, correct?

6 A No.

7 Q Now you say you spoke to Gary on the phone
8 what you were when at Club Miami?

9 A I didn't say I spoke to him on the phone.

10 Q Okay. So you didn't speak to him?

11 A No, I did not.

12 Q Okay. But the message you received was
13 your man was shot up, correct?

14 A Correct?

15 Q And check the hospital.

16 A Correct.

17 Q Check the hospital.

18 A Correct.

19 Q And then you were told that message came
20 from Gary?

21 A Correct.

22 MR. MURPHY: I have no further questions.

23 Thank you.

24 THE COURT: Mr. Kent.

25 MR. KENT: Thank you, Judge.

Betty Welch-Cross by Murphy

1 Cross Examination by Mr. Kent:

2 Q Betty, how are you doing.

3 A Hi.

4 Q Betty, Ms. Welch, which would you prefer?

5 A Betty is fine.

6 Q Betty is fine.

7 A Right.

8 Q And I am going to give you the same
9 admonitions I gave somebody else. And I think you
10 did it a little bit. Madam Court Reporter is
11 taking down every word you are saying, okay.

12 A Correct.

13 Q And you see you are nodding you head, she
14 can't take down those shakes. Make sure we sure
15 we yes and no and clear enough so everyone can
16 hear you okay.

17 A Yes, sir.

18 Q And I don't have a lot of questions,
19 Betty. I guess I am a little confused on the
20 first. Who all got to the party together? You
21 mentioned Tajuana. Did she come by herself?

22 A It was me, well Tajuana came to pick me
23 up.

24 Q Tajuana picked you up.

25 A Then we went and picked up Shonta.

Betty Welch-Cross by Murphy

1 Q Let me make clear this clear, so I am not
2 confused. So Tajuana actually, and Tajuana was --
3 I think she's sitting right back there in the back
4 room. She testified a little bit earlier.

5 A Correct.

6 Q So she actually came to the party and
7 picked you and Shonta Helton up together.

8 A Well she picked me up first.

9 Q Picked you up first.

10 A Then we went to pick Shonta up.

11 Q And then you all went pick Shonta up.

12 A Correct.

13 Q I want to make sure I am clear on that.
14 So you all got to the party all at the same time.

15 A Me, Tajuana and Shonta, yes.

16 Q You, Tajuana and Shonta.

17 A Uh-huh. (Affirmative.)

18 Q And who else was at this party? I want to
19 make sure I understand.

20 A Mario was already at the home already.

21 Q Mario was already there.

22 A Right.

23 Q He was in the back bedroom---

24 A Right.

25 Q ---I think the question was.

Betty Welch-Cross by Murphy

1 A Right.

2 Q So he's in the back bedroom. Where was
3 everybody else? Who else?

4 A Danielle came next. And then I think
5 Prissy came. I am not sure who came after that.

6 Q You not sure. Who all ended up at the
7 party? How about that. Who all was there?

8 A Tajuana, Shonta, Tamar, Kenyardo, Lexis
9 and Tamar's friend. The one that I don't know her
10 name.

11 Q The one you just don't know her name.

12 A Yeah, I don't know her name.

13 Q So and I think there was about 9 people at
14 this party?

15 A Right.

16 Q Okay. How did everybody get along? Do
17 you know the interpersonal relationships? Were
18 everybody friends? Did some people not like each
19 other, and some people did like each other?

20 A We were all cordial with each other.

21 Q Cordial is an interesting word.

22 A Well I mean, I was close. I am closer to
23 all of, you know.

24 Q You get along with everybody.

25 A Correct. Yeah.

Betty Welch-Cross by Murphy

- 1 Q And what about everyone else?
- 2 A I don't know how they feel.
- 3 Q Okay. You don't know.
- 4 A I can't speak for them.
- 5 Q Do you know if anyone had beef, or
- 6 disagreements or anything with Shonta from the
- 7 party, or did everyone get along well with her?
- 8 A Everybody got along fine.
- 9 Q So everybody got along well at the party.
- 10 A Uh-huh. (Affirmative.)
- 11 Q And what was the party for?
- 12 A Because I got a job.
- 13 Q Because you got a job and you're just
- 14 celebrating.
- 15 A Yes.
- 16 Q Invited all your girlfriends over just to
- 17 celebrate the party.
- 18 A Right.
- 19 Q During your direct testimony you were
- 20 asked about how the fit between Mario and Shonta
- 21 started.
- 22 A Uh-huh. (Affirmative.)
- 23 Q Remember you said uh-huh.
- 24 A Oh, yes, sir.
- 25 Q And you had mentioned, and I'm not trying

Betty Welch-Cross by Murphy

1 to put words in your mouth. I want to make sure I
2 am correct. You had mentioned that Mario actually
3 shoved the wig off her head, first. Was that the
4 first contact, or did Shonta make the first
5 contact.

6 A I'm not sure who made. I just know when
7 I walked out of the house, I seen him shift her
8 wig.

9 Q And you have no clue what started. You
10 just walked into the room.

11 A Yeah, she was being very belligerent. And
12 she was drunk and being loud, and he wanted her to
13 leave.

14 Q And he wanted her to leave.

15 A Yes, he did.

16 Q Then you saw was him shove her. And how
17 did he shove her. And how did he shove her? Like
18 was back?

19 A Front.

20 Q Okay. And just was it a hard shove?

21 A No, it just a light.

22 Q Just a light shove. And it set her off.

23 A Yeah.

24 Q I think we all agree on that.

25 A That was it.

Betty Welch-Cross by Murphy

1 Q She was very upset.

2 A Very much so.

3 Q She was angry.

4 A Uh-huh. (Affirmative.)

5 Q And when she got angry, I think you heard
6 her say something. You were pretty close to her
7 when she said this statement?

8 A What statement are you are talking about?

9 Q And from the direct, you said she called
10 Gary. She said Gary come get him.

11 A Yeah. Come get this mother fucker, he put
12 his hands on me.

13 Q Come get this mother fucker. He done put
14 his hands.

15 A Right.

16 Q And you heard that clearly.

17 A I heard that clearly.

18 Q No doubt about it.

19 A No doubt about that.

20 Q That's specifically what was said.

21 A Correct.

22 Q Was there any music going on that you
23 could have drowned out what you heard?

24 A No.

25 Q Any cars going back and forth?

Betty Welch-Cross by Murphy

1 A No. I'm sure -- I mean I am sure there
2 was cars going back and forth.

3 Q Yeah, but that was the statement you
4 specifically heard.

5 A That's what I heard.

6 Q Do you remember talking to law
7 enforcement? I think the solicitor said that you
8 had told them the statement was, come handle this
9 mother fucker. Do you remember saying that to law
10 enforcement?

11 A Something to that note. I know she called
12 Gary up and she said, come get this mother fucker.
13 I know that.

14 Q Okay. So that was pretty specific.

15 A That was pretty much it.

16 Q I don't want to put words---

17 A Right.

18 Q ---but you are here today from testifying.
19 No matter what you said on that statement, no
20 matter what. You know for a fact that that was
21 all that was said.

22 A What's on that statement was what
23 happened.

24 Q Okay.

25 A Okay.

Betty Welch-Cross by Murphy

1 Q That's fine. But it was either come
2 handle, or come get.

3 A Right.

4 Q It was one of the two of those.

5 A Right.

6 Q Again, like I said, I am not trying to put
7 words in your mouth. These purses, tell me about
8 these purses. Were they legal? Or are those
9 state Gucci purchases? Gucci sells those.

10 A I don't -- not to my knowledge.

11 Q Okay. So you don't if they were legal.

12 A I don't know.

13 Q Did you buy any purses from her?

14 A That night, no, sir.

15 Q Have you ever bought purses from her
16 before?

17 A She usually gives me a gift.

18 Q Okay.

19 A On my birthday. Or Christmas time.

20 Q You had mentioned that when Shonta came
21 into Club Miami later that night, she came up to
22 you, and she said, hey there's my bitch or
23 whatever she said---

24 A Right.

25 Q ---and came and gave you a kiss.

Betty Welch-Cross by Murphy

1 A Right.

2 Q Like she had done a bunch of times before?

3 A Well, yeah, just, you know, we see each
4 other. What's up bitch. She was like, what's up
5 bitch.

6 Q Completely normal nothing crazy.

7 A No, right.

8 Q She was acting the way she's acted with
9 you.

10 A Right.

11 Q You've known her for about 4 years.

12 A Right.

13 Q So she was acting exactly like she had
14 acted with you for 4 years prior to the
15 relationship.

16 A Right. Totally different like she was
17 acting at the house.

18 Q So she had calmed down.

19 A Yeah.

20 Q You had mentioned going back home. After
21 you left Club Miami, make sure I am clear on this.
22 What happened? Tajuana took you from Club Miami?

23 A Uh-huh. (Affirmative.) I left with
24 Tajuana.

25 Q You all went -- where did you all go after

Betty Welch-Cross by Murphy

1 that?

2 A We went -- she was going to take me home.

3 And then I seen all the police at the house.

4 Q You didn't want to go there.

5 A I was like, I'm not going there. Take me

6 back to your house. So she took me back to her

7 house. And then I called my friend, and she

8 dropped me off at my friend's house.

9 Q And that was the extent of what happened?

10 A That was it.

11 Q Did you all make any phone calls? Call

12 the hospitals or anything?

13 A I didn't have a phone.

14 Q So no hospitals were called in front of

15 you or anything like that?

16 A No, sir.

17 Q 411 wasn't called. Information anything

18 like that never happened?

19 A No, sir.

20 Q And so the way you actually heard about

21 this was the next morning. I think your

22 testimony---

23 A Yes, sir.

24 Q ---was that Tajwana actually saw it on

25 facebook.

Betty Welch-Redirect by Meadors

1 A Yes, sir.

2 Q Because it was all over facebook.

3 A Right.

4 Q And that's how you heard about all this.

5 Not from some---

6 A Right.

7 Q ---411 information out of concerned
8 citizens.

9 A No.

10 MR. KENT: Thank you. That's all the
11 questions I have. Thank you so much.

12 THE COURT: Any redirect?

13 MR. MEADORS: Just in direct response to a
14 couple of questions, please. If I can approach.

15 (Statement of Betty Welch marked Court's
16 No. 5 for id.)

17 Redirect Examination by Mr. Meadors:

18 MR. MEADORS: Can I approach?

19 THE COURT: You may.

20 Q I am going to show you what's marked
21 Court's 5. Witness' statements aren't admissible.
22 This is Court's 5 okay.

23 A Uh-huh. (Affirmative.)

24 Q Did you give -- you were asked if you gave
25 a statement to law enforcement by Mr. Kent. Do

Betty Welch-Redirect by Meadors

1 you understand that?

2 A Yes, sir.

3 Q And what was the date on that.

4 A 12/11/12.

5 Q December 11, 2012, correct?

6 A Right.

7 Q And I think Mr. Kent asked you whether or
8 not you told law enforcement you said, come handle
9 this mother fucker?

10 A Right.

11 Q And you said whatever was on there was on
12 there, was correct?

13 A Right.

14 Q And did you say in this statement come
15 handle this mother fucker?

16 A It says, okay. Then she jumped on the
17 phone and she called Gary and said, this Nigger
18 done put his hands on me, Gary.

19 Q And what did you say after that?

20 A I said, come -- she said come handle this
21 mother fucker. That is still in her statement.
22 And we were all outside at this point.

23 Q And that's what you told law enforcement
24 back in December 11, 2012.

25 A Correct.

Betty Welch-Redirect by Meadors

1 Q And that's what you heard.

2 A Correct.

3 MR. MEADORS: I beg the court's
4 indulgence. That's all. Thank you.

5 THE COURT: Any recross?

6 MR. MURPHY: No, Your Honor.

7 THE COURT: Any recross?

8 Mr. KENT: Nothing on behalf of
9 Ms. Helton.

10 THE COURT: You may step down. Any
11 objection to this witness being excused?

12 MR. MURPHY: No, Your Honor.

13 THE COURT: Mr. Kent, do you have any---

14 MR. KENT: No, sir.

15 THE COURT: ---objection to this witness
16 being excused?

17 MR. KENT: I apologize. No, sir. Not at
18 all.

19 MR. MEADORS: Your Honor, we have
20 sequestration going on for just a minute. They're
21 down the hallway getting my next witness.

22 THE COURT: All right.

23 Danielle Morgan, being first duly
24 sworn, testified as follows:

25 THE BAILIFF: Please state your full name

Danielle Govan-Direct by Brown

1 and spell your last name for the record.

2 A Danielle Patrice Morgan Govan.

3 M-O-R-G-A-N, G-O-V-A-N.

4 Direct Examination by Mr. Brown:

5 Q Ms. Govan.

6 A Uh-huh. (Affirmative.)

7 Q How are you this afternoon.

8 A I'm doing okay.

9 Q I'm going to need you to speak up. All
10 these ladies and gentlemen of the jury have to
11 hear you. And this Court Reporter has to take
12 everything down.. Okay.

13 A Yes, sir.

14 Q I need you to give yes or no answers
15 instead of headshakes and nods for me, please.

16 A Yes.

17 Q For these ladies and gentlemen, would you
18 please tell us who you are, and where you are
19 from? What school you went to. Just let them
20 know where you are.

21 A My name is Danielle Morgan Govan. I went
22 to Sumter High School. I am 30 years and I have
23 seven children. I am self employed. And I have a
24 store here in Sumter for 5 years on Manning
25 Avenue, right there in the Bracey's Plaza. Since

Danielle Govan-Direct by Brown

1 then I have been self employed. But that's
2 basically it.

3 Q Were you born and raised here in Sumter?

4 A I was born in Atlanta, but I was raised in
5 Sumter.

6 Q When did you move here?

7 A I don't remember.

8 Q You went -- you even went to primary
9 school here?

10 A I did. I went to Wilder Elementary.

11 Q And you went to middle school here?

12 A Yeah, I went to Bates.

13 Q And then you went to Sumter High School.

14 A I went to Sumter High. And USC Sumter.

15 Q USC Sumter?

16 A Uh-huh. (Affirmative.)

17 Q What did you study at USC Sumter?

18 A Pharmacy. Pre-pharmacy. And then I went
19 to Columbia. And I'm still kind of in the process
20 of trying to do that.

21 Q Who mentioned you had some children?

22 A Yeah, 7 of them.

23 Q How old is the oldest?

24 A My oldest is 14.

25 Q And the youngest.

Danielle Govan-Direct by Brown

1 A Two years old.

2 Q And are you married?

3 A I was married, but I have been divorced
4 about 2 years now.

5 Q Now you said you are self employed. What
6 kind of business do you do?

7 A Well I've don jewelry for about 13 years
8 now, jewelry repair. And then just miscellaneous
9 other things that I did in my store when I had the
10 store.

11 Q Where was that store located?

12 A It was right there on Manning in the
13 Bracey Shopping Plaza. Right beside the barber
14 shop and chicken coop.

15 Q Okay. Of course today we're talking about
16 December of 2008.

17 A Okay.

18 Q Specifically we're talking about, the
19 night of December 8th, the morning of December
20 9th. Did I say 2008? I meant 2012. Do you
21 remember that day?

22 A I remember it.

23 Q Now were at the residence of Betty Welch
24 that particular night?

25 A Yes, I was. I was there. I came there

Danielle Govan-Direct by Brown

1 a little later that afternoon after I finished
2 working.

3 Q And before we get to you getting there,
4 did you know Betty Welch really well before you
5 went there that night?

6 A I didn't know her really well, but I knew
7 her because I as getting to know her.

8 Q Who did you know her through?

9 A I met her through Shonta.

10 Q Shonta Helton?

11 A Shonta Helton.

12 Q The lady seated right over here?

13 A Yes. I worked with Shonta through middle
14 school.

15 Q How did you get invited to this party?

16 A Well I had been kind of spending time with
17 both Shonta and Betty, and just getting know
18 Betty. And everybody know it was for girl's
19 night.

20 Q And you went?

21 A I went. It was a little later when I got
22 there. Everybody else was already there. And I
23 was working, so I wanted to complete what I had to
24 do for the day before I decided to just go and let
25 my hair down.

Danielle Govan-Direct by Brown

1 Q And, Ms. Danielle, I talk way too fast.
2 I'll be the first to admit that. But our Court
3 Reporter has to write everything down, so let's
4 just go nice and slow, okay.

5 A Yes, sir.

6 Q When you got to that residence, was it
7 already dark?

8 A It was dark.

9 Q Had it been dark a little bit by that
10 point or it did it just turned dark?

11 A Probably just dark.

12 Q And when you got there, who all was there?

13 A I remember there was Betty, T., which is
14 Tajuana. That was Tajuana.

15 Q Okay.

16 A prissy, Lexie. Mario was there, but he
17 was in the back of the house. He wasn't in the
18 front with us ladies. Shonta and myself.

19 Q You said Prissy. Do you know what
20 Prissy's first name is?

21 A Kenyardo.

22 Q And was Lexie, Lexis or Alexie?

23 A I'm not sure, because that was the first
24 time I met her.

25 Q You had just met a lot of these people the

Danielle Govan-Direct by Brown

1 first time that night.

2 A Yeah.

3 Q When you got there, were you drinking? Or
4 had you been drinking before you got there that
5 night?

6 A No, I hadn't. I have been working.

7 Q And when you got there, did you start
8 drinking?

9 A No, when I got there, I didn't start
10 drinking right away. I waited for awhile. I just
11 was taking in everything that was going on around.
12 They had been eating. And shortly after, we
13 started cooking wings, me and Mario together. But
14 I hadn't been drinking before I got there. I
15 didn't drink right away when I got there.

16 Q Okay. So you said you and Mario started
17 cooking wings after you got there.

18 A Yeah, but it was a little later. Because
19 we were all in the -- all the ladies were in the
20 kitchen first. And we had been in there for
21 awhile. Because at first we were just sitting in
22 there eating chips and dip, and the wings were
23 sitting there. Nobody wanted to fix them. So
24 that's how I ended up on the job.

25 Q You got the job to---

Danielle Govan-Direct by Brown

1 A Yes.

2 Q ---cook the wings.

3 A Yes, sir.

4 Q Mario helped you out with it.

5 A He did.

6 Q Had you known him before this see?

7 A I knew him from just seeing him a couple
8 of times prior to this. The day before he
9 actually sent me to meet his mom, because he
10 wanted her to see my jewelry and my purses that I
11 had.

12 Q Okay.

13 A But I didn't know him well, but from what
14 I knew of him, he was a nice guy.

15 Q Is it fair to say you all weren't close
16 friends, but you all were associates, I guess.

17 A Yeah, we were just getting to know each
18 other. Only seen each other maybe that night, was
19 probably the third or fourth time I've seen him.

20 Q And that night he helped you cook wings.

21 A He did.

22 Q After the wings were cooked, did you start
23 drinking with everybody?

24 A Well I think I started drinking before the
25 wings. But I didn't start drinking when I first

Danielle Govan-Direct by Brown

1 got there.

2 Q And would you say -- what were you
3 drinking that night?

4 A They had Vodka. There was beer.

5 Q Do you know what kind of beer?

6 A Probably Bud light, because that's the
7 beer we always drink.

8 Q You don't know for sure though.?

9 A I'm pretty sure it was Bud light.

10 Q There was Vodka?

11 A Yes.

12 Q Was that what you were drinking?

13 A Yes, I was.

14 Q Were you mixing with anything?

15 A Yeah, we had cranberry juice and pineapple
16 juice.

17 Q Were you just kind of alternating between
18 them?

19 A Because there was 2 or 3 flavors of Vodka.
20 There was a good bit of alcohol. But it was going
21 kind of quickly. So if they finished one bottle
22 with a certain flavor, they would mix that with a
23 certain flavor. You know, certain things don't
24 mix.

25 Q Sure. At some point did an altercation

Danielle Govan-Direct by Brown

1 take place?

2 A Yeah, there was -- they were pretty fussy
3 after awhile. There was small arguments about a
4 lot of silly stuff. And there's not one argument
5 I remember in the house that made a lot of sense.

6 Q Okay. Before we get into what was being
7 argued about, do you remember who was arguing?

8 A I mean I really remember, you know, Betty,
9 Shonta. They had their words. Nobody was so much
10 arguing at first. Because at first, I remember
11 one of arguments was so simple. It was about
12 exercising. And you can exercise here or you can
13 exercise there. Or don't pay to go here. So it
14 was no -- it was petty at first.

15 Q They were petty arguments.

16 A Petty arguments. Small, simple. You can
17 tell it was coming from people drinking too much.

18 Q And were you out -- were you all inside or
19 outside when this was going on?

20 A We were inside when all that started.

21 Q At some point did all this spill outside?

22 A Yeah, it did.

23 Q Tell the ladies and gentlemen about that,
24 please.

25 A After the wings were done, I just remember

Danielle Govan-Direct by Brown

1 that they was really loud inside. Mario had
2 already came to the front with wings. But he
3 still mainly stayed in the back of the house. But
4 I guess when they got really more loud or
5 whatever, they pretty much everything went
6 outside. I guess they were trying to kick people
7 out or whatever. It was such a blur. But that's
8 when everything leaked outside the house.

9 Q Did you go outside as well?

10 A I did. Because I was pretty much ready to
11 go.

12 Q Was it getting later into the night at
13 this point?

14 A It was.

15 Q Getting close to midnight.

16 A I'm pretty sure it was. But being that
17 everybody was so blurred, I don't remember the
18 exact time, but yeah, it was getting late.

19 Q And what kind of state were people in at
20 this point? I am just going to, I hope you don't
21 take offense to this. Were you intoxicated at
22 that point?

23 A I was. And some people were more
24 intoxicated. Some were really intoxicated, and
25 some weren't as much.

Danielle Govan-Direct by Brown

1 Q On the sliding scale, where were you?

2 Were you---

3 A I was in the middle. I wasn't too
4 intoxicated where I couldn't remember everything.
5 But I knew I had to get home and there was trouble
6 boiling. But then there were some who were
7 probably could see everything clearer, because
8 they maybe had 2 or 3 drinks. And then there was
9 some who had drink so much they may not remember
10 anything.

11 Q Now I am not asking this to insult
12 anybody. Was Betty intoxicated that night?

13 A Yes, she was.

14 MR. KENT: Objection. That calls for
15 speculation.

16 THE COURT: Sustained. Rephrase your
17 question.

18 Q Did you observe Betty that night?

19 A I observed her.

20 Q And you've seen drunk people before?

21 A I have. And I know from being around
22 them.

23 Q Based on your impressions of watching her,
24 did she appear like she might be intoxicated that
25 night?

Danielle Govan-Direct by Brown

1 A Pretty intoxicated.

2 Q How about Mario?

3 A I don't think he was that intoxicated.

4 Q How about Shonta?

5 MR. KENT: May we approach.

6 THE COURT: You may.

7 (Whereupon, attorneys approach and confer
8 with judge.)

9 THE COURT: Counsel, proceed.

10 Q Did Shonta appear to have been drinking
11 that night as well?

12 A Yes.

13 Q And there was some who appeared like they
14 had not?

15 A Not as much.

16 Q Who would you say didn't appear like they
17 had been drinking that much?

18 A I know T. isn't a big drinker. So she
19 wasn't drinking as much. I don't know -- I didn't
20 know Prissy that night. Kenyardo. I didn't know
21 her. That was my first time really meeting her.
22 So I couldn't tell if she was so much intoxicated.

23 Q Okay.

24 A But the ones that I knew -- I know, like I
25 know Shonta. And I knew -- I didn't Betty like I

Danielle Govan-Direct by Brown

1 knew Shonta, because I grew up with Shonta. But I
2 knew Betty from being around her, and I could
3 tell she had been drinking.

4 Q Okay.

5 A She probably had been drinking probably
6 most of the day.

7 Q Once you all got outside, what happened
8 next?

9 A When we got outside, there was still the
10 arguing. And I think some words were exchanged
11 between the two. Betty -- not Betty. Betty and
12 Shonta had already had their words. But some
13 words were exchanged between Mario and Shonta.
14 And they must have been pretty bad, because, you
15 know, because a lick was thrown. But it wasn't---

16 Q And I'm going to stop you right there for
17 just a second. Where were you when these words
18 were exchanged?

19 A It seems like I was coming out of the
20 kitchen. Because the kitchen and the porch and
21 the driveway are so close. If you really catch
22 it, you can kind of see outside. If you're at the
23 door, you can definitely see everything outside.
24 We're not talking about a large area. This is a
25 small space that you can see and hear easily.

Danielle Govan-Direct by Brown

1 Q But you were close enough to see what was
2 going on.

3 A I was close enough to hear everything that
4 I could remember or, you know, that I could focus
5 on. But as far as seeing them, I could see a
6 little.

7 Q And when you were observing this, you
8 said, that a lick was thrown. What do you mean by
9 that?

10 A Well I just -- from what I remember, I
11 remember Mario bopping her up across the head.
12 But it didn't seem -- she didn't seem hurt. She
13 seemed more disrespected than anything. Like I
14 know good and well you didn't just hit me. He
15 just hit me.

16 Q How did he hit her? Was this like a hard
17 hit, or was this just a shove or what? Tell the
18 ladies and gentlemen of the jury what you mean.

19 A From what I could see, he bopped her
20 across her ponytail or her wig. Her head.

21 Q Was this from the front or the back?

22 A It was just like it was from the back.

23 Q Okay.

24 A I can't say how somebody else feels from
25 something I didn't feel. But I know it didn't

Danielle Govan-Direct by Brown

1 seem -- it didn't look to be---

2 MR. KENT: Objection then, Your Honor, it
3 calls for speculation.

4 THE COURT: Sustained.

5 Q And let's not talk about what anybody else
6 feels okay. Now after that happened, after you
7 saw after you saw Mario push Shonta's head, what
8 happened next?

9 A She just said that she knew he didn't hit
10 her. And she felt very disrespected. Betty came
11 outside trying to defuse the situation. And she
12 was like, well, you know, you just need go ahead
13 and leave. So she told Mario to go ahead and
14 leave.

15 Q What was Shonta doing during this point?

16 A By then she was on the phone talking.

17 Q She was on the phone talking?

18 A Uh-huh. (Affirmative.)

19 Q Who was she talking to? Or do you know?

20 MR. MURPHY: Speculation.

21 THE COURT: If she knows.

22 Q Do know who she was talking to?

23 A No, I don't know who she was talking to.

24 Q Could you hear the conversation she was
25 having on the phone?

Danielle Govan-Direct by Brown

1 A I heard very little.

2 Q And what did you hear?

3 A What I heard was that, you know, I have
4 disrespected. I have been disrespected, pretty
5 much. I have been hit. Somebody hit me, I have
6 been disrespected. You know that's the most I
7 heard.

8 Q Did she appear angry?

9 A Yes.

10 Q What happened next?

11 A From what I remember when Betty came
12 outside, she was kind of, she told Mario to leave.
13 And her and Shonta got into it like a little push
14 between each other. They were in each other's
15 face. She told Mario to leave. I guess she was
16 trying to keep Mario and Shonta from fighting,
17 because she told Mario to leave. But her and
18 Shonta still were somewhat fighting. Not
19 fighting, but, you know, having their
20 disagreement. And Mario was taking on up the
21 street walking. And shortly after that Shonta
22 took on up the street. And then after that, then
23 I got in my car and went on up the street too, So
24 I could leave. Too much going on.

25 Q I got you. So Mario left first.

Danielle Govan-Direct by Brown

1 A He was directed. Yes, he was told to
2 leave.

3 Q And which direction did he got when he
4 left the house?

5 A He went towards Guinyard. But then, you
6 know, on there like two little
7 different ways you can go. You know you can go by
8 Harvin Packing or you go through by El Cheapo.

9 Q Okay.

10 A By the time I got in my car to pull up
11 towards the railroad track, Mario was further
12 ahead of Shonta just a little. Shonta was a
13 little further behind him making her way up the
14 street. He was ahead of her. And the railroad
15 track was here. Here is my car, heading the
16 opposite direction from him from El Cheapo. They
17 were going that way. I was going this way towards
18 my home. And I remember saying Shonta you want to
19 let me take you home. Do you want to let me take
20 you home. And she was still talking. So I don't
21 know if she heard me, or she didn't get in the car
22 with me.

23 Q Now when you mean she was still talking,
24 do you mean on the phone?

25 A Yes.

Danielle Govan-Direct by Brown

1 Q At this point, when you got up to this
2 point did you -- did she still appear angry?

3 A Yeah.

4 Q And how did Mario appear at this point?

5 A It looked like he was upset too.

6 Q Upset angry or what?

7 A Probably upset and angry.

8 MR. BROWN: Now, Your Honor, if I ask her
9 to keep her voice up, can she please step down?

10 THE COURT: Yes. Please keep your voice
11 up, because he is going to ask you some questions.
12 But you can step down, and speak to the jury.

13 A Okay.

14 (Whereupon, the witness steps down from
15 the witness stand.)

16 Q Now I am going to ask you to come down and
17 look at this map. And do you recognize where this
18 party was taking place that night?

19 A Yes, it's right here. The cooler is where
20 Betty's house is.

21 Q Okay.

22 A And my car would have been parked right
23 there at the edge. This is a little parking area.

24 Q Okay.

25 A Once you come up because

Danielle Govan-Direct by Brown

1 that's . The railroad track I was talking
2 about is right here.

3 Q Yes, ma'am.

4 A This is direction I went as far as home,
5 Harvin Packing Company. This is towards El
6 Cheapo.

7 Q Okay.

8 A They were more going this way. I asked if
9 she wanted a ride. Either she was on the phone.
10 I went on this way and went home.

11 Q And that night she didn't get in the car
12 with you?

13 A No, she didn't.

14 Q And she went in this direction towards the
15 meat packing plant?

16 A Yes, and on home.

17 Q And she went that direction following
18 Gary? I'm sorry, following Mario?

19 A They were already -- I didn't stay to see
20 how far they walked. But they were already, I
21 mean if you see this railroad track, it's kind of
22 like here where you can tell they're going -- you
23 can either go this way or go this way. Once you
24 get past a certain point, if you are going to go
25 that way, no, you wouldn't be that far.

Danielle Govan-Direct by Brown

1 MR. BROWN: Thank you. Your Honor, for
2 the record that would be State's Exhibit No. 2.

3 (Whereupon, the witness resumes the
4 witness stand.)

5 Q Did you see Shonta Helton again that
6 night?

7 A Later I don't remember seeing her. But I
8 know for a fact that she went by my home, because
9 my daughter, they opened the door, and Shonta's---

10 MR. KENT: Your Honor, I am going to
11 object there.

12 THE COURT: Sustained.

13 Q Do you have any recollection of seeing her
14 any longer that night?

15 A No.

16 Q And the next morning did you have any
17 missed calls from her?

18 A Yes, I did.

19 MR. BROWN: The court's indulgence.

20 Q The woman who was at that party who you
21 heard, who you saw her hair get pushed, who you
22 saw her on the phone, do you recognize her in the
23 courtroom today?

24 A I do.

25 Q And that would be Ms. Shonta Helton over

Danielle Govan-Cross by Murphy

1 here?

2 A Yes.

3 Q And this is the same woman who was later
4 seen walking in the same direction as the victim,
5 Mario.

6 A That's Shonta.

7 MR. BROWN: Thank you. No further
8 questions.

9 THE COURT: Mr. Murphy.

10 MR. MURPHY: Thank you, Your Honor.

11 CROSS EXAMINATION by Mr. Murphy:

12 Q Good afternoon, Ms. Govan, is that it?

13 A Yes, sir.

14 Q You said you know Mario pretty well, or
15 not too well.

16 A I've only seen him prior to that night,
17 maybe 3 or 4 -- like maybe 3 or 4 times. That
18 night included, maybe or 3 or times.

19 Q And you know my client Mr. Dargan,
20 correct.

21 A I knew him through Shonta. I met him
22 through Shonta. We had been, you know, somewhat
23 friends. And Shonta at the time, that was my
24 friend. But that's her boyfriend. Me and him
25 were friends. And I was getting to know Betty,

Danielle Govan-Cross by Murphy

1 so me and her were friends. But Gary is new to me
2 too. I didn't grow up with him. I just knew him
3 from when me and Shonta had started back talking.
4 And she wasn't staying in town, but when she came
5 back in town, we reconnected as friends.

6 Q And to your knowledge, Gary and Mario
7 didn't have a beef with each other.

8 A No, not that I know of at all.

9 Q And at that time of this incident, isn't
10 it true that Gary and Shonta actually weren't
11 dating?

12 A If I were to think back at it, they might
13 not have been, because they were going through
14 problems.

15 Q There had been an incident about a car and
16 a windshield. And they were on the outs at this
17 time.

18 A Oh, yeah, I remember that.

19 Q You don't have to get into detail. But
20 they weren't dating at the time, correct.

21 A That is correct.

22 MR. MURPHY: I am sorry, Your Honor, I
23 have one more.

24 Q In response to the solicitor's questions
25 about missed calls, you said that you had a couple

Danielle Govan-Cross by Murphy

1 of missed calls the next morning.

2 A Yes, sir.

3 Q You also had one from Gary, correct?

4 A Yes.

5 Q About 12:15 in the morning.

6 A Well they were -- I don't remember
7 exactly, but the two calls from Shonta were a
8 couple of minutes apart. And the other call was
9 maybe little bit later than that.

10 Q Well if you look at your statement, do you
11 think that would help you remember?

12 A Yes, sir.

13 MR. MURPHY: Your Honor, may I approach?

14 THE COURT: You may.

15 Q You gave a statement to law enforcement,
16 correct?

17 A I did.

18 Q And that was a lot closer in time than?

19 A Yes.

20 Q Okay. And you think if you looked at your
21 statement you might remember Mr. Dargan called
22 you? Just look at your statement.

23 A Yes, sir.

24 MR. MURPHY: Could you mark this as a
25 Court Exhibit?

Danielle Govan-Cross by Kent

1 (Statement of Danielle Govan marked as
2 Court's Exhibit No. 6 for id.)

3 Q I am going to show you what has been
4 marked as Court's Exhibit 6, and I direct your
5 attention to this line right here.

6 A Yes.

7 Q Okay. Just take a look at it if you see
8 anything. Does that refresh your recollection as
9 to when you got the call from Mr. Dargan?

10 A Yes.

11 Q And what time was that?

12 A I looked at it. I didn't look at---

13 Q Do you know the time?

14 A Yes, 12:51.

15 Q 12:51, a.m. or p.m.?

16 A A.m.

17 MR. MURPHY: Thank you. I have no further
18 questions.

19 THE COURT: Mr. Kent.

20 MR. KENT: Thank you, Judge.

21 Cross Examination by Mr. Kent:

22 Q Danielle, how are you doing?

23 A I'm doing okay.

24 Q You don't mind if I call you Danielle.

25 A I don't mind.

Danielle Govan-Cross by Kent

1 Q And we talked a couple of days on the
2 telephone. Do you remember my contacting you?

3 A I do.

4 Q First of all, congratulations on seven
5 kids. I don't understand how you do that. That's
6 a little crazy, but congratulations on that.

7 A Thank you.

8 Q Just a couple of questions, I want to make
9 sure. And we just talked about the statement that
10 you had given to law enforcement.

11 A Yes.

12 Q A few minutes ago when the state was
13 asking you questions about the statement that you
14 heard Shonta Helton saying that night. Do you
15 remember them asking you about what you heard her
16 say?

17 A I do.

18 Q And to use the specific words, you said
19 you heard her on the phone talking to somebody
20 saying the word, disrespected.

21 A Well I know from, it's been so long ago,
22 but to sum it up, she was just dumb about. She
23 must was like, I know he just didn't put his hands
24 on me. He just didn't hit me. He just didn't
25 disrespect me. That's to sum up.

Danielle Govan-Cross by Kent

1 Q And what I'm asking specifically when you
2 asked questions by the State, you were talking
3 about, she was on the telephone.

4 A Yes.

5 Q She was talking to somebody.

6 A Yes.

7 Q You don't know who it was.

8 A No.

9 Q And you specifically said, I heard the
10 word, disrespected. Is that a word you heard out
11 of her mouth?

12 A And I brought that word out, because
13 that's the word I feel I heard that night.

14 Q Yes, ma'am.

15 A But yes.

16 Q So that was the word you heard her use,
17 disrespected when she was on the telephone.

18 A It was more, I know he didn't put his
19 hands on me. And disrespect, that word came out
20 at some point that night. Because there as a lot
21 of disrespect going on that night.

22 Q But you're not positive.

23 A No, I don't say I'm positive. Because
24 when you're drinking you don't say something that
25 is not the truth.

Danielle Govan-Cross by Kent

1 Q So when the State was asking the question
2 about she said the word disrespect, you are not
3 even sure if that was said or what was said.

4 A I remember the disrespect that night.
5 And I remember someone saying about disrespect.
6 And I am pretty sure it was her.

7 Q You are pretty sure it was during that
8 phone conversation. Do you remember if you
9 mentioned that word at all during the statement
10 you gave to law enforcement?

11 A I may not have.

12 MR. KENT: That's all the questions I
13 have. Thank you so much.

14 THE COURT: Any redirect, Mr. Brown?

15 MR. BROWN: Nothing further, Your Honor.

16 THE COURT: You may step down. Any
17 objection to this witness being excused?

18 MR. MURPHY: No, Your Honor.

19 MR. BROWN: None, Your Honor.

20 THE COURT: Let me see the attorneys a
21 minute.

22 (Whereupon, the attorneys approach and
23 confer with judge.)

24 THE COURT: Ladies and gentlemen, the
25 attorneys want a break. So we'll take a break.

Danielle Govan-Cross by Kent

1 Ladies and gentlemen, please do not discuss
2 anything about the case. The smokers will have an
3 opportunity to go outside. Thank you.

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 MR. KENT: If I may, Judge. At one point
7 and time during the questioning of the State
8 during the witness, the State was specifically
9 asking about levels of intoxication. During that
10 point and time, I made an objection just at side
11 bar that I felt as though intoxication of course
12 is a legal term of art. And by the State
13 specifically asking about intoxication, I thought
14 it was impermissible. I just made an objection.

15 THE COURT: Right. And I held that she
16 was just giving ranges. There were no points or,
17 you know, percentages given so no harm.

18 MR. KENT: Thank you, sir.

19 THE COURT: Thank you. We're now in
20 recess.

21 (Whereupon, the Court Breaks.)

22 THE COURT: Anything else we need to bring
23 up before jury comes back? Mr. Kent?

24 MR. KENT: No, sir, Judge.

25 THE COURT: Let's bring our jury in.

1 (Whereupon, the following takes place
2 within the presence of the jury.)

3 THE COURT: Ladies and gentlemen, just for
4 your information, we're not going to go late
5 tonight. That was our last break. So we'll just
6 go, have a couple more witnesses and then we will
7 be done for the day. Is the State ready to call
8 the next witness?

9 MR. MEADORS: Kenyardo Monique Bolden.
10 Kenyardo Monique Bolden,
11 Being first duly sworn, testified as follows

12 THE BAILIFF: Please state your full name
13 and spell your last name for the record.

14 A Kenyardo Monique Bolden. B-O-L-D-E-N.

15 DIRECT EXAMINATION by Mr. Meadors:

16 Q Good afternoon, Ms. Bolden.

17 A Good afternoon.

18 Q As with every witness, I'm going to ask
19 you to tell this jury about you, please. Where
20 were you born?

21 A I was born in Sumter, South Carolina. In
22 May 19, 1993.

23 Q You were raised?

24 A Yes, sir.

25 Q Where did you go to school, please?

Kenyardo Bolden-Direct by Meadors

1 A Oakland Primary. Delaine, High Hills,
2 Hillcrest. Graduated from Crestwood.

3 Q What year?

4 A 2002.

5 Q 2002 you graduated from Crestwood high
6 school.

7 A Uh-huh. (Affirmative.)

8 Q What did you do then, please, ma'am.

9 A I went to one year of Central Carolina for
10 business management.

11 Q And what did you do after that?

12 A Worked.

13 Q And please tell these ladies and gentlemen
14 where you work?

15 A I worked at KFC 4 years. Taco Bell two
16 years.

17 Q Slow down, please, ma'am. When did you
18 work at KFC?

19 A KFC, 76 at Shaw. And I did Taco Bell for
20 2 years, management. And then Quiznos,
21 management. All in Sumter, South Carolina.

22 Q And how long did you do all those?

23 A About a year.

24 Q And what did you do after that?

25 A Just stay home and take care of my kids.

Kenyardo Bolden-Direct by Meadors

1 I had to focus on my kids.

2 Q How many children do you have?

3 A I have four.

4 Q And do you know Shonta Helton?

5 A Yes, I know of her.

6 Q And explain that to me. You know her by
7 name and sight?

8 A Yes, sir.

9 Q And how long have you known her?

10 A I first met her through Betty Welch. They
11 were friends. She told me she -- at the time that
12 I met her, she was talking to my baby's father,
13 Gary Dargan, at that time. That was in like 2011
14 or something like that.

15 Q So Gary Dargan is your baby's father.

16 A Uh-huh. (Affirmative.)

17 Q And at the time you met her, she was
18 talking to him.

19 A Yes, at that time.

20 Q When was that?

21 A That was when I was working at Taco Bell.
22 That was like 2010 or something.

23 Q And talking you mean relationship.

24 A I guess, friends, relationship,
25 acquaintances, I don't know.

Kenyardo Bolden-Direct by Meadors

1 Q And back in December of 2012, Ms. Kenyardo
2 Bolden, were you still at Quiznos then?

3 A No, sir.

4 Q And where were you living?

5 A I was living on .

6 Q And specifically on December 8th of 2012,
7 did you have an occasion to go to Betty Welch's
8 house?

9 A Yes, sir, I got an invitation to go there.

10 Q You have been there before.

11 A Yes, sir.

12 Q And girl's night.

13 A Yes, sir.

14 Q And can you tell us who you remember being
15 there?

16 A I remember Betty, Shonta, Tamar. My home
17 girl came with me Alexis Smith, Danielle, T. and
18 somebody came with Tamar named Shanise and Mario.

19 Q Who is T.?

20 A T.?

21 Q Is that Tajuana?

22 A It might be, yes.

23 Q Tajuana.

24 A Yeah.

25 Q And how did you get there?

Kenyardo Bolden-Direct by Meadors

- 1 A Can you repeat that?
- 2 Q I'm sorry, I turned my back. I apologize
- 3 to everybody. How did you get there?
- 4 A I rode with Alexis Smith, my home girl.
- 5 Q And what was she driving?
- 6 A An Altima. An Altima Maxima.
- 7 Q What time did you get to Ms. Betty
- 8 Welch's?
- 9 A It was before 11. Probably about 8, 8 or
- 10 9:00 o'clock.
- 11 Q Where you drinking, Ms. Welch? (sic)
- 12 A Yes, sir.
- 13 Q And what were you drinking?
- 14 A Alcohol. She had a variety of drinks
- 15 there. So I probably to be honest, I had a couple
- 16 of each. To be honest.
- 17 Q Thank you.
- 18 A Uh-huh. (affirmative.)
- 19 Q Did the party start inside?
- 20 A Yes, sir. It was on the inside.
- 21 Q And girl talk.
- 22 A Yes, sir.
- 23 Q Was Mario out in the party to start with?
- 24 A He didn't start off in the party, he was
- 25 in the room.

Kenyardo Bolden-Direct by Meadors

1 Q And what was his relationship to Betty?

2 A That was her boyfriend at the time.

3 Q And describe Mario Scott to the ladies and
4 gentlemen.

5 A When I meet him he came---

6 Q I mean physically.

7 A Physically, like his appearance?

8 Q Just how big was he?

9 A My son is 14. They were about the same
10 size.

11 Q So he was a little fellow.

12 A Yes.

13 Q And at some point that evening, did you
14 see him? Did he come out of the back?

15 A Yeah, when he heard all the commotion
16 going on, he came out of the back.

17 Q So prior to the commotion going on, he was
18 just by himself in the back.

19 A Uh-huh. (affirmative.)

20 Q And after the commotion he came out.

21 A Yes, sir.

22 Q And what happened then?

23 A He was trying to tell Shonta to calm down
24 or whatever, because she we being very rude the
25 whole night basically. So and then from there to

Kenyardo Bolden-Direct by Meadors

1 outside.

2 Q And where were -- tell us about outside.

3 What happened when it lead to outside?

4 A The argument continued. Both of them were
5 saying stuff towards each other that was very
6 disrespectful. And he just shifted her wig a
7 little bit or whatever. And everybody started
8 laughing. And I guess she got upset. She ran in
9 the house. Grabbed a knife, I guess a kitchen
10 knife. And she came running down the steps on her
11 cell phone saying this nigger hit me or whatever.

12 And everybody was ready to go after that
13 point, because it was just too much. And so we
14 left. And she left behind him, with a knife in
15 her hand on the phone.

16 Q And did you see them leave?

17 A Yes, I saw Mario walking. He left too and
18 said he was walking home.

19 Q Did Mario leave first?

20 A Uh-huh. (affirmative.)

21 Q And then where was Shonta?

22 A Following behind him.

23 Q And were you ready to go?

24 A We all were.

25 Q And what did you do next?

Kenyardo Bolden-Direct by Meadors

1 A I got my home girl to take me home to get
2 my vehicle.

3 Q Is that Alexia?

4 A Yes, sir. And we went to Miami.

5 Q Club Miami.

6 A Yes, sir. Club Miami.

7 Q And what happened when you got there?

8 A I received a phone call.

9 Q So let me just ask. You had taken Alexia
10 home.

11 A She took me home.

12 Q I'm sorry. And then how did, who else was
13 with you all?

14 A After it was just me and her.

15 Q So then she takes you to your house.

16 A Uh-huh. (affirmative.)

17 Q Then you get in your car.

18 A Uh-huh. (affirmative.)

19 Q And then you go to Club Miami.

20 A Yes, sir.

21 Q By yourself?

22 A I met the rest of the girls there.

23 Q And so what happens when you get to Club
24 Miami?

25 A I got in the truck, in Tamara's truck.

Kenyardo Bolden-Direct by Meadors

1 And the phone rang. And somebody was on the
2 phone saying they wanted to talk to Betty. And
3 the person was, I guess telling her when she gave
4 me the phone back, saying that somebody said Mario
5 was on Dingle shot up.

6 Q And what was your phone number?

7 A - .

8 Q That was your number then?

9 A Yes, sir.

10 Q And I am going to show you what's marked
11 State's 3. Do you recognize this as a picture of
12 your phone? The inside of your phone? If you
13 don't, that's fine.

14 A No I don't.

15 Q And did the phone you say came -- or said,
16 go check on your boyfriend he's shot up on Dingle
17 Street. Did that come on your phone?

18 A Yes, sir.

19 Q And that phone went to Betty eventually.

20 A Yes, sir.

21 Q What happened after that?

22 A We went in. We proceeded into Club Miami.

23 Q And when you say we, tell these folks who.

24 A Me, Betty, Tamar, Shanise and T.

25 Q That's Tajuana for the record I think.

Kenyardo Bolden-Direct by Meadors

1 A Yeah.

2 Q Then what happened.

3 A I would say about 20 minutes later, she
4 came in there looking the same way as she left the
5 party. So....

6 Q Say that one more time.

7 A She came in Club Miami, because was all in
8 the back of the club. And she came in there. And
9 she was looking the same way that she left the
10 house.

11 Q What does that mean?

12 A Upset, whatever.

13 Q And what were you doing in Club Miami?

14 A We was in the club. We was just in the
15 back sitting down at the table. And I told Betty
16 I wanted to go.

17 Q Were you drinking there too?

18 A No, uh-uh. (Negative.)

19 Q You didn't drink at Club Miami.

20 A Uh-uh. (Negative.) I wasn't there
21 enough. Because I only stayed like -- when she
22 came, it was like 20 or 30 minutes after we
23 arrived there.

24 Q And when who came?

25 A Shonta.

Kenyardo Bolden-Direct by Meadors

1 Q 20 or 30 minutes after you arrived there?

2 A Uh-huh. (Affirmative.)

3 Q And did you leave shortly after she
4 arrived there?

5 A Yes, sir.

6 Q By yourself.

7 A Yes, sir.

8 Q You were ready to go?

9 A Yes, sir.

10 Q Why?

11 A To be honest, after that phone call and we
12 just left the house with all that frustration, I
13 just, I just wanted to go. I was over it. I was
14 over the whole night. I was over all that I just
15 seen that argument and stuff. And I just didn't
16 want around no more negativity or none of that.

17 Q And were you concerned?

18 A Yes, sir.

19 Q And where did you go?

20 A I went home.

21 Q And when is the next time you heard about
22 anything that happened the night before or the
23 morning before. Or earlier that morning, excuse
24 me.

25 A Betty called me the next day. Well she

Kenyardo Bolden-Direct by Meadors

1 spoke with my mother over the phone, and said
2 what had happened. Well when I got the phone she
3 told me what happened.

4 Q Mario was found dead.

5 A Yes, sir.

6 Q You said you saw Shonta come there 30
7 minutes or so after you got there. Did you see
8 Gary Dargan go to the club?

9 A No, sir.

10 Q You didn't see him.

11 A No, sir.

12 Q But by the time you left, he wasn't there
13 yet; that you saw.

14 A I saw Shonta, yes, sir.

15 Q And you don't know how Shonta got there.

16 A No, sir, because we were on the inside.

17 Q That was my next question. Can you see
18 out of Club Miami as people drive up---

19 A No, sir.

20 Q ---and where they park?

21 A No.

22 Q And is the lady, the individual, the
23 defendant that you saw get mad at Mario, get a
24 knife, come out, be on the phone. You said she
25 was screaming. Do you remember what she was

Kenyardo Bolden-Direct by Meadors

1 screaming?

2 A What who was screaming?

3 Q The lady you identified as Shonta.

4 A What she was screaming? She was just
5 yelling saying, well I just heard her say this
6 nigger hit me.

7 Q Is that person you heard say that in the
8 courtroom? For the record, you have got to point
9 them out. Is she in the courtroom?

10 A Yeah, she is right there.

11 MR. MEADORS: We ask the record to
12 reflect.

13 THE COURT: The record will so reflect she
14 pointed to the defendant.

15 Q You're ready to leave, aren't you? Are
16 you ready to go?

17 A Yes, sir.

18 MR. MEADORS: I beg the court's
19 indulgence. That's all I have thank you.

20 THE COURT: Mr. Murphy.

21 Cross Examination by Mr. Murphy:

22 Q Good afternoon, Ms. Bolden.

23 A Good afternoon.

24 Q Shonta and Gary were not together at the
25 time of this incident, is that correct?

Kenyardo Bolden-Cross by Murphy

1 A He told me they wasn't.

2 Q So to your knowledge they were not dating
3 at the point.

4 A No, sir.

5 Q And how well did you know Mario?

6 A That was my first time seeing him for that
7 little moment. I heard him about him all that
8 time with Betty, because that was her boyfriend.
9 But that was my first time actually meeting him.

10 Q But to your knowledge, Gary had no beef
11 with Mario.

12 A No, sir.

13 Q Now the solicitor asked you about the
14 telephone call you received when you got to the
15 club.

16 A Yes, sir.

17 Q And you passed it on to somebody else.

18 A Yes, sir.

19 Q And you didn't quite remember the time?

20 A No, sir.

21 Q You made statements to the police,
22 correct?

23 A Yes, sir.

24 Q If you looked at that statement, do you
25 think that might help refresh your recollection

Kenyardo Bolden-Cross by Murphy

1 concerning the time you got that call? If you
2 looked at your statement?

3 A Yes, sir. I looked at my statement.

4 MR. MURPHY: May I approach?

5 THE COURT: You may.

6 Q Look at your statement.

7 A Uh-huh. (Affirmative.)

8 Q Have you had an opportunity to look at
9 your statement? I mean you've looked at your
10 statement?

11 A Yes, sir.

12 Q Do you remember the time that you got that
13 call?

14 A 12:52 it has on my statement.

15 Q A.M.?

16 A Uh-huh. (Affirmative.) Yes, sir.

17 MR. MURPHY: I have no further questions.

18 Thank you.

19 THE COURT: Mr. Kent.

20 MR. KENT: Briefly.

21 Cross Examination by Mr. Kent:

22 Q Ms. Bolden, how are you?

23 A Fine, how are you.

24 Q Good, we haven't had a chance to meet. I
25 just have a few questions, okay.

Kenyardo Bolden-Cross by Kent

1 A Okay.

2 Q And just make sure I am clear. How long
3 were you at that party before this whole fracas,
4 this fight started.

5 A Probably about an hour or so.

6 Q About an hour. Tell me about the
7 relationships. Do you know the relationships of
8 everybody? Did everybody get along at the party?
9 Did you get along with everybody?

10 A Yes, I got along with everybody. I mean,
11 everybody was already there drinking before I got
12 there.

13 Q So nobody was enemies with each other at
14 this party.

15 A No, sir.

16 Q Did you and Shonta get along. Or for the
17 most part did you get along?

18 A Yes, sir.

19 Q So you all had no problems with each
20 other.

21 A No, sir.

22 Q And then I just want to be clear. The one
23 thing that you heard her say to somebody on the
24 phone was, what was the one thing you heard her
25 say?

Kenyardo Bolden-Cross by Kent

1 A This nigger hit me. She never called the
2 the name.

3 Q She never called. You never heard her
4 call the name?

5 A No, I never heard her call the name.

6 Q And far away from you were you when she
7 was on the phone?

8 A Like how me and you are right now.

9 Q So from me and you.

10 A Yeah, it's a you small yard.

11 Q It's a small yard.

12 A Very small, yeah.

13 Q And was she loud or was she whispering on
14 the phone?

15 A She was drinking so I know she wasn't
16 aware.

17 Q She was loud?

18 A Yes, sir.

19 Q And was she clear?

20 A Yes, sir.

21 Q And so there was no doubt in your mind
22 what she said.

23 A Yes, sir.

24 Q And there is no doubt in your mind she did
25 not say a name.

Kenyardo Bolden-Cross by Kent

1 A Yes, sir. She didn't say a name.

2 Q She didn't say a name at all. You just
3 heard her tell somebody on the phone, this nigger
4 hit me and that's all she said.

5 A Yes, sir.

6 MR. KENT: Thank you so much, Ms. Bolden.

7 A You're welcome.

8 MR. KENT: I appreciate it.

9 THE COURT: Any redirect?

10 MR. MEADORS: I am just going to mark
11 something for a court's exhibit. That's all in
12 response.

13 MR. MURPHY: And, Your Honor, that's her
14 prior statement.

15 THE COURT: That's what I was thinking.

16 MR. MEADORS: I thought he had marked it
17 as a court's exhibit.

18 (Statement of Kenyardo Bolden marked
19 Court's Exhibit No. 7 for id.)

20 Redirect Examination by Mr. Meadors:

21 MR. MEADORS: May I approach?

22 THE COURT: You may.

23 Q Mr. Murphy, just asked you about your
24 statement. This is Court's 7.

25 A Uh-huh. (Affirmative.)

Kenyardo Bolden-Cross by Kent

1 Q Is that your name, Kenyardo?

2 A Yes, sir.

3 Q Dated 12/10/2012.

4 A Yes, sir.

5 Q And that's your signature?

6 A Yes, sir.

7 Q And that's the statement you gave to the
8 Sumter Police Department.

9 A Yes, sir.

10 MR. MEADORS: That's all.

11 THE COURT: Any recross?

12 MR. KENT: Nothing on recross.

13 THE COURT: You may step down. Any
14 objection to this witness being excused?

15 MR. MURPHY: No, Your Honor.

16 MR. KENT: Not on behalf of Ms. Helton.

17 MR. MEADORS: Our next witness would be
18 Tamar Renee Lawson.

19 Tamar Lawson, being first duly sworn,
20 testified as follows:

21 THE BAILIFF: Please state your full name
22 and spell your last name for the record please.

23 A Tamar Renee Lawson. L-A-W-S-O-N.

24 Direct Examination by Mr. Meadors:

25 Q Good afternoon, Ms. Tamar Renee Lawson.

Tamar Lawson-Direct by Meadors

1 Please tell this jury about you. Where are you
2 from? Where were you born, please.

3 A Alliance, Ohio.

4 Q And what was your family doing there?

5 A That's where I was born and raised.

6 Q And I guess why did you come to South
7 Carolina.

8 A Oh, because my grandfather retired. He
9 moved us down here.

10 Q Was he in the military?

11 A Yes.

12 Q That's what I was asking. So You all came
13 here because of the military.

14 A No, he just wanted to live in the country.

15 Q When did you come here?

16 A Probably when I was like 12.

17 Q And where did you go to school when you
18 got here?

19 A I started at High Hills.

20 Q And then where did you go?

21 A Furman.

22 Q And what did you do after that?

23 A I went to Lakewood.

24 Q When did you get out of Lakewood?

25 A About 12th grade. My 12th grade year. I

Tamar Lawson-Direct by Meadors

1 went to Adult Education and got my GED.

2 Q You got your GED. What year was that?

3 A I don't recall.

4 Q Tell these folks, this jury, please,
5 ma'am, what you did after that.

6 A After that I went to working at, I want to
7 say Glide Wax.

8 Q I'm sorry, what?

9 A Glide Wax.

10 Q What did you do there?

11 A A cashier.

12 Q Where did you work after that?

13 A K-mart.

14 Q How long?

15 A Not too long. After my little boy was
16 born, I stopped working to take care of him.

17 Q Did you work anywhere after K-Mart?

18 A After K-Mart no, I stayed home to take
19 care of my child.

20 Q Have many children do you have?

21 A Two.

22 Q How long are they, Ms. Lawson?

23 A They are 9 and 10. No, 8 and 10.

24 Q 8 and 10. On December 8th 2012, did you
25 go to a party at Betty Welch's house on

Tamar Lawson-Direct by Meadors

1 ?

2 A Yes.

3 Q Okay. Who did you go with?

4 A Me and my friend, Shanise.

5 Q Shanise?

6 A Yes, sir.

7 Q And what time did you get there?

8 A I don't recall.

9 Q Who was driving?

10 A Shanise.

11 Q And when we got there, were several people
12 there?

13 A Yes.

14 Q Can you remember who they were?

15 A Me. It was me, Betty.

16 Q Betty Welch.

17 A Me, Betty, T., Tajuana Davis, Prissy.

18 Q That's Kenyardo.

19 A Yeah. Kenyardo Bolden. Alexie, I don't
20 know her real name.

21 Q Alexie. You call her Lex?

22 A Yes.

23 Q Was Shonta Helton there?

24 A Yes. Helton, excuse me. Yes.

25 Q And how long had you known Shonta Helton?

Tamar Lawson-Direct by Meadors

1 A Not long.

2 Q And you say Betty was there. How long had
3 you known Betty?

4 A I have known Betty for about 3 or 4 years
5 around that area.

6 Q Was Mario Scott there?

7 A Yes, he was.

8 Q And how long had you known Mario?

9 A I didn't know him.

10 Q And you weren't close with him.

11 A No.

12 Q Did you see Mario that night?

13 A Yes.

14 Q And where did you see him?

15 A At Betty's house.

16 Q And to start with, was it mostly girls?

17 A Yes.

18 Q As a matter of fact, how many males were
19 there?

20 A Him.

21 Q Mario.

22 A Mario. Mario Scott.

23 Q And did some -- after awhile did an
24 argument start between somebody?

25 A Yes. An argument started between Mario

Tamar Lawson-Direct by Meadors

1 Scott and Shonta.

2 Q Helton?

3 A Helton.

4 Q And was everybody inside to start with?

5 A Yes.

6 Q Okay. Did you all eventually go outside?

7 A Yes.

8 Q Can you explain that to the jury?

9 A What do you mean?

10 Q Tell us what happened. That's all.

11 A Okay. From what I remember, an argument

12 started in the house, and we all went outside.

13 And it just escalated into---

14 Q Are you a little nervous?

15 A Yes.

16 Q And that's some of your mannerism now.

17 You're a little nervous?

18 A Yes.

19 Q Okay, that's all. And when you say, let's

20 take it back. When you said an argument started,

21 do you know why it started?

22 A No, I don't recall. Shonta was taking

23 different little shots at him. Like I guess

24 because she been with Betty before him or

25 whatever.

Tamar Lawson-Direct by Meadors

1 Q So you mean like verbal shots.

2 A Yes.

3 Q And did that lead to something?

4 A That lead to---

5 Q To more verbal assaults? I mean did that
6 lead to arguing?

7 A Yes. And I guess we all went out -- when
8 we was all outside looking at Danielle's truck, he
9 came outside---

10 Q You were looking in Danielle's truck?

11 A Not Danielle's truck, but looking in
12 Danielle's truck at her purses.

13 Q Go ahead.

14 A And he came outside and he like, he
15 shifted her wig a little bit. Like they did on
16 Atlanta Housewives.

17 Q Like they did on Atlanta Housewives.

18 A When Sherade shifted Kell's wig, like he
19 just shifted it a little bit, and she got upset.

20 Q Who got upset?

21 A Shonta. Shonta Helton got upset.

22 Q What happened after that?

23 A From what I remember, she ran inside and
24 got a knife, and she came back out. She coming
25 running outside with a knife, and she slid down

Tamar Lawson-Direct by Meadors

1 the steps. And I looked at her and I told her
2 Shonta you are going to kill yourself. You're
3 drunk. But she got back up and she went, like he
4 been already walking down the street. And she
5 went like, towards him, but her and Betty got into
6 an altercation like at the end of the yard and it
7 went in the street.

8 Q So was Mario already gone?

9 A Yeah, he been already walked out.

10 Q And when your testimony when Ms. Shonta
11 Helton came out of the house, you said she and
12 Betty got in an to argument?

13 A At the end of the road like, but still in
14 the yard.

15 Q What did you see Shonta Helton do after
16 that?

17 A Went behind Mario Scott.

18 Q And you, Tamar Lawson, did you see Mario
19 Scott walking away and see Ms. Helton walking away
20 after him?

21 A Yes.

22 Q And how far did you watch them walking
23 down the road?

24 A We watched them as far as they got
25 underneath the light and like onto the next road.

Tamar Lawson-Direct by Meadors

1 Q And you don't know what was happening down
2 there.

3 A No.

4 Q What did Danielle do?

5 A Danielle had stopped in the middle of the
6 street. And her and Shonta said anything, but I
7 couldn't hear them because we were still in the
8 yard. Danielle rode off. Shonta continued to go
9 down the street.

10 Q What did you do after all this?

11 A We left. We all got in our cars and we
12 left and went to Club Miami.

13 Q And who is we? Who did go this?

14 A Me and Shanise rode together in my truck.

15 Q And how long you stay at Club Miami?

16 A Probably about, not long. Probably like
17 more than probably like 2 hours. In between that.

18 Q Did you see Shonta Helton come in Club
19 Miami?

20 A Yes.

21 Q And did you see Gary Dargan come in?

22 A No.

23 Q Had you been drinking?

24 A Yes.

25 Q When you left Club Miami, you went with

Tamar Lawson-Direct by Meadors

1 Ninnie. Is that Shanay.

2 A Yes.

3 Q Ninnie and Shanay, and that's your friend?

4 A Yes.

5 Q And where did you go?

6 A We went to Club Miami.

7 Q And I'm sorry, but after that. When you
8 left Club Miami.

9 A I went home. We went home.

10 Q You and Ninnie.

11 A Yes, Ninnie.

12 Q And when did you hear about all this?

13 A The next morning probably around maybe 8
14 or 9 in the morning.

15 MR. MEADORS: I beg the court's
16 indulgence.

17 THE COURT: Yes, sir.

18 Q Is this Shonta Helton you saw at a party
19 by Mr. Kent?

20 A Yes.

21 Q The lady you saw following Mario Scott?

22 A Yes.

23 THE COURT: Mr. Murphy.

24 MR. MURPHY: No questions.

25 THE COURT: Mr. Kent.

Tamar Lawson-Cross by Kent

1 Cross Examination by Mr. Kent:

2 Q Hey, Ms Lawson, how are you doing?

3 A Okay.

4 Q I don't have a lot of questions, I just
5 want to make sure. Who all was at that party
6 again that you remember. The names.

7 A Me.

8 Q Yes, ma'am.

9 A Tajuana Davis, Kenyardo Bolden, Lex, Betty
10 Welch, Mario Scott, Shonta Helton.

11 Q You said the name Lex. Who is Lex?

12 A Alexis.

13 Q Alexia Smith.

14 A Yes.

15 Q She was on the of the people who was at
16 the party?

17 A Yes.

18 Q How well do you know Alexia?

19 A I don't know her that well.

20 Q You don't know her that well, but you know
21 that was another person---

22 A Uh-huh. (Affirmative.)

23 Q ---who at the party on that night?

24 A Uh-huh. (Affirmative.)

25 Q Do you remember giving a statement to law

Tamar Lawson-Cross by Kent

1 information?

2 A Uh-huh. (affirmative.) Yes.

3 Q And I'm sorry, that lady is taking down
4 every word that you are saying.

5 A Oh, yes.

6 Q Do you remember giving a statement to law
7 enforcement?

8 A Yes.

9 Q Do you remember telling law enforcement
10 everything you remember about that evening?

11 A Yes.

12 Q And one of the things that you had talked
13 to law enforcement about was some language or some
14 conversation that Shonta had had; that she calling
15 somebody. And I think you said, I didn't know who
16 she was calling, but she called somebody and said
17 somebody hit her. Do you remember that?

18 A Yes.

19 Q And I don't want to put words in your
20 mouth. If you don't remember, you don't
21 remember.

22 A I remember someone coming to my truck and
23 saying someone said something.

24 Q So you barely remember what happened. Let
25 me ask you this. If I gave you a copy of your

Tamar Lawson-Cross by Kent

1 statement and give you an opportunity to review
2 it, would it refresh your memory as to what you
3 heard, or what you stated to law enforcement that
4 night?

5 A Uh-huh. (Affirmative.)

6 Q Is that yes, ma'am?

7 A Yes, sir.

8 MR. KENT: Judge, permission to approach.

9 THE COURT: You may.

10 Q Ms. Lawson, I am handing you a three-page
11 document. First, let me ask you, do recognize
12 this document?

13 A Yes.

14 Q And what is that document?

15 A The statement I gave the people downtown.

16 Q That is a replica of the statement you
17 gave. And on the back of that is that a signature
18 by you?

19 A Yes.

20 Q And if you go to the second page of that
21 document, and I've underlined some information.
22 And I want you to review it, and just look at it
23 and tell me if it refreshes your memory to the
24 question that I asked you formerly.

25 A Yes.

Tamar Lawson-Cross by Kent

1 Q Now did the document I gave you, did it
2 refresh your memory as to the question I was
3 asking you earlier about the statement that you
4 had given to law enforcement? That's a big old
5 question I just asked you. Do you remember what
6 it -- and let me ask the question again and see if
7 it refreshes your memory if that's okay, Judge, if
8 I could do it that way. Do you remember giving a
9 statement to law enforcement about whether or not
10 Shonta was on the phone talking to somebody?

11 A Yeah.

12 Q Is that a yes?

13 A Yes.

14 Q And do you remember specifically saying
15 you didn't know who she was phone with, and she
16 just said to somebody, somebody had hit her.

17 A I guess so, yes.

18 Q Ma'am?

19 A If it's on there then yeah, I said, it.

20 Q But you don't remember it independently?

21 A Not now.

22 MR. KENT: That's fine. No further
23 questions, Judge. Thank you so much.

24 THE COURT: Mr. Meadors.

25 (Statement of Tamar Lawson marked Court's

Tamar Lawson-Redirect by Meadors

1 8 for id.)

2 Redirect Examination by Mr. Meadors:

3 Q I am showing you what is marked Court's
4 Exhibit No. 8, Ms. Lawson. Is that your
5 statement.

6 A Uh-huh. (Affirmative.)

7 Q Is that your statement?

8 A Yes.

9 Q Is that your signature?

10 A Yes.

11 Q The date, what date is that?

12 A December 1st 2012.

13 Q Look at it one more time.

14 A December 10th of 2012.

15 Q That's fine. Mr. Kent was just
16 specifically asking about your statement, I
17 believe, when you said that Ms. Helton was on the
18 phone with someone. Correct?

19 A Uh-huh. (Affirmative.)

20 Q And what tell law enforcement about that?
21 I think he asked you if you said he hit her. What
22 did you put in there?

23 A She was on the phone stating that somebody
24 put their hands on her.

25 Q Put their hands on her.

Tamar Lawson-Redirect by Meadors

1 A Yeah.

2 Q And he asked about this statement. And
3 I'd asked you earlier, prior to that, did you put
4 in here about coming out of the house with a
5 knife. And telling her be careful, she going to
6 stab herself?

7 A Yes.

8 Q And what did she say in response to that?

9 MR. MURPHY: Your Honor, I'll object to
10 that part of the statement. That part wasn't
11 covered under a refreshing recollection part of
12 Mr. Kent's.

13 THE COURT: Rephrase your question.

14 Q He asked you about what you left out of
15 your statement.

16 A Yes.

17 Q Did you put in this your statement about
18 her coming out?

19 A Yes.

20 MR. KENT: Your Honor, may we approach?

21 THE COURT: Yes.

22 (Attorneys approach and confer with
23 judge.)

24 THE COURT: Objections are overruled.

25 Solicitor may proceed.

Tamar Lawson-Redirect by Meadors

1 Q Referring back to page 2 of your statement
2 of Court's Exhibit 8. This is your statement.

3 A Yes.

4 Q I believe you were saying that after, did
5 put in here when she came out with the knife, she
6 about fell down. When you commented on her being
7 drunk, what did she say to that?

8 A She said fuck that. Fuck that.

9 Q And did you put in here that she went
10 charging at Mario?

11 A Yes.

12 Q You put that in here.

13 A Yes.

14 Q And did she put in here that she and Betty
15 stopped her at the corner of the yard?

16 A Yes.

17 MR. MEADORS: That's all. Thank you.

18 THE COURT: Recross?

19 MR. MURPHY: No, Your Honor.

20 THE COURT: Any recross, Mr. Kent?

21 MR. KENT: Just briefly.

22 Recross Examination by Mr. Kent:

23 Q So it's clear now you remember telling law
24 enforcement that what you heard Shonta say, was
25 somebody put their hands on me. That's what she

Tamar Lawson-Recross by Kent

1 was telling somebody on the other line of the
2 phone.

3 A Yes.

4 MR. KENT: Thank you. That's all I have.

5 THE COURT: Thank you. You may step down.

6 MR. MEADORS: Your Honor, is there any
7 objection in Ms. Lawson being excused?

8 THE COURT: Any objection to her being
9 excused?

10 MR. KENT: No objection on behalf of
11 Ms. Helton.

12 THE COURT: Thank you, ma'am. Solicitor,
13 I think that was the last witness for the day.

14 MR. MEADORS: I think with the exception
15 of one witness, we've covered the initial scene.
16 Yes, sir.

17 THE COURT: Ladies and gentlemen, that's
18 all the testimony that we will have for today.
19 I'm going to let you go home. Do not mess with
20 your computers as far as this case goes. Do not
21 discuss the case with anyone. Do not read any
22 newspapers. And be back here a little bit before
23 9:30 tomorrow morning so we can start for
24 tomorrow. Thank you, ladies and gentlemen. Have
25 a nice evening.

Tamar Lawson-Recross by Kent

1 (Whereupon, jury is dismissed at

2 5:06 p.m.)

3 THE COURT: Thank you, gentlemen. I hope
4 you have a nice evening. Court's adjourned until
5 9:30 tomorrow morning.

6 (Whereupon, the trial commences on
7 Wednesday, April 16th 2014 at 9:30 a.m.)

8 THE COURT: Is there Anything we need to
9 put on the record before we bring the jury in?

10 MR. MEADORS: Not from the State.

11 MR. MURPHY: None from the defense.

12 MR. KENT: Nothing on behalf of
13 Ms. Helton.

14 THE COURT: Let's bring our jury in.

15 (Whereupon, the following takes place
16 within the presence of the jury.)

17 THE COURT: Good morning, ladies and
18 gentlemen. Boy, I tell you what, the weather has
19 taken a change from yesterday afternoon. I still
20 feel like I'm back in January again. But it
21 certainly feels perfect in here. So I won't say,
22 I'm not saying anything to anybody about that.
23 The temperature in here we finally got it perfect.
24 That means it is going to be blazing hot this
25 afternoon. Is the State ready to proceed?

1 MR. MEADORS: Yes, sir.

2 THE COURT: The defendants ready to
3 proceed?

4 MR. KENT: Yes, sir, Judge.

5 THE COURT: Mr. Murphy.

6 MR. MURPHY: Sure.

7 THE COURT: The State may call it's next
8 witness.

9 MR. MEADORS: May it please the court,
10 Your Honor, the State calls Robert Bernard
11 Mellette.

12 Robert Bernard Mellette, Being
13 first duly sworn, testified as follows

14 THE BAILIFF: Please state your full name
15 and spell your last name for the record.

16 A Robert Bernard Mellette. M-E-L-L-E-T-T-E.

17 Direct Examination by Mr. Meadors:

18 Q Good morning, Mr. Mellette.

19 A Good morning.

20 Q You're not crazy about being here today,
21 are you?

22 A No, sir.

23 Q And I notice your hand is on your mouth.

24 If you would please, sir, talk in here so this
25 lady, Madam Court Reporter, can take down

Robert Mellette-Direct by Meadors

1 everything, and the ladies and gentlemen of the
2 jury can you hear you, please. Are you nervous?

3 A A little.

4 Q Tell these folks about yourself. Where
5 are you from, Mr. Mellette?

6 A I'm from Sumter, South Carolina.

7 Q Were you born here?

8 A Yes.

9 Q You raised here?

10 A Raised here.

11 Q Tell them a little bit about your
12 education.

13 A I went to the 12th grade.

14 Q Where did you go to school?

15 A Sumter High School. Didn't finish.

16 Q How far did you go?

17 A 11th.

18 Q And what year was that when you left?

19 A I think it was like 97.

20 Q What did you do after that, Mr. Mellette?

21 A I did a few odd jobs here and there for
22 awhile, until I became like 19, and went Gold Kist
23 for a little awhile.

24 Q What are the odd jobs you did.

25 A Agriculture, tobacco fields, carpentry,

Robert Mellette-Direct by Meadors

1 stuff like that.

2 Q And were you working for somebody in
3 particular or just?

4 A I was working for Lee Newman and my uncle
5 Blanding Goings.

6 Q And you did that up until about 19?

7 A Up until 21. Until I was 19 and then I
8 went Gold Kist. And I did Gold Kist until I was
9 about 21 or 22.

10 Q Please tell the ladies and gentlemen, what
11 did you do at Gold Kist.

12 A I used to clean the machines and big bird.

13 Q And you did that until you were about 21?

14 A Until I was about 21.

15 Q What did you do after that?

16 A I got fired. Started selling drugs.
17 Caught some time and went to jail for a little
18 while.

19 Q How long did you do in jail?

20 A I did like 3 years in jail.

21 Q When did you get out?

22 A I got out 2006. July of 2006.

23 Q What did you do after that?

24 A I had had some money saved because I was
25 in work release.

Robert Mellette-Direct by Meadors

1 Q Yeah.

2 A And I had some money saved from prison.
3 And for about 3 months, I didn't have to do until
4 my uncle gave me job.

5 Q Doing what?

6 A Building houses.

7 Q And again your uncle, what's his?

8 A Blanding Goings.

9 Q And how long did you do that?

10 A I still do it whenever he needs me.

11 Q And he builds houses in the Sumter
12 community?

13 A In the Sumter Community, all over. All
14 over.

15 Q Back in December of 2012, what were you
16 doing, Mr. Mellette?

17 A Back in December of 2012, I wasn't working
18 anywhere. Just being at home. Just most of the
19 time.

20 Q Where was your home?

21 A Where my mother at; with my mother.

22 Q Downtown?

23 A 715 Shepherd Street. Like downtown.

24 Q Tell the Ladies and gentlemen of the jury,
25 first and foremost, did you know Mario Scott?

Robert Mellette-Direct by Meadors

1 A Yes, I knew him.

2 Q How long had you known Mario Scott?

3 A I knew him since, I would say since middle
4 school.

5 Q Did you go to school together?

6 A I think he was a little older than me. I
7 think, but I am not sure. I went to school with
8 some of his cousins.

9 Q So you knew him since middle school. And
10 did you know him all the way up through the end of
11 his life?

12 A Uh-huh. (Affirmative.)

13 Q Do you know Gary Dargan?

14 A Yes.

15 Q How long have you known Gary Dargan?

16 A Since elementary.

17 Q Where was he in relation to you, school or
18 age wise?

19 A The same age.

20 Q So you went to school with him?

21 A Uh-huh. (Affirmative.)

22 Q In the same community?

23 A The same community.

24 Q And what about Shonta Helton? How long
25 have you known her, if at all?

Robert Mellette-Direct by Meadors

1 A I met her in like 2000.

2 Q Do you remember who you met her through or
3 how you met her?

4 A Her -- one of her ex-boyfriends that I met
5 her.

6 Q Now back in December 2012, can you tell
7 this jury please, how often were you seeing
8 Mr. Dargan? What was your relationship with him
9 either on a daily, weekly or how many times did
10 you see him?

11 A Probably, I don't now, three times out of
12 a week or so or something like that, at the time.

13 Q If he needed something, he would call you?

14 A Yeah.

15 Q If you needed something you would call
16 him?

17 A Yes.

18 Q Specifically on December 8th of 2012,
19 approximately 11:45, did you hear from Gary
20 Dargan?

21 A Yeah, he called me.

22 Q And was your phone number () - ?

23 A Yes.

24 Q That was your phone number.

25 A That was my phone number.

Robert Mellette-Direct by Meadors

1 Q And Mr. Dargan, or defendant Gary Dargan
2 called you, and then what did he say?

3 A He was like, man, get up right now. Get
4 up right now. I need you to come on west side. I
5 need you to come on west side. I'm like, I know
6 he really basically probably knew I was ready to
7 give him an excuse not to come. So he was like,
8 man, just come. Just come on the west side. I
9 just need you to get up and drive now. So said
10 all right. So I did it for him.

11 Q Were you in the bed?

12 A I was in the bed.

13 Q And at that point did you know what he
14 wanted?

15 A I didn't know what he wanted.

16 Q And he asked you to get up and come on and
17 you did.

18 A Yeah.

19 Q And where did you go?

20 A He told me to come on west side. So I got
21 on Guinyard. And I was heading towards west side.
22 By that time when I got on the bridge, he called
23 me back.

24 Q At the bridge on Guinyard?

25 A When I got on the bridge on Guinyard.

Robert Mellette-Direct by Meadors

1 Q And what happened then? Did you know what
2 you were going to do?

3 A No, I thought I was going to pick him up.
4 That's what I thought I was doing.

5 Q So you get on the near the bridge on
6 Guinyard and what happens?

7 A And he called me back, and was like, go to
8 El Cheapo. I need you to pick Shonta up. He said
9 she was over there arguing with some guys on west
10 side.

11 Q And at this point, you know who he was
12 talking about Shonta.

13 A I knew who he was talking about was
14 Shonta.

15 Q Do you know what his relationship with
16 Shonta was in December; specifically,
17 December 8th 2012?

18 A I don't know what his relationship with
19 her was at that point and time, but I know her as
20 his girlfriend.

21 Q What did you do after you got this other
22 phone call for him saying to go where? Where did
23 he tell you to go?

24 A Oh, he told me to go to the El Cheapo
25 right there and she would be there.

Robert Mellette-Direct by Meadors

1 Q Did you go to El Cheapo?

2 A Yeah, I went to the El Cheapo.

3 Q And what -- did you see Shonta Helton
4 there?

5 A No, I didn't see her. She wasn't there.

6 Q So what did you do?

7 A I called him back, and was like, she ain't
8 here. Because I was ready to turn around and go
9 back home. I was like, she ain't here. And he
10 was like, hold up, I am going to call her and see
11 where she at or whatever.

12 Q And is it, were there phone calls back and
13 forth between you and Gary Dargan?

14 A Uh-huh. (Affirmative.)

15 Q And at some point did you talk to Shonta
16 Helton?

17 A I was, he was -- he gave me her number to
18 call her and see where she was at. But before my
19 call could have got through to her, she called me
20 and told me where she was at.

21 Q So you're calling her and then she's
22 calling you.

23 A Uh-huh. (Affirmative.)

24 Q And you're saying Mr. Dargan was trying to
25 direct you all where you to meet her.

Robert Mellette-Direct by Meadors

1 A Uh-huh. (Affirmative.)

2 Q And if you'd just say yes. You don't have
3 to say yes, sir.

4 A Yes, sir.

5 Q But yes for the court reporter, please.

6 A Yes.

7 Q So they were calls back and forth between
8 all of you?

9 A She called me that one time.

10 Q After you talked to her, what did you do?

11 A She told me that she was on Dingle Street.

12 So I rode on Dingle Street to pick her up.

13 Q And what were you in?

14 A I was in a green Cutlass Supreme.

15 Q And did you go on Dingle Street?

16 A Yeah, I went on Dingle Street.

17 Q Tell the jury how you went from El
18 Cheapo's?

19 A I pulled out at El Cheapo's parking lot,
20 on the back side right there. I made a little
21 left. Made that little right, right there on this
22 little side street. And then I made the left on
23 the Main Street right there. And then I made the
24 right right there on Dingle.

25 Q And you started going down Dingle, and who

Robert Mellette-Direct by Meadors

1 were you looking for?

2 A I was looking for Shonta.

3 Q As you were going down Dingle, what did
4 you see?

5 A As I was going down Dingle, I pulled up on
6 Shonta on the side of the road, her and Mario.
7 They was arguing.

8 Q And you recognized Shonta?

9 A Yeah, I recognized Shonta.

10 Q You recognized Mario?

11 A Yeah, I recognized Mario.

12 Q And you said they were arguing?

13 A They were arguing.

14 Q And you could tell that.

15 A Yes, I could tell.

16 Q What did you see?

17 A I saw them argue a few seconds. I
18 screamed out the window and told Shonta to come
19 on. She mushed Mario right fast. Mario, Mario
20 saw me. I threw my hands up like that, man, like,
21 don't follow her. She walked, got in the car.
22 She got in the car. Me and her pulled off and
23 Mario kept on walking.

24 Q Was something wrong with your door or
25 window or something?

Robert Mellette-Direct by Meadors

1 A Yeah, my window couldn't go down all the
2 way. So I had a piece of plexiglass. Well the
3 whole window was gone, so I had a piece of
4 plexiglass in it. So It couldn't go up and down.

5 Q Was that on your side or the other side?

6 A On the driver's side.

7 Q So you let her in what door?

8 A I had reach over and let her in the
9 passenger side.

10 Q And after you kind of said you did that to
11 Mario---

12 A Yeah.

13 Q ---just go on, what did he do?

14 A Her just let her walk off and kept going.
15 And then he just went on about his business.

16 Q Wasn't bothering anybody?

17 A No.

18 Q So she, Shonta Helton, is now in the car
19 with you. Your car. She is now in the car with
20 you?

21 A Yes.

22 Q What do you do then?

23 A I called Gary, and was like Shonta is in
24 the car. Do you want me to bring her on
25 Street. And he said yes.

Robert Mellette-Direct by Meadors

1 Q And did you ask him, Street? Why
2 did you say that address?

3 A Because that's where I thought, I figured
4 he was.

5 Q So and when Shonta Helton got into your
6 car, can you describe to the jury what was her
7 demeanor like. How was she acting? Did she say
8 anything to you?

9 A She was drunk. And acting all out and
10 wild and stuff. Screaming. Screaming. She
11 called Gary, and he ain't did nothing. And
12 demonstrating on what Mario did to her. And she
13 mushed me. Poked me in the eye. I had to tell
14 her to calm down.

15 Q She demonstrated to you what Mario had
16 done to her?

17 A Yeah.

18 Q So would you describe her as angry?

19 A Yeah, pretty much.

20 Q So what did you do after you picked her
21 up, and she showed what he had done to her. And
22 you called Mario -- strike that. I apologize.
23 You called Gary Dargan. And after he said yeah
24 take, you all go to Street, what did you
25 do?

Robert Mellette-Direct by Meadors

1 A I'm heading to Street. I go to
2 the stop sign.

3 Q And what road are you on as you're heading
4 to

5 A I'm on Dingle. I go to stop sign at the
6 end of Dingle. I make a right to go across the
7 tracks.

8 Q Was your rear view mirror in your car
9 then?

10 A Yeah.

11 Q As you're coming down still on Dingle
12 Street, did you see anything?

13 A Am I coming down Dingle?

14 Q You're leaving after you picked her up.

15 A After I picked her up, I didn't look in
16 the rear view when she got in the car. I just
17 keep driving straight. The only time I looked in
18 the the rear view is when I first stopped my car
19 in the middle of the road---

20 Q Okay.

21 A ---to pick her up. So, you know.

22 Q Did you see anything?

23 A I saw a couple of cars turn on the road.

24 Q Then what happened?

25 A She got in it. That's when she got in the

Robert Mellette-Direct by Meadors

1 car.

2 Q Okay.

3 A That's the point and the time when she got
4 in the car.

5 Q What happened? You're heading on Dingle
6 with her, going to Street, describe which
7 way you go?

8 A Okay. I bust a right.

9 Q You say you bust a right. Do you mean you
10 take a right.

11 A I took a right. Where is that, South
12 Main? Where the train tracks are right there. I
13 bust a right right there. And when I got on the
14 tracks, a van came flying by me, with some writing
15 on the side of a van.

16 Q So as you're on the railroad tracks and
17 you're facing this way, the van passed you?

18 A No, It came from behind me.

19 Q Right. And did it go past you?

20 A Yeah, it passed me.

21 Q Would it have been on your left side?

22 A It was on like the driver's side.

23 Q And describe this van?

24 A It was a dark van with some writing on the
25 side. That's the best -- that's how I saw.

Robert Mellette-Direct by Meadors

1 Q How long after you turned, you said you
2 went down and took a right and then the railroad
3 tracks. How long was it after that, that the van
4 went by you?

5 A Okay. I would have to say it would have
6 to be about as much time as it took for me to get
7 to the end of Dingle and make that right, and by
8 the time I got on the tracks like, on the middle
9 of the track, the van was going high speed. I
10 can't really say like the time, but, you know, it
11 shot past me.

12 Q What did you do after that?

13 A I kind of slowed down because, you know,
14 the van, you know, nobody don't usually go around
15 nobody on train tracks like that. So you know I
16 stopped for a second. Then, you know, just keep
17 driving. I took Shonta on to Dingle.

18 Q Onto where?

19 A Onto -- I mean Street.

20 Q And when you got to Street, did
21 you see any other vehicles in the car?

22 A Did I see any other?

23 Q Vehicles.

24 A There was a few vehicles in the yard.

25 Q Did you see the van there?

Robert Mellette-Direct by Meadors

1 A A van was there.

2 Q Did you see the van that had passed you?

3 A That's where I really can't say, because I
4 saw it from behind. I don't want to sit here and
5 say that it was that same van; which in, I didn't
6 see like. I didn't see either side of the van to
7 know if the writing was on the side or if wasn't.
8 I seen it from the back. It was the same color as
9 the van that shot pass me but, you know.

10 Q Okay. Who did you see get out of the van
11 when you got out of the van on Street?

12 A Gary.

13 Q You saw Gary get out of that van when you
14 pulled up, right? When you pulled up, right?

15 A Uh-huh. (Affirmative.)

16 Q Anybody else get out of that van?

17 A No.

18 Q What happened after that?

19 A Shonta got out of the car and went and
20 yelled at Gary. And screaming at Gary for a
21 little while. And Gary was just like, somebody
22 take her home. Somebody take her home.

23 Q What was she screaming about?

24 A You let that dude slap me, and you ain't
25 did nothing. Stuff like that.

Robert Mellette-Direct by Meadors

1 Q And she was still upset.

2 A Yeah.

3 Q What happened after that? Did she use
4 another term? She said you let that dude. Just
5 say what she said.

6 A She said you let that nigger slap me and
7 you ain't did nothing.

8 Q What did -- what happened after that?
9 What did you do next or what did you see next? Or
10 what did you hear next?

11 A He asked me to take her home. And I told
12 him he needed to give me some gas money or
13 something. So, you know, he gave me \$5. And she
14 got back in the car. I was on the way taking her
15 home. She said she wasn't going home. She was
16 going to her friend Danielle's house. So I called
17 Gary back I was like, she said she is going to her
18 friend's Danielle's house. So he was like, well
19 drop her off at her friend Danielle's house. And
20 I dropped her off to her friend Danielle's house.

21 Q And the reason you called Gary after you
22 weren't taking him (sic) to where he told you to
23 take her was why?

24 A Because he had -- he paid me and that was
25 his girlfriend or whatever. So I was like, she

Robert Mellette-Direct by Meadors

1 said she ain't going home.

2 Q So he gave you gas money to do this. You
3 were just letting him know, look.

4 A Yeah, because at the time when I asked
5 her -- when he asked me to take her home, I said
6 where is home. He said the four lane. So, you
7 know, she said she wasn't going on the four lane.

8 Q So you just called him to let him know
9 look, I am not taking her to where you asked me to
10 take her.

11 A Yeah, that's all.

12 Q And do you remember where Danielle lived?

13 A She lived -- like she lived like a little
14 bit behind the gym. Like it's not the road like
15 directly behind the park where the baseball field
16 is, but it's like the -- it's a street behind it.
17 Okay, the baseball field is right here. There is
18 a street right here. And there is another street
19 behind the street where the baseball field is.
20 And she stays on a little side road right there.

21 Q What I call the Sumter side of the four
22 lanes?

23 A No, she don't stay on the four lanes.

24 Q Right. But on the city side.

25 A Okay. On the city side like, okay, say

Robert Mellette-Direct by Meadors

1 South Sumter is right here. She stays -- she
2 stays on a little side road right there.

3 Q So you dropped her off and what did you
4 do?

5 A I dropped her off. Waited to see somebody
6 open the door for her. And somebody opened the
7 door for her. She went in, and I went home.

8 Q And I think at first you said at first it
9 was around 11:45 that Gary Dargan had called you.
10 And all this, the phone calls and finding her on
11 Dingle just happened a short while after that,
12 right?

13 A Yeah.

14 Q Where did you go after you dropped
15 Danielle off, Mr. Mellette?

16 A After I dropped Shonta off.

17 Q Thank you. After you dropped---

18 A I went home.

19 Q And again your home is?

20 A With my mom.

21 Q I'm not prying too much. Did you go to
22 bed?

23 A Did I go to bed? No, I didn't go straight
24 to sleep. I stayed up and texted somebody that I
25 usually talk to. I sat in my car and smoked 3 or

Robert Mellette-Direct by Meadors

1 4 blunts.

2 Q And why did you -- I mean, were you, was
3 something bothering you?

4 A No, I just -- that's just what I do.

5 Q And when you got back home at sometime
6 that morning, did you get a call from Gary Dargan?
7 Early morning.

8 A That early morning?

9 Q 2:00 o'clock a.m. 2 o'clock in the
10 morning around, did you get a call from Gary?

11 A Yeah, I got a call from Gary.

12 Q And what was that about?

13 A He was saying they had -- that they had
14 Dingle Street blocked off with tape. And somebody
15 must be got killed over there.

16 Q What did you say?

17 A I didn't say too much of really nothing.
18 I called somebody I knew. Well I was texting
19 somebody who I knew that stayed on Dingle Street,
20 and asked them if anything like that happened over
21 there. And they went outside and looked and they
22 said, yeah.

23 Q Did you end up going to bed that morning?
24 We're in 12/9/2012 now, right? That next morning,
25 did you end up -- did you go to sleep?

Robert Mellette-Direct by Meadors

1 A Yeah, I went to sleep that night.

2 Q And when you got up that morning, do you
3 know anything about a football card?

4 A Yeah, I play -- I always play a football
5 ticket ever Sunday. And when I went to the place
6 where we play the tickets at, and somebody told me
7 that Mario---

8 Q You can't say what anybody told you.

9 A Well---

10 Q Did you learn about Mario?

11 A I learned Mario got killed that night.

12 Q Do you hear from Gary Dargan again?

13 A I heard from Gary. I think he came by
14 that Sunday. Because I also got a phone call from
15 someone telling me that he had done; that Gary had
16 did that.

17 Q Don't go in to that. You can say what he
18 told you. Did you talk to Gary that Sunday,
19 December 10th, again the after 2:00 o'clock phone
20 call. Did you to talk him again that Sunday?

21 A Yeah, I talked to him again that Sunday.

22 Q And at that point, did Gary Dargan discuss
23 with you, what you had done the night before and
24 tell you what you should say?

25 A I don't sure if that had been -- yeah,

Robert Mellette-Direct by Meadors

1 that was that Sunday when he came and he said they
2 had picked Shonta up for questioning. And told me
3 that I should say that I didn't pick her up on
4 Dingle Street.

5 Q He told you to say that you should not say
6 that you picked her up on Dingle Street.

7 A Uh-huh. (Affirmative.)

8 Q And did he say anything about whether or
9 not you should say you saw Mario?

10 A She said I should say that I never saw her
11 and Mario. I should never say that I picked her
12 up on Dingle Street.

13 Q What did you tell him?

14 A I told him, man, I am just going in there
15 to tell the truth, because I ain't had -- I ain't
16 did nothing. I am going in there and tell the
17 truth.

18 Q The only thing you did was pick her up
19 give her a ride.

20 A The only thing I did was pick her up and
21 give her a ride.

22 Q You saw her with Mario.

23 A I saw her with Mario.

24 Q And you've been saying that ever since;
25 haven't you?

Robert Mellette-Direct by Meadors

1 A Ever since.

2 Q Even up to a phone call he made to your
3 brother when you were in the background, when he
4 was still trying to get you to change that story
5 not all that along ago, correct?

6 MR. MURPHY: objection. I don't know this
7 is the appropriate witness regarding phone calls
8 to another party. I don't think the proper
9 foundation has been made on that phone call.

10 Q Were you in the background of a phone call
11 where Gary Dargan called your brother Marcus
12 Mellette?

13 A Yes, sir.

14 Q Were you in the same room and house when
15 your brother was talking to the defendant Gary
16 Dargan?

17 A Yes, sir.

18 Q And did Gary Dargan ask to get you on the
19 phone?

20 MR. MURPHY: Objection. He was not a
21 party to that phone call.

22 THE COURT: If he was present at the time,
23 it's not hearsay.

24 MR. MURPHY: He's not a party to that
25 phone call though.

Robert Mellette-Direct by Meadors

1 THE COURT: It doesn't matter. If he was
2 present while it was made could he hear. Make
3 your foundation.

4 Q Did you hear Gary Dargan talking to your
5 brother Marcus Mellette?

6 A I heard him talking to him.

7 Q Did you hear that he wanted to talk to
8 you?

9 A He wanted to talk to me.

10 Q Did you talk to him?

11 A No.

12 Q And can you be heard in the background on
13 that tape?

14 A I think I could.

15 MR. MEADORS: Can we approach?

16 THE COURT: You may.

17 (Whereupon, attorneys approach and confer
18 with Judge.)

19 Q And you testified what had Gary had told
20 you he wanted you to say to the police, correct?

21 A Witness nods in the affirmative.

22 Q And he also told you what Shonta had told
23 the police.

24 A Yes.

25 Q And was that, that you had picked her up

Robert Mellette-Direct by Meadors

1 somewhere else too?

2 A What she told the police?

3 Q Yeah, that Gary said. I want you to
4 change your story.

5 A Yeah.

6 Q And that she had told him something else
7 too.

8 A Yeah.

9 Q And those were Gary's words to you.

10 A Yeah.

11 Q Gary Dargan for the record. Now your
12 brother is Marcus Mellette?

13 A Yes, sir.

14 Q And do you have another brother?

15 A Yes, sir.

16 Q Is it Kevin?

17 A Kevin.

18 Q You all are from Sumter.

19 A Uh-huh. (Affirmative.)

20 Q And does Marcus know Gary Dargan?

21 A Yes, sir.

22 Q Shonta Helton?

23 A I doubt it. I don't think he knows her.

24 MR. MEADORS: I beg the Court's
25 indulgence.

Robert Mellette-Cross by Murphy

1 THE COURT: Yes, sir.

2 Q I believe you testified earlier your phone
3 number is () - . And these are some phone
4 tolls of that time period, the 7th, 8th and 9th.
5 Are you -- are these your phone number
6 () - at the time?

7 A At the time.

8 MR. MEADORS: Your Honor, without
9 objection State's 5.

10 THE COURT: Without objection State's No.
11 5 is admitted into evidence.

12 (Phone tolls marked State's Exhibit No. 5
13 into evidence.)

14 Q You not pleased about being here, are you?

15 A No.

16 Q When is the last time you saw Mario Scott?

17 A The last time I saw him was when him and
18 Shonta were on the side of that sidewalk.

19 MR. MEADORS: That's all. Thank you.

20 THE COURT: Mr. Murphy.

21 MR. MURPHY: Thank you, Judge.

22 Cross Examination by Mr. Murphy:

23 Q Good morning, Mr. Mellette, how are you?

24 A I am doing okay.

25 Q You're doing okay. When you got on Dingle

Robert Mellette-Cross by Murphy

1 Street were there any other -- anybody else on
2 Dingle Street besides Ms. Helton and Mario?

3 A I didn't see anybody else.

4 Q And then you said you proceeded down
5 Dingle, and took a right towards the railroad
6 tracks.

7 A Yes.

8 Q And you saw a dark van.

9 A Yes.

10 Q And you later say you saw the same colored
11 van. What color was that?

12 A Burgundy.

13 Q It was a burgundy van.

14 A Yes.

15 Q And you're sure.

16 A That's what -- yeah, to me it was like,
17 that's what it looked like to me.

18 Q Okay. And burgundy is what, like a
19 reddish color, right?

20 A Like a dark.

21 Q And Shonta got out of the van and said,
22 you ain't did nothing. Something like that?

23 A No, Shonta was in the car with me.

24 Q Okay. No, I mean when she got out of the
25 van -- when she got out of the car with you, she

Robert Mellette-Cross by Murphy

1 went up to Gary and was still kind of excited.

2 A Yes.

3 Q And she said to the effect of you, you
4 know, you ain't done nothing to that N. or
5 whatever, something like that?

6 A Uh-huh. (Affirmative.)

7 Q Did Gary say, I took care of it? Did he
8 say anything?

9 A Gary said somebody take this bitch home.

10 Q Okay. That's all he said.

11 A Yeah.

12 Q Did you see Gary with a gun?

13 A No.

14 Q His demeanor, he actually was kind of
15 irritated, wasn't he?

16 A I couldn't say what his demeanor was
17 really.

18 Q He just wanted her out of there, right?

19 A Basically.

20 Q Now prior to that on these phone calls,
21 you said he had a number of calls. He's trying to
22 connect you people so you can set -- you can pick
23 her up, right?

24 A Yes.

25 Q He tells you she's at El Cheapo, right?

Robert Mellette-Cross by Murphy

- 1 A Yes.
- 2 Q And then later on he has her actually call
3 you, correct?
- 4 A Yeah.
- 5 Q And, you know, those records will show
6 that, right?
- 7 A Yeah.
- 8 Q And it's you who suggested that you drop
9 her off on Street, correct?
- 10 A I asked her if he wants me to bring her to
11 and he said yes.
- 12 Q But that came from you, right?
- 13 A Yeah, that came from me.
- 14 Q He didn't say, hey, you bring her to
15 Street. You said, hey, you want me to
16 bring her. You're the guy that mentioned
17 Street.
- 18 A It was is girlfriend.
- 19 Q Right. So you mentioned Street,
20 right?
- 21 A Yeah.
- 22 Q Now when he first calls you at 2'oclock in
23 the morning, you're staying up texting for awhile
24 you said.
- 25 A Yes.

Robert Mellette-Cross by Murphy

1 Q In fact, you were texting most of the
2 night, right?

3 A Just about.

4 Q And with a young lady?

5 A I mean, it was like 2 years ago. So, you
6 know, it's hard to remember detail for detail
7 like that.

8 Q But you remember texting.

9 A Yeah, I remember texting.

10 Q A person.

11 A A young lady, yes.

12 Q And he calls you at some point and says,
13 hey, Dingle Street is all blocked off.

14 A Yeah.

15 Q Didn't tell you anything about his about
16 understanding about who may have been killed? He
17 didn't say Mario must have got shot. He didn't
18 say anything like that.

19 A No.

20 Q And then later on throughout that night
21 you actually called him a couple of times,
22 correct?

23 A Later on that throughout that night I
24 called him a couple of times?

25 Q Yes, isn't it true? Did you call him a

Robert Mellette-Cross by Murphy

1 couple of times?

2 A I don't know.

3 Q You don't remember calling him at 2:53?

4 A 2:53?

5 Q Yeah.

6 A Oh, yeah, I probably called him back after
7 he called me, because I told you that I called
8 someone and asked them to look and see if Dingle
9 Street, if something did happen over there.

10 Q Okay.

11 A And someone called me, and I probably
12 called him back, and said, yeah, they do got
13 Dingle Street blocked off.

14 Q Okay. And you also called him a little
15 bit after 3 o'clock in the morning?

16 A A little bit after three?

17 Q Uh-huh. 3:08. Do you remember making
18 that call?

19 A No.

20 Q I mean if it's in the records you're not
21 going to dispute that, right?

22 A I mean, I could have said on my phone
23 anything. I don't know.

24 Q So if it's in those records, you're good
25 to go with, right?

Robert Mellette-Cross by Murphy

1 A I guess.

2 Q Okay. Do you remember Gary's number?

3 A Yes, I seen the phone records just now.

4 Q What was that number?

5 A 406-4080.

6 Q Gary is the drug dealer, right? Gary, at
7 the time Gary, was dealing drugs. It is okay. We
8 are here. I mean, you are telling the truth.

9 MR. MEADORS: Your Honor, I may have
10 instructed the witnesses earlier, so they may not
11 know they can answer it.

12 Q You can answer it. I mean, I am asking.
13 I'm his lawyer. If I ask the question, you can
14 tell the truth. He deals drugs, right?

15 A I guess so.

16 Q You guess so. You know so, don't you?

17 A How would I know so?

18 Q Well because he's told you he deals drugs,
19 right?

20 A Why would somebody tell me I deal drugs?

21 Q Because you've been with him when he deals
22 drugs.

23 A I mean, okay, he deals drugs.

24 Q Okay. I mean and as part his dealing, he
25 goes out. And he has customers, and he delivers

Robert Mellette-Cross by Murphy

1 drugs, correct, to different people, right?

2 A Yeah.

3 Q And he uses different cars sometimes when
4 he delivers drugs. He's always borrowing a car
5 from somebody, isn't he?

6 A Yeah.

7 Q He's borrowed a van. Do you know a guy
8 O'dell?

9 A No, I don't.

10 Q You don't know O'dell.

11 A No, I don't.

12 Q You've never been with Gary when O'dell---

13 A No, I haven't.

14 Q ---when Gary gave him some drugs?

15 A I do not know O'dell.

16 Q Have you ever seen Gary driving a van
17 before?

18 A Not until that night.

19 Q But you have seen him driving a burgundy
20 car before.

21 A A burgundy Taurus.

22 Q Okay. And he's driven other cars?

23 A I've seen Gary since he's been home
24 driving a burgundy Taurus and a red Expedition.
25 Those are the two cars that I have ever seen him

Robert Mellette-Cross by Murphy

1 drive since he's been home.

2 Q And he uses these cars sometimes to, that
3 you have seen him with, to deliver drugs to his
4 customers, correct? Correct?

5 A Could you say that again?

6 Q I said he delivers drugs to his customers
7 across Sumter, correct?

8 A Okay, yes.

9 Q And he told you, or you've seen him do it
10 and you know he does it, correct?

11 A You said, I didn't---

12 Q You know he delivers drugs to customer
13 across Sumter, correct?

14 A Yes.

15 Q Yes. Okay. Now he told you, he called
16 you at some point and advised you that Mario got
17 killed, right?

18 A No, he didn't never call me and advise me
19 that Mario got killed. I went to play my football
20 ticket the next morning.

21 MR. MEADORS: Let him finish, please.

22 THE COURT: Yeah, let him finish.

23 A I went to play my football ticket to play
24 the next morning. And somebody told me then that
25 Mario got killed.

Robert Mellette-Cross by Murphy

1 Q I got you. I apologize. So that's how
2 you out found out. And then later on Gary calls
3 you and talks to you about Dingle Street.

4 A Yeah.

5 Q And he basically says you shouldn't let
6 people know that you were on Dingle Street.

7 A He basically said, yeah.

8 Q Because you were on Dingle Street at the
9 time, as you testified today, when the young man
10 Mario was on there at the same time. He's the
11 victim of the crime.

12 A I picked Shonta up from right there.
13 Mario was right there. Shonta walked, got in my
14 car.

15 Q Uh-huh. (affirmative.)

16 A Mario kept walking down the street.

17 Q And he was concerned about that, correct?
18 Gary was concerned.

19 A I guess he was concerned.

20 Q He was concerned that you and Shonta, his
21 friends, were on Dingle Street around the time---

22 MR. MEADORS: Objection to what his
23 concern would be, Your Honor.

24 THE COURT: Sustained.

25 Q So he expressed concern about you being On

Robert Mellette-Cross by Kent

1 Dingle Street.

2 A I guess so.

3 Q And how it might look.

4 A Possibility. I don't know. I don't know
5 his mind is thinking.

6 Q Fair enough.

7 MR. MURPHY: I have no further questions.
8 Thank you.

9 THE COURT: Mr. Kent.

10 Cross Examination by Mr. Kent:

11 Q Hey, Mr. Mellette, how are you doing
12 today. Mr. Mellette.

13 A How are you doing?

14 Q If you could take your hand from your
15 mouth, this Court Reporter, and I do the same
16 thing when I talk, I cover my mouth. She is
17 taking down every word you're saying, and she
18 needs to make sure you speak clearly, okay. Is
19 that okay?

20 A All right.

21 Q And I don't have a lot of questions for
22 you. I just want to make sure I understand a
23 little bit from your testimony.

24 A Okay.

25 Q Okay. The phone conversations, there has

Robert Mellette-Cross by Kent

1 been a lot of talk about people making cell phone
2 calls to everybody, and you've heard all this
3 stuff about phone calls; is that correct?

4 A Yes.

5 Q You're nodding your head and she can't
6 take that down.

7 A All right.

8 Q It's fair you don't know what
9 conversations were going on with each other.

10 A No, I don't know what conversations were
11 going on.

12 Q You don't know what anybody was saying to
13 anybody.

14 A I don't what any -- all I know is what
15 that person said to me.

16 Q And what was being said to you? And I
17 want to make sure I have this right. Gary said
18 pick somebody up. Yes?

19 A Yes.

20 Q And that's a conversation you heard.

21 A Yes.

22 Q He told you where Shonta was.

23 A Yes.

24 Q That's a conversation you heard.

25 A Yes.

Robert Mellette-Cross by Kent

1 Q Shonta called you and said this is where I
2 am.

3 A Yes.

4 Q And Shonta got into the call.

5 A And I came, yeah.

6 Q And you came and got her. Was she making
7 any phone calls to anybody else when she was
8 inside of your car?

9 A Yeah, she was inside my car. She ain't
10 called nobody.

11 Q She didn't call anybody? You're shaking
12 your head, I'm sorry.

13 A No, sir.

14 Q She didn't call anybody. Wasn't giving
15 anybody instructions or any details or anything of
16 that nature. Wasn't calling anybody.

17 A No.

18 Q And then later and there was some
19 confusion. At some point Gary Dargan, you all had
20 a conversation way down the road in which he was
21 telling you to change your story when you talked
22 to police?

23 A Yes.

24 Q And he was telling you not to tell the
25 truth when you talked to police.

Robert Mellette-Cross by Kent

1 A Yes.

2 Q This was always Gary. And we're talking
3 about these conversations. This is what Gary was
4 telling you. Don't tell the police the truth.
5 Don't do these things, correct?

6 A Yes.

7 Q And there was some question about what
8 Shonta said at this point and time. You have no
9 clue what Shonta did.

10 A No.

11 Q Because you never talked to Shonta.

12 A I never talked to her.

13 Q All that you were testifying to when the
14 State was asking you questions, is what Gary told
15 you he told Shonta. Or what Gary was interpreting
16 what Shonta did.

17 A He never -- Gary never really spoke too
18 much. All he said was that she got picked up.
19 And that she got interviewed. And I needed to say
20 that I didn't pick her up on Dingle Street.

21 Q But you have no clue what Shonta told law
22 enforcement.

23 A No.

24 Q You have no clue whatever Gary was saying
25 that Shonta would listen to him, or she was doing

Robert Mellette-Cross by Kent

1 what she was going to do. You have no clue about
2 any of that stuff.

3 A I have no idea.

4 Q All you can testify is what - apparently
5 all you can testify is Gary told you to pick him
6 up. Gary is a drug dealer. And Gary made some
7 phone conversations to you. And that's the
8 extent. Your testimony today is about Gary
9 Dargan.

10 A Yes.

11 Q Is that correct?

12 A Yes.

13 Q And that's who your testimony is about.

14 A Yes.

15 MR. KENT: Thank you so much. I
16 appreciate it.

17 THE COURT: Any redirect, Solicitor?

18 MR. MEADORS: Yes, sir. Your Honor, can I
19 ask the witness to come down briefly in response
20 to a location?

21 THE COURT: Yeah, he can step down. And
22 please speak up loud, because there won't be a
23 microphone down there. Thank you.

24 (Whereupon, the witness steps down from
25 the witness stand.)

Robert Mellette-Redirect by Meadors

1 MR. MEADORS: Your Honor, I know State's 2
2 is in. And I believe State's 1 is just a bigger
3 view and I believe that is without objection from
4 everybody.

5 THE COURT: Okay.

6 Redirect Examination by Mr. Meadors:

7 Q Now Mr. Murphy asked you about the
8 location and Dingle Street. And this is State's 2
9 we are referring to. Do you recognize this as an
10 aerial photo of the area you were on December 8th
11 and December 9th 2012?

12 A Yes.

13 Q And again just so she can -- they can hear
14 you, please, Mr. Mellette.

15 A Yes.

16 Q Can you show the jury, after you got the
17 call from Gary Dargan on this map, where did you
18 go?

19 A After I got the call from my house?

20 Q When you were in bed, yes, sir, where did
21 you go?

22 A I don't know if I can find my house on
23 this map.

24 Q And a terrible question. Your house may
25 not be on this map. Do you know where the El

Robert Mellette-Redirect by Meadors

1 Cheapo's is? Are you familiar with this road?

2 A Okay. I'd said that that's the El Cheapo.

3 Q Okay. And I don't know if everybody can
4 see or not. But point to the El Cheapo.

5 A Right here.

6 Q And is that where you were when you were
7 waiting to hear from Gary again?

8 A Yes.

9 Q Did you see Shonta Helton at the El
10 Cheapo's?

11 A No, she wasn't at the El Cheapo.

12 Q You got another call from Gary Dargan?

13 A I got -- I called Gary back and told him
14 that she wasn't there. And he said well, hold up,
15 I am going to call her and give her your number or
16 whatever. So, no, he gave me her number and told
17 me to call her. So before I finished dialing,
18 before my phone call could go through to her, she
19 called my phone.

20 Q And as a result of that, I know Mr. Kent
21 asked you some questions about it. What did she
22 tell you?

23 A She said she was on Dingle.

24 Q She said she was on Dingle Street.

25 A Yeah, she was on Dingle Street.

Robert Mellette-Redirect by Meadors

1 Q So show the jury and so everybody can, let
2 me just back up just a tad, so everybody on the
3 end can see it. Can you show the jury if you are
4 at El Cheapo, what direction you went. Show them.

5 A I pulled out of the parking lot right
6 here. Turned on this road right here. Left and
7 made a right on this road right here. Then I made
8 the left right here.

9 Q What street is this?

10 A What street is this?

11 Q Yes, sir.

12 A That's Purdy Street.

13 Q So you take a left on Purdy.

14 A Take a left on Purdy. Come all the way
15 down and make the right on Dingle.

16 Q You make a right on Dingle. Now that
17 State's 2. I'm going now show you State's 1.
18 Let's go back to this again, I'm sorry. When you
19 make a right on Dingle, show the jury what you do.

20 A When I make the right on Dingle, I come
21 all the way down. I see them on the sidewalk. I
22 stop. I see them on the sidewalk arguing. I tell
23 Shonta to come on and get in the car. She, I
24 guess, she got her like back or whatever. And
25 came and got in the car. And we were gone.

Robert Mellette-Redirect by Meadors

1 Q And you testified the last time you saw
2 Mario he was where?

3 A He was on the side of the road with
4 Shonta.

5 Q Approximately where?

6 A I can't say approximately where.

7 Q Was it on this -- in this area?

8 A It was in this area.

9 Q On Dingle Street?

10 A I know it was before I crossed this
11 intersection right here.

12 Q Okay.

13 A I believe. What's the intersection? This
14 is Wright Street.

15 Q Yes, sir.

16 A It is before I crossed the intersection
17 right there.

18 Q On Dingle Street.

19 A Yeah.

20 Q So which way did you keep going?

21 A I keep going straight to the stop sign.

22 Q And now we're looking at Court's, excuse
23 me, strike that. I apologize. State's 1. I beg
24 the court's indulgence. Assuming this is Purdy
25 Street and this is Dingle Street. And this is

Robert Mellette-Redirect by Meadors

1 Dingle and Wright. Okay. Can you show the jury
2 where you went after you picked up Shonta Helton?

3 A This is Dingle going down this way.

4 Q Well is it?

5 A Yeah. It's Dingle going out this way.

6 Okay. I come to this -- I come to this
7 intersection right here coming from this way. And
8 then I make the right right here.

9 Q And you mentioned some railroad tracks
10 earlier. Is that the tracks you talking about?

11 A The tracks are right here.

12 Q And where did the van pass you?

13 A The van passed me right in the middle of
14 these tracks right here. He shot past me.

15 Q And then where did you go from there?

16 A I go straight. I make the left right here
17 on Bee Street. On Bee Street, yeah, that first
18 left. Then I make the right right there on South
19 Main and then I come all the way down. I come all
20 the way until I get to right here. And I
21 make the left right there on the

22 Q So you go left on not a right.

23 A Yes, the left right here.

24 Q And which house did you go, do you
25 remember?

Robert Mellette-Redirect by Meadors

1 A I went to Neal's house.

2 Q Does Neal, do you know who Neal is?

3 A Just a place where, you know, we hang out
4 and play cards, stuff like that.

5 Q And that's where you saw Gary Dargan get
6 out of the van.

7 A Yes.

8 MR. MEADORS: You can have a seat now,
9 please.

10 (Whereupon, the witness resumes the
11 witness stand.)

12 Q And the person who called you and asked
13 you to go pick up Shonta, is that Gary Dargan next
14 to Mr. Murphy?

15 A Yes, sir.

16 Q And the person who asked you to change
17 your story and don't say you picked them up where
18 you picked them up and picked Shonta up, was that
19 Mr. Dargan?

20 A Yes, sir.

21 Q And the lady, the defendant, Shonta Helton
22 that you picked up, the person you picked up from
23 Dingle Street, is that Shonta Helton next to
24 Mr. Kent?

25 A Yes, sir.

Robert Mellette-Redirect by Meadors

1 MR. MEADORS: And we would like the record
2 to so reflect.

3 THE COURT: The record will so reflect.
4 Any recross?

5 MR. MURPHY: No, sir.

6 THE COURT: Recross?

7 MR. KENT: Nothing on behalf of
8 Ms. Helton.

9 THE COURT: Thank you. You may step down
10 Any objection to this witness be excused?

11 MR. MEADORS: No, sir, thank you.

12 MR. MURPHY: No, Your Honor.

13 THE COURT: Thank you. Ladies and
14 gentlemen, we are going to take a short break.
15 We'll take about a 10 minute break. If you want
16 a cup of coffee or a coke that will be fine. If
17 you want to step out and smoke, that will be a
18 good smoke break too. Please don't discuss
19 anything about the case while you are back there.

20 (Whereupon, the Court takes a short
21 break.)

22 THE COURT: You may bring the jury.

23 (Whereupon, the following takes place
24 within the presence of the jury.)

25 THE COURT: The State may call its next

1 witness.

2 MR. MEADORS: Clinton O'dell Roberts, Jr.

3 Clinton O'dell Roberts, Jr.

4 Being first duly sworn, testified as follows:

5 THE BAILIFF: Please state your full name
6 and spell your last name for the record.

7 A Clinton O'dell Roberts, Jr., Roberts,
8 R-O-B-E-R-T-S.

9 Direct Examination by Mr. Meadors:

10 Q Good morning, Mr. Roberts.

11 A Good morning.

12 Q Tell the ladies and gentlemen of this jury
13 about you. Where are you from?

14 A My dad was in the Navy for 24 years, so
15 we moved every two years.

16 Q Where were you born?

17 A West Virginia, Bluefield. Yagertown.

18 Q Where did you all move?

19 A We moved from state to state.

20 Q Tell us where?

21 A Florida, New York, California. Different
22 jumps, you know.

23 Q Where did you go to school?

24 A School? I went to school in Sumter a
25 little bit. But mostly in New York, California.

Clinton O. Roberts-Direct by Meadors

1 And like Scotia, New York.

2 Q Do you remember -- where did you go to
3 high school?

4 A High school, I went up to the 10th grade.
5 But it was Sumter High in Florida.

6 Q Sumter High in Florida.

7 A Yes.

8 Q What year did you get out?

9 A 10th grade I went.

10 Q And what year was that, I'm sorry?

11 A Sir, you're asking me....

12 Q Well after that, what did you do?

13 A My mom and dad moved to South Carolina.
14 And my twin sister stayed in Florida. And I lived
15 with my twin sister that was married. And I
16 worked on a chicken farm and stayed there for 2 or
17 3 years and came home for Christmas. And my mom
18 and dad talked me into staying in South Carolina.

19 Q How many siblings do you have?

20 A I had 8 sisters and one brother. And 3
21 sets of twins. And I'm a twin to a girl.

22 Q Tell the folks about the jobs you've had
23 over your life. What have you been doing?

24 A I work for Southern Coatings as a diesel
25 mechanic for 20 years. And I worked for Wilson's

Clinton O. Roberts-Direct by Meadors

1 Medical Transport for roughly about 3 years.

2 Mainly and Roofco here in Sumter as a mechanic,
3 keeping their equipment up. And I am sort of
4 retired now.

5 Q So you work as a diesel mechanic for 20
6 something years?

7 A 20 years, yeah.

8 Q And you said Wilson Medical. What is
9 that? What do they do?

10 A Ambulances and buses, I maintained and
11 kept them up.

12 Q And as a part of that, did you do any
13 transport or couriering service.

14 A No just mainly, if they broke down, I went
15 to Georgetown or wherever they were broke down, or
16 maintained and kept them up in the shop.

17 Q Did they provide you a vehicle?

18 A Yes, sir.

19 Q And that's -- the name of that company is
20 what?

21 A Wilson's Medical Transport in Lake City.

22 Q Now and I'm almost through with this, but
23 where did you settle in Sumter?

24 A Sumter? Oh, I have been in Sumter for
25 the last 38 years.

Clinton O. Roberts-Direct by Meadors

1 Q I am just going to ask, tell it all now,
2 nothing personal. Did you have problems with
3 drugs?

4 A Yes, sir.

5 Q Specifically crack?

6 A Crack.

7 Q Did was there a time when you were using
8 rack?

9 A Yes, sir.

10 Q And how often would you use it when you
11 were using?

12 A I like usually work 6 days a week at
13 Wilson's, so I didn't do it during the week. And
14 I did it on the weekend. And it took me a day to
15 recover, because I had a stuttering problem. You
16 know if you get high, I don't know. Then I got
17 COPD breathing problems and everything. And that
18 really hurted me more than anything. So I have
19 been clean for over about a year.

20 Q Congratulations. I mean that,
21 congratulations. So your point is that you would,
22 if you had used, you would want to have a day off
23 before you went back to work?

24 A Right. Yeah. You could look at me and
25 tell me I was high.

Clinton O. Roberts-Direct by Meadors

1 Q Do you know Gary Dargan or somebody named
2 G?

3 A I know G.

4 Q How did you meet?

5 A At Carolina Motel. He---

6 Q Why were you at Carolina Motel.

7 A Why was I at Carolina Motel? That's where
8 I would get high at. And I had somebody I was
9 seeing there.

10 Q You are married now, correct?

11 A Yes, sir.

12 Q So you met Gary Dargan at Carolina?

13 A Yes, sir.

14 MR. MEADORS: I beg the court's
15 indulgence. Thank you, I just wanted to make sure
16 I was on.

17 Q Did you get crack cocaine from Gary
18 Dargan?

19 A Yes, sir.

20 Q And is that how you met him?

21 A Yes, sir.

22 Q How would -- would you, how would you pay
23 for it?

24 A I paid cash for it.

25 Q And would you ever give anything else in

Clinton O. Roberts-Direct by Meadors

1 exchange for it.

2 A Well like I say, I would spend \$300 a
3 night. And but that particular night, you know, I
4 was low on money. He asked me can I borrow the
5 van, and he would give me something. So that's
6 what he did.

7 Q And that particular night, are you talking
8 about December 8th of 2012.

9 A Yes, sir.

10 Q Did you have an occasion to see Gary
11 Dargan that evening?

12 A Yes, that evening. Probably two or three
13 times.

14 Q Where did you see him?

15 A At Carolina Inn when he come to my room.

16 Q Did you have a particular number?

17 A No, sir. I liked upstairs.

18 Q And on December 8th 2012, did you loan or
19 rent or whatever you want to say, your van, to
20 Gary Dargan?

21 A Yes, sir.

22 Q And describe that van to the Ladies and
23 gentlemen of the jury.

24 A It's a 2000 Chrysler van. Blue, with
25 Wilson's Medical Transport on the side of it.

Clinton O. Roberts-Direct by Meadors

1 Q So is Wilson Medical Transport on the
2 driver's side?

3 A Driver's side and passenger's side.

4 Q Passenger's side. I'm going to show you
5 what's marked as 7, 8, 9 and 10. And just tell
6 me, do you recognize this and does it relate to
7 what I just asked you about. And it's just a yes
8 or no answer, please.

9 A Yes.

10 MR. MEADORS: Your Honor 7, 8, 9 and 10
11 without objection.

12 THE COURT: Any objection?

13 MR. MURPHY: No, Your Honor.

14 MR. KENT: No objection on behalf of Ms.
15 Helton.

16 THE COURT: State's 7, 8, 9 and 10 are
17 admitted without objection.

18 (Photographs marked State's Exhibit Nos.
19 7, 8, 9 and 10.)

20 Q You have described a van, I am going to
21 show you what's State's 7. Is that the van you've
22 described?

23 A Yes, sir.

24 Q And on the side does it say?

25 A Wilson Medical Transport.

Clinton O. Roberts-Direct by Meadors

1 Q And is this the van you used.

2 A Yes, sir.

3 Q And you don't transport medical stuff.

4 A No.

5 Q You just used this to fix their vehicles.

6 A Yes, sir. It was going back and forth to
7 Sumter and Lake City.

8 Q And this is State's 10. Would be the
9 passenger's side of the Wilson's van?

10 A Yes, sir.

11 Q Now it looks like we've got two pictures
12 on the back. Is that the back of the van?

13 A Yes, sir.

14 Q State's 9, and State's 8 and 9. Is there
15 any writing on the back of the van?

16 A No, sir.

17 Q And State's 6, I believe also without
18 objection.

19 THE COURT: Without objection.

20 (Photograph marked State's Exhibit No. 6
21 without objection.)

22 Q Is that the front of the van?

23 A Yes, sir.

24 Q Did you get crack on December 8th, 2012
25 from Gary Dargan?

Clinton O. Roberts-Direct by Meadors

- 1 A Did I quit?
- 2 Q Did you get it from him?
- 3 A Yes. Yes, sir.
- 4 Q And you let him use your van.
- 5 A Yes, sir.
- 6 Q And did he bring that van back to you?
- 7 A Yes, sir.
- 8 Q About what time did he bring it back?
- 9 A I would say, I fell asleep. I would say
- 10 around 3 or 4 o'clock in the morning.
- 11 Q And he had gotten it from you earlier in
- 12 the evening?
- 13 A Yes, sir.
- 14 Q Anything inside the van after you got it
- 15 back?
- 16 A The only thing it was two decks of cards
- 17 in the console. It was never been opened.
- 18 Q Did you tell the police about that?
- 19 A Yes. I am pretty sure I did.
- 20 Q Were those your cards?
- 21 A No.
- 22 Q And was your phone number () - ?
- 23 A Yes, sir.
- 24 Q And I have got a point to this, if you
- 25 will bear with me. How did you take the crack,

Clinton O. Roberts-Direct by Meadors

1 did you smoke it?

2 A Through a tube.

3 Q And after you would smoke it, did sometime
4 you want some more?

5 A Yes, sir.

6 Q And would you call Gary Dargan after you
7 had some, and tell him you want some more?

8 A Yes, sir.

9 MR. MEADORS: I beg the court's
10 indulgence.

11 THE COURT: Yes, sir.

12 Q After you got the van back, you said
13 roughly 4 o'clock in the morning?

14 A Yes, sir.

15 Q So that would have been the 9th. The next
16 morning.

17 A The next morning.

18 Q Of 2012. Did you hear from Gary Dargan
19 after that?

20 A No, sir.

21 Q Did he call you on the phone?

22 A Not -- you know, a day or two later.
23 Maybe a day or two later, yes.

24 Q You can testify to what he said. When did
25 you hear from him again?

Clinton O. Roberts-Direct by Meadors

1 A After I -- Monday after I got the paper,
2 after friends told me what happened, I got the
3 paper and seen it in the paper. Then it might
4 have been maybe a week later, I am not sure.

5 Q You can't say what anybody else said, but
6 did he ask you for some money?

7 A Well he asked me, he says, I owe him \$300.
8 He wanted his girlfriend to get it. Or then he
9 had another d drug dealer that would call me and
10 say G. wants his money. And I said well I don't
11 know who you are, you know. And I said, I don't
12 know your girlfriend. Well I hung up on G. from
13 the jail house.

14 Q Okay.

15 A Then he told that---

16 Q You can't say what anybody else said, but
17 did you ever pay him---

18 A No, sir.

19 Q ---the \$300?

20 A No.

21 Q Had he borrowed your van prior to this
22 night?

23 A Maybe 2 or 3 weeks later. I mean,
24 after -- before that, you know.

25 Q Not after, before that?

Clinton O. Roberts-Direct by Meadors

1 A Before that, yes, sir.

2 Q And would that be in exchange for drugs,
3 or I mean were you giving him the van as a
4 payment?

5 A Yes, sir. Most likely, yes, sir. Yes,
6 definitely.

7 Q What some folks is a crack rental.

8 A Yeah.

9 Q And of course Wilson didn't know about it.

10 A No.

11 Q Is the individual that you gave the Wilson
12 Medical transport van to on December 8th 2012, and
13 was returned to you on the early morning hours of
14 December 9th 2012, is that person in the
15 courtroom?

16 A Yes, sir.

17 Q And is that him next to Mr. Murphy?

18 A Yes, sir.

19 MR. MEADORS: We would like the record to
20 reflect.

21 THE COURT: The record will so reflect
22 that the witness so identified.

23 Q Did you have an occasion to speak with
24 defendant Gary Dargan when he picked the van up on
25 the 8th, or talk to him?

Clinton O. Roberts-Cross by Murphy

- 1 A Yes.
- 2 Q How long was that transaction?
- 3 A Very short. He said he was a man of his
- 4 word and brought my van back.
- 5 Q That was at four?
- 6 A After, yeah.
- 7 Q Did you talk to him prior any length of
- 8 time? What he got the van on the 8th, did you all
- 9 have any extended conversation?
- 10 A No, sir.
- 11 Q When he brought it back at 4:00 a.m., you
- 12 said he said I am a man of my word.
- 13 A Yeah.
- 14 Q What was his condition like then?
- 15 A Nervous. You know, I don't know, he just
- 16 didn't seem his self, you know.
- 17 MR. MEADORS: Thank you. That's all.
- 18 THE COURT: Cross examination?
- 19 MR. MURPHY: Thank you, Your Honor.
- 20 Cross Examination by Mr. Murphy:
- 21 Q Good morning, Mr. Roberts.
- 22 A Good morning.
- 23 Q Your van is bluish color?
- 24 A Yes, sir.
- 25 Q It's not burgundy?

Clinton O. Roberts-Cross by Murphy

1 A No.

2 Q Mr. Dargan borrowed it a couple of times.

3 A Yes, sir.

4 Q To your knowledge, do you know that he
5 was -- do you know, I'm asking you, do you know
6 whether or not he was making drug deliveries with
7 the van?

8 A That's what I figured, but I couldn't tell
9 you that. He told me he was going to go play a
10 game of poker.

11 Q And he returned the van about 5 o'clock
12 the following morning.

13 A Somewhere around 3, 4, 5 somewhere around
14 there. Correct.

15 Q And you owed him money.

16 A Yes, sir.

17 Q And he had a couple of people call you,
18 and he called you himself.

19 A Yeah, from prison. From jail.

20 Q From jail asking for his money.

21 A Yes.

22 Q 300. That's a yes.

23 A Yes, sir.

24 MR. MURPHY: No further questions. Thank
25 you.

Lieutenant Russell Brannon-Direct by Brown

1 MR. KENT: No questions of this witness,
2 Your Honor.

3 THE COURT: Any redirect?

4 MR. MEADORS: No, sir. Thank you. We ask
5 that he be excused.

6 THE COURT: You may step down and you may
7 be excused. Thank you, sir.

8 MR. BROWN: May it please the court.

9 THE COURT: Yes, sir.

10 MR. BROWN: The State would call
11 Lieutenant Rusty Brannon.

12 Russell Scott Brannon, Being first
13 duly sworn, testified as follows:

14 THE BAILIFF: State your full name and
15 spell your last name for the record.

16 A Russell Scott Brannon. B-R-A-N-N-O-N.

17 Direct Examination by Mr. Brown:

18 Q It's Lieutenant Rusty Brannon.

19 A Yes, sir.

20 MR. BROWN: Your Honor, may it please the
21 court.

22 THE COURT: Yes, sir.

23 Q Lieutenant, you are with the Sumter City
24 Police Department?

25 A That is correct.

Lieutenant Russell Brannon-Direct by Brown

1 Q Please tell these Ladies and gentlemen of
2 the jury a little bit about yourself, where you
3 are from, where you were born, and how long have
4 you been with the police force.

5 A Well I was originally born in 1972, in
6 Germany. What is know as west Germany. My father
7 was in the Air Force at the time, served 27 years.
8 We moved constantly across the United States, as
9 much as the previous gentleman. My schooling, I
10 began in Virgina, at Tab Elementary. Moved and
11 retired to Sumter in I think 79, 80. I continued
12 my education all the way through Sumter High. I
13 graduated in 1990. From 1991 to 1995, I attended
14 the University Of South Carolina.

15 I graduated with my bachelor's degree in
16 Criminal Justice. And began with the police
17 department in October 1995.

18 Q Have you been with them ever since?

19 A Yes, sir, I have.

20 Q Have you always been with the Sumter City
21 Police Department?

22 A Everything but a 3 week period of time.

23 Q And at this point, your rank is
24 lieutenant.

25 A That is correct.

Lieutenant Russell Brannon-Direct by Brown

1 Q Were you working the night of
2 December 8th 2012?

3 A I was working off duty security.

4 Q Where were you doing security that night?

5 A On trinity, which is located at Trinity
6 Church. The living Christmas and the nativity
7 scene is held there. I was working the parking
8 lot, protecting the property.

9 Q And Trinity Methodist, right there on
10 Liberty Street?

11 A Yes, sir. Liberty and Council.

12 Q What did your shift start, and what time
13 was it scheduled to end that night?

14 A I believe I got there around 10:00 p.m.
15 somewhere about there, as the conclusion of the
16 events when they cleared the traffic cones. And
17 then I would be there until 0:600 hours, 6:00 a.m.

18 Q Your job is to make sure that nothing
19 messes with---

20 A That's correct.

21 Q ----the nativity scenes and things.

22 A That's correct.

23 Q At some point did something catch your
24 attention while you were working that night?

25 A Yes, sir, it did. I had my windows down.

Lieutenant Russell Brannon-Direct by Brown

1 It was a pretty calm, cool night. It wasn't
2 overly cold, so I had my windows down. I was
3 reading a book in the parking lot. And I heard a
4 series of gunshots coming down off the south end
5 of Wright Street.

6 Q Do you remember about what time that was?

7 A Shortly after midnight, I believe. I'm
8 not positive.

9 Q And when you heard the first gunshot, did
10 that catch your attention?

11 A Yes, sir, it did.

12 Q And did you keep listening?

13 A Yes, sir, I did.

14 Q And how many gunshots do you believe you
15 heard during time period?

16 A In that series, 7 to 9 shots,
17 approximately. The first one to two, is what
18 grabbed my attention, and then the others were
19 subsequently right immediately after.

20 Q About how long did it take from the first
21 shot to the last shot was fired?

22 A 4 or 5 seconds.

23 Q So it fired quickly?

24 A Yes, sir.

25 Q What did you do next?

Lieutenant Russell Brannon-Direct by Brown

1 A I listened to see if there was anything
2 else. It wasn't quite really usual at that time
3 to hear gunshots in that area. At the same time
4 as that, I went ahead and started my car towards
5 Liberty Street to exit out of the parking lot and
6 head that way; is when dispatch started giving out
7 a call for shots fired.

8 Q And so you were heading in that
9 direction---

10 A Yes, sir.

11 Q ---when that call came out.

12 A Yes, sir.

13 Q Did you go to the approximate location of
14 where these gunshots were reported to have come
15 from?

16 A Yes, sir.

17 Q Where was it reported those gunshots had
18 come from?

19 A Dispatch was indicated that it came from
20 Wright Street near Dingle.

21 Q Did you go to that location?

22 A Yes, sir, I did.

23 Q And who you arrived on that location, were
24 you first on the scene?

25 A Yes, sir, I was.

Lieutenant Russell Brannon-Direct by Brown

1 Q Did you, did anything came your attention
2 when you arrived there?

3 A Yes, sir. While I progressed down Wright
4 Street, I was looking left and right on the
5 sidewalks. I noticed that -- I believed I saw a
6 body laying on the side of the roadway at Wright
7 and Dingle Street. I parked my patrol car short
8 of the body. Called EMS, or called dispatch,
9 asked them to roll EMS, that I would be with
10 subject on the ground.

11 Q Did you approach the body.

12 A Yes I did.

13 Q And what did you do first?

14 A I immediately just checked the immediate
15 scene to see if there anything else going on. And
16 I reached down to check on the pulse of the
17 victim.

18 Q Now when you first arrived on the scene,
19 was the body, was it laying face down or face up?

20 A He was laying face down. I believe his
21 head was facing west on Dingle Street.

22 MR. MURPHY: Your Honor, may we approach.

23 THE COURT: You may.

24 (Whereupon, the attorneys approach and
25 confer with judge.)

Lieutenant Russell Brannon-Direct by Brown

1 THE COURT: You may proceed.

2 Q You were saying when you got to the body
3 it was laying face down?

4 A Yes, sir.

5 Q Tell us what else you observed or what
6 else you did at that point?

7 A I noticed that he did not appear to be
8 breathing. I went immediately went back to my
9 patrol vehicle I got out of the trunk a bag, I
10 call it my jump kit. It has basic life support
11 system stuff in, gloves, you know, chest seals,
12 and stuff like that. I went back. I gloved up.
13 I checked him further. I actually rolled the
14 victim over at that time, looking for anything I
15 can do at that time as far as plugging up holes.
16 He was not breathing. He did not have a pulse.

17 I believe the next officer on the scene, I
18 advised her of that as well.

19 Q Is he still face down at this point?

20 A No, sir. He should be back on his side or
21 back by this point; however, I rolled him over to
22 check his carotid pulse.

23 Q When you rolled him over, did you notice
24 anything about what he appeared to be breathing or
25 anything?

Lieutenant Russell Brannon-Direct by Brown

1 A No, sir, he was not breathing.

2 Q At this point you had called EMS?

3 A EMS had been summoned from my immediate
4 arrival time. I asked dispatch to confirm it.

5 Q Had you also called in asking for backup
6 at that point?

7 A Yes, sir. The additional patrol units
8 were already en route. So I began immediately
9 establishing a perimeter.

10 Q Tell us what you men by that, please.

11 A Not knowing what had happened at that
12 particular time, I knew the patrol units who were
13 coming in, the on-duty shift units. I asked them
14 to go ahead and set up a perimeter. I staged
15 them on one of two streets down in every
16 direction. Therefore, locking down the crime
17 scene.

18 Q And at that point did you wait for extra
19 back up?

20 A Yes, sir.

21 Q Do you remember who else came on the
22 scene that night?

23 A Yes, sir. Now sergeant Tashika Gale
24 arrived on the scene. Lieutenant Cadetra Furman
25 arrive on the scene as well. And I believe, I

Lieutenant Russell Brannon-Direct by Brown

1 don't remember. I can't recall for certainty who
2 else arrived.

3 Q Did any detective with the evidence
4 collection unit arrive?

5 A Yes, sir, they did.

6 Q Did Detective Jacob Mitchell arrive that
7 night?

8 A Yes, sir. He was one of the individuals
9 who showed up.

10 Q And this was at the corner of Dingle and
11 Wright Street?

12 A Yes, sir.

13 Q Is that downtown Sumter, South Carolina?
14 Sumter City?

15 A Yes, sir. It is in city jurisdiction.

16 Q Taking you back to Trinity Church, when
17 you heard those gunshots, did they appear to sound
18 as if they were coming the same type of gun like a
19 22 versus a 45? Or what did you observe, or what
20 did you hear when you heard that?

21 A They were, I wasn't -- I knew it was
22 coming from Wright Street. I couldn't tell you
23 how close or how far at that time, but they were
24 all similar in sound. And there was no
25 differentiation between another gun being fired

Lieutenant Russell Brannon-Direct by Brown

1 and then this one. I knew based upon my
2 experience in general in life and my experience at
3 the police department, that this was one weapon.

4 MR. BROWN: Court's indulgence.

5 THE COURT: Yes, sir.

6 MR. BROWN: Please answer any questions
7 that either Mr. Murphy or Mr Kent may have.

8 MR. MURPHY: No questions.

9 THE COURT: Mr. Kent.

10 MR. KENT: No questions.

11 MR. BROWN: We would ask that this officer
12 be excused.

13 THE COURT: Any objection?

14 MR. MURPHY: No, Your Honor.

15 THE COURT: Thank you. Have a good day.

16 MR. BROWN: The State would call
17 Detective Jacob Mitchell.

18 Detective Jacob Eon Mitchell, being first
19 duly sworn, testified as follows:

20 THE BAILIFF: State your full name and
21 spell your last name.

22 A Jacob Eon Mitchell. M-I-T-C-H-E-L-L.

23 Direct Examination by Mr. Brown:

24 Q Detective Mitchell.

25 A Yes, sir.

Detective Mitchell-Direct by Brown

1 Q How are you this morning, actually?

2 A Doing well.

3 Q For these ladies and gentlemen, please let
4 them know where you are from. Where you were born
5 and raised. Where you went to school, and what
6 you do now?

7 A I was born in Austin, Texas in 1986. We
8 traveled from there to Sumter. My family was in
9 the military. I used to travel closer to home,
10 which is here in Sumter. I went through the
11 school systems here from elementary all the way to
12 high school. And from there, I started working at
13 Red Lobster, YMCA, stuff like that. And in 2007,
14 I joined the police department in patrol. And I
15 went into the detectives, ISD, investigative
16 services division.

17 I started going back to college at St. Leo
18 University. In 2010, I got my associate's. In
19 2013, I'm still working on my bachelor's in
20 computer information systems. And currently
21 assigned to the -- I'm sorry, in 2012, for one
22 year, I left the police department and went to
23 Verizon Wireless; worked there for a year. Came
24 back to the police department in 2012. June of
25 2012. And was assigned to the investigative

Detective Mitchell-Direct by Brown

1 search division again, our crime scene as a
2 forensic technician.

3 Q And you currently have a rank of
4 detective, correct?

5 A Yes, sir.

6 Q And at the sheriff's department, they are
7 called investigators. At the police department
8 they are called detectives, correct?

9 A Yes, sir.

10 Q And your job is to go out to crime scenes
11 to document the crime scenes, to photograph the
12 crime scenes and to collect the evidence.

13 A Yes, sir.

14 Q Is that a fair assessment of your role?

15 A Yes, sir.

16 Q On the night of December 8th 2012, were
17 you assigned to work that night?

18 A Yes. I was on call. Anytime any major
19 crime scene or anything happens, we are called
20 out. Detectives are called out first. And then
21 they assess the situation. And then they call out
22 the crime scene. And I arrived shortly after 5
23 o'clock.

24 Q So you were called out that particular
25 night?

Detective Mitchell-Direct by Brown

1 A Yes, sir.

2 Q When you arrived on the scene, who all was
3 already there?

4 A Lieutenant Brannon was there, who we just
5 spoke with. I remember seeing Sergeant, now
6 Sergeant Gale. And several other patrol officers.
7 There was several people out there, as I remember.

8 Q And when you arrived, was the body still
9 on the scene?

10 A Yes, sir.

11 Q And when you arrived, did it appear as if
12 the scene had been set up so that nothing would be
13 disturbed?

14 A Yes, sir.

15 Q A perimeter had been established.

16 A Yes, sir. A perimeter was established.

17 Q Can you tell the ladies and gentlemen of
18 the jury, what you mean or what we mean when we
19 say perimeter is established?

20 A Of course. It is the duty of the
21 responding officer to go to the scene and
22 determine the crime scene. Once they figure out
23 an idea of where the crime scene is, they will
24 tape those sections off. Put a patrol in those
25 areas. That way no one can come in or out of the

Detective Mitchell-Direct by Brown

1 crime scene. Therefore, protecting the evidence
2 in that crime scene so that it be collected and
3 preserved for later in court.

4 Q And they also preserve it so when you get
5 on the scene, you can start documenting it
6 appropriately.

7 A Yes, sir.

8 Q And is your procedure, what is your
9 standard procedure when you arrive on the scene,
10 to start actually start documenting all this, to
11 figure out what all is going on and to make sure
12 you preserve all the evidence.

13 A Certainly. When I arrive, I immediately
14 talk with the people on the scene, just to kind of
15 get an idea of what is going on and what happened.
16 After that, I will take photos of absolutely
17 everything in the scene documenting what is going
18 on. And at that point I usually put evidence
19 markers down. And labeling things 1, 2, 3, 4.
20 As I come up on things, I will label them. After
21 that, I will do collecting or any type of
22 processing that might need to be done. And do
23 another walk around, or sometimes I'll do a sketch
24 if it's needed. And then leave the scene.

25 Q If there is any particular evidence after

Detective Mitchell-Direct by Brown

1 you photographed it all, do you then collect it
2 and turn it into the evidence room?

3 A Yes, sir.

4 Q When you arrived on the scene, did you
5 being photographing the area?

6 A Yes, sir.

7 Q And you began putting down those markings?

8 A Yes, sir.

9 Q And you made photographs of where the
10 markers were put down, correct?

11 A Yes, sir.

12 MR. BROWN: Your Honor, permission to
13 approach the witness?

14 THE COURT: You may.

15 Q Detective Mithchell, I am going show you
16 some pictures. And I want you to, as I show them
17 to you, look at these quickly real quickly and see
18 if these are a representation of what you took on
19 December 8th 2012.

20 A Yes, sir, I took these photographs.

21 Q And those are accurate representations of
22 photographs you took on that particular night?

23 A Yes, sir.

24 MR. BROWN: And, Your Honor, I believe
25 these are being offered without objection.

Detective Mitchell-Direct by Brown

1 THE COURT: Any objection?

2 MR. MURPHY: No, Your Honor.

3 MR. KENT: No objection.

4 THE COURT: What numbers are they?

5 MR. BROWN: Your Honor, these are State's

6 No. 12, through I believe 43. 11 to 43.

7 THE COURT: 11 to 43 are admitted without
8 objection.

9 (Photographs marked State's Exhibit Nos.
10 11-43 into evidence.)

11 Q And I am just going to show you pictures,
12 and you just kind of tell us what we are looking
13 at in the picture. Do you remember taking this
14 particular photo?

15 A Yes, sir. That particular photo in crime
16 scene photography, you want to take three basic
17 photographs. You want to take one far away, one
18 mid range, and one close up. This was to
19 establish just a general idea of what was going
20 on. That was corner of -- yeah, that's the corner
21 of Wright and Dingle.

22 Q And so we can understand, you talked about
23 putting up evidence markers as you get to the
24 scene and as you start noticing things. These
25 little yellow dots, are those the evidence markers

Detective Mitchell-Direct by Brown

1 you are talking about?

2 A Yes, sir.

3 Q And right here, is that the body was
4 found?

5 A Yes, sir.

6 Q And just so they can get a proximate range
7 of where we are, that's the intersection of Wright
8 and Dingle?

9 A Yes, sir.

10 Q What is that right there?

11 A That is a sign of the church. It's right
12 at the corner of Wright and Dingle.

13 Q And is this, and this is I am showing
14 State's Exhibit No. 11. Is this another angle of
15 that same shot?

16 A Yes. Just from the middle of the
17 intersection towards the church.

18 Q And your job was to try to get it from all
19 the different angles to show everything that was
20 going on, correct?

21 A Yes, sir.

22 Q So this is just another angle from that?

23 A Yes, sir.

24 Q Again, this is the body from a different
25 angle.

Detective Mitchell-Direct by Brown

1 A Yes, sir.

2 Q Showing you State's No. 13. And is this
3 another angle of that particular shot?

4 A Yes, it is. This would have been from
5 yeah, from the opposite side standing beside the
6 church.

7 Q And this is a picture coming from Wright
8 Street?

9 A Yes, sir.

10 Q Looking down on the body?

11 A Yes, sir.

12 Q I am showing you State's 14. This is just
13 a shot of the intersection?

14 A Yes. I took those photos to demonstrate
15 the area where I am at, just to show that's where
16 we were.

17 Q And that's Wright and Dingle right there
18 down by South Sumter, correct?

19 A Yes, sir.

20 Q Now focusing now on this particular
21 picture, State's Exhibit No. 15, are these the
22 evidence markers we were looking at earlier?

23 A Yes.

24 Q And these have numbers on them. Is that,
25 what does that indicate to you?

Detective Mitchell-Direct by Brown

1 A That's just the number in which I place
2 the maker down of what I came across first.

3 Q So this would be evidence marker No. 1.

4 A Yes, sir.

5 Q And for that would be marker No. 6, for
6 example.

7 A Yes, sir.

8 Q And for proximity purposes, this is a
9 little bit above the body. That's the feet right
10 there.

11 A Yes, sir.

12 Q And showing State's 16, is this a close up
13 of evidence marker No. 1?

14 A Yes. That's again just to show where we
15 can scale it down. And that's why the ruler is in
16 there, so we can go back and later measure it if
17 we needed to.

18 Q And what is that picture or depicted
19 beside Evidence marker No. 1?

20 A It's a 45, a spent 45 caliber shell
21 casing.

22 Q You collected that later?

23 A Yes, sir.

24 Q Showing State's No. 17, is that evidence
25 marker No. 2 right there?

Detective Mitchell-Direct by Brown

1 A It is. And I took that photo to show in
2 relation to how close it was to No. 1.

3 Q I'm showing State's 18. Is that a close
4 up of marker No. 2?

5 A Yes, sir.

6 Q And what is that depicted in there?

7 A It's also a 45 spent shell casing. A 45
8 caliber, I am sorry.

9 Q Showing State's 19. What are we looking
10 at in this particular picture.

11 A The next marker is No. 3. It was actually
12 between -- well it was in between. So I had to
13 take a photo kind of further back to show where it
14 was in relation to No. 2. So it was just more
15 evidence markers.

16 Q And is that little line right there, is
17 that where the stop area is coming off of Wright
18 Street?

19 A It is.

20 Q Looking at State's Exhibit No. 20, is that
21 a close up again of No. 3?

22 A Yes, sir.

23 Q And what would this be right here?

24 A It is a 45 caliber spent shell casing.

25 Q State's 21, Your Honor. What are we

Detective Mitchell-Direct by Brown

1 looking at in this picture right here?

2 A We are looking at the same part of
3 intersection as at Wright, as the stop angle at
4 Wright, just the evidence markers.

5 Q And this is a little bit of that grass
6 right there, correct?

7 A Yes. And the church would be right here.

8 Q The church would be right here in this
9 picture.

10 A Right, yes, sir.

11 Q And that evidence marker No. 4 right
12 there?

13 A Yes, sir.

14 Q And that is where it is in proximity to 1
15 and 2 that you were looking at earlier?

16 A Yes, sir.

17 Q State's 22. Again is this a close up of
18 marker No. 4?

19 A Yes, sir.

20 Q And is that a spent 45 caliber shell
21 casing?

22 A Yes, sir.

23 Q Showing you State's Exhibit No. 23. In
24 this picture can you see markers No. 5 and 6?

25 A Yes, sir.

Detective Mitchell-Direct by Brown

1 Q Of course that's where the body is. And
2 this is where the church is, correct?

3 A Yes, sir.

4 Q State's 24, Is this evidence marker No. 5?

5 A Yes, sir, it is.

6 Q And this hat, did you all recover that,
7 that particular night?

8 A Yes, sir. Anything that was in the area
9 that was suspicious or out of place, we mark it as
10 evidence. Yes, sir.

11 Q State's 25, is that a picture of the top
12 of the hat?

13 A Yes, sir.

14 Q State's 26. This is marker No. 6. What
15 are we looking at right here?

16 A It's a piece of cut wire. Possibly
17 copper. We thought it might have been something
18 related to what could have transpired. It might
19 have been something that was in the area. It
20 could have been -- it's originally a piece of
21 copper wire.

22 Q And you are photographing anything---

23 A Yes, sir.

24 Q ---and everything that appears out of the
25 ordinary?

Detective Mitchell-Direct by Brown

1 A Yes, sir.

2 Q And State's 27 is this where marker 7 and
3 8 are?

4 A Yes, sir that's in front of the church.

5 Q Now just so we that can get our bearing,
6 where is the body in relation to marker 7 and 8?

7 A The body would be here at the
8 intersection.

9 Q So this further down Dingle Street going
10 toward the Guinyard area, correct?

11 A Yes, sir.

12 Q And that's marker 7 and 8 right there?

13 A Yes.

14 Q 7 on top, 8 on the bottom closer to the
15 street?

16 A Yes.

17 Q I am showing State's 28. Marker 7 is that
18 another spent 45 caliber shell casing?

19 A Yes, sir.

20 Q And marker No. 8 looking at State's 29, is
21 that again another spent 45 spent shell casing?

22 A It Is.

23 Q I am showing marker No. 9 here, looking at
24 State's 30. What are we looking at here? Where
25 are we in proximity to the body?

Detective Mitchell-Direct by Brown

1 A This is the entry way. The sidewalk to
2 the church. The body would be on this side. The
3 intersection is right over here. Yes, sir.

4 Q And that's where marker No. 9 was found?

5 A Yes, sir.

6 Q Right at the walkway going up to the
7 church?

8 A Yes, sir.

9 Q State's 31. Is this a closeup of marker
10 No. 9?

11 A Yes, sir.

12 Q Again, another spent 45 caliber shell
13 casing.

14 A Yes, sir.

15 Q Looking at State's 32, is this marker
16 No. 10?

17 A Yes.

18 Q And where was this picture taken?

19 A This is further down the road.

20 Q That is.

21 A Yes. This is further down the road,
22 Dingle. The church would have further up here.
23 And the intersection would have been right back
24 this way. So it was further back past the church
25 going towards Guinyard.

Detective Mitchell-Direct by Brown

1 Q And looking closer at that, we're looking
2 at State's 33. Is that a close up of the marker?

3 A Yes, sir.

4 Q And can you see anything in this
5 particular picture right here?

6 A No, you cannot. I took that photo of the
7 scene.

8 Q On state's No. 34, do you have a zoomed in
9 version of that.

10 A Yes, sir. This is cross lighting from
11 here, because you couldn't see in the last photo.
12 There is a footprint in the sand. And this was --
13 I was able to determine, and viewed the photo and
14 photograph it, by using the cross lighting.

15 Q Looking at Stated's 35, did you take this
16 picture to document where marker No. 11 is?

17 A Yes, sir.

18 Q And you -- we saw one earlier. That's in
19 relation to 1, 2, 3 and I believe that's 4 up
20 there.

21 A Yes, sir.

22 Q And the body would have been over here a
23 little bit?

24 A Yes, sir.

25 Q A little to the left of 1?

Detective Mitchell-Direct by Brown

1 A Yes, sir.

2 Q Looking at State's 36, is this a close up
3 of the marker?

4 A It is.

5 Q And again, is that a spent 45 caliber
6 shell casing?

7 A Yes, sir.

8 Q Looking at State's 37, is this where
9 marker No. 12 was?

10 A Yes.

11 Q And that's marker No. 1 from earlier?

12 A Yes, sir.

13 Q And that would put the body right up here
14 a little beyond the grass, where the picture was
15 taken?

16 A Yes, this is the intersection.

17 Q State's No. 38, is that a close up of
18 that?

19 A Yes, sir.

20 Q And it was some wet spot?

21 A Suspicious, wet substance. It was fresh.

22 Q Okay.

23 A Yes, sir.

24 Q You just wanted to check it?

25 A Yes, sir.

Detective Mitchell-Direct by Brown

1 Q I'm showing you State's 43. Did you
2 photograph the body when you were there that
3 night?

4 A Yes, sir, I did.

5 Q And did you document where there were
6 wounds?

7 A Yes.

8 Q I'm showing you State's 43, is this a
9 picture of the front of the victim?

10 A Yes, it is.

11 Q And this right here, what is this white
12 stuff right here?

13 A That's a scale tape. It allows us to put
14 measurements on things it would be hard to have a
15 ruler, usually since it's sticky.

16 Q And this right there, does that appear to
17 be a gunshot wound of some sort?

18 A Yes, sir.

19 Q Now you don't have any idea as to whether
20 that was an entry or exit wound, correct?

21 A Correct.

22 Q And that's State's No. 43. Did you also
23 roll the body over at one point?

24 A Yes, sir.

25 Q I am showing you State's 41. When you

Detective Mitchell-Direct by Brown

1 rolled the body over, did you see a hole in the
2 shirt?

3 A Yes, sir.

4 Q And did you put scale tape on that as
5 well?

6 A I did.

7 Q And did you take a picture?

8 A I did.

9 Q And is this the representation of that
10 picture?

11 A It is.

12 Q State's 42, did you also lift the shirt
13 up---

14 A Yes, sir.

15 Q ---to view what was underneath that hole
16 in the shirt?

17 A Yes, sir.

18 Q And is this an accurate representation of
19 that?

20 A Yes, it is.

21 Q Again is this scale tape?

22 A Yes, sir.

23 Q And is this what you believed or what
24 appeared to you to be a gunshot wound?

25 A Yes, sir.

Detective Mitchell-Direct by Brown

1 Q And where was this on proximity to the
2 body? Was it in the side, chest area?

3 A The yeah, there is one here. And there
4 was yeah, one short one in the back.

5 Q Did you also have the occasion to go and
6 photograph at the autopsy?

7 A Yes, sir.

8 Q And did you take some pictures while
9 there?

10 A I did.

11 Q And looking at State's No. 39, did you
12 document a gunshot to the foot?

13 A Yes, sir.

14 Q And is that an accurate representation of
15 that?

16 A Yes, sir.

17 Q And this little -- this dot right here
18 that is zoomed out right now, but that's a
19 picture of the gunshot wound taken of the foot?

20 A Yes, sir.

21 Q And is this picture of the other side of
22 the foot where the bullet went through?

23 A Yes, sir.

24 MR. BROWN: And your Honor, that was
25 State's 40.

Detective Mitchell-Direct by Brown

1 THE COURT: You had stated that was one
2 43 admitted. I did not have that down.

3 MR. BROWN: Your Honor, I did not mention,
4 43. I believe that was also without objection.

5 THE COURT: Is that correct?

6 MR. MURPHY No objection, Judge.

7 MR. KENT: No objection, Judge.

8 THE COURT: Thank you. You may publish.

9 Q Now as they were -- as you were looking at
10 this crime scene and as you were looking at all
11 the evidence you had over there, did you pick all
12 this up?

13 A Yes, sir.

14 Q And what did you do with it once you had
15 received it?

16 A It was packaged, taken to the police
17 department, and put into secure storage for later
18 processing.

19 Q Was it later found that the -- how many
20 shell casings did you recover that night?

21 A Eight shell casings.

22 Q And they were all 45 caliber shell
23 casings?

24 A Yes, sir.

25 Q Was it later determined that each one of

Detective Mitchell-Direct by Brown

1 those shell casings had been fired from the same
2 gun?

3 A Yes, sir.

4 Q Each one of them had?

5 A Each one.

6 MR. BROWN: Court's indulgence.

7 (8 shell casings marked State's Exhibit
8 No. 44 for ID.)

9 Q I am going to show you what has been
10 marked as State's Exhibit No. 44. Do you
11 recognize this?

12 A Yes.

13 Q And do you recognize it as something that
14 is maintained by y'all's office.

15 A Yes. We package the casings in
16 accordance to sled's guidelines and we submit it
17 to sled.

18 Q And did you -- you turned these into the
19 evidence, correct?

20 A Yes, sir.

21 MR. BROWN: Your Honor, I would offer
22 State's Exhibit No. 44 into evidence.

23 THE COURT: Any objection, Mr. Murphy?

24 MR. MURPHY: No, Your Honor.

25 MR. KENT: None on behalf of Ms. Helton.

Detective Mitchell-Direct by Brown

1 THE COURT: Thank you. Exhibit No. what?

2 MR. BROWN: 44, Your Honor.

3 THE COURT: 44 is admitted without
4 objection.

5 (8 shell casings admitted into evidence as
6 State's Exhibit No. 44.)

7 Q And if can please open it. Do you need
8 scissors?

9 A No.

10 Q If you can open that as well?

11 A Yes.

12 Q Does it appear that each one of those have
13 been individually packaged?

14 A Yes, sir.

15 Q And each one of these are a 45 caliber?

16 A Yes, sir.

17 Q And they are documented on the bottom of
18 the package to indicate that?

19 A Yes, sir.

20 MR. BROWN: Thank you. No further
21 questions. Please answer any from Mr. Murphy or
22 Mr. Kent.

23 THE COURT: Mr. Murphy.

24 Cross Examination by Mr. Murphy:

25 Q Detective Mitchell, when you are at a

Detective Mitchell-Cross by Murphy

1 crime scene your job basically is to secure and
2 pick up anything that appears relevant---

3 A Yes, sir.

4 Q ---in a case, correct?

5 A Yes, sir.

6 Q And you that in this case?

7 A Yes, sir.

8 Q So because the -- I guess the hope is that
9 would be something that would help identify who
10 the culprit might be, correct?

11 A Yes, sir.

12 Q So you took anything that looked relevant,
13 you grabbed that night---

14 A Yes, sir, relevant.

15 Q Or photographed to the death.

16 A Yes, sir.

17 MR. MURPHY: That's all I have. Thank you
18 very much.

19 THE COURT: Thank you. Mr. Kent.

20 MR. KENT: No questions.

21 MR. BROWN: Your Honor, if I can, Your
22 Honor, but I would offer State's 44 into evidence.

23 MR. MURPHY: No objection.

24 THE COURT: I think they were in.

25 MR. BROWN: Just making sure, Your Honor.

Detective Mitchell-Cross by Murphy

1 (Eight shell casings marked State's
2 Exhibit No. 44 into evidence.)

3 THE COURT: Thank you.

4 MR. BROWN: No further questions.

5 THE COURT: You may step down. Any
6 objection to this witness being excused?

7 MR. MURPHY: No, Your Honor.

8 MR. MEADORS: Can we approach?

9 THE COURT: Yes, sir.

10 (Whereupon, the attorneys confer with
11 Judge at the bench.)

12 THE COURT: Ladies and gentlemen, we are
13 going to have an early lunch. Please do not
14 discuss anything about the case. Be back here at,
15 let's say, 1:30, and we run on through the rest of
16 the afternoon. Thank you, Ladies and gentlemen.

17 (Whereupon, at 11:59 a.m. jury goes to
18 lunch.)

19 THE COURT: Court is adjourned until 1:30.

20 MR. KENT: Your Honor, on the basis of,
21 during the testimony of Robert Mellette, I think
22 we came up to the side bar. The State had
23 requested a side bar to discuss whether or not we
24 were going to object to some of his testimony,
25 regarding my client Shonta Helton. But there was

1 a potential Bruton issue based upon some
2 statements of Shonta. The reason we did not
3 object just the record, was a strategy decision.
4 I just want to make sure that's covered for the
5 record.

6 THE COURT: Thank you.

7 (Whereupon, the court breaks for lunch.)

8 (Whereupon, the following takes place
9 outside the presence of the jury.)

10 MR. MURPHY: Your Honor, yesterday and
11 today the defense was made aware of, in addition
12 to Mr. Ham's statement, which I highlighted in our
13 pretrial motions, there are also statements
14 allegedly made by my client to two other
15 witnesses. By the statements, I mean written
16 letters to---

17 THE COURT: Right, that he wrote to them.

18 MR. MURPHY: He wrote, correct.

19 THE COURT: And this is not law
20 enforcement.

21 MR. MURPHY: Exactly, to a Ms. Prince who
22 is about to be called I believe as a witness, and
23 Mr. Marcus Mellette, who his brother testified to
24 earlier today. I simply want to renew the
25 objections, I made earlier in regard to Mr. Ham's

1 letter to preserve the record. I mean, you know,
2 being offered, I will object just to preserve the
3 record. But I wanted to make that clear that my
4 basis for my objections to these letters would be
5 the same as those that were articulated to the
6 court earlier in our proceedings.

7 THE COURT: Yes, sir.

8 MR. KENT: Thank you, Judge. Similar to
9 the objection that was just made by Mr. Murphy on
10 behalf of Mr. Dargan, we also have received some
11 discovery during the course of this trial. I am
12 not saying anything is wrong---

13 THE COURT: I mean, yeah, and the
14 solicitor's office has got it too.

15 MR. KENT: And I was going to touch that,
16 Judge. I am not making any allegation about the
17 discovery violation or anything. I do believe
18 that as soon as they received these information,
19 they gave them directly to us. We're still
20 reviewing them. There is one question. I think
21 when we talked---

22 THE COURT: Again, let me make sure, this
23 was not a government witness.

24 MR. KENT: No, no, sir. They have not
25 done anything whatsoever that there is a Brady

1 violation at all. I am not even making that
2 allegation. However, after receiving the
3 information, I think originally during the
4 beginning of the trial, I told you I didn't think
5 there was going to be any Bruton issues
6 whatsoever. We have now discovered there may
7 potentially be some Bruton issues. During a
8 conference we you had with you, the solicitor's
9 office and I have agreed that we will redact, if
10 that is available, any potential statements from
11 my client, not that she made, but that
12 Mr. Murphy's client potentially made about her.

13 THE COURT: Says that she made.

14 MR. KENT: Basically because I wouldn't
15 have the opportunity to cross examine Mr. Dargan.
16 Now if he chooses to take the stand, of course,
17 that would be much different. And so I just
18 wanted to place that on the record.

19 THE COURT: It would be moot at that
20 point. Anything further?

21 MR. MEADORS: Your Honor, we found out
22 about Marcus Mellette's Monday. And we called
23 both of them immediately. And we got copies as
24 quick as we. We just found out about the others
25 today, and made them copies of other statement as

1 soon we got them.

2 THE COURT: Again, if these had been
3 government witnesses; as such, the police
4 department, I would have a different. But these
5 are people who you have no control over.

6 MR. MEADORS: Yes, sir.

7 THE COURT: Is that correct?

8 MR. MEADORS: And, Judge, in addition to
9 that, as far as the Bruton issue, and I know we
10 are going to try to address that, and will address
11 that before we present it, and let Your Honor make
12 a ruling if we can't agree to it. There's an
13 argument, I would like the court to at least be
14 thinking about it. It just popped on my mind.
15 This even though not charged with a conspiracy, I
16 believe the law is if we practically prove a
17 conspiracy, and statements made by one
18 co-defendant further and subject to conspiracy.
19 And here we'd argue the cover up, are admissible.
20 I'm still not 100 percent clear on that in my
21 mind, but that's what I'm going through. But
22 again, if we can rectify the Bruton issue we will
23 do it before he testifies.

24 THE COURT: Very well. Thank you. Let's
25 bring our jury in.

1 (Whereupon, the following takes place
2 within the presence of the jury.)

3 THE COURT: Thank you. And, Ladies and
4 gentlemen, let me take this opportunity to thank
5 you for your promptness. You all have been on
6 time everytime we have been out, and I appreciate
7 that. Is the State ready to proceed with your
8 next witness?

9 MR. MEADORS: Yes, sir, Your Honor.

10 THE COURT: You may call your next
11 witness.

12 MR. MEADORS: Your Honor, the State would
13 call one Debbie Prince.

14 (cell phone calls and letters to Dee
15 Prince marked State's Exhibit Nos. 45 and 46 for
16 ID only.)

17 Debbie Prince, being first duly
18 sworn, testified as follows:

19 THE BAILIFF: Please state your full name
20 and spell your last name for the record.

21 A Debbie Prince. P-R-I-N-C-E.

22 DIRECT EXAMINATION by Mr. Meadors:

23 Q Good afternoon, Ms. Prince.

24 A Hi.

25 Q Ms. Prince, will you tell these folks,

1 Ladies and Gentlemen of this jury, about you.

2 Where you are from?

3 A Well my family is originally from here,
4 but I was raised in DC.

5 Q DC. If you would maybe scoot up a little
6 bit, and just talk in that mike. You're kind of
7 soft spoken. Your family is from DC. You were
8 raised here?

9 A My family is here, but I was raised in DC.

10 Q How long did you stay in DC?

11 A My mom left here when we were small.

12 Q How far did you go in life in DC?

13 A I graduated high school.

14 Q What was the name of your high school?

15 A Roosevelt Senior High.

16 Q And what year was that?

17 A 87.

18 Q What did you do after high school?

19 A I went to a trade school.

20 Q In what kind of trade?

21 A A word processing degree.

22 Q Word processing.

23 A Degree.

24 Q And where did you get that from?

25 A Jefferson Business College.

1 Q And what did you do after that? With
2 that?

3 A I started working for the Department of
4 Treasury.

5 Q Department of Treasury?

6 A Yes.

7 Q And how long did you do that?

8 A For 6 years.

9 Q Six.

10 A Six years.

11 Q And that, where were you actually located?
12 Where was your office?

13 A In Massachusetts Avenue in DC.

14 Q What did you do after that?

15 A After I worked there until the death of my
16 son in 2009.

17 Q After you worked for the treasury, you
18 said, 6 years.

19 A Yes.

20 Q What did you do after that?

21 A I worked up until the death of my son.

22 Q And I am sorry. And what happened after
23 that? What did you do after that?

24 A I relocated here.

25 Q And what year was that? 2000?

1 A It was 10.

2 Q 2010. And when you got here, what did you
3 do, Ms. Prince?

4 A I worked for Sykes.

5 Q Sykes?

6 A Yes, sir.

7 Q And that's a call service?

8 A Call center for Bank of America.

9 Q And you worked there for how long?

10 A From August until about 9 months.

11 Q Was that in 2012?

12 A Yes.

13 Q When this, what we've got you here today,
14 about were you working at Sykes in December of
15 2012? From during that time period?

16 A Yes.

17 Q And do you have any other children?

18 A I have a daughter.

19 Q And how old is she?

20 A 20.

21 Q I am going to take you back to December
22 8th of 2012, specifically, Ms. Price. You said
23 you were working at Sykes.

24 A Yes.

25 Q I believe the record or the calendar would

1 show that's a Saturday, December 8th 2012. Were
2 you working on a Saturday?

3 A No.

4 Q And do you remember that evening receiving
5 a phone call from Gary Dargan?

6 A Yes.

7 Q And first of all, as of December 2012, how
8 did you, how long had you known Gary Dargan?

9 A Maybe about a month.

10 Q And do you remember how that -- how you
11 meet him?

12 A I was at a mutual friend's house.

13 Q And as of result of that, you all just
14 became friends?

15 A Yes.

16 Q And do you remember where you were prior
17 to receiving the call from Mr. Gary Dargan?

18 A I was at a Christmas party.

19 Q And at about 12:16 a.m., did you receive a
20 call from Gary Dargan, 12:16 a.m. on December
21 9th 2012?

22 A Yes.

23 Q And you knew it was him when he was on the
24 phone?

25 A Yes.

1 Q And what did he say to you?

2 A He said I need you to come pick me up.

3 Q And was there any way in the way he said
4 it or his voice that caused you to think something
5 was different?

6 A Yeah, I mean he sounded kind of anxious to
7 me.

8 Q And you were at a party?

9 A Yes.

10 Q And did you know where to go pick him up?

11 A Yes.

12 Q How did you know where to go pick him up?

13 A Because I had dropped him off earlier that
14 day.

15 Q Earlier that afternoon?

16 A Yeah.

17 Q And where was it you dropped him off?

18 A On Street.

19 Q And had you been to that Street
20 prior to that day?

21 A Yes.

22 Q And had you dropped him off there before?

23 A Yes.

24 Q And whose house was that?

25 A I don't know.

1 Q And would you usually go inside, or would
2 just drop him off?

3 A Just drop him off.

4 Q So at about 12:16 a.m. on December 9th, he
5 called you and said, I need to you come pick me
6 up?

7 A Yes.

8 Q And did you leave the party?

9 A Yes.

10 Q And did you go pick him up?

11 A Yes.

12 Q And can you tell the Ladies and gentlemen
13 of the jury, what kind of car were you driving?

14 A A Burgundy Ford Taurus.

15 Q And when you were approaching
16 Street, what if anything did you see?

17 A He was waiting on me.

18 Q He was outside?

19 A Yes.

20 Q And can you describe his demeanor or his
21 appearance or how he was physically looking or
22 acting when you first saw him?

23 A When I pulled up, he just got in the car.
24 Then I asked him what was wrong. And he said he
25 had received a phone call from his nephew stating

1 that is sister was in a bad car accident.

2 Q And did he appear nervous or shaky to you?

3 A A little upset.

4 Q Is that different from the way he usually
5 appeared to you?

6 A Yeah.

7 Q After he got in a car, what did you? What
8 did he tell you? Where did you go? Did he ask
9 you to took him somewhere? What happened?

10 A No, after he got in the car, he took me to
11 a friend of mine's house. And then he used my
12 car, and I didn't see him again until the next
13 morning.

14 Q And where did he take you?

15 A To Shiloh Manor on Bartlette Street.

16 Q So you let him use your car.

17 A Yes.

18 Q And had you done that before?

19 A Yes.

20 Q And did you go in -- you said you
21 hadn't before. Did you go in that night to
22

23 A No.

24 Q And Street for the record. Did he
25 tell you where he was going?

1 A No.

2 Q And later on that evening or that morning,
3 did you have an occasion, or did you call him
4 later to find out what going on or where he was?

5 A After he dropped me off, I called him back
6 about maybe 1:15 or so to check on him to see how
7 he was, but he didn't answer the phone.

8 Q And from the time he called you until the
9 time you picked him up, was about 8 to 10 minutes.

10 A Yes.

11 Q And is that what you said before, I'm
12 sorry.

13 A Yes.

14 Q You didn't see him again that night.

15 A No.

16 Q That morning, I'm sorry. When is the next
17 time you did see him?

18 A When he brought me my car that morning.

19 Q And where did he do that?

20 A He brought my car to Shiloh Manor.

21 Q After that, did you loan him your car
22 again either that day or next day?

23 A Yes, I drove myself to work that day. And
24 I left the keys in the car for him.

25 Q Had he asked you to do that?

1 A Yeah.

2 Q So you would go to work at Sykes?

3 A Yes.

4 Q How would he -- if you are, because I've
5 been to Sykes, and they're pretty particular about
6 not letting people back there. I mean, when
7 you're working, you're working at---

8 A Right.

9 Q ---Sykes, right. I mean it's hard to go
10 visit. So how would he get the car if you left it
11 there?

12 A I would leave the keys under the mat.

13 Q Okay.

14 A In the car.

15 Q So you left it unlock so he could get the
16 key.

17 A Right.

18 Q Over the next day or two, how many times
19 did he borrow your car? Best you can remember. I
20 am not trying to pinpoint you but.

21 A It was really most every other day or so.

22 Q And you don't know what he was doing with
23 it.

24 A No.

25 Q Now did you hear from him after he got

1 arrested?

2 A Yes.

3 Q And how did that happen?

4 A He called me.

5 Q And your phone number was () - ---

6 A Yes.

7 Q ---at the time? And you had an occasion
8 to listen to the phone call from Gary Dargan from
9 the Sumter Lee Regional Detention Center and you?

10 A Yes.

11 Q And is that your voice on there?

12 A Yes.

13 Q Is that Gary Dargan's on there?

14 A Yes.

15 MR. MEADORS: Your Honor, State's 45 at
16 this time without objection. And I would like
17 to -- with Mr. Brown's help, we would like to
18 publish it.

19 THE COURT: Yes. Without objection?

20 MR. MURPHY: Without objection.

21 THE COURT: Thank you.

22 (Inmate calls marked State's Exhibit No.
23 45 into evidence.)

24 Q So you actually hear on there, calls are
25 subject to being recorded, right?

1 A Yes.

2 Q I mean so you know that these are being
3 recorded.

4 A Yes.

5 (Whereupon, phone calls being played to
6 jury.)

7 Q Now, Ms. Prince, when he says Dee is that
8 you?

9 A Yes.

10 Q That was his voice, Gary Dargan, on the
11 other side?

12 A Yes.

13 Q Now when it came on and said, this is a
14 free call, so you talked then. When it said that
15 you have to pay for anymore, did you pay for any
16 more to talk?

17 A No.

18 Q Again, was that Gary Dargan who referred
19 himself as G.?

20 A Yes.

21 Q And that was you on the other line?

22 A Yes.

23 Q And I believe the first phone call we
24 asked if you had received anything, you said no.
25 And there was a discussion about an address.

1 A Yes.

2 Q Had you moved?

3 A Yes.

4 Q So after that, the second phone call, he
5 asked you if you received something.

6 A Yes.

7 Q And then he asked you to keep that in a
8 safe place.

9 A Yes.

10 Q And did you in fact receive a letter from
11 the defendant Gary Dargan?

12 A Yes.

13 Q And I am going to show you what is marked
14 State's 46, and ask you do you recognize that,
15 and is that is the letter you received from him?

16 A Yes.

17 THE COURT: Any objection?

18 MR. MURPHY: Yes, Your Honor. I would
19 object on grounds previously raised.

20 THE COURT: Overruled.

21 MR. MEADORS: Your Honor, this is State's
22 46.

23 (Letter to Dee Prince marked State's No.
24 46 into evidence.)

25 Q Did you keep this in a safe place? Did

1 you keep it?

2 A Yes.

3 Q Did I ask you a couple of hours ago, if
4 you still had it. Or did Detective Kelly in my
5 presence, one of us ask you, do you still have the
6 letter.

7 A Yes.

8 Q And what did you say?

9 A Yes.

10 Q And did you go home at lunch and get it?

11 A Yes.

12 Q And brought it back to us.

13 A Yes.

14 Q And this postage on State's -- excuse me,
15 the date is January 21st of this year 2014?

16 A Yes.

17 Q And I'm not -- is that what it says?

18 A Yes.

19 Q When it was mailed. And it came from

20 ?

21 A Yes.

22 Q When you got this in January of this year,
23 did you read it?

24 A No.

25 Q Did you start to read it?

1 A Yes.

2 Q How far did you read it?

3 A First paragraph.

4 Q Why did you quit reading it?

5 A Because It started -- because he was
6 saying he wanted me to say stuff that wasn't --
7 that I didn't agree with.

8 Q Proceed.

9 MR. MEADORS: Can we approach?

10 THE COURT: Yes.

11 (Whereupon, attorneys the bench and confer
12 with judge.)

13 THE COURT: You may proceed.

14 Q On the first page, does it say Dee?

15 A Yes.

16 Q And is what he referred to you as, Dee?

17 A Yes.

18 Q And that is you Dee?

19 A Yes.

20 Q And this is the letter you received from
21 Gary Dargan?

22 A Yes.

23 Q And does it talk in here about, and does
24 it have a copy of a statement you gave to the
25 police?

1 A Yes.

2 Q Does it have your name that you signed on
3 there?

4 A Yes.

5 Q And this is a letter you received at your
6 house, sometime during January of this year.

7 A Yes.

8 MR. MEADORS: Your Honor, at this time,
9 with the Court's permission, we would ask Tyler
10 Brown to publish this.

11 THE COURT: Any objection? I can have
12 Daniel do it.

13 MR. MURPHY: I have no objection.

14 THE COURT: He has no objection. That is
15 no problem.

16 (Whereupon, Mr. Brown reading letters.)

17 MR. BROWN: Letter dated 1/17/2014.

18 Dee, what's good with you. I hope your
19 new year is starting off on a good note on a
20 promise. Last time I seen you, you was looking
21 good and healthy. I hope you still maintaining
22 the same focus. As for me, I am doing good due to
23 the situation. I can't stay out of lock up
24 though. I had to send a Nigga up to the hospital
25 for playing with my money. Other than that trying

1 to come up with these last couple of \$1,000 to get
2 this paid lawyer out of Charleston. The last one
3 I had wasn't no good, so I had to get rid of him.
4 I guess it's true what they say, you get what you
5 pay for, because I didn't pay for much for that
6 one.

7 Anyway my trial is about to come up soon.
8 Probably within the next 3 to 4 months, and a
9 lawyer I'm stuck with now which is a public
10 defender is about to send a private investigator
11 to holler at all the witnesses and gave a
12 statement to see if they find anything now and
13 helpful to me. So I need for people to try their
14 best to remember the truth of what's been said.
15 What time phone calls were made, and how things
16 happened, because it was over a year ago. Plus
17 the police or the prosecutors are going to try to
18 coach people on what to say and how to say things
19 that will make me look bad at my trial. Well a
20 little before the trial so when people take the
21 stand they will be ready. They do it all the
22 time.

23 Well I see some things in your statement
24 that will mess me up, and I don't recall happening
25 or being said like it is on your statement. In

1 your statement I put a pound sign beside every
2 line 1 through 50, so when I point something out,
3 you say you call me back around 1:20 because, I am
4 sorry, Your Honor. You can go to it and look at
5 what I am talking about it. I need you to look at
6 line 7 through 9 in your statement. You said when
7 I called you knew something was wrong. When you
8 asked, I told you I got a call saying my sister
9 was in a bad accident in North Carolina. {I need
10 you to say when I called you, I told you to hurry
11 up and come pick me up, because I had lot of money
12 on me and the card game was about to be over in
13 about 30 minutes. I called you a couple of times
14 back to back, and we was telling -- we was yelling
15 because it was loud on both of our ends. So we
16 was yelling at each other, because we had trouble
17 hearing each other.} Because it was a lot of
18 noise at the party you was at, as far as music,
19 and people talking. In my background, you heard
20 a lot of people talking. {No music.}

21 In line 10 through 14 basically you
22 saying, you left straight from the party to come
23 Street to pick me up. {I need you to say
24 you stayed at the party another 10 to 15, before
25 you left. Then you stopped at the store. So it

1 took you another 10 to 15 minutes to get there.}
2 And lines 11 through 13, you saying I was outside
3 waiting on you. And as you pulled up, I was
4 walking down the street towards you. You said I
5 was nervous, shaky, and just out of character.
6 And when you asked me what was wrong, I told you
7 the same story about my sister. {I need to you to
8 say when you pulled in the yard on Street
9 to pick me up, you pulled up next to the light
10 pole on the right side of the house, next to the
11 back porch. One of the guys that was standing in
12 the yard, walked up to the car and asked who you
13 was waiting on, and you told him he was there to
14 pick me up. You seen him walk off and knock on
15 the back door, and went in while you was waiting
16 on a couple of guys. Walked up to your car and
17 ask you the same question, but at the same time
18 trying to holler at you and ask for your number
19 shit. This made you uncomfortable, so you pulled
20 out of the yard and circled around the block one
21 time. When you pulled back into the yard, I was
22 walking from out of the back yard towards your
23 car. {When I got in, you asked me what is wrong
24 and why I was yelling at you. I told you, you
25 acting like you couldn't hear me with all that

1 noise in the background. We started laughing. I
2 pulled out a lot of money and started counting and
3 told you that's why I wanted you to hurry up,
4 because I didn't want to be standing around
5 waiting on you with all this money when card game
6 was about to be over. Plus I think some of those
7 dudes was mad, because they lost. As I counting
8 money, you seen me hit some coke from out of a
9 bag. This is probably why I was acting a little
10 jumpy and nervous. Because you've seen me act
11 like that before when you've seen me hit coke.}

12 While we was riding you asked me where I
13 wanted you to drop me off to. I asked you to let
14 me drop you off and keep the car tonight. You
15 told me no, because you felt like I been keeping
16 your car too much. Just dropping you off at work
17 and picking you up. We had a little argument.
18 That's when I told you I needed the car, because
19 my sister was in a bad accident. You had the
20 feeling I was lying, because I been lying to you
21 about the past week to let you get me -- let you
22 get me the car that you still let me get. I never
23 told you my sister got in a bad car accident in
24 North Carolina that night. I just said my sister
25 got into bad accident. You figured North

1 Carolina, because from previous conversations you
2 thought I had a sister staying in North Carolina.
3 But I didn't say North Carolina out of my mouth
4 that night.)

5 I also need you to say the reason you told
6 the detective as I told you the story about my
7 sister getting into the accident when I first got
8 in the car, because you didn't want to tell the
9 detectives about large sums of money from a
10 gambling house and coke. But now what's at stake.
11 The truth got to come out. But I did say my
12 sister got into an accident when we was arguing
13 about he car.) In lines 17 through 19, you say you
14 called me back around 1:20, because you knew was
15 something was wrong and was worried. {I need you
16 to say something like the reason you called me
17 back is to make sure I put that money up. Wanted
18 to make sure I was all right and wanted to have
19 sex or something like that.) Everything else is
20 good. Just make sure you stick to what you say in
21 line 44 to 50. Don't change that. On Thursday
22 12/6 of 2012, you took me to Carolina Inn to pick
23 up that van. And I told you I had a card game to
24 run that day also.) But I was not driving that
25 van on 12/8/2012 through 12/9/2012. You was

1 transportation on them days. Closed bracket.

2 In line 1 through 3 you say I met you on
3 south side of Carolina house around a month and a
4 half before that shit happened. {I need you to
5 keep in mind and mention that I told you, me and
6 Shonta was going through problems, wasn't staying
7 together now no more and have broken up.} Other
8 than that, everything is all good.

9 Dre I just read your statement on my
10 letter carefully then put it up in a safe place.
11 Then no one will be able to get their hands on it
12 and read. Do not put it in the glove compartment
13 of your car and be riding around with it. Put it
14 in a safe place in the house where you keep
15 important shit at. Put it up, and don't pull it
16 out again until my private investigator calls you.
17 And when it's time for me to go to trial, only
18 then you pull it out and read it again. I need
19 you to game tight, because those crackers are
20 going to try and trip you up when they holler at
21 you again. Probably a little before my trial,
22 then again at my trial. So be on point and don't
23 fall for none of their games. Also if you change
24 your number or move, I need you to call both of
25 these numbers and leave your info. (803)458-8734.

1 This Traysay the girl who you be calling and
2 talking to. And this my mom's number
3 (803) 651-8460. Dee when you get -- read this
4 letter, I need you to call and leave Traysay a
5 text, 458-8734, saying you got my letter and
6 everything is all good. Make sure you do this so
7 my mind will be at ease, because this is some
8 important shit. My life is on the line, and I
9 don't want my letter getting in the wrong hands.
10 So call her, and if she don't pick up, leave a
11 text.

12 I know this was a long letter, but it was
13 very important to read over it. Read over if you
14 have to, then do everything I ask you. Most
15 importantly, put it in a safe place. Take care,
16 Dee, and don't forget about me. I keep 100
17 percent with you when I was out there. Now it's
18 your turn to keep 100 percent with me. I need
19 you. Always 100 percent G.

20 Direct Examination by Mr. Meadors
21 continues:

22 Q And you said you quit reading when you saw
23 he wanted you to lie.

24 A Yes.

25 Q And also included I believe there was

1 reference to your statement and numbers on it.

2 You've already acknowledged this was in there. On
3 your statement you gave the police, does it look
4 like there is separate numbering down the side?

5 A Yes.

6 Q Reference numbers?

7 A Yes.

8 MR. MEADORS: I beg the court's
9 indulgence.

10 THE COURT: Yes, sir.

11 Q And is that Mr. Dargan who sent you this
12 letter?

13 A Yes.

14 Q And that's Mr. Dargan who at 12:16, told
15 you to come pick him up.

16 A Yes.

17 Q Mr. Dargan told you that his relative had
18 been killed in North Carolina---

19 A She was in an accident.

20 Q I'm sorry. And then Mr. Dargan had asked
21 you to change a good bit of your testimony, for
22 your testimony here today.

23 A Yes.

24 Q He asked you to change it.

25 A Yes.

1 Q And you didn't do that, did you?

2 A No.

3 MR. MEADORS: Thank you.

4 THE COURT: Mr. Murphy.

5 Cross Examination by Ms. Murphy:

6 Q Ms. Prince, how are you?

7 A Fine.

8 Q I've just got a couple of questions to
9 ask. You mentioned in this statement that is
10 introduced you saw Gary pick up a van, a medical
11 van; is that correct?

12 A It was a blue van.

13 Q A blue van. Do you remember seeing
14 writing on the side or anything?

15 A I don't know what the logo was.

16 Q Okay. There was a logo on it though,
17 right?

18 A Yes.

19 Q And he got it from some gray haired
20 gentleman, correct.

21 A I never saw the gentleman.

22 Q But he drove that van more than one time,
23 correct.

24 A I never actually seen him drive the van.
25 He asked me to pick him up. He asked me to drop

1 him off to pick up a van.

2 Q Okay.

3 A I just dropped him off and left.

4 Q So you saw the van.

5 A In the parking lot.

6 Q Right. That is what I am asking. Is that
7 the only time you ever saw that van.

8 A Yes.

9 Q And you know Mr. Dargan to be a drug
10 dealer, correct?

11 A Yes.

12 Q And you know him to borrow your car and
13 other cars on this occasion, to make runs; isn't
14 that correct?

15 A My car. I don't know about the other
16 cars.

17 MR. MURPHY: Thank you. I have no further
18 questions.

19 THE COURT: Mr. Kent.

20 MR. KENT: No questions of this witness.

21 THE COURT: Any redirect?

22 MR. MEADORS: No, sir. Thank you. We'd
23 ask that she be excused. Thank you.

24 THE COURT: Is there any objection to this
25 witness being excused?

1 MR. KENT: No objections, Your Honor.

2 MR. MURPHY: No, Your Honor.

3 THE COURT: Thank you. Have a nice day.

4 MR. MEADORS: Your Honor, I don't want to
5 get the jury upset, but the pathologist has
6 arrived. If we could have a few moments break, I
7 think we can get and maybe the other issue
8 settled. So we can roll.

9 THE COURT: Ladies and gentlemen, we are
10 going to take a short break. If you need to go
11 out and smoke, you are certainly allowed to do
12 that. We will take long enough.

13 (Whereupon, the court takes a short
14 recess.)

15 MR. MEADORS: Thank you, Your Honor.

16 THE COURT: Lets' bring our jury in.

17 (Whereupon, the following takes place
18 within the presence of the jury.

19 THE COURT: The State may call its next
20 witness.

21 MR. MEADORS: May it please, Your Honor.

22 THE COURT: Yes.

23 MR. MEADORS: The State calls Dr. Janice
24 Ross.

25 THE COURT: Dr. Ross, come forward.

1 Dr. Janice Ross, Being first duly
2 sworn, testified as follows

3 THE BAILIFF: Would you please state your
4 full name and spell your last name for the record.

5 A Janice Edwards Ross. R-O-S-S.

6 Direct Examination by Mr. Meadors:

7 Q Good afternoon, Dr. Ross.

8 A Good afternoon.

9 Q Would you please tell jury about your
10 background, your education, your training.
11 Particularly your education in the field of
12 expertise I've asked you to testify about here
13 today, please, ma'am.

14 A Yes. I have a Bachelor of Science degree
15 from the University of South Carolina. And an
16 M.D., Doctor of Medicine from upstate medical
17 center in Syracuse, New York. And I went into the
18 field of pathology as opposed to surgery and
19 pediatrics. The field of pathology requires
20 several years of residency. We learn how to
21 diagnose diseases looking at tissue and looking at
22 it under the microscope by using the laboratory in
23 a hospital. And we also learn how to do autopsy
24 to find the cause of death.

25 I am furthermore certified in Forensic

1 Pathology. The word forensic means legal. So we
2 use the pathology knowledge on legal matters like
3 homicides, suicides and accidents. And as a
4 forensic pathologist, we are trained to do an
5 autopsy to look for patterns of injury. Document
6 injuries and natural disease for the court of law.
7 And to collect specimens for toxicology and for
8 other aspects of criminal justice.

9 Q And where do you perform your autopsies?

10 A In the hospital at the Newberry County
11 Memorial Hospital in the morgue. Newberry, South
12 Carolina.

13 Q And, Doctor, respectfully you have been
14 doing this awhile, haven't you?

15 A Yes.

16 Q Now many autopsies have you performed?

17 A Over 6,000.

18 Q And you have been offered as an expert and
19 accepted in the Field of Forensic Pathology in
20 courts of record in this state before?

21 A Yes.

22 MR. MEADORS: Your Honor, at this time, we
23 would offer Dr. Janice Ross as an expert in the
24 field of Forensic Pathology.

25 THE COURT: Do either parties request a

1 voir dire?

2 MR. MURPHY: No, Your Honor, and no
3 objection.

4 THE COURT: Mr. Kent.

5 MR. KENT: No objection, Your Honor.

6 THE COURT: Then I will deem her to be an
7 expert in forensic pathology. Ladies and
8 gentlemen of the jury, ordinarily witnesses can
9 only testify to what they saw, heard, smelled,
10 tasted or felt. However when somebody has a high
11 level of education and experience, we will allow
12 them the opportunity to testify to an opinion
13 about something. And, Ladies and gentlemen,
14 whether or not you decide to accept that opinion
15 will be entirely up to you. And you should not
16 give her testimony any greater weight or less
17 weight simply because she is an expert. You will
18 give it the weight you deem appropriate and along
19 with all the other evidence that you will see in
20 this case. You may proceed, Solicitor.

21 MR. MEADORS: Thank you, sir.

22 Q You are board certified too, correct?

23 A Yes, sir.

24 Q And in my world or in this world,
25 primarily you are testifying about cause of death,

1 correct?

2 A Correct.

3 Q And, Doctor, have an occasion on December
4 10th 2012, to perform an autopsy upon the body of
5 one Mario Scott?

6 A Yes.

7 Q And, Doctor, where was that performed?

8 A In the morgue at Newberry County Memorial
9 Hospital.

10 Q And in an ideal world, in an ideal world,
11 I guess you would like to be on the scene and see
12 a body right after an incident, wouldn't you,
13 Doctor?

14 A Correct.

15 Q And that's not reality. How do you get
16 the body of a victim, let's say.

17 A The coroner's of the counties will call
18 and schedule an autopsy, request one. They send
19 the body in a body bag. And we open the body bag
20 in the morgue.

21 Q And at that point, do you try to document
22 the condition of the body as you first see it,
23 taking pictures, making observations and notes
24 initially when you see the body?

25 A Yes.

1 Q And you did that in this case?

2 A Yes.

3 Q And as a part of that, after you take the
4 clothes off and begin looking at the body itself.

5 A Yes.

6 Q Do you measure the body?

7 A Yes.

8 Q And weigh the body?

9 A Well we don't have a scale, so we
10 estimate.

11 Q And as one of the things you did, did
12 you -- can you tell us the length or how big Mario
13 Scott was?

14 A Yes. We measured him at 5 feet 5 inches
15 in height. And we estimated a weight of 135
16 pounds.

17 Q 135 pounds.

18 A Yes.

19 Q What's the first thing you do after you
20 make your initial observations with a body? In
21 this case, with Mr. Scott?

22 A Well we look for evidence of injury
23 externally. And in this case we found that he had
24 a couple of, two gunshot wounds. So we do x-rays
25 to look to see if there are bullets present still

1 in the body. And after that, we do an internal
2 examination to see what patters of injury are
3 inside the body in the different organs.

4 Q Did you, prior to opening up the body, if
5 you will, on your examination of the exterior of
6 Mr. Scott, did you notice any bruising or any
7 signs that he might have been in a fight or
8 anything?

9 A No, I did not.

10 Q So you've identified these gunshot wounds.
11 Can you tell us as you went through your report,
12 can you describe them?

13 A Yes. I referred to gunshot wound No. 1,
14 just because we number the wounds not because
15 that's the order they came in, but because it's an
16 organizational matter for our report. We go from
17 like from top to bottom. So he had two gunshot
18 wounds. One entered the left chest.

19 Q Would this be designated in your report at
20 gunshot wound No. 1?

21 A Correct.

22 Q Okay.

23 A It went in the left chest, just below the
24 left nipple. It -- from there it went, from front
25 to back and from left to right. And it came out

1 of the body on the right back towards the side.

2 The bullet went through the lungs and the heart,

3 and caused a lot of hemmorrhage inside the body.

4 MR. MEADORS: May I approach?

5 THE COURT: You may.

6 Q And I think I asked Your Honor if I could
7 approach. Doctor, do you care if I come near you?
8 Could you demonstrate on me gunshot wound No. 1?

9 A It came in the left here, and came out the
10 back. Bullets go straight. And that's the angle
11 it came in.

12 Q Are you able to tell what position, I
13 mean, back in Newberry in the autopsy, in what
14 position a body was in when it got that shot?
15 Would you have any way of knowing that?

16 A No.

17 Q Can you just tell where the bullet entered
18 and where it exited?

19 A That's it.

20 Q And this was the entrance?

21 A Correct.

22 Q And the exit in the back?

23 A Correct.

24 Q Did you find a bullet?

25 A No.

1 Q And is that usual? I mean do you always
2 find a bullet when somebody is shot?

3 A It goes through and through. No, you
4 might find a few little fragments.

5 Q And in this case, what did you find?

6 A Nothing.

7 Q So it was through and through?

8 A Correct.

9 Q And would have killed Mario instantly?

10 A He -- it would be within a few minutes.

11 Q So if you would just with your background
12 and training and education, if I were walking down
13 the street or even running and received that shot,
14 could I still go and run a little ways?

15 A Yes, you can, a young person without any
16 other heart problems or natural diseases could
17 walk or run for a few seconds, yes. Long enough
18 to get quite a few feet.

19 Q And gunshot wound No. 2?

20 A Gun shot No. 2 went from top of the foot,
21 the right foot, towards the center of the body and
22 went out the side of the foot.

23 MR. MEADORS: Could I ask her to step
24 down, please, Your Honor.

25 THE COURT: You may. Please speak loudly

1 when you come down.

2 (Whereupon, the witness steps down from
3 the witness stand.)

4 Q If you would prefer, just so the jury can
5 see, if you prefer your foot or my foot. Could
6 you show them either way.

7 A It went into the top of the right foot,
8 and came out the side.

9 Q And again, would you know where that
10 bullet was coming from?

11 A No, sir.

12 Q And would you know what position the foot
13 was in when it received that?

14 A No, it could be anywhere. All I can say
15 is the bullet goes straight.

16 Q And was that a through and through?

17 A Yes.

18 Q And, Doctor, this may sound like a crazy
19 question, but would that have killed Mario, the
20 shot in the foot?

21 A No.

22 Q Would he still have been able to go a
23 distance on his, either walking or running with
24 that injury?

25 A Yes.

1 Q And these have already been admitted, and
2 I can approach again, please. And these were from
3 the scene, Doctor. I know you also took pictures.
4 But State's 43 would that be consistent with the
5 entrance wound you found on Mario Scott?

6 A Yes.

7 Q Also 42?

8 A Yes.

9 Q And the State's 39 which you have just
10 demonstrated, would that be indicative, State's
11 39, of the entrance wound on the foot of Mario
12 Scott?

13 A Yes.

14 Q And that's 39. And would State's 40
15 indicate the exit of a bullet gunshot wound on
16 Mario Scott's foot?

17 A Yes.

18 Q Do you have an opinion to a reasonable
19 decree of medical certainty as to the cause of
20 death of Mario Scott?

21 A Yes.

22 Q Would you please tell these Ladies and
23 gentlemen of this jury what caused his death?

24 A Yes. It's exsanguination, which means to
25 bleed out, due to a laceration of the heart and

1 lungs, due the gunshot wound to the chest.

2 Q Thank you, sir that's all.

3 THE COURT: Mr. Murphy?

4 MR. MURPHY: No questions.

5 THE COURT: Mr. Kent.

6 MR. KENT: Nothing for this witness, Your
7 Honor.

8 THE COURT: Thank you. You may step down.
9 Any objection to this witness being excused?

10 MR. MURPHY: No, Your Honor.

11 THE COURT: Thank you. Have a safe drive
12 back to Newberry.

13 MR. MEADORS: Your Honor, with
14 sequestration our next witness will be here just
15 momentarily.

16 THE COURT: All right.

17 MR. MEADORS: Marcus Mellette.

18 Marcus Mellette, being first duly
19 sworn, testified as follows:

20 THE BAILIFF: State your full name and
21 spell y our last name for the record.

22 A Marcus Mellette. M-E-L-L-E-T-T-E.

23 Direct Examination by Mr. Meadors:

24 Q Good afternoon, Mr. Mellette.

25 A Good afternoon.

1 Q Mr. Mellette, I've said this to every
2 witness, and if you would just be sure. If you
3 would just please speak up.

4 A Into the mike.

5 Q Yes, sir. Mr. Mellette, I do this with
6 every witness. Tell them where you are from?

7 A I'm from Sumter, South Carolina.

8 Q Born and raised?

9 A Yes, sir.

10 Q Where did you go to school?

11 A Sumter High/Furman High School.

12 Q And where did you go to middle school?

13 A Bates Middle School.

14 Q Elementary?

15 A Wilder Elementary.

16 Q And when did you get out of high school?

17 A 1994.

18 Q What did you do after that?

19 A Well, I got in a little trouble. I was in
20 prison.

21 Q For what?

22 A For armed robbery and second degree
23 burglary. And I was like 19 years old then.

24 Q Did you do any time?

25 A Yeah, I received a 1 to 6 youthful

1 offender act.

2 Q Is that a YOA?

3 A Yes, sir.

4 Q Back when you get a YOA for that.

5 A Yeah, back then.

6 Q And what did you do after that?

7 A I worked.

8 Q Where did you work?

9 A Goins construction.

10 Q What did you do there?

11 A We build houses.

12 Q How long work for Goins?

13 A For almost 15 years.

14 Q Are you still doing that?

15 A Off and on. Because my uncle, he owns the
16 business, but he got burned last week fixing a
17 car, a carburetor, and he got burned. So he's at
18 the Augusta Center.

19 Q Physically burned.

20 A Yeah, physically burned. So we are not
21 working not, but I am working with Newman, Lee
22 Newman on the farm.

23 Q After your trouble a while back with the
24 YOA, have you been in trouble anymore?

25 A Yes, sir.

1 Q Tell them for what.

2 A Oh, it was a driving under suspension.

3 Oh, and I also caught a pistol charge too.

4 Q Tell it all.

5 A I caught a pistol charge. The reason it
6 wasn't to harm nobody, it was for my protection.

7 You know, but all that's dissolved and over with
8 now.

9 Q Okay.

10 A But since then I haven't been in any
11 trouble.

12 Q Your brothers, you've got a brother
13 named---

14 A I've got three brothers, Kevin Mellette,
15 Christopher Mellette, and Robert Bernard Mellette.
16 And I got a sister.

17 Q And Robert Bernard goes by Bernard?

18 A Bernard Robert.

19 Q You weren't in here, but he was the
20 individual that was involved in this, right?

21 A Right.

22 Q This case.

23 A Yes, this case.

24 Q He's testified before. I know you weren't
25 in the courtroom. He was testifying previously

1 as---

2 A Yeah, I guess.

3 Q ---far as you know.

4 A As far as I know.

5 Q And now let's start with Mario Scott. How
6 long did you know Mario Scott?

7 A I didn't grow up with anything like that,
8 but I meet Mario on my -- when I locked up for the
9 youthful offender act, that's how me and him got
10 to know each other. He was my roommate.

11 Q And how long had you known, can I
12 approach?

13 THE COURT: You may.

14 MR. MEADORS: And Mr. Kent?

15 (Whereupon, the attorneys approach and
16 confer with judge.)

17 Q How long have you known Gary Dargan?

18 A I met him through my brother, so I would
19 say almost 20 years.

20 Q And which brother?

21 A Robert.

22 Q And then that's the one that goes by
23 Bernard?

24 A Yes, sir.

25 Q So you've known him -- you knew Mario for

1 a long time?

2 A I knew both of them.

3 Q And Gary Dargan for 20 years. How about
4 Shonta Helton?

5 A I never saw her or met her.

6 Q So you didn't know her.

7 A No, I don't know her.

8 Q In December of 2012, Mr. Mellette, what
9 were you doing in life, a year ago last December?

10 A Last December?

11 Q A year ago last December.

12 A I was preparing for Christmas.

13 Q What were you -- were you working?

14 A Oh, yes, sir, I was working at the time.

15 Q Where?

16 A Goins construction.

17 Q And every day?

18 A Well you know the days that it doesn't
19 rain or anything like that. If it rains or too
20 cold.

21 Q That was your regular job.

22 A Yes, sir.

23 Q And you remember what this incident
24 happened. When Mario got shot.

25 A I don't remember the exact date, but I

1 remember it happened.

2 Q That's what, and I wasn't trying to pin
3 you on a date, but you remember he got---

4 A Killed.

5 Q ---killed?

6 A Yes, sir.

7 Q And after he got killed, did you have an
8 occasion to talk to Gary Dargan?

9 A Yes, sir.

10 Q And can you tell the ladies and gentlemen
11 when that was?

12 A It was when I got incarcerated for the
13 driving under suspension charge.

14 Q And when was that?

15 A That was the end of I think 13, 2013. It
16 was like -- no, it was the beginning, because I
17 got arrested January. It was after New Years when
18 I got arrested.

19 Q January of 2013?

20 A Yes, sir.

21 Q So shortly after this incident we're here
22 about today, if it happened in December, this
23 would be the next January of 2013.

24 A Yes, sir.

25 Q You're in jail for a D -- driving under

1 suspension.

2 A And contempt of court.

3 Q And what -- you were where?

4 A Where I was?

5 Q Physically where were you in jail?

6 A Oh, I was in, first when I got arrested,
7 they took me and they did a report, but I told I
8 had a bench warrant on me for not reporting to
9 court. But they said that case was dissolved,
10 supposed to do weekend time. But I went like two
11 weekends, and then my work schedule got involved,
12 so I just stopped going. So I really I was
13 running. I was running from the weekend time, and
14 I got caught. One weekend I wasn't working, I was
15 down at my uncle's house on my way back home, the
16 police pulled me. Ran my name, and said, well I'm
17 going to lock you put. You've got a warrant on
18 you. So they locked me up and took me to the
19 county jail. So they put me in the minimum
20 security section. And after they did my
21 paperwork, I think it's Lieutenant McMillan. She
22 said due to my sentencing that I couldn't go to
23 the annex, because I had a prior charge for
24 driving under suspension.

25 I haven't seen the judge. She said I

1 couldn't go to the annex. So my custody level had
2 changed, so they had put me in maximum security.

3 Q And you were there for a contempt?

4 A I was there until I was released.

5 Q Yes, sir. But you were there for a
6 contempt for failure to do your weekend time?

7 A Yes, sir. That was the warrant that was
8 on me. Plus the driving under suspension.

9 Q So you ended up going into what custody?

10 A Maximum security.

11 Q And at that point, did you end up seeing
12 Gary Dargan?

13 A Yes, sir.

14 Q And would you see him every day?

15 A Yeah, we was in the same section.

16 Q And so in that section are you free to
17 come and go and talk and communicate?

18 A Well you got like, they have quiet time
19 like for a certain like, when you do roll call
20 count, they just make sure everyone is there, no
21 one escape. Then after that, they might have the
22 people to clean the section. And then after the
23 cleaning, you're allowed to go look at TV, play
24 cards or use the phone.

25 Q Common area or reaction---

1 A Yes, it's---

2 Q ---area?

3 A ---a common area.

4 Q And at that point, do folks that are there
5 have access to each other?

6 A Yeah, everybody can sit to a table, you
7 know, talk to anybody.

8 Q And did you talk to Gary Dargan?

9 A Yeah, we had several conversations.

10 Q I mean you've know him for two decades.

11 A Yeah, I know him.

12 Q Did he say anything about this case?

13 A Yes, sir.

14 Q What did he say?

15 A Well we didn't talk as soon as I got in
16 there, it was like a like a week. Because I was
17 shell shocked being there. I wasn't locked up so
18 long. So I was going by the rules. So it was
19 quiet time. And it was like one day I told him I
20 was going to come up to the room and talk to him.
21 So I went up there and talked to him. When I got
22 in his room, we sit. And then he asked me, and
23 what the street saying. I said the street said
24 you shouldn't have done it.

25 As little as Mario was, you could have put

1 Mario in a headlock or put him across your knee
2 and spank him. Then he said, excuse the language,
3 I knew I was going to kill the nigger. That was
4 his language. From his mouth to my ear. From my
5 mouth to your ear. That's what he told me.

6 Q And you told him the streets are saying he
7 could have just done a little headlock on Mario.

8 A Yeah, you could, as small as Mario, you
9 know, the wind could have blown him over.

10 Q When he was telling you that, where were
11 you all?

12 A We was in his room.

13 Q How long were you at detention center?

14 A I was there until May, May 21st. May 21st
15 or the 22nd. It was just like, well I had
16 80 something days. So it was 45 days, to do the
17 80. So when I when I went to court for the
18 ticket, the judge just run my time concurrent for
19 driving under suspension. So I was released
20 around me.

21 Q DUS you can handle that in Magistrate
22 Court?

23 A Yeah, you can do that in Magistrate Court.

24 Q And max it out with your good time.

25 A Yes, sir.

1 Q During the rest of that 45 days that you
2 maxed out your sentence, did you see Gary Dargan
3 again when you were in there?

4 A Yeah, I saw him every day until the day I
5 left.

6 Q And no problem. Were you still talking to
7 each other when you were in there?

8 A Yeah, when we were in there we talked to
9 each other.

10 Q Did he say anything else about the case
11 when you were in there?

12 A Well he was in conversation with my
13 brother Kevin who lives in Connecticut. And Kevin
14 and his wife got in a little altercation, so Kevin
15 got arrested. And see he wasn't communicating
16 with me. He was communicating with my brother.
17 And after my brother got arrested, he started
18 communicating with me by calling my house and
19 stuff like that.

20 Q That's after you got out.

21 A That's after.

22 Q Prior to that, you're saying he was
23 dealing with your brother.

24 A Yeah, he was talking to my brother.

25 Q Your brother and all your brothers, did

1 all go back with him?

2 A Yeah, we -- that's how I met him, through
3 my brother.

4 Q That's right. I'm sorry. And you get
5 out, May, I think you said. And that's May of
6 2013.

7 A Last year.

8 Q About a year ago. Not quite a year ago.

9 A Last year.

10 Q What did you do then?

11 A I went home and started back working and
12 everything. I was following my usual routine.

13 Q And you're out now obviously of the
14 Sumter/Lee Regional Detention Center. Did you
15 hear from Gary Dargan again?

16 A Yes, sir.

17 Q And tell the ladies and gentlemen how that
18 happened.

19 A He started calling my phone and like some
20 days he would call, I would be at work and I
21 wouldn't answer. And some days he would call, and
22 I probably would be somewhere and didn't have my
23 phone, but he would call. And then he like, he
24 had some letters he wanted to send to me; make
25 sure I get the letters. Make sure they were for

1 my eyes only and for no one else. So I got the
2 letters and he would call and check and make sure
3 I got the the letters or whatever, and I told him,
4 yeah, I got them.

5 Q And when you were talking to him, was it
6 clear to you that he was calling from the
7 detention center?

8 A Oh, yeah, it was clear.

9 Q And is it clear that those calls are being
10 recorded?

11 A Yes, sir. It tells you that before you
12 accept the call. Your calls are being monitored
13 or recorded.

14 Q So both sides know.

15 A Yeah, both sides know.

16 Q There ain't no secret about it, they're
17 being recorded.

18 A Yes, sir.

19 Q How long was your brother Kevin out of
20 the -- you said he got in a fight with some
21 female. How long was he out---

22 A Kevin was out of state for about 3 years.

23 Q So at the communication you said that Gary
24 Dargan had with him was before he left out of
25 state, or was it out of state when he was

1 communicating with him? Or do you know?

2 A Well I can't say if he was. Well he was
3 communicating -- my brother was out of state,
4 because like when we would get out on break, I
5 would call my brother, and I would let him talk to
6 my brother and I would walk off.

7 Q Okay.

8 A Or come to back to the phone and say
9 something before the phone hang up. And that's
10 it. Because he also used to send him money.

11 Q Gary Dargan would send your brother Kevin
12 money.

13 A No, my brother would send him money.

14 Q So that's how you knew. When you were
15 talking him on rec., he would talk to him. But
16 you don't know what they were talking about.

17 A No, I wasn't physically there to hear what
18 he was saying.

19 Q I got you. And I'm referring to State's
20 45.

21 THE COURT: Which is in evidence.

22 MR. MEADORS: It is in evidence, Your
23 Honor? I beg the court's indulgence.

24 Q You listened to these phone calls from the
25 Sumter Lee Regional Detention Center between you

1 and Mr. Dargan? Have you listened to those, and
2 do they accurately reflect your conversation with
3 him?

4 A Yes, sir.

5 Q Is your voice on there?

6 A Yes, sir.

7 Q Is that his voice on there?

8 A Yes, sir.

9 Q Was your number at the time, 316-4735?

10 A Yes, sir.

11 Q And is that the number you were receiving
12 a phone call from?

13 A Yes, sir.

14 Q Was that your cell number?

15 A Yes, sir. I still have the exact same
16 number today.

17 Q You have the same number today.

18 A Yes, sir.

19 MR. MEADORS: Your Honor, at this time,
20 State's 45, we would ask Mr. Brown, with the
21 court's permission to publish the first phone
22 call.

23 THE COURT: Please publish it.

24 (Whereupon, the phone call is published.)

25 Q He just asked about Kevin?

1 A Yes, sir.

2 Q Is that what he said, what's your Kev.

3 A Yes, sir.

4 Q And that's your brother Kevin.

5 A That's my brother.

6 Q And when he's referring to that, ends
7 making news for me, had been making news, was that
8 your brother?

9 A Yes, sir.

10 Q And he's now he's saying you are going to
11 have to -- I am going to have news through you?

12 A Yes, sir.

13 Q So the person who said G. that's Gary
14 Dargan.

15 A Yes, sir.

16 Q Marcus Mellette you're on the other side.

17 A Yes, sir.

18 Q The call you received from him.

19 A Yes, sir.

20 Q And that was referring to New Years coming
21 up and all. Would that have been last, end of
22 December of last year?

23 A Yes, sir.

24 Q Did you receive several more calls?

25 A Yes, sir.

1 Q Let me ask you, did you pick up all the
2 calls?

3 A No, I didn't pick up all of them. Some I
4 just was -- I didn't want to bother with him, so I
5 wouldn't answer the phone.

6 Q And some of them had prepaid minutes,
7 right?

8 A Yes, sir.

9 Q And some of them it was, if you wanted to
10 talk, you had the credit card, or however you do
11 it, you had paid to receive it.

12 A Yes, sir. But everytime I got call from
13 him, it was like a free call I never had to pay
14 for it.

15 Q Please publish the next call.

16 (Whereupon, publishing the next phone
17 call.)

18 Q You said my brother. And he didn't want
19 you to say the name, did he?

20 A Yes, sir.

21 Q Did there you just say, he said he was
22 going to change his statement. And Gary Dargan
23 said, no, he said he is going to tell the truth?

24 A Yes, sir.

25 Q And what that this year, that phone call?

1 A Yes, sir.

2 Q Did you receive another phone call from
3 Sumter/Lee Regional Detention Center from Gary
4 Dargan.

5 A Yes, sir.

6 Q He said Robert Mellette is fucking you up
7 and fucking you up bad?

8 A Well I think he was saying, fucking him
9 up. Fucking him up bad.

10 Q Is that what you heard him say?

11 A Yes, sir.

12 Q Gary Dargan refers in here to kites. What
13 is that?

14 A It's a letter.

15 Q And when he's asking you did you receive
16 those kites, he means letters.

17 A Yes, sir.

18 Q And we'll see later, you did receive some
19 letters from him?

20 A Yes, sir.

21 Q I think we have one more phone call. You
22 received another. And again, are you receiving
23 phone calls maybe from other people, or not
24 picking up phone calls that you just don't answer?
25 The other calls you just don't answer?

1 A Yeah, the other calls I just don't answer.

2 Q And who were you all referring to there?

3 A Sir?

4 Q Who were you referring to with him then?

5 Who was he referring to?

6 A My brother.

7 Q Bernard? Robert Bernard?

8 A Yes, sir.

9 Q And when you went and you initially said
10 he's here, when you went, who were you going to
11 look for?

12 A No, I didn't have to look for him. He was
13 in the living room with my brother.

14 Q So Bernard was there.

15 A Yes, sir.

16 Q He was there when you were on the phone
17 with Gary Dargan.

18 A Yes, sir.

19 Q And Gary wanted to talk him.

20 A Well I asked him if he wanted to talk, and
21 he said he didn't want to talk to him.

22 Q Bernard didn't want to talk to him.

23 A No, sir.

24 Q He put you in the middle of this, didn't
25 he?

1 A Yes, sir.

2 Q Was he the one calling you, putting you in
3 the middle of this?

4 A Yes, sir.

5 Q That's why you are here today?

6 A Yes, sir.

7 Q And I mean he, Gary Dargan, put you in the
8 middle of this?

9 A Yes, sir.

10 Q Is that a last call to you?

11 A Yes, sir.

12 Q From Gary Dargan.

13 A Yes, sir.

14 MR. MEADORS: Your Honor, I think at this
15 point we need to talk with Your Honor about that
16 other issue.

17 THE COURT: Ladies and gentlemen, I am
18 going to send you all to the jury room for a
19 break. And it will be probably a 15 minute
20 recess. Thank you. Please do not discuss
21 anything about the case.

22 (Whereupon the following takes place
23 outside the presence of the jury.)

24 MR. MEADORS: Your Honor, we have several
25 letters which are referred to in the phone calls.

1 But I think it would be best just to go through
2 them one by one.

3 THE COURT: And there are ones referring
4 to Bruton issues?

5 MR. MEADORS: Yes, sir.

6 THE COURT: Okay.

7 MR. MEADORS: And maybe Mr. Brown can
8 refer. Go ahead you want start talking.

9 MR. BROWN: Your Honor, there is some
10 issues that Mr. Kent and I have both discussed in
11 regards to what he believes to be Bruton issues
12 coming from these letters. I'll start referring
13 to one dated January 7th 2014.

14 MR. MEADORS: And, Your Honor, we need to
15 give you a copy I guess.

16 THE COURT: Yeah, I think you would.

17 MR. BROWN: Your Honor, I am just going to
18 hand you up the entire pack.

19 MR. MEADORS: Let's mark them court's.

20 (Packet of letters marked Court's Exhibit
21 No. 9 for Id. only.)

22 MR. BROWN: Your Honor, the first one is
23 already pulled out for you.

24 MR. MEADORS: January 7th, Your Honor. On
25 page 2, Mr. Brown?

1 MR. BROWN: That's right.

2 MR. MEADORS And when I see marks, I
3 assume this is what the objection is. The shock
4 of my life when I went -- but I got the shock of
5 my life when I went---

6 THE COURT: How far is that down?

7 MR. MEADORS: I'm sorry. 1, 2, 3, 4, 5,
8 the last 3 words.

9 THE COURT: Okay, I got it. The shock of
10 my life.

11 MR. MEADORS: I go the shock of my life
12 when I went preliminary. It's bad when a bitch
13 can stick to the script. I believe the detectives
14 applied more pressure to her screaming than
15 whatever that word is, than life, because she is
16 accessory before the fact of a murder. You can
17 imagine the shit they was coming at her with. And
18 she kept it 100 percent. But the N-I-G-G-A I grew
19 up with, put in work with and got money, excuse
20 me, fuck bitches and the whole 9 folded on a
21 N-I-G-G-A like he was the bitch. So I guess
22 that's the first objection.

23 THE COURT: Is that your objection?

24 MR. KENT: Yes, sir, Judge. You want to
25 go through a, would it be easier to go through

1 them one by one and do them?

2 THE COURT: Yeah, and it seems be under
3 State vs. McDonald.

4 MR. KENT: That's correct.

5 THE COURT: It seems as long as they are
6 saying, we can change it to gender neutral. I
7 mean, it still does not refer to her directly.

8 MR. KENT: And if I may, Judge.

9 THE COURT: Yes, sir.

10 MR. KENT: And one of the reasons, I am
11 pretty clear we went through it, as I've
12 mentioned. We simply got these statements earlier
13 this week, myself and the first solicitor went
14 through the statements. Of course it's a
15 statement they want to have in, which of course,
16 triggered the Bruton issue. Looking at State vs.
17 McDonald and I think it's quoting State vs.
18 Chafin. It talks about simple redaction if going
19 to try to redact a statement.

20 The problem is on its face of course, it
21 implicates a co-defendant by talking about things;
22 should she stick to the script, things that
23 nature. The problem is, I won't have the
24 opportunity cross examine.

25 THE COURT: Well I understand the Bruton

1 issue on that.

2 MR. KENT: Yes, sir. And I don't mind any
3 redaction. I thought that's where we going if we
4 were going to be able to agree to redact them.
5 And then later the solicitor said well we don't
6 want to redact, we want to use it against her.

7 MR. MEADORS: Well when I saw, I wasn't
8 sure at the time really what it was. But bitch is
9 fairly neutral.

10 THE COURT: I mean, they've all, all
11 yesterday we talked about everybody was each
12 other's bitch. So I think after all that
13 testimony, bitch is neutral.

14 MR. KENT: Judge, the only difference
15 next line, screaming that life, because she is an
16 accessory before the fact of a murder. And
17 specifically we're talking about the one person
18 who is accused of accessory before the fact of
19 murder is Shonta Helton.

20 THE COURT: That would tend to point to
21 the point to the person over here since there's --
22 we've already read the indictments. Is there any
23 way we can redact that out? Because there's only
24 one other person in this whole scenario that is
25 charged with accessory before the fact of murder.

1 MR. BROWN: Your Honor,---

2 MR. KENT: Judge, if I may.

3 THE COURT: Well give him an opportunity.

4 MR. MEADORS: I guess, I am coming out as
5 I am thinking, which isn't always good. But she
6 screaming at life because I guess either she or a
7 person, she was charged with a crime. Would be
8 one neutral.

9 THE COURT: With a crime; yes, is neutral.

10 MR. MEADORS: I mean that would take away
11 the direct reference to this charge.

12 THE COURT: Because there's only one way
13 you can read that as he's talking about her. And
14 he's not saying a name. And I understand under
15 Bruton, it can be thinly veiled. But that's not
16 thinly veiled in this court. I mean that is only
17 one person in here is charged with that.

18 MR. MEADORS: Yes, sir.

19 THE COURT: So if you want to say the
20 crime, that crime.

21 MR. MEADORS: That would be our solution,
22 our possible resolution.

23 MR. KENT: As I understand the reading
24 for.

25 MR. MEADORS: It's bad when a bitch can

1 stick to the script. We, the techs have applied
2 more pressure screaming that life, because she was
3 charged with a crime.

4 THE COURT: Yes, she was charged with a
5 crime.

6 MR. KENT: And then we are going to allow,
7 you would allow the next line, you can imagine the
8 shit they were coming at with her, and she kept it
9 100 percent.

10 THE COURT: Yup.

11 MR. KENT: And then the question is, will
12 the State be allowed to argue that this was
13 referring to Shonta Helton later. Because if
14 that, their plan doesn't change anything. They're
15 going to be allowed---

16 THE COURT: Well I mean, I understand your
17 predicament. But---

18 MR. MEADORS: You know, if I can think, I
19 may -- wait a minute.

20 THE COURT: We're all kind of thinking out
21 loud here.

22 MR. MEADORS: You know, if I argued that I
23 would have to think it like it said it. And, you
24 know, I've have to say, he and another -- I'd have
25 to argue it like it came into evidence.

1 THE COURT: Right.

2 MR. MEADORS: A neutral.

3 THE COURT: Yeah, he wouldn't be able to
4 point to her, because that statement he said it
5 talked about her. He couldn't that.

6 MR. KENT: And that's why I was making
7 sure---

8 THE COURT: That's right.

9 MR. KENT: ---in that statement, that they
10 wouldn't point directly point at Shonta Helton and
11 say this is who we are referring to.

12 MR. MEADORS: Now the other side of that
13 is, and I am not sure you do this. But if he
14 tried to say it wasn't her.

15 THE COURT: On the other side he can't
16 say, you know, they didn't say a think about my
17 lady.

18 MR. KENT: I am staying away from
19 everything.

20 THE COURT: Yeah, I mean you can't use it
21 as a shield and then use it as a sword.

22 MR. KENT: I understand. What statements.

23 THE COURT: Right.

24 MR. MEADORS: And Your Honor for today's
25 purposes just to get through this today, can we be

1 sure that well if Mr. Brown is reading it, so if
2 he messes up, for him to read it that way and
3 we'll figure out the redaction that goes back by
4 tomorrow, how to do it?

5 THE COURT: Right.

6 MR. MEADORS: Okay. I mean---

7 THE COURT: Because you are going to put
8 these into evidence.

9 MR. MEADORS: How to fix it, yes, sir.

10 THE COURT: Right.

11 MR. MEADORS: Just how to fix it before
12 goes back. Okay.

13 THE COURT: Does that solve your problem?

14 MR. KENT: Yes, sir.

15 THE COURT: Resolve your objection?

16 MR. KENT: It resolved my objection, yes,
17 sir.

18 THE COURT: It doesn't solve your problem.

19 MR. KENT: It does not solve my problem.
20 It resolves my objection, yes, sir.

21 MR. BROWN: Your Honor, the packet that
22 was handed up, the envelope stapled to the front,
23 there's one with a stamp date by the post office
24 of February 10th 2014.

25 THE COURT: Who is it addressed to? Are

1 all these addressed to Marcus?

2 MR. BROWN: They're all Gary Dargan's to
3 Marcus Mellette, Your Honor.

4 THE COURT: Which one is this from
5 January 14th?

6 MR. BROWN: It's February 10th of 2014,
7 Your Honor.

8 THE COURT: I got it.

9 MR. BROWN: And, Your Honor, this is a
10 letter dated February 7th, struck out, and
11 February 8th 2014.

12 THE COURT: Right.

13 MR. BROWN: On the second page, two lines
14 down Mr. Kent raised that one to us. And I'm
15 reading, staring on the line above it, like I say,
16 let him read the statements that me and old girl
17 wrote so he can see everything all good on that
18 end.

19 MR. MEADORS: And, Judge, when I looked at
20 this earlier, I didn't know who that talking
21 about. I didn't know if that was Debbie Prince or
22 the other ones. So I think that's race neutral
23 whatever on it's face.

24 THE COURT: Gender.

25 MR. KENT: And, Judge, just as an officer

1 of the court, just reading that now and looking at
2 what Bruton says, if I'm not wrong, it
3 specifically says on its face, it would have to
4 appear to be incriminating on its face, and I
5 don't think I can make that argument.

6 THE COURT: And I don't think you can
7 either. Thank you.

8 MR. KENT And so I will withdraw that.
9 And it doesn't mention her name specifically. And
10 of course they would not be allowed to reference
11 at that point in his argument.

12 MR. BROWN: Your Honor, looking at one
13 dated January 3rd 2014. It's dated January 2nd.

14 THE COURT: Right.

15 MR. BROWN: It's on the second page. And,
16 Your Honor, it's about middle ways down. You will
17 see an underlined part, you know what's supposed
18 to have been said. You see that portion?

19 THE COURT: I do.

20 MR. BROWN: Two lines below that is where
21 Mr. Kent sees the problem of---

22 THE COURT: Yeah, now that specifically
23 says Shonta. You'll have to change that to say
24 she.

25 MR. BROWN: Okay.

1 MR. KENT: And that gender neutral
2 language would solve our objection.

3 MR. MEADORS: That really doesn't say
4 anything bad on her though, but anyway.

5 MR. KENT: Judge,---

6 THE COURT: The individual, the person.
7 The particular person.

8 MR. KENT: Thank you, Judge.

9 MR. BROWN: The person.

10 THE COURT: The person.

11 MR. BROWN: And there is one other one,
12 Your Honor. It's probably the same fix as the
13 last one. Page, the one dated February 14th 2014.
14 And I'm on---

15 THE COURT: I've got it.

16 MR. BROWN: And I'm on what's at top of
17 the page, marked page 3, where you see the No. 3
18 on the left side.

19 THE COURT: Correct.

20 MR. BROWN: A line below that. This is
21 the story to tell the police, because this is what
22 Shonta going say.

23 THE COURT: Right, the individual going to
24 say.

25 MR. MEADORS: Can I go back and read that?

1 He can't say that I was trying to get him to go
2 with a story, and I told him this is the story to
3 tell the police. This is what Shonta going to
4 say.

5 THE COURT: You may just say they or the
6 person.

7 MR. BROWN: This was the statement, they.

8 THE COURT: They.

9 MR. MEADORS: Well, Your Honor, could---

10 THE COURT: If you want to use they on the
11 previous ones.

12 MR. MEADORS: Or no, this is all -- we all
13 due respect, if Your Honor would consider, because
14 this is what this person is going. Since it's
15 senior, I don't want to change the whole context.

16 THE COURT: The person is going to say.

17 MR. KENT: If you will just give me a
18 moment, it's hard to go through all these.

19 THE COURT: I'm not going to---

20 MR. KENT: I understand.

21 THE COURT: You all see if you can't get
22 it worked out. If you can get it worked out, if
23 you can't then bring it to me.

24 (Whereupon, the court takes a short
25 recess.)

1 THE COURT: Bring the jury in. Let me put
2 on the record, have we worked out all the Bruton
3 issues?

4 MR. MEADORS: Yes, sir.

5 THE COURT: You have?

6 MR. KENT: Thank you, Judge.

7 THE COURT: Shut the door for just a
8 second. I just want to get it on the record.
9 Have we worked out all the Bruton issues?

10 MR. KENT: We have, Judge. And as I
11 discussed with you in chambers, we've gone over
12 all of the discussions. There will be some points
13 in which the actual name Shonta is mentioned.
14 However myself and the solicitor would agree that
15 those times would not implicate her.

16 THE COURT: So there is no objection.

17 MR. KENT: It would be no objection.

18 Understanding---

19 THE COURT: Very well.

20 MR. KENT: ---the subject, the one we've
21 worked out.

22 THE COURT: Now, let's bring them.

23 (Whereupon, the following takes place
24 within the presence of the jury.)

25 THE COURT: Mr. Meadors, you may proceed.

1 DIRECT EXAMINATION by Mr. Meadors:

2 Q Mr. Mellette, picking up where we left
3 off. There are references on these phone calls to
4 kites. And you said that means what?

5 A They are letters.

6 Q I am going to show you what's marked State
7 47. And, Your Honor, we'll be offering the
8 originals along that as 48. We just need to offer
9 these at a later time. But for the record 47 and
10 48 I think.

11 THE COURT: Any objection?

12 MR. MURPHY: Your Honor, we would object
13 based on my prior.

14 THE COURT: Overruled.

15 MR. KENT: No objection with them coming
16 in subject to---

17 THE COURT: Right.

18 MR. KENT: ---the way we handled it.

19 (Letters to Marcus Mellette marked State's
20 Exhibit Nos. 47 and 48 into evidence.)

21 MR. MEADORS: May I approach?

22 THE COURT: You may.

23 MR. MEADORS: Your Honor, 47 are copies
24 for these purposes.

25 Q Do you recognize these letters as the

1 letters you received? Does it have your name on
2 it?

3 A Yes, sir.

4 Q Marcus Mellette?

5 A Yes, sir.

6 Q And on the return address, who does it
7 have?

8 A Gary Dargan.

9 Q On each one of these?

10 A Yes, sir.

11 Q 1, 2, 3, 4, 5 and 6?

12 A Yes, sir. On all of them.

13 Q And the address they're sent to, is that
14 your address?

15 A That's my home address.

16 Q .

17 A Yes, sir.

18 Q And who does it say actually the name is
19 onto it?

20 A Marcus.

21 Q And that's you.

22 A Yes, sir.

23 MR. MEADORS: Your Honor, I think with the
24 Court's permission, we're all prepared for
25 Mr. Brown to start reading.

1 THE COURT: Mr. Brown, are we ready?

2 MR. BROWN: Yes, Your Honor. May it
3 please the court, Your Honor.

4 THE COURT: Yes, sir.

5 MR. BROWN: Stamped by the post office,
6 December 2nd, 2013. Dated March -- or December
7 1st 2013.

8 Marcus, this letter is for your eyes only.
9 So if you're around anybody go in the car -- go in
10 the cut, until you finishing ready this. What's
11 good my nigga. I know it's been a minute since
12 you've heard from me. I have been wanting to get
13 at you, but I was playing shit safe and only
14 making moves through Kevin. It's not that I don't
15 trust you, because I do. You just having Niggas
16 at your crib, and I don't want the info I would
17 have been sending you or the things I would have
18 been asking you to do for me, to get into niggas
19 hands or eyesight. By having my letters laying
20 around by mistake all high up, and niggas being
21 nosey and niggas picking my shit up and reading
22 it.

23 You already know how serious my situation
24 is. My life is the line my nigga. And as you
25 already know, my niggas is hating and wishing the

1 worse for me. And some of those niggas are my so
2 called niggas. You already know what's going on,
3 because you be around some of those niggas that
4 think I am finished or hating on the low. While
5 we talking about hating bitch ass nigga, you
6 probably heard about how that fuck nigga chops
7 spread dirt on my name, talking about the people
8 Mike Leneau, and that nigga, he are saying I set
9 Ham up with feds, or Ham told him I set him up
10 with the feds. Either way, chops was and probably
11 still is running around spreading that shit to any
12 and everybody who will listen and believe it.
13 Just like the bitch he is.

14 Me and Kevin called him three way before
15 this little shit started, and me and him got into
16 big argument about how that's fucked up and he
17 ain't willing to say he was at my card game at a
18 certain time until a certain time to help me out,
19 like only a couple of niggas are willing to. I
20 was like, damn, nigga, after all we have been
21 through, you can't say you was my card game at a
22 certain time. I was like damn Nigga, I ain't
23 asking for much, please my life on the line.

24 Word is bond Marcus. The nigga was on
25 some shit, like I ain't never did shit for him.

1 He never did fuck with me like that anyway.
2 That's some bitch shit. I gave them people his
3 name. He ain't getting involved in that shit.
4 It's my fault I got my dumb ass locked up. I am
5 a bitch nigga and all types of crazy shit. I
6 told niggas you already know what it is when I
7 bounce out of here then hung up the phone.
8 I called Kevin back like 3 days later and
9 Kevin was like, chops called him early that
10 morning and was like you're trying to save that
11 nigga, but he was the one got your name Ham fucked
12 up. You man Ham fucked up. And this coming out
13 of Mike Leneau an ol boy's mouth, talking about
14 Ham, called Ham and said that shit. To make a
15 long story short, Marcus, Ham then put it out
16 there that ol boy and Marky Mark, the ones got him
17 fucked up, so he wasn't worried about that,
18 because my real nigga would know that's a lie.
19 Kevin was like don't worry about that fuck nigga.
20 He know that shit ain't true, so I don't know why
21 he's spreading that this.
22 Then I started looking at the situation
23 and realized that Fuck nigga will know the shit
24 ain't true. He's spreading that shit to turn you
25 niggas that is willing to help against me because

1 he ain't willing to help. And he really don't
2 want to see me out of this situation. So I was
3 like if the nigga called Kevin with bullshit, I
4 knew he was calling and telling that shit to
5 everybody who would listen. And this is Sumter.
6 And this shit is going to spread fast. The mother
7 fuckers is going to start believing that shit. So
8 I got my people to look up Ham and wrote him a
9 letter, letting him know what was going on. He
10 wrote me a letter back saying I know them. Well
11 that's a fucking lie. He ain't never said no shit
12 like that. Plus he ain't never called ML or
13 Harold and damn sure ain't fucking with or calling
14 chops. Then he started telling me about some
15 other shit. But like I say at the end of the day,
16 me and my real niggas know what is going on. So
17 for those fuck niggas that's believing that shit
18 and talking about it like they don't know if it's
19 true or not, here is Reco Ham's info, and they can
20 write him they self and find out. Reco Ham,
21 number P.O. Box Lexington, South
22 Carolina . That was his address when I
23 wrote him a month ago. Or tell them Niggas to
24 call JP and get his info. Or just ask JP
25 to ask him and straighten that shit out by telling

1 Ham to call their number. But enough of that fuck
2 shit, me and you know what's really going on. So
3 let me get down to the real business of me writing
4 you. Peep game I was making all my moves through
5 Kevin as far as getting my niggas about my
6 situation. Kevin knows my case almost as good as
7 me. I done sent him all my shit in my case so
8 he's knows everything about my shit, because me
9 and him have been building on my shit for about 7
10 months.

11 MR. MEADORS: I'm going to stop you,
12 Tyler.

13 Q Again, that Kevin that he's referring to
14 in there is who?

15 A My brother.

16 Q Who he had been talking to prior to
17 talking to you.

18 A Yes, sir.

19 Q But then was locked up or got in some
20 trouble with a female and he turned to you.

21 A Yes, sir.

22 MR. MEADORS: Thank you.

23 MR. BROWN: So with this nigga gone, it's
24 like I lost one of my legs feel me. I don't know
25 if you really, really know what's good with my

1 situation. But they ain't got shit but your
2 little bro. I don't know if Kevin been putting
3 you on point about my case, but I hope he told you
4 enough to know I'm good just as niggas stick to
5 the plan. Now part of that plan, was little bro
6 changed some of his shit when my lawyer sends a
7 private investigator at him and some other niggas.
8 My lawyer has supposed to send the investigator to
9 holler at them boys a couple of months ago. And
10 from what Kevin was telling me, little bro was
11 willing to change some shit in his statement then.
12 I just need you to be sure he willing to change
13 some of his statement now because that
14 investigator will be hollering at him real soon.
15 See I ain't never hollered at little bro, but I've
16 hollered at everybody else personally. And it's
17 all good with them. I just need you to make sure
18 little bro do the right thing.

19 The only thing about that Kevin got that
20 niggas whole statement and the letter I wrote
21 telling him the things I need him to change and
22 say in the new statement that he will given. So
23 that's going to be a whole letter by itself that
24 you should be receiving from me Tuesday or
25 Wednesday. So be on the lookout. When you and

1 little bro will see what I'm getting at. But this
2 is what I need you to do for me. The next page.
3 I need you to holla at Neal for me. Now peep game
4 Marcus, now peep game Marcus, I ain't holla at
5 this nigga personally yet only through Drayton,
6 and I think you holla at him for me. Anyway, I
7 heard the Nigga was willing to say that he left
8 around 12:00 o'clock that night, but we was still
9 playing cards and they are all good. I need the
10 nigga to say that but I need the nigga to add
11 these things in there.

12 Q Who is he talking about, Marcus? Marcus,
13 who was talking about when he says Neal?

14 A Neal? That was supposed to be the guy
15 who had owned the house they were playing cards
16 at.

17 MR. MEADORS: Go ahead, I'm sorry.

18 MR. BROWN: On 12/8/12 I got dropped --
19 1. on 12/8/12 I got dropped off on Street
20 around 5 or 6 by a girl driving a red or burgundy
21 Ford Taurus 2000. 2. shortly after my card game
22 started, 3. he didn't see me leave from around
23 the table at all. 4. he left around 12 because
24 the card game usually ends at one in the morning,
25 but when he left people were still playing. 5. I

1 was not driving a blue van or any van that night,
2 but I was driving a blue van around 12/6/12 when I
3 came to the card game. 6. I always bring new
4 decks of cards when I come to the game.

5 Marcus I need you to talk to Neal face to
6 face, not over the phone. I need you to look him
7 in the eyes on some one on one shit nobody else
8 around. Tell him I need this little shit. My
9 life is on the line. And this little shit I'm
10 asking him to say and do will help me out a hell
11 of a lot. Put this paper in your pocket and go
12 holla at him. Tell him I'm not going to need for
13 him to holla at the private investigator when the
14 time comes and this time will be soon. No
15 bullshit. Also tell him our investigator's name
16 is Harrell. So he will know it's for real.
17 Mr. Harrell is on my side. Neal #236-4443. I
18 think that's still his number.

19 This is the next thing I need you to do.
20 See these are the only niggas that is willing to
21 holla at my investigator for me for sure. Woody
22 number 847-4518. Meek 840-3308. And Donny
23 972-3049 closed bracket. This is Low number,
24 795-6732. He is off and on one minute. He say he
25 will. Then the next he said he's scared because

1 he got a child support warrant. Then you got
2 Neal. He was telling people he was down and
3 willing to say he was there until 12, and left as
4 planned. I just ain't never holla at him and I
5 need him to add that shit I'm telling you in
6 there. Call you and say holla at them boys for
7 me. I want you to call Woody, Meek, Low and
8 Donny and tell those niggas to go over that letter
9 I sent Donny and remember what was said. And also
10 tell them the only reason you in the mix now is
11 because Kevin got locked up up there.

12 Tell those niggas to get on point, because
13 my investigator that my lawyer got for my case is
14 about to get at them and his name is Mr. Harrell
15 and he's on my side. So it's all good. Tell
16 those niggas please don't fake when the
17 investigator calls because my life is on the line.
18 When you call those niggas tell them please don't
19 fake because what I am asking them to do is
20 simple, and my life is on the line.

21 Marcus I need you to hold me down and keep
22 everything to yourself, except that chops shit and
23 Ham info and JP number. I want niggas to have Ham
24 info and JP number so they can holla and see
25 what's good. Keep this letter in a good spot so

1 when I call, you will be able to go right to it
2 and holla at those boys for me. Remember this is
3 only for your eyes except Ham info and JP number.
4 Marcus hold me down my life is on the line. PS, I
5 am in lock up, and they say I ain't never getting
6 out of B pod, because I had to punish a nigga.
7 Word is bond. I fucked that nigga up so bad that
8 they had to put him in medical lock up for two
9 weeks. They say I'll never be able to go back to
10 open pod again for what I did to him. This is
11 really why I gave you those niggas numbers,
12 because when the investigator holla at me, I ain't
13 going to be able to use the phone to put niggas on
14 point. Feel me. Marcus hold me down. I'm in a
15 fucked up position. I can't and ain't going to be
16 able to make moves in B pod. No visits and only
17 get to come out for 30 minutes, three times a
18 week. So I need you my nigga.

19 PS., This is real important too. Please
20 do this. When you get this letter, call and text
21 my people, number 458-8734 and tell her you got my
22 letter and everything all good, and you will
23 handle that for me. That way I will know you got
24 my letter out of the box, and nobody else and it
25 all good. Make sure you call and text my people,

1 458-8742 after you read my letter. PS., after you
2 talk to Neal to face to face, text and call her.
3 And tell her you hollered at the short dude and it
4 went okay or not. Feel me.

5 Q Is that the letter he sent to you,
6 correct?

7 A Yes, sir.

8 Q And is it fair to say he was trying to get
9 you to reach out to those folks to either change
10 their story or say certain things?

11 A Yes, sir.

12 MR. BROWN: May it please the court.

13 THE COURT: Yes, sir.

14 MR. BROWN: This is an envelope that was
15 dated January 3rd 2014. The letter itself is
16 dated January 2nd 2014. What good my nigga. I
17 see you holding it in the road as far as working
18 and maintaining out there. That's a good thing,
19 because I am hearing the streets is crazy. When
20 I'm about to talk about and show you, is for your
21 eyes only. Me and Kevin been building about my
22 case ever since I got my motion of discovery back.
23 I have sent him copies of every statement, so he
24 knows a lot about my case and not just talking
25 like a lot of people out there in the hood acting

1 like they know what's good with me.

2 When me and you was in A pod together and
3 building about my situation we thought Bernard
4 kept it 100 percent but we should have knew
5 better. Because if he did, I wouldn't have gotten
6 locked up. When I went to the preliminary
7 hearing, the judge said the only reason he didn't
8 throw my case out is because of Bernard's
9 statement. Before I go any further, let me say I
10 know that's your brother and it's two sides to
11 every story. I don't know why he did what he did
12 to me or the reason he told you he did what he
13 did, but it was fucked up. Because at the end of
14 the day he said what he said for nothing.

15 The police couldn't do shit to him or
16 charge him nothing and I about to show you why.
17 Like I say, it's two sides to every story, plus I
18 know that's your brother. But I heard he was
19 saying the reason he did what he did, is because
20 he thought I was trying to put the body on him.
21 Or he thought that they was going to charge him
22 with it something. Marcus I want you to really
23 think about something. You and I both know how
24 Sumter Police get it done. It don't matter if you
25 tell them everything they want to know about a

1 case. If they can charge you with something,
2 they're still going to charge you with it.

3 They going to be like another dumb ass
4 nigga done our job for us and still charge the
5 nigga with that or whatever. You and I both done
6 seen this over a hundred times. When
7 co-defendants tell and write statements and still
8 get their dumb ass locked up, what I'm getting at
9 is that the police could have charged Bernard with
10 something they would no matter if he told them
11 what they wanted to hear.

12 Marcus do you really think the police
13 would have let Bernard go if he couldn't charge
14 him with anything. Hell no. For one, he's a
15 Mellette. The name Mellette is enough by itself.
16 You know how bad the police got it all for you
17 all. I done came up -- I don't care it if it was
18 a little bullshit stolen car charge they wouldn't
19 let him go. So you know damn well he wouldn't let
20 him go on a murder case. Especially a murder
21 case. No matter if he told them what they wanted
22 to hear or not, they still would have looked at
23 him no something like accessory and then used him
24 against me at trial and then let him go.

25 Word is bond. I don't know what he told

1 you, but nobody was pointing a finger at him or
2 trying to put anything on him. You know what's
3 supposed to have been said, and if he would have
4 stuck to it, everybody would have been good.
5 Marcus, I want you to read the little statement I
6 give, and the statement the person gave. And you
7 will see that nobody was pointing the finger or
8 trying to put nothing on him. You're going to
9 also see that if he said what he was supposed to
10 have said everything would have been good. Word
11 is bond, and he is their star witness. He made
12 the case. Without him, it's nothing. They have
13 no case against me. He is their only witness in
14 the case. I want you to read the statements then
15 you will see. He did what he did for nothing. If
16 he wouldn't stick to the truth, it would have been
17 all good for everybody.

18 I'm sending you and telling you this so
19 you be able to really see what's good with my shit
20 and have enough of an understanding about my
21 situation. So when I need you to talk to someone
22 like your brother, you all will have the truth in
23 front in you, plus in your mind because you done
24 seen it. This is just the first step, I'll be
25 sending you more. Also at the top, there is such,

1 and I can't see the first line. But it say spot
2 when you finish, remember for your eyes only. My
3 life is on the line. Kevin going -- Kevin gone so
4 you are only one I can trust. I done send you
5 something else. You should get that Monday. When
6 you get the next shot in the mail -- the next shot
7 in the mail, text my people 458-8734 and be like
8 tell G. I got 2 or 3 letters so far, and it's all
9 good. I'll probably have two letters in the mail
10 for you Monday so be on the lookout. Hold it
11 down. My nigga 100 percent G.

12 Q In this letter which is mailed and dated
13 January 3rd of this year, he refers to when y'all
14 in A pod together. Is that you were telling us
15 earlier when you there for contempt and DUS, when
16 you had time talk to him?

17 A Yes, sir.

18 MR. BROWN: May it please the court.

19 THE COURT: Yes.

20 MR. BROWN: This is a letter return
21 stamped or stamped by the post office January 7th
22 2014. Dated on the letter January 7th 2014.
23 Marcus what's good my nigga. I'm going to get
24 straight to the point. If you read me and my
25 girl's statement, you can see nobody was pointing

1 the finger at B. If he would have told the truth
2 and everybody would have been good and I would
3 have never gotten locked up. And you're going to
4 see what I'm talking about when you see his
5 statement. Those people ain't got shit on me.
6 The case is weak as hell, and when you take your
7 time and carefully read a couple of times these
8 letters and statements I am sending you, then you
9 will see that your brother is the only thing
10 fucking me up.

11 I'm sending you a copy of his statement a
12 two other people from west side. I don't know who
13 those two people is, but they're the closest thing
14 the police have to an eye witness. And as you're
15 going to see, they're pointing the finger in a
16 whole another direction than me or Bernard. When
17 you read their statement you're going to see they
18 gave descriptions of other vehicles and the people
19 how could have done that shit. Basically when
20 they take the stand, they will be helping me out,
21 because they will be putting a lot of doubt in my
22 favor. I don't know what the fuck B was
23 thinking, I don't know what the fuck B. was
24 thinking, but word is bond on everything.

25 I love Marcus. That shit hurt me to the

1 heart, when they read that nigga's statement at
2 the preliminary hearing. First of all, it
3 surprised the hell out of me, because we thought
4 he told the truth. But when they started reading
5 that niggas statement that shit hurt me, because
6 after we've been through, all the years we've
7 known each other, all the history between us, and
8 that nigga fucked me over like that. And the bad
9 thing about it is that nigga did that shit for no
10 reason because those crackers couldn't have done
11 shit to him if he would stuck to the story. He
12 left those crackers trick him now and know better.
13 He know what he did was wrong and fuck because he
14 told you at first he told the truth. That's why
15 when me and you was talking in A pod we thought
16 everything was all good at first. Because you
17 told me what that nigga told you and he told them
18 people. And I was like yeah, everything all good.
19 That's what he's supposed to say. But I got the
20 shock of my life when I went to the preliminary
21 hearing. It's bad when a bitch can stick to the
22 strip when detectives apply more pressure to her
23 screaming that life, because she is charged with a
24 crime.

25 You can't imagine the shit they are coming

1 at her with and she kept it 100 percent. But the
2 nigga I grew up with couldn't work with, got
3 money, fuck bitches and the whole 9, folded on a
4 nigga like he was a bitch. Man this shit crazy.
5 B. did what he did for no reason. Those crackers
6 couldn't have did shit for him, if he told the
7 truth like he was supposed to. All he was
8 supposed to say is he picked the bitch up for me
9 because I was running a card game. He picked her
10 up by the curb right across the street from
11 EL Cheapo's, right before you turn on Dingle
12 Street. Then bring her to Street to me so
13 I can holler at her and then drop her off at a
14 friend's house on the south side.

15 That's it. Nothing more. Nothing less.
16 Just tell the truth like everybody else. Then
17 what the fuck could the police but threaten him.
18 They let him go. But he want to be like those
19 bitch ass niggas you see on the on the First 48.
20 Time after time, when they sit in the little room
21 and let the detective shoot him that shit and fuck
22 their heads up. Then niggas start talking and
23 making a case for the detective because they
24 didn't have nothing from the start.

25 Marcus on the real, the first things those

1 detectives say among each other before they go in
2 the room to holla at those bitch niggas is, we
3 need to make to him talk and we need to get a
4 confession out of him or we're going to lose this
5 case and gotta let him go because we ain't got
6 nothing. Then when the detectives get that bitch
7 nigga to talk, the detectives that look on the
8 streets on the video, start hopping and hollering
9 and celebrating and shit because they know if that
10 nigga didn't talk, ain't shit they could do but
11 let that nigga go. You done seen that shit a
12 thousand times. Anyway, the damage is done. You
13 can't cry over something that's already done and
14 question it as once B. see nobody was pointing a
15 finger at him and know that the police can't do
16 shit but threaten him. Would he be willing to
17 change some of the shit he said. All this shit
18 about picking her up off Dingle and when he got
19 there, her and Mario was arguing. All that shit
20 about a van passing him. And then when he got on
21 Street, I was getting out of the same
22 van. Me coming by his house trying to make him go
23 with the story, telling him what to say. He think
24 I'm about to kill him and shit.

25 Marcus those people ain't got shit on be.

1 B is there whole case. B. made the case. He is
2 the only one that can fix the shit when my trial
3 comes. Marcus basically I'm sending you this
4 shit so you can have an understanding of my
5 situation. Plus at the same time I know your
6 brother and it's two sides to every story. I
7 don't know why he did what he did or say why he
8 saying why he did it. But here is the shit in
9 black and white. Everything all good on my side,
10 it's just him.

11 Marcus after you read these shits, I want
12 you to put them up in a safe place like wherever
13 you have got any important papers. Remember, my
14 life is on the line so I don't need the wrong
15 people seeing my shit or for my letters to end up
16 back in those crackers hands. If that nigga B.,
17 was talking about he did that fuck shit to me
18 because he thought me or my people was gonna play
19 the game, I'm going to fucked up show him these
20 statements and let him know everything all good on
21 my side. It's all on him.

22 Marcus like I say Kevin gone so I need you
23 my nigga to hold me down. You are the only person
24 I can trust. G. 100 percent. These are the two
25 statements from the only other witnesses they got.

1 And as you can see, they ain't got shit.

2 MR. MEADORS: I beg the court's
3 indulgence.

4 THE COURT: Yes, sir.

5 MR. BROWN: May it please the court.

6 THE COURT: Yes, sir.

7 MR. BROWN: The next letter is dated
8 February 10th 2014. That was a post date voice.
9 The letter date is February 8th 2014. It was
10 originally scratched out February 7th 2014.

11 Marcus, what good my nigga. I hope you
12 still working with your fam and maintaining out
13 there. Man I heard the streets are crazy with a
14 lot of beefing going on and they got some bullshit
15 out there called the movement. Man those young
16 niggas crazy because they are really fucking on
17 the low because a lot of the shooting going on but
18 nobody getting shot. Feel me. Anyway I'm
19 handling the pressure and stress that comes with
20 lockup, jail is shit the best I can. You know how
21 it goes. Some days are better than others.

22 Peep's game though. The private
23 investigator finally came and see me today. We
24 sat and talked about my case for about an hour and
25 a half. We went though all the stakes together

1 and talked about the angles. After we finished he
2 was like Robert Mellette's statement is the only
3 statement fucking you up and he's fucking you up
4 bad. He told me he feels that by Robert's
5 statement I will get life in prison because
6 Mellette put the icing on the cake and points the
7 picture -- paints the picture that the prosecutor
8 needs to be painted.

9 Man your brother is fucking me up bad.
10 Without him saying what he said, they had nothing
11 and couldn't do nothing to nobody; that he made a
12 case instead and got me all that way fucked up.
13 Man he already knew I wouldn't try and play him
14 fucked up by putting shit on him. If he would
15 have went with the flow and to the truth, ain't
16 nothing those crackers could have did but threaten
17 him like they did everybody else.

18 I need you to call your brother over there
19 and sit down with him and explain to him
20 everything you read so far and give him your
21 understanding of shit. Then wants you to show and
22 let him read all the statements I sent so he can
23 with his own eyes that nobody was pointing the
24 finger at him and nothing could link him or tie
25 him to the murder but him own self. He's the

1 person that can tie anybody to anything. Like I
2 say let him read the statement that me and old
3 girl so he can see everything all good on that end
4 like it was talked about and supposed to have been
5 from the start. Also show him those statements
6 from the people from west and he gonna see the
7 finger was pointing in a whole another direction.

8 Like I say Marcus you gotta Marcus to get
9 him over there and sit down and really talk to him
10 and let him see with his own eyes. One, that
11 nobody was trying to point the finger on him or
12 flip shit on him. Two, all he had to do was say
13 that he picked up old girl from a certain place
14 and dropped her off like he was supposed to.
15 Three, he said what he said for nothing because if
16 those crackers could have charged him with
17 anything they still would have. They wouldn't let
18 Mellette go just like that no matter what. Four,
19 let him know that I need him to holler at the
20 private investigator for me and change some of the
21 shit he said. Let him know that the P. I worked
22 for -- the P. I am working for my lawyer and me
23 ain't got nothing to do with the police. Five,
24 let him know that crackers can't charge him with
25 nothing now but giving a false statement. Those

1 crackers might threaten him with all types of
2 bullshit when it's time for my trial, because he
3 is their only witness in the case. And they need
4 him, but ain't shit he can do.

5 Call your people over there soon as you
6 finish reading this letter and sit down with that
7 nigga and really talk with him. Marcus I need you
8 to make sure that he holler at our private
9 Investigator for me. He should be calling you
10 real soon like a day or two after you get the
11 letter. The investigator's last name is Harrell.
12 I think his name is Glen Harrell. When he call
13 you make sure you call Bernard and make sure you
14 holler at him and do the right thing. Anyway, the
15 other shit here is for B. With love, G. 100
16 percent.

17 Q That was the February 10th letter you
18 received in the mail?

19 A Yes, sir.

20 Q We've got a couple of more to go,
21 Mr. Mellette. But were you doing any of this
22 stuff he was asking?

23 A No, sir.

24 MR. BROWN: May it please the court.

25 THE COURT: Yes, sir.

1 MR. BROWN: This is a letter postmarked
2 February 15th 2014. The letter is dated February
3 15th 2014. Marcus, what's good. I know I just
4 shot you a kite but I feel I need to holler at you
5 again, but that's some real shit I heard that your
6 bro talked crazy about not helping with this
7 situation. I hollered at a nigga a couple of
8 days ago on the phone and they told me they seen
9 gold mouth a couple of days ago and asked him
10 what's up with me and asking him was he going to
11 play fair and do the right thing by helping me.
12 Tray pound say gold mouth was talking real crazy
13 like he ain't going to shake nothing for him. You
14 know the tray pound I'm talking about from
15 Maysville. He had a murder charge too, but sat
16 in the county for about three years and beat his
17 shit. But me and him used to build about our
18 situation and seen each others cases page to page
19 and build. He's seen and understand that but is
20 the only thing fucking me up.

21 So I guess when he seen him, he's trying
22 to holler at him for me. Anyway he said bro
23 talking crazy. Marcus I need you to sit down and
24 build with your people for real. You done seen
25 the statement with your own eyes. Fuck what

1 people are saying. You know what is good. You
2 know your people is the only thing fucking me over
3 and it will kill me if he don't change some of
4 that shit he said. You've seen with your own eyes
5 that nobody is pointing the finger at him or
6 trying to flip shit on him. You've seen with
7 your own eyes that those people can't do shit to
8 him but threaten him. You know those people can't
9 charge him with nothing then and they can't charge
10 him with nothing now. He knows what he's supposed
11 to have said and what he did was wrong. That's
12 why he told you that he told the police one thing,
13 but really told them something else.

14 When me and you and in A pod you told me
15 what Bernard told you that he told the police. I
16 was like yeah, that's what happened. That was
17 what was supposed to be said. But when I got my
18 motion of discovery I was like, what the fuck.
19 That ain't what he is supposed to have said.
20 Anyway it is what it is. The shit done happen.
21 The only question is he's going to help them send
22 me away for life or is he going to do the right
23 thing and save me. The investigator was supposed
24 to holler at you a couple of days ago but the
25 weather was so fucked up, I hope he didn't get

1 around to not -- I hope he didn't get around to it
2 yet.

3 Like I say I really, really need you to
4 sit down and holler at bro. Tell him -- let him
5 know you done seen everything with your own eyes
6 and he's the one that is fucking me up. Nobody
7 is pointing the finger or trying to pin nothing on
8 him. Let him know those people can't charge him
9 with nothing. If they could have, they would
10 have. Let him know I need him to holler at the
11 investigator and change some shit.

12 Marcus I don't know if bro going to do the
13 right thing or play the game fucked up. But if
14 he is going to play the game fucked up, I am
15 scared for him to let him to have him -- my
16 letters in his hand because he might turn them
17 over to them to them people if he's playing the
18 game the game fucked up. I might be tripping
19 because I do know what's going on because I'm here
20 but you're out there and you know what's really
21 going on. So I am counting on you to coach this
22 thing right. I got to win coach I can't lose my
23 life. I am going to tell you what I need the
24 nigga to change in his shit. Then you're going to
25 sit down with him and really coach him through

1 this shit. Marcus I need you.

2 One, he can't say he saw Mario and old
3 girl on Dingle Street arguing. He can't say he
4 picked her up off Dingle Street {He picked her up
5 at the curb.} Two, this is the most important
6 shit. He can't say he seen the van pass by him,
7 drive fast on Dingle and South Sumter. Then when
8 he got on I was getting out of the same
9 van he saw. {He didn't see no van pass by him at
10 all.} Three, he can't say that I was trying to
11 get him to go with the story and told him this is
12 the story to tell the police. Because this is
13 what this person is going to say. He can't say I
14 came by his house trying to get him to go with the
15 story and then ask him to ride with me but he
16 didn't -- he didn't want -- he was scared I was
17 going to kill him. He can say {He can say that he
18 was going -- he was calling me asking me what the
19 fuck done happen because he hearing all types of
20 crazy shit about somebody getting killed. Then
21 once he heard the rumors that I did that behind
22 Shonta because Mario hit her. He got scared
23 because he didn't want to have anything to do with
24 this. And he -- and because he picked her up and
25 he was thinking that that would be fucked up, the

1 police might try to say he had something to do
2 with it.

3 So he got scared and started pointing
4 fingers at me about me being in the area with this
5 van and shit because he got scared that I might
6 try to finger at him since he was already hearing
7 I did the shit. But he didn't have shit to do
8 with this. Now I don't know what the fuck
9 happened to Mario because all he did was pick
10 Shonta up from by the curb. Bring her to
11 and holler at me. Then drop her on south side at
12 her friend's house. That's all he did. He don't
13 know shit about the murder or didn't know a murder
14 was about to happen or didn't know anything was
15 going to happen to Mario. He didn't find out that
16 Mario and Shonta have got into something until the
17 next day and we started hearing rumors he didn't
18 have shit to do with this.

19 All he did was give her a ride but he got
20 scared of how shit might look because he gave a
21 ride. He tried to take himself out of the
22 picture by pointing at me about the van passing
23 him and me getting out of the van. But he didn't
24 see no van and he did not have nothing to do with
25 this. He just gave her a ride to do. Nothing

1 else. Marcus he know what he's supposed to have
2 said what you told me in A pod that he told you.
3 Marcus make sure when my investigator calls you
4 that you make sure Bernard talks to him.
5 Hopefully you will get this letter before he calls
6 you.

7 Marcus I need to put this play together
8 for me. You see the only thing fucking me up.
9 Tell Bernard I need him and need to explain to him
10 why I need him. Tell that nigga don't do me like
11 this. My life is on the line. He's the only one
12 can save me. Those people can't do shit to him
13 but talk tough and threaten him like he did --
14 they did the last time. Just don't fall for it
15 this time around. Marcus I need you. My trial is
16 going to be in April. What's up with Kevin.
17 Handle this for me my nigga. And my life is on
18 the line. No faking. Holler back. One love G.
19 100 percent.

20 And the attached statement that was in
21 there. The next one is a letter time stamped
22 March 4th 2014. Mailed March 4th 2014. Marcus
23 my lawyer and private investigator came and
24 hollered at me today. The investigator told me
25 he came to your house and had a little talk with

1 you. Basically you said what you're supposed to
2 say and did your part by calling Bernard. But
3 investigator was like when he called Bernard,
4 Bernard was on some shit like he ain't changing
5 nothing in his statement. It is what it is, and
6 he's sticking with what he said from the
7 beginning.

8 Marcus I thought the nigga was going to
9 what's he's supposed to do. But the nigga also
10 talked shit and about to get me a life
11 imprisonment. I don't know who in that nigga
12 hear or what he thinking but I don't see why he
13 won't help me out. All he got to do is change the
14 part about seeing a van and me trying to coach him
15 on what to say to the police. And that fuck shit
16 about he was scared I was going to try to kill him
17 too. Marcus what the fuck wrong with that nigga.
18 It's like he wants me to get locked up. Acting
19 like he can't help me. Ain't shit they can do to
20 him but charge him with giving false statement. I
21 don't know who the fuck in this nigga here or who
22 its him on that fuck shit by himself. The nigga
23 acting like I'm asking him to say he killed
24 somebody or something. All I'm asking the nigga
25 is to change a little bit of his shit and still be

1 like he don't shit about this shit. And this
2 ain't had shit to do with this and still ain't
3 trying to get caught in this.

4 Damn what the fuck wrong with that nigga.
5 He about to get me life. I can see if I was
6 anybody else or still him with something with this
7 murder. But they can't so what the fucking
8 problem. I thought a nigga was saying he was
9 going to look out for me.

10 Marcus just holler at the nigga and see
11 Tadow why he would look out and do what he's
12 supposed to do when he knows that people can't
13 charge him with nothing to do with this murder and
14 let me know what he talking about that next time I
15 call. Man it's all fucked up that nigga about to
16 get me life. Holler at him and let me know the
17 real next time I call. Ain't shit changed. Still
18 got my love for you. G. 100 percent.

19 Q Are you the oldest brother?

20 A Yes, sir.

21 Q Who is the oldest?

22 A I'm the oldest.

23 Q Who is next?

24 A Kevin -- no, it's me, my sister, Kevin,
25 Bernard and Chris.

1 Q You, your sister---

2 A Kevin.

3 Q Kevin.

4 A Bernard, and then my little baby brother,
5 Chris. He ain't no baby but he's the youngest.

6 Q And the individual that you talked on the
7 phone and sent you these letters is that Gary
8 Dargan by Mr. Murphy?

9 A Yes, sir.

10 Q Your brother wouldn't change his story?

11 A No, sir. I told him to tell the truth no
12 matter what.

13 Q And you didn't try to tell your brother to
14 change his story?

15 A For what? The truth is the truth. Don't
16 change the truth. Because I was like, if you go
17 in there lying and don't peep, changes is they
18 already know it went down. And if you go in there
19 lying, they going to charge you too, so he went in
20 there and told the truth.

21 Q Did you ever talk to and Mr. Dargan had
22 several lawyers or another lawyer prior to
23 Mr. Murphy obviously. Did you ever talk to an
24 investigator?

25 A Yeah, I talked to Glenn Harrell.

Marcus Mellette-Cross by Murphy

1 Q And what if anything did you tell him?

2 A Well I didn't really talk to him. We
3 talked about -- he came and asked me a couple of
4 questions but I wasn't feeling, because I didn't
5 know who he really was. So we talked but our
6 straight conversation is something else.

7 Q And did you tell anything to Mr. Harrell
8 about this case?

9 A No, I didn't know anything to tell him.
10 MR. MEADORS: Thank you.

11 A You're welcome.

12 THE COURT: Mr. Murphy, cross examination?

13 MR. MURPHY: Thank you, Your Honor.

14 Cross Examination by Mr. Murphy:

15 Q Good afternoon, Mr. Mellette.

16 A Good afternoon.

17 Q So you did speak to my investigator
18 Mr. Harrell.

19 A Yes, sir.

20 Q And you told him about your conversation
21 with Gary in the A pod, didn't you?

22 A No, he never asked me about that.

23 Q So your testimony is you never talked
24 to -- never talked to him about what -- you never
25 told him anything about what Gary told you in A

Marcus Mellette-Cross by Murphy

1 pod?

2 A Me and him talked, but I didn't discuss
3 what me and Gary discussed with him. Me and him
4 talked about my grandmother and my grandfather.

5 Q So you didn't tell him that Gary had told
6 you in A pod that some girl---

7 MR. MEADORS: Your Honor, I am going to
8 object to what Gary told him.

9 THE COURT: Sustained.

10 Q So you didn't repeat anything that Gary
11 had said to you.

12 A No, sir. The only me and investigator
13 talked about, he went and talked to my brother.
14 Well he came and identified himself who he was.
15 And I said who you want to talk to. He said he
16 wanted to talked to my brother. I said I know
17 what you want to talk to my brother about. And he
18 was like, well I said you want my brother to
19 retract his statement. He was like no, I don't
20 want your brother to do that. I want your
21 brother to tell the truth.

22 Q Go ahead.

23 A From there, we started talking. He was
24 like well, I'm here trying to help. I am trying
25 to help. So we talked but it wasn't in reference

Marcus Mellette-Cross by Murphy

1 to Mr. Dargan. It was just a casual conversation.
2 And he told me who he was, and I thought about the
3 cop he was for a long time before then. We got on
4 the subject like people who live down 15 south, my
5 grandmother. And he found out who my grandmother
6 was. And like, yeah, her and he knew my
7 grandfather and stuff like that. But as far as me
8 and him talking about Mr. Dargan, I didn't say
9 anything to him about him.

10 Q So when Gary is writing you the March 4th
11 2014 letter, okay, he says to you in the first
12 paragraph. The investigator told me he came to
13 your house and had a little talk with you.
14 Basically you said what you were supposed to say
15 and did your part by calling Bernard. That's not
16 accurate.

17 A Yeah, I did my part. I didn't say
18 anything because I didn't know anything to tell
19 the investigator. So I like he thought he like --
20 he wanted to talk to my brother. He thought my
21 brother had lived with them, which he doesn't. So
22 I called him on the phone for him.

23 Q And you told -- you didn't tell
24 Mr. Harrell what you testified here in court today
25 about Gary telling you that he actually killed

Marcus Mellette-Cross by Murphy

1 Mario, did you?

2 A No, I didn't.

3 Q And you didn't tell the police?

4 A I wasn't involving myself. I wouldn't be
5 involved now if this dude never called my house.
6 If he never called my house trying get me to lie
7 for him, or my brother to lie on him, I wouldn't
8 be in here now.

9 Q So the answer to my question is, no, you
10 didn't tell anybody about that.

11 A No, I didn't tell anybody.

12 Q You knew Mario for over 20 years. You
13 knew who killed him, and you didn't report it to
14 the police.

15 A I knew both of them. I knew Mario. I
16 didn't know Mario for 20 years. I met Mario in
17 97. We were in prison together. We were
18 roommates. I met Gary in 96 through my brothers.
19 When I came home off my bid from 94, I came home
20 and my brothers were -- they were together. So I
21 was like if you are cool with my brothers, you are
22 cool with me. So that's how we got our
23 relationship together. I never knew Mario until
24 we got to prison and we were from the same home,
25 being that we away in Aiken County. We tend to

Marcus Mellette-Cross by Murphy

1 hang together because both were from Sumter. And
2 that's how I got to know him. He would call me
3 Captain Jake and I would Esco.

4 Q Now you know Gary also deals drugs,
5 correct?

6 A Yeah.

7 Q And sometimes he drives a van when he
8 deals drugs, is that correct?

9 A No, I can't say what he be driving,
10 because I am not with him. I know what he does,
11 but I can't say what he drives but I'm not -- he
12 is not -- he didn't come to my house in any van or
13 anything like that. I can't say what his type of
14 vehicle he drive, because we don't hang together
15 like that.

16 Q So you've seen him drive different kinds
17 of vehicles?

18 A Oh, I done see him drive vehicles. When
19 he first came home from doing his fed. time, he
20 had a burgundy SUV. And from there, it just was
21 cars among cars. I never asked whose cars they
22 were or who, you know.

23 Q Okay. But he did drive a lot of different
24 cars?

25 A Yeah.

Marcus Mellette-Cross by Murphy

1 Q He talks a little bit in his letters about
2 a guy named Ham. That's Reco Ham?

3 A Yes, sir.

4 Q Word on the street was that Gary had set
5 Reco Ham up, correct?

6 A Yes, sir.

7 Q And he was concerned about that.

8 A Who was concerned?

9 Q Gary was concerned about that.

10 A I guess so.

11 Q That's what he said in the letter,
12 correct?

13 A Yeah, if you read it that's what he said.

14 Q Let's talk a little bit about word on the
15 street. What did that mean to you? What's word
16 on the street mean?

17 A It's like rumors, anything you hear or
18 what people hear on the street. You know, they
19 talk.

20 Q And sometimes these rumors are true,
21 right?

22 A Well 80 percent of the time, they will
23 don't know what they're talking about, but they
24 might not have it exactly how it went or whatever.
25 But 80 percent of time it is true.

Marcus Mellette-Cross by Murphy

1 Q And sometimes it's not true.

2 A No, you know, sometimes mistakes are
3 made.

4 Q And Gary is very concerned in his letters
5 about what was going on in the street in these
6 letters to you, correct?

7 A Yes.

8 Q Very concerned.

9 A Yes.

10 Q And he asked you to write Reco and some of
11 these other guys about what his reputation was on
12 the street.

13 A Yeah, he did.

14 Q Because it's important for a drug dealer
15 to have a good reputation on the street.

16 A Yeah.

17 Q Because word is truth?

18 A I guess.

19 Q Now these letters don't mention -- these
20 letters mention his conversation with you in A pod
21 a couple of times, right?

22 A Yeah, he does.

23 Q And in none of these letters does he say
24 anything about, hey, don't share what I told you
25 about what really happened. Nothing like that in

Marcus Mellette-Cross by Murphy

1 any of these letters.

2 A Well he stated in the letters for me not
3 to let anybody see the letters and keep them
4 personally for myself.

5 Q Right. But in these letters -- well
6 because he wants to keep these letters sacred.
7 Because obviously he doesn't want anybody to be
8 reading these letters in open court, correct?
9 Right?

10 A If it was incriminating me---

11 Q No, I am mean I am accusing you. I'm just
12 saying, he obviously doesn't want these letters
13 read in open court.

14 A I imagine so.

15 Q Okay. So he's telling you, keep these
16 letters secret. Correct?

17 A Correct.

18 Q And there's nothing in these letters to
19 you about what you said today he told you in that
20 cell block conversation, is there? Nothing in
21 there about that at all?

22 A Well it's in there that -- it's not in
23 there word for word saying that he told me this.
24 But it's in there when me and him was together
25 talking about his case. And that's in the

Marcus Mellette-Cross by Murphy

1 letters.

2 Q And that's nothing in there where he says
3 hey, don't share that info I gave you, you know
4 how bad that would be. Nothing in there like that
5 at all, is there?

6 A Huh?

7 Q Nothing in there saying don't tell anybody
8 I told you I killed Mario. There is nothing in
9 there like that in any of these letters, is there?

10 A No.

11 Q The letter of January 7, 2014, right?
12 There is a letter he writes you and he says I was
13 surprised as hell because we thought he had told
14 the truth. He's talking about Robert. We thought
15 he had told the truth, right? He was surprised at
16 the preliminary hearing because he heard something
17 else.

18 A You want to know the truth. He was
19 surprised my brother came in there and told the
20 truth. My brother was supposed to go with the lie
21 he wanted him to go with. That's why he was
22 surprised, because he was surprised Robert came in
23 there and told actually what happened. That's
24 what surprised him. Not that it was a shock that
25 he did. He just was shocked that he came in there

Marcus Mellette-Cross by Murphy

1 and told exactly what happened. That's what he
2 was surprised of. Just like he's surprised I'm
3 here today.

4 Q So when -- so what basically you're saying
5 is, the truth is a lie and lie is a truth in these
6 documents, is that what you're saying?

7 A No, the truth is the truth. And a lie is
8 a lie. That's what I'm saying.

9 Q Okay. So when he's saying about the
10 truth, it's the truth, right?

11 A No, that's a lie. That's a lie. This man
12 wasn't going to write me saying what he did,
13 knowing he is implicating his self. So he talked
14 in code. Tell the truth. He knows what the truth
15 more than he want the truth to be my brother to
16 come in there and change his story. That's the
17 truth of the whole bottom -- the whole truth. He
18 wanted my brother to come in there and lie for
19 him, which my brother did.

20 Q There was also concern about what the
21 street would think, correct?

22 A I guess so.

23 Q And that was a primary concern in all
24 these letters, his relationship to Reco Ham,
25 correct?

Marcus Mellette-Cross by Kent

1 A No, sir. The primary -- the letters were
2 for me to try to get my brother to change his
3 story.

4 MR. MURPHY: I have no further questions.
5 Thank you.

6 THE COURT: Mr. Kent.

7 Cross Examination by Mr. Kent:

8 Q Marcus, how are you doing, sir?

9 A Fine.

10 Q And I don't have a lot of questions. You
11 can uncross your hands. I'm not mad at you. You
12 don't have to get angry. Just a few questions. I
13 just want to make sure I understand. Your
14 testimony is pretty clear. Gary was trying to get
15 you to convince your brother to change his story.

16 A That's correct.

17 Q And make sure it's clear, you've known
18 Gary since 1997?

19 A That's correct.

20 Q You've known Mario since 1996?

21 A That's correct.

22 Q Do they know -- they've known each other
23 for at least that long.

24 A I imagine so. Because back in the day, he
25 had a beef in school. It was -- all of us from

Marcus Mellette-Cross by Kent

1 the same hood. Mario lived in Mooneyham. We
2 lived on Red Bay. Red Bay and Mooneyham never got
3 along. And they were always beefing. But the
4 older we got, we saw it was stupid. So we would
5 squashed all that. And once I got to know him, we
6 were cool.

7 Q You were cool with each other even though
8 you were from different areas---

9 A Yeah, we were cool.

10 Q ---you were cool with each other.

11 A Yeah, all of us were cool.

12 Q Yeah, but there's no doubt Gary and Mario
13 knew each other. Knew each other for awhile.
14 They had a beef with each other, would you say?

15 A Yeah, that's noted. That's noted, yeah.

16 Q Everybody knew that. And then I want to
17 talk about the fact that you guys were in jail
18 together you and Gary.

19 A Uh-huh. (Affirmative.)

20 Q Make sure you say, yes. I'm sorry, she is
21 taking it down.

22 A Yes, sir.

23 Q But you guys were in jail together.

24 A Yes, sir.

25 Q You were in a pod together.

Marcus Mellette-Cross by Kent

1 A Yes, sir.

2 Q The two of you had conversation.

3 A Yes, sir.

4 Q He talked to you about his case.

5 A Yes, sir.

6 Q When he was talking to you about his case,
7 he was talking about the murder.

8 A Yes, sir.

9 Q He had a conversation with you about the
10 murder.

11 A Yes, sir.

12 Q He admitted to doing the murder.

13 A Yes, sir.

14 Q And then in the statement you gave to law
15 enforce -- I mean when they were asking you a
16 questions just now, I think the quote was, he
17 said, I already knew I was going to kill him.

18 A Yes, sir.

19 Q And that's what you testified. He already
20 knew he was going to kill him.

21 A Yes, sir.

22 Q This person he had known.

23 A Yes, sir.

24 Q For quite some time.

25 A Yes, sir.

Marcus Mellette-Cross by Kent

1 Q Since 1996.

2 A Yes, sir.

3 Q Different areas.

4 A Yes, sir.

5 Q And areas that didn't get along with each
6 other.

7 A Yes, sir.

8 Q And didn't like each other.

9 A Yes, sir.

10 Q Gary was trying to get -- it's pretty
11 clear Gary was trying to get everybody to change
12 his story.

13 A Yes, sir.

14 Q Trying to save his tail.

15 A Yes, sir.

16 Q Trying to get everybody to do ever he
17 wants. He was trying to be master manipulator it
18 sounds like.

19 A Yes, sir.

20 Q He was trying to -- I think at one point
21 he called you coach.

22 A Yes, sir.

23 Q He wanted you out there coaching people to
24 say---

25 A Yes, sir.

Marcus Mellette-Cross by Kent

1 Q ---what he wanted to say.

2 A Yes, sir.

3 Q And we've gone through a bunch of these
4 letters, and I want to go to particularly to one,
5 the one from February 15th 2014. And we've gone
6 through a bunch of these letters. Would you
7 recognize this one? This is one of many letter he
8 sent you?

9 A Yes, sir. .

10 Q And at one page in the letter, and we were
11 talking about the fact he's trying to coach
12 everybody to say different stuff.

13 A Yes, sir.

14 Q And he was coaching. He actually
15 highlighted, one, two, three, these are the things
16 I need you to say.

17 A Yes, sir. But not me.

18 Q But this is what he wanted you to get your
19 brother to change his story.

20 A Yes, sir.

21 Q At one point he actually said but there
22 are certain things people are allowed to say.
23 Because's trying to coach and get everything. And
24 right here one of the things he says, he can say,
25 that's correct, right?

Marcus Mellette-Cross by Kent

1 A Yes, sir.

2 Q That he was calling me and asking me what
3 the fuck done happen, because he's hearing all
4 types of crazy shit. He's hearing all types of
5 crazy shit.

6 A Well that's written there.

7 Q Right. About somebody getting killed.
8 Then once he heard the rumors that I did that,
9 Shonta, and what does that say right there?

10 A Called. I think you got your letters
11 mixed up.

12 Q Was that not one of the letters?

13 A Hold on. This don't look right.

14 Q Because that's one of the letters the
15 State just read into the record.

16 A 100 percent G. All right.

17 Q And I'm not trying to trick you. You tell
18 me. I'm not trying to trick you at all.

19 MR. MEADORS: I don't know if there is a
20 date on that letter.

21 MR. KENT: Yes, the February 15th letter.
22 And I'm trying to trick you. If that's not the
23 letter, just let me know. I'm just going through
24 one of the letters that the solicitor just read
25 into the record.

Marcus Mellette-Cross by Kent

1 A This don't even go with this here.

2 Q The letter that they read in the record---

3 A No.

4 Q ---doesn't go together?

5 A This, I don't know where this came from.

6 But check it. You can tell right here.

7 MR. KENT: You want to bring me a copy of
8 the letter that you all read into the record from
9 February 14th. And that's fine. You correct it
10 whatever we are wrong, please. And that's from
11 the February 15th 2014, letter. Page 2 of three.
12 That's the next page exactly where I'm reading
13 from.

14 A Where it says.

15 Q Start right there.

16 A All right.

17 Q And I am incorrect, do they not go
18 together? Because that's what they just read into
19 the record. And, please, no one is trying to
20 trick you. Tell me if that didn't---

21 A Well that's why I am trying to make sure,
22 because I don't want no mistakes.

23 Q Please don't.

24 A Well it's all together. It's there. I
25 guess this is it.

Marcus Mellette-Cross by Kent

1 Q Okay. And so I am not incorrect. There
2 is a specific point in there. When the one thing
3 he was saying you were allowed to say was or
4 allowed to make Gary know is that there is a rumor
5 out there that he did it behind Shonta getting hit
6 or something like that. And that's what that
7 says.

8 A Yeah, that's what it says.

9 Q Okay. And you said at one point and time,
10 he is a small little fellow.

11 A I'd say Mario weigh about probably about
12 105 pounds.

13 Q And you made it clear, man, you didn't
14 have to shoot this guy. You could have just beat
15 him up. Put him a headlock.

16 A Headlock, yeah.

17 Q And his quote to you was, man, I was
18 already going to kill him.

19 A It was like, when I came in the room, when
20 we talked, he was like, what is the street saying?
21 The street saying you shouldn't have done that.
22 Man everybody is saying you could have fight
23 Mario. You could done anything. I know I was
24 going to kill that nigger.

25 Q I know I was going to kill that nigger.

Marcus Mellette-Cross by Kent

1 MR. KENT: Thank you so much. I
2 appreciate it.

3 THE COURT: Any redirect?

4 REDIRECT EXAMINATION BY MR. MEADORS:

5 Q You testified I believe when he asked
6 about how long you have known him, and you said
7 they had a beef since way back in school?

8 A Since high school.

9 THE COURT: Any recross?

10 MR. MURPHY: No.

11 THE COURT: Any recross?

12 MR. KENT: Nothing, Your Honor.

13 THE COURT: Thank you, you may step down.

14 Reco Ham, being first duly
15 sworn, testified as follows:

16 THE BAILIFF: Please state your full name
17 and spell your last name for the record.

18 A Reco Ham. H-A-M.

19 DIRECT EXAMINATION by Mr. Meadors:

20 Q Mr. Ham.

21 A Yes, sir.

22 Q Mr. Ham, you are going to have to speak up
23 please, sir, so this young lady can hear and they
24 can talk to you, okay.

25 A Yes, sir.

Marcus Mellette-Redirect by Meadors

1 Q Mr. Ham, you have got handcuffs on.

2 A Yes, sir.

3 Q And I've asked and been told by the
4 authorities that we are not allowed to take those
5 off of you. You understand that.

6 A Yes, sir.

7 Q And the reason that being you're now in
8 federal custody? You're in federal custody.

9 A Yes, sir.

10 Q And at my request did the federal judge
11 give an order allowing Sumter County to bring you
12 over in front of His Honor Judge Young, is that
13 correct?

14 A Yes, sir.

15 Q And I believe you came from the custody
16 from the federal authorities in Lexington this
17 morning?

18 A Yes, sir.

19 Q And you're through here today, you're
20 going back.

21 A Yes, sir.

22 Q And you were sentenced in the federal
23 system a couple of weeks ago?

24 A Yes, sir.

25 Q And received 220 something months.

Reco Ham-Direct by Meadors

1 A Yes, sir.

2 Q For drugs.

3 A Yes, sir.

4 Q And have you been involved with drugs most
5 of your life?

6 A Yes, sir.

7 Q And no disrespect. You've been involved
8 in drugs?

9 A Yes, sir.

10 Q And where are you from?

11 A Sumter.

12 Q Born and raised?

13 A Yes, sir.

14 Q Where did you go to school?

15 A Bates, Wilder. Powell Academy.

16 Q Well how far -- did you graduate high
17 school?

18 A No, sir.

19 Q How far did you go?

20 A To the 8th.

21 Q What did you do after that?

22 A Sell drugs.

23 Q Did you do anything else?

24 A Well I had a little part-time job every
25 now and then.

Reco Ham-Direct by Meadors

1 Q Doing what?

2 A I helped Gainey Roofing Company for a
3 little while.

4 Q Roofing?

5 A Yes, sir.

6 Q But primarily growing up and around
7 Sumter?

8 A Yes, sir.

9 Q Mr. Ham, do you Shonta Helton?

10 A Yes, sir.

11 Q How long have you known her?

12 A Probably about 2005. Somewhere around
13 there.

14 Q And Gary Dargan. Do you know Gary Dargan?

15 A Yes, sir.

16 Q How long have you known Gary Dargan?

17 A Since about 12 or 13 something like that.

18 Q And how old are you?

19 A 37.

20 Q On March the 6th of this year, did you
21 have an occasion to meet with this young lady
22 here, Detective Kelly?

23 A Yes, sir.

24 Q And with your lawyer Connie Breedon?

25 A Yes, sir.

Reco Ham-Direct by Meadors

1 Q And somebody else maybe from the federal
2 system?

3 A Yes, sir.

4 Q And you're aware I talked to Connie
5 Breedon, your lawyer, and she knows you're here
6 today?

7 A Yes, sir.

8 Q And I got her permission to talk to
9 yesterday, wasn't it?

10 A Yes, sir.

11 Q Is that the first time I talked to you
12 yesterday morning?

13 A Yes, sir.

14 Q The Lexington County Detention Center.

15 A Yes, sir.

16 Q I want to get right of December 2012,
17 Mr. Ham. You were out of jail then? December
18 2012?

19 A Yes, sir.

20 Q Where were you living?

21 A Old Pocallo.

22 Q I am sorry, sir.

23 A Old Pocallo.

24 Q And approximately specially December 8th
25 of 2012, did you have an occasion to be on

Reco Ham-Direct by Meadors

1 Street?

2 A Yes, sir.

3 Q And why was that?

4 A Playing cards.

5 Q What kind of cards were you all playing?

6 A Text odom, poker.

7 Q Was this a regular game?

8 A Yes, sir.

9 Q A lot of money involved?

10 A A little bit.

11 Q And on that occasion -- this wasn't your

12 house.

13 A No, sir.

14 Q Did you have an occasion to see Gary

15 Dargan?

16 A Yes, sir.

17 Q And were there other folks there also?

18 A Yes, sir.

19 Q And at some point late that evening

20 sometime whenever, did he receive a phone call?

21 Gary Dargan?

22 A Yes, sir.

23 Q As a result of that, did he leave?

24 A Yes, sir.

25 Q And did he -- do you know who he was

Reco Ham-Direct by Meadors

1 talking to?

2 A No, sir.

3 Q Did he come back later on early morning?

4 A Yes, sir.

5 Q About what time?

6 A Probably about 3 o'clock, something like
7 that.

8 Q Who card Gary was it?

9 A It was Gary Dargan's card game.

10 Q So after he left, after this phone call he
11 got, when he came back, did you do anything with
12 him with money?

13 A Gave him some money.

14 Q Well why did you give him money?

15 A Because he had let me run a card game
16 until he came back.

17 Q Is there a certain thing that's called?
18 The game.

19 A Cut in the game.

20 Q So you gave him a cut?

21 A Yes, sir.

22 Q So whoever runs the game gets a cut of
23 the pot?

24 A Yes, sir.

25 Q So you gave him what was his while he was

Reco Ham-Direct by Meadors

1 gone?

2 A Yes, sir.

3 Q When he came back, did he say anything to
4 you?

5 A When he came back, I gave him the money.
6 And he said he think he killed somebody.

7 Q He thinks he killed somebody.

8 A Yes, sir.

9 Q I don't know mean this in a bad way, but
10 you've been around, right?

11 A Yes, sir.

12 Q Did you say anything to him when he said
13 that?

14 A No, sir.

15 Q How long did you stay at that card game?

16 A I stayed there, after that it might have
17 been 30 minutes later. I left and went home.

18 Q Did you learn somebody have been killed?
19 The next morning, did you learn somebody had been
20 killed?

21 A That next morning he called me about 9 or
22 9:30.

23 Q Whose that?

24 A Gary Dargan. And asked me did I hear
25 anything about last night. So I told him no.

Reco Ham-Direct by Meadors

1 Q Anything else in this conversation?

2 A He tell me if I hear something call him.

3 So he never called.

4 Q Did he call any other time and ask for
5 anything?

6 A He called me later on that night, right
7 before dark, and asked me for some money so he can
8 go on the run.

9 Q So he can go on the run?

10 A Yes, sir.

11 Q What did you say?

12 A I tell him to get it.

13 Q You would have given it to him?

14 A Yes, sir.

15 Q Did he come get it?

16 A No, sir.

17 (Letter to Ham marked State's Exhibit No.
18 49 into evidence.)

19 MR. MEADORS: Your Honor, subject to
20 previous objection, State's 49.

21 THE COURT: Right.

22 MR. MEADORS: Can I approach Mr. Ham?

23 THE COURT: You may.

24 Q Did you receive a letter from Gary Dargan.

25 A Yes, sir.

Reco Ham-Direct by Meadors

1 Q Ham is that you?

2 A Yes, sir.

3 Q And what's the date on that?

4 A 12/3/13. December 3rd.

5 Q 13, 2013.

6 A Yes, sir.

7 Q And where were you when you received this?

8 A Lexington County jail.

9 MR. MEADORS: Your Honor, I think the most
10 expedient way and I don't think there's an
11 objection. If we can ask Mr. Brown to read this.

12 THE COURT: Any objection to Mr. Brown
13 reading it?

14 MR. MURPHY: No, Your Honor.

15 MR. KENT: No objection.

16 THE COURT: Mr. Brown, one more time.

17 MR. BROWN: May it please the court.

18 THE COURT: Yes, sir.

19 MR. BROWN: Date stamped on the letter,
20 December 16th 2013. Letter dated 12/13/2013.

21 Ham, what's good my nigga. I'm chilling,
22 maintaining and praying. I hope you are doing
23 the same, because that's what is important. Yo,
24 my lawyer came to see me last week. He was
25 talking real good. He was like, he's trying to

Reco Ham-Direct by Meadors

1 push my trial for early part of next year, because
2 he feels we got the -- that's how he was talking.
3 We can beat this. And in the back of my mind, I'm
4 like it ain't no we, if we lose. I'm going to be
5 doing time. He's going to be moving on to the
6 next case. Tell the mother fucker that we shit.
7 For the real I know, I know I got this case bet,
8 but a nigga always going to have that fear what if
9 I -- what if thoughts cause a nigga life is on the
10 line. Plus, I'm going to warm with whole
11 defender. Damn my nigga I wish you was home
12 because I know you would have paid lawyer by now
13 with your help. When I read your letter that shit
14 hurt my nigga, because I know what you're going
15 through. I know the pressure they apply and
16 stress they put on niggas with the guidelines and
17 point system. I know how they take niggas words.
18 Some lies and some truths. But take their story
19 and turn it into the whole truth. And turn their
20 words. Niggas don't realize how real that shit is
21 until they in that situation. I just hate to see
22 you go through that shit, because I got real love
23 for you my nigga since 92, 93 type shit.

24 I hate to see what going you're going
25 through. And one of those fuck nigga. That

Reco Ham-Direct by Meadors

1 probably had a helping hand in your situation out
2 there chilling and doing them still That's crazy
3 how word is Jimmy and them playing coach but still
4 coming around chilling. Making moves with niggas
5 like it's all good. That makes me feel like those
6 same niggas that they make moves with every now
7 and then, you about that shit the whole time.

8 I heard mob Pete flex told them niggas for
9 you, but yo, my nigga, I never heard of that
10 situation with no phone tap or controlled buy,
11 just statements. But you already see those
12 crackers play the game fucked up. So be careful
13 my nigga. At the same time, don't be fool and be
14 them niggas got out of jail free card. At the
15 same time you got to do what is best for you and
16 your situation. Nobody knows your situation like
17 yourself. I just wish you the best my nigga, and
18 I'm praying for me. Kevin Mellette done fucked
19 around and got himself locked up north for beating
20 his bitch ass and some weed. But he just got out
21 a couple of months ago for the same thing, so I
22 hope those crackers don't hold it on him. Yo,
23 Ham, on some real shit, remember that issue I
24 wrote you about. Well it's like this. Me and
25 you know what's real good, but the streets don't,

Reco Ham-Direct by Meadors

1 because they're still talking about like they
2 ain't got -- get no word from you. And the street
3 is still talking like bitches. I don't give a
4 fuck about the streets talking. I'm only
5 concerned about certain niggas. Because certain
6 niggas play a part in my situation. Feel me. And
7 I can't afford to have those niggas, thinking then
8 and acting crazy when the time comes. Acting
9 crazy when the time comes for them to be on my
10 side. So I need you to reach out to those niggas
11 somehow and put us straight on this bullshit.

12 Woody, 847-4518. Meek 840-3308. Neal 237-4443.
13 Donnie Canty 972-3049. Marcus Mellette, house,
14 773-2734. Cell 316-4735. I need you to get word
15 to these niggas, somehow to me ASAP. Try to tell
16 that bitch nigga to keep our names out of his
17 mouth 464-7561, with his bitch ass.

18 Yo, my nigga, keep your head up. Hold it
19 down and keep praying. Please doing let those
20 crackers trick you. Yo, it's a book called busted
21 by the feds. It comes out every year. It will
22 show you how to beat the feds at their own game.
23 No bullshit. Get J.P. to send you a copy because
24 they won't allow it in there. Get back out you my
25 nigga, 1,000.

Reco Ham-Direct by Meadors

1 MR. MEADORS: Thank you. I beg the
2 court's indulgence.

3 THE COURT: Yes, sir. State's Exhibit No.
4 49.

5 Q Drugs are bad, would you agree with me?

6 A Yes, sir.

7 Q There is nothing glamorous or anytime
8 drugs are involved.

9 A Yes, sir.

10 Q And you are serving times for drugs,
11 right?

12 A Yes, sir.

13 Q I mean, have you ever hurt anybody, or hit
14 anybody or shot anybody?

15 A No, sir.

16 Q And again, drugs are wrong, but that's
17 what you're doing time for, correct?

18 A Yes, sir.

19 Q And I think I mentioned to you that I'm
20 going to ask Mr. Tyler Brown to write a letter to
21 William Witherspoon, Assistant U.S. Attorney and
22 tell them you cooperated in this case.

23 A Yes, sir.

24 Q And I told you I would do that. And for
25 the record, I will do that.

Reco Ham-Cross by Murphy

1 A Yes, sir.

2 Q Mr. Brown will do it, but I will sign it.

3 A Yes, sir.

4 Q Had you already given the statement about
5 what you're saying here today and turned this
6 letter over to Detective Kelly before I met you?

7 A Yes, sir.

8 Q I mean, even met you yesterday.

9 A Yes, sir.

10 Q And is the person who left, and you saw in
11 at the card, whose card game it was and the person
12 you said left after he got a phone call, and the
13 person hours later and said, I think I killed
14 somebody. Is that person in the courtroom?

15 A Yes, sir.

16 Q Is it Mr. Gary Dargan next to Mr. Murphy?

17 A Yes, sir.

18 MR. MEADORS: Thank you.

19 THE COURT: Mr. Murphy.

20 Cross Examination by Mr. Murphy:

21 Q Afternoon, Mr. Ham. How are you.

22 A All right.

23 Q Now you're in federal custody, correct?

24 A Yes, sir.

25 Q And you have been sentenced by a federal