

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Marion County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHAD NELSON STRICKLAND,

APPELLANT

APPELLATE CASE NO 2015-001192

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

EDGAR L. CLEMENTS, III
Solicitor, Twelfth Judicial Circuit
180 N. Irby St., MSQ-Q
Room 1101
Florence, SC 29501

ATTORNEYS FOR RESPONDENT

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1 A That's right.

2 Q Okay. So you don't know him?

3 A No, sir, I don't.

4 Q And you told Mr. Brooker -- and I want to know how
5 you could know this from your own knowledge. Tell me if
6 this is from your own knowledge because when he talk to
7 you and gave you an interview and asked you questions, you
8 were telling them what you knew from your own personal
9 knowledge; is that correct?

10 A Yes, sir.

11 Q Not from hearsay from anybody else?

12 A About how I know about his temper?

13 Q No, no, no, I'm talking about the story you told
14 Mr. Brooker in February 23rd, that was all you were
15 telling him what you knew from own personal knowledge,
16 correct?

17 A Yes, sir.

18 Q Not hearsay from anybody else?

19 A Yes, sir, from me.

20 Q From you. What you knew, what you saw, what you
21 heard?

22 A Yes, sir.

23 Q Well, didn't you tell him that you said Blake was
24 wanting to fight because he had already taken off his
25 shirt and he always wore two shirts. And he already taken

1 off that shirt. Didn't you tell him that?

2 A Let me tell you why I said that.

3 Q Just answer yes or no first?

4 A Yes. Now, can I explain?

5 Q Let me ask you is that from own personal knowledge?

6 A Yes.

7 Q It is your own personal knowledge?

8 A Yes.

9 Q And so you knew that because you knew Blake always
10 dressed in two shirts, right?

11 A Every time I seen Blake he had on a white ---

12 MR. BROOKER: Your Honor, if I could object, I
13 think she asked to give a further explanation of the
14 previous question he said he would after she answered.

15 THE COURT: I'm going to let her explain her
16 answer after she answers it.

17 Ma'am, if you need to explain it further, you
18 feel free to do so, all right.

19 BY MR. CLEMENTS:

20 Q Please tell us?

21 A One night somebody had broken into Blake and Chad --
22 I meant Blake and Stacy's home. At that point in time
23 that's the first time I had ever meet Blake.

24 Q And other time was at your aunt's house or somebody
25 in the family?

1 A Yes, ma'am, my aunt Syl's house.

2 Q So those the only two times you've seen him in your
3 lifetime, right?

4 A Yes, but you still didn't let me explain my answer.

5 Q Go ahead. I'm sorry I didn't mean to.

6 A Okay. When was he coming there, I didn't know him.
7 You can ask Stacy I didn't know him. He was sitting there
8 somebody broke in their house, he had beat the crap out of
9 that boy to the extent he had to go to the hospital and I
10 knew he was a violent guy, he could fight.

11 Q Well, that was a guy that had broke in his house and
12 he caught him in the house eating out of his refrigerator?

13

14 A And he took care of it.

15 Q And he took care of it?

16 A That's right.

17 Q Okay. All right. And that's what anybody would do,
18 right?

19 A That's right.

20 Q Okay.

21 A And that's the first time I ever talk to him.

22 Q So, I guess, anybody would be a violent person?

23 A Yeah.

24 Q According to you. All right. But what I don't
25 understand you hadn't explain to me yet is from just those

1 two occasions how do you know he always wore two shirts
2 and he had taken one of the shirts off and was ready to
3 fight?

4 A Every time ---

5 THE COURT: Hold on a minute. Ma'am, let him
6 finish his question and then you can answer, okay.

7 BY MR. CLEMENTS:

8 Q How do you know from your own personal knowledge he
9 always wore two shirts and he had taken one of them off
10 cause he was ready to fight?

11 A Every time I seen him. I drive right by Stacy's
12 house all the time. He always was in a white beater
13 shirt.

14 Q Always in white beater shirt?

15 A Most of the time I seen him.

16 Q And that's -- but you said he always had on two
17 shirts?

18 A The times I seen him. When I seen him at my Aunt
19 Syl's house, he had ---

20 Q So he had a white beater shirt ---

21 A The way I know he had on two shirts that time he was
22 sitting at my Aunt Syl's house he said, man, I'm hot. He
23 took off his shirt. It was a rebel flag shirt and he took
24 it off and he had on a tank top up under it.

25 Q And he didn't have on two shirts on here when he laid

1 dead, did he?

2 A No, sir.

3 Q On exhibit five and his feet are right there by the
4 car door where that car door is open, right, where you
5 step out, aren't they?

6 A Yes, sir.

7 Q And he fell right where he was shot, didn't he?

8 A Yes, sir.

9 Q And you told Mr. Brooker back in February, you said
10 he got out and walked all around. He was drunk. And the
11 way you could tell is because the way he walked all
12 around; isn't that what you told Mr. Brooker?

13 A The way he was standing at the door is what I told
14 Mr. Brooker. The way he was staggering at the door.

15 Q You said the way he walked around; isn't it? He
16 didn't walk around, did he?

17 A He was walking right there at the door.

18 Q He was walking right here and here's where the car
19 door was and here's where the feet was and his body
20 stretched out; wasn't it?

21 MR. BROOKER: Objection, Your Honor, she's
22 testified with respect to what she says. And, of course,
23 if he wants to ---

24 THE COURT: State your grounds for your
25 objection?

1 MR. BROOKER: Ask answered, Your Honor.

2 THE COURT: Cross-examination I'm going to allow
3 it at this stage.

4 Go ahead, Mr. Clements.

5 BY MR. CLEMENTS:

6 Q Show you State's Exhibit 5 again his feet right there
7 by the door and his head's by the tire right up next to
8 the car, isn't it?

9 THE COURT: I need a verbal response please,
10 ma'am.

11 A Yes, sir.

12 Q The truth is he never had an opportunity to move
13 around at all, did he?

14 A He did move around one time.

15 Q He moved around one time?

16 A He was trying to come around Stacy at one time.

17 Q He was trying to come around Stacy one time. Well,
18 he didn't get very far, did he, because he dropped right
19 where he was shot, didn't he?

20 A Yes, sir.

21 Q And one thing you're sure of and you're certain of
22 because you said you were certain of what you saw and
23 heard. You were certain that Stacy was in between them
24 the entire time; isn't that what you said?

25 A She was.

1 Q She was and you said it was a miracle that bullet
2 didn't hit her?

3 A It is a miracle.

4 Q Because he shot right by her head, didn't he?

5 A Yes, sir.

6 Q As he stood back behind her and he shot right by her
7 head and shot Blake in the face, didn't he?

8 A Yes, sir.

9 Q And if Blake was gone swing at him and get to him, he
10 probably had 20 foot arms to get all around Stacy and over
11 the door and all there because you said he was backed up
12 towards the front of the car, right?

13 A Who was towards the front of the car?

14 Q Chad.

15 A They were at the door. The door was open. Blake was
16 here, Stacy was here and Chad was here.

17 Q So if Blake was gone get pass Stacy and get to Chad,
18 he'd have to have dang on long arms, wouldn't he?

19 A Not the way it was going.

20 Q Now, you talked about that on this video with Charlie
21 Watson, didn't you? And y'all pretty much agreed you
22 agreed with him on this video that, yeah, when you explain
23 it like that he would have to have real long arms to get
24 to Chad to reach him, wouldn't he?

25 A Yes, it would have took a hit to get him.

1 Q You said, yes, he'd have to have real long arms to
2 hit him?

3 A Yes.

4 Q And you never saw Blake swing. You just saw Chad do
5 this?

6 A I did see Chad do that.

7 Q Right, I'm agreeing to that.

8 A I never said Blake hit Chad.

9 Q You never saw Blake swing, right?

10 A All I said was it look like somebody swung -- the way
11 he lean back look like he was avoiding a swing. I never
12 said he swung. I never said he hit Chad.

13 Q I understand that's why I'm trying to emphasize. You
14 never said that, did you?

15 A No, I didn't.

16 Q Okay. And Blake's here. Stacy's here. Chad's here
17 and Stacy had told Chad to stay on the porch, right?

18 A Yes.

19 Q And here's Chad behind her and he did like this.
20 Stacy could have done that said get back, couldn't she?

21 A I don't know.

22 Q He could have been doing that from Stacy, couldn't
23 he?

24 A I guess, yes.

25 Q And you saw -- I think you told Mr. Brooker and later

1 I think you said it again is y'all didn't know who was
2 shot, did you?

3 A I didn't.

4 Q And y'all said that y'all thought it was Chad that
5 was shot, right?

6 A That's right.

7 Q And so you weren't really sure what was what because
8 the person that fell you saw them fall, right?

9 A Yes.

10 Q And you saw Chad do this and then you saw the other
11 guy on the other side of Stacy fall, so how can you not
12 know which one was which?

13 A How can I not know because at the beginning of the
14 thing when it first started I didn't know who was who
15 until I went down there and I seen it, that's how I put it
16 together that Chad was the one that was behind Stacy.
17 Stacy was in the middle and Blake was in front of her,
18 that's how I put it together.

19 Q But the guy with the car you saw the whole thing,
20 right; isn't what you say?

21 A Yeah.

22 Q So the guy that got out of the car and got shot and
23 fell how could you ever think that was Chad?

24 A Because she said when Chad walked on the porch she
25 said stay on the porch.

1 Q Right.

2 A She didn't say no name or anything. She said stay on
3 the porch. The other guy pulled up in the car. How am I
4 suppose to know who was in the car.

5 Q So now she didn't say any name?

6 A She said stay on the porch. You stay on the porch.

7 Q Well, I think at one time in one of these things you
8 said something about she said Chad get them out my yard?

9 A She did.

10 Q So you thought Chad was driving the car and wanted
11 him to get in the car and get back out the yard?

12 A No, sir.

13 Q Well, that's kind of inconsistent, isn't it, if you
14 don't know which one was shot. You saw the whole thing
15 how could you think it was Chad?

16 A What I'm telling you is that at the beginning of it I
17 didn't know who was who until everything got -- until
18 everything took place is what I'm telling you.

19 Q Didn't you and Eric say that y'all didn't know who it
20 was until you walk down there?

21 A I didn't know who got shot.

22 Q But if you saw the whole thing and heard the
23 conversation ---

24 MR. BROOKER: Your Honor ---

25 THE COURT: Hold on minute.

1 MR. BROOKER: Objection to asked and answered.

2 THE COURT: Move on, Mr. Clements, please.

3 BY MR. CLEMENTS:

4 Q If you heard the whole thing and saw the whole thing
5 how could you think that was Chad down there?

6 THE COURT: Asked and answered please move on.

7 BY MR. CLEMENTS:

8 Q Now, you said that both of them were pretty tall,
9 right?

10 A Both of them was. Blake wasn't as tall as Chad, no.

11 Q Well, Blake's only 5'6, right?

12 A Right, I guess. I don't know how tall he is.

13 Q But Chad's a whole lot taller than that, correct?

14 A Yes.

15 Q Okay. And you told Mr. Brooker -- State's Exhibit
16 54, 52, 47 that it was -- this is accurate of how it was
17 except it's greener right here; isn't that what you told
18 Mr. Brooker?

19 A Yeah, it wasn't grewed up like that.

20 Q All right. Well, so none of these were here?

21 A Yeah, the trees was there.

22 Q And they were more green here than they were on
23 November ---

24 A All that other stuff the green part was not there in
25 November.

1 THE COURT: What exhibit is that?

2 MR. CLEMENTS: State's Exhibit 54.

3 THE COURT: Thank you.

4 BY MR. CLEMENTS:

5 Q In November none of that was there? The trees were
6 there you said?

7 A No, the stuff was there. The green -- do you see the
8 green?

9 Q Are you talking about what this right here?

10 A No, that's my bush. Do you see the green?

11 Q Point it to me?

12 A All that -- the green right there was not there.

13 Q On the other side where those trees are? Are you
14 talking about these bare trees right here?

15 A No, sir, don't try to make me look crazy.

16 Q No, I'm not. I'm trying to understand?

17 THE COURT: Ma'am, answer the question.

18 A It's the thing right here. You see the green tree
19 right here. The green tree right here and the greenery
20 right here was not there during that time.

21 Q All right. Well, I'm asking you and I may be wrong.

22 It looks to me like that is on clear cross on the other
23 side. Those trees you're pointing at are at her house

24 looks like to me, am I wrong? And it looks like these

25 trees here on the boarder of your property they look to me

1 like they're all bare?

2 A Ain't there one right there? That one right there
3 that's the main tree I'm talking about. It was not that
4 green. It was not that full out, that's what I'm trying
5 to tell you, sir.

6 Q Okay. But that's -- and we may disagree. I'm
7 thinking that's on her property way over on the other
8 side, but I could be wrong.

9 A It might be, but what I'm trying to say it wasn't
10 that full out.

11 Q It wasn't that full in November?

12 A No, sir.

13 Q So what was the foliage at during that time on that
14 day was there any foliage whatsoever because this is
15 January 30th usually where there's no foliage. How much
16 foliage was there on November?

17 A It was about the same, but my point is to you is you
18 could see through there. I could see everything in
19 Stacy's yard.

20 Q And I never said you couldn't see. I just want to
21 know how well you could see, okay, that's why I'm asking
22 these questions. I don't doubt that you saw just want to
23 know how well and what the conditions were. And I want to
24 show you another picture and ask you just preliminarily as
25 Mr. Brooker said on those other photographs State's

1 Exhibit 17 was taken that next morning. Was the foliage
2 -- and this was taken about three tenths, four tenths of a
3 mile away from your house the next morning after the
4 shooting, so was the foliage like that on your shrubs and
5 bushes and weeds?

6 A It was took at my house in November?

7 Q No, this picture taken November 4th down over by the
8 church right when you turn out of your yard and go left on
9 Ard and then turn right on Scotch Community Road and you
10 get to the street where the church is and you turn to the
11 left, it's right down off of that street on that same day
12 that's what the foliage look like there?

13 A Okay, but that's not between mine and Stacy's yard.

14 Q I'm just asking you if for some reason the area
15 between yours and Stacy's yard was any different than all
16 the rest of the landscape around there?

17 A Yes, sir, it was not like that.

18 Q Wasn't like that?

19 A No.

20 Q So it didn't have any greenery on it. You said it
21 was less. I want to be sure I understand you. You're
22 saying it was less than what was on -- depicted on State's
23 Exhibit 54?

24 A It was almost like that, sir.

25 Q Almost like that.

1 A The only thing I'm saying is that green tree it was
2 not as full as it is in that picture.

3 Q All right. Well, let me ask you this these bare
4 trees here they didn't have anything on them, were they
5 completely bare or did they have some foliage on them?

6 A It was about like that.

7 Q Okay. All right. And this is during the daytime,
8 right?

9 A Yes, sir, it was.

10 THE COURT: Exhibit what?

11 MR. CLEMENTS: Fifty-four.

12 THE COURT: Thank you.

13 BY MR. CLEMENTS:

14 Q And this State's Exhibit 53 and can you tell me where
15 this is from?

16 A My yard to Stacy's yard.

17 Q So it's pretty much basically the same as the exhibit
18 I just showed you other than this being dark, right?

19 A Yeah, but can I answer the question.

20 THE COURT: Yes, ma'am.

21 A Okay, that night that the shooting happened, that
22 yard was not dark.

23 Q The yard wasn't dark?

24 A Both car lights was on and all. That yard was not
25 dark.

1 Q All right. Let me ask you this, you see these car
2 lights right here on this car?

3 A Yes, sir.

4 Q You see these car lights right here on this car?

5 A Yes, sir.

6 Q You see the porch light over here?

7 A Yes, sir.

8 Q You see the light over on the pole?

9 A Yes, sir.

10 Q See the light over here on this pole?

11 A Yes, sir.

12 Q Those are all the lights that were there that night,
13 weren't they?

14 A Yeah, but when you standing in my yard and looking,
15 you can see it and hear it.

16 Q Well, I don't doubt you can hear it if somebody's
17 yelling that you can hear it back and forth, but this is
18 taken from your porch and that's how it would look in the
19 dark, isn't it?

20 A Uh-huh.

21 Q This is ---

22 A You see that little area right up in here, you can
23 see those people standing right there.

24 Q Okay. But how certain can you be to their movement
25 and what they're doing from this distance with this

1 lighting?

2 A I'm not certain of all the movement. I just told you
3 what I saw.

4 Q Okay. That's what I wanted to get at. I don't doubt
5 you told me what you saw, but I think you hit the nail on
6 the head. You are not certain of their movement?

7 A I'm certain about what I seen and what they done.

8 Q Okay.

9 A But every little detail, I can't tell you every
10 little detail.

11 Q And you didn't want to get involved is that why when
12 you ran back in and you told, I think, Charlie Watson you
13 were hysterical. Is that why you didn't call 9-1-1
14 immediately after somebody been shot?

15 A Yes, sir.

16 Q That's why. And so earlier when you said you had
17 gone down there to see what was going on and check on
18 Stacy and to give your statement, you weren't going to
19 tell anybody anything, were you?

20 A No, sir, I told Stacy's mama and Stacy's sister.

21 Q And ---

22 A I did not tell the most important people which was
23 the cops.

24 Q It wasn't -- and I want to be sure I understand this
25 let me be sure I make this question clear to you. It

1 wasn't that they held a machine gun on and backed you out
2 and told you to go away and that's why you didn't tell
3 them anything. It's because you didn't want to get
4 involved, right?

5 A I didn't want to get involved.

6 Q Well, then what changed all that when Mr. Brooker
7 came to see you in February of 2013, why did you decide
8 you wanted to get involved then?

9 A Because at that point and time he asking me that he
10 had heard that I knew some things. And when he told me
11 that, I wasn't going to lie.

12 Q Okay.

13 A I didn't ask my family to go and run and tell that I
14 knew things.

15 Q So you didn't go -- so what you told Investigator
16 Watson -- well, let me ask you didn't you tell
17 Investigator Watson that you asked several different ones
18 who to talk to and what to do and to tell them -- to tell
19 law enforcement that you knew something?

20 A I did. That was after the fact. I told Mr. Charlie
21 that I had asked who to speak to and I didn't know who to
22 speak to because my family had told me that I should give
23 a statement of what I saw.

24 Q But that's different than not wanting to get involved
25 and then just keeping your mouth shut; isn't it?

1 A Yeah, it is.

2 Q Okay. I'm --

3 A My thing is about not wanting to get involved, I have
4 family. I didn't want people to think I was taking
5 nobody's side on anything.

6 Q All right. You ever heard the old saying that truth
7 is welcome in heaven?

8 A Yes, sir.

9 Q Now, let's be sure and I want to be sure that I'm
10 certain about what you're certain, okay. So you are
11 certain that Stacy told Chad to stay on the porch?

12 A Yes, Stacy did tell Chad to stay on the porch.

13 MR. BROOKER: Your Honor.

14 THE COURT: Yes, sir.

15 MR. BROOKER: I like to make an objection asked
16 and answered multiple times.

17 THE COURT: Mr. Clements.

18 MR. CLEMENTS: Your Honor, I'm just summing it
19 up trying to make sure I got the right thing because
20 there's been some confusing things to me. So I'm trying
21 to be clear because I got to make a closing argument on
22 this and I don't want to misstate anything.

23 THE COURT: Overruled at this point, make it
24 quick.

25 MR. CLEMENTS: Yes, sir.

1 BY MR. CLEMENTS:

2 Q You -- I'm not gone ask you about standing on the
3 porch again. You certain of that?

4 A Uh-huh, yes, sir.

5 Q You certain Chad came off of the porch and went out
6 to the car?

7 A Yes, sir, when Stacy and Blake started fusing, Chad
8 came off the porch.

9 Q And you are certain that you didn't see anybody hit
10 Chad?

11 A I didn't see nobody hit Chad.

12 Q And you are certain that it was a white SUV that the
13 people got out of?

14 A The white SUV was there.

15 Q And now you say you did see a black SUV there?

16 THE COURT: Asked and answered move on, Mr.
17 Clements.

18 BY MR. CLEMENTS:

19 Q And you are certain that Chad shot right by Stacy's
20 head and hit Blake?

21 A Yes, sir.

22 Q And you are certain you saw him fall right in that
23 position that the pictures exhibited him being in?

24 A Yes, sir, I want forget it.

25 MR. CLEMENTS: Beg the Court's indulgence.

1 THE COURT: Yes, sir.

2 (WHEREUPON, a pause in the proceedings.)

3 BY MR. CLEMENTS:

4 Q Are you certain the car Blake was in was silver?

5 A The car was silver or gray one because when I went up
6 there I seen the car.

7 Q And when you saw Chad rear back like this, could he
8 have been rearing back to pull out -- a weapon out?

9 A I don't know why he reared back. All I know -- like
10 I said, he reared back like he was going to miss a swing.
11 And when he come up, he had the gun and he shot. I'm not
12 saying Blake swung to hit Chad. I'm not saying Blake hit
13 Chad.

14 Q I understand that, I'm not asking you about that.
15 I'm asking you about Chad reared back and came out with
16 the gun?

17 A Chad reared back like that and come up with a gun.

18 MR. CLEMENTS: Wrapping up everything excuse me.

19 (WHEREUPON, a pause in the proceedings.)

20 THE COURT: Redirect?

21 MR. CLEMENTS: I just got one question, Your
22 Honor.

23 THE COURT: All right.

24 BY MR. CLEMENTS:

25 Q And the reason I ask this question is because I'm

1 confused. Did you see Chad and Stacy -- did you say you
2 saw Chad and Stacy go in the house at any time?

3 A Yes, sir, I did say that..

4 Q But are you sure about that now?

5 A Stacy went in the house. I know for sure Stacy went
6 in the house. I thought Chad went in the house. Honest
7 to God, I thought Chad went in the house because I did not
8 see Chad after Stacy got out of my view, I did not see
9 Chad neither. So I thought both of them went in the
10 house. And I did state both of them went in the house and
11 it was dead silence. And I also said Blake's body was
12 laying there like it was nothing on the ground. And if it
13 been somebody I cared for, I would have been right there
14 by him.

15 Q Is there anything else that you thought that you have
16 said that you now feel like you need to correct?

17 A Do what?

18 Q Let me explain my question because I'm not trying to
19 confuse you. I asked you about saying Chad and Stacy went
20 in the house and you said that you did say that, but
21 you're not sure now if Chad went in the house?

22 A I'm not sure that Chad went in the house. I'm sure
23 Stacy went in the house.

24 Q I understand that. What I'm asking you now is based
25 on that misunderstanding that you had is there anything

1 else that you have said that might be wrong that you feel
2 a need to correct right now?

3 A I correct about the black Explorer.

4 Q And how do you correct that?

5 A That the black Explorer was in the yard, but I do not
6 take my statement back that the white SUV was there
7 because that white SUV was there.

8 Q I'm not asking you about that. I'm going to ask you
9 this did you see that black Explorer?

10 A I seen the car come up, I don't know what color the
11 car was that came up I say it like that.

12 Q Did you never ever say anything about a second car
13 until this day today?

14 A No, because I said the SUV was white. Because the
15 SUV I remember, sir, it was white the SUV I remember.

16 MR. CLEMENTS: Thank you.

17 THE COURT: Redirect.

18 MR. BROOKER: I'll be very brief, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. BROOKER:

21 Q I think you were asked questions in reference to why
22 you did not approach police. On the night of that
23 incident, did anyone come to your house ---

24 A No, sir.

25 Q --- from law enforcement?

1 A No, sir. ,

2 Q What about the next day?

3 A No, sir.

4 Q What about the next month?

5 A No, sir.

6 Q No one from law enforcement came to your house at
7 all?

8 A No, and I knew that everybody knew I knew because I
9 mean it was the talk over in the little place we live in.

10 Q And why didn't you voluntarily come forth, briefly?
11 Why didn't you voluntarily come forth even though law
12 enforcement did not seek you out?

13 A Because I didn't want people to think I was on
14 anybody side because I do not think it's right somebody
15 life got took, but like I said to Charlie and to everybody
16 else, if Chad hadn't protected himself that night, it
17 could have been him there. Somebody somewhere was going
18 to get hurt. I stated that in all my reports.

19 Q And to the best of your ability what you saw that
20 night, what you testified here today is what you saw that
21 night?

22 A Yes, sir.

23 MR. BROOKER: Indulge me for just a second, Your
24 Honor, make sure I don't have anything.

25 (WHEREUPON, a pause in the proceedings.)

1 MR. BROOKER: No further questions.

2 THE COURT: Mr. Clements.

3 RECROSS-EXAMINATION

4 BY MR. CLEMENTS:

5 Q You said that you didn't want to get on anybody's --
6 anybody thinking you were on anybody's side?

7 A No, sir, I don't.

8 Q You're not friends with Blake and your husband's not
9 friends with Blake?

10 A We don't know Blake.

11 Q Y'all don't know him only saw him twice, right?

12 A The night I saw him we laughed and talked with him.
13 I don't dislike him. I didn't know him to dislike him.

14 Q Is it true or is it not true -- it is true isn't it
15 that your husband has been good friends with Chad for a
16 long time?

17 A Yeah, they friends. They were friends. They haven't
18 talked.

19 THE COURT: Thank you, ma'am. I'm sorry go
20 ahead?

21 A They only spoke when they seen each other. I mean,
22 friends is different. They were associates, they talked.
23 And my husband thinks a lot of Chad because Chad never
24 said nothing harmful to me or my husband. And up until
25 this, I would have never thought Chad would have done

1 anything like this. Just like Blake, I'm not gone talk
2 bad about Blake, I'm not gone talk bad about Chad.

3 Q So this whole thing is shocking; isn't it?

4 A Yes, sir, it is.

5 MR. CLEMENTS: Thank you.

6 THE COURT: Thank you, ma'am. You may step
7 down.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 THE COURT: All right. Ladies and gentlemen,
11 I'm going to give you a short break, step into the jury
12 room. Do not discuss the case, get you back out here in
13 just a minute. Let me say this before you step there, I
14 have asked the clerk to order lunch in for us today. If
15 you all need to make any kind of phone calls or anything
16 when we break at the next stage or when we break for
17 lunch, let me know and we'll make arrangements for you to
18 do so, okay. Step to the jury room, do not discuss the
19 case.

20 (WHEREUPON, the jury retire to the jury room.)

21 THE COURT: Anything from State before we stand
22 down for just a minute?

23 MR. CLEMENTS: No, Your Honor.

24 THE COURT: Defense counsel?

25 MR. BROOKER: No, sir.

1 THE COURT: Let me say this also before I step
2 off for just a minute. Unless you're a court officer on
3 this side of the rail, you're not to have any cell phones
4 out during these proceedings. The Supreme Court Chief
5 Justice has issued an order concerning the use of sell
6 phones in the courtroom, which they are prohibited. If
7 such is done, you can be -- cell phone can be confiscated
8 and you can be held in contempt of court by virtue of a
9 fine or a period of incarceration. I want to make that
10 clear to everybody seated out in the audience. All right.
11 We'll stand down for just a few minutes.

12 (WHEREUPON, a break was taken.)

13 THE COURT: State ready to proceed?

14 MR. CLEMENTS: We are, Your Honor.

15 THE COURT: Defense counsel?

16 MR. BROOKER: Yes, sir, Your Honor.

17 THE COURT: Bring me the jury please, sir. Can
18 the lawyers approach as they're coming out.

19 (WHEREUPON, a bench conference was held in the
20 presence of the jury, but out of the hearing of the
21 jury.)

22 (WHEREUPON, the jury came into open court.)

23 THE COURT: We got all the jurors present. Mr.
24 Brooker, call your next witness please.

25

1 MR. BROOKER: Your Honor, we will call to the
2 stand Hosea Eric Hernandez.

3 THE CLERK: If you'll come around, sir, place
4 your left hand on the Bible and raise your right hand. Do
5 you solemnly swear for affirm the evidence you're about to
6 give in the trial of this case to be the truth, the whole
7 truth, and nothing but the truth so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Have a seat in the witness box.
10 WHEREUPON,

11 Hosea Hernandez,
12 after first having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BROOKER:

15 Q How old are you, Mr. Hernandez?

16 A I'm 34 year olds.

17 Q And where do you live?

18 A In Scotch Community Road [REDACTED] Ard Drive.

19 Q And how long have you lived there?

20 A About seven years.

21 Q And are you married?

22 A Yes, sir.

23 Q And you're married to?

24 A Vicki Hernandez.

25 Q Is that the young lady who testified earlier?

- 1 A Yes, sir.
- 2 Q And how long y'all been married?
- 3 A Fifteen years.
- 4 Q Are you employed?
- 5 A Yes, sir.
- 6 Q Where do you work at?
- 7 A I work for Goodson Construction in Aynor.
- 8 Q And how long have you worked for Goodson
- 9 Construction?
- 10 A About seven years now.
- 11 Q Now, I'm going to show you what's been identified as
- 12 State's Exhibit 4 see whether or not this is an aerial
- 13 shot and see whether or not you can identify your house
- 14 from here. Can you identify your house from this aerial
- 15 shot?
- 16 A I think. No, I can't really can't tell.
- 17 Q Okay. Do you know what road this is?
- 18 A Yeah, this Scotch Community Road.
- 19 Q Okay. Does that house look familiar?
- 20 A Yeah, that one right there I see because it's got a
- 21 pool on it.
- 22 Q Okay. And what about this house here?
- 23 A That one right there.
- 24 Q Okay. Do these houses look familiar to you?
- 25 A Yeah.

1 Q Okay. What's the relationship between your house and
2 the house that's Stacy Fowler?

3 A Family, we family. Since, I got married to the
4 family we been family since.

5 Q Okay. And do y'all houses -- do y'all live on the
6 same street?

7 A Yes, sir.

8 Q Okay. And I'm going to ask you to give me an
9 estimate some people are difficult with estimates, but how
10 far do you think y'all live apart?

11 A I say about 300 feet maybe. I mean, it ain't that
12 far.

13 Q Okay. Now, from where you live at, can you see over
14 into Stacy's yard?

15 A Yes, sir, not now because the trees is grow up. I
16 mean, they green right now. You can't see it. I mean,
17 you still can see it but not that good.

18 Q Okay. What about back in November of 2012?

19 A You can see real good in there.

20 Q Okay. Let me let you take a look at some of these
21 photographs.

22 MR. BROOKER: Indulge me for just a second, Your
23 Honor, it's a lot to flip through.

24 BY MR. BROOKER:

25 Q Now, for reference points is is that you are not in

1 the courtroom when these photographs were introduced. For
2 purposes of reference, these photographs were taken and
3 this is exhibits 54, State's Exhibit 54, 52 and State's
4 Exhibit 47 that they were taken I think January 30th of
5 this year 2015. Can you take a look at those photographs
6 for me?

7 A It was just still don't look like that.

8 Q Okay. And that's what I was going to ask you is is
9 there a difference between the empty lots between your
10 house and Stacy's house and these photographs versus
11 November 4 of 2012?

12 A Yes, sir.

13 Q What's the difference between now and then?

14 A It grow out more then what it use to. Them trees
15 right there use to be way small. Them trees right there
16 use to be small. It was not that big.

17 Q Now, on that night was that the first night y'all
18 ever looked over at Stacy's house?

19 A We always looked over. I mean, it just some reason
20 we just come home from Wal-Mart. We was grocery shopping
21 at Wal-Mart me and my wife and my girls. And then, I
22 mean, I went into the house one time and we heard the
23 arguing and I told my wife about it.

24 Q Okay. And you go ahead and tell me once you -- what
25 did you see once you realized they were arguing, you tell

1 me what you saw and heard?

2 A Well, there was arguing and they was like saying
3 Stacy probably say that the car pull out in there, who in
4 the fuck is this. Oh, no, get the fuck out of my yard and
5 stuff like that and they start arguing. I didn't hear
6 when she told Chad to stay on the porch. I mean, I didn't
7 know if she did or not. But I mean next thing I know the
8 boy got killed -- I mean got shot.

9 Q Okay. Now, when -- and now you said -- was there a
10 car that pulled up first?

11 A Yes, there was a little small vehicle.

12 Q Okay.

13 A I think it was where Blake was.

14 Q Okay.

15 MR. CLEMENTS: Your Honor, if you instruct the
16 witness speak up. I'm having a real hard time hearing
17 him.

18 THE COURT: Pull that microphone, Mr. Hernandez,
19 move closer to you make sure you speak up. Thank you.

20 BY MR. BROOKER:

21 Q Okay. Was there a car that pulled up in the yard
22 first?

23 A Yes, sir, a small vehicle.

24 Q Okay. And what did you notice at least when that car
25 pull up in the yard?

1 A What did I know?

2 Q Yes, sir.

3 A Really when the car pull up, I didn't know that it
4 was going to be trouble. I mean, I didn't know that, but
5 when as soon as he pull out in there and Stacy heard it or
6 see him, she come outside and told him who in the fuck is
7 this. And, oh, no, get the fuck out of my yard. I don't
8 know who she told that to, but she told somebody that.

9 Q Had -- was there any other vehicle that had pulled up
10 at that particular period of time?

11 A Yes.

12 Q Okay. Tell me about the other vehicle when did the
13 other vehicle come into play?

14 A The other vehicle come in when they was arguing kind
15 of bad, kind of heavy and they was hollering at each
16 other. The other vehicle come out right behind it and
17 pull up and then there was a white SUV.

18 Q Okay. And at that particular period of time the
19 person in the first car Blake where was he standing at?

20 A Right in front of the driver door.

21 Q Okay. And Stacy where was she standing at?

22 A In front of him.

23 Q And what about Chad where was Chad at?

24 A Chad he was on the porch and come out behind her.

25 Q Okay. Okay. And how long to your recollection, to

1 the best of your recollection how long did they argue?

2 A Not for sure. I know I said it was about 30
3 something minutes and stuff like that, but I had it messed
4 up. I really didn't know it, but it was about 15 or more
5 than that. It was because I know how long it takes me and
6 my family because when we go grocery shopping, we get some
7 grocery. It takes a little while to get them out.

8 Q Okay.

9 A And plus when they was arguing, we stayed there
10 longer and I saw they was a little longer than that.

11 Q Okay. And when that white SUV pull up, I'm going to
12 redirect you back to what you said is that that Blake was
13 standing in the -- by the door in the open vehicle by the
14 open door that Stacy was standing in front of him and Chad
15 come up behind her, okay. What happened once the SUV
16 pulled up?

17 A When they was arguing -- what's his name Blake got
18 kill and then the ones that he was in the white SUV after
19 they saw that boy got kill, they took out spinning. And
20 that white SUV when it took off, they come back to the
21 yard. They pull out right here stopping on her driveway
22 right there, I don't know why they did when they come
23 back. And then they took off real slow -- I mean, the
24 white SUV went by my house right in front of my door real
25 close. They stop in the cross roads right there behind my

1 house and that's when they shot the gun again. I don't
2 know if they did it. I don't know who did it, but he had
3 to come out of that white SUV.

4 Q Do you know how many people were in the white SUV?

5 A No, sir, I think it was three. It was three people.

6 Q Okay. Did anybody get out of that white SUV when
7 that white SUV ---

8 A I saw that man got out -- a man got out of the white
9 SUV when they pull out in Stacy Fowler's yard.

10 Q Okay. And what, if anything, did that man do when he
11 got out?

12 A I didn't see him do anything.

13 Q Okay. Was it one man or more than one man?

14 A Well, there was Chad -- you mean the ones that got
15 out of the white SUV?

16 Q Got out the white SUV?

17 A One man.

18 Q I'm sorry.

19 A One man.

20 Q That you saw?

21 A Yeah, that I saw.

22 Q Okay. Now, when the shooting stopped, did you hear
23 anything that when the shooting took place or let me ask
24 you this is is that prior to the shooting, did Chad make
25 any movement?

1 A I didn't see him make any movements no more from
2 there. I know everything got quiet. The music stay
3 playing and everything got quiet. All I heard was Stacy
4 hollering, oh, my God, like what you did Chad or what we
5 gone do now, that's all I heard and everything got real
6 quiet.

7 Q Did you ever see Chad go back at any time where you
8 there?

9 A No, sir, I don't think I was -- but I know I saw him
10 when he got shot.

11 Q Okay. And that's what I'm trying to ask is is that
12 what did you see at the time the shooting took place. Can
13 you tell me in great detail what did you see at the time
14 or immediately prior to the gunshot?

15 A Well, I saw when the man fall and heard when she --
16 and I saw when she was hollering and everything and
17 crying, upset, but I didn't see when he run out. I don't
18 know where he went from there.

19 Q Okay. Now ---

20 A But I did saw when she went in, she went inside the
21 house.

22 Q Okay. And what did you do at that particular period
23 of time?

24 A I was just like -- I was on my shot, I know what
25 happened, who got kill or not. I never saw that before in

1 my life.

2 Q Now, do you know Blake?

3 A No, sir, only the one time he went in my house with
4 his shirt off. He had his shirt off when he went in my
5 house. It was one time when I met him at my house.

6 Q What do you mean?

7 A He went in my house. It was a time that he went in
8 my house and saying that somebody broke inside their house
9 and stuff, that he beat the mess out of the Indian guy
10 right there in front of my house, it was him. I mean, I
11 really don't know him that good like that.

12 Q Okay. That's the only time you knew of him?

13 A Yeah. I don't go over people like that. I mean, I
14 don't have friends like that.

15 Q Okay. What about Chad did you know Chad?

16 A Yeah, I know Chad real good since I married the
17 family.

18 Q How long have you known Chad?

19 A About since I met my wife I been -- well, no, I been
20 knowing Chad about since being with Stacy. I'm sure I
21 can't tell you how long it's been, but it's been a long
22 time.

23 Q Okay. And do you remember how you met him?

24 A Well, I start met him because Stacy Fowler's father
25 daddy use to work on vehicles and I use to need someone to

1 help me out because I don't know nothing about working on
2 vehicles. And every time I go there Stacy Fowler's daddy
3 help me or Chad helps me. I mean, they use to help me,
4 good people. I mean, good people I don't got nothing say
5 real bad about them because they always been good to me.

6 Q Okay. And just because we don't know is that did
7 y'all hang out or anything like that?

8 A No, sir.

9 Q Okay. All right.

10 MR. BROOKER: If you can indulge me for just a
11 second, Your Honor, I want to make sure I don't have any
12 follow-up questions for him.

13 (WHEREUPON, a pause in the proceedings.)

14 MR. BROOKER: No further questions, Your Honor.

15 THE COURT: Mr. Clements.

16 MR. CLEMENTS: Please the Court, beg the Court's
17 indulgence one moment.

18 (WHEREUPON, a pause in the proceedings.)

19 CROSS-EXAMINATION

20 BY MR. CLEMENTS:

21 Q Good morning, Mr. Hernandez, how are you doing?

22 A Good morning, all right.

23 Q All right. You remember giving a statement
24 February 23rd ---

25 A Yes, sir.

1 Q --- 2013 to Mr. Brooker?

2 A Yes, sir.

3 Q How did y'all come to hook up with Mr. Brooker?

4 A He came to my house.

5 Q So he contacted y'all and y'all never seen him
6 before, heard from him before he came to your house?

7 A No, sir.

8 Q And you gave him a statement at that time, didn't
9 you?

10 A Yes, sir.

11 Q And I believe in that statement you told him that
12 they were raising Cain and you went inside and told your
13 wife, right?

14 A Yeah, but I was wrong she was outside. I didn't
15 know.

16 Q Because she came later and corrected you?

17 A Yeah.

18 Q Corrected told Mr. Brooker you were wrong, right?

19 A Yes, sir.

20 Q So if they were already out there raising Cain,
21 that's what grew your attention they were raising Cain,
22 right, yours and hers?

23 A Yes, sir.

24 Q And so you didn't see or you weren't looking over
25 there. You were getting your groceries out. You weren't

1 looking over until you already heard them raising Cain?

2 A When there was arguing, I was looking that way
3 because I took a look down there and I was between there
4 and getting my grocery's out and I had my hands full of
5 grocery when they was arguing.

6 Q And then that got your attention?

7 A Yeah, they got my attention.

8 Q And you were looking over there and then you saw the
9 little silver gray vehicle drive up?

10 A I don't know what color it was, but I know it was a
11 little small vehicle.

12 Q Okay. So you had already heard fusing and been
13 looking over there before the vehicle Blake was in even
14 drove up?

15 A No, there was no fusing.

16 Q They weren't?

17 A They was fusing when the car pull up, that's when
18 they start fusing.

19 Q All right. But you didn't see -- so I want to be
20 sure I'm trying to understand you correctly. So the car
21 drove up, you didn't see the car drive up?

22 A I see the car drive in the yard, the small vehicle I
23 saw the car driving in the yard.

24 Q Before you heard them raising Cain?

25 A Yeah, before they was fusing.

1 Q Okay. I thought I misunderstood you. I want to be
2 sure about that. And you told Mr. Brooker, you know, that
3 you were there and you saw the whole thing and next thing
4 you knew was, bam, the boy was dead, was killed, right?

5 A He was killed.

6 Q Okay. And then you heard Stacy holler?

7 A Yes, sir.

8 Q All right. And that you sat right there and heard
9 everything what they were arguing about?

10 A I didn't hear exactly what she was saying or what
11 they were saying, what the trouble, but I heard the noise
12 and I heard the gunshot. And when the boy got killed and
13 I heard when she hollered, oh, my God, Chad, what you just
14 did or what we gonna do.

15 Q And you told Mr. Brooker you sat right there and you
16 heard everything?

17 A Yes, sir.

18 Q Not that you understood everything, but you heard
19 everything and saw everything?

20 A Yes, sir.

21 Q Okay. All right. You remember coming back being
22 here when we had a motion and you testified under oath?
23 It was around December 16th or the 18th, I don't know
24 which day you were here for?

25 A Yes, sir.

1 Q You remember coming testifying?

2 A Yes, sir.

3 Q And you started out -- Mr. Brooker started out
4 questioning you first, right?

5 A Yes, sir.

6 Q And then I question you second?

7 A Yes, sir.

8 Q All right. And you remember Mr. Brooker asking you,
9 okay, now, when we meet at your house, did you tell me
10 what you saw and heard that particular night November 3rd
11 2012 of the shooting? He asked you that question and you
12 started talking about going to Wal-Mart and the groceries
13 and hearing them argue. And then the part I've
14 highlighted right there can you read that for me?

15 A I can't read English.

16 Q Okay. All right.

17 A I can barely read Spanish.

18 Q If I read it to you, you tell me if you recall this?

19 A Yes, sir.

20 Q I really didn't know him like that, but they was -- I
21 really didn't see that much. It was my wife she was the
22 one that saw everything about it?

23 A Yes, sir, but I saw when the car come in.

24 Q All right. But that's what you told Mr. Brooker that
25 you didn't really see that much. It was your wife she was

1 the one that saw everything about it?

2 A Yes, sir.

3 Q And then on February 23rd you told him I sat right
4 there and heard everything what they were arguing about?

5 A Well, I mean I was there when they was arguing and I
6 was there when they got kill or they got shot, that's all
7 I saw. And I saw the white SUV when they come in and the
8 boy got out stand right in front of the white SUV. And
9 when the boy got kill, I saw when they drive off.

10 Q And so that's what you saw. I understand that, but
11 what I'm asking you is, which is accurate when you said I
12 really didn't see that much it was my wife she was the one
13 saw everything about it or was it accurate when you said I
14 sat right there and heard everything?

15 A All that fusing.

16 Q Okay. All right. Now, later on and let me ask you
17 Mr. Brooker just asked you about getting out a white SUV
18 you said one man, right?

19 A Right.

20 Q You could tell it was a female -- I mean, you could
21 tell it was a male?

22 A I could tell it was a man.

23 Q Could you tell if it was a male or female driving?

24 A No, sir.

25 Q It was one man?

1 A They got out.

2 Q Okay. Now, back during this hearing, he asked you a
3 question, okay, I know you don't know who the identity is,
4 but how many people did you see get out of the SUV and
5 your answer was two of them?

6 A Well, I mean, it was two of them because it was Blake
7 and the other guy, so that's two of them.

8 Q Well, Blake didn't get out of the white SUV, did he?

9 A No, he didn't get out the white SUV, but it was two
10 men on one.

11 Q He asked you ---

12 A That's what I mean.

13 Q But how many people did you see get out of the SUV
14 and you said two of them. I think a little bit earlier
15 you told Mr. Brooker that you, you know, were mistaken
16 before you said it was 30, 35 minutes, but now you're
17 saying it's 15 minutes?

18 A Well, I didn't sat right there and count my time, but
19 I know it take me a long time to get my groceries out
20 again. And it takes me a little while because like I said
21 when me and my wife go grocery shopping, we'll get some
22 groceries to last us all month.

23 Q Okay. And let me ask you this I want to be sure I'm
24 getting your information and not anybody else's or not my
25 own thoughts and I know you weren't keeping time watching

1 a watch, but what's your best guess as to how much time it
2 took?

3 A I say about 15, 20 minutes. It was lit pretty well.

4 Q Okay. All right. That's what you say today, right?

5 A Yes, sir.

6 Q Okay. Now, back on this hearing, there was a
7 question here where I was cross-examining you and I said
8 now I want to ask you to be sure I understood it. You say
9 they were arguing for about 30, 35 minutes and you said
10 something like that. I mean, I didn't see -- yes, sir,
11 something like that. It was awhile and then I ask you
12 again your testimony is it went on for a good while 30 or
13 35 minutes and told me, yes, sir?

14 A Yes, sir.

15 Q And then I said, okay, all right, and you said it was
16 a white SUV and you said, yes, sir?

17 A Yes, sir.

18 Q And that's correct?

19 A Yes, sir.

20 Q Okay. Bear with me just a minute now. Now, then I
21 want to be sure who was questioning me or Mr. Brooker.
22 All right. It was me. I said, okay, all right, and you
23 were in and out taking groceries in, right, and you said
24 yes, sir. And I said for about 30, 35 minutes. And you
25 said, yes, sir.

1 A Yes, sir.

2 Q Okay. So that day you were pretty convinced it was
3 30, 35 minutes?

4 A Yes, sir.

5 Q Okay. Now, back in February of 2013, is it true that
6 you told Mr. Brooker that you heard Stacy say, oh, my God
7 who is that. And she told Chad get him out of my F'ing
8 yard. And Eric went in -- and then you went in and told
9 Vickie someone is raising Cain and she came out and went
10 back in and you sat right there and watched everything.
11 Is that what you told him?

12 A Yes, sir, but like I said, she was outside already I
13 didn't know that. My wife was already outside.

14 Q So she was already outside. So when you went back in
15 to get her, you didn't know she was already outside?

16 A No, I didn't find her inside. She was already
17 outside.

18 Q But your yard -- she wouldn't have been too far out
19 of sight, would she?

20 A I mean, I got -- back then I didn't know she was in
21 the back of the vehicle or in the front.

22 Q So you didn't go in and get her, you just went in?

23 A I went in to get her trying to find her, but I didn't
24 know she was outside.

25 Q I got you. And it was dark out there, wasn't it?

- 1 A It was not that dark.
- 2 Q It was not that dark?
- 3 A No, sir.
- 4 Q Okay. All right. I want to show you State's Exhibit
- 5 53. You know what that is?
- 6 A I see just a little bit of lights in there.
- 7 Q And that's what you saw that night was a little bit
- 8 of lights, right?
- 9 A No, I saw more than that.
- 10 Q You saw more than that?
- 11 A Yes, sir.
- 12 Q Okay. And how were you able to see more than that
- 13 then then what's on this?
- 14 A Because I don't see the vehicles light. I mean, I
- 15 don't know why that is. There you can barely see it.
- 16 Q All right. That's my point. You see those little
- 17 lights right there?
- 18 A Well ---
- 19 Q Yes or no?
- 20 A I see the little light in there but...
- 21 Q And you see light right here?
- 22 A Yes, sir.
- 23 Q And tail lights right there?
- 24 A Yes, sir, barely.
- 25 Q Light on the pole there?

1 A Yes, sir.

2 Q And light on the pole there?

3 A Yes, sir.

4 Q And the porch light of Stacy's right there?

5 A Yes, sir.

6 Q Okay.

7 A But you know also there's a whole lot of difference
8 taking a picture where you can see with your own eyes.
9 There's a whole lot of difference.

10 Q Unless you match up the view finder to what you see
11 with your naked eye, correct?

12 A I don't know about that, but I know you can see
13 better with your own eyes. You can see the picture with a
14 video camera.

15 Q Okay. What about just a regular camera, a nice
16 photo?

17 A You still can see. I took pictures too and you can't
18 see a picture that good like with your own eyes.

19 Q Okay. All right. Can you see -- you got this light
20 on this pole right here. Can you see the trees behind it
21 there?

22 A Barely.

23 Q And it got green foliage on it?

24 A I don't know what color it is. I don't know.

25 Q All right. Now, let me ask you how many years have

1 you lived here Mr. Hernandez?

2 A Where in America?

3 Q Here in Mullins in Marion County?

4 A Marion County 15. Since, I met my wife 15 years.

5 Q So about 15 years here?

6 A Sixteen years something like that.

7 Q You stay all the way through the year. Y'all don't
8 travel during certain parts of the year, do you?

9 A We don't.

10 Q Okay. So you know the difference between October 3rd
11 and January 30th, right?

12 A Yes, sir.

13 Q January 30th is in the middle of what season of the
14 year?

15 A What season?

16 Q Yes, sir.

17 A Well, I'm not that good on my months because like I
18 say I didn't went to school. I'm not very smart on that.
19 I can't tell you.

20 Q Okay. But is it winter time? I didn't make my
21 question very clear and I apologize. January 30th that's
22 winter time; isn't it?

23 A Yes, sir.

24 Q And that's when -- winter time is when almost all the
25 leaves are gone off the trees, right?

1 A I reckon so, yeah.

2 Q And November 3rd, 4th that's fall where it's still a
3 lot of leaves on the trees, but it's beginning to change
4 colors; is that correct?

5 A Yes, sir.

6 Q I'm going to show you State's Exhibit 17 which was a
7 picture taken that day the morning after the shooting down
8 just a few tenths of a mile from your house?

9 A Uh-huh.

10 Q To your recollection, was the foliage like that on
11 November 3rd?

12 A No.

13 Q Foliage wasn't like that?

14 A No, sir.

15 Q So --- was it less or more so?

16 A It's daytime. It's not in the place that the
17 shooting happened.

18 Q Okay. But that's not how most of the trees and
19 bushes though, they change in that three tenths of a mile
20 from this point to where y'all lived?

21 A Yeah, they change.

22 Q Okay. So it's like a different season of the year?

23 A Looks to me because it was not like that.

24 Q Okay. All right. But it was at nighttime, right?

25 A Yeah.

1 Q And are you aware of the distance. This a pretty
2 good distance; isn't it?

3 A I think that finally happened, it was kind of cold.

4 Q It was kind of cold?

5 A Yes, I think so.

6 Q Hadn't had a frost yet though, had you?

7 A No.

8 Q Okay. I didn't think so. Because all of these
9 leaves still here and these trees and bushes, so it
10 probably wasn't a frost. State's Exhibit 47 where is that
11 taken from?

12 A From my house, my yard.

13 Q From your porch?

14 A I think so, yeah.

15 Q Okay. And that gentleman standing there, that's at
16 the edge your property is it not?

17 A Yes, sir.

18 Q Okay. And then you can see Stacy's mobile home how
19 many cars you see there?

20 A Two.

21 Q Okay. And that's approximately where Blake pulled up
22 in the car where that dark car is is approximately where
23 Blake pulled up the car, right?

24 A Yes, sir.

25 Q And where that white car is is approximately where

1 y'all said a white SUV pulled up?

2 A Yes, sir.

3 Q Okay. And you said these trees were not as tall,
4 right?

5 A No, sir.

6 Q But they weren't that short, were they, where the
7 top of his head is they weren't that short, were they?

8 A It was not that tall. You use to can see all the way
9 through her porch in her yard.

10 Q All right. But all this where the cars are that tree
11 wasn't as short as that man was, was it on that date?

12 A No.

13 Q It was taller than that, wasn't it?

14 A A little tiny bit, it was not that big.

15 Q Okay. So in two years it grew all that whole amount
16 right there?

17 A No. It was -- you can see through her yard, all that
18 stuff right there it was not there then.

19 Q Okay. You can see through her yard, but you can't
20 see real exceptionally well, can you?

21 A If you cut all the grass (sic) off the trees like
22 they use to you can see all way through it.

23 Q Okay. All right. Now -- I think I just got about
24 one or two more questions bear with me just a minute.

25 (WHEREUPON, a pause in the proceedings.)

1 BY MR. CLEMENTS:

2 Q Now, you never came forward to tell the police what
3 you saw and heard, did you?

4 A No, sir, I didn't.

5 Q Okay. And you didn't even talk to Mr. Brooker it was
6 like about four, four and a half months afterwards, right?

7 A No, sir.

8 Q And he came to you, right?

9 A He came to me.

10 Q Why didn't you call 9-1-1 when you saw the boy shot,
11 did you think he was dead?

12 A I didn't think he was dead. I mean, I know he shot
13 him, but when everything got quiet, pretty sure he was
14 dead.

15 Q Did you know who it was at that time, who was shot?

16 A No, I can't tell you that.

17 Q You didn't know it was Blake?

18 A I didn't know it was Blake.

19 Q Did you ever tell anybody you thought it was Chad
20 that was shot?

21 A I think I told his lawyer that I think it was Chad at
22 that time, sure did.

23 Q Why did you think it was Chad when Chad came off the
24 porch to the car?

25 A Cause it was three people in there and I saw one went

1 down. So, I mean, I figured it was Chad, that's one
2 reason I thought it was Chad.

3 Q All right. And why didn't you think it was Stacy or
4 why didn't you think it was Blake?

5 A Because I didn't know it was Blake when they pull in
6 there.

7 Q Okay. Tell me about this, where did you see the
8 black SUV go?

9 A I didn't see no black SUV, I saw a white SUV.

10 Q You didn't see a black SUV?

11 A No, sir, I sure didn't, never.

12 Q And when you saw this and you saw him go down, why
13 didn't you go in -- you got daughters there why didn't you
14 call the cops, call 9-1-1?

15 A Because it's not a place to call -- I mean, that's on
16 their yard.

17 Q Okay. Now, when later on you said you saw a white
18 SUV and heard a second gunshot; is that correct?

19 A Yes, sir, in my backyard, I know cross roads in my
20 backyard down there.

21 Q And you in your backyard and you heard gunshot and
22 you didn't call 9-1-1 again?

23 A I was in my house right there when I followed the
24 white SUV that drove off that way. I run back to my back
25 porch, which at my back door right there is where they

1 shot the gun again.

2 Q And you didn't call 9-1-1?

3 A I sure didn't.

4 Q Okay. I want to show you -- I want to show you if I
5 can because I'm not sure exactly where y'all talking about
6 the T, you know what I'm talking about the T in the dirt
7 road?

8 A Yes, sir.

9 Q This is State's Exhibit Number 4 and I don't know --
10 a lot of people hadn't seen aerial photographs before, but
11 to kind of just help you out, this is Union Road and this
12 is Ard Road. And this is Stacy's house and this is your
13 house. Am I stating that correctly?

14 A Yes, sir.

15 Q Does that look right to you what I just said?

16 A Yes, sir.

17 Q Okay. Now, would you please tell me where when you
18 saw that white SUV the second time where was it at over on
19 this side?

20 A If that's that T right there, that's what it was
21 right there.

22 Q So it was well away from Stacy's house, it was on the
23 other side of the house?

24 A When he drove off from Stacy's yard, that's where
25 they went down there ---

1 Q He went that way?

2 A --- and shot the gun.

3 Q He didn't go out this way and come on and circle
4 around?

5 A He went real slow from my front porch. They slow and
6 they stop right there. They circle two times in my yard
7 on that whole driveway right there the white SUV.

8 Q And they were down there when you heard the gunshot?

9 A Yes, I heard a gunshot. I don't know if they was
10 looking for Chad or whatever. The white SUV that went
11 around, they shot a gun right there.

12 Q Why didn't you call 9-1-1 then?

13 A Because like I say why I need to call, I got children
14 in my house. I mean, I don't want to get out there too
15 and get hurt.

16 Q Well, you call 9-1-1 the cops come. You don't have
17 ---

18 A It's people out there that love to call the cops.

19 Q Okay. All right. So when you say when you saw the
20 white SUV back out to Stacy's which direction did it go?

21 A Say what -- say that again?

22 Q When the white SUV -- I think you said ---

23 A It took off to the main highway to the road.

24 Q It went out this way and came to the main highway?

25 A Yes, sir.

1 Q And then when you saw them coming through ---

2 A Then they come back this way.

3 Q They came back this way?

4 A Yes, sir.

5 Q Not that way?

6 A Not that way. I mean, they come back after they sat
7 in the cross road thing out there they come back this real
8 slowly.

9 Q Okay. After they shot the gun?

10 A Yes, sir.

11 Q Okay. I just want to be sure I understood which
12 direction those were in. Okay. Now, let me ask you this,
13 you saw anyone attack anybody you heard fusing, right?

14 A Yes, sir.

15 Q And cussing?

16 A Yes, sir.

17 Q Did you see anybody attack anybody?

18 A Well, before the boy got killed?

19 Q Yes.

20 A No, I didn't.

21 MR. CLEMENTS: Thank you. No further question.

22 THE COURT: Any redirect?

23 MR. BROOKER: I'll be very brief, Your Honor.

24 REDIRECT EXAMINATION

25

1 BY MR. BROOKER:

2 Q Just very quickly, Mr. Hernandez. I think you were
3 asked whether or not after the shooting took place whether
4 or not you contact law enforcement. Did anyone from law
5 enforcement on that night of that shooting -- well, let me
6 ask you something is is that did anyone from law
7 enforcement the night of that shooting come to your house?

8 A After that shooting happened?

9 Q Yeah, try to see whether or not you witness anything?

10 A No, sir.

11 Q Okay. And we're talking about the night of the
12 shooting did anyone in law enforcement come by your house
13 to try and see whether or not you saw anything?

14 A No, sir.

15 Q Anybody from law enforcement come by the next day to
16 try and ask you questions?

17 A No, sir, because I think I was not even home.

18 Q Did anybody from law enforcement ever come by?

19 A I don't know, I don't remember that.

20 Q Did anybody from law enforcement ever come by looking
21 for you to try to get a statement from you?

22 A You was the only one.

23 Q We were the only one?

24 A Yeah and them right there.

25 Q You said them are you talking about the officers?

1 A Yes, sir.

2 Q Okay. Was that later on after you had talked with
3 me?

4 A You came in first and then they come out after you.

5 Q Now, did everything that you testified to today is it
6 the truth to the best of your ability?

7 A Yes, sir.

8 MR. BROOKER: No further questions, Your Honor.

9 THE COURT: Mr. Clements.

10 MR. CLEMENTS: Very briefly.

11 RECROSS-EXAMINATION

12 BY MR. CLEMENTS:

13 Q Mr. Hernandez, I understand you to say when he ask
14 you did anybody come out after the shooting to your house
15 and you said you weren't there?

16 A Well, I didn't understand, you have to explain things
17 because I just told you I'm not very smart with stuff like
18 this. I never been through this. I didn't went to
19 school. I'm not that smart with stuff like this. But I
20 know what I saw it was true. I saw it with my own eyes.

21 Q I got you. That's not what I'm asking you. Let me
22 try and explain. I don't ask questions very well
23 sometimes so please excuse me. When he asked you about
24 did the police come to your house that night and talk to
25 you and you said, no, you weren't there ---

1 A Well, I mean ---

2 THE COURT: Hold no, hold on. Let him finish
3 his question.

4 THE WITNESS: Yes, sir, I'm sorry.

5 BY MR. CLEMENTS:

6 Q And the reason I ask you that is because also with
7 that is ask you did you walk down when the cops came and
8 you saw the cops, did you ever leave your house or go down
9 to see what was going on?

10 A When the cops come in, I think I was at work. It was
11 late afternoon when my wife called me and to say -- she
12 told me the yard was full of cops. Our yard was full of
13 cops. I don't know what's going on. When I'm gone, I'm
14 gone to work I stay gone all day long. I mean, I don't
15 know what's there or who come there when I'm gone.

16 Q All right. I didn't ask my question very well. The
17 night of the shooting?

18 A The night of the shooting.

19 Q I'm asking about the night of the shooting I thought
20 Mr. Brooker asked you if anybody that night came to your
21 house and you said, no, I wasn't there. Is what I
22 understood you to say?

23 A Yeah, I was there. Yeah, I was there. I'm sorry I
24 did not understand.

25 Q You were there, but did you ever leave any time to

1 come down to Stacy's walk down the dirt road to see what
2 was going on?

3 A Yeah, I went with my wife.

4 Q Could a police officer or somebody come knock on your
5 door then while you had come down to Stacy's?

6 A No, not that I remember, no.

7 Q All right. But could they have and you not be?

8 A I was there.

9 MR. CLEMENTS: Okay. All right. Good enough.
10 Thank you, sir.

11 THE COURT: Sir, you may step down. Thank you.

12 (WHEREUPON, the witness leaves the witness
13 stand.)

14 THE COURT: All right. Ladies and gentlemen,
15 I'm going to let you step to the jury room right now.
16 Your lunch should be here momentarily, step to the jury
17 room. Do not discuss the case. Lunch will be here in
18 just a few minutes, okay.

19 (WHEREUPON, the jury retire to the jury room.)

20 MR. BROOKER: Your Honor, just ask whether or
21 not Mr. and Mrs. Hernandez whether or not they can be
22 released from their subpoena so they can go to work?

23 THE COURT: Objection?

24 MR. CLEMENTS: Fine with me, Your Honor.

25 THE COURT: Certain they are so released.

1 MR. BROOKER: Thank you.

2 THE COURT: Can the lawyers approach over here
3 at side bar?

4 MR. BROOKER: Sure.

5 THE COURT: We'll stand down.

6 MR. CLEMENTS: May we leave, Your Honor?

7 THE COURT: Yes.

8 (WHEREUPON, a lunch break was taken.)

9 THE COURT: Anything from the State before I
10 bring the jury out?

11 MR. CLEMENTS: No, Your Honor.

12 THE COURT: Defense counsel?

13 MR. BROOKER: No, sir.

14 THE COURT: If you'll bring me the jury please,
15 sir.

16 (WHEREUPON, the jury came into open court.)

17 THE COURT: All right. All the jurors are
18 present. Ladies and gentlemen, we are at this time going
19 to continue the trial of this case.

20 Mr. Brooker, you're recognized call your next
21 witness please.

22 MR. BROOKER: Thank you, Your Honor, call Chad
23 Strickland.

24 THE CLERK: Place your left hand on the Bible
25 and raise your right hand. Do you solemnly swear or

1 affirm the evidence you're about to give in the trial of
2 this case shall be the truth, the whole truth, and nothing
3 but the truth so help you God?

4 THE WITNESS: Yes, ma'am, I do.

5 WHEREUPON,

6 Chad Strickland,
7 after first having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. BROOKER:

10 Q Chad, what's your full legal name?

11 A Chad Nelson Strickland.

12 Q And how old are you, Chad?

13 A I'm 26 now.

14 Q And where do you live at?

15 A I live in Nichols, South Carolina not far from Dillon
16 County line.

17 Q And is that in Marion County?

18 A Yes, sir.

19 Q How long have you been a resident of Marion County?

20 A My whole life.

21 Q Did you graduate from high school?

22 A Yes, sir, I did Mullins High School.

23 Q Okay. Now, were you at least prior to this were you
24 employed?

25 A Yes, sir, I was.

1 Q And where were you employed at?

2 A I worked with Wayne Automatic Fire Sprinklers.
3 They're actually out of Concord, North Carolina, but they
4 had a crew that was station for the beach area and I was
5 on that crew.

6 Q And I don't know what field that is in is is that
7 y'all installed sprinkler systems?

8 A Yes, sir, we installed fire sprinklers. It's like
9 sprinklers that go in a building to prevent fires, if
10 there is a fire to outen (sic) it.

11 Q Okay. How long you been doing that sort of stuff?

12 A I think I did that for a total of roughly around six
13 years.

14 Q Okay. All right. Let me ask you at least some
15 questions in reference to -- do you know Stacy Fowler?

16 A Yes, sir, I do.

17 Q Okay. And how do you know Stacy Fowler?

18 A She's the mother of my child.

19 Q Okay. And when did y'all -- when did you first meet
20 Stacy?

21 A I don't remember an exact date, but it was years
22 back. I say somewhere around eight to ten years ago. I
23 meet her father through a mutual friend. And I started
24 talking to her father, hanging with her father and kind of
25 got to know her.

1 Q Do you know about how old you were when you meet her?

2 A I was still in high school, so if I had to guess, I
3 say somewhere between 16 and 17.

4 Q Did y'all go to the same high school?

5 A For a short period of time, yes.

6 Q Okay. And did at some point in time y'all develop a
7 relationship?

8 A Yes, sir, we did. We ended up getting in a
9 relationship together and we stayed in the relationship
10 for, I think, seven years roughly.

11 Q Okay. And how was the relationship at least for most
12 of the seven years, how would you describe the
13 relationship in those seven years just roughly?

14 A I would describe it as probably average. You know
15 like most relationships now they start out good. I mean,
16 it stayed good for a long time and we had a child
17 together. Everything was still I say pretty decent and
18 toward the end it just kind of started falling a part. I
19 guess you could say we weren't happy any more and we
20 decided to split up go separate ways.

21 Q Now, you said that the relationship is about seven
22 years and you also said you have a child. When during
23 that seven year relationship, did y'all became pregnant to
24 have a child?

25 A It would be somewhere around in the middle because we

1 were together like seven years and my child was three when
2 we ended up splitting up. So right around the middle of
3 our relationship is when we had our daughter.

4 Q How old is she now?

5 A She's currently six.

6 Q Now, from that seven year relationship, did you --
7 were you in love with Stacy?

8 A Yeah, I mean, if I wasn't I wouldn't have been there
9 for seven years, yes, sir, I was in love with her.

10 Q What about the time in which it break up -- well,
11 first of all, roughly when did the relationship -- when
12 did y'all separate roughly?

13 A It would have been somewhere around April of 2012,
14 that's give or take. I can't give an exact date, but it
15 was right after my daughter's birthday and her birthday is
16 [REDACTED], so shortly after that.

17 Q Okay. Did you love her at that time when y'all
18 separated?

19 A Yeah, I mean a love just don't die. You know, of
20 course, I loved her.

21 Q Okay. And were y'all living together at that time?

22 A The time that I left we were.

23 Q Okay.

24 A When I left, she kept the house. It was a rented
25 home, but only thing I took was me and my clothes.

1 Q Okay. It was not the home that's located on Ard
2 Drive where she resided at the time of the shooting is it
3 not?

4 A No, sir, that's not the current house that we had
5 together.

6 Q And how long y'all living together in that house
7 prior to you leaving?

8 A We had two different homes together between ourself.
9 And if I had to guess the time frame, I say we probably
10 lived together half of the relationship on our own so that
11 would be three years. We stayed with her parents prior to
12 that in the same home that the incident occurred.

13 Q Did you know her parents well?

14 A Yes, sir, that's actually how I met her was through
15 her parents.

16 Q Okay. All right. Now, I'm going to ask you at least
17 some questions in reference to some of the other people.
18 When y'all broke up, did you -- did she start dating
19 someone else?

20 A Somewhat, yes, sir, and the understanding I was under
21 they were kind of off and on, but, yeah, she did have
22 another boyfriend.

23 Q And was that boyfriend Blake Dozier?

24 A Yes, sir, to my knowledge, it was Blake Dozier.

25 Q Now, my understanding and you correct me if I'm

1 wrong, I'm asking you a question is that that you
2 testified that y'all separated in about April of 2012?

3 A Yes, sir.

4 Q Even though y'all were separated, did y'all continue
5 to see each other?

6 A Yes, sir.

7 Q Okay.

8 A It wasn't -- I'm sorry.

9 Q I'm sorry go ahead.

10 A It wasn't a every day thing, but, yes, sir, we did
11 kind of see each other I would consider a regular basis.

12 Q Okay. And explain to me what do you mean by regular?
13 Was it you saw once a week, you know, once a month, two
14 times? What do you mean when you say y'all -- even though
15 y'all broke up y'all continue to see each other on a
16 regular basis.

17 A I would say we probably seen each other once every
18 week to two weeks.

19 Q Okay. Were y'all still sexually intimate?

20 A Yes, sir, there was times between the time that we
21 split up to the time of this incident that we were
22 sexually active.

23 Q Okay. I think that was my next question and that is
24 is that that sexual intimacy did it lead all the way up
25 until the date of this incident?

1 A Pretty much, yes, sir. It wasn't -- like I say, it
2 wasn't an every day thing, but I would consider it
3 regular.

4 Q Okay. Now, and how did that work out and the reason
5 why I'm asking how did that work out is is that you
6 testified that she had a boyfriend, Blake Dozier, but you
7 were still seeing her? How did it work out did you come
8 by the house or how did you...

9 A There was a time or two that she was at my house and
10 what happened happened in a vehicle. And then I say
11 90 percent of the time if not 95 percent of that time it
12 happened at her house.

13 Q Were y'all still -- when during this period of time
14 after y'all split up and she was with Blake Dozier, were
15 y'all out in the public together or show at least public
16 affections or display?

17 A We didn't go out to what you might consider
18 restaurants and stuff like during this time, but we were
19 in the same vehicle on public roads, so I would consider
20 it somewhat public.

21 Q Okay. All right. Now, I want to take you up to at
22 least the day of, I think, Saturday November 3rd of 2015.
23 Do you remember that day?

24 A November 4th -- November 3rd of 2012?

25 Q November 3rd excuse me -- November -- Saturday,

1 November 3rd?

2 A Yes, sir, I remember that day.

3 Q Okay. Did you see Stacy that day?

4 A Yes, sir, I did.

5 Q Okay. And how was it you heard about seeing her that
6 particular day?

7 A The Friday before I had my child and I had plan to
8 keep her all weekend, but that night which would have been
9 Friday night there was a slight misunderstanding between
10 me and her. We, as in me and my family and a friend or
11 two, were going to go to a turkey shoot right on the edge
12 of Latta and, I guess, she didn't agree with her child
13 going. We didn't argue that. My father was driving, we
14 turned right around, took my daughter home. And then that
15 Saturday after it was all over and done with, we got back
16 up together I don't know what time somewhere around that
17 morning hour here or there between dinner time.

18 Q Okay. And what was the purpose of y'all getting back
19 together around that time?

20 A She did bring me my child to my house. I don't think
21 my child ended up staying alone at my house. I think, she
22 stayed there -- it wasn't a long period of time, but she
23 stayed there for a little while my child was there.

24 Q Okay. Did y'all end up going out eating that day?

25 A Yes, sir, we did. We left my house. I went back to

1 her house where she gave her child a bath or our child a
2 bath. And then after that we went out to the Pizza Hut in
3 Mullins and ordered a pizza, I think, bread sticks or
4 whatever.

5 Q Okay. And just if you remember is and you may not
6 know, but do you know about what time it was y'all left to
7 go out to eat pizza with y'all daughter?

8 A I don't know exact. I would put it somewhere around
9 three o'clock, could be a little before, could be a little
10 after, but it would be somewhere around three o'clock.

11 Q You know what time roughly that y'all returned after,
12 you know, having pizza and that sort of stuff?

13 A We probably wasn't gone no more than two hours, so
14 fiveish, sixish.

15 Q And how did you get to Pizza Hut?

16 A Sir?

17 Q How did y'all get to Pizza Hut? First of all, did
18 you own a car?

19 A No, sir, I didn't. She actually borrowed her
20 grandmother's car and come to my house and we took that
21 same vehicle and went back to her residence, which is the
22 [REDACTED] residence.

23 Q And whose idea was it to kind of have this little
24 family outing to go and get pizza and that sort of thing?

25 A I think the Pizza Hut part was more of her idea than

1 mine. We were going to take my child to Chuck E.
2 Cheese's, that deal kind of fell through. You know, it
3 didn't ever get planned out. So my kid loves pizza, so we
4 kind of, I think, we kind of more or less mutually agreed
5 that, you know, Pizza Hut would be fair and fine with my
6 daughter.

7 Q Okay. So when you got back, you said fiveish or 5:30
8 or something like that?

9 A Yes, sir.

10 Q Is that when you said you got -- when you said you
11 got back, where did you go after -- where do you go back
12 to after you left Pizza Hut where were you going?

13 A After we left Pizza Hut, I think we may have stopped
14 at her house for a brief moment, but I was took back to my
15 parent's house in Nichols.

16 Q And who took you back there?

17 A She did, Stacy Fowler.

18 Q Okay. All right. Now, and, of course, you were in
19 the courtroom and there been some talk about at least you
20 and Stacy being intimate on that Saturday?

21 A Yes, sir.

22 Q When did that occur during this period of time?

23 A Exact time frame I'm not sure, but it occurred
24 between the time that she pick me up from my house and the
25 time we went to Pizza Hut and it was at her house. So I

1 say somewhere around two or three about the time -- right
2 shortly after I was picked up.

3 Q Okay. Did y'all have sex?

4 A Yes, sir, we did.

5 Q Okay. And don't like to talk about it, but how did
6 y'all end up, you know, deciding y'all were going to have
7 sex how did that happen?

8 A I'm not sure exactly what brought it on. It was a
9 mutual agreement. It wasn't one sided. We both agreed to
10 it. And since we been split up and talk when we did, it
11 was kind of -- I'm not gone say every day subject, but it
12 was brought up right regular. It was kind of a normal
13 thing.

14 Q Okay. All right. Now, I'm taking you back at least
15 when you left. I think you said she took you home five,
16 5:30 I think you said?

17 A Yes, sir, something in that time frame.

18 Q Was that back at your father's house?

19 A Yes, sir.

20 Q Okay. And what happened after you got to your
21 father's house?

22 A After I got back to my father's house, the contact
23 with her was kind of ended for that time. Me and my
24 father decided not to go back to the turkey shoot that we
25 went to prior. I ended up getting my father and my mother

1 to take me out to the Game Changer sports bar, which is
2 just a local sports bar right in Mullins. And once I got
3 there, I met up with a friend of mine that was there by
4 the name of Cody Walters. I was asked to retrieve food
5 for him and several of the ones there. And I took his
6 vehicle and went to the Burger King here in Mullins -- in
7 Mullins not here and retrieved the food that they wanted
8 and took it back the sports bar.

9 Q Okay. Let me ask you questions about going to the
10 sports bar. I know it was your testimony that that when
11 you back to your house, you got dressed and your father --
12 you said your parents took you to the sports bar. Were
13 you carrying a gun?

14 A Yes, sir, I was.

15 Q Okay. Now, you been in the courtroom, you know, I
16 think this entire time that we been here -- well,
17 obviously, you have. You been in the courtroom during
18 these entire proceedings; is that correct?

19 A Yes, sir, it is.

20 Q Okay. And, of course, is is that I'm assuming that
21 you've had an opportunity -- I'm not going to take this
22 out, but I'm assuming you had an opportunity to take a
23 look at a gun that's been displayed; is that correct?

24 A Yes, sir.

25 THE COURT: What's the exhibit number?

1 MR. BROOKER: The exhibit number on this is
2 State's Exhibit Number 13. I apologize, Your Honor.

3 THE COURT: All right, thank you.

4 BY MR. BROOKER:

5 Q I have what's been State's Exhibit Number 13 and, of
6 course, can you describe what this is or what's in this
7 box?

8 A Yes, sir, that is a high point .45, that gun was
9 retrieved from Dock's Gun Exchange over in Florence. It
10 is bought and was registered to me.

11 Q Okay. Now, did you have a gun at the -- when you
12 went to the Game Changer?

13 A Yes, sir, I did have it. Whenever I left the sports
14 bar and went to the local Burger King, I then placed the
15 gun in the console of the vehicle I was driving, which is
16 belong to Mr. Cody Walters.

17 Q Okay. I'm going to back you up a little bit further
18 is is that you said you -- well, let's go back a little
19 bit further. When you went to Stacy's where y'all went
20 out to Chuck E. Cheese's and stuff, were you carrying a
21 gun then?

22 A Honestly, I don't think I had it then kind of going
23 out on a family -- well, what I consider a day or family
24 venture. I don't believe I had it that time.

25 Q Okay. But you had it when you went to the Game

1 Changer?

2 A Yes, sir.

3 Q Okay. Why did -- why were you carrying your gun when
4 you went to the Game Changer?

5 A It was more of a habit. I worked out of town Monday
6 through Thursday sometimes Friday. And I always took it
7 with me just for protection. You getting hours and miles
8 from home you really don't know what you're getting
9 yourself into. And it become a habit and just kind of
10 kept it all the time.

11 Q Were you expecting any trouble or anything?

12 A No, sir, I wasn't expecting it.

13 Q At that time had you had any contact with Blake or
14 had any telephone calls or anything like that with Blake?

15 A No, sir, no, I had no contact. I heard nothing or
16 received anything from Blake until the phone call that was
17 made to the bar and it was brought to my attention that he
18 had called out there.

19 Q Okay. All right. So you said you brought it to the
20 Game Changer because you routinely carried it?

21 A Yes, sir.

22 Q Okay. And let me just ask you a little bit of
23 questions about guns is is that are you familiar with
24 guns?

25 A Yes, sir, very familiar.

1 Q Okay. Did you grew up around them?

2 A Yes, sir, as far back as I can remember, my family
3 had them, owned them, grandfather, my father, my uncle
4 pretty much everybody in my family had a gun or kept a
5 gun.

6 Q Okay. So having a gun around at least wasn't
7 unusual?

8 A No, sir, it was nothing unusual to me.

9 Q Okay. What about -- now, I'm going to take you back
10 to the Game Changer and I think you testified to the fact
11 that when you got to the Game Changer you meet up with
12 Cody?

13 A Yes, sir.

14 Q Okay. Did you have a gun on you when you went inside
15 the bar?

16 A Briefly, yes, sir, it was on me. When I originally
17 entered the bar, I didn't stay -- I stay a total of four
18 minutes maybe. When I first entered the bar, yes, sir, it
19 was still on me.

20 Q Okay. And when did you take it off of you?

21 A I took it out of my belt line whenever I got back in
22 the vehicle of Cody Walters to go to the local Burger
23 King.

24 Q Okay. And why did you take it off of you?

25 A It wasn't many people at the bar and really had no

1 reason to have it. More or less, I guess, you would say,
2 yeah, there was really no reason to have it on me in the
3 bar I know you're not suppose to have one in a place of
4 alcohol.

5 Q Okay. At that time did you felt threaten or anything
6 like that?

7 A No, sir. I had no reason to.

8 Q Okay. But you didn't bring it because you were
9 expecting some conflict?

10 A No, sir, it was brought solely on habit.

11 Q Okay. All right. Now, you said you went to Burger
12 King or Hardee's?

13 A Burger King, yes, sir.

14 Q Burger King and you got some food for yourself and
15 you said the owner?

16 A Yes, I don't think I retrieved any for myself, but I
17 picked up food for Cody, I think, the bartender and the
18 bar owner -- one of the bar owners.

19 Q Okay. And did you go straight back to the bar?

20 A Yes, sir, I left the bar and went straight to Burger
21 King and left Burger King and went straight back to the
22 bar, yes, sir.

23 Q Now, you testified just a minute ago that when you
24 got into the truck you put it into the console of the
25 truck. Did you ever retrieve it once you drove the truck

1 back to the bar to go back -- after you gotten this food?

2 A No, sir. It stayed there until I'm not sure how long
3 but several minutes before Ms. Fowler and Ms. Ratley came
4 back and picked me up.

5 Q Okay. Now, did at some point in time -- well, first
6 of all is is that did you learn of -- at some point in
7 time did you learn of a threat from Blake Dozier?

8 A Yes, sir, whenever I got back to the Game Changer,
9 that's when it was brought to me that Mr. Dozier had
10 called out there. And from what -- the understanding I
11 got to find out if I was there and who was with me and
12 that he was coming -- excuse my language, but he was
13 coming to fucking get me.

14 Q Okay. And when you learn of that, you know, what's
15 the first thing that come to your mind what you thought?

16 A Well, the thought I really didn't know what to think
17 because this was the first I heard of anything. I had no
18 idea anyone was mad. I had no idea that he was looking
19 for me and, I mean, I just didn't know what to think.

20 Q What did you do at that time once you learned that
21 what did you do?

22 A Well, it was brought to me through someone else. And
23 as soon as I was told, I went to the person the phone call
24 was made to. And I asked them about it or talked with
25 them about it and the statement I got from them that he

1 called out there.

2 Q Okay. Do you know whether or not he actually showed
3 up at the Game Changer?

4 A The whole time I was there I wasn't sure he showed up
5 or not. Now, that time has passed, he did show up out
6 there. At the time I did not know it was him. The car
7 that he was driving when he went to Ms. Stacy's residence
8 around midnight, that car was at the Game Changer in the
9 parking lot and another individual came in and said there
10 was a car out there.

11 Q Don't tell me what anybody else said, okay, because
12 it's hearsay. But you can start -- you can left off where
13 you left off. You said that the vehicle that ultimately
14 later on that came to Stacy's house later that night, that
15 was the same vehicle ---

16 A Yes, sir. The vehicle that he drove out to Stacy's
17 house that night was seen at the Game Changer the time I
18 was there.

19 Q Okay. At that particular period of time did you know
20 who was driving it?

21 A No, sir, I had no idea who was in it. We thought
22 that it was just -- I guess, you consider them customers
23 waiting for a crowd to join. Most people didn't go into a
24 bar until it got crowded friends and all that. We thought
25 somebody was just waiting.

1 Q Okay. So, I guess, this leads into my next question,
2 did anybody get out of that car?

3 A Not that I'm aware of. I'm not sure I didn't stay in
4 the parking lot to watch the vehicle nothing like that.

5 Q Okay. And why did you go into the parking lot, what
6 was the purpose of going into the parking lot at that
7 time?

8 A Really was no purpose. When it was brought to our
9 attention that there was a car out there, I think me and
10 several more just stepped out probably 30 seconds and step
11 back in.

12 Q Did you have any concern?

13 A No, I didn't because I didn't know who was in the
14 car. I didn't think anyone that was in it was a threat or
15 anything like that just thought it was a normal car.

16 Q Now, at some point in time did you ever receive a
17 phone call thereafter from Stacy Fowler?

18 A Yes, sir, I don't know exactly how long after that
19 point, but, yes, sir, I did receive a phone call from Ms.
20 Fowler.

21 Q Okay. And tell me about that conversation?

22 A When I answered the phone, I was asked where I was.
23 I told her, you know, I was out at the Game Changer. And
24 then it was brought to me that also from her that, I
25 guess, Blake was looking for me and I was told that they

1 were going to come pick me up. And I say they I mean
2 Ms. Fowler and Ms. Ratley. And I told them that I think
3 that would not be a bad idea because I don't need to get
4 in any trouble and I don't want to get in any trouble.

5 Q And think that was my next question is is that whose
6 suggestion was it or whose idea was it for them to come
7 pick you up at the Game Changer?

8 A Originally, it was Ms. Fowler's idea and I agreed to
9 it.

10 Q Okay. And how long did it take them before they
11 arrived?

12 A Twenty, 25 minutes.

13 Q Okay. Now, at the time when she called, did you know
14 that your daughter was in the vehicle with her?

15 MR. CLEMENTS: Your Honor, I would object to the
16 leading, been doing it, but it's time for me to object.

17 THE COURT: Objection overruled at this point.
18 Go ahead and answer the question.

19 A If I'm not mistaken when the phone call was made from
20 her, I think she did state that my child was with her.

21 Q Okay. All right. So when they got there, what
22 happened once Stacy, Logan and your child got there?

23 A When they got there, I asked to drive. I just -- I
24 rather drive than ride with somebody. I've always been
25 that way, but I drove from the Game Changer to my parents'

1 residence in Nichols.

2 Q Now, why were you going to your parents' residence
3 you go straight there?

4 A Yes, sir. We left there and went. I guess, you had
5 to take -- out the parking lot you got to take a right and
6 left and another right to get back to the main section of
7 the highway. But, yes, sir, we pretty much went straight
8 to my house.

9 Q And why were you going there?

10 A I picked up roughly 50 to 60 bucks that I had laying
11 around on the table beside where I slept. And I picked up
12 a hoodie cause it was planned for us to go back to the mud
13 bog where they were originally when they left to come get
14 me and, I think, it's \$12 to get in. I had slightly over
15 20 on me, so I went by and I picked up some money to get
16 in and I also picked up a light hoodie.

17 Q Where was your gun?

18 A At that time it was in my belt.

19 Q Okay. And, I think, you previously testified that at
20 some point in time you put it in the console of Cody
21 Walters' truck, when did you get it out?

22 A I got it out the console shortly after I received the
23 phone call from Stacy. I knew I was leaving at that point
24 and just didn't really want to leave my personal weapon in
25 the vehicle of someone else.

1 Q Okay. All right. So now you been in the courtroom
2 when, I think, you heard testimony in reference to a
3 number of calls disputes going back and forth over
4 telephone calls?

5 A Yes, sir.

6 Q When did those telephone calls start?

7 A They started roughly minutes after I got in the
8 vehicle and they lasted pretty much the whole trip to my
9 house. After I left my residence, I say somewhat half way
10 back before we got to Ms. Fowler's residence.

11 Q Okay. Now, do you remember when the first call
12 received or who the first call was from or who made the
13 first call. Do you remember?

14 A I'm not sure if it was incoming or outgoing call from
15 the vehicle. I want to say it was between Ms. Ratley and
16 Mr. Lane, but I couldn't testify to that because I'm not
17 100 percent sure.

18 Q Okay. All right. Now, did that start before --
19 well, scratch that question I think you've already
20 answered it. Roughly about how many calls do you think
21 there was about that time?

22 A A good many. One person would hang up. One would
23 call right back, that kind of went on the whole time.

24 Q Was your phone ever used?

25 A No, sir, my phone was never used at all. Ms.

1 Ratley's phone and Ms. Fowler's phone was used.

2 Q Now, did you know at that particular time do you know
3 what Blake's number was?

4 A No, sir.

5 Q And you tell me yes or no I'm asking, you your
6 knowledge, did you know whether or not he knew what your
7 number was?

8 A I do not believe he did.

9 Q Okay. Now, did at some point in time you talk with
10 -- did you ever talk with Blake during that trip?

11 A Yes, sir, I did. I think I talk with Blake and
12 Mr. Lane off Ms. Ratley's phone.

13 Q Okay. And to the best of your recollection how many
14 times did you think, if you know, do you remember how many
15 times you talk with Blake was it more than one?

16 A I say more than one less than five, wasn't many.

17 Q Okay. Did y'all have heated exchanges?

18 A Yes, sir, there was slightly heated exchanges there.

19 Q Could you give the jury an idea of what those
20 conversations were like?

21 A It kind of started out -- he was mad because I was
22 with Ms. Fowler, which I guess was his girlfriend. I was
23 under the impression they had been broke up for like two
24 to three weeks. But there was on both parties there was,
25 you know, I'm going to kick your ass and whatnot that come

1 from both parties.

2 Q Okay.

3 A And when I say both parties, that's including myself
4 and Mr. Dozier.

5 Q So y'all were exchanging back and forth I'm going to
6 kick your butt, y'all going to kick each others butt?

7 A Yes, sir.

8 Q All right. Now, and let me ask you this is is that
9 when he told you that he's going to kick your butt did you
10 take it seriously?

11 A At first no, you know, I kind of thought he just
12 talking.

13 Q When did you start to take it seriously?

14 A As the night -- the ride the night went on. It was,
15 I guess, I was invited you would say to -- I'm assuming
16 it's Matt residence to meet up. I declined that. The
17 Sunny Mart and King's Auto Sales location that was brought
18 up, but it was never an invite to meet.

19 Q And what contents was that brought up in if it wasn't
20 an invitation to meet?

21 A It was brought up as a location of where we were.

22 Q Okay.

23 A And that was brought up from Ms. Ratley.

24 Q Okay. All right. Did you talk with Ms. Ratley or
25 did Ms. Ratley talk with you about trying to arrange a

1 fight between yourself and Blake?

2 A Yes, sir, she kind of more or less try to push the
3 issue of us meeting up and fighting.

4 Q How did she try to push it up?

5 A She was telling us well, you know, you could meet him
6 over there. You can do this. We're right here at such
7 and such. And she even offered to take my child and I
8 guess what she considered to walk off with her so that we
9 could fight.

10 Q Would all of this talk of, you know, I'm going beat
11 your butt and back and forth, did you have any concern
12 that your child was sitting there in that vehicle?

13 A Yes, sir, I did.

14 Q Did at any point in time you agreed to meet at any
15 place to fight?

16 A No, sir, I never agreed to meet anywhere. After I
17 was invited to their residence, I declined no I'm meeting
18 him.

19 Q Did you have a conversation with Matt Lane?

20 A Yes, sir. The conversation started out, you know, we
21 both really didn't know each other. And I was told, well,
22 you know if you have a problem with Blake, you have a
23 problem with me. And that's kind of where the argument
24 between me and him came in. And he also repeated that I
25 was invited to that residence. He told me himself that I

1 could come to an open field at the end of their driveway
2 and meet up.

3 Q Did you take him seriously?

4 A Yeah. At right about that time was when I realized
5 things were kind of getting serious.

6 Q Okay. Did y'all ever make it to the mud bog?

7 A No, sir, we never made it to the mud bog that was our
8 destination. I went on through Nichols. From where I
9 stayed -- my parents stayed, going through Nichols by
10 Sunny Mart was actually closer than going back through
11 Mullins to get on 917. It's mostly back road wooded
12 areas, but went right through Nichols. I got through
13 Nichols Highway, I made a right onto Nichols Highway which
14 would have brought me out to 917. An eighth of a mile
15 maybe a quarter of a mile from where I got onto Nichols
16 highway. I turned left onto a little dirt road because we
17 had passed two mud trucks on a trailer. It was coming
18 from the direction of the mud bog. It's 11 something. I
19 kind of figured it was over wasn't no sense in driving all
20 the way out there. So I stopped on the dirt road me and
21 Ms. Fowler swapped seats. I got in the back with my
22 child. And she then drove from that location to her
23 residence on Ard Drive.

24 Q Okay. During any of those conversations, did you
25 ever talk to Blake about your intimacy with Stacy that

1 day?

2 A Yes, sir, I did and I did tell Mr. Dozier that me and
3 Stacy had sex. He at that point told me that she was
4 pregnant with his child, that was the first time that I've
5 even heard of her being pregnant and she denied the fact
6 that she was pregnant to me. I had no idea she was
7 pregnant.

8 Q Okay. How did he took it was -- did he yell? Was he
9 yelling on the phone?

10 A Yeah, of course, I mean, I think anyone would be mad
11 if you just learn that your spouse or girlfriend or
12 boyfriend or whatever had sex with someone else.

13 Q Did he curse you?

14 A Oh, yeah, multiple times.

15 Q Did you curse him back?

16 A Yeah, yes, sir. During the time after that, I think
17 we both agreed that really wasn't worth arguing over and
18 kind of squashed it out, meaning just let it go. There's
19 no sense in meeting up. There's no sense in fighting.
20 It's not worth it and that's kind of when the phone calls
21 stopped coming in and out back and forth.

22 Q Okay. And when y'all turned around at the mud bog, I
23 think you testified that Stacy had gotten into the driver
24 seat and you pull over and Stacy started driving where did
25 you all go from there?

1 A We left there and went straight back to the residence
2 of Ms. Fowler, which we back on Nichols Highway come back
3 out to it's number 9 and 76, run right up 76 back Scotch
4 Community Road, made a right and then right onto her dirt
5 road in her yard.

6 Q Okay. About how long did it take you before you got
7 back to the residence?

8 A No more than 15 minutes.

9 Q Now, why were you going back to Stacy's for instance,
10 whose idea was it for you to go back there?

11 A I think it was her actual idea, but I never decline
12 it.

13 Q Did you want to go back to her residence?

14 A I didn't mind it.

15 Q Now, tell me what happened once you arrived back at
16 her residence?

17 A Once we got back to the residence, I walked in with
18 my child. She was in my arms. Ms. Fowler walked and Ms.
19 Logan Ratley walked in. And I think she stated, well, I
20 need to use the restroom. She goes in, uses the restroom.
21 I don't remember how long she stayed after that, wasn't
22 very long. And she told -- well, it was said that she was
23 going to go to a friend of her's house. It was never
24 mention that she was going to where Blake and Matt were
25 at.

1 Q Okay. All right. And how long was it before she
2 actually -- when she got there -- when Logan got there,
3 how long did she stay before she actually left?

4 A I say it was no more than ten minutes. I probably
5 estimate it somewhere around five to six minutes.

6 Q Now, the car y'all riding in who did the car belong
7 to?

8 A The one that we were in was the car of Ms. Logan
9 Ratley's.

10 Q Okay. When y'all got to Stacy's house was there
11 another car at the house?

12 A No, sir.

13 Q Did you have a car?

14 A No, sir.

15 Q Okay. If you didn't have a car and Stacy didn't have
16 a car and the only car that you had left, how were you
17 going to get home?

18 A I really hadn't plan on going home that night.

19 Q Did you thought -- well, let me ask you is is that
20 what were your plans?

21 A Their plans and intentions was for me to stay there
22 that night with Ms. Fowler and my child.

23 Q Okay. Now, was your child awake when y'all got back
24 to the residence?

25 A Yes, sir, when we returned to the residence, she was

1 awake.

2 Q Okay. And you tell me what did you do once you got
3 there?

4 A I got in the recliner. I think it was a full
5 recliner, but it rocked. I got into that and Ms. Fowler
6 got on the couch and that's where I proceeded to rock
7 Kayle to sleep, which is my daughter.

8 Q Okay. And where was Stacy at?

9 A She was sitting on the couch. I guess, you would
10 consider beside me. It's kind of like where I'm at now
11 would be the rocker and the jury seats there would be the
12 -- where the couch was at.

13 Q Okay. Did your daughter finally go to sleep?

14 A Yes, sir, she -- it took a few minutes but shortly
15 after that she went to sleep.

16 Q Now, I'm going to ask you about Ms. Logan Ratley's
17 cell phone. At any time did you have Ms. Logan Ratley's
18 cell phone?

19 A When I had her phone, there was someone on the other
20 line or other end of it. It was, I guess, in process of
21 a call I guess that's how you would word it.

22 Q Okay. At any point in time, did you text any message
23 to Matt Lane on Logan Ratley's telephone?

24 A No, sir, I never once sent any message or received
25 any message as far as text, e-mail anything like that.

1 The entire time I had the phone it was all phone calls.
2 The phones ring back and forth so much that you really
3 wouldn't have been able to send a message before a call
4 came in.

5 Q Okay. So you never text Matt Lane?

6 A No, sir, I never sent a message from Ms. Ratley's
7 phone.

8 Q All right. Now, while you there, you tell me whether
9 you know or not because I don't know whether you know or
10 not that while you were there after y'all got back to
11 Stacy' house, do you know whether or not Stacy received a
12 call from Blake?

13 A To my knowledge, she never received a call from
14 Blake. The only time she had the phone or try to make a
15 call is she was suppose to call Ms. Ratley because she had
16 my child's cup in her car and she was gone have Ms. Ratley
17 to return it.

18 Q Did Logan came back?

19 A No, sir. Once she left, she didn't come back then.
20 She came prior.

21 Q All right. Now, did at some point in time did Blake
22 show up?

23 A Yes, sir. I don't know how long it was between the
24 time that Ms. Ratley left, but, yes, sir, he did come
25 back -- come up.

1 Q And tell us about that, tell us about that
2 experience?

3 A Well, we were sitting in the house and naturally you
4 can see headlights when they're coming. You see the
5 headlights coming in pretty fast. It turns up in the
6 yard. Stacy goes out the house. I laid my child down on
7 the couch that she was just on and I stepped out the
8 house. At that point that's when Stacy said who the hell
9 is this and what the hell you doing in my yard or
10 something to that effect. Why the hell are you in my yard
11 something like that.

12 Q Now, prior to Blake arriving and you tell me do you
13 know whether or not Stacy had received a call from Logan?

14 A To my knowledge, I do not think so, but I'm not
15 really a hundred percent sure.

16 Q Did Stacy ever tell you that Blake was on his way at
17 any point in time?

18 A No, sir.

19 Q Did you knew that Blake was coming there before he
20 actually showed up?

21 A No, sir, I had no idea he was coming until I stepped
22 out the house and noticed who it was.

23 Q Now, you said he was coming at a pretty high rate,
24 fast rate of speed?

25 A Yes, sir.

1 Q Why do you think he was driving at a high rate of
2 speed?

3 MR. CLEMENTS: Your Honor, I object to that. It
4 calls for speculation.

5 THE COURT: Objection sustained.

6 MR. BROOKER: Okay, I'll rephrase that. Thank
7 you, Your Honor.

8 BY MR. BROOKER:

9 Q What did you observe about the car that gave you that
10 impression?

11 A It come in pretty fast, turn in fast and slammed on
12 breaks and kind of slid to a stop. I kind of got the
13 impression that he was mad.

14 Q Okay. Well, did you -- when did you go out -- well,
15 let me make sure is that at some point in time you and
16 Stacy went out. Did you go out before he actually -- the
17 car came to a stop or afterwards?

18 A It was after. He was completely stop and pretty much
19 out whenever I exited the house because I had to lay my
20 daughter down before I went out.

21 Q What about Stacy?

22 A She went out before me.

23 Q Okay. All right. And tell us what happened, you
24 know, starting with the point you laid your daughter down.
25 And, of course, you headed to the door to go out pick it

1 up from there and tell us what happened from that point?

2 A As I went out the house, she was already at the car,
3 a few steps from the car. He was already out the car and
4 the second vehicle was coming in behind him. I know it
5 was a SUV. I didn't pay attention to the color or
6 whatnot. And Stacy was saying, you know, y'all need to
7 get the hell out my yard this and that. Who exactly she
8 was talking to I'm not sure. And I do remember her making
9 some certain names out and she did name Matt Lane and she
10 named Ethan. And she specifically told Logan you need to
11 get Matt Lane and Ethan the hell out my yard after they
12 got there.

13 Q Okay.

14 A But she also stated prior that who the hell is this,
15 they need to get the hell out my yard when Blake came up.

16 Q So she made that comment before the SUV pulled up?

17 A Yes, sir.

18 Q Now, so we can get the sequences right is is that
19 when you came out, when you stepped out onto the porch had
20 the SUV arrived yet?

21 A No, sir. I think they kind of arrived as I was
22 coming off the porch.

23 Q Okay. And you pick up from there when you coming off
24 the porch tell the jury what did you do?

25 A As I was coming off the porch, Ms. Fowler and Mr.

1 Dozier was at the door of the vehicle. She was trying to,
2 I guess, you consider keeping him in the vehicle, but he
3 was overpowering her. It wasn't no calm conversation. He
4 was trying to get around her and around the door. And I
5 guess she was -- the size of her wasn't kind of able to
6 get completely around the door. And I didn't ever stop on
7 the porch. I went on out the house behind her. As I
8 walked up behind her where they were at the vehicle, he
9 was still trying to get around her. And he took his left
10 hand and kind of pushed her to the side enough that he
11 could swing his right. And that's where the swing was
12 made and it did connect with me. It wasn't a -- I
13 consider a complete solid lick, but it made connection.
14 When that lick was made, I noticed the other individuals
15 coming out the vehicle behind him. And as I regained my
16 composure and was coming back up, that's when I pulled my
17 weapon and I fired.

18 Q Let me ask you this question I'm going to back you up
19 just a little bit. Now, you said after you put the child
20 down and then you walked out on the porch and you walked
21 straight towards the car, did Stacy ever tell you Chad
22 stay on the...

23 A I do not remember her saying Chad stay on the porch.
24 I think that was in her testimony that she stated that,
25 but as far as actually to me, I never remember her saying

1 Chad stay on the porch.

2 Q Now, so why were you walking up to the car, why did
3 you put your child down and walked out on the porch and
4 then walk towards the car that pulled up? When did you
5 realize it was Blake in the car?

6 A About I say three to four steps off the porch after I
7 exited the porch when I realized who it actually was.

8 Q And did you continue walking after you realize who it
9 was in the car?

10 A Yes, sir, I did.

11 Q Okay. Why did you continue walking up to the car
12 once you find out that, hey, this is Blake in the car?

13 A When I came out the house and exited the house
14 because I didn't know what was actually fixing to go on
15 and whatever it was I did not want it around my child.
16 I'd rather whatever happened to be as far away from my
17 child as possible.

18 Q How did you felt when you learned that this is Blake,
19 this is the guy you been talking on the phone that night
20 in exchanging threats, how did you felt when you learned
21 that he's actually here he's there right in the yard?

22 A I think my initial thought was, oh, hell. I think
23 that's actually what went through my mind.

24 Q And what do you mean when you say, oh, hell, what did
25 you thought was gone happen?

1 A At that point I really wasn't sure, but in my mind, I
2 kind of felt like he was going to take up those offers
3 that he made prior to that -- him coming.

4 Q Okay. All right. Now, you said that you walked up
5 to the car and I want you to kind of tell me at least so
6 we can give a demonstration to the jury is is that
7 assuming that this is the car door and assuming that I am
8 Blake tell me where was he standing in relationship to the
9 car door?

10 A He was -- I guess you would say middle ways the door
11 the length of the door. He was somewhere around middle
12 ways of it. He wasn't right where it opened at in the
13 seat of the car, but he wasn't completely on the other
14 side of it either. Ms. Fowler was at the end of the door.

15 Q Okay. Ms. Fowler was at the end of the door?

16 A Yes, sir.

17 Q Okay. And where did you come up at?

18 A Kind of more or less beside of her. It wouldn't
19 really be behind her cause the way she was turned. It
20 would be beside of her. I say half my body was with half
21 of the door. The other half was pass the end of the door.

22 Q Okay. And at that time when you got at that distance
23 what was going on?

24 A He was still trying to come around her. She wouldn't
25 let him or was trying to stop him from that. And as I

1 walked up by the door, that's when he move her enough
2 because they were still struggling somewhat. He moved her
3 enough to make the swing over the edge of the door.

4 Q Okay. He made the swung over the edge of the door?

5 A Yes, sir. We probably wasn't two foot a part just
6 enough for the door to be right between us.

7 Q Okay. And when he made the swing and I'm going to
8 ask you now and I know you testified that when he made a
9 slight connection to you and you went back -- when he made
10 connection with you and he swung, what went through your
11 mind when he made contact with you?

12 A The exact first thing that went through my mind I'm
13 not sure, but that's when I seen the other individuals
14 exit from the second car. One of them was completely out
15 the vehicle standing behind the vehicle that Blake was
16 driving. The other one the door was opening and you could
17 tell there was an individual there as far as who, their
18 face and whatnot, I didn't see that, but there was another
19 individual getting out the passenger side of the SUV.

20 Q Did you have any fear at that time?

21 A Yes, sir.

22 Q What was your fear?

23 A At that point I figured they're really fixing to hurt
24 me if not kill me.

25 Q Okay. What influenced you, you know, to decide to

1 use your gun?

2 A After I was struck the first time and I seen the
3 other individuals coming, I knew that they were going to
4 use everyone they had against me and I felt like that's
5 what I had to do to protect me and not only me, but my
6 three year old is in the house behind me.

7 Q Okay. Now ---

8 MR. CLEMENTS: Your Honor, may we approach.

9 (WHEREUPON, a bench conference was held in the
10 presence of the jury, but out of the hearing of the
11 jury.)

12 THE COURT: If you all want to stand up and
13 stretch your legs for a minute please feel free to do so.
14 Everybody on the jury, okay? Does anybody need a break?
15 All right, step to the jury room, do not discuss the case.
16 I need all of you to step to the jury room.

17 (WHEREUPON, the jury retire to the jury room.)

18 MR. CLEMENTS: Sorry, Your Honor.

19 THE COURT: Hold on a minute the client had a
20 question.

21 THE DEFENDANT: Will I be allowed to go to the
22 restroom?

23 THE COURT: You can step down. You cannot
24 discuss your testimony. Would somebody take him down to
25 the restroom please.

1 (WHEREUPON, a break was taken.)

2 THE COURT: See if the jury is ready?

3 (WHEREUPON, the jury came into open court.)

4 THE COURT: All jurors present. Mr. Brooker,
5 you may continue, sir.

6 MR. BROOKER: Thank you, Your Honor.

7 BY MR. BROOKER:

8 Q When you walked up to that car and Blake was in it,
9 what were your intentions towards Blake?

10 A I really had no intentions towards him. I wanted to
11 find out what was going on, why it was going on. I was
12 concern for Stacy Fowler as well, I mean, I'm not gone lie
13 and say I wasn't. I wasn't sure what was fixing to
14 happen.

15 Q Now, I'm going to take you back to when you said that
16 when you were struck.

17 A Yes, sir.

18 Q That you went down and came back up. And you -- and
19 I think when you last left off, if I'm not correct, you
20 were explaining the positions of everyone?

21 A Yes, sir.

22 Q Okay. Now, and I think you said that he reached
23 around and struck you?

24 A Yes, sir.

25 Q Where did he make contact with you at?

1 A More toward the upper part of me of my head. I say
2 about right at the corner of my eyebrow where my eyebrow
3 comes back to the side of my head at.

4 Q Okay. Okay. Now, when you came back up, I think
5 you testified you discharged your gun?

6 A Yes, sir.

7 Q Okay. How many times did you discharge your gun?

8 A Once, only one time.

9 Q Okay. And what happened once you discharged your
10 gun?

11 A Once I discharged it, the individuals that was in the
12 second vehicle they turned and kind of ran back to the
13 vehicle, jumped in that vehicle then left. Mr. Dozier
14 fell. And Stacy went kind of -- I guess you would explain
15 it hysterical. She went to hollering and screaming and
16 whatnot and she ask, oh, my God what do we do now. My
17 words to her was call 9-1-1. I'm going to my daddy's.

18 Q Okay. Now, why did you only fired the gun just once?

19 A Because I used it defensively. I didn't pull it to
20 just shoot people that were there whatnot. I used it
21 because I felt threatened and felt like I needed to use
22 it. Once I felt like the threat was over, there was no
23 need for me to use my weapon again.

24 Q Okay. Now, you said that Stacy said that something
25 to the effect that Chad what we going to do and you said

1 you told her to call 9-1-1 you were leaving?

2 A Yes, sir.

3 Q Okay.. Why did you leave the scene?

4 A I was scared.

5 Q Had you ever been involved in anything like that
6 before?

7 A No, sir, I've never been involved in anything like
8 that. I've never been arrested or never been in any
9 trouble before.

10 Q And where did you go to when you run off?

11 A To my father's residence.

12 Q Okay. And did you have a gun?

13 A I had it when I left. As I was going down -- I cut
14 cross several yards and to get back to the highway, I
15 didn't go out to the end of the dirt road or nothing.
16 Somewhat throughout the highway, the gun actually slid on
17 out my belt and down in my pants leg. When it went down
18 my pants leg, I then grabbed it and put it in the bushes
19 that I took law enforcement to retrieve it.

20 Q Okay. I'm going to take you back to the shooting
21 very instantly, so what was going through your mind after
22 you discharged that gun and you saw Blake fell to the
23 ground what were you thinking then?

24 A I was really scared and really didn't know what to
25 think.

1 Q Okay. Now, and, of course, you already stated that
2 you run away?

3 A Yes, sir.

4 Q You hid it in the woods?

5 A I wouldn't consider it woods.

6 Q I don't want to influence your testimony you tell me
7 where you hid the gun at?

8 A It was kind of brushy area right next to a little
9 bridge. I think it was just like a road that had the
10 sides on it. I just took it and I didn't rear back and
11 try to fling it through the woods or anything like that.
12 I just took it and toss it over the side of the road into
13 the little brush area, which is the photos of one of those
14 photos over there.

15 Q Okay. Now, back at the scene and I need to take you
16 back there at least once more because I need to talk with
17 you about the positions of the car. When Blake -- when
18 the car that was driven by Blake Dozier pulled up ---

19 MR. BROOKER: You can indulge me for just a
20 second, Your Honor, I need to flip through the exhibits
21 and get the right one.

22 BY MR. BROOKER:

23 Q The car driven by Blake Dozier I'm going to let you
24 take a look at it State's Exhibit 29. Was that roughly
25 the position that the car was in that was being driven by

1 Blake Dozier at the time he pulled up in the yard?

2 A Yes, sir, the best of my knowledge, yes, sir, what's
3 where it was.

4 Q Now, you also discussed a white SUV that pulled up in
5 the yard. In relationship -- in relationship to the
6 vehicle being driven by -- tell me what the relationship
7 of that car to the vehicle being driven by Blake Dozier
8 where was that SUV positioned at?

9 A They pulled in behind the car that Blake was driving.
10 They didn't pull up directly on the back bumper of the car
11 and that particular driveway the further you pull up the
12 more it turns to...

13 Q You can go ahead.

14 A The further you pull up into the drive way, the more
15 it turns to clear the house.

16 Q I have at least what's been identified as State's
17 Exhibit Number 4. I'll let you take a look at it. And
18 this is -- give you some reference points this is Stacy's
19 house; is that correct?

20 A Yes, sir.

21 Q Okay. Now, you tell me you show me on this map and
22 you can point if you like. I have a fancy laser pointer.
23 Where was that car pulled up in relationship to the
24 vehicle that -- where was that car pulled up in
25 relationship to -- well, I think on the photograph Blake

1 Dozier -- let me give you that photograph. Let me give
2 you back number 29 too so that you can have these as
3 reference points. If you look at number 29 State's
4 Exhibit Number 29 and you see where it's located at in
5 relationship to the trailer?

6 A Yes, sir.

7 Q Okay. Could you indicate at least on this State's
8 Exhibit Number 4 roughly where would it be? This is a
9 different view, but where would it be in relationship to
10 the trailer. This is Blake Dozier's vehicle.

11 A Could everyone still hear me without the mic. The
12 car that he was driving is going to be somewhat right
13 here. If you notice here, there's a swing set in the
14 background that swing set is gone be right here, which is
15 my daughter's swing set. His car was right here kind of
16 facing -- you can kind of see here which way it was facing
17 more to -- I say about half way the corner of the house
18 and half way pass. And the second vehicle when they come
19 in, they never made the turn back. So when they come in,
20 they were still facing kind of the center of the house,
21 come off the dirt road and stop behind it which somewhere
22 around where this cop car here was stopped at somewhere in
23 that same area. They didn't pull up directly behind the
24 car, but they didn't stay in the road either.

25 Q Okay. And Blake Dozier's car was driven by Blake

1 Dozier did he have his headlights on?

2 A Yes, sir, the vehicle that Blake drove had their
3 headlights on or had the lights on as well as the vehicle
4 that come up behind him.

5 Q Okay. Were there any other lights that were on in
6 that particular area?

7 A I think the porch light of the house was on and the
8 neighbor had night lights. I think that particular house,
9 which is Ms. Fowler's, I think there's a nightlight in the
10 backyard. It was put up I think by her father.

11 Q When y'all were standing next to the vehicle driven
12 by Blake Dozier and that white SUV pulled up, where were
13 the headlights shine in relationship to where y'all were
14 standing?

15 A Pretty much on us. They were more or less facing the
16 middle of the house and we was in between it. So it was
17 kind of as if we were in the spotlight.

18 Q Okay. Now, I'm going to take you back to after you
19 left the house. I think we were dropping the gun. Why
20 did you get rid of the gun?

21 A I was scared and I figured if law enforcement was to
22 see me with the weapon like that, I stood a pretty good
23 chance of being shot.

24 Q Okay. So when you discharged it and you put the gun
25 down, how long did it take you to get home?

1 A Exact time I'm not sure. It was a little over an
2 hour or around an hour. I think, it's -- I think to be
3 exact it's like 4.7 miles by car and that's road for road
4 driveway for driveway. And I cut corners and I went
5 through yards and across fields here and there.

6 Q Did you walk or run?

7 A I started out running and then at the time I smoke
8 pretty heavily, so that run quickly went to a jog and all
9 way down to a walk.

10 Q Now, did at any point in time when you were making
11 your way back to your house, did you encounter anybody?

12 A Yes, sir, whenever I left the residence of Ms.
13 Fowler, I went down Scotch Community Road and it
14 intersected with I think it's Center Church Road between
15 where Scotch Community Road run into that one and Front
16 Street meet Center Church Road. I pass Ms. Ratley in her
17 Explorer. She stopped in the road and I kind of got to
18 the right side of the highway and put myself across the
19 ditch because I didn't want to risk being run over or
20 anything. I didn't know who was in the vehicle or what.
21 She stopped in the road and she stood up on her running
22 board and she asked me where I was going and what she
23 needed to do. I then told her it wasn't none of her
24 business where I was going and she said I'm going to
25 Stacy's. I said fine. And I never stopped. I think I

1 was pretty much jogging at that point. I never stopped
2 jogging or anything.

3 Q Okay. When you got home what happened?

4 A When I got home my father -- I think my mother was --
5 she was in and out of it on the couch. She pretty much
6 asleep. My father was watching football. I did tell my
7 father that the cops would probably show up, but I wasn't
8 truthful with him why. I told him that we had gotten into
9 it and somebody probably gone sign a warrant on me, that
10 was all I told my father.

11 Q And why didn't you tell him everything that had
12 happened or what had happened?

13 A I was scared to tell him and I knew my mama couldn't
14 handle what happened, so I couldn't tell her.

15 Q Okay. Now, I want to ask you one more question about
16 that shooting because this is an important question.
17 When -- I know that you testified that Blake swung and
18 made connection to the side of your face?

19 A Yes, sir.

20 Q Okay. When he swung and hit you, why didn't you just
21 run away?

22 A At that point I don't think there was nowhere to run.
23 I mean, I did leave the Game Changer to what I thought to
24 avoid all this. And there's two vehicles left sitting
25 there. If I would have run, I wouldn't have been able to

1 run away from the whole thing. For one, they would have
2 followed me too. I couldn't leave my three year old on
3 the couch and all that going on outside. I care more for
4 my child than to leave her.....

5 Q Why didn't you just run back in the house?

6 A Because I'm not going to bring anything to where my
7 child's at.

8 Q What do you mean bring anything to where your child's
9 at?

10 A I'm pretty sure with the state of mind that they were
11 in outside, had I went back in the house they would have
12 come in to where I was.. I feel like that they were --
13 their intention was to get me and I feel like they would
14 have come in the house to get me had I went back in the
15 house. My child was in the house. I'm not going to bring
16 that that close to my child.

17 Q Now, when you got back to -- now, you said you didn't
18 tell your father what happened and your mother what
19 happened?

20 A No, sir, I wasn't a hundred percent truthful with
21 them.

22 Q So what did you do when you got to the house?

23 A I sit down in the recliner that we had there, pretty
24 much stayed there all night. We had a driveway alarm that
25 any time somebody or someone would pull into the driveway

1 you can hear it in the house. I sat in the recliner and
2 it go off and I get up and look out the window. It was
3 nobody out there, which no one ever came that night. I
4 sat back down and kind of restarted that whole process.
5 Finally, I say somewhat around 4:30 quarter to five I
6 ended up going to sleep in the recliner.

7 Q Okay. And what were you waiting on?

8 A The cops, the sheriff department.

9 Q Did they eventually come?

10 A Yes, sir, eight hours later. It was around eight --
11 between eight, 8:30 Sunday morning which would have
12 been -- it was the fourth the same day, but it was like
13 eight hours after.

14 Q And who came to the house when you got there?

15 A The first ones I noticed was Mr. Martin Bell and
16 Mr. Charlie Watson. They are the ones that spoke to my
17 family first. My dad answered the door and he went down
18 -- and was going down the steps and he told them that I
19 was home. I think Mr. Bell then said that he wanted to
20 speak with me. And my daddy turned to more less call me
21 and I was already coming out the back door. I came out
22 the back door to immediately, you know, give them my hands
23 or I think I put them behind my back because I knew what
24 they were there for. And he ask me did I tell them why
25 they were there or whatever. I don't remember if I told

1 them or they told them, but that's when my parents found
2 out exactly why they were there.

3 Q Okay. And how did that make you feel?

4 A Pretty bad. I have a handicap brother that's not
5 mentally stable. He didn't really know what was going on.
6 He just seen my mom upset and I guess you could say that
7 made me feel like shit.

8 Q Now, did you talk with Charlie Watson excuse me --
9 did you talk with the officers about the gun?

10 A Yes, sir, most of the talking that was done was done
11 with Mr. Martin Bell cause as he stated when he was on the
12 stand that he did know my family. Him and my father
13 somewhat have history, so he did most of the talking. He
14 asked me where the gun was and that they like to have it.
15 I willingly told him, you know, where it was located. I
16 told him that I would be glad to take them to where it was
17 at and or tell them where it was at and I did so. I took
18 them directly to where it was at. And I told him that
19 it's going to be between -- if I'm not mistaken, it was a
20 light pole and the corner of a bridge. I told him exactly
21 where it was. I say within several minutes I think it was
22 Detective James Lee is the exact one I believe that walked
23 up on it first. I think he spotted it first.

24 Q Okay. And why were you so cooperative at that point
25 in time?

1 A I kind of felt like with what happened that the way
2 it happened the law be on my side, but again I've never
3 been in any kind of trouble and I think it been a whole
4 lot easier on me to cooperate than it would be not to
5 cooperate.

6 Q Okay. All right. So y'all found the gun?

7 A Yes, sir.

8 Q And when you find the gun, did they take you back to
9 the police station?

10 A Yes, sir, as soon as we left where the gun was, they
11 took us direction to the Marion County sheriff department.

12 Q Okay. And what did y'all do there?

13 A That's where I was proceeded to be question. I took
14 a -- I think that was an audio statement and as Mr. Martin
15 Bell stated earlier, they did give me something to drink.
16 And I never actually got food, but they give me a drink
17 and actually let me smoke a cigarette before.

18 Q Did you give them a statement?

19 A Yes, sir.

20 Q Okay. You were in the courtroom when I think the
21 audio statement was played. Was that the statement that
22 you gave?

23 A That was the first audio statement -- well, actually
24 the only audio statement I made, yes, sir.

25 Q Okay. And you did that -- you did that the same day

1 they picked you up the 5th?

2 A Yes, sir, that Sunday, yes, sir. And I'm not sure
3 whose office it was. I don't know if it was a joint
4 office or those two individuals there, which Mr. Watson
5 and Mr. Bell were the ones in the office.

6 Q Okay. All right. Now, did you ever talk to them --
7 did you ever talk to them again or either give any other
8 statement?

9 A Yes, sir, I say a week after I was locked up they
10 came back and they brought me back to the same office.
11 And he ask me -- at that point I think they wanted to
12 speak to my father, asked me where my father was at. And
13 I told them my father was in the process of getting me an
14 attorney. At that point, I guess you could tell -- you
15 tell them you're going to get an attorney that things kind
16 of change a little bit. He asked being you're getting an
17 attorney are you still willing to talk with me. Yeah, I
18 mean, I told you the truth and I'll be glad to tell you
19 what happened again.

20 Q Did you tell them?

21 A Yeah, I wrote a statement at that time.

22 Q Okay. Now, let me just ask you a couple of questions
23 and then I think I'll sit down. Since, you were arrested
24 on that day I think on the 5th have you had any contact
25 with Stacy?

1 A No, sir, all the contact between Stacy and my family
2 is made through my father and that's to get my child and
3 for me to have visitation to my child.

4 MR. BROOKER: If you can indulge me a second,
5 Your Honor, make sure I have no further questions.

6 THE COURT: Yes, sir.

7 (WHEREUPON, a pause in the proceedings.)

8 MR. BROOKER: I got about four more, Your Honor,
9 I think is very important.

10 BY MR. BROOKER:

11 Q Now, I'm gone take you back to the scene of the
12 shooting because I need to ask you some specific
13 questions.

14 A Yes, sir.

15 Q And I want to take you back to immediately prior to
16 the shooting could you stand up please ---

17 MR. BROOKER: If that's okay, Your Honor?

18 THE COURT: Yes, sir.

19 BY MR. BROOKER:

20 Q Could you step down.

21 A Yes, sir.

22 Q Now, I'm going to be Blake Dozier and obviously you
23 are yourself?

24 A Yes, sir.

25 Q When you went down and you came back up and you

1 discharged that gun, you tell me to the best of your
2 recollection what was the distance between yourself and
3 between Blake Dozier when you discharged your gun?

4 A At that point I would put it somewhere probably like
5 we are now.

6 Q Okay. Where was Stacy?

7 A At this point she was like right here and I was more
8 or less right here, kind of more in a triangle instead of
9 being dead in line.

10 Q Okay. Well, like a triangle, you mean a triangle is
11 is that ---

12 A He was there. She was here and I was back here to
13 connect the dots like a small triangle.

14 Q Okay. Do you know how tall he is?

15 A I didn't until I heard it in the courtroom by, I
16 think, the medical examiner he was 5'6.

17 Q Okay. Okay. Now, I'm about 5'8 does that -- was he
18 about my height?

19 A I say so, yes, sir.

20 Q All right. Now, how did you use your gun -- where
21 was your gun at on you on your body?

22 A It was in a holster I had went right here -- right
23 in -- it was an end pants also you could wore it anywhere,
24 but depending upon where you put it, it would change
25 hands.

1 Q Okay. And are you right handed or left handed?

2 A Right handed.

3 Q Okay. When you discharged your gun, which hand did
4 you discharge the gun with? Which hand do you grasp the
5 gun with?

6 A My right hand. I'm pretty much dominate with my
7 right hand. Everything I do is right handed.

8 Q Okay. All right. You said and, I think, your
9 testimony was is is that y'all were kind of like a
10 triangle with Stacy here?

11 A Yes, sir.

12 Q Okay. How did you -- did you have full extension of
13 your hand when you discharge it?

14 A No, sir, I never was -- I wasn't fully extended when
15 I grabbed it because I was trying to come back up. I
16 don't know exactly how far up I got, but I say three
17 quarters of a way extended out with just my arm. I wasn't
18 completely standing back up.

19 Q Okay. Okay. That's what I'm trying to find out is
20 is that at what position you were at when the gun
21 discharged. Were you completely stand up right or what
22 position were you at?

23 A I was -- from as far back as I went, I'd say I was
24 between half way between as far as I went and standing
25 back up. I pulled somewhat probably like right here

1 because he didn't knock me to the ground, but he kind of
2 turned me, that's as I come back up. And I was not
3 standing straight up when I discharge, no, sir.

4 Q Okay. Was he standing straight up when you
5 discharged?

6 A Best of my knowledge, yes, sir.

7 Q Was he standing straight on to you or facing you?

8 A Kind of slightly to the facing left as he swung his
9 body weight went with it. He was somewhat to the left --
10 facing left.

11 Q Okay.

12 A He wasn't turn like this. He was slightly angle.

13 Q Okay. Okay. Okay. And whether or not you know --
14 and I don't know if you know. I know that you testified
15 is is that he swung and he hit you some place up here in
16 the face. Did you know whether or not he hit you with a
17 right hand or whether or not he hit you with a left hand?

18 A I'm pretty sure it was a right hand because it caught
19 the left side of me, so it had to be the right hand.

20 Q Okay. And do you know or do you think because I
21 don't want you to speculate. You tell me if you know, you
22 think. And if you need to take some time and think about
23 it, you tell me. Can you recall which hand that he hit
24 you with?

25 A It was right hand. It had to be right hand because

1 if he use his left, he probably hit this side.

2 Q Okay.

3 A That's where she was at with slightly to his left, so
4 it would had to hit her before it hit me. There's no
5 other possible way for it to come to my left side unless
6 he was using his right.

7 Q So your testimony is that she was off kind of
8 standing at an angle and your left and to his left and
9 that you believe that he hit you with his right?

10 A She was to my right, his left. And with her being
11 off to an angle, he had to come around with his right
12 hand.

13 Q Okay. And when -- and your testimony is is that when
14 he hit you that you went down?

15 A Yes, sir.

16 Q And then as you were coming back up, that is when you
17 pulled your gun and you discharged it on the way up?

18 A Yes, sir, that's when I retrieve the weapon from my
19 belt line and I fired it as I was coming back up. I only
20 fired once.

21 Q Okay. All right. You can have a seat.

22 MR. BROOKER: I don't think I have any further
23 questions at this time, Your Honor.

24 THE COURT: Cross-examination.

25 MR. CLEMENTS: Thank you, please the Court.

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. CLEMENTS:

4 Q Hold that stretch it out toward me. Okay. Now, you
5 were there, Blake was about right here, is that what
6 you're saying right?

7 A Give or take, yes, sir.

8 Q Closer or further?

9 A I put it about right there give or take an inch or
10 two.

11 Q And he's 5'6 and I'm 6'1?

12 A Yes, sir.

13 Q And I got to extend the whole way and I can't reach
14 you without; is that correct? I can't reach you without
15 coming forward a little bit?

16 A Right. This distance here is the distance I shot
17 from.

18 Q Okay. So you backed up a little bit, so you actually
19 closer to ---

20 A Yes, sir, the moment I went down that push me back
21 further.

22 Q All right. So tell me when to stop and get about
23 where you are before you lean back?

24 A There was just a door between us.

25 Q Just the door?

1 A Yes, sir, just a door.

2 Q Okay. So the door window was down?

3 A I think so, I'm not sure.

4 Q Had a door frame?

5 A Yes, sir.

6 Q So he had to get up and get over there to get you,
7 right?

8 A Yes, sir, straight swing would have put right over
9 the door way because the door -- it's a small car.

10 Q And Stacy was about right here?

11 A Yes, sir, she was right at the end of the doorway. I
12 would be standing pretty much at the door handle. She was
13 opening it from the outside.

14 Q She was right here?

15 A She was right inside the door it was -- if you open
16 the door, she would be right here. And I would be right
17 by the handle of the door.

18 Q Okay. Thank you. You can sit back down.

19 A Yes, sir.

20 Q Now, I want to be sure I couldn't hear real well. I
21 guess played too much rock-n-roll music. I couldn't hear
22 for sure, so I don't want to be redundant, but I'm going
23 to ask you some stuff I thought you said to Mr. Brooker.

24 A Okay, no problem.

25 Q It was a white SUV that pulled up behind Matt --

1 behind Blake?

2 A To be honest, I'm not sure the color that come up. I
3 know Ms. Ratley had a black one. And the best of my
4 knowledge, it was her vehicle that came up in the yard.

5 Q She was driving?

6 A Yes, sir.

7 Q Because you heard Stacy say Logan get him out my
8 yard?

9 A Yes, sir, Ms. Fowler said, Logan, you need to get
10 Matt and Ethan the hell out my yard.

11 Q Okay. Matt and Ethan; is that correct?

12 A Yes, sir, that's how I knew that it was Ethan that
13 was, I guess, you consider the third person second male,
14 that's how I knew who that person was. To my knowledge, I
15 couldn't physically see who it was.

16 Q Okay. She was driving the car and you think it was
17 her car, but you don't know?

18 A I'm pretty sure, but I can't testify that it was her
19 because I didn't go and inspect the vehicle.

20 Q I hope so because you been driving it around a whole
21 bunch right before then, right?

22 A That -- her vehicle, yes, sir. Yeah, I knew that was
23 her vehicle I was driving. I'm like 90 percent sure
24 that's whose it was that come back up, but with everything
25 else going on, I didn't particularly pay attention to that

1 vehicle.

2 Q So when you told Mr. Brooker it was a white vehicle,
3 she had a dark vehicle, didn't she?

4 A Her vehicle was black, yes, sir. I never told him
5 that it was white. He stated white and I stated that it
6 was her vehicle that came back up.

7 Q You just agreed with him up here earlier?

8 A Yes, sir.

9 Q Okay. Because ---

10 MR. BROOKER: Your Honor, I at least object to
11 the characterization. I said it was a white vehicle. I
12 don't think I ever said -- so I make an objection to at
13 least that observation.

14 THE COURT: Restate your question. It's been
15 said white and black, white and black all day. I mean, it
16 has. You may continue.

17 BY MR. CLEMENTS:

18 Q Mr. Brooker asked you about a white vehicle?

19 A I think so.

20 Q All right. Now, you remember testifying before at
21 the motions hearing, didn't you?

22 A Yes, sir.

23 Q Okay. And on cross-examination I asked you, Blake
24 drove up in his car in a vehicle of his own, but Logan
25 drove up in her vehicle with two other people with her?

1 A Yes, sir.

2 Q And your answer was?

3 A Yes, sir. I'm not disputing that it was not her
4 vehicle. I mean, I'm like I said I'm 90 percent sure it
5 was, but she was driving. I just didn't expect the
6 vehicle when they pulled up in the yard.

7 Q Okay. All right. She's got a black colored
8 Explorer, right? And you said, yes, sir.

9 A Her Explorer is black, yes, sir.

10 Q Okay. All right. So we all agree on that?

11 A Yes, sir, her personal Explorer is black, yes, sir,
12 the one that she drove.

13 Q Now, ask you about a couple of other things.

14 A Yes, sir.

15 Q You told Mr. Brooker just a little bit ago that you
16 didn't get -- you don't recall Stacy getting any calls
17 before that car flew up in your card?

18 A I don't recall her receiving a call. She did make a
19 call, which I stated that was to Ms. Ratley about a cup
20 that belong to my child.

21 Q Okay. But she never got a call is what you said.
22 You never heard it ring?

23 A I don't think it ring. It's either I can't be a
24 hundred percent honest if -- I can't hundred percent
25 remember if she made the call and Logan answered right

1 then or Logan called back or whatnot, but she contacted
2 Logan.

3 Q But earlier you told Mr. Brooker ---

4 A She made the call.

5 Q Nobody called her?

6 A She made the call.

7 Q And that nobody called her?

8 A Not to my knowledge.

9 Q Okay. You remember testifying back in December,
10 don't you?

11 A That was a hearing, correct?

12 Q Yes, sir.

13 A Yes, sir.

14 Q And the question there is, okay, what happened when
15 you got to Ms. Fowler's house. Once we pulled up, I got
16 my daughter out. We went in the house. Ms. Ratley then
17 said she had to use the bathroom and left. And she was
18 supposedly going to a friend's house?

19 A Yes, sir.

20 Q Can you read the highlighted part for me?

21 A Yes, sir, it says we were sitting in the house and
22 her phone rung.

23 Q Whose phone?

24 A Meaning Ms. Fowler.

25 Q Ms. Fowler's phone.

1 A I'm not sure the conversation they had, but then
2 shortly after a couple cars in the yard.

3 Q Okay. So that refresh your recollection here?

4 A Yes, sir. Like I just stated, I can't hundred
5 percent remember if she called or Logan called back, but
6 she did call Logan.

7 Q Okay. Now, let's see. Let me ask you not to
8 reiterate everything, but let me ask you and be sure I
9 understood you correctly?

10 A Yes, sir.

11 Q On direct examination, you told Mr. Brooker that
12 y'all had a seven year relationship?

13 A Yes, sir.

14 Q And it was about an average relationship?

15 A Yeah, I mean like most relationships you see.

16 Q Had a child?

17 A Yes, sir.

18 Q You fell a part and then split up?

19 A Yes, sir.

20 Q But you still in love with Stacy?

21 A Was.

22 Q Was?

23 A Yes, sir.

24 Q And y'all split in like April of 2012 and that love
25 doesn't die?

1 A No, sir, you just don't drop it.

2 Q And he continued to ask you about your relationship.
3 And you stated that her new boyfriend was Blake Dozier,
4 but y'all continued to see each other on a regular basis
5 about every other week?

6 A Once every week to every two weeks, yes, sir.

7 Q That's normal for split up couples with visitation of
8 children; isn't it?

9 A Yes, sir.

10 Q Every other weekend thing?

11 A Yes, sir.

12 Q Okay. But then you said you saw her about every once
13 a week or two. And then he asked you about being sexually
14 intimate?

15 A Yes, sir.

16 Q And you told him it was regular that y'all were
17 sexually intimate?

18 A Yes, sir.

19 Q And y'all didn't go out much in the public, but y'all
20 were regularly sexually intimate?

21 A Yes, sir.

22 Q All right. And you remember testifying back in
23 December?

24 A Uh-huh.

25 Q And at that time you on direct examination with

1 Mr. Brooker. And go through this with us. And can you
2 see, okay?

3 A Yes, sir.

4 Q Okay. It said, okay, how long you been dating at
5 that particular time in November of 2012 and you said it
6 couldn't have been more nine months of her and Blake,
7 right?

8 A Yeah.

9 Q Okay. And the question was, okay, okay, you said
10 that you and Stacy had started to become intimate. Around
11 when did that start back up and your answer was?

12 A November when the incident happen.

13 Q And the question was it was November 2012 and you
14 said?

15 A Yes, sir.

16 Q And when you say intimate are you referring to
17 full-blown sexual intercourse and you said?

18 A We had sex that day, yes, sir.

19 Q Okay. That's November 3rd 2012 the date of and you
20 said that?

21 A Exactly, yes, sir.

22 Q And of this particular incident and, of course, just
23 you know for reference to that you know prior to that
24 particular period of time how many times did y'all or how
25 many times prior to that particular period of time had

1 y'all been intimate your answer was?

2 A Once.

3 Q I think once after we split up.

4 A That's referring to full-blown intercourse.

5 Q Well, I thought he was asking you about full blown
6 intercourse on direct today and you said it was regular?

7 A Being intimate. I consider -- there really no polite
8 way to put this, but I consider a blow job intimate but
9 not full-blown intercourse. I mean, I'm sorry for the
10 language, but I really didn't know no other way to put
11 that I apologize.

12 Q Okay. He asked you on direct he asked you about
13 sexual intimacy and he asked you then about sexual
14 intimacy, didn't he?

15 A Intimacy, yes, sir.

16 Q All right. And I just want to know what was the
17 truth what you said in December or now?

18 A What I'm telling you is the truth now.

19 Q So December you weren't telling the truth?

20 A There may have been a misunderstanding there, but
21 when you say full-blown intercourse, I consider that
22 straight sex. Anything intimate could be to my opinion
23 anything up to sex. We may have different opinions of
24 intimacy.

25 Q Bottom line is you wanted Stacy back, didn't you?

1 A I think that was a mutual thing, it wasn't just me.

2 Q I didn't ask you about her. I'm asking you about
3 you. You wanted her back, didn't you?

4 A I wanted my family...

5 Q And you told that to Martin Bell and Charlie Watson
6 when they got that audio interview with you, didn't you?

7 A I think I did, yes, sir.

8 Q And you said -- and I recall at the end of the
9 interview that you said that you would go to your grave
10 for Stacy, didn't you?

11 A I would. I would for her or my child. I would put
12 my life in front of theirs, yes, sir.

13 Q And you also told them that -- and they asked you,
14 well, why did you do it and you said you didn't think
15 clearly before you did what you did and now you screwed up
16 your life and you can't change it. You remember telling
17 them that?

18 A Yes, sir, and I still feel like today my life has
19 been screwed up. And I also stated to them that I guess I
20 should have just let them do what they were gone do to me
21 beat me half to death.

22 Q Well, you didn't know anybody had a beef with you
23 other than Blake, did you?

24 A That night I didn't until the phone call between me
25 and Mr. Lane.

1 Q All right. And you threatened him, didn't you?

2 A There was threats going back and forth, yes, sir.

3 Q Okay. But he didn't really have a beef with you, did
4 he?

5 A I was told that if I had a problem with Blake, I also
6 had a problem with him.

7 Q Okay. But Blake came there by myself, didn't he?

8 A In a car by himself. The second vehicle with Matt
9 come right behind him within seconds after.

10 Q And that could have been to stop him, couldn't it?

11 A I don't think it was.

12 Q Okay. Well, you also said I shouldn't have done what
13 I done. Didn't you tell them that?

14 A And, yes, sir, and that's when I stated I guess I
15 should have.

16 Q Well, I think you said you did say that, but there's
17 a little bit more in between because you said you were
18 sorry about it, did you?

19 A Yes, sir, I mean, as a human being, as a person, as a
20 man, I couldn't imagine having to go through what
21 everyone's been through.

22 Q It's horrible for everybody; isn't it?

23 A It's a bad situation for everyone and my family, his
24 family, anybody's family, I would hate to have to see
25 anybody go through that.

1 Q And the only thing that you didn't agree with you
2 agreed with everything but pointing the firearm at Stacy.
3 Everything else you agreed with; is that right?

4 A With the charges I have, yes, sir.

5 Q So you agreed with the charges except for pointing
6 and presenting a firearm?

7 A Well, I mean, I never pointed at no one, so I didn't
8 agree with that one. I was the one that fired the weapon,
9 so I guess you can consider the murder charge. I mean, I
10 couldn't disagree with it.

11 Q And you said that you never pointed at anyone else
12 including Stacy, but you didn't point it at anyone else
13 either?

14 A Anyone else, no, sir, not Stacy, not Blake, Mr. Lane,
15 not the other vehicle, no one. I pulled it, I fired once.
16 Once it fired, I ejected the next round out the chamber.
17 The gun went back into where it come out of and at that
18 point is when I left. It was never pointed or presented
19 to anyone or any other person.

20 Q All right. Well, I got few a questions to ask you
21 about that. But if I got this here, you know, and you
22 know I look at you and go, let you know I'm presenting
23 this gun to you and that I got this gun.

24 A If you do that to me, yes, sir.

25 Q I don't have to point it at you, do I?

1 A To present it?

2 Q No, to present it no ---

3 MR. BROOKER: Your Honor, I'm going to object
4 because and I think I understand this. And I don't know
5 whether or not he's asking him to draw a legal conclusion,
6 but I'm a little bit confused if he is then that would be
7 an objection to that.

8 THE COURT: It's cross-examination. Can you all
9 approach for just a minute.

10 (WHEREUPON, a bench conference was held in the
11 presence of the jury, but out of the hearing of the
12 jury.)

13 THE COURT: Objection overruled at this time.

14 BY MR. CLEMENTS:

15 Q If I do this, what am I doing?

16 A You're pointing it at me.

17 Q If I do this?

18 A I guess, you could consider that presenting. I think
19 that's what you're trying to get at.

20 Q Did you have this out where the people you said that
21 were in the other vehicle could see this that you had it?

22 A I don't think they could have seen it because I think
23 the majority -- if they may have seen it, it was when it
24 was fired. It was not shown to them. You know, I didn't
25 never pull my shirt up to show it to them. I did have to

1 retrieve the weapon to fire it. I mean, I can't argue or
2 deny that. So as it came out, fired it. If they seen it,
3 if you consider that presenting, I guess it was -- you
4 know, I'm not gone say it was presenting, but it had to
5 come out to be fired.

6 Q But you don't know whether they saw it or not after
7 you shot Blake whether they saw you had this?

8 A I'm pretty sure that they didn't see it after I shot
9 Blake because at that point they were jumping back in
10 vehicles and leaving.

11 Q All right. And you thought they were a threat until
12 you shot, right?

13 A Yes, sir.

14 Q And then just cause they went to the car you said
15 they wasn't a threat anymore?

16 A When they went to the car, they didn't hesitate they
17 left, I mean, instantly.

18 Q Okay. But you ejected it, you thought the threat was
19 gone you ejected it?

20 A As they were leaving, that's when I -- that little
21 side button will be where your right thumb is would drop
22 the clip. I dropped the clip out of it. I pulled the
23 slid back as it is now. The next round that was in the
24 chamber came out. I think I put it back in the clip. The
25 only reason I know why I put it in the clip I told law

1 enforcement when they found it that if I did put it in
2 there, there would be, I think, eight in the clip. If I
3 didn't, there would be nine and there were eight in it.
4 So I did put it back in the clip and returned everything
5 back to its original position or location however you
6 consider it.

7 Q Now, you said -- let me ask you this 'right after that
8 shooting you didn't look in their direction or not --
9 didn't you say y'all want some of this?

10 A No, sir, I never once offered ---

11 Q You didn't say anything to them?

12 A Not to them I didn't have time.

13 Q Okay. They haul butt, right?

14 A Yes, sir.

15 Q So you come out with a big old .45, that's pretty --
16 about biggest caliber handgun you can get, right?

17 A If I'm not mistaken, that is one of the bigger ones,
18 yes, sir.

19 Q You ever heard it referred to as a hand cannon?

20 A No, sir, that's that a first.

21 Q .45 a big gun, right?

22 A It's a good size gun, but that's the first I ever
23 heard referred to as a hand cannon.

24 Q And you knew that when that gun went off, they knew
25 you had that gun, that they haul butt whether it was one

1 person, two person whatever that vehicle left, right?

2 A Yes, sir, it left.

3 Q And Blake's right, there right inside the door. You
4 say he swung at you and you pop back up, bam, and killed
5 him, right?

6 A I popped back up and fired, yes, sir.

7 Q Why couldn't you have just backed up, pulled the gun
8 out, and then him get in the car and haul butt like the
9 others did?

10 A I honestly don't believe he would have jumped back in
11 the car.

12 Q But you certainly had advantage on him all the way
13 around, wasn't it?

14 A I wouldn't say advantage. It was still multiple of
15 them and only one of me.

16 Q And you could have said come on boys bring it, I got
17 this for you?

18 A No, sir, I didn't say that.

19 Q You could have said that though, couldn't you?

20 A Honestly, I don't know what I could have done because
21 I can't relive that day.

22 Q And once you shot and said when Mr. Brooker asked you
23 why did you run you said because I was scared?

24 A Yes, sir, I've never went through anything like that
25 in my life.

1 Q You were more scared after you had shot Blake and
2 then you wanted to run. Why couldn't you have ran before
3 you shot Blake?

4 A I think running before would not have done me any
5 good. I mean, I'm pretty sure they would have came behind
6 me or after me. And again I would have been leaving my
7 child at the house.

8 Q You could have run back to the porch and had the hand
9 cannon ---

10 A I didn't want nothing ---

11 Q --- and guard that door, couldn't you?

12 A I didn't want nothing on the porch or around -- my
13 youngin was only three foot from that doorway.

14 Q Now, you said there were two that got out the vehicle
15 today, right?

16 A Two and the driver.

17 Q You remember giving your statement to Martin Bell and
18 Charlie Watson, don't you?

19 A Yes, sir.

20 Q And that's State's Exhibit Number 2?

21 A Yes, sir, I think that is the audio statement?

22 Q Yes, sir.

23 A Yes, sir.

24 Q And you told them at that time, you told them that
25 there was only one in that vehicle with Logan, didn't you?

1 A No, sir, I think I told them there were two. I may
2 have only told them one, but I think I told them two.

3 Q We can play it for you if you want to?

4 A You don't have to.

5 Q You told them there was one in the car with them and
6 you said that Blake had been riding around with a Lane boy
7 and Ethan Allen. But you told them that Ethan had
8 absolutely nothing to do with this?

9 A I didn't think he did at all.

10 Q That's what you told them then, didn't you?

11 A Yes, sir, the only reason I knew it was Ethan is his
12 name was called.

13 Q His name was called?

14 A Yes, sir.

15 Q His name was called later on when all the talk was
16 going on and the rumor mill was going?

17 A Yes, sir, called that night.

18 Q No, it was call that night before you talked to them?

19 A Yes, sir.

20 Q And you didn't tell them after that night that it was
21 Ethan. I mean, you said he had nothing to do with it?

22 A No, sir, I didn't tell him in that statement.

23 Q Well, then what's the truth, he had nothing to do
24 with it or you thought he did because you heard his name
25 the night before?

1 A There were more than one male and one female in the
2 vehicle. The only reason I'm even saying that it's Ethan
3 is because his name was called that night, that's how I
4 knew who it was.

5 Q Well, why did you tell them -- that day didn't they
6 tell you this is your chance to get your side of the story
7 out and tell it all and make sure everything heard your
8 way?

9 A Yes, sir.

10 Q Didn't they tell you that on this?

11 A Yes, sir, they did.

12 Q Then why in the world did you tell them it was only
13 one person in the car with Logan and Ethan had nothing to
14 do with it?

15 A I guess because I was still kind of -- I was scared
16 and kind of nervous with everything going on. I never
17 been in trouble before, didn't know what to think, didn't
18 know what to do.

19 Q Well, you wanted to make it sound as best you could
20 from your viewpoint that you were defending yourself,
21 right?

22 A I ain't gone say the best it could sound. I told
23 them the truth.

24 Q You told them the truth?

25 A That's what I was trying to do, yes, sir.

1 Q One person in the car with Logan and Ethan having
2 nothing to do with it?

3 A I was trying telling to tell the truth, yes, sir, but
4 there was three in that vehicle. I was nervous then may
5 have left it out.

6 Q You not nervous now?

7 A Yes, sir, very much so.

8 Q All right. Well...

9 A I think any normal person would be nervous in this
10 position right here.

11 Q Didn't Stacy tell you to stay on the porch?

12 A I don't remember her telling me personally, Chad,
13 stay on the porch.

14 Q Do you deny -- I want to make this clear. Do you
15 deny that Stacy said stay on the porch?

16 A I can't deny what anyone else said, but I will tell
17 you I did not hear her tell me to stay on the porch.

18 Q Now, why did you follow Stacy out there in the first
19 place?

20 A To find out what was going on.

21 Q Couldn't you hear everything that was going on? You
22 were only -- if that's the porch, they were only about
23 this far away?

24 A If that.

25 Q If that?

1 A I say about right there according to the pictures and
2 all, yes, sir, it was something about right there.

3 Q All right. And you could hear what they were saying,
4 couldn't you?

5 A You could hear a bunch of hollering. You couldn't
6 really make out what all was said, but there was a bunch
7 of hollering.

8 Q So you were this close to them and you couldn't make
9 out what was being said and everything?

10 A No, it was so much hollering you couldn't tell which
11 was what.

12 Q But yet the people that live 300 something feet they
13 can hear everything?

14 A Yeah, they were outside. At this time I was still in
15 the home.

16 Q I'm talking about on the porch right when you were on
17 the porch is what I ask you?

18 A As I stated to Mr. Brooker in direct examination,
19 when I came out the house I come on down, I didn't stop on
20 the porch and sit there or stay there.

21 Q Now, you also said that you couldn't see them either,
22 right?

23 A No, sir, when the second vehicle came in, you
24 couldn't really -- with the headlights in your face, you
25 couldn't tell exactly what was going on until you got out

1 in the yard.

2 Q That wouldn't have made any difference then, did it,
3 because you testified that you were already out there at
4 the car and Blake took a swing at you and that's when you
5 noticed the other car pull up?

6 A That's when I noticed the other individuals out the
7 car, yes, sir.

8 Q You were already off the porch?

9 A Yes, sir, I stated that to Mr. Brooker that I was off
10 the porch.

11 Q All right. Well, I want to remind you of something
12 else from December. Question is is Stacy told you to stay
13 on the porch, didn't she. And you said I'm not sure what
14 she told me to do that night?

15 A Right.

16 Q And then I said you're not sure about a lot, are you?
17 No, sir.

18 A That's been two years ago.

19 Q It's been two years ago. And then I skip down here
20 again and I said she told you to stay on the porch; didn't
21 she? And you went, yeah, she did. Isn't that what your
22 answer right there will you read that?

23 A There it was.

24 Q She told you to stay to the porch; didn't she?

25 A And I said, yeah.

1 Q Yeah, she did. And then I say you didn't stay on the
2 porch, did you? And your answer was?

3 A No, sir. I mean, it's pretty clear I didn't stay on
4 the porch.

5 Q And Stacy had everything handled, right?

6 A I wouldn't say that, no, sir.

7 Q You really didn't like Blake, did you?

8 A I never had a problem with Blake. We went to school
9 together.

10 Q Well, I want to suggest something to you and tell me
11 yes or no. There was a big problem between you and Blake
12 and that was Stacy Fowler, wasn't it?

13 A I wouldn't consider it a problem. I mean, I did
14 leave her. He was there. I wasn't mad at him about
15 anything. I mean, you can't be mad at someone that -- I
16 mean, I'm not there any more.

17 Q But you told Charlie and you told Martin you wanted
18 to be back with her and you wanted your family back?

19 A Yes, I wanted my family.

20 Q And once you found out riding in that car with Logan
21 and Stacy that he -- and Stacy was going to have a baby
22 together, it changed the whole thing for you, didn't it?

23 A That whole entire time it was denied to me that she
24 was pregnant. Blake mentioned it, but Stacy denied it.

25 Q That was a big problem that she was pregnant, that

1 was gone be a big problem you getting back your family;
2 wouldn't it?

3 A I didn't think she was pregnant because she told me
4 she wasn't and naturally I believed her over what he said.

5 Q You told him and excuse my terminology. You told him
6 I fucked your old lady today and I'm gone fuck her tonight
7 and I'm gone fuck her tomorrow too, didn't you?

8 A I did tell him that I did his old lady. I don't
9 think I told him I'm gone do it tomorrow also, but I did
10 tell him we had sex.

11 Q And that would fire somebody -- if somebody told you
12 that that would fire you up, wouldn't it?

13 A I'm sure it would fire any person up.

14 Q Okay. So you stirred this thing big time pour
15 gasoline on that fire, didn't you?

16 A I'm not gone say I stirred the whole thing.

17 Q Now, I'm not saying you started it, but it was
18 stirred by those comments, wasn't it?

19 A I'm sure that added to it, but I'm not gone say I
20 stirred the whole thing or started the whole thing.

21 Q I didn't suggest that. And I want to be sure that
22 you don't think I'm suggesting it.

23 A I'm sorry I thought you said that I stirred this
24 whole thing. I'm sorry.

25 Q What I'm asking you is there was a little bit of a

1 fire going, wasn't it?

2 A Yes, sir.

3 Q And when you told him those comments in a probably
4 heated tone, wasn't it in a heated tone?

5 A I say between a heated ---

6 Q Angry?

7 A No, kind of a smart way of putting it -- I don't know
8 the other word, but kind of in a smart ass way.

9 Q Okay. And that poured gasoline on that fire, didn't
10 it?

11 A I'm sure it made him mad, yes, sir.

12 Q Now, when you were talking with Martin and Charlie,
13 you told them that you had sex that day and y'all weren't
14 completely back together. And you said she wanted to get
15 back together, right, that was your impression?

16 A It was mutual, yes, sir.

17 Q That's what you thought?

18 A Yeah, that's what I thought. I guess, I thought
19 wrong.

20 Q And you told them that you thought seven years
21 trumped a couple of months, right?

22 A I don't think I used trumped.

23 Q Well, overrode, I think, that was the word you used
24 overrode?

25 A I feel like if you're with someone, the best way for

1 me to explain it I feel like if you're with someone
2 several years, I think you would care more for that person
3 than you would someone that you're with several months.

4 Q Well, you been with her long enough that you got to a
5 point where y'all broke up?

6 A Uh-huh.

7 THE COURT: Is that a yes?

8 A Yes, sir.

9 THE COURT: Thank you.

10 A I'm sorry, yes, sir.

11 Q And didn't you tell Charlie and Martin that Blake's
12 words that night to you was, Chad, you're the SOB with the
13 woman I love and I will be with the woman I love?

14 A Yes, sir.

15 Q But even though he said that you thought seven years
16 overrode two months?

17 A Well, like I stated, you know, I guess I was under
18 the wrong impression. I think it was a mutual thing on us
19 getting back together, but after all I been through now, I
20 realize that was a lie. Had I known it then, I wouldn't
21 be sitting here now.

22 Q And that night -- I mean that morning after the
23 shooting, you told them that Blake opens his door and
24 jumps up and Stacy meets him and that you had your handgun
25 in your waist band in your holster?

1 A Yes, sir.

2 Q And that Stacy and Blake had a little confrontation?

3 A Yes, sir.

4 Q And Blake got out and Stacy was on his left side and
5 you came up behind Stacy. And when Blake reached around
6 Stacy, that's when you pulled the trigger?

7 A Yes, sir.

8 Q You didn't tell them that he hit you or just reached
9 around Stacy?

10 A I think I left out in that statement that it was a
11 swing, but I did say reach around. I should have said
12 swing misuse of words.

13 Q So back then you thought it was reach around and now
14 you know better it's a swing?

15 A Well, there was a swing then, I guess I wrote it out
16 wrong. Like I said, I was nervous.

17 Q And you told them that you put it back in your
18 holster then and you didn't threaten or point it at anyone
19 else because this was your and Blake's situation only?

20 A Right. I didn't point it at no one else. I put it
21 back in my thing.

22 Q All right. And that nobody else was involved the
23 danger was gone and you put it back in your holster?

24 A Right. When the danger was gone, I put it back in my
25 holster.

1 Q All right. Well, there's something that doesn't make
2 sense to me and maybe you can explain to me. You got two
3 guys that you say you somehow imagine that they were
4 coming to help Blake whip your butt?

5 A Yes, sir.

6 Q And you shoot Blake and you don't think they gone
7 retaliate right then and try to jump you right then and
8 you shot their buddy?

9 A And they turn around and ran.

10 Q They didn't try and get you?

11 A Not at that point. When they ran, I realize the
12 threat was gone. At that point I put the gun back in.
13 Had I used it out of meanness, I probably would have put
14 way more than one round through the chamber. But I didn't
15 I only used it one time in defense.

16 Q And then you -- and that one time use you weren't
17 worried about those other guys, were you?

18 A When they turned and left, at that point I realized
19 that they were leaving.

20 Q At that point when you pulled that weapon, that one
21 person that you thought was an impediment to getting back
22 with Stacy and your family, you had an opportunity to
23 remove him right then, didn't you?

24 A Getting back with her had nothing to do with what
25 happened to him that night.

1 Q You hadn't been with her this wouldn't have happened,
2 would it?

3 A I agree if I hadn't been there none of it probably
4 would have happen.

5 Q You stayed on the porch like she told you to?

6 A I don't recall her telling me to stay on the porch.

7 Q Well, you did in December?

8 A I told you if she said that, then I guess she did,
9 but I don't recall her telling me to stay on the porch.

10 Q Well, there wasn't anybody else there to stay on the
11 porch, was it?

12 A I guess not.

13 Q Well, it had to be you?

14 A I don't particularly recall her telling me, Chad,
15 stay on the porch.

16 Q But if she said stay on the porch, the only other
17 person she could have been talking to was you, right?

18 A I guess I don't recall her telling me that.

19 Q Okay. All right. And all this sure didn't take 30
20 minutes to happen, did it?

21 A I'd say from beginning to end it was probably no more
22 than 20.

23 Q No more than 20?

24 A Something like that, yes, sir.

25 Q So you must have stood there on the porch a long time

1 before you came down?

2 A I never stood still. When I say beginning to the
3 end, I mean from the time he was coming, it happened and I
4 was leaving gone left.

5 Q To the time he drive up in the yard and got out the
6 car, all that happened in about two minutes probably,
7 didn't it?

8 A Yeah, now that particular point from the time he got
9 out, I came out that was probably within five minutes.

10 Q Five minutes for all that to go on?

11 A Yes, sir.

12 Q Probably a lot shorter time than that?

13 A It was no more than five.

14 Q Wasn't any 15, wasn't any 16, wasn't any 20, wasn't
15 30, 35?

16 A The whole entire thing like I say 15 or 20 minutes.
17 And, no, it couldn't have been that long.

18 Q Now, what if those guys in that vehicle -- you said
19 there's multiple guys they backing out were going to get
20 their weapons and come back, is that why you ran?

21 A Uh-huh.

22 Q Or you were scared the police were gone get you?

23 A No, had I been scared of the police was going to
24 come, I probably wouldn't have been at my home when they
25 got there. I mean I was at my registered address, so I

1 mean I know they were coming. I was waiting on them to
2 come.

3 Q And you said you ran all the way home?

4 A I walked half of it. I ain't gone say I ran
5 completely.

6 Q Well, you walk and ran all the way home. Your dad
7 didn't come pick you up over by the church?

8 A No, sir.

9 Q He didn't?

10 A No, sir. I passed Ms. Ratley when I was already pass
11 the church.

12 Q Well, rather than you going to your grave for Stacy,
13 you sent Blake Dozier to his grave for Stacy, didn't you?

14 A I'm not gone say I sent him to his grave for Stacy.
15 I did what I felt like I had to do to protect me and my
16 child in the house.

17 Q Well, excuse my terminology, but the only possible
18 thing Blake had against you is you were screwing his old
19 lady, right?

20 A I'm sure, yes, sir.

21 Q And you rubbed it in his face, didn't you?

22 A I only told him one time. No, I didn't rub it in his
23 face.

24 MR. CLEMENTS: Beg the Court's indulgence just a
25 minute.

1 (WHEREUPON, a pause in the proceedings.)

2 BY MR. CLEMENTS:

3 Q The first thing -- the first time anything came out
4 of your mouth to anyone about you getting hit or swung at
5 was seven months after this occurred; isn't it?

6 A I don't know how long it was. I'm not gone say seven
7 months because I can't testify to that I have no idea.
8 No, sir, it was not. It was I say seven days because the
9 second time I talk to Mr. Watson and Mr. Bell, it was told
10 to them. And Mr. Watson was taking notes while Mr. Bell
11 was questioning me.

12 Q So they didn't -- when you said you were hiring a
13 lawyer, they didn't back right out of there?

14 A They kind of stepped back and said are you still
15 willing to talk to us being you're getting an attorney. I
16 said, yeah, because I told you the truth the first time, I
17 tell you the truth the second time.

18 Q Okay. You didn't tell the truth on this one?

19 A No, sir, I think in that one I stated he reached
20 over, that is the truth. He did reach around her. I just
21 didn't put swung. I left out one word.

22 Q Now, was it true when you said there was only one
23 person in that car with Logan?

24 A I don't think that was true. I believe there's two
25 in the vehicle with Logan.

1 Q Why would you lie then right after it happened and
2 you're trying to get this off your chest?

3 A I guess I left it out. Like I said, I was nervous,
4 scared.

5 Q And you told them that Ethan had nothing to do with
6 it?

7 A I didn't think he had nothing to do with it. And
8 honestly I still don't think he's that kind of person
9 because we grew up right side each other.

10 Q That kind of person. What did they do other than
11 drive up, get out and see what was going on?

12 A I don't think he would be in that position, period.
13 The only reason I knew it was Ethan is his name was called
14 as I stated earlier.

15 MR. CLEMENTS: Beg the Court's indulgence.

16 (WHEREUPON, a pause in the proceedings.)

17 BY MR. CLEMENTS:

18 Q You could have avoided this, couldn't you?

19 A Had I not went over there at all, it would have all
20 been avoided, but I was under the impression that they
21 wasn't together. He wasn't coming and I was going to stay
22 that night.

23 Q And you didn't want a fight at all?

24 A No, sir.

25 Q At no time during the night did you ever want to

1 fight?

2 A I never wanted to fight at all. There was a lot of
3 things that was said back and forth on the phone and I
4 don't deny that. If I told you I didn't say anything, I
5 would be a liar. I mean, if somebody's calling you and
6 telling you what they're going to do, any person is going
7 to retaliate with words. I mean, that's a normal human
8 being. I'm not gone deny that. Yeah, I said a few things
9 along with him. I never wanted to fight. Had I wanted to
10 fight them, I would have met them where they ask me to
11 meet. Had I wanted to fight, I would have never left the
12 Game Changer thinking I was leaving it staying out of
13 trouble.

14 Q Well, you left there because Stacy wanted you to go
15 and came and picked you up?

16 A Yeah, she stated herself you don't need to get in no
17 trouble. I agreed I didn't need to get in no trouble, so
18 I thought I was leaving doing the right thing.

19 Q And you didn't know he was coming home that night,
20 that's where he was living, wasn't it?

21 A To my knowledge, no, sir. They were broke up several
22 weeks. Had he been coming home, I don't see where she
23 would have took me there.

24 Q So you didn't know he spent the night there the night
25 before?

1 A No, sir, I did not.

2 Q And you didn't know if he was coming back that night?

3 A No, sir, I did not know he lived there. I didn't
4 know he been staying there or anything. I mean, I'm not
5 dumb enough to go to your house with your wife I know
6 you're living there or your girlfriend with you living
7 there. Like I stated to my knowledge, they were not
8 together. I guess, I was just lied to just like I was
9 lied to about the pregnancy.

10 Q What would you have done differently if you had the
11 chance to do this over again?

12 A Had I known now -- had I known then everything I
13 known now, I'd never went there at all period.

14 Q How about if you were there again, you done anything
15 differently then?

16 A I ain't say that because I don't feel like -- let me
17 rephrase this. Of course, I would did it differently, but
18 if I had to relive it, I never would have had went over
19 there at all. I wouldn't even put myself in that
20 position, period. What I did I felt like I had to do. I
21 mean, I'm not the kind of person I been made out to be.
22 What happened was terrible it was bad.

23 Q Sometimes situations are good person can do a bad
24 thing, can't they?

25 A People can be put in bad situations.

1 Q And make the wrong choice?

2 A That's human nature.

3 Q Okay. That's all ---

4 A Like I said, that's human nature. You know, I did
5 what I felt like was the right thing to do.

6 Q Chad, you didn't have to shoot Blake in face, did
7 you?

8 A Like I stated, I felt like I did what I had to.

9 Q He swung at you. You take your story a hundred
10 percent he swung at you one time didn't hurt you, didn't
11 bruise you, didn't cut you anything like that, did he?

12 A It was swing. He didn't have a knife or anything in
13 his hand to cut me.

14 Q You didn't have to shoot him in the face, did you?

15 A I felt like I did what I had to do being there was
16 more than one.

17 Q Doing what you felt like you had to do, then why
18 didn't you stay there and say I'm defending myself? Why
19 did you run? Why did you tell Stacy I wasn't here? Why
20 did you tell them, well, fuck it, the mother fucker's dead
21 call the law?

22 A I never stated I said that whatsoever. I told her to
23 call the law and I told her where I was going.

24 Q And you told her don't say nothing about me I wasn't
25 here?

1 A No, sir, I never told her that. Had I told her that,
2 I would not have been at my address. I mean, if I really
3 didn't want to be found or didn't want to know I was
4 there, I wouldn't have been home. I told her to call
5 9-1-1.

6 Q You had a hard time getting somewhere without a ride,
7 would you?

8 A Well, I mean, I'm sure I would arranged for a ride
9 had I wanted to go somewhere like that, but I had no
10 intention of running.

11 Q Is that what the white SUV was was your ride?

12 A I don't own a white SUV neither does my family
13 members own a white SUV.

14 Q You got plenty of friends, don't you?

15 A None of them own a white SUV.

16 Q Okay. And Logan had a black SUV?

17 A Logan's truck was black, yes, sir. Logan's brother's
18 truck is white.

19 Q All right.

20 A But he is not one of my friends. We don't -- we know
21 each other, we don't talk or hang out.

22 Q Thank you, Chad, sorry about all this. I got one
23 last question. You said that you would man up and take
24 what you had done, didn't you say that?

25 A In the original statement.

1 Q To Blake and -- I mean to Martin and Charlie?

2 A Yeah, I maned up and told them I done it, yes, sir.
3 I think I maned up when they picked me up and I admitted
4 to firing the weapon, yes, sir.

5 MR. CLEMENTS: Okay.

6 THE COURT: Redirect examination?

7 MR. BROOKER: Very briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. BROOKER:

10 Q Just a couple follow-up questions, Chad.

11 A Yes, sir.

12 Q I think Mr. Clements raised this issue about
13 full-blown intercourse versus intimacy?

14 A Right, yes, sir.

15 Q And if my understanding is correct is that you told
16 him previously that I think full-blown intercourse -- that
17 y'all had full-blown intercourse in November?

18 A Yes, sir.

19 Q And then, of course, is that I ask you about intimacy
20 today and you said y'all been having intimacy, you know,
21 on and off since y'all been going on?

22 A Yes, sir.

23 Q Okay. And I'm going to do this clear -- I don't want
24 to get into this line of stuff. What's your definition of
25 full-blown intercourse?

1 A Full-blown intercourse ---

2 Q And let me put it this way before you answer. Could
3 you give us the unadulterated version, the non x-rated
4 version of it, okay?

5 A I think the definition of full-blown intercourse will
6 be actual sex. You know, I guess not oral. I guess that
7 be the polite way to put it.

8 Q Okay.

9 A I don't really know the exact term I should use
10 especially with the women present.

11 Q Okay. And feel free to use vagina and penis. Is
12 that what you mean?

13 A Yes, sir. If you say full-blown intercourse, to me
14 that would mean penis inside a vagina.

15 Q Now, when you talk about ---

16 A I apologize y'all. I don't know how else to put it.
17 I'm sorry.

18 THE COURT: Answer the questions please.

19 BY MR. BROOKER:

20 Q Does intimacy or you talk about intimacy, does
21 intimacy does it have to be full blown intercourse?

22 A No, sir, I don't think so.

23 Q Okay. And did you have intimate relationships with
24 her prior to November that was non full-blown intercourse?

25 A Yes, sir.

1 Q Okay. All right. Now, you were also asked about
2 and, I think, you testified on redirect about the -- after
3 you had discharged the gun, that you took the clip out and
4 how many bullets was in that clip?

5 A Originally, if I'm not terribly mistaken, it held
6 nine and one was fired, so that left eight.

7 Q Okay. And I think you testified that you told the
8 detective that it should be eight or nine bullets in it?

9 A I told them that I couldn't remember exactly if I put
10 the ejected round back in it. If I did that, would leave
11 eight. If I did not, that would be nine -- I mean seven.

12 Q Okay. Okay. All right. You were also asked this
13 question about -- I think you were asked it a lot about --
14 I want to make sure I get my question right, so give me
15 just a second. You were asked this question about --
16 well, let me ask it this way -- let me rephrase it. Did
17 you want to shoot Blake?

18 A No, sir, I didn't want to shoot anyone. I mean, I've
19 never dreamed of shooting anyone.

20 Q Now, there was also an issue I think about
21 Mr. Clements made this issue about when he used the word
22 reach around versus actually swinging. Okay. When you
23 told them that he reached around, what did you meant when
24 you tell the investigators he reached around?

25 A He swung around.

1 Q Were you making any sort of distinction between those
2 two words or any sort of distinction between those two
3 words to you at least in your mind?

4 A Either way swing, punch, he had to reach around her
5 to do that and I stated reach around. I guess now I
6 realize I should have use a little better vocabulary, but
7 when I stated that, I meant the same thing.

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

10 THE COURT: Mr. Clements, anything further?

11 RECROSS-EXAMINATION

12 BY MR. CLEMENTS:

13 Q I want to be sure I understand this. When you say
14 intimate, you mean all kind of stuff other than actual
15 sexual intercourse, right?

16 A Yes, sir.

17 Q How many times prior to that particular period of
18 time had y'all been intimate?

19 A Once. Yeah, I guess I misunderstood that question I
20 apologize.

21 Q I think the answers, I think, once after we split up?

22 A Yes, sir, that's what that says there, yes, sir.

23 Q There's nothing ambiguous about that question is it?

24 A That's why I just stated I think it may have been
25 misunderstood.

1 MR. CLEMENTS: That's all.

2 THE COURT: Sir, you may step down.

3 (WHEREUPON, the witness leaves the witness
4 stand.)

5 THE COURT: Mr. Brooker.

6 MR. BROOKER: Can I have one second to consult
7 with my client?

8 THE COURT: Yes, sir.

9 (WHEREUPON, a pause in the proceedings.)

10 MR. BROOKER: Okay. Your Honor, we call no
11 further witnesses and we rest at this time.

12 THE COURT: Can the lawyers approach at side bar
13 for just a minute please.

14 (WHEREUPON, a bench conference was held in the
15 presence of the jury, but out of the hearing of the
16 jury.)

17 THE COURT: All right. Ladies and gentlemen,
18 the defense has rested at this point. I'm going to ask
19 you to step to the jury room. There's some matters I need
20 to take up outside of your presence. Do not discuss the
21 case. I'll get you back out here as quickly as possible.

22 (WHEREUPON, the jury retire to the jury room.)

23 THE COURT: All right. We'll stand down for
24 just a minute.

25 (WHEREUPON, a break was taken.)

1 THE COURT: All right. The defense has rested.
2 Let me hear from you, Mr. Brooker, with regards to any
3 motions?

4 MR. BROOKER: Thank you, Your Honor. And,
5 obviously, I have a couple motions at least for the
6 record. I'm obviously is is that we have nothing new to
7 offer with respect to the previous motion we made. I know
8 that Your Honor -- the only other motion we make is to
9 renew our motion for directed verdict based upon the
10 immunity statute of the stand your ground law, which is
11 16-11-440 and obviously under that particular subsection
12 very briefly is is that a person who is not engaging in
13 any unlawful activity. Of course is is that I think
14 that's certainly not the case here. There is not unlawful
15 activity. And I know that we had an immunity hearing
16 there was an issue with respect to whether or not that
17 particular element that somehow that particular element
18 encompasses the common law -- the common law -- my mind is
19 a little bit weak now. Whether or not that particular
20 statutory element encompasses the requirement underneath
21 the common law that the person be without fault in
22 bringing on the difficulty. Obviously is is that if you
23 look at the plain meaning of the language of the statute
24 and obviously is is that we all know about judicial
25 construction.

1 And, of course, is is that the rule of judicial
2 construction is -- a statutory construction is is that if
3 a statute can be read and if there's no ambiguity in that
4 particular statute, it has to be given its plain meaning.
5 And I understand now obviously is is that the -- I think
6 it was either the Court of Appeal's or Supreme Court
7 basically suggest that there should be at least a merging
8 of the two somehow, but obviously the General Assembly,
9 which is composed of a lot of lawyers who are not ignorant
10 to this stuff basically did not sought to list this as an
11 element. It says is that plain and simple said not engage
12 in any unlawful activity. And I don't think there's any
13 allegation of evidence ever put that Chad was engaged in
14 any unlawful activity at the time in which -- at the time
15 in which he had his gun on the private property of Stacy.
16 She obviously gave him permission there. Obvious is is
17 that he didn't need a concealed weapon's permit. It's not
18 required to have one on private property, so we think that
19 element is satisfied.

20 And then, of course, the next element is is that
21 unlawful activity who is attacked in another place where
22 he has a right to be. And he did have a right to be
23 there. I think Stacy freely admitted is that she picked
24 him up from the Game Changer and that she actually drove
25 the car and brought him back to her house. They were

1 actually inside trying to put their child to sleep at the
2 time in which Chad excuse me -- Blake came into the yard.
3 So he was at a place that he had a right to be.

4 And then, of course, is is that -- it says where
5 another person -- where the other person has a right to
6 be. And then, of course, is is that this -- a number of
7 evidence has been presented there from evidence from Stacy
8 Fowler and also evidence from Vickie Hernandez or Hosea
9 Hernandez and also from Chad Strickland. It was
10 repeatedly stated that Stacy said you need to get the hell
11 out of my yard. You need to get the hell out of my yard
12 and she said that. And I think the testimony from
13 numerous witnesses said she made that statement when Blake
14 Dozier pulled up in his car. And she definitely made that
15 statement when the other SUV pulled up.

16 I think she testified that also is is that also
17 contained her statement that we pulled out is is that when
18 Logan called her and said Blake is on his way. And she
19 said -- she said she didn't want them there. That if they
20 come there that she's going to call the law. That she was
21 asking them to leave. And then, of course, is that
22 obviously is is that these factors were true -- that these
23 three elements have satisfied. He does not have a duty to
24 retreat. He can present force with force. And obviously
25 is that there was testimony from at least two witnesses

1 that suggest -- that actually substantiates that he was
2 under attack. And obviously is is that he does not --
3 it's not a requirement that is proof -- is proven beyond a
4 reasonable doubt. I think it's -- if my memory serves me
5 correctly is is that in order to satisfy the immunity --
6 this immunity underneath the standard -- underneath the
7 Defense and Persons Property Act is is that it has to be
8 satisfied by I think a preponderance of the evidence.
9 It's more likely than not that it happened that particular
10 way and even if the Court is inclined to said, well, yes,
11 and this is my last point and I'm going to sit down, Your
12 Honor, even if the Court is incline to say, well, yes, you
13 know, the Castle Doctrine the element that you can't be at
14 fault. That even though the legislature doesn't
15 specifically indicated or specifically or expressly stated
16 it, you know, within subsection C of defense and person
17 property statute, but that the judicial -- the judiciary
18 incorporated in there for some reason and that I'm going
19 to follow that.

20 I still think that he satisfies it because if
21 you can remember Dickey and I think State vs. Dickey is an
22 extremely important case. And in State vs. Dickey it's
23 something very similar to this one. And I will be very
24 brief with the facts where the security guard at an
25 apartment complex attempt to evict some visitors who were

1 being rowdy. He went upstairs to the floor that they were
2 in, finally got them to leave. They rode down on the
3 elevator. He took the stairs. They left the apartment
4 complex building. He walked out to the door and followed
5 them out. And at some point in time one of the
6 individuals turn around and got upset because the security
7 guard was following them and made a comment in reference.
8 And then, of course, is is that I think the allegations
9 where is at some point in time that individual turned
10 around at both of them and they started advancing towards
11 the security guard.

12 The security guard alleges that he saw I think
13 the decedent in that case reach into his shirt and he
14 thought maybe he was going for a gun. He discharges his
15 gun I think three times. You know discharging the first
16 time, the second time and the third time and killed him.
17 And the question in that case would be is I think the
18 Court of Appeals said in that case is that he was
19 convicted. And the Court of Appeals says, well, when he
20 stopped outside of that -- outside of the apartment
21 complex and he proceeded to follow them, then an argument
22 can be made, you know, that that particular element which
23 means is that you're not responsible bringing on the
24 conduct, you know, that it could be reasonably argued that
25 he was responsible for bringing on the difficulty because

1 he did not have to walk outside of the building and follow
2 them. And the Supreme Court says, no, you're wrong, says
3 simply because he walked outside of that building, that
4 underneath I think a doctrine that says that business
5 owners have an obligation or have a responsibility to
6 protect, you know, I think their property or they have an
7 obligation or a right to convict people from their
8 premises saying that when he walked outside that he was
9 simply exercising the right to evict someone.

10 Well, we're arguing is that when he came down
11 and he walked up, it was not for the purposes of fight
12 anyone. He had that very same right that he had people
13 there he cared for. He had his child was in the house.
14 And, of course, is is that although right now, you know,
15 they're not together and they will never be together. At
16 that particular period of time is that he thought that he
17 was in at least resumption of a relationship with Stacy
18 and testified that he stepped down because he was
19 concerned about her as well as him. And I think he has a
20 legal right and I think a legal right to protect his child
21 and also he has a right also is to protect someone else if
22 he reasonably believed, you know, that they're in fear of
23 imminent danger.

24 So I don't think simply because he stepped out
25 off the step and walk up and took no action other than

1 that because they were screaming and cursing and arguing
2 and took no objection other than that. That in and of itself
3 can be alleged that he then somehow contributed to
4 bringing on the difficulty. Thank you, Your Honor.

5 THE COURT: All right. I think that State vs.
6 Dickey what you've quoted or at least argued to this
7 court, the cite is 394 SC 491, which is a Supreme Court
8 case of September 2011. That case was decided prior to it
9 was pending before the enactment of the Protection of
10 Persons and Property Act. In that particular case, the
11 victim, whom the defendant shot, the victim -- the
12 defendant was a security guard at a apartment complex had
13 ejected tenants from the apartment at tenant's request.
14 The Court said that the victim was highly intoxicated
15 acted aggressively over the course of conflict and began
16 advancing toward defendant quickly with purpose of
17 assaulting him. The victim continued advancing toward
18 defendant after defendant pulled his gun and there was
19 great disparity and physical stature between the victim
20 and the defendant with a victim having the advantage.

21 Dickey is clearly distinguishable first and
22 foremost from this case in that Protection Persons
23 Property Act didn't even apply in Dickey for which you
24 arguing. Furthermore, in State vs. Curry 406 SC, which is
25 a Supreme Court December 2013 case, which specifically

1 address 16-11-440(c) which is asserted in this case. It
2 went on to say in State vs. Curry that a valid case of
3 self-defense must exist and the trial court must
4 necessarily consider the elements of self-defense in
5 determining the defendant's entitlement under the acts
6 immunity of. You are exactly correct in the fact that
7 defendant has you have done on his behalf, it is his
8 responsibility to assert such immunity under the act to
9 prove by a preponderance of the evidence that he is
10 entitled to such which we heard back in December. Is that
11 right December?

12 MR. BROOKER: Yes, sir.

13 THE COURT: The Court found at that time and the
14 Court concludes at this time that a valid case of
15 self-defense -- that that the defendant failed to prove by
16 a preponderance of the evidence that a valid case of
17 self-defense existed. Then and the Court further after
18 hearing all of the testimony again concludes that a valid
19 case of self-defense in this case does not exist either
20 and therefore it should go to the jury.

21 Now, with regards to defendant's prior motion
22 for directed verdict as to the pointing and presenting a
23 firearm, the law requires that if there is failure of
24 competent evidence tending to prove the charge, then the
25 defendant would be entitled to a direct verdict.

1 Furthermore, the Court is required to consider
2 only the existence or nonexistence of the evidence and not
3 its weight. The State vs. Williams says that the Court is
4 concerned with the existence or nonexistence of evidence
5 not its weight. In light of the testimony that's been
6 elicited from this witness stand and as required by the
7 law, the Court is required to view the evidence in the
8 like most favorable to the State.

9 However, in this particular situation, the
10 elements of pointing and presenting a firearm are one,
11 presenting two a load or unloaded firearm and three at
12 another pursuant to State vs. Burton 356 SC 259. The
13 indictment alleges that this defendant pointed or
14 presented a load or unloaded firearm at one Stacy Fowler
15 in violation of section 16-23-410. There has been
16 testimony and I listen very carefully to the testimony of
17 Ms. Fowler. While there was testimony from Mr. Matt Lane
18 of a belief that the firearm may have been pointed in his
19 direction or at them asking if they wanted some of this,
20 there was no testimony either direct or circumstantial
21 that this firearm was ever presented or pointed at Stacy
22 Fowler. Therefore, the Court is directing a verdict on
23 the defendant's behalf with regards to that particular
24 count in the indictment. All right.

25 Now, what I am going to do at this time and we

1 discussed this back in chambers. I'm going to bring the
2 jury out and I am going to inquire or at least pose the
3 option to them as to whether or not they want to move
4 forward with closing arguments and charge today or would
5 they rather return in the morning and finish the trial.
6 I'll leave it up to them and ask them to step back in the
7 jury room to discuss that and reduce what they're wishes
8 are to writing. If you'll bring me the jury please.

9 (WHEREUPON, the jury came into open court.)

10 THE COURT: Ladies and gentlemen, before you all
11 exit the courtroom, the defense rested its case. The
12 State has inform me that they do not intend -- and correct
13 me if I'm wrong, Mr. Clements, that they do not intend to
14 call any reply witnesses; is that correct?

15 MR. CLEMENTS: Your Honor, that is correct.

16 THE COURT: All right. Therefore, ladies and
17 gentlemen, you have heard all the testimony that you are
18 going to hear in this case. That which remains are
19 closing arguments by counsel and my charge on the law to
20 you. Now, in discussing this with the lawyers, I am going
21 to pose this to you all and then I'm going to let you all
22 step back in the jury room and discuss what your desires
23 are. If we continue with the trial of this case this
24 afternoon with closing arguments and my charge on the law,
25 it is now going on four o'clock, it is a very good chance

1 that you will not get this case until 6:30 or thereabouts.

2 I'm not exactly sure how long closing arguments
3 will be. I would expect them to be anywhere from 30
4 minutes to an hour for each lawyer, okay. Then I would
5 give you my charge on the law, which is going to take
6 least 30 to 40 minutes before you will be given the case.
7 My question to you all and the question that I want you
8 all to go back in your jury room and discuss briefly is
9 whether you want to continue today and finish this trial
10 or whether you would rather me let you go for the balance
11 of the day and bring you back in the morning afresh so to
12 speak and start with closing arguments and then my charge
13 on the law.

14 I'm going to let you all step in the jury room
15 and discuss that. And, madam forelady, knock on the door
16 and let him know when you come back out and you can reduce
17 it to writing whether you want to stay or return tomorrow,
18 that's all you need to put in writing, give it to him and
19 I'll bring you back out and we'll go from there.

20 (WHEREUPON, the jury retire to the jury room.)

21 THE COURT: All right. The jury wishes to come
22 back in the morning. So what I am going to do is I am
23 going to bring them out, I will release them and have them
24 return at nine o'clock in the morning. If you'll bring
25 them back out please, sir.

1 (WHEREUPON, the jury came into open court.)

2 THE COURT: All right. Madam forelady, ladies
3 and gentlemen of the jury, I received your response. What
4 I am going to do is I am going to release you for the
5 balance of the day. Do not, do not as I told you you've
6 heard all of the testimony that you going to hear in this
7 case. All items of evidence have been introduced.
8 Everything's been done except closing arguments and my
9 charge on the law to you. Do not discuss this case at all
10 with anyone.

11 Furthermore, if anyone tries to discuss this
12 case with you, it is this Court's instruction that you let
13 the bailiff know immediately upon your return tomorrow
14 morning and it will be handled, okay. Do not discuss the
15 case. Do not do any independent investigation on your
16 own. You are to decide this case based solely upon the
17 testimony and evidence that's been presented in this
18 courtroom and no where else. You all have a wonderful
19 evening. I'll see you tomorrow morning at nine o'clock,
20 okay. Everybody else remain seated while this jury exits
21 the courtroom.

22 (WHEREUPON, the jury excuse for the day.)

23 THE COURT: All right. Before we break for the
24 balance of the day, those of you who are in this courtroom
25 and in the audience heard me instruct the jury that they

1 are not to discuss the case and that no one is to try to
2 make any contact with them concerning this case. I'll
3 make that clear that nobody on behalf of the victim's
4 family nor the defendant's family better make any effort
5 whatsoever to contact anybody in an effort to do anything
6 with this jury. I will advise everybody in this courtroom
7 of two separate statutes that deal with one either juror
8 tampering and or intimidation. One of which carries a
9 penalty of ten years in the department of corrections, the
10 other which carries five years in the department of
11 corrections. If any such occurs in this case resulting in
12 an indictment, I can promise you I will retain
13 jurisdiction on it. I will retain jurisdiction on it.
14 All right. Nine o'clock in the morning, nine o'clock in
15 the morning. Let me -- well, let's talk about this jury
16 charge real quick. I think it's pretty straight forward.

17 MR. CLEMENTS: Your Honor, that's what I was
18 going to suggest.

19 THE COURT: All right. As a result of this
20 court's direct verdict, there will only be two charges go
21 to the jury murder and possession of a weapon along with
22 the lesser included offense of voluntary manslaughter as
23 it pertains to the murder charge.

24 MR. BROOKER: May I ask a question, Your Honor?

25 THE COURT: Yes.

1 MR. BROOKER: And that is is that will
2 involuntary manslaughter be submitted to them as well? It
3 is a lesser included offense, you know, of homicide.
4 Obviously, is is that there's some legal issues as to
5 whether or not the evidence can comport, you know, to the
6 elements of involuntary manslaughter, but it is a lesser
7 included offense of murder I believe.

8 THE COURT: I think it's straight up either
9 murder or voluntary manslaughter based upon the testimony
10 that I've heard from this stand. I'll take a look at it,
11 but I don't see how it would apply in this particular
12 situation. If you have some case law that you want me to
13 look at in the morning, I'll be happy to look at it.
14 Mr. Clements.

15 MR. CLEMENTS: Your Honor, I would object to it.
16 Your Honor, I think it is chargeable if you have the
17 requisite facts, but I think these facts, Your Honor, is
18 either one of three things. As I said in my opening
19 statement, murder, voluntary manslaughter or self-defense.

20 THE COURT: In looking at the law, I mean, I
21 think that's right. And again -- the case you want me to
22 look at that you believe is applicable from a different
23 standpoint, I'll be happy to look at it. But murder,
24 possession of a weapon -- and I will just instruct the
25 jury that initially I told them he was on trial for three

1 charges, that they will only be considering two. And that
2 is that they are to draw no conclusions whatsoever from
3 the fact they're only considering two charges at this
4 point, all right.

5 Charge, arrest and indictment well multiple
6 charges charge arrest and indictment not evidence,
7 presumption of innocence, reasonable doubt, duties of
8 judge and jury, direct and circumstantial evidence,
9 statement by the defendant, prior inconsistent statements,
10 expert witnesses, intent. Then you get into murder,
11 voluntary manslaughter, possession of a weapon during the
12 commission of a violent crime, self-defense, if it being
13 the burden on the State disproving such and the
14 conclusion. I mean, it's pretty straightforward out of
15 our typical charge book. What I will do also is have Truc
16 e-mail you all a copy of it to look at overnight.

17 MR. BROOKER: And with respect to self-defense,
18 Your Honor, is is that I'm assuming that it's going to be
19 a comprehensible one. I know there's a -- there are
20 self-defense that are charged with based upon the evidence
21 that are applicable. So I don't know whether or not we
22 need to talk about for instance is is that, you know,
23 whether or not this -- the charge is going to include the
24 part of self-defense that deals with instances -- that
25 reputation for violence or either turbulence, propensity

1 for violence or either anything like that. And, of
2 course, I think all of that is based upon, you know, the
3 evidence and whether or not the evidence supports some of
4 that.

5 THE COURT: Here's what I'm going to do,
6 Mr. Brooker, as I said, I'm going to have Truc -- give her
7 your e-mail. She can e-mail it to you. I mean, I've got
8 within my self-defense charge first element being without
9 fault go into that, second being imminent danger, within
10 imminent danger right to act on appearances, words
11 accompanied by hostile acts, prior difficulties, threats
12 by the victim, no other -- next element being no other way
13 to avoid the danger, which encapsulates increased risk of
14 harm, lawful guest, and then degree of force. All of
15 these are within the self-defense appropriately. And I
16 think cover the concerns or questions that you have, but
17 again I will have her e-mail that to you. And if you all
18 will be here around 8:30 in the morning. We'll talk about
19 it at that point and any further concerns.

20 MR. BROOKER: Sure.

21 THE COURT: I mean, just -- and certainly give
22 -- and I'll look at it tonight as well, but give you all
23 an opportunity to object or whatever maybe the case at the
24 conclusion of the charge as well, okay. So just take a
25 look at it and make sure she's got your correct e-mail

1 address and she'll get it to you here in a few minutes.
2 Now, tomorrow is the State going to open on the law. You
3 got final argument ---

4 MR. CLEMENTS: May I have overnight to think
5 about that, Your Honor, usually just wait and do both at
6 the same time.

7 THE COURT: All right. How long do you all
8 anticipate I said about 30 minutes to an hour?

9 MR. CLEMENTS: I think an hour will be -- I'll
10 try to condense mine to an hour best I can, Your Honor.
11 There's a lot of -- I have to do with -- there's a lot I
12 got to address legally and apply facts.

13 THE COURT: Well, yours is a little bit from
14 that standpoint I understand that.

15 Mr. Brooker, what do you think on your closing?

16 MR. BROOKER: I think an hour will be fine for
17 me.

18 THE COURT: Okay.

19 MR. BROOKER: Thirty minutes to an hour and I
20 confess, Your Honor, probably already know I'm a little
21 bit long winded sometimes. I'll admit it.

22 THE COURT: I didn't say that.

23 MR. BROOKER: I confess, Your Honor.

24 THE COURT: We all can be. We all can be.
25 Well, and I'll try not -- I never set up here with a clock

1 and said this is your time limit be done, but it's not but
2 so many ways you can say black or white SUV and everything
3 else that happen leading up to that and the results
4 thereof. A lot these witnesses testimony was repetitive a
5 lot of it was, so I would just ask and instruct -- well, I
6 don't know that I've ever since I been on the bench have I
7 ever called a lawyer down in closing or opening and said
8 that's enough or quit repeating yourself. I've never done
9 that. So don't put me in that position to have to do that
10 tomorrow.

11 MR. CLEMENTS: Judge, I promise you I try to
12 abide by the maximum that the mind can only absorb what
13 the seat can endure.

14 THE COURT: There's a lot of truth in that. You
15 all have a good evening. I will see you tomorrow morning.
16 The lawyers are to be back at 8:30.

17 (WHEREUPON, the proceedings were concluded for
18 the day to be reconvened on May 22, 2015.)

19 THE COURT: All right. Anything from the State
20 before I bring the jury out?

21 MR. CLEMENTS: Your Honor, we almost ready if I
22 can get this thing...

23 THE COURT: Defense counsel?

24 MR. BROOKER: Nothing from the defense, Your
25 Honor.

1 (WHEREUPON, a pause in the proceedings.)

2 THE COURT: You ready?

3 MR. CLEMENTS: We are, Your Honor.

4 THE COURT: All right. Bring me the jury
5 please, sir.

6 Mr. Clements, you going to open?

7 MR. CLEMENTS: No, sir, I'll waiving opening.

8 (WHEREUPON, the jury came into open court.)

9 THE COURT: All jurors are present. Good
10 morning, madam forelady and ladies and gentlemen of the
11 jury. I hope you all had a nice restful evening.
12 Yesterday, when we broke, I told you that all that's
13 remained was closing arguments by counsel and then my
14 charge on the law to you. Therefore, before we begin
15 closing arguments, I will remind you, ladies and
16 gentlemen, that arguments of counsel is not evidence in
17 this case. It is not evidence. At this time the process
18 or procedure will be Mr. Brooker will go first, followed
19 by the State and then I will give you the charge on the
20 law. Therefore at this time, Mr. Brooker, you're so
21 recognized for closing arguments.

22 MR. BROOKER: Thank you, Your Honor. At the
23 beginning of this case, if you can remember, ladies and
24 gentlemen, my first words to you was that this is not a
25 case of murder. But that this was a case of self-defense

1 in which Mr. Strickland, Chad Strickland was under attack
2 by Blake Dozier. And as a result of that, he had a
3 reasonable fear for his safety, specifically for serious
4 bodily injury if not worse and also that he had a reasonable
5 fear of safety for those in which he cared about.
6 Specifically, his daughter that was in the house. And
7 then also to that extent Stacy Fowler at that particular
8 period of time.

9 Now, the reason why I indicated that to you is
10 because self-defense is extremely important part, an
11 extremely important issue in connection with this case.
12 And I know that you heard a lot of testimony and I know
13 probably one of the things that all of us and I think
14 every last one of us in this courtroom has a concern with
15 and that is is that a human life is taken, that affects us
16 deeply. It really does and it should.

17 But what you have to understand when you're
18 considering self-defense is is that in our society -- and
19 this is something that you're going to have to contemplate
20 is you have personal feelings. You have to set those
21 personal feelings aside and you have to apply the law as
22 we have constructed it. When I mean, we, I'm talking
23 about society.

24 In our society, there are times in which one man
25 or woman or human can take the life of another. There are

1 times in which it is considered to be within our society
2 justified, that we have that right. That is something
3 that all of us must accept. That is something that our
4 society has said is important. It's been here throughout
5 the history of human beings. One man or one woman, one
6 human taking the life of another.

7 Now, some of the examples of that when it
8 happens when we say in our society that this is a time
9 when human life can be taken, one example I can give you
10 of that is pretty easily and probably you been hearing
11 about it a lot over the last probably, you know, ten years
12 or so probably since 9-11, since September 11, 2001. You
13 been hearing a lot about it or shortly after because we
14 have been engaged in a war. And one scenario in which we
15 said it is okay for one human being to take the life of
16 another is during wartime. If you go back throughout the
17 history of our country, I think the history of
18 civilization thousand and thousands of human beings have
19 died at the hands of others and the civil war that was
20 fought in this country. There were thousands and
21 thousands of human beings that were killed. Some brothers
22 killing brothers. Neighbors killing neighbors. Americans
23 killing Americans.

24 The other conflicts obviously the great wars War
25 World 1, War World 11 where I would gather that there were

1 millions of people that were killed collectively across
2 the world in the theaters in Europe and the theaters in
3 Japan. Soldiers killing soldiers. Civilians being killed
4 and Vietnam and most recently in the wars that we fought
5 in Iraq and Afghanistan. And obviously is is that the war
6 against terrorist going on right now. And I heard one
7 estimate at least in Afghanistan and Iraq that during that
8 war that hundreds and thousands of citizens were killed.
9 They were casualties of it. We are at war. And when that
10 happens, we don't arrest our solders. We don't call them
11 murders when they come back home because they're not. We
12 don't say that to our soldiers and they are not murders,
13 absolutely not.

14 There are times at home when humans take the
15 life of humans. And in our society and system of
16 government who says that this is justified. This is an
17 example in which human life can be taken by another. Law
18 enforcement has that authority. We have laws that we
19 construct or establish -- the government establishes and
20 we have officers to enforce that. And sometimes people
21 break those laws and law enforcement officer confronted
22 with a situation where they have to use deadly force. Our
23 system of government says that you can. And if my
24 understanding is correctly, is is that statically I think
25 in 2014 that there was roughly a thousand citizens that

1 were killed at the hands of law enforcement officers
2 through some sort of conflict and they're not murders. We
3 don't call them murders because what we're saying is that
4 this is one of the circumstances when there's one human
5 being can take the life of another.

6 And we also have situations where private
7 citizens are in a position that we say in our society that
8 you can take the life of another. And when you do it and
9 when you do within those particular circumstances, when
10 you do it, when it's justified, it's not murder.

11 Chad Strickland is not a murderer. Chad
12 Strickland took the life of Blake Dozier on that day, but
13 he is not a murderer. He's no more a murderer then when
14 citizens -- when our soldiers take a life in the
15 battlefield. He's no more a murderer when one of our law
16 enforcement officers take the life of a citizen who's
17 breaking the law and confronts that law enforcement
18 officer. And he's no more, no different than that when he
19 was confronted on that day when Blake Dozier, two of his
20 friends and Blake Dozier struck him and his friends were
21 advancing. And this is all in the background of all of
22 this chatter that was going on that night where Blake went
23 to the Game Changer to seek out Chad because you heard it
24 from his own friends from Matthew Lane. He was going to
25 the Game Changer to kick Chad's ass.

1 Now, none of us like when another human being is
2 -- when the life of a human being is taken and that is a
3 tough thing. But we're not here to exercise empathy. You
4 are what's called a professional juror. And what that
5 means is is that as a professional juror you have to sit
6 aside your personal feelings. You can't say, well,
7 someone's life has been lost. Someone's family is going
8 to be missed. Someone family is going to be hurt because
9 he's missed. Because a mother is going to be without a
10 child. There's a child going to be without a father.
11 That has happened millions and millions of times
12 throughout the history of our civilization.

13 It is unfortunate. I wish we lived in a world
14 and I know we all do wish we live in a world in which
15 humans did not have to take the life of humans, that we
16 didn't have any wars. That everybody was law abiding.
17 That we live in a world in which people didn't fight other
18 people. And that we could find reasonable ways to sit
19 down and talk about our differences. But, ladies and
20 gentlemen, you all know that we don't. Unfortunately, we
21 don't.

22 We live in a society which there is a lot of
23 violence. We live in a society in which people attack
24 each other and hurt each other. And we have a justifiable
25 right I think morally and also legally to defend yourself

1 when someone does it.

2 Now, you going to see a lot of evidence that
3 was -- you going to see a lot of exhibits that were put
4 into evidence. And I'm going to show you this gun because
5 I don't want you -- it's going to be back in the jury room
6 and I don't want none of you to be shocked by it. I don't
7 want none of you to be shocked when you see this. This is
8 a gun, ladies and gentlemen. This is a gun. There are
9 billions of them in our society in our world, billions.
10 We have gun manufacturers. I think I read one statistic
11 is is that we have more guns than there are human beings.
12 I think there's somewhere between seven and nine billion
13 people that live on this earth and we have probably more
14 guns than human beings that exist. They are apart of who
15 we are. They have been created to fight wars and been
16 created for protection. It's part of our society. It's
17 part of our advancement. It's apart of society.

18 Now, and the reason why I grabbed this gun and I
19 hold it as I talk with you about it is is that some of us
20 in our society we don't like guns. We may be morally
21 oppose to it. We think guns are bad and they're wrong.
22 And I say this to you, ladies and gentlemen, because is is
23 that I think most of you -- I think probably all of you
24 have heard about the arguments and debates about guns.

25 And, of course, is is that underneath the United

1 States Constitution and also the Constitution of the great
2 State of South Carolina, that we have a right to bear
3 arms. And some of us don't have guns. I don't have one
4 myself. But what I do have is I have a respect for our
5 laws, respect for laws of this country and also respect
6 for the laws of this state and I respect the right of
7 those people who choose to have them.

8 I think in today's society where there's so much
9 violence and then sometimes it becomes necessary
10 unfortunately because, again, we don't live in a perfect
11 society. I wish we did. And I know all of you wish we
12 did too, but we don't. And I say this to you is that I
13 don't want you to be startled by this when you see this in
14 the jury room. And I don't want you to hold this against
15 Chad Strickland because underneath our system of
16 government under our laws, the ones that we created
17 underneath the Second Amendment to the United States
18 Constitution, he had every right to have this gun and
19 don't you hold it against him.

20 If you have a moral objection to guns, that is
21 fine. We all know plenty of people that do, but he has a
22 right to this and he has a right to carry.

23 You heard him testify that he grew up in a
24 family where they have always possess guns. And we all
25 live in the south and guns are a natural part of southern

1 history. Hunting is a natural part southern history. We
2 all grew up around guns whether or not we had them or not.
3 Our neighbors had them because our neighbors like it or if
4 you ever lived in the country during hunting season,
5 you're going to hear them go off. You are going to hear
6 sometimes hunters in the woods shooting. You know, so
7 don't you hold it against him and don't be afraid of this.
8 This is an instrument. There are billions of them in this
9 country. It's an unfortunate part of who we are or some
10 might say a fortunate part.

11 This is what our police officers, this is what
12 our soldiers carry every day. This is what private human
13 beings, private citizens in our country, millions of them.
14 They're in possess every day. It is who we are. It is
15 America. It is South Carolina. This is our society. It
16 is not perfect, but it's the best one. I would argue,
17 that it's the best society that's living on the face of
18 this earth. We gotten around that sort of stuff.

19 Let's talk about self-defense and what it is.
20 And then let's talk about whether or not it existed in
21 connection with this case. And if I say anything when I
22 am talking about the law to you that conflicts with what
23 Judge Brown says, I will tell you right now I am not, I am
24 not the authority of the law. If I say anything that
25 conflicts with Judge Brown, Judge Brown is who you get

1 your instructions from with respect to what the law is.

2 But self-defense occurs into a situation when
3 the defendant is without fault -- when a defendant is
4 within a situation in which he has to use a deadly force.
5 And one in that particular circumstances is that the
6 defendant is without for bringing on the difficulty. So
7 the defendant must be -- Chad has to be without fault for
8 bringing on the difficulty. Two, the defendant actually
9 believes he is in imminent danger of losing his life or
10 sustaining serious bodily injury or death. He has to have
11 an actual belief in whether or not he's in a situation
12 where he could sustain serious bodily injury, if not
13 worse. Three, that belief that he possesses that must not
14 be a subjective -- and a subject belief. It must be an
15 objective one. And what that means is is that if any
16 reasonable prudent person was in that same position that
17 he was, that they would develop the same conclusion.
18 That, hey, serious bodily -- imminent serious bodily
19 injury is at the foot.

20 I could be seriously injured by this person or
21 these persons or worse. That must be the same conclusion
22 a reasonable prudent person in the same circumstances
23 would draw, so it's not subjective. And then four he had
24 no other means of avoiding the danger of losing his life.
25 He had no other means of avoiding a danger of losing his

1 life or sustaining serious bodily injury except acting as
2 he did.

3 And in defining that, our court says is is that
4 when you're trying to avoid -- when you're trying to avoid
5 the danger, you don't have a right to retreat or you don't
6 have an obligation to retreat if you believe that
7 retreating or running away because also oppose just as
8 great -- could pose a great danger to you as well. For
9 example, is is that are there times in which you're
10 confronted with a threat in which you're thinking, okay, I
11 have this threat imminently in front of me. If I turn
12 around and try to run away, that's not going to work.
13 These people can catch me or if I turn my back to them,
14 they can injure me. I have to face the danger. I can't
15 turn away from it. I have to deal with it.

16 And let's talk about now whether or not any of
17 that existed. And let's also talk about now whether or
18 not the State -- because this is extremely important. And
19 I want you to hear this and I want you to hear this is
20 that whether or not the State can disprove self-defense by
21 burden of beyond a reasonable doubt. And I'll say again
22 because it's so important whether or not the State can
23 disprove self-defense beyond a reasonable doubt. What
24 that means, ladies and gentlemen, is is that the
25 government, the government has prove to you beyond a

1 reasonable doubt that none or either at least one of these
2 elements don't exist.

3 They have to disprove it. They have prove to
4 you, hey, beyond a reasonable doubt self-defense does not
5 exist because the burden of proof always rest with the
6 State on everything. It rest on them with everything. So
7 when you retire back into that jury room, you going to
8 have to say has the State prove to me beyond a reasonable
9 doubt. Have they prove to me beyond a reasonable doubt,
10 the State did, that Chad was not at fault for bringing on
11 the difficulty. Have they prove to me beyond a reasonable
12 doubt, has the State disproved beyond a reasonable doubt
13 that Chad did not have an actual belief that he was in
14 imminent danger of great bodily injury or worse. Have
15 they disproved beyond a reasonable doubt, that a
16 reasonably prudent man in the same circumstances would not
17 have developed that same belief. Have they disproved to
18 me beyond a reasonable doubt, he had no other probable
19 means of avoiding the danger. That Chad had no other
20 probable means of avoiding the danger.

21 The judge will instruct to you that the burden
22 and everything rest with the State, rest here. It does
23 not rest with the defendant. We don't have to prove our
24 innocence. He did not have to submit any witnesses
25 whatsoever at this jury stand. He did not have to put up

1 one piece of evidence because our law says that when the
2 State seeks to take your freedom, when they seek to take
3 your privileges or when they seek to take your property,
4 they have to prove beyond a reasonable doubt that you are
5 guilty of an offense. You don't have to prove your
6 innocence. If he had to choose to, he could have sat
7 there and did nothing at all. He could simply sit there
8 and did nothing at all not introduce a witness, not
9 cross-examine a witness, not say a word. He could have
10 sat there and slept if he wanted to and he would still
11 have to say did the State prove to me beyond a reasonable
12 doubt all of this, everything the elements of the offenses
13 that they're charging him with. That they disprove the
14 elements of self-defense beyond a reasonable doubt to me,
15 that's our society, ladies and gentlemen.

16 And as a professional juror, you must accept it.
17 I don't know whether or not anyone has a disbelief in
18 these principles that we hold so dear. These principles
19 that construct the society that we live in, that I think
20 they're wrong, but if you have that principal, you have
21 that belief, you have to set them aside. As a
22 professional jurors, you apply the law as collectively as
23 we have enacted them.

24 Now, let's talk about the evidence and talk
25 about what has been proven and what has not been proven

1 and I'm going to go quickly through this. Because some of
2 the witnesses -- you got a lot of witnesses if you can
3 remember. There was a lot of witnesses that got up on
4 this stand and testified, a lot of them by State of South
5 Carolina. If you remember, there was a lot of law
6 enforcement officers. Let's just kind of cut to the chase
7 and let's weed out the ones that were just time filers and
8 space filers and really had nothing really important to
9 contribute versus those ones that actually had something
10 important to say and that actually are going to be the
11 ones in which you're going to pay close attention to when
12 you're deciding and you're deliberating back in that jury
13 room.

14 If you can remember, there was a lot of the
15 initial officers that got on the stand. And I think the
16 first three officers who was at the scene and I don't
17 remember them all. I think one of them was Officer Cribb.
18 I think there was an Officer Powell or either James.
19 These were the three officers initial officers at first to
20 the scene that were dispatch. I think they told you they
21 roped everything off and that they secured the scene until
22 the investigators were called.

23 Now, I could tell you is is that I'm not going
24 to talk about their testimony that much because they
25 didn't contribute anything. And if you can remember they

1 said to us we just patrol officers. First on the scene,
2 our job was to rope it off and wait for the investigators.
3 And I asked them did you see anything, were you witnesses
4 to what happened immediately before the shooting or either
5 at the time of the shooting. And they said we don't know
6 anything. We just was there. We just was there. We were
7 a cog in the wheel caught in the law enforcement system.
8 So they really don't have any evidentiary value with
9 respect to whether or not any of these claims are true or
10 not. So I'm not going to spend any time on them.

11 And then, of course, is is that if you can
12 remember is that they had witnesses that came up and I
13 think specifically there was Mr. Chris Owens. And if you
14 remember Chris Owens was the law enforcement officer from
15 Florence County and he is the law enforcement officer that
16 took the pictures. That we'll get into during the course
17 of talking about the other important witnesses. He's the
18 officer that took the pictures on January 30th 2015 in a
19 roughly two years and two months, you know, after the
20 event. Something they should have done that night and
21 says we want you to accept that these -- this was the
22 scene and this was the environment, you know, over two
23 years later. We will get into that. We'll get into that.

24 The witnesses in this case that were truly
25 important that I think that you're going to concentrate on

1 when you're back into the jury room is is that the
2 witnesses that were actually there, actually witness
3 something at the scene. That they were there that night
4 that they heard and saw things. And those witnesses are
5 obviously Chad Strickland. Those witnesses are Stacy
6 Fowler. Those witnesses are Logan Ratley, Matthew Lane,
7 Vickie Hernandez, Hosea Eric Hernandez and one person who
8 is not there that is critically important probably one of
9 the most important persons in this and that's going to be
10 the pathologist Dr. Schandle. If you can remember her,
11 she talked a lot and she talked well too. I was really
12 impressed by her. Now, and also -- and let me -- and I
13 left out one I think that was also is that -- and I did
14 mention Matthew Lane, Matthew Lane.

15 And as you can remember that this day started
16 off, it's a Saturday, November 3rd 2012. And, of course,
17 as you can remember is is that if you can remember the
18 background scenario is is that this was a situation in
19 which Chad Strickland and Stacy Fowler, they met while
20 Chad was still in high school. They were young lovers.
21 They fell in love, had a seven year relationship. And as
22 a result of that, had a child during the middle of that,
23 three years old at the time. They were together for a
24 long time, young couple.

25 Like most young couples what happens with most

1 young couples when they get together very young is is that
2 most time it don't last because you're young and because
3 you're making mistakes. We're not that mature as
4 eventually we will be and they made mistakes and it didn't
5 last. He testified that, hey, the relationship left.
6 There is no inconsistency about that. She testified to
7 the same thing too. They had been together for roughly
8 seven years had one child.

9 And then, of course, eventually they broke up.
10 They broke up and he testified it was around April of --
11 April of 2012 when they broke up. The shooting happened
12 in November of the same year. So roughly six or seven
13 months later. I haven't done the math yet, but I'm not
14 good at math in my head. Roughly six or seven months
15 later between the time in which they broke up and between
16 the time of the shooting. And, of course, he testified to
17 the fact that during that time that although they were
18 broken up, that they had an ongoing relationship. That
19 they would still see each other and they still would be
20 intimate. And then, of course, is I'm not quite sure
21 whether or not she agreed to that and I'm talking about
22 Stacy Fowler. And I'm not quite sure in my memory whether
23 or not she was specifically asked about that relationship
24 and whether or not they continued to see each other
25 between that period of time.

1 But, ladies and gentlemen, I want to tell you
2 something real important. I want to tell you something
3 else that's also important in this room that is always a
4 witness. Logic and reason and common sense is always a
5 witness. It's there when there's no camera. It's there
6 when there's no videotape. It's always a witness and
7 that's one of the things that we can never escape logic,
8 reason and common sense.

9 Now, on the morning of this -- on November 3rd
10 of 2013, if you can remember is is that she admitted that
11 she had -- I think she testified to the fact that that
12 night that Friday night going into Saturday morning, that
13 Blake had spent the night at the house. He got up and
14 left and then later on within hours after Blake leaving
15 and Chad come over and they was going to take their kid --
16 their child to the Pizza Hut. That they had sex their at
17 the house.

18 Now -- and, of course, if you can remember her
19 story was sporadic. Logic tells me is is that if you
20 madly in love with another guy, you know, you don't leave
21 that guy, you know, in the morning and within hours jump
22 in bed with another one. Logic and reason and common
23 sense tells me that something was still going on there and
24 she testified that she still had feelings for him. They
25 were still seeing each other whether she's willing to

1 admit it or not, they were still seeing each other. It
2 doesn't happen. And you'll know from your own personal
3 life, it does not happen. There was something going on
4 there. So any way if you can remember is they got
5 dressed. Chad come over that day. They decided that they
6 were going to take their daughter to Pizza Hut and they
7 did. They took her to Pizza Hut. And then, of course, is
8 is that they -- and that pretty much is agreed upon facts.

9 There's some discrepancies with respect to
10 whether or not Chad, you know, was his idea or whether or
11 not it's Stacy's idea, but that's pretty much -- I mean
12 that's not here or there. It's not relevant. But it's
13 agreed upon that they went to Pizza Hut. They took their
14 daughter to Pizza Hut. It's agreed upon that at some
15 point in time that at around five, 5:30 that Chad left
16 Stacy. And in that Stacy and Logan got dressed or started
17 getting dress so they could go to the mud bog. And at
18 some point in time that I think Blake Dozier come over.

19 And, of course, there's disagreements with
20 respect to what happened when he came over. If you can
21 remember when I asked Stacy about that, Stacy said, well,
22 I come over and I said I love you. I want you to be safe
23 and I yelled at him a little bit. And if you can remember
24 his friend, Matt, says when she came over -- when they
25 came over, that they were over there for a short period of

1 time. And that she laid into him heavy said he could
2 hardly get a word in. That he could hardly get a word in.
3 That she was yelling and giving him the business is what
4 he says. They were mad at each other and that Matt also
5 testified that when he talked to Blake earlier that day,
6 that Blake told him that him and Stacy that they had
7 broken up. And they had been broken up for two weeks and
8 that she had even told him -- she even told him that she
9 was contemplating aborting their child, that is
10 tremendously inconsistent.

11 It's inconsistent with everything that she
12 pretends that we were all lovey dovey. But I love him,
13 that he was the man I was going to be with and sleep with
14 another man within a couple hours after getting up with
15 him. He telling his friends that we're broken up for two
16 weeks and she's contemplating or she's talking about
17 aborting our child. He comes over and lays into him.
18 Lays into him like an ax in wood, that is inconsistent.
19 They were having problems. They were not lovey dovey.
20 They were furious. He was furious.

21 Matt testified that they been drinking all of
22 that day. They went from one place to the next place and
23 they were drinking. I kept asking if you remember, well,
24 how many beers did you drink. I don't know. How many
25 beers did you drink here. I don't know. We did drink.

1 How many did you drink here. I don't know. And he says,
2 well, I didn't count. Well, there's that common sense.

3 Common sense says is is that, you know, that
4 when we're drinking one or two beers -- I'm pretty sure
5 all of you know one or two drinks if you have one is is
6 that you know when you have one or two drinks. It's not
7 easy -- it's an easy thing to remember. What's hard to
8 remember is that when you had eight or nine or ten or 11,
9 then when it gets to a certain level, you begin losing
10 count. And he certainly did and the reason why he lost
11 count is because they were drinking to many to keep track.
12 That he was angry. Blake he was angry and he was drunk.
13 Common sense and logic tell us that put the pieces
14 together.

15 Now, obviously is is that what happened then
16 they got addressed. They went to the mud bog. And if you
17 can remember is is that Chad testified is that he got
18 dressed. And, of course, is is that they were going to go
19 to the turkey shoot plans with his father but plan was
20 canceled, so he decided to go to the Game Changer. And,
21 of course, he's going to meet some friends there and that
22 is exactly what he did. And he said is that when he went
23 to the Game Changer, he got dressed that day is that guess
24 what he carried his gun. His father -- his parents
25 dropped him off at the Game Changer and he carried a gun.

1 And he said this is a gun that he had, that he purchased
2 and he always carried. He always carried it for
3 protection. And he also testified at that particular
4 period of time is that he had not talked with Blake that
5 day or any time recently.

6 There was no controversy at that particular
7 period of time between him and Blake, but he had no idea
8 that Blake was pissed at him. He had no idea that Blake
9 was angry and drunk because he was not involved at that
10 particular period of time. So he didn't carry this gun
11 for the purposes of I'm arming myself because I'm going to
12 hurt Blake tonight is furtherest from his mind. He did
13 what he normally did and he said he carried his gun, said
14 he worked out of town and that he bought it for
15 protection. He grew up around guns and so when he went,
16 he took his gun. And if you can remember, he said when he
17 got to the Game Changer, his folks dropped him off. He
18 had on his gun and he went inside. And when he went
19 inside, you know, obviously his friend Wesley I think
20 Huggins I think said, well, take my truck and go to
21 McDonald's or Burger King or wherever it was.

22 MR. CLEMENTS: Objection, Your Honor, that's
23 facts not in evidence. I don't recall anything about a
24 Wesley Huggins being testified to.

25 MR. BROOKER: I think he ---

1 THE COURT: Hold on, hold on.

2 MR. BROOKER: I'm sorry.

3 THE COURT: Go ahead, Mr. Brooker. I do not
4 believe there was testimony in reference concerning that.
5 Go ahead.

6 MR. BROOKER: Yes, Your Honor. I think what he
7 -- what my understanding is what he testified to is that
8 he took Wesley's truck to go get some food. If you can
9 remember, he went and he picked up food and that when he
10 took Wesley's truck to go pick up food, that he took this
11 gun. And you rely on your own memory that he took this
12 gun and he put this gun in the center console. He put
13 this gun in the console of his truck. He took it off of
14 himself and put it in the console of his truck because he
15 testified too that he had no reason to have it on. He was
16 at the bar. It was not that many people there. He didn't
17 have any reason to have it, so he put it into the center
18 console of Wesley's truck and he went inside and got his
19 food.

20 And he testified the first time he learned --
21 the first he had learned it that night that Blake wanted
22 to hurt him is that when he was informed that Blake had
23 called the bar and said something to the effect -- and
24 asked whether or not he was there and that he was coming
25 there to take care of some business or kick his ass. I

1 think that's the words that Chad used to kick his ass.
2 And if you can remember he testified to the fact that he
3 also received a call from Stacy Fowler confirming that.
4 Stacy called him while he was at Game Changer, while he
5 was at the bar saying, hey, she had received this
6 communication from Blake Dozier and that Blake Dozier was
7 out looking for him and even his friends confirmed that.
8 If you can Ethan Allen and Matthew -- that Ethan and Matt
9 said that they drove him to the Game Changer because he
10 wanted to go there and fight Chad and that they had to
11 talk him out of it. That they talked him out of going on
12 the inside. That is consistent, that is reliance.

13 And then, of course, is is that if you can
14 remember that in that particular period of time is is that
15 they said -- and I think Chad testified that they at one
16 point in time they went out in the parking lot and the
17 same car that we saw later on that night at Stacy's house,
18 the same car that Blake drove up to the house that night
19 to fight Chad, that was the same car that showed up at the
20 Game Changer. They said he only gotten out. I think
21 that's probably true because they said his friends said we
22 talked him out of it. That's the first time Chad was
23 aware that Blake wanted to hurt him. That Blake was out
24 to get him. That is the first time he became aware of
25 that when he was at the Game Changer.

1 So they end up leaving the Game Changer. And
2 when they left the Game Changer -- when Stacy and Logan
3 when they left the Game Changer and they come to the bar
4 and pick him up. And again I think that is something else
5 that just calls into serious question. I think Stacy's
6 allegation when she testified on the stand that they were
7 lovey dovey, that everything was right and they were still
8 living together! Because if you can remember, I ask her
9 is is that if you have the man that you love, the one you
10 say this is it and you believe that he's about to get into
11 confrontation with your ex, but who do you run to, who do
12 you go to to rescue. She didn't go to rescue Blake. She
13 called and went to Chad and went to pick Chad up. Common
14 sense and logic, ladies and gentlemen. This thing about,
15 hey, we were lovey dovey and just going through some
16 problems, use your common sense and logic. She didn't run
17 to Blake.

18 And then, of course, she lied about it in her
19 statements. And if you can remember is is that she had
20 tremendous inconsistencies that we brought out on the
21 stand. In one statement, she said that she got in touch
22 with Blake and she talk to Blake. In the other statement,
23 she says, no, I didn't talk to Blake. If you can
24 remember, she was filled with so much inconsistencies it
25 was hard to keep track. If you can remember, those two

1 statements that I held in my hand and I said, well, okay,
2 you said this when you talked to the police and you said
3 this in the written statement that you sent to me. There
4 was too many inconsistencies to even go through and I
5 want. But she was not truthful about what that
6 relationship was. She was not truthful at all. So anyway
7 they were in the car. She picked up Chad. They were in
8 the car. And, of course, they then drove around and I
9 think they said that they went to Chad's house. And, of
10 course, Chad testified that he went there because it was
11 cold. He got a jacket and he got some money because they
12 were going to the mud bog.

13 He also testified to the fact that when he knew
14 he was leaving, that he had put his gun in the console, he
15 center console in the truck. So he got it out of the
16 truck because he know Stacy and Logan were coming to pick
17 him up. So they went his house. He got some money and he
18 got a jacket. And then, of course, it was his testimony
19 that the reason why he went -- they went to his house --
20 the reason why he drove them because he was driving is
21 that he was going to get some money because they had
22 talked about going back to the mud bog and that he did not
23 have enough money to get into the mud bog, so he went
24 there to get some more. They testified if you can
25 remember Stacy and also Logan, who was in car, testifying

1 that we went back to Chad's house and that they believe
2 that Chad did go there to get some money. And then they
3 testified that then they drove and that when they drove
4 that they were driving around and looking for -- Chad was
5 driving around and looking for a place to fight, but that
6 was the purpose. That they never had to go to the mud
7 bog.

8 What reason and logic would dictate is is that
9 if he was not going to go to the mud bog or any other
10 establishment, why in the world would he need to go back
11 to his house and pick up the money, if they were not going
12 any place that would require any. Could it be that the
13 reason why he went to his house to pick up money because
14 he's telling the truth about them going to the mud bog and
15 need to have money to get in there. That's the reasons
16 why they went out towards that way Nichols or going
17 towards this -- I think it was this Automart or something
18 like that. That logic, reason, connect the dots, put the
19 puzzle together, he was probably telling the truth. Logic
20 and reason probably says he was probably telling the truth
21 about that. And they were not telling the truth. But
22 that is not -- but that is not an inconsistent theme. If
23 you can remember, they told a lot things that were
24 inconsistent on us.

25 And then, of course, is Chad was truthful.

1 Logan -- and I would submit to you Logan and also -- Logan
2 and Stacy were not. If you can remember, when they said
3 when we were in the car and that there was exchanges going
4 back and forth. There was exchanges going back and forth.
5 Logan seemed to never was able to remember Blake saying to
6 Chad that he was going to kick his ass. I don't remember
7 that. She never remembered that. Logan never remembered
8 that she was trying to orchestrate this fight. Oh, I
9 don't remember that. I wasn't trying to do anything.
10 Stacy conveniently never seem to remember that Blake made
11 threats to Chad in the car over the phone. And, why,
12 because they were prejudice. Because they want to support
13 Blake's family. They been there the entire week sitting
14 with them. They want to support Blake's family. But
15 Chad, the guy who's sitting here, the guy who's on trial
16 what did he say. He freely admitted that, yes, I threaten
17 them. They threaten me. I said, yeah, I'll kick your
18 ass. He says, yeah, I'll kick your ass. He was honest
19 about it. He said they were both talking about kicking
20 each others ass. He was honest about it. He could have
21 lied too. And he could have said, well, I was on the
22 phone with Blake and Blake was threatening me and I never
23 threaten to kick Blake's ass. I just was talking to him,
24 but he said, yeah. Logic and reason would dictate that
25 that happened.

1 When people get in a heated argument, they say
2 things to each other both of them do. He was telling the
3 truth. They were not. They knew that Blake was making
4 threats, but they conveniently said I don't remember. And
5 if you can remember when I had their statements and thank
6 goodness for those statements. And we pulled out those
7 statements and says, well, didn't you say in this
8 statement he said he was going to kick your ass. Didn't
9 you say it here. Didn't he say it there. Didn't you say
10 that Blake threatened him. Oh, well, maybe that is wrong
11 or maybe I made a mistake or maybe that's not what I
12 meant. There was a consistent theme with those two.

13 Well, anyway they finally get to the house. And
14 when they finally get to the house -- and, obviously, is
15 is that they were more lies told there. Stacy said that
16 -- I think Logan said that Matt texted -- that somehow
17 that Chad took her cell phone and texted Matt and says
18 Matt, oh, I think she said something to the effect Blake
19 is -- Chad said Chad is going to take them home. It's
20 just us here. Why don't y'all come over. She said Chad
21 made that statement.

22 Now, at that particular point in time everything
23 was supposed to be over with. And how do we know
24 everything was supposed to be over with. We know it from
25 Stacy's own mouth. And we know it from her statement. If

1 you can remember, Stacy said that at some time during the
2 car -- and Chad testified to the same thing, that she
3 testified to. And, of course, I asked her about that
4 statement and pulled it out of her through that statement.
5 And then, of course, is that that statement was is that at
6 some point in time that on the phone that Chad and Blake
7 says we're going to squash this. What are we fighting
8 about. And what Blake says she's my old lady. You can't
9 have her. And Chad says, well, I don't want your old
10 lady. If that's what this is about, I don't want your old
11 lady. And Chad says, well, okay, can we squash this.
12 Blake says, yeah, we can squash this. And they said,
13 okay, we're going squash this. We're going to end it.
14 Stacy testified to that. It's in her statement and Chad
15 testified to that. This was suppose to be over. He
16 thought it was over. There was not suppose to be a fight.

17 When they got back to Stacy's house, then, of
18 course, Logan left and Logan goes to Blake's house --
19 Logan goes to Matt's house, you know, where Matt, Blake
20 and Ethan were there at a party, some type of house party
21 I mean or gathering. I don't want to mischaracterize it.
22 But they were there and, of course, you heard Ethan and
23 also Matt testified to is is that -- and also it was
24 contained in Logan's statement and she changed it, that in
25 Logan's and Matt's statement excuse me -- Matt says that

1 when Logan got there, that Logan then says, hey, we all
2 need to go over to Stacy's house and talk. You know,
3 Chad's not there any more. And then Logan says, oh, maybe
4 that was a mistake. Maybe, there was a mis-organization
5 in the way I wrote this. And if you can remember I said
6 this is the way it reads, Logan came over and Logan came
7 to the car and Logan said that we should go over to Matt
8 -- go over to Stacy's house. And they agreed, you know,
9 that he would go and ask Ethan and see whether or not
10 Ethan could drive Blake and that they would ride together
11 said, oh, I don't remember that. It's right there your
12 statement. Thank goodness for statements, right there in
13 your statement.

14 MR. CLEMENTS: Your Honor, he's talking about a
15 lot of things that are not in evidence, so I have to
16 object to that. He questioned people about a lot of
17 stuff, but he's talking about things that are not in
18 evidence.

19 THE COURT: Can the lawyers approach over here
20 for just a minute please?

21 (WHEREUPON, a bench conference was held in the
22 presence of the jury, but out of the hearing of the
23 jury.)

24 MR. BROOKER: The point I'm trying to make and I
25 will move on is is that when Logan said she was not trying

1 to get them together to fight, she did. She lied. She's
2 the one that sent that text that says that, hey, Chad has
3 been taken home. Y'all should come over. She's the one
4 who said to Matt when they got there still we should go
5 over and see Stacy because Matt -- because Chad is not
6 there and they agreed to go. And then all of sudden Matt
7 says that he went to ask Ethan. And when he went to ask
8 Ethan, Ethan agreed that he came back and he told them
9 that, yeah, this is the plan. Ethan is going to drive
10 Blake. And me and Stacy are going to go along in a
11 separate car. And then all of sudden if you can remember
12 they said without -- when that was the plan without -- for
13 some unknown reason that Blake took off in Matt's car like
14 a bat out of hell.

15 And I said, well, what happened. He said at
16 that time he and Stacy Fowler -- Blake and Stacy were left
17 talking together, but for some reason, he just dropped the
18 plan and left out like a bat out of hell. Why, no one
19 knows. Logan says I didn't know. But, ladies and
20 gentlemen, common logic and reason tell you something
21 happened. Something happened for him to just change the
22 plan and take off. And that they went chasing after him.
23 And they testified that he was driving so fast they
24 couldn't even keep up with him. He was angry. He was
25 furious and he was drunk.

1 And if you heard Matt testify too is is that on
2 the way he asked Stacy -- he asked Logan is Chad really
3 there because I'm feeling funny. And she said -- she
4 confessed, yes, Chad is there. She actually lied to get
5 them over there. She knew Chad was over there. She
6 wanted this fight to happen. Heard Stacy testifying
7 earlier, you know, why they were in the car. That she
8 became furious with her because she was trying to get them
9 together to fight. That she even agreed to walk away with
10 their three-year-old child while they fight. She'd been
11 trying to orchestrate it.

12 And then, of course, they get there. And when
13 they get there, obviously is is that there's some
14 confusion. This is where a lot of the things change.
15 Blake jumps out of the car allegedly. Blake pulls up into
16 the yard and I think she had missed that. He was coming
17 up. Stacy missed that. He was coming up real fast. They
18 were in the house. Chad was holding their three-year-old
19 child trying to put her to sleep when Blake rolled up.
20 And when Chad testified that he didn't know it was Blake
21 when the car come in the yard. He didn't know it at that
22 time. It wasn't until he got off and put his child down
23 Stacy went out. He put the child down on the couch. He
24 then went out behind her. And that when he got out there
25 and started advancing towards the car, that's when he

1 learned that it was Blake. And she said Stacy went out
2 first. That's when he learned it was Blake. And, of
3 course, he said -- and everybody -- well, not quite
4 everybody said that they were yelling and screaming and
5 fusing and cursing. And, of course, Chad said at that
6 time that Blake was standing in the doorway of his car.
7 And that he was trying to get around Stacy and Stacy was
8 trying to stop him when he walked up. And that he was
9 angry and he was yelling and he was cursing.

10 Stacy finally, I think, somewhat admitted that
11 and before she said he was all calm. She had got him calm
12 down and was talking with him is what she said. But that
13 wasn't the truth. And the reason why that wasn't the
14 truth is because Vickie and Hosea, who are their
15 neighbors, said that they heard them out there fusing and
16 screaming and cursing and raising Cain. I think is what
17 Hosea said. Logic and reason dictates that he was angry
18 and especial is that everybody agreed that he learned that
19 day that Stacy was still sleeping or had slept with Chad
20 that morning. Did he have a reason to be angry. Yes, he
21 did. Logical and reason dictates what when he pulled up
22 in that yard, that he was angry as hell. Use your common
23 sense, I know you got a lot of personal experience. He
24 was angry as hell. We all know that. He was angry as
25 hell and he was going to get the guy who had just slept

1 with his girl. He was going to get the guy that he wanted
2 to get earlier that night to the Game Changer. He was
3 going to get the guy that he told over the phone that he
4 was going to kick his ass and he had to be stopped.

5 If you can remember is is that Matt testified
6 that during that phone exchange that he gotten from Blake,
7 that there been some chatter back and forth with him and
8 Blake. And that Blake testified to the fact that he told
9 Matt I don't have a problem with him. And Matt says if
10 you got a problem with Blake, you got a problem me. They
11 were friends, that's probably true.

12 Now, let's talk a little bit about the shooting
13 and then let's move on. I'm almost through with this.
14 There's been a lot of differences with respect to the
15 testimony as to how the shooting took place. If you can
16 remember Matt testified too that they pulled up in the
17 house -- they pull up into the yard in the SUV. And that
18 when they pulled up, that he saw Blake getting out of the
19 car and said you never stood up completely. He was
20 getting out of the car. And he just saw Chad shooting
21 before he could ever get completely out of the car.
22 Remember that because that's real important.

23 Stacy testified to something slightly different
24 that when they pulled up in the yard -- my memory serves
25 me correctly, you use your memory. My memory is different

1 from yours. That when they were pulling up is is that
2 that Blake was standing up in the doorway of the car. And
3 I think she said that Chad was -- and Stacy was standing
4 next to them --- next to the car door. And I think she
5 testified that Chad was something like ten feet away.
6 That Chad was not in a reaching distance where they
7 could -- where Chad could ever get him excuse me -- where
8 Blake could ever get him. And she said they was something
9 like ten feet away. Matt testified that at the time of
10 the shooting he was something like six feet away. Blake
11 testified that at the time of the shooting that they were
12 very close together -- I mean, Chad testified that they
13 were very close together. He was standing by the doorway.
14 He was standing on the other side of the doorway. And
15 Stacy was standing kind of at a triangle next to him when
16 they were first fighting. And he testified that Blake
17 swung, that Blake hit him. That he went back. And that
18 when he went back, he pulled his gun. And before he could
19 even come all the way up and discharged his gun and shot
20 him once. And he testified at that time is is that he saw
21 at least one of the boys is what he testified to that had
22 gotten out of the car and that was coming towards him at
23 the time in which he discharged the gun.

24 Now, if you can remember, Vickie Hernandez real
25 important. Vickie testified pretty much to the same thing

1 that Chad testified to. Vickie testified that she saw
2 them standing pretty closely next to the door. Blake in
3 the apex of the door stairwell. That Matt excuse me --
4 Stacy standing right next to the open door and that Chad
5 standing behind Stacy. And that she testified to the fact
6 she said looks like a swing, but she can't saw that she
7 saw a swing. But she testified to Blake excuse me -- Chad
8 going down and that when Chad come back up that the gun
9 went off and shot Blake. Her statement is consistent with
10 that of Chad's. Consistent with the fact that they were
11 close together when the gunshot and consistent with the
12 fact that when Chad testified that he went back and she
13 said it looked as if he had been hit, but she can't say
14 that saw it. But she did see him go down as if he had
15 been -- and he come with the back.

16 And Vickie wouldn't have a reason to lie. If
17 remember when Vickie was on the stand, she was very
18 distraught at least in my opinion because Logan is her --
19 Stacy is her second cousin. She lives out there with
20 them. It is very uncomfortable for her to get on the
21 stand, but she said that she couldn't lie about it. Even
22 though it's something that's against the interest of her
23 cousin. Something that's against the interest of her own
24 family. That she had to testify to the truth. She had to
25 testify to what she saw and that is what she saw. Because

1 it was the truth, that's the way it happened.

2 Logan lied when she said that they were ten feet
3 a part and that they were never within reaching distance.
4 That Blake was never close enough to strick Chad when the
5 gun went off. It was a lie. Matt lied when he testified
6 that they were six feet a part or so. And that Blake was
7 never close enough to hit him when the gun went off. That
8 was not the truth.

9 Now, I'm going to introduce one more witness,
10 which is probably one of the most important witnesses as
11 to why I believe that the way in which Chad told this
12 story was the truth. And that is the pathologist
13 Dr. Schandle. If you can remember, there are two
14 important things about Dr. Schandle testified that you
15 have to remember that I think is consistent with the way
16 in which Chad described this. And the way in which Vickie
17 described this is that Dr. Schandle testified to the fact
18 that the bullet entered -- that bullet entered -- that
19 bullet entered his -- kind of entered the chin about the
20 side and that the bullet traveled kind of a slight upward
21 angle and exited the back of the skull. So the bullet
22 traveled a little bit upward on a upward trajectory. That
23 is real important because -- and if you can remember I
24 also asked Dr. Schandle how tall -- how tall was Blake. I
25 believe she said Blake was five foot six and a half means

1 that I'm about five foot eight. He's shorter than I am.
2 And that when I asked Blake -- I ask Matt, you know, how
3 did he shoot him. And Matt says that he picked up the
4 gun, pulled it straight out and shot him. Chad is six
5 foot four. If he held that gun straight out at six foot
6 four and he's shooting someone who is already smaller at
7 five foot six and a half, five foot six and a half.
8 That's already much shorter than he is and then coupled
9 with the fact that they testified that he was stooping
10 down because he was coming up. He was not completely on
11 his feet yet. How in the world -- that bullet would have
12 been traveling in a downward angle, shooting at a person
13 who is much smaller and is shooting at a person -- besides
14 being much smaller, that's not standing up. That bullet
15 never should have been traveling at an upward trajectory.
16 It would have been traveling downward. It is physically
17 impossible for it to have been traveling upward when
18 you're shooting down at a target that is lower than you.
19 It is medically and physically impossible. And
20 specifically when they say that he was not even standing
21 straight up. That's why Dr. Schandle was so important and
22 that's why I asked her.

23 Another thing that's really important that
24 Dr. Schandle says remember when she talked about the soot
25 and the stippling. And she said that when they examined

1 the body that at the entrance wound there was soot and
2 stippling. And she said the reason why soot and stippling
3 is important is it's important for determining distances.
4 And she said that he had both soot and stippling in the
5 entrance wound. And he said, well, now what causes soot.
6 Soot happens, you know, when sometimes you have soot in
7 the barrel of the gun and the gun discharges and soot
8 comes out. And he says generally is that soot generally
9 will make contact with a target when it is at a very close
10 range. Anywhere from entrance -- anywhere from inches,
11 anywhere from touching or inches from the from the person
12 -- from the target to being shot to a couple of feet, but
13 she says it has to be in very close range in order for you
14 to get soot in the entrance wound. Because what happens
15 is that when a barrel of the gun discharge -- and I ask
16 her this question about soot. When the gun discharges,
17 then soot comes out. And when soot come outs, it sprays
18 except when it's in close contact to the object. Then it
19 don't have time to spread when it comes out the barrel.
20 And it makes contact, you know, along with the target and
21 also stippling the same way. And she said that the
22 stippling pattern was not a wide pattern. It was compact
23 pattern, which means that she said this tells this was
24 extremely close range. Again, it is consistent with what
25 Chad testified to and it is consistent with what Vickie

1 Hernandez testified to.

2 The evidence logic support them. Evidence
3 supports them and specifically the medical evidence. Now,
4 Dr. Schandle wasn't lying up here. She doesn't have a dog
5 in this fight. She's there to testify to strictly what
6 she observed when she did the medical report. And her
7 testimony supports what Chad testified to. Her testimony
8 supports what Vickie Hernandez testified to.

9 Now, I'm not going to go through all of this and
10 you will have all of this at the back. I'm not going to
11 go through these photographs. But if you can remember is
12 is that they knew how important Vickie's testimony. So
13 that's about year -- a year and two months later they went
14 back and says we going to try and recreate the scene and
15 take some pictures with cameras and try to see what
16 someone says. But Vickie told her and she testified that
17 I could see clear. Her husband, Hosea, testified that I
18 could see clear. That these pictures are not
19 representation of what we saw that night. They didn't do
20 their job that night. They didn't even go out and look
21 for witnesses that night. Vickie said that she came up to
22 the scene said nobody ever came to her house that night.

23 And, of course, as you can remember, one of the
24 investigators testified I think Investigator Lee that they
25 never even came on the scene. They came at the scene and

1 never came within the crime scene. The lead investigator
2 who was Watson never testified.

3 They collected evidence and they sent off to
4 SLED, which was a gun powder test. Gun powder residue
5 kits that were taken from the people at the scene never
6 was tested. But they didn't need to. Chad told them from
7 the moment -- and I want you to remember this. He told
8 them from the very moment he said after he discharged that
9 gun he was afraid, which is consistent with logic and
10 reason. People do run away when they are afraid and he
11 did. He stated he never been involved in anything like
12 this, never shot anybody in my life, never been involved
13 in a crime before. Never been arrested before. That ran
14 home and that he waited there for law enforcement to come
15 and they came the next day. Law enforcement I think
16 Investigator Lee testified that he was honest with them
17 from the moment they picked him up, told them exactly
18 where the gun was, sat down and told them statements. He
19 cooperated with them.

20 Ladies and gentlemen of the jury, at the
21 beginning of my statement, I told you that this was not a
22 case of murder, but that this was a case of self-defense
23 because when Chad discharged his firearm, that he had
24 reason to believe that he had just been struck. He was
25 under attack. And he had reason to believe that he was

1 going to get hurt or serious injured or either if not
2 worse and Vickie confirmed that. Vickie confirmed that
3 she saw two people getting out of that white SUV --
4 getting out of the white SUV when Chad got struck. That
5 she saw two people getting out that SUV and that were
6 walking up on their positions and these were friends of
7 Blake's. These were friends of Blake's. And I would ask
8 you is is that when and I'll pose this one question to you
9 before I sit down as to whether or not he had a reason --
10 he had a reasonable fear of serious bodily injury because
11 you have to look at everything. You have to consider
12 everything that happened that night. As Chad was standing
13 there and Chad got hit by Blake, he had just been hit by
14 Blake. He had just been struck by Blake. He had the
15 knowledge that Blake came to the Game Changer to look for
16 him and kick his ass. That he had been on the phone with
17 Blake and Blake had been threatened him all that night.
18 They been exchanging threats. They got on the phone with
19 Matt and that him and Matt exchanged threats and talked
20 about, you know, fighting. And that he testified that
21 Matt told him that if you have any problem with Blake, you
22 got a problem with me.

23 Blake was drunk. Blake was angry. They was
24 yelling and screaming and fusing and fighting. Blake had
25 came up into this yard like a bat out of hell. He was

1 angry and he was drunk. Blake had just learned that day
2 that Chad was sleeping with the girl that he loved and
3 that see his friends getting out of the car advancing on
4 him at the time that he got struck.

5 With all that being in his mind, was it
6 reasonable for him to think that these guys are going to
7 double team me three on one. And that they're going to
8 hurt me bad. They going to hurt me real bad, if not do
9 worse to me. Was it reasonable for him to have that
10 belief and it was. I think anyone under that circumstance
11 would have believed that. And he said he didn't believe
12 he could run away. He believed that if he ran to the
13 house, that they would come to the house and get him. He
14 had his child in the house and wasn't going to run to the
15 house. But he didn't believe he had the option of running
16 a way and he didn't bring on this. He didn't come to
17 Blake. Blake came to him. As you can remember, this was
18 suppose to be squashed before they even got to Stacy's
19 house. Chad didn't go out seeking Blake. Blake was
20 seeking him that whole night. Chad didn't come seeking
21 Blake. Blake came to Stacy's house seeking Chad. Chad
22 didn't threw the first lick. Blake threw the first lick.
23 Chad didn't bring this on. He didn't bring it on. And
24 when that happened when he got struck and with all this in
25 his mind, he had every right to defend himself. It is sad

1 that someone is dead ---

2 THE COURT: Mr. Brooker, you have two minutes.

3 MR. BROOKER: Certainly. He had every right --
4 he had every right to defend himself and he did. It is
5 self-defense. And when you look at that jury verdict,
6 it's going to have guilty or not guilty. It is not
7 guilty, but what not guilty means, not guilty means is
8 that the State had not proven beyond a reasonable doubt
9 that this wasn't self-defense. And they can't prove
10 beyond a reasonable doubt that it was -- wasn't
11 self-defense because it was. Thank you for listening,
12 ladies and gentlemen. I appreciate it very much.

13 THE COURT: All right. I'm going to let you
14 step to the jury. Do not discuss the case. I'll get you
15 back out here in just a minute.

16 (WHEREUPON, the jury retire to the jury room.)

17 (WHEREUPON, a break was taken.)

18 THE COURT: Anything from the State before I
19 bring the jury back out?

20 MR. CLEMENTS: No, Your Honor.

21 THE COURT: Defense counsel?

22 MR. BROOKER: No, sir.

23 THE COURT: Bring us the jury please, sir.

24 (WHEREUPON, the jury came into open court.)

25 THE COURT: All jurors are present. Mr.

1 Clements, you are so recognized for closing arguments.

2 MR. CLEMENTS: Thank you, Your Honor. May it
3 please the Court. Good morning, ladies and gentlemen. If
4 you remember when I stood up before you when we started
5 this trial Monday afternoon, I told you that this was not
6 going to be a who done it. This is gone be what is it
7 murder, voluntary manslaughter or self-defense. You just
8 heard from my esteemed opponent and counselor Thurmond
9 Brooker. He says it's self-defense.

10 It is my burden to show you why it's not
11 self-defense and I embrace that burden. And I'm going to
12 do my best to recall the facts in a manner that are
13 accurate and true. If I misstate something on the facts,
14 it's not what I say are the facts. It's not what
15 Mr. Brooker says are the facts. It's what the 12 of you
16 say are the facts. Y'all get back there and deliberate
17 and y'all decide what is true and what is not. And it's
18 not what I say about the law is the law. It's not what
19 Mr. Brooker says about the law is the law. It's the law
20 as Judge Brown gives it to you. And I'm going to tell you
21 what I think he's gone give you and we will go from there.
22 And I'm going to try to apply the facts as I see them to
23 that law just as you're going to do when you get back
24 there the facts that you say they are. You apply the law
25 to them and you gone reach a verdict. And I believe that

1 verdict is going to be murder.

2 Murder the taking of a human life with malice
3 aforethought. I believe Chad Strickland came off that
4 porch with that weapon, that .45, that hand cannon, that
5 he had an evil intent in his heart to go out there and
6 shoot Blake to remove the impediment that he thought was
7 there that prevented him from getting back with his
8 family. And I believe that you remembered back in our
9 opening statements, there was a lot things promised there
10 and said about relationships and things that just are not
11 true. And they might be fantasy in somebody's mind, might
12 be fantasy in Mr. Strickland's mind, but they are not
13 true. And I will get to that a little bit down the road.
14 I want to start here and the first thing I want to do is I
15 need to respond to some things that Mr. Brooker said and
16 then I want to get to my closing.

17 And I want to tell you right now absolutely Chad
18 Strickland is there clothed with the presumption of
19 innocence, that is true. It's my job to remove it, but I
20 can tell you one thing is -- he is not a soldier serving
21 our country. He is not a police officer that's been
22 trained with a badge of serving and protecting our
23 community. He's not either one of those things. And I
24 kind of take offense by him being compared to those
25 because he is not.

1 He is someone with a gun and he doesn't even
2 have a concealed weapon's permit. But yet he's quick to
3 tell you you don't need a concealed weapon's permit on
4 private property, which is true. But if you're not on
5 your own private property, you need permission from the
6 person whose property it is to have that concealed weapon
7 on their property. And you heard from Stacy that she said
8 she known he had a gun, he would not have that gun on her
9 property she'd known about it. So he did not have
10 permission. He was not covered by that. He was not under
11 the covers of the law when he had that gun on him.

12 Also, he testified about going into the bar and
13 I think as I recall the recollections, he went into that
14 bar with that gun hidden on the inside of the pants
15 holster. And it's against the law to go into a place
16 serving alcohol with a weapon even if you got a concealed
17 weapon's permit. He went there and played a few games of
18 pool. And then he got into Cody, his friend, Cody
19 Walters. He testified to and went and got some food from
20 Burger King and put it in the console. You suppose to put
21 it in the glove box. I don't know who Wesley Huggins is
22 that Mr. Brooker's talking about that's news to me. I
23 don't know who that is, but he gotten Cody Walter's car
24 and then he came back and he just left it in the truck
25 then. But he went in that bar -- and he said -- and

1 Mr. Brooker said that was normal. He always carried that
2 gun around.

3 Well, he's not always on his private property.
4 So he's always carrying that gun around. I don't think he
5 cares that much about the law because he's in violation of
6 it. Mr. Brooker talks about the violence in our society
7 and we have a right to bear arms. We do pursuant to the
8 laws of the land. We have a right to comply with those
9 laws. And I submit to you complying to the law when he
10 had that gun concealed on his person when he was at Stacy
11 Fowler's house. And he had that gun concealed on his
12 person and he's laying there -- it was right here he
13 testified to. And he's sitting in a recliner with his
14 baby girl -- his three-year-old girl and that .45 right
15 there, right where she is in his lap. He's not abiding by
16 the law. We do have a right to bear arms under the law.

17 And Mr. Brooker said, well, you know guns don't
18 be shocked by guns. Don't get too bent out of shape about
19 it. We in a society with guns down here in the South.
20 Let me ask you this particularly you men, does this look
21 anything to you like a hunting weapon. No. So don't buy
22 that excuse. This ain't made to hunt deer with. It's
23 made to shot a man with or protect yourself with if
24 somebody attacks you. And I submit to you that Blake
25 Dozier didn't attack Chad Strickland. Chad Strickland

1 came off of that porch to that car with a purpose and
2 intent in his heart after Stacy told him, Chad, stay on
3 the porch, stay on the porch.

4 Now, Mr. Brooker told you logic, reason and
5 common sense and I want to emphasize to you please I'm so
6 glad you're here with your logic and your common sense and
7 your reason. And you can take that back in that room with
8 you along with these facts and along with this law. And
9 you're going to reach a verdict that tells the truth.

10 Mr. Brooker I agree with him that there were
11 witnesses that were actually there are what's most
12 important. All this other stuff back and forth and
13 talking and going to the Game Changer and all that, that's
14 not important. What's really important is what happened
15 and those two minutes I say, if even that long, from when
16 Blake drove up in that yard until Blake hit the ground
17 right by that car, dropped where he stood. That's the
18 important time. All this other stuff and I got to address
19 it a little bit, but that's not important.

20 What's important is the people who were there
21 Chad, Stacy and Logan and Matt. Vickie Hernandez, Eric
22 Hernandez they aren't important because they weren't
23 there. If they were there, they were 357 and a half inch
24 away. And, you know, it's easy for us to talk about
25 numbers here in the courtroom and maybe not know exactly

1 what we're talking about because it's just a number. I'll
2 ask Mr. Street if he'll stand right there. This is as far
3 as I can go. Let me pull it tight as I can. I hope I
4 mess up the tape here. This is as far as I could go
5 56 feet and six inches, that was 357 feet. So you take
6 that and you add another 300 feet, which would be almost
7 six times that distance further than a football field, you
8 know.

9 And let me ask y'all, y'all ever been to a
10 football game and been in an end zone standing right on
11 the ground and looked at all the way down other goal line
12 and you got all these lights lit up all around you, how
13 well can you see. All that going on, you can't see jack
14 squat. You might see somebody go into the end zone, but
15 you might not even know what number he is. But, yet,
16 Vickie and Eric they seen it all. They heard it all,
17 bologna. They didn't come forward until months months
18 later. And part of what the judge is gone tell you about
19 the law is it's your job to judge the credibility of the
20 witnesses. And the judge is gone tell you that that
21 credibility of the witnesses is the believability of the
22 witnesses. And you can look at the appearance and manner
23 of the witness on the witness stand offered to refer to is
24 their demeanor, was the witness forthright or were they
25 hesitant.

1 Well, Mr. Hernandez I submit to you she was
2 telling it, but you remember when I got out there and I
3 stood about right here. I said Mrs. Hernandez it's been
4 such a long time what you done is you taken bits and
5 pieces you heard between here and there and this and that
6 and you just put the story together, haven't you. You
7 remember her demeanor, she got real quiet. She started
8 talking real slow. She might have heard something. She
9 might have seen something. She didn't see it at all. She
10 didn't hear it all. There's no way. Even on the football
11 field when nothings in front of you and all the lights are
12 on, you can't see. Was the witness -- what was the
13 ability of the witness to know the facts about which he or
14 she testified. How could they see it.

15 Remember, I tell her I said I know you saw
16 something my question is just how much. Did the witness
17 have cause or reason to be biased or prejudiced in favor
18 of the testimony he or she gave. Well, her husband said
19 Chad's been my friend. He's always been there for me when
20 I needed him. He's good people, he's friends. And Stacy
21 Fowler was her cousin, but, you know, they said they just
22 keep to theirselves. But this was the critical thing to
23 me. She came up there and she says she went down to see
24 what was going on and that some law enforcement officer
25 come there up there with a machine gun and backed them out

1 of there. Now, I just find that incredible. I don't know
2 about y'all. I think that's really almost borders on
3 funny.

4 Well, you know, Mr. Brooker said those other
5 witnesses they didn't mean nothing. He vaguely remembers
6 who the first three were. They were just officers on the
7 scene, you know. And all they did they come up and they
8 put crime scene tape up and then they stood around that
9 perimeter and made sure nobody came in. So he doesn't
10 know why they important. I'm going to tell you why
11 they're important because they show that Vickie Hernandez
12 is lying, that's why they're important.

13 Don't you remember their testimony when asked
14 and talked to them and they said, yeah, we were on the
15 perimeter. We put crime scene tape up and we stayed right
16 there and guard that perimeter made sure nobody went in or
17 out. And I said you remember somebody coming in under the
18 tape and you pulling a gun on them and running them off.
19 I asked all three of them. They said, no, that didn't
20 happen at all. That didn't happen. That's a bunch of
21 bologna.

22 Now, Mr. Brooker said State's Exhibit 47 and 53
23 and 48 and 52 and 54 that Chris Owens took, they didn't
24 really mean anything done much later January the 30th well
25 after the fact. You know, we didn't know anything about

1 the Hernandezs being apart of anything or seeing anything
2 because they never came forward. And that's what I want
3 you think about it. She said that they came there and
4 they went under the crime scene tape. But then when I ask
5 her why didn't you call 9-1-1, why didn't you talk to the
6 cops, oh, we didn't want to get involved. If they didn't
7 want to get involved, you think they gone walk down there
8 and get up under that crime scene tape. And that's about
9 as getting involved as you can get, isn't it. No, we
10 don't want to get involved. They never called 9-1-1.
11 Then it says something about they heard gunshots on the
12 other side of their house, still didn't call 9-1-1. And
13 it was a white SUV. Nobody said anything about a white
14 SUV. Everybody said it was a black SUV. Because she got
15 up here and said it was a white SUV. And then what did
16 Chad say he said it was a white SUV. And I started asking
17 him about that and he just back tracking all over himself.

18 Yeah, it was a second vehicle that came up and
19 it was a black one. SUV that belong to Logan Ratley.
20 Chad said I didn't recognize it right then. My goodness
21 just a few minutes ago he'd been driving it all around
22 Nichols and all over that area, but yet he didn't
23 recognize it and thought it was a white SUV, come on. So
24 of y'all might have been born at night, but I know y'all
25 weren't born last night. So who's trying to pull the wool

1 over who.

2 Here's Mr. Bell taking that first measurement on
3 State's Exhibit 47. And you look over there and all those
4 trees they were way down, you know. Well, look at these
5 trees and how tall they are. With common sense, it
6 doesn't take a botanist to know they not gone grow from
7 from way here all the way up there in two years time. And
8 also everybody knows that lives around here January 30th,
9 you got just about no leaves on trees. If they lose their
10 leaves in January, they going to be gone, right. So this
11 is about as good as it gets, that's why I did it January.
12 That's why the pictures were made then. And look through
13 there and you can see a little something, but can you see
14 all the details and stuff that Vickie testified to in the
15 daytime, take that back there in the room with you and
16 check it out. I think you will agree with me. State's
17 Exhibit 54 same thing. We know from the testimony that
18 somewhere in there was Martin Bell with a measuring wheel.
19 I couldn't see him here in the daytime, can y'all. Same
20 thing on State's Exhibit 52.

21 Well, this is the kicker to me State's Exhibit
22 53. I ask Vickie what can you see. It wasn't light up.
23 There weren't lights out there. I said wait a minute
24 here, look at here you got headlights and taillights of
25 the first vehicle you can see that right. Yeah. You got

1 headlights and taillights this here you can see that
2 right. Yeah. You got the light here on this pole over
3 here on this end out near the street. You got a light on
4 the pool here. And then here is the porch light. Were
5 there any other lights out there other than that night.
6 Well, no. And those lights you still can't see jack
7 squat. That sure isn't a football field with all those
8 big light stands up, that's the light that was out there.
9 And you can't see at all what she claims. You might could
10 see a little bit. I'm not doubting you can hear a lot.
11 And I'm not doubting they were fusing and cursing going
12 on. And I'm not disputing that the radio came on -- was
13 on wide open when the car pulled up with some kind of rap
14 music playing on it. And I don't listen to a lot of rap,
15 but I know some of it got a lot of cursing in it. So may
16 be that's where some of the cursing came from. I don't
17 know. But there's some things that Vickie kept saying
18 that she might have known. She might have been able to
19 tell.

20 And you know the credibility of witnesses, the
21 judge is gone tell you you can believe all of what a
22 witness says or none of what a witness says or you can
23 believe part of what a witness says. And I would suggest
24 this is apart of Vickie's that you might ought to pay
25 attention to because I'm not disputing that she could hear

1 hollering from there. The judge is gone tell you you can
2 believe one witness above many witnesses or many witnesses
3 over one witness. So that's your duty and that's your
4 job. And all I can do is suggest what I think the
5 evidence shows. And I think the evidence shows that she
6 can hear some of that. And what was some things she
7 testified to. She testified to Stacy telling Chad to stay
8 on the porch. Y'all remember that. She said stay on the
9 porch. And you remember her testifying that Chad said I'm
10 sick of your shit, bow, gun goes off. You remember her
11 saying that. And she kept saying the gun goes off.

12 Well, I think she's trying to say actually if
13 that's true Chad said I'm sick of your shit and then Chad
14 pulled the trigger and the gun said, bow. It just didn't
15 go off. And she talks about him backing up, you know, and
16 every time she wanted to say he just backed up like that
17 or kind of went down. She wanted to say like Blake swung
18 at him. Well, I asked her several times did Blake swing
19 at him. Did you see Blake swing at him. Well, no, I
20 didn't. But she wanted to say he went down and then she
21 wanted to add as if Blake swung at him. But yet she don't
22 want to be perceived as being on one side or the other. I
23 asked her could he have gone down like this because Stacy
24 said I told you to stay on the porch. You know, that
25 could have happened, could that have been it. Well, maybe

1 so. And the real thing is I ask her could he have done
2 like this because he's pulling his gun out out of his
3 hidden holster there.

4 Well, Thurmond wanted to make a big deal out the
5 distance. Well, what did the pathologist have to say. I
6 think the pathologist is right on the money. She said it
7 was stippling there on his face. And it was anywhere from
8 two, three inches to a few feet -- a couple of feet I
9 think three is what she said away. All right, we got a
10 tape measure right here. Since, we been using the witness
11 stand as different things let's use the witness stand as
12 the outside of the car right here. Here's the door open
13 and here's Blake standing right here, right in the apex of
14 the door. Everybody kept saying he was right in the apex
15 of the door. Nobody said anything about him moving around
16 except Vickie. I don't think -- well, I think she backed
17 off of that because he was shot right here.

18 Well, here we got one, two, here's three feet,
19 here's three feet right here from there. And here's the
20 gun which would be maybe the most three feet away. Now,
21 Chad got a much longer arm than me. Is that six feet or
22 so about what Matt said thought it was about six feet, you
23 know.

24 Now, let me tell you something else. And you
25 may know this if you shot a gun. Natural tendency when

1 you go shoot a gun is you go forward on the strong side,
2 that's just common sense and that gun's right there and
3 this closes that distance. So what Matt said made sense.
4 He could have been right on the money, but I don't know
5 how he could know looking over their heads exactly how far
6 Chad was from Blake anyway because Chad's a tall guy.
7 He's probably 6'4, 6'5 maybe more, but he's tall. So, you
8 know, he could have seen Chad on the other side of Blake,
9 but I don't know how accurate he could have been, but this
10 could have been it. And it would have been right in that
11 area to put stippling on his face. So there's nothing
12 contradictory about that like Mr. Brooker would have you
13 believe that Matt's lying about that or the pathologist.

14 Now, if you remember and this is really
15 important. Mr. Brooker talking about the angle of the
16 gun. You know it should have been going down instead of
17 up. And he tried to ask and I think I asked something
18 about the movement of the body to the pathologist. Dr.
19 Schandle said, yeah, bodies move around they're not
20 stationary. And Mr. Brooker's trying to ask about it
21 saying, you know, do you take trajectory and measure
22 angles and she says, no, because we got the body laying
23 there flat. And we put a rod through we know as far as to
24 his face it goes in here and goes slightly up. Can't tell
25 anything about angles because people's bodies move. If

1 you're sitting there and all of a sudden you see a gun
2 right in front of your face, what's going to be the
3 natural tendency. Don't you think. Bullet comes in here
4 and we do our head back like this it comes out slightly
5 upward I would guess. That would make sense don't you
6 think, bring your common sense into that room.

7 You think he gone stand there like a board, big
8 old giant hand cannon a .45, probably look like it was
9 right here about this big probably to him. You think he's
10 gone stand there like a block of wood stiff. No, natural
11 instinct jerk your head back. So what Mr. Brooker is
12 saying there I don't think that's important. But if you
13 do, you think about it.

14 Now, Mr. Brooker's talking about Wesley's truck
15 and I don't know who Wesley is. Wesley Huggins I don't
16 know anything about that. I think he's got a lot of stuff
17 confused. He's a good lawyer, but we all can get confused
18 on stuff and I think a lot of this is confusing. And he's
19 got a lot of it confused.

20 One thing he said I totally agree with Vickie
21 testified like Chad consistent with Chad. Of course, of
22 course, they testified consistently, but remember -- and
23 we'll have it available if you want to hear it again. And
24 I apologize I am not responsible for the quality of
25 Mr. Watson and Mr. Bell's cassette recorder. I'm sorry

1 about that, but I think we might have a way you can hear
2 it good if you want to listen to it again State's Exhibit
3 Number 2.

4 Chad didn't say a word then. And if you listen
5 to it, they'll tell you, you know, we been nice to you.
6 This is your time. This is your time to tell your whole
7 side of the story. Chad never one time said Blake hit me.
8 Blake he swung at me. Only thing said he said, he went to
9 reach around Stacy. Well, if he stated like it was and
10 Blake's here and Stacy's kind of here and he's here, if he
11 goes and reach around Stacy, he's not even coming towards
12 Chad. Remember, the way he set it up. He said they were
13 kind of in a triangle. He's going around Stacy. He's
14 getting away from Chad. He's not coming to Chad. The
15 door's in between them anyway. He never went on the
16 attack at all. And I'm telling you that morning, it's not
17 like somebody seeing something happen and it being real
18 traumatized and they look at it from a distance. They
19 say, oh, my God they leave something out. He's telling
20 his story to the cops. You know, if Blake swung at him
21 and hit him, you know he would have told Martin and
22 Charlie that morning. He told them though that he had
23 agreed with everything except pointing and presenting a
24 firearm at Stacy. He didn't agree with that, but he
25 agreed with everything else. And he would man up and take

1 what he had done.

2 Well, ladies and gentlemen, what he did was he
3 killed Blake and he killed him with malice aforethought.
4 He had time to cool off. I'm sure he was mad. You know,
5 I don't believe for a minute Chad said for some reason
6 Blake was looking for me all that night, like he don't
7 know. He knows exactly why Blake was looking for him.
8 And then he rubbed Blake's face in it. And I'm just going
9 to say this one time because they're words I don't use.
10 But he said on the phone to Blake, I fucked your old lady
11 this morning. I'm gone F her again tonight and I'm gone F
12 her again tomorrow.

13 Now, tell me whether or not that is being with
14 some fault in the difficulty. You don't think he's at
15 fault. He admitted on the witness stand. I ask him
16 didn't you pour gasoline on that fire. He goes, yeah, I
17 guess I did. I sure did. Blake might have been the one
18 to fight him, but Chad's at fault just as much. He was
19 threatening to kick Blake's butt and take his old lady.
20 And then say I don't want your old lady according to some
21 of the stuff. I don't want your old lady let's squash it.
22 Let it be over with.

23 And then Blake's over at Matt Lane's house and
24 Matt's at Fletcher's house and Blake's sitting out there
25 in the car. And he's messing with his phone again, I

1 guess, is what he been doing, you know. And they want to
2 act like -- Mr. Brooker said nobody knows why he just all
3 of sudden took off like a bat out of hell. We know
4 exactly why he did that because the testimony from Logan
5 was I told him when he ask me where is Stacy, I said she's
6 at home. Chad's there. He's like I got to talk to her.
7 I got to talk to her. And he probably said I'm going to
8 whip his ass. I just got to talk to her. He wasn't near
9 as much as concern about Chad as he was concerned about I
10 wanting to talk to Stacy. Yeah, he might have been
11 wanting to whip Chad's butt, but he wanted to talk to
12 Stacy.

13 And, ladies and gentlemen, what was he doing at
14 that car. He was in the car and Stacy said she came up
15 and she talked to him while he was in the car for a minute
16 or two. He gets out the car and I submit to you he never
17 moved from here. What he's doing. Is he trying to whip
18 Chad's butt. No, he's talking to Stacy, that's who he
19 wants to get things straight with. He's talking to Stacy
20 Fowler and Chad comes off the porch strapped, loaded for
21 bear.

22 Did Blake have a gun no. And we heard
23 Dr. Schandle talk about the money and stuff recovered out
24 of his pockets what he had. Guess what, he didn't even
25 have a little old pocket knife. How big a threat was

1 that. He's 5'6 and a half and look at big old Chad, a
2 strapping country boy. I don't think he was that big of a
3 chicken. I really don't. He said he was gone show Blake
4 who the man was and I wish he had. I wish he'd shown
5 Blake who the man was instead of cowardly shooting him in
6 the face with a .45.

7 You saw Chad's demeanor. You think he's chicken
8 like that. I don't think he's chicken. I think he was
9 ticked off. And I think he was saying I'm just going to
10 get rid of him. And, you know, if you believe he did it
11 in the heat of passion, find him of guilty of
12 manslaughter. I think he knew what he was doing when he
13 came off that porch. I think he had a cooling off period.

14 Now, did he send the text message from Logan's
15 phone. He wanted to get Blake over there where he felt
16 more comfortable, couldn't get him to the Sunny Mart,
17 couldn't get him to the used car place. He very well may
18 have said that. Could have Logan have sent it on her cell
19 phone. She might could have. She never told Matt, no,
20 Chad -- I don't know that Ethan asked, but she did tell
21 Blake Chad was over there. Was she trying to see a good
22 old fistfight. I don't know. I don't know. You may not
23 like her. You may think she was inconsistent on some
24 statements and you might not like her or you might like
25 her. That doesn't make any difference about what matters

1 about this case. Logan never pulled a gun out and Logan
2 never knew anybody had a gun. And Logan never pulled the
3 trigger.

4 You might not like Stacy. You might not like
5 Stacy. You might think she has some areas where she gets
6 weak in morally. You might not like her for that, fine.
7 That ain't got nothing to do with who pulled the trigger
8 on this gun. You might say she's to blame for the whole
9 thing because she was messing with Blake and messing with
10 Chad and that's why everybody was mad. You might say
11 that -- and I'm not saying I disagree with you. But that
12 ain't got nothing to do with who pulled the trigger and
13 who had a gun. That was Chad and Chad only. And Chad
14 said in his statements to Martin Bell and Charlie Watson,
15 you know, I pulled my gun out and shot. It was just me
16 and Blake's situation nobody else.

17 And another important thing when you -- please,
18 please go back and listen to this. You listen to this
19 Chad never said he swung -- that Blake swung at him. He
20 never said Blake hit him. And he never said that two
21 people -- two guys got out of Logan's car. He said one.
22 And he's talking about Blake riding around with Ethan and
23 riding around with a Lane boy. But he said to Charlie and
24 he said to Martin, Ethan had nothing to do with. He ain't
25 had nothing to do with it. He's riding around talking

1 back and forth on the phone, but he had nothing to do with
2 this.

3 And now he wants to say, well, Ethan was out
4 there. Why does he want to say that. What is his
5 motivation. He knows he shot and killed Blake and he
6 can't take it back. And he's ruined his life, that's what
7 he told him. The only thing he can do now is say, man, I
8 got to make this look like self-defense. I got to make
9 this look like I was scared. I got to make it look like I
10 was under attack. He doesn't know why Matt and Logan
11 pulled up there. He didn't know if they were trying to
12 stop Blake and get Blake, you know, do anything. He never
13 took time to find out. He never took the time to find
14 out.

15 There's a lot more I want to cover, but I'm gone
16 try and close this up. There's several things I got to
17 talk to you about and I hope I'm not boring you. And I am
18 please, please don't hold it against Stacy Fowler's and
19 Blake Dozier's family. Stacy was the victim, she's got a
20 little girl Blakelynn to raise without a daddy and she's
21 got another daughter to raise Kayle. If y'all find Chad
22 guilty, she's got another daughter raise without a daddy.

23 So I would submit to you she's a lot more honest
24 then Mr. Brooker would want you to think she is. But if I
25 bore you, don't hold it against them because my job is to

1 remove that presumption of innocence and I got to do it
2 beyond a reasonable doubt. I got a burden to bear and
3 it's a pretty heavy burden. So I will tell you how much I
4 appreciate your attention and how y'all are engaged for me
5 and for Mr. Brooker. And I won't be that much longer, but
6 I got a few more things I want to cover with you because I
7 got the burden of proof.

8 Now, Logan never remembered it was one of the
9 things that Thurmond kept telling you in his closing that
10 Logan never remembered Blake making threats to Chad. It's
11 not that she didn't remember it. She told you she
12 couldn't hear it. She can hear what Chad was saying
13 because Chad was in the car with her. She couldn't hear
14 what Blake was saying because Blake was on the other end
15 of the cell phone and maybe she overheard something, but
16 it be hard to hear. You ride up and down the road in a
17 car in an Explorer and somebody's talking on the cell
18 phone and you can't hear everything on the other side of
19 that conversation. You can hear what the person riding
20 with you saying. And she tells you Chad was threatening
21 Blake. This was a mutual thing. And Blake thought it was
22 squashed and thought it was over with and thought, man,
23 I'm gone go home in a little while, talk to Stacy and we
24 got to try and make things right.

25 And then Logan says, well, yeah, Chad's still

1 over there. He's like, he said it was over with. It's
2 squashed. He didn't want her. Why is he still there. So
3 he goes. And the first thing he does is talk to Stacy.
4 And never ever ever had an opportunity to move from that
5 spot when he was talking to Stacy because Chad dropped him
6 where he stood. Look at the pictures, look at his boots
7 where they are. He shot, he goes like that. He goes
8 right down.

9 You know, y'all got to look at the
10 differentiation of the size, how different they are in
11 stature and size wise and all those things when you
12 consider whether Chad was really under a threat or not.
13 You know, I ask him some questions why didn't you do this,
14 why didn't you do that. Well, first, he's got to be
15 without fault. Well, I'm telling you he shared that fault
16 because they were -- I felt like too probably like two
17 banner roosters want to go at each other. And they were
18 both talking junk and they were both talking about how
19 they gone whip each other behinds, but Chad never said he
20 come around me, I'm gone blow your head off. He just said
21 I'm going to whip your behind. Blake said, well, I'm gone
22 whip your behind. I'm not saying Blake didn't have some
23 fault by wanting to fight, but he wanted to fight.

24 Why did he want to fight. Why did he want to
25 find Chad that night because they found out that day, that

1 that day Stacy and Chad had had sex. And Chad wants y'all
2 to believe that this was a regular thing. Well, you know,
3 we saw each other every couple weeks. Well, of course,
4 they had a daughter together, that's normal. That's
5 expected. He wants to make it sound like they were having
6 sex all the time and maybe not intercourse, but they were
7 intimate a bunch of times. And he talked about that and
8 I'm not getting into those terms. But he talked about
9 being intimate and this is what I mean by intimate and all
10 this stuff. And now I ask him what he testified to under
11 oath from this same witness stand. How many times have
12 you been intimate with her, only one time. And I think I
13 asked him, well, when were you lying now or then. But he
14 said back then only one time. Now, he wants to make it
15 look like, oh, this was all the time going on.

16 He had fault. He had fault. He had fault
17 because he had been messing with Stacy. He had fault
18 because he had talk with Blake, knew this was upsetting
19 and he still went back over there and was planning to
20 spend the night again if he could, had fault for that and
21 it was Blake's girlfriend. And he said, oh, I don't want
22 her, but, yet, he went over there any way. He had fault
23 because he didn't stay on the porch like Stacy told him.
24 He had fault because he went out there with a gun and he
25 could have stayed on the porch with the gun and nobody's

1 coming in this house my daughter is in there. But Blake
2 lived with his daughter, he ain't gone do nothing to his
3 daughter. That's an excuse. Other people getting out of
4 the car, see what I got for you, back off, go away. He
5 had fault. And all I got to disprove is one of these four
6 things and this is one he had fault. You know he did.

7 Imminent danger. He had to believe he was in
8 imminent danger of losing his life or sustaining great
9 bodily injury. Do you really believe he thought that.
10 Why did he go to the car if he was in imminent danger. He
11 went to it. Blake wasn't trying to get to the house.
12 Blake never pushed Stacy out the way and rushed the house.
13 Blake never did anything. Blake stood at the car and was
14 talking and, yeah, maybe they fusing, but he was talking
15 with Stacy. There was no imminent danger to Chad. All he
16 had to do was stay on the porch nothing would have ever
17 happened except maybe a little more fusing and Blake would
18 have left and come back when Chad finally got from around
19 there.

20 And if he did believe he was in imminent danger,
21 a reasonable person of ordinary courage and ordinary
22 firmness would have believe the same thing. Y'all don't
23 believe that. Y'all are reasonable people. Y'all got
24 regular firmness and courage. You believe he was
25 endangering in his life. Blake didn't even have a pocket

1 knife. No way out. No other way to avoid danger then for
2 him to pull that gun and shoot Blake in the head ambush
3 style.

4 There was plenty of ways to avoid this. He
5 could have stayed on the porch. He could have said, okay,
6 we end all this fusing with Stacy. Me and Blake are going
7 to drop me off at my dad's, Logan. He could have avoided
8 it in a lot of ways, a lot of ways. He could have turned
9 left after he went out to the car, if Blake swung at him
10 which I don't think happened. He could have backed up
11 said, all right, Blake, I got this. He went back
12 according to Vickie. He could have said go away, leave.
13 There were plenty of ways he could avoid danger.

14 He did not have to come off that porch. He did
15 not have to shoot Blake in the face. But I'm telling you,
16 ladies and gentlemen, he came off that porch and that's
17 why Stacy said that Blake had this look on his face when
18 he was shot. Because when Chad got here, of course, he
19 was shot. He had plenty of ways out. He could have gone
20 in the house and locked the door. You know running out in
21 the yard, that would have been stupid if he worried about
22 Kayle. Somebody could have come around him and gone in
23 the door, that's an excuse. That ain't nothing but an
24 excuse.

25 All that stuff riding around in the car and all

1 that yang yang back and forth bunch of dang on drama.
2 That don't matter what happened in those last couple of
3 minutes of Blake's life. He went there, he was upset.
4 Was he angry. Yeah, he was angry, but he was more than
5 angry he was hurt. He and Stacy were going to have a
6 baby.

7 And it's easy for us lawyers sometimes to
8 misstate stuff or twist stuff out of proportion. I
9 believe what Matt said was that Blake told him that Stacy
10 had asked him to leave and they were fusing and fighting
11 that day he had left. There's a big difference in that.
12 And we know Blake spent the night there. He had done
13 left. Stacy said he went to his mama and daddy's for the
14 day and came back and then he been there. But, yeah, they
15 were fighting. They were fusing. They were having a
16 tough time. And when Chad was around there and they spent
17 time with the daughter and he's probably like come on give
18 me some, give me a little bit and she just did it. She
19 shouldn't have done it, shouldn't have done it. But she
20 didn't pull the trigger.

21 Now, did he prepare himself for this. I want to
22 ask you a question. I want you to use your common sense
23 and your reason and your logic like Thurmond talked about.
24 If he knows he carries a gun all the time, either he is
25 totally disregarding the law or he knows I want to take my

1 gun into a bar. He said his parents dropped him off there
2 or his dad dropped him off there. And he had that gun
3 hidden, concealed without a concealed weapon's permit.
4 And he goes in the bar where you can't have them any way.
5 Do you believe he really did that or do you believe that
6 when Blake called said I'm coming to take care of
7 business, I'm settling up with you. I want to beat your
8 butt or whatever. And when Logan and Stacy came to pick
9 him up, he said I got to go to my daddy's house, I got to
10 get some money. You think he went to the bar with no
11 money. He wasn't going to get money. He was going to get
12 this.

13 Ladies and gentlemen, the 12 minds of yours are
14 better than mine. Y'all heard all the testimony and one
15 of the things you got to be concerned about is people
16 being inconsistent or consistent or contradictory. And
17 the is gone charge you on the law or of their inconsistent
18 statement. And we lawyers we want to go on and on about
19 those things and just beat them to death sometimes. But I
20 want to submit to you something I want you to think about.
21 And that is is being inconsistent the same thing as just
22 flat out contradicting yourself. I don't think it is.

23 And Mr. Brooker did a good job beating up Matt
24 and beating up Logan about, you know, you wrote that
25 statement that night and, yeah, they were pretty

1 traumatized and then later on came back and you did more
2 detail. And I want to ask you this, if somebody writes
3 something, they write an account of it and they tell you
4 about A, B, C, and D. And you come back to them later and
5 say, all right, I want more details, give me some more
6 details about what happened. And they write it out again.
7 And they tell you about A and they tell you about B and
8 they tell you about D and they tell you about E and they
9 tell you also about F, G, and H, but they left out C.
10 Does that mean they're lying. No, it doesn't. It doesn't
11 mean they're lying. It might be inconsistent, but that
12 doesn't mean they're lying. They didn't contradict as
13 long as E, F, G, and H don't contradict C, they're not
14 lying.

15 How many y'all watched the news or read the
16 newspapers sometime and read multiple newspapers. I was
17 thinking about this thing last night. And I thought, you
18 know, I get the Florence Morning News and I get the State
19 Paper and I watch ESPN sometimes. And I think all those
20 are members of the Associated Press. Lots of times if
21 it's not a local story from South Carolina, what they put
22 in the paper is from the Associated Press.

23 And, you know, I can look in the Florence paper
24 and I can read about something and they might have, you
25 know, a couple columns tells me a little bit about it.

1 And then I get the State paper the same day, and it's got
2 an article about the same thing and it's got everything in
3 there or maybe leaves a couple things out that Florence
4 had in their paper and it's got a whole lot more because
5 it's a bigger paper and it's more complete. And then I
6 read the sports about Gamecocks. Well, it might put on
7 ESPN you know how the ticker thing going across the screen
8 where you read little bit there. You know might be the
9 same thing, but it ain't got everything. Is that a lie.
10 Is that a lie. That just happens when people are asked to
11 write a statement by law enforcement they gone write until
12 they get tired of writing and then they stop, you know. I
13 don't think they ever ever seen anybody put all the
14 details in, that's why better -- I think it's a whole lot
15 better to interview somebody on video or audio, you know.
16 But you let them write something some people are lazier
17 than others. You might have two people see the same
18 thing. One person writes a little bit because they lazy.
19 The other person might talk a lot and the other person
20 doesn't talk a lot, so they gone write a lot. So they
21 write a whole lot. You know there's a whole lot more
22 detail in one meaning. Does that mean the other one is
23 lying. No. So you be real careful about inconsistencies.
24 But what I really want you to think about and I
25 think everybody needs you think about is contradictions.

1 And if somebody's just flat contradicted themselves. But
2 Chad contradicted himself flat out, flat out. I think
3 Hernandezs contradicted themselves flat out. Mr.
4 Hernandez I felt kind bad, I didn't want to come across
5 like I was bullying him or making fun of him or something.
6 I didn't know he couldn't read. I should have determined
7 that before I asked him to read that thing. And I wasn't
8 trying to fool him about the seasons of the year, you
9 know. But he knows wintertime leaves are gone. And
10 Vickie, you know, she admitted to Thurmond when he held
11 those pictures up from that scene from her porch and he
12 said is that accurate. And she said, yes, real quietly.
13 And she said it didn't have any green stuff there that was
14 there in January. It wasn't green stuff there that was in
15 November of 2012. Well, we know what the foliage was like
16 in November of 2012 because on State's Exhibit 17, that
17 picture was made that day. And you see all that foliage
18 in three four tenths down the road ain't going to be any
19 different. So those shrubs and all that stuff between
20 Vickie's house and Stacy's house, it had foliage on it.
21 I'm going to tell you. And you can look at that picture
22 it has the hat on it taken across the top of the car
23 looking in that direction. You can see you got to look
24 close, but you can see the outline all those shrubs and
25 stuff, that's there. That is there. And it was blocking

1 whatever view they say they had and maybe they can see
2 some but not enough.

3 Ladies and gentlemen, when you go back there and
4 you think about it and I guarantee you you come up with a
5 whole of lot more reasons then I had why -- a whole lot
6 more reasons why Chad Strickland had a way out. Had a way
7 to avoid the danger. Y'all come up with it. And if y'all
8 got reasons he had a way out. He's not entitled to
9 self-defense, just based on that alone. If you go back
10 and y'all are reasonably prudent people and y'all say, I
11 would have felt like I was in danger of my life, you know,
12 he's just being a chicken or claims to be one, then he
13 doesn't have self-defense.

14 If you go back there and you think he was not in
15 imminent danger when Blake was standing there inside that
16 door and he went to him, he wasn't in imminent danger of
17 lost of life or great bodily injury, then he don't have
18 self-defense. It was not self-defense.

19 And if you think in any degree, any degree you
20 might say Blake 75 percent at fault. Chad's 25 percent
21 at fault. Whatever if there any degree you think that
22 Chad had some fault in this situation and he's with fault,
23 then he's not entitled to self-defense.

24 Ladies and gentlemen, this is murder. This is
25 murder. This is the taking of a life with malice

1 aforethought. He knew he had that gun when he came off
2 that porch. He was coming out there ready, loaded for
3 bear as soon as he got there, bam. Stacy never knew he
4 was coming, says it just went off right by her head. She
5 wasn't in danger. She could have run or backed away. She
6 wasn't in danger. She didn't need protecting.

7 It was the malice aforethought that he had that
8 weapon. I believe he got it when he went to his daddy. I
9 don't care what he says, that's my belief. But you have
10 to have your belief. He had that and he was ill because
11 if you listen to his confession to Martin and Charlie, he
12 wanted his family back. He would go to his grave he said
13 for Stacy. That was malice aforethought. That was malice
14 aforethought. But if you believe he did it in the heat of
15 passion, it's voluntary manslaughter, so you still got to
16 find him guilty. Ladies and gentlemen, he didn't go to
17 his grave for Stacy. He sent Blake to his grave and he
18 can't take it back. And now it's time for him to man up
19 to what he did.

20 When y'all go back in there and y'all take the
21 law that Judge Brown gives to you and you apply it to all
22 these facts the way you find them, I believe you will come
23 back and veredicto to speak the truth. And you gone find
24 Chad Strickland guilty of murder. And then he's gone
25 stand before the judge and man up for what he did. But

1 it's up to y'all to hold him accountable. If you think he
2 had self-defense, let him go. But he's got to meet all
3 four of his elements, all four of those requirements. And
4 there's a multitude of reasons for every one of them that
5 doesn't fit. He's not entitled to it. And he's not
6 entitled to self-defense and you need to find him guilty.
7 Thank you for your attention.

8 THE COURT: Everybody on the jury, okay? Does
9 anybody need a break?

10 (WHEREUPON, no response from the jury.)

11 THE COURT: All right. Ladies and gentlemen, it
12 is now my duty as the trial judge under the constitution
13 of this state to charge and instruct you on the law
14 applicable to this case. It is your duty, ladies and
15 gentlemen, as jurors to accept and apply the law as I will
16 now state it to you. Furthermore, it is your exclusive
17 duty to decide all the issues of fact in this case and to
18 determine the effect, value and weight and truth of the
19 evidence. Both the State and the defendant have a right
20 to expect that you will carefully consider and evaluate
21 the evidence and apply the law of this case to it, so that
22 in the end both the State of South Carolina and the
23 defendant will receive a fair and impartial trial.

24 Now, I want you to understand that when I use
25 the word defendant, I refer to Mr. Chad Nelson Strickland.

1 But the charges alleged in the indictment are murder and
2 possession of a weapon during the commission of a violent
3 crime. Now, when we started this trial, ladies and
4 gentlemen, before I qualified you all, I told you that you
5 would be considering three charges that would be murder,
6 possession of a weapon during the commission of a violent
7 crime and pointing and presenting a firearm.

8 Now, ladies and gentlemen, I am going to tell
9 you that you are going to be considering two charges in
10 this indictment and that is murder and possession of a
11 weapon during the commission of a violent crime. The fact
12 that you are not considering a third charge when you go
13 back in that jury room, you are to draw no adverse
14 conclusions or any conclusions in favor of or against
15 either party from the fact that you are only considering
16 two charges. As I told you from the outset, you, ladies
17 and gentlemen, are to determine the guilt or innocence of
18 the defendant and the burden of proof throughout has been
19 that the State has the burden of proof throughout to prove
20 beyond a reasonable doubt the charges. Now, to these
21 charges that the defendant faces, ladies and gentlemen, he
22 has entered a plea of not guilty. Again, the plea of not
23 guilty places the burden of proof on the State to prove
24 the guilt of a defendant to you, the jury, beyond a
25 reasonable doubt.

1 I remind you, ladies and gentlemen, that the
2 fact that the defendant was arrested, charged and indicted
3 in this case is not evidence in this case and cannot be
4 considered by you as evidence of guilt in this case. Nor
5 does it create any presumption or inference of guilty.
6 The indictment is simply the formal written instrument
7 which contains the charges made against the defendant. It
8 is the formal document by which this case is brought into
9 this court.

10 It is vital, ladies and gentlemen, to understand
11 that the defendant is presumed under the law to be
12 innocent of these charges. The defendant has no
13 obligation to prove his innocence. It is a fundamental
14 rule of our law that a defendant irrespective of the
15 seriousness of the charges against him is always presumed
16 innocent of the crimes for which he is charged unless and
17 until his guilt has been proven by evidence that satisfies
18 you, the jury, beyond a reasonable doubt.

19 The presumption of innocence is like not a mere
20 legal theory or a legal phrase. The presumption of
21 innocence is very important and you need to understand
22 that this presumption accompanies the defendant from the
23 time of his arrest and appearance in this court and
24 continues with the defendant even after you retire to the
25 jury room to deliberate. In other words, the defendant

1 receives the benefit of the presumption of innocence until
2 the very end of this trial when you, the jury, will
3 deliberate upon the evidence and decide whether the State
4 has proven his guilt beyond a reasonable doubt.

5 Now, what is reasonable doubt in the law. A
6 reasonable doubt is the kind of doubt that would cause a
7 reasonable person to hesitate to act. Proof beyond a
8 reasonable doubt is proof that leaves you firmly convinced
9 of the defendant's guilt. Now, there very few things in
10 this world that we know with absolute certainty, so even
11 in criminal cases the law does not require proof that
12 overcomes every possible doubt.

13 However, if based on your consideration of the
14 evidence you are firmly convinced that a defendant is
15 guilty of the crimes charge, you must find him guilty. If
16 on the other hand, you think there is a real possibility
17 that he is not guilty, you must give him the benefit of
18 the doubt and find him not guilty.

19 Jurors please understand that reasonable doubt
20 may arise from evidence which has been presented in the
21 case or from the lack of evidence in the case. It is your
22 responsibility to determine whether or not reasonable
23 doubt exists as to the guilt of this defendant. I charge
24 you that the defendant is entitled to every reasonable
25 doubt arising in the whole case.

1 If upon any issues of fact essential to
2 conviction and a verdict of guilty, you have a reasonable
3 doubt as to how that issue should be resolved, it would be
4 your duty to resolve that doubt or that reasonable doubt
5 in favor of the defendant.

6 During this trial you and I, ladies and
7 gentlemen, have had separate duties to perform. As the
8 trial judge, it is my responsibility to preside over this
9 trial and I also had the duty to rule upon the
10 admissibility of the evidence offered during the process
11 of this trial. In that regard, you are to consider only
12 the competent evidence before you. And you are to
13 disregard from your mind any testimony ordered stricken
14 from the record of this case during the progress of the
15 trial if there was any. And you are to consider only the
16 testimony which has been presented from this witness stand
17 together with any exhibits admitted into the record of
18 this case and any stipulations of counsel made into the
19 record.

20 Furthermore, I have the additional duty to
21 charge you on the applicable law of this case. And in
22 that regard, I am the sole judge of the law of this case.
23 It is your duty to accept and apply the law as I state it
24 to you. If you have any preconceived ideas as to what the
25 law is or what the law ought to be and it does not agree

1 with what I tell you the law is, you are obligated under
2 your oath to abandon these preconceptions because you are
3 sworn, you are sworn to accept the law precisely as I
4 state it to you.

5 And in this trial, ladies and gentlemen, you are
6 the sole and exclusive judge of the facts and I am the
7 judge of the law. Do not infer that I have any opinion
8 about the facts of this case from anything that I have
9 said during the course of this trial in ruling upon the
10 admissibility of evidence or otherwise or from anything
11 that I say during the course of this charge to you and
12 disregard the law simply does not permit me to have an
13 opinion about the facts. As jurors, it is your duty and
14 your duty alone to determine the effect, value, weight and
15 truth of evidence presented during the course of this
16 trial.

17 Now, in determining what the facts in this case
18 are, you must judge of the credibility, which simply means
19 the believability of the witnesses and the value of weight
20 to be given to their testimony. You alone must decide the
21 force, effect and truth of the testimony. In making this
22 decision, there are many things that you may and should
23 take into consideration such as the appearance and manner
24 of the witness on the stand. A characteristic often
25 referred to as the demeanor of the witness.

1 Was the witness forthright or hesitant. Was the
2 witness' testimony consistent or did it contain
3 discrepancies. What was the ability of the witness to
4 know the facts about which he or she testified. Did the
5 witness have a cause or reason to be biased and prejudiced
6 in favor of the testimony that he or she gave. Was the
7 testimony of the witness corroborated or made stronger by
8 other testimony in evidence or was it made weaker or
9 impeached by such other testimony and evidence.

10 As jurors please understand that you have the
11 right to believe a small portion of a witness' testimony
12 and discard the larger portion or vice versa. You may
13 believe all of a witness' testimony or none. You may
14 believe the testimony of a single witness against that of
15 many witnesses or the other way around.

16 In exercising your mental processes and
17 attempting to decide the truth, the law simply requires
18 that you exercise your good judgment, your common sense,
19 your sense of logic and reason and your experiences in
20 life. You then apply these attributes to the evidence and
21 apply the law as I state it to you and thus arrive at a
22 verdict.

23 Now, there's two types of evidence which are
24 generally presented during a trial direct evidence and
25 circumstantial evidence. Direct evidence directly proves

1 the existence of a fact and does not require deduction.
2 Circumstantial evidence is proof of a chain of facts and
3 circumstances indicating the existence of a fact. Crimes
4 may be proven by circumstantial evidence. The law makes
5 no distinction between the weight or value to be given to
6 either direct or circumstantial evidence. However, to the
7 extent the State relies upon circumstantial evidence, all
8 of the circumstances must be consistent with each other
9 and when taken together point conclusively to the guilt of
10 the accused beyond a reasonable doubt.

11 In these circumstances merely portray the
12 defendant's behavior as suspicious, the proof has failed.
13 The State has a burden of proving the defendant guilty
14 beyond a reasonable doubt. The burden rests with the
15 State regardless of whether the State relies on direct
16 evidence, circumstantial evidence or some combination of
17 the two.

18 Now, ladies and gentlemen, a statement is
19 alleged to have been made by the defendant and has been
20 admitted into evidence in this case. While the Court has
21 determined that the statement is admissible, I instruct
22 you that you make the ultimate decision of whether or not
23 the defendant made the statement. If the defendant did
24 make the statement, you must determine whether the
25 statement was made by the defendant voluntarily and of his

1 own free will. This means the statement was not caused by
2 pressure, force, fear, threats, coercion or intimidation
3 or by hope or a promise of leniency or a reward of any
4 kind.

5 In determining whether the statement was
6 voluntary, you should consider both the characteristics of
7 a defendant and the details of the questioning. Some of
8 the factors that you must consider are the age of the
9 defendant, the defendant's education or lack of education,
10 the defendant's mental ability or capacity, the
11 defendant's IQ or intelligence, the defendant's background
12 and environment, the place and length of detention, the
13 nature of the questioning and the advice or lack thereof
14 to the defendant of his Constitutional Rights including
15 but not limited to the right to remain silent, that any
16 statement could be used against him in a court of law.
17 The right to have a lawyer present. That if he could not
18 afford a lawyer, a lawyer would be appointed to represent
19 him without any cost and that he could stop making a
20 statement at any time. You must carefully consider all of
21 the surrounding circumstances before you give any weight
22 to any alleged statement.

23 The State has the burden of proving beyond a
24 reasonable doubt that the alleged statement was voluntary.
25 If you determine it was, you may give the statement any

1 further consideration that you deem proper. You must
2 decide what weight, if any, should be given to the allege
3 statement. If you determine the allege statement was not
4 the free and voluntary statement of the defendant, you
5 should not consider the statement at all.

6 There's been evidence presented that witnesses
7 have made prior statements which are not consistent with
8 the witnesses present testimony. You may use this
9 evidence to decide whether to believe the witness. You
10 may also use evidence of the earlier contradictory
11 statements to determine the truth of those statements. It
12 is up to you to decide whether to believe the earlier
13 statements or the testimony given at trial. If a witness
14 is shown to have knowingly testified untruthfully
15 concerning any material matter, you may consider this in
16 determining whether to trust the witness' testimony as to
17 other matters. You may reject all testimony of that
18 witness or give all or part of the testimony the weight
19 that you think it deserves.

20 In this case, you also heard the testimony of
21 someone who is qualified as an expert. As previously
22 stated to you when that person was qualified, the rules of
23 evidence ordinarily do not permit witnesses to give
24 opinion or testify as to opinions or conclusions. An
25 exception to this rule exist for witnesses that we call

1 expert witnesses. A witness who by education and
2 experience has become an expert in some art, science,
3 profession or calling may state an opinion as to a
4 relevant and material matter in which the witness claims
5 to be an expert and may also state the reasons for the
6 opinion. You should consider any expert opinion received
7 in evidence in this case. And like any other evidence,
8 give it the weight that you think it deserves.

9 If you decide that the opinion of an expert
10 witness is not based on sufficient education and
11 experience or if you conclude that the reasons given in
12 support of the opinion are not sound or that the opinion
13 is outweighed by other evidence, you may disregard the
14 opinion entirely. Furthermore, an expert witness'
15 testimony is to be given no greater weight than that of
16 other witnesses simply because the witness is an expert.
17 Further, you are not required to accept an expert's
18 opinion even though it is not contradicted.

19 Now, ladies and gentlemen, in order to establish
20 criminal liability. Criminal intent is required. For
21 example, the mental state required to be proven by the
22 State for a particular crime might be purpose, intent,
23 knowledge, recklessness or criminal negligence. Criminal
24 intent must be proven by the State beyond a reasonable
25 doubt. Criminal intent is always a matter that must be

1 determined by the jury from the circumstances surrounding
2 the situation.

3 There is no way to prove intent to a
4 mathematical certainty. There is no way that medical
5 science can dissect a person's brain and determine what
6 the person had in mind. So the law says that criminal
7 intent may be inferred from the circumstances shown to
8 have existed. This is how you make a determination of
9 whether or not the element requiring intent was present.

10 It is not necessary to establish intent by
11 direct and positive evidence, but intent may be
12 established by inference in the same way as any other fact
13 by taking into consideration the acts of the parties and
14 all the facts and circumstances of the case. Criminal
15 intent is a mental state, a conscious wrongdoing. It is
16 up to you to determine what the defendant intended to do
17 based on the circumstances shown to have existed.
18 Criminal intent can arise from action or a failure to act.
19 It may arise from negligence, recklessness or an
20 indifference to duty or to consequences that it is
21 considered by the law to be the equivalent of criminal
22 intent.

23 Now, the defendant, ladies and gentlemen, is
24 charged with the murder of Joseph Blake Dozier. The State
25 must prove beyond a reasonable doubt that the defendant

1 killed Joseph Blake Dozier with malice aforethought.
2 Malice. Malice is hatred, ill will or hostility towards
3 another person. It is the intentional doing of a wrongful
4 act without just cause or excuse and with an intent to
5 inflict an injury or under circumstances that the law will
6 infer an evil intent.

7 Malice aforethought does not require that malice
8 exist for any particular time before the act is committed,
9 but malice must exist in the mind of the defendant just
10 before and at the time the act is committed. Therefore,
11 there must be a combination of the previous evil intent
12 and the act.

13 Malice aforethought may be expressed or
14 inferred. These terms express and inferred do not mean
15 different kinds of malice, but merely the manner in which
16 malice may be shown to exist, that is either by direct
17 evidence or by inference from the facts and circumstances
18 which are approved. Express malice is shown when a person
19 speak words which express hatred or ill will for another
20 or when the person prepared beforehand to do the act which
21 was later accomplished. For example, lying in wait for
22 a person or any other acts of preparation going to show
23 that the deed was within the defendant's mind would be
24 express malice.

25 Malice may be inferred from conduct showing a

1 total disregard for human life. The law says if one
2 intentionally kills another during the commission of a
3 felony, the implications of malice may arise. If facts
4 are proved beyond a reasonable doubt sufficient to raise
5 an inference of malice to your satisfaction, this
6 inference would simply be an evidentiary fact to be taken
7 take into consideration by you, the jury, along with other
8 evidence in the case and you may give it the weight as you
9 determine it should receive.

10 Now, ladies and gentlemen, if you find that the
11 State has failed to prove beyond a reasonable doubt that
12 the defendant committed the murder, you must consider
13 whether the State has proven beyond a reasonable doubt
14 that the defendant committed the lesser included offense
15 of voluntary manslaughter. To prove voluntary
16 manslaughter, the State must prove beyond a reasonable
17 doubt that the defendant took the life of another in the
18 sudden heat of passion based on sufficient legal
19 provocation.

20 Both heat of passion and sufficient legal
21 provocation must be present at the time of the killing to
22 constitute voluntary manslaughter. Sudden heat of passion
23 may for a time affect a person's self-control and
24 temporarily disturb a person's reason. The sudden heat of
25 passion must be the type that would make an ordinary

1 person unable to coolly reflect on his actions and would
2 produce an uncontrollable impulse to do violence.

3 Sufficient legal provocation must be the type
4 that would make a person of ordinary reason and caution
5 become enraged or to lose control temporarily. The
6 provocation needed for voluntary manslaughter must come
7 from some act of or related to the victim. Words alone
8 however vulgar or insulting are not enough to be legal
9 provocation where death is caused by the use of a deadly
10 weapon. The words must be accompanied by some
11 overt-threatening act which could have produced the heat
12 of passion. The exercise of a legal right no matter how
13 offensive it is to another is never sufficient legal
14 provocation for voluntary manslaughter.

15 If the heat of passion had cooled or if there
16 was enough time between the provocation, if any, and the
17 killing for the passion of a reasonable person to cool,
18 the killing would not be voluntary manslaughter. In
19 deciding whether a reasonable person would have had enough
20 time to cool off, you should consider all of the
21 circumstances surrounding the killing. You may consider
22 the nature of the provocation, if any, the defendant's
23 mental state or the defendant's mental and physical state
24 excuse me and the circumstances and the relationships
25 between the parties.

1 Now, the defendant is also charged, ladies and
2 gentlemen, with possession of a weapon during the
3 commission of a violent crime. The State must prove
4 beyond a reasonable doubt that the defendant was in
5 possession of a firearm or visibly displayed what appeared
6 to be a firearm during the commission of a violent crime.
7 A firearm means any machine gun, automatic riffle,
8 revolver, pistol or any weapon which will is designed to
9 or maybe readily converted to expel a projectile.

10 In order to find the defendant guilty of
11 possession of a weapon during the commission of a violent
12 crime, you must first find the defendant guilty of either
13 committing a violent crime or attempting to commit a
14 violent crime. Murder and voluntary manslaughter are
15 violent crimes. Furthermore, the State must prove beyond
16 a reasonable doubt that the weapon further advanced or
17 helped in the commission of the crime.

18 Now, ladies and gentlemen, the defendant has
19 raised the defense of self-defense. Self-defense is a
20 complete defense. And if it is established, you must find
21 the defendant not guilty. The State has the burden of
22 proof disproving self-defense by proof beyond a reasonable
23 doubt. If you have a reasonable doubt of a defendant's
24 guilt after considering all of the evidence including the
25 evidence of self-defense, then you must find the defendant

1 not guilty. On the other hand, if you have no reasonable
2 doubt of the defendant's guilt after considering all of
3 the evidence including the evidence of self-defense, then
4 you must find the defendant guilty.

5 The following, ladies and gentlemen, are
6 elements required to establish self-defense. Number one
7 without fault, the defendant must be without fault in
8 bringing on the difficulty. If you find that the
9 defendant is at fault in bringing on the difficulty, he
10 would not be entitled to an acquittal based on
11 self-defense. Two imminent danger, the second element of
12 self-defense is that the defendant was actually in
13 imminent danger of death or serious bodily injury or that
14 the defendant actually believed he was in imminent danger
15 of death or serious bodily injury.

16 If the defendant was actually in imminent
17 danger, it must be shown that the circumstances would have
18 warranted a person of ordinary firmness and courage to
19 strike the fatal blow to prevent death or serious bodily
20 injury. If the defendant believed he was in imminent
21 danger of death or serious bodily injury, it must be shown
22 that a reasonably prudent person of ordinary firmness and
23 courage would have had the same belief.

24 In deciding whether the defendant actually was
25 or believed he was in imminent danger of death or serious

1 bodily injury, you should consider all the facts and
2 circumstances surrounding the crime including the physical
3 condition and characteristics of the defendant and the
4 victim. The defendant does not have to show that he was
5 actually in danger. It is enough if a defendant believed
6 he was in imminent danger and a reasonably prudent person
7 of ordinary firmness and courage would have had the same
8 belief. The defendant has a right to act on appearances
9 even though the defendant's belief may have been mistaken.
10 It is for you to decide whether the defendant's fear of
11 immediate danger of death or serious bodily injury was
12 reasonable and would have been felt by an ordinary person
13 in the same situation.

14 Words, ladies and gentlemen, words accompanied
15 by hostile acts may depending on the circumstances
16 establish self-defense. Evidence of prior difficulty
17 between the defendant and the victim may be considered in
18 deciding whether a threat existed, whether the defendant
19 had a reason to believe a threat existed and how serious
20 that threat was. Threats made by the victim may be
21 considered in determining whether the defendant actually
22 was or believed he was in imminent danger.

23 Now, the final element of self-defense is that
24 the defendant had no other probable way to avoid the
25 danger of death or serious bodily injury, then to act as

1 the defendant did in this particular instance. The
2 defendant had no duty to retreat. If by doing so, the
3 danger of being killed or suffering serious bodily injury
4 would increase a lawful guest in another's home has no
5 duty to retreat before using deadly force in self-defense
6 against an intruder. A lawful guest is a person who
7 enters the premises of another by express or implied
8 invitation. However, a guest has a duty to retreat where
9 possible if the attacker is the owner or occupier of the
10 property.

11 A person cannot be required to make, ladies and
12 gentlemen, an exact calculation as to the degree or amount
13 of force which may be needed to avoid death or serious
14 bodily harm. Therefore, in self-defense, the defendant
15 has the right to use the force needed to avoid death or
16 serious bodily harm. The force used in self-defense does
17 not have to be limited to the degree or amount of force
18 used by the victim. The defendant has the right to use so
19 much force as appeared to be necessary for complete
20 self-protection in which a person of ordinary reason and
21 firmness would have believed to be needed to prevent death
22 or serious bodily harm.

23 Now, ladies and gentlemen, I am now drawing near
24 the end of my charge and I want you to clearly understand
25 that you are not partisans or advocates for the State of

1 South Carolina or the defendant. It is your duty by your
2 joint deliberation to determine the truth in this case,
3 giving to the defendant the benefit of every reasonable
4 doubt on each and every issue.

5 Then to the facts which you determine to be
6 true, you should take and apply the law which has been
7 given to you by this court and thus arrive at a verdict
8 which speaks the truth in this case. In fact, the word
9 verdict which has a Latin derivative means a true saying.
10 Thus, when you have accomplished these responsibilities,
11 you will have satisfied your oath as jurors and you will
12 have discharged your duty to this court.

13 Now, once you retire to the jury room, the
14 bailiff will give the verdict form to madam forelady.
15 When you, the jury, arrive at a verdict as to the offenses
16 charged in this case, the forelady will select a verdict
17 as to the charge on the verdict form. If the State has
18 failed to prove the guilt of the defendant beyond a
19 reasonable doubt, your verdict will be not guilty.
20 Likewise, if the State has proven the guilt of the
21 defendant beyond a reasonable doubt, your verdict will be
22 guilty. Once a decision has been made, the forelady will
23 check whichever choice is the verdict of the jury as to
24 the charge. The verdict, ladies and gentlemen, that you
25 render in this case must be the verdict of each and every

1 juror. It must be your unanimous verdict. All 12 of you
2 must agree on the verdict which you authorize the forelady
3 to write for the jury.

4 I want you to further understand, ladies and
5 gentlemen, that the order in which the choice of the
6 verdict appear on the verdict form are not suggestive of
7 any verdict on the part of the Court. The verdict in this
8 case should be determined by you, the jury, not the Court.
9 Furthermore, I want you to understand that even though I
10 will give the verdict form to the forelady, it is not her
11 verdict alone. It is the verdict of all 12 of you. And
12 again, I emphasize that it must be unanimous.

13 I'm also going to give you a copy of these
14 instructions in written form during your deliberations.
15 You may refer to the instructions to guide your decision
16 making. However, you must use the instructions as a whole
17 and not follow some and ignore others. At the conclusion
18 or once a verdict is rendered, madam forelady, I would ask
19 that these instructions, this copy of the instructions be
20 returned to the Court.

21 Now, at this time, ladies and gentlemen, I am
22 getting ready to ask you to step to the jury room, but
23 before I do that does everybody on the jury feel, okay?
24 Anybody not feeling well? Now, when you step to the jury
25 room, I am going to ask you or I'm instructing you right

1 now do not begin your deliberations until you're told to
2 do so. The law requires that I now consult with the
3 attorneys to make sure that I have not left anything out
4 of these instructions. After I have spoken with the
5 attorneys, the bailiff will bring in a copy of these
6 instructions along with the items of evidence and the
7 verdict form and instruct you to begin your deliberations.

8 Also during your deliberations should you have
9 any questions, madam forelady, it will be your
10 responsibility to reduce such questions to writing, knock
11 on the door, let the bailiff know you have a question,
12 give to him. He will get it to me. And I will answer it
13 how the Court deems appropriate. Once you all have
14 reached a verdict and the verdict form is completed, knock
15 on door, let the bailiff know that you have reached a
16 verdict. And we will get you back into the courtroom as
17 quickly as possible. Hold on just a minute. Can the
18 lawyers approach over here for just a second please?

19 (WHEREUPON, a bench conference was held in the
20 presence of the jury, but out of the hearing of the
21 jury.)

22 THE COURT: All right. Ladies and gentlemen,
23 what I am going to do is I am going to ask you to step to
24 the jury room, but I'm going to remind you before I let
25 you do that that in deciding this case, you are to

1 consider only the sworn testimony from this witness stand
2 and the items of evidence which have been introduced
3 during the course of this trial in determining whether or
4 not the State has proven beyond a reasonable doubt the
5 offenses for which the defendant has been charged to you.
6 I'm going to ask you to step to the jury room, but again
7 do not discuss the case until you're instructed to do so.

8 (WHEREUPON, the jury retire to the jury.)

9 THE COURT: Any exception or objection to the
10 charge by the State?

11 MR. CLEMENTS: Nothing from the State, Your
12 Honor.

13 THE COURT: Defense counsel?

14 MR. BROOKER: Nothing, but I would at least like
15 to put something on the record, Your Honor, in reference
16 to the charge.

17 THE COURT: Yes.

18 MR. BROOKER: Of course, is is that I didn't
19 remember until you were actually reading it, because I
20 cannot get my computer up, is that there is a case out
21 there that basically -- I'm not trying to talk too loud
22 for the jury. There is a case out there that basically
23 deals with the use of certain words when instructing the
24 jury. Specifically, the use of the word saying to the
25 jury is that they are to seek the truth in talking about

1 seeking of the truth. I think there is a case out there
2 in which there was a controversy with respect to advising
3 the jury whether or not they're to seek the truth could
4 create a situation where the jury then -- creates a
5 situation where then the jury may be confused with respect
6 to, you know, whether or not there is some burden that
7 lies with the defendant. Their concern with -- they may
8 be concern or may create an issue of burden shifting. And
9 I think that the Court basically says at all possible that
10 it did not write admonish the Court from never using the
11 word truth but advises that the Court should be extremely
12 cautious when using the word or advising the jury to seek
13 truth. Because in that particular situation, it maybe
14 something that is different from what their obligation and
15 that is to make a determination as to whether or not the
16 evidence is sufficient to prove the defendant guilt beyond
17 a reasonable doubt as oppose seeking the truth. So it's
18 the sufficiency of the evidence not truth of it that the
19 jury is suppose to be seeking. That's my only concern.

20 THE COURT: Mr. Clements.

21 MR. CLEMENTS: Your Honor, I don't recall either
22 myself or Mr. Brooker or Your Honor saying anything to the
23 jury about seeking truth. The only thing I know about is
24 where it said the verdict that speaks the truth, which is
25 two totally different things.

1 MR. BROOKER: I could get my case up, Your
2 Honor, I can tell you -- get my computer up which I can't.
3 State vs. Ashlin or Ashley or something like that is that
4 the case that I'm thinking about, but I cannot get my
5 computer up for the life of me. It's the case in which I
6 was looking at last night that basically specifically
7 talks about the use of that particular language and
8 provides I think at least a caveat with doing it because
9 it may create confusion with the jury with respect to what
10 their obligations are -- obligation is the sufficiency of
11 the evidence as to whether or not it satisfied the burden
12 of proof beyond a reasonable doubt as oppose to them going
13 back and trying to seek the truth which might cause them
14 to go beyond what requirements of any law or you think
15 that you're doing something different than the sufficiency
16 of the evidence. But other than that, Your Honor, I have
17 objection to the jury instructions.

18 MR. CLEMENTS: Again, Your Honor, I ---

19 THE COURT: Hold on a minute.

20 (WHEREUPON, a pause in the proceedings.)

21 THE COURT: So noted for the record. Y'all need
22 to look up here at the exhibits.

23 (WHEREUPON, a pause in the proceedings.)

24 THE COURT: What are you sending back there as
25 far as the firearm?

1 MR. CLEMENTS: I'm sending back everything that
2 was in the box. It's got the lock on the firearm.

3 THE COURT: What about the ammunition?

4 MR. CLEMENTS: I can remove it if you want me
5 to, Judge.

6 THE COURT: I rather not both go back at the
7 same time. If they want to see one versus the other, we
8 can switch them out.

9 MR. CLEMENTS: Can we have that marked as 13A
10 then?

11 THE COURT: That's fine.

12 (WHEREUPON, State's Exhibit No. 13A was
13 admitted into evidence.)

14 THE COURT: And you can tell them that. When
15 you take these items of evidence back there, just instruct
16 them that we have the live ammunition out there. If they
17 want to see it, they can. All right. You all satisfied
18 with -- you all looked at the items of evidence, Mr.
19 Clements, Mr. Brooker?

20 MR. CLEMENTS: Yes, sir.

21 MR. BROOKER: Yes, sir.

22 THE COURT: If you'll go ahead and get those,
23 Mr. Lewis, and get Mr. Hicks who is the alternate bring
24 him out.

25 (WHEREUPON, the alternate is dismissed.)

1 THE COURT: Did you tell them to begin their
2 deliberations?

3 BAILIFF: I did not.

4 THE CLERK: Tell them to begin please.

5 (WHEREUPON, the jury began deliberations at
6 12:25 pm.)

7 THE COURT: We'll stand at ease.

8 (WHEREUPON, court in recess awaiting the jury.)

9 THE COURT: All right. The State ready for me
10 to bring the jury back in?

11 MR. CLEMENTS: We are, Your Honor.

12 THE COURT: Defense counsel?

13 MR. BROOKER: Yes, Your Honor.

14 THE COURT: Well, the appropriate question I
15 believe is, Keith, are you ready?

16 MR. GODBOLT: Almost.

17 THE COURT: All right. That's the more
18 appropriate question. What is taking place the jury has
19 sent out a note requesting to listen to the audio. I'm
20 going to make this a Court's Exhibit. I've shown it to
21 the lawyers at side bar.

22 (WHEREUPON, Court's Exhibit No. 8 was marked for
23 the record.)

24 MR. GODBOLT: I'm ready.

25 THE COURT: And bring me the jury please, sir.

1 (WHEREUPON, the jury came into open court at
2 1:45 pm.)

3 THE COURT: All right. Madam forelady, ladies
4 and gentlemen of the jury, I received your note concerning
5 your request to listen to the audio. You all found as you
6 came back in here within your seat some earphones along
7 with a transmitter. I don't know what it is. Mr. Godbolt
8 that's his area of expertise. Mr. Godbolt, I'll let you
9 take over kind of and instruct the jury as far as how to
10 operate that piece of equipment that you put in their
11 seat.

12 MR. GODBOLT: The dial up is zero to five. Five
13 being the greatest and one being the lowest. If for any
14 reason if it stop and you can't hear anything, just try to
15 get my attention. Let me know and I'll stop the tape and
16 give you another one, that's it.

17 THE COURT: All right. If everyone will go
18 ahead and put those on their head and make sure when it
19 starts if you can't hear it to raise your right hand, so
20 we know you can't hear, okay.

21 (WHEREUPON, jury listening to State's Exhibit 2
22 audio of defendant's statement.)

23 THE COURT: All right. If you would as you get
24 up, put those back in your seat and I'll let you go back
25 to the jury room and continue your deliberations.

1 (WHEREUPON, the jury retired to the jury room to
2 continue deliberations at 2:04 p.m.)

3 THE COURT: All right, stand down.

4 (WHEREUPON, court at ease awaiting the jury.)

5 THE COURT: All right. It is my understanding
6 that there is a verdict. I will remind everyone
7 regardless of what the verdict is to keep your emotions in
8 check. Failure to do so could result in you being held in
9 contempt of court and sentence to a period of
10 incarceration. If you do not believe that you could keep
11 your emotions in check, now is your time to leave the
12 courtroom.

13 Anything from the State before I bring the jury
14 out?

15 MR. CLEMENTS: No, Your Honor.

16 THE COURT: Defense counsel?

17 MR. BROOKER: No, Your Honor.

18 THE COURT: Bring me the jury please, sir.

19 (WHEREUPON, the jury came into open court with a
20 verdict at 2:49 p.m.)

21 THE COURT: Madam clerk.

22 THE CLERK: Ladies and gentlemen of the jury,
23 you have reached a verdict, if you'll pass the verdict up
24 to the bailiff please.

25 THE COURT: You may publish the verdict.

1 THE CLERK: Thank you, sir. The Court of
2 General Sessions indictment number 2013-GS-33-00225, The
3 State of South Carolina County of Marion vs. Chad Nelson
4 Strickland, defendant. They did not check...

5 THE COURT: I'm sorry step back to the jury room
6 for just a minute.

7 Can the lawyers approach a second please?

8 (WHEREUPON, the jury retired to the jury room at
9 2:50 p.m.)

10 THE COURT: She knocked on the door I believe.
11 They ready? Bring them in then.

12 (WHEREUPON, the jury came into open court at
13 2:52.)

14 THE COURT: Now, if you'll get the verdict form.
15 Go ahead.

16 THE CLERK: Thank you. Verdict form as to the
17 charge of murder, we, the jury, unanimously find the
18 defendant, Chad Nelson Strickland, not guilty. If you
19 don't find the defendant guilty murder, please skip so
20 forth and go to question number two. As to the lesser
21 indicted offense of voluntary manslaughter, we, the jury,
22 unanimously find the defendant, Chad Nelson Strickland,
23 guilty.

24 As to the charge number three, as to the charge
25 of possession of a firearm during the commission of a

1 violent offense, we, the jury unanimously find the
2 defendant, Chad Nelson Strickland, guilty. Dated May 22,
3 2015, Marion, South Carolina. Jonnie Johnson, foreperson.
4 Is this your verdict say you one say you all?

5 (WHEREUPON, all jurors responded by saying yes.)

6 THE COURT: Anything from defense counsel at
7 this time, Mr. Brooker?

8 MR. BROOKER: Not at this time.

9 THE COURT: All right. Ladies and gentlemen, I
10 want to thank you for your service this week. I
11 appreciate the attentiveness that you have displayed
12 throughout trial of this case. I know the lawyers
13 appreciate that as well. You all have worked very hard
14 this week. I've had you here early and I've kept you late
15 just about every day. But I appreciate the service to
16 this country, to this state and to this community. Jury
17 service never ever comes at a convenient time and I
18 appreciate you all making the sacrifice of being here this
19 week to serve as jurors.

20 Now, during the course of this week throughout
21 the trial of this case, I have instructed you not to talk
22 about it until I sent you back there and told you to
23 deliberate, okay. Now, that this case is at its end with
24 regards to your responsibility, you may talk about the
25 case. However, you may not be made to talk about it if

1 you don't want to talk about it, okay. So when I release
2 you here today, you can talk about it if you want to, but
3 if you don't want to, you don't have to. If anybody, if
4 anyone approaches you to talk about this case and you tell
5 them you don't want to talk about it and they do not leave
6 you alone or will not respect your wishes, you let this
7 court know and I promise you, it will be taken care of.

8 Now, as I've said before a few minutes ago, you
9 all have fulfilled your responsibility as jurors here this
10 week. What takes place from here forward is that the
11 Court, the Court at this time will handle sentencing,
12 okay. Now, you all are free to stay here for sentencing
13 or you are free to go if you so desire. If you wish to
14 leave, I know that our alternate that was here earlier
15 asked about a work excuse. If you need a work excuse
16 today before you leave, I need you to walk across the
17 street to the clerk's office and they will provide you
18 with a work excuse, okay.

19 You've heard the proverbial statement about the
20 check being in the mail. For your service this week,
21 there will be a check sent to you, okay. It in no way
22 shape or form can come to the value of what your service
23 is, okay. So it is a very small token -- I don't know if
24 you even want to call it a token, but it is what it's --
25 you're being paid for what the law allows you to be paid

1 for your service, okay.

2 Now, if you are summoned back up here for jury
3 service anytime within the next three years and you wish
4 to be excused, you may be excused. Now, if you're
5 summoned for jury duty in city court, magistrate's court
6 or federal court within the next three years, there's
7 nothing I can do about that. But if you're called up
8 here, if you called up here and you wish to be excused,
9 you may be excused. But I would encourage you to serve
10 again if you're ever summoned again. I would encourage
11 you to serve because I can promise you if you were seated
12 at one of these tables as a plaintiff in a civil case or a
13 defendant in -- or any kind of case in this courtroom,
14 you'd want people such as yourself serving on this jury.
15 You would not want it wherein me or any other judge came
16 in here looked at law enforcement and said go find me the
17 first 12 people that you can find let's try this case.
18 Thank you for your service. You all are free to go at
19 this time if you wish to go or you may stay for
20 sentencing. I will leave that up to you all, but if you
21 wish to leave, now is your time.

22 (WHEREUPON, the jury is dismissed.)

23 THE COURT: Mr. Clements, do you have a
24 sentencing sheet?

25 MR. CLEMENTS: Mr. Holt's gone downstairs to get

1 them, Your Honor.

2 (WHEREUPON, a pause in the proceedings.)

3 THE COURT: Mr. Clements.

4 MR. CLEMENTS: Thank you, Your Honor. If it
5 please the Court.

6 THE COURT: Mr. Brooker, you have anything at
7 this point anything before sentencing?

8 MR. BROOKER: With respect to posttrial motions,
9 Your Honor, and I don't know how do you do this Your Honor
10 is that obviously is that I think underneath the rules you
11 have something like ten days or something like that. This
12 has been obviously the entire week. We went through a lot
13 of stuff. We may have some posttrial motions. It would
14 be a lot easier for me if I could sit down and take the
15 option of those ten days that the rules apply to go back
16 through this particular evidence.

17 THE COURT: I'll give you ten days. I'll give
18 you ten days. The rules allow that, so I'll give you ten
19 days for posttrial motions.

20 MR. BROOKER: Thank you, Your Honor.

21 THE COURT: If you'll bring your client around
22 for sentencing.

23 MR. BROOKER: Certainly.

24 THE COURT: Mr. Clements.

25 MR. CLEMENTS: Thank you, Your Honor. Your

1 Honor, if it please the Court, I would like to introduce
2 to you the victim's family members and friends that are
3 here. I ask as I call their name if they would raise
4 their hand: The grandmother of Blake Ms. Willie Mae
5 Turner, the father, Russell Dozier, mother, Diana Dozier,
6 Jonathan Dozier, his brother, Stacy Fowler, mother of his
7 child, and also a victim herself, Mary Stroud, a friend,
8 Doug Fowler, a friend, David Fowler, a neighbor and
9 friend, Jodell Treder, a neighbor and friend, Megan
10 Collins, a friend, Thomas Gerald, a friend, Matthew Lane,
11 a friend, and who was a witness in the case, Logan Ratley,
12 a friend, and a witness in the case, Lynn Alford, a
13 friend, and Robin Alford, a friend. Your Honor, at the
14 appropriate time, I believe Mr. Dozier would wish to
15 address the Court regarding sentencing.

16 Your Honor, we been through the whole trial.
17 All the facts are out there. I don't feel like I need to
18 reiterate anything on the facts. But, Your Honor, we
19 believe this is a case -- I don't know what the jury was
20 deliberating in deciding between, but I am firmly
21 convinced that it was a very very close call between
22 murder and manslaughter. It might have been a close call
23 the defense, but this could have very easily a been murder
24 case. I think this is very serious factual situation and
25 Your Honor wish you consider what the statute has for a

1 maximum sentence.

2 THE COURT: Does any of the family members wish
3 to address the Court?

4 MR. CLEMENTS: If they do, I ask that they stand
5 where they are and state their name and address, Your
6 Honor.

7 THE COURT: Tell me your name for the record
8 please, sir?

9 RUSSELL DOZIER: Russell Dozier.

10 THE COURT: Yes, sir, be happy to hear from you.
11 Any comments they need to be directed to the Court, okay,
12 need to direct comments to the Court?

13 RUSSELL DOZIER: No, we are not going to get our
14 son back, I would like to see maybe no less than 50 years.

15 THE COURT: All right. Anything else from the
16 State?

17 MR. CLEMENTS: If there's anyone else wants to
18 speak, Stacy, anyone else.

19 No, Your Honor.

20 THE COURT: All right. Mr. Brooker, happy to
21 hear from you, sir.

22 MR. BROOKER: Thank you, Your Honor. Chad was
23 here and, obviously, sitting in the back of the courtroom
24 obviously is his father, his mother that are sitting right
25 here. And, obviously, is that he has a girlfriend that's

1 also sitting in the courtroom. He is 26 years of age.
2 He's lived his entire life here in Marion County. He has
3 never been in trouble before. He's never been arrested
4 for anything absolutely whatsoever. And, obviously, the
5 reason why I say that that I think that is critical in
6 connection with this case. And critical at least in my
7 opinion in evaluating, you know, what is appropriate
8 sentence within the range of the statute provides for him
9 is is that he is not a person who has a -- at least the
10 type of character that you can identify him as being a
11 criminal. And that is -- and, obviously, you sit here,
12 you know, through the trial of this particular case and I
13 think Mr. Clements indicated that he thinks that it was
14 close between murder and manslaughter. I believe that it
15 was very close between manslaughter and also self-defense.

16 On that particular night, this was an extremely
17 heated situation. That, obviously, is is that it involves
18 relationships in which at the night that the shooting took
19 place, the night that shooting took place, is is that he
20 pulled that gun and I think is is that he may have thought
21 at the time in which he pulled that gun he had
22 justification to do it. But, you know, he doesn't get to
23 decide that. The jury and the Courts to get decide that.
24 And this jury and this court regardless of what he may
25 have believed, regardless of the fact that he may have

1 believed that he needed to pull it, the Court says no.
2 This is not the proper circumstances. This was not the
3 case in which you used a gun. And they found him guilty
4 of manslaughter. And, obviously, is is that he's got to
5 accept that and he will. It's a fact of life. But I
6 don't believe this is a situation which he was seeking out
7 to injure someone. I think if it was a situation in which
8 he was seeking it out and I think the jury reflected that
9 in not deciding murder. You know, manslaughter basically
10 a crime of passion.

11 You know, I think had he been seeking it out, I
12 think when Mr. Dozier -- Blake Dozier came to the Game
13 Changer he could have come outside and try and seek him
14 out to fight him, but he didn't. You know, he didn't try
15 and do that. And when those two guys when they came
16 together for whatever reason with this explosive situation
17 with emotions running high, you know, unfortunately
18 someone was bound to get hurt.

19 And I think he testified and then he also stated
20 in the statement that he made to law enforcement
21 immediately afterwards, that he is sorry about the lost of
22 life. He is sorry, you know, about the death of Blake.
23 And that if he could do it all over again, you know, and I
24 think in his words is that he just would have fight. And
25 if they beat him up, he would have just gotten beaten up,

1 but he would not have pulled that gun. And what's
2 significant with respect to that statement is is that he
3 is remorseful for this life. It was not a vendetta
4 situation. He is sorry about it. And absent this
5 particular situation, probably he could have -- probably
6 this is the type of guy that I firmly believe that
7 probably could have went through the rest of his life and
8 have never had contact with law enforcement again. But
9 unfortunately the one time in which he had contacted law
10 enforcement with his life, it was a significant moment
11 regardless of what his beliefs were. So I am hoping that
12 Your Honor takes that into consideration when it's
13 deliberating what is appropriate within that range. I
14 think he is tremendously remorseful for it.

15 And I think if there's anything that he could
16 have done to change the death of Blake Dozier, he would
17 have, but he can't. He acted on a belief that he had that
18 night and that belief turned out to be wrong. He acted on
19 belief that he was justified and he wasn't. That's what
20 jury the said and we accept that. The jury says no you
21 are not. But it was not out of ill will. It was not out
22 hatred. It was not out of I am bent on killing this
23 person. Otherwise, if it had been, he had nine bullets in
24 that gun. He could have emptied it, but he did not. That
25 nine bullets in that gun, but he didn't empty it. He made

1 a decision that turned out to be the wrong one. And,
2 obviously, is is that he deserves to be punished and he
3 will be. Sure, Your Honor, will punish him. But we
4 respectfully request, Your Honor, is that you take that
5 into consideration. And I know, Your Honor, will not
6 because I have deep -- obviously, is is that respect for
7 your integrity, but he exercise his right to a jury trial
8 because he had a firm belief that maybe this was
9 self-defense from the counsel of the lawyer that he had
10 confidence in that this could be self-defense. But the
11 jury has spoken and says that you're wrong, that is not
12 self-defense regardless of that belief and we accept that.

13 So we just beg and plea, Your Honor, is that we
14 take that into consideration when you're determining, when
15 you're making a determination with respect to what is
16 appropriate amount of time within that range. Thank you,
17 sir.

18 THE COURT: Is anyone on behalf of his family
19 wish to say anything?

20 MR. BROOKER: No, sir, Your Honor.

21 THE COURT: Mr. Strickland, you not required to,
22 but I'll give you an opportunity to say anything, if you
23 so desire. Anything?

24 THE DEFENDANT: I just ask that you be
25 considerate and I apologize for what happened and what

1 brought us to this point.

2 THE COURT: Bear with me just a minute.

3 (WHEREUPON, a pause in the proceedings.)

4 THE COURT: Anything further from the State?

5 MR. CLEMENTS: Your Honor, just concern me that
6 I thought his remorse was appeared to be from his
7 statement he gave Martin Bell and Charlie Watson that he
8 had messed up his life. And you've heard all the facts,
9 Your Honor, really nothing else I can say.

10 THE COURT: Well, I have the benefit of hearing
11 the facts twice in the Protection of Persons Property Act
12 the assertion of immunity under that act which was before
13 me back in December; is that right?

14 MR. CLEMENTS: Yes, sir, December this past
15 year, I think, it was the 12th through the 14th or
16 something like that.

17 THE COURT: In December of 2014, pursuant to the
18 assertion of such immunity, this court over the course of
19 -- I don't even remember how many days it was, heard the
20 facts of this case. And in those particular situations
21 when an individual asserts such immunity we discussed this
22 and you have renewed your motions at the appropriate
23 stages I believe, Mr. Brooker, concerning the assertion of
24 immunity, but under that act, individuals such as your
25 client and other defendants who assert that immunity, the

1 burden of proof and such is by a preponderance of the
2 evidence, which is substantially less than the burden in a
3 criminal case.

4 Case law has provided that the Court is required
5 to review the elements of self-defense, save duty to
6 retreat and it's determination of whether or not one is
7 entitled to such. The Court found at that time that the
8 defendant had failed to show by a preponderance of the
9 evidence that he was entitled to such immunity.

10 Now, a jury has spoken, spoken to the fact that
11 the State has disproven self-defense beyond a reasonable
12 doubt, the higher burden is required in criminal cases.
13 Therefore, on indictment 2013-GS-33-225 as to the
14 possession of a weapon during the commission of a violent
15 crime, the defendant is hereby committed state department
16 of corrections for a period of five years.

17 On 2013-GS-33-00225 as to voluntary
18 manslaughter, sentence of the Court that the defendant be
19 committed to the state department of corrections for a
20 period of 30 years. They are run to consecutive, given
21 credit for the time that he's done. Good luck to you, Mr.
22 Strickland.

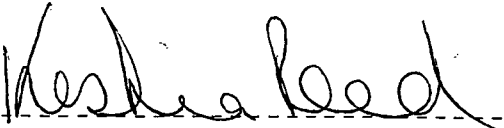
23 END OF REQUESTED TRANSCRIPT
24
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed pages, numbered 1 through 1108, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Marion County, South Carolina, on the 18-22 days of May, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 13th day of October 2016.


Keshia Reed, Court Reporter

WITNESSES

CHARLIE WATSON Marion County Sheriff

DOCKET NO. 2013-GS-33-00225

The State of South Carolina

County of

MARION

COURT OF GENERAL SESSIONS

MAY TERM 2013

THE STATE

vs.

CHAD NELSON STRICKLAND

E. L Clements, III

ARREST WARRANT NUMBER

2012A3310100352

2012A3310100353

2012A3310100354

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

5-9-13

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

**MURDER;
POSSESSION OF WEAPON DURING
COMMISSION OF VIOLENT CRIME;
POINTING AND PRESENTING FIREARM**

MARION COUNTY SC
CLERK R. RHODES
CLERK OF COURT

MAY - 2 P 4: 3b

PAGE

FILED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)

INDICTMENT FOR
 MURDER;
 POSSESSION OF WEAPON DURING COMMISSION
 OF VIOLENT CRIME;
 POINTING AND PRESENTING FIREARM

At a Court of General Sessions, convened on MAY 9, 2013 the Grand Jurors of MARION County present upon their oath:

COUNT ONE- MURDER

That CHAD NELSON STRICKLAND did in Marion County, on or about November 4, 2012, willfully, feloniously, and intentionally kill the victim, Joseph Blake Dozier, with malice aforethought, either express or implied, by means of shooting the victim and he did die as a proximate result thereof on or about November 4, 2012 in Marion County, in violation of Section 16-03-0010 & 20, S. C. Code of Laws, 1976, as amended.

COUNT TWO- POSSESSION OF WEAPON DURING COMMISSION OF VIOLENT CRIME

That CHAD NELSON STRICKLAND did in Marion County, on or about November 4, 2012, possess a firearm, or visibly display what appeared to be a firearm, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

COUNT THREE - POINTING AND PRESENTING FIREARM

That CHAD NELSON STRICKLAND did in Marion County on or about November 4, 2012, point or present a loaded or unloaded firearm, to wit: firearm, at one Stacy Fowler, in violation of Section 16-23-0410, S. C. Code of Laws, 1976, as amended.

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

A CERTIFIED COPY OF THE
 ORIGINAL FILED IN THIS OFFICE

BOOK _____ PAGE _____

Henry R. Rhodes
 CLERK OF COURT, MARION COUNTY
 SOUTH CAROLINA

E.L. Clements III

E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Marion
 STATE VS.
Chad Nelson Strickland

AKA:

Race: Sex: M Age: 26DOB: -1989 SS#: Address: Broomstraw CtCity, State, Zip: Mullins, SC 29574DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Poss. weapon during violent crime (0-5)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-33-00225A/W#: 2012A3310100353Date of Offense: 11/4/2012S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 15295

Clements, III, E. L.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2012A3310100352☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/ Deputy Clerk

Court Reporter:

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ A CERTIFIED COPY OF THE

Other: _____

BOOK _____ PAGE _____

CLERK OF COURT, MARION COUNTY
 SOUTH CAROLINA☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code: 2760Sentence Date: 5-22-15

COUNTY OF Marion
STATE VS.
Chad Nelson Strickland
AKA:
Race: Sex: M Age: 26
DOB: -1989 SS#: [REDACTED]
Address: Broomstraw Ct
City, State, Zip: Mullins, SC 29574
DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2013-GS-33-00225
A/W#: 2012A3310100352
Date of Offense: 11/4/2012
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Manslaughter / Voluntary manslaughter 2-30 years

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 15295

Clements, III, E. L.

SC Bar#

Defendant

Attorney for Defendant

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for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

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Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp ☐

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender's Office
Other:

Other:

BOOK PAGE

[Signature]
CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2160

Sentence Date: 5-22-15

Clerk of Court/ Deputy Clerk

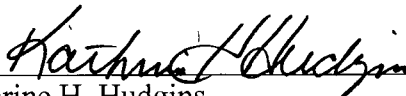
Court Reporter: Reisha T Reed

COO: 11/13/2011

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 25th day of September, 2017.