

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Brian M. Gibbons, Circuit Court Judge

MICKEY MARKELL JOHNSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-001292

APPENDIX

ROBERT M. PACHAK
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

JULIE COLEMAN
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JULY 16-18, 2013.....	1
APPLICATION FOR POST-CONVICTION RELIEF FILED JULY 22, 2014.....	637
RETURN WITH CONSENT TO REVIEW OF DIRECT APPEAL ISSUES PURSUANT TO <u>WHITE V. STATE</u>	644
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED NOVEMBER 9, 2016 ...	652
APPLICANT’S EXHIBIT NO. 1 (LETTER).....	790
APPLICANT’S EXHIBIT NO. 2 (LETTER).....	791
APPLICANT’S EXHIBIT NO. 3 (STATEMENT).....	792
APPLICANT’S EXHIBIT NO. 4 (INTERVIEW FORM)	793
APPLICANT’S EXHIBIT NO. 5 (BOOKING REPORT).....	794
ORDER DENYING POST-CONVICTION RELIEF FILED JUNE 1, 2017	796
SUPERSEDING INDICTMENT FOR CRIMINAL GANGS FILED JUNE 13, 2012	810

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF SUMTER	)	CASE NO. 2012-GS-47-00002
	)	2012-GS-47-00003
	)	2012-GS-47-00004

STATE OF SOUTH CAROLINA,
 Plaintiff,

-vs-

MICKEY JOHNSON,
 Defendant.

TRANSCRIPT OF RECORD
(VOLUME I: DAY 1 OF 3)

July 16-18, 2013
 Sumter, South Carolina

B E F O R E:

THE HONORABLE WILLIAM SEALS, Judge; and a jury

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

CARY GOINGS, Assistant Attorney General
 CURTIS PAULING, Assistant Attorney General
 Attorneys for the Plaintiff

SHAUN KENT, Esquire
 Attorney for the Defendant

KRYSTAL J. SMITH
 Court Reporter

1	<u>I N D E X</u>	
2	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
3	VOLUME I	
4	(DAY 1 OF 3)	
5	Pre-Trial Motions.....	6
6	Stipulation.....	25
7	Jury Voir Dire.....	27
8	Jury Seated.....	44
9	Batson Motion by the Defense.....	54
10	Jury Sworn.....	62
11	Opening Statements	
12	Mr. Pauling.....	66
13	Mr. Kent.....	74
14	William Lyons	
15	Direct Examination by Mr. Goings.....	80
16	Cross Examination by Mr. Kent.....	116
17	Redirect Examination by Mr. Goings.....	127
18	Recross Examination by Mr. Kent.....	138
19	Annesia Allen	
20	Direct Examination by Mr. Pauling.....	145
21	Cross Examination by Mr. Kent.....	171
22	Redirect Examination by Mr. Pauling.....	188
23	Kanadja McConico	
24	Direct Examination by Mr. Goings.....	190
25	(CONTINUED ON NEXT PAGE)	

1	WITNESS/DESCRIPTION	PAGE NUMBER
2	Dontae Crayton	
3	Direct Examination by Mr. Goings.....	205
4	Cross Examination by Mr. Kent.....	221
5	Redirect Examination by Mr. Goings.....	229
6	William Morgan	
7	Direct Examination by Mr. Pauling.....	233
8	Cross Examination by Mr. Kent.....	279
9	Redirect Examination by Mr. Pauling.....	294
10	Recross Examination by Mr. Kent.....	295
11	VOLUME II	
12	(DAY 2 OF 3)	
13	John Wesley Stamps, Jr.	
14	Direct Examination by Mr. Goings.....	303
15	Cross Examination by Mr. Kent.....	362
16	Redirect Examination by Mr. Goings.....	412
17	Recross Examination by Mr. Kent.....	420
18	Bryant Bradley	
19	Direct Examination by Mr. Goings.....	423
20	Questioning of Defendant re: Rights.....	482
21	Bryant Bradley	
22	Cross Examination by Mr. Kent.....	486
23	Redirect Examination by Mr. Goings.....	518
24	Recross Examination by Mr. Kent.....	524
25	(CONTINUED ON NEXT PAGE)	

1	WITNESS/DESCRIPTION	PAGE NUMBER
2	Mark Berube	
3	Direct Examination by Mr. Goings.....	529
4	Cross Examination by Mr. Kent.....	547
5	Redirect Examination by Mr. Goings.....	552
6	State Rests.....	553
7	Questioning of Defendant re: Testifying.....	555
8	Motions.....	557
9	Charge Conference.....	560
10	VOLUME III	
11	(DAY 3 OF 3)	
12	Charge Conference.....	563
13	Defense Rests.....	564
14	Motions.....	564
15	Stipulations Replayed for Counsel.....	565
16	Closing Arguments	
17	Mr. Goings.....	566
18	Mr. Kent.....	581
19	Charge on the Law by the Court.....	599
20	Jury Question.....	617
21	Verdict of the Jury.....	621
22	Polling of the Jury.....	622
23	Motions.....	624
24	Sentence of the Court.....	634
25	Court Reporter Certification.....	636

1	<u>E X H I B I T S</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-1	Color Photograph		99
4	S-2	Color Photograph		99
5	S-3	Color Photograph		107
6	S-4	Color Photograph		111
7	S-5	Color Photograph		111
8	C-1	Jury Note	619	
9	C-2	Charge on Accessory After the Fact	619	
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 JULY 16, 2013

2 (WHEREAS this matter was scheduled for a trial, the
3 defendant appeared along with his counsel of record.
4 The State appeared through the Office of the Attorney
5 General. The trial began at 10:02 a.m.)

6 THE COURT: All right. For the record, have all the
7 jurors been removed from the courtroom?

8 THE BAILIFF: Yes, sir. Mr. Clerk?

9 THE CLERK: Yes.

10 THE COURT: All right. I'll be glad to hear any pre-
11 trial motions that the defense or the State may have.

12 MR. KENT: Thank you, Judge, and thank you so much for
13 hearing us out. As you are aware, this is the State of
14 South Carolina versus Mickey Johnson. From the show of
15 security, I think you can tell the background and the facts
16 of a little bit of the case. This is a case that the State
17 is going to be alleging that it's gang-related and a gang-
18 related retaliation shooting.

19 The first motion that I was contemplating making, Your
20 Honor, I just want to make sure I put this on the record,
21 was there was some question about the jurisdiction of the
22 state-wide grand jury. About two weeks ago, I went and met
23 with the state-wide grand jury and I met with the Attorney
24 General and met with Attorney Goings. He provided me with
25 information.

1 Just for the record so the record is protected, I feel
2 sufficiently satisfied and explained to my client that the
3 Attorney General's Office would have jurisdiction in this
4 case. I think they have presented what they needed to
5 present in front of the grand jury so there would not be a
6 challenge to that. But just for protection of the record,
7 my client and I went over the fact that we could
8 potentially challenge, which goes into our second motion,
9 Judge, that of a Lyle motion.

10 Judge, my understanding is the State during the course
11 of the trial would seek to introduce evidence of gang
12 activity. I'll let them paint whatever factual background
13 they'll intend on offering to the Court. My understanding
14 of what they intend on offering to the Court is that on the
15 date in question, a shooting took place at [REDACTED]
16 Apartments, which is located in Sumter, South Carolina.

17 That once the shooting took place, members of a gang
18 known as 135 Piru -- and that's what they're going to try
19 to call them. The gang 135 Piru was over at [REDACTED]
20 Apartments when a rival gang came over to 135 -- I mean
21 came over to [REDACTED] Apartments. The rival gang is the
22 gang of Folk Gang Nation. They came over. An argument
23 took place. The allegations that the State from my
24 understanding intends on putting forth is that a shootout
25 basically took place. Nobody was hurt. Nobody was killed,

1 but they're going to allege that my client, Mickey Johnson,
2 pulled out a weapon and began to shoot at the rival gang.

3 At some point later during that day, the allegation
4 that I understand that the State will be putting forth
5 through the testimony of co-defendants is that Mr. Johnson
6 ordered -- and they're going to allege that he is the
7 leader of the gang and that he ordered individuals to go
8 over to a residence at [REDACTED] Apartments and shoot an
9 individual who might have been involved in the earlier
10 shooting. That's a very simple -- but that's my
11 understanding of what the State intends on offering as
12 their case in chief at the trial they intend on putting
13 through.

14 Judge, the problem that we would have is a couple of
15 situations. One, of course, we'd bring this up as a Lyle
16 issue. Mentioning the word gang whatsoever inside the
17 course of this trial, my position would be unduly
18 prejudicial. Now, before we get into the unduly
19 prejudicial -- probative/prejudicial bar that we have to
20 weigh when we talk about any Lyle issues, the first is what
21 would the State be seeking to introduce what I believe is
22 Lyle evidence. What I'd like to do is spell out what I
23 believe that the Lyle evidence they would like to introduce
24 and I think the only way to logically go through this is
25 how they would seek to introduce it and then I could

1 possibly come back with a re-argument or however the Court
2 sees fit.

3 But what I would understand is the first thing they
4 would seek to introduce is that Mr. Johnson is a member of
5 the gang. To me, in and of itself, that creates Lyle
6 evidence so they would have to have a Lyle rationale for
7 bringing in the fact that he's in a gang. Just simply
8 saying, well, he's in a gang, in and of itself, and that's
9 why this shooting took place, to me I don't see where
10 there's an actual exception that would qualify.

11 Because of the similarity that is required in the Lyle
12 evidence, because of the closeness in time, proximity in
13 time, they would have to do a lot more than simply say,
14 well, this individual's in a gang and because he's in a
15 gang, we're allowed to mention -- and not even mention
16 really any bad acts. They just want to mention, well, he's
17 in a gang, which puts the theory inside of the jury's mind
18 because he's in a gang, he therefore is a bad person and
19 since he's a bad person, you must believe he ordered this
20 hit, which is exactly what Lyle evidence doesn't want us to
21 do.

22 The State would argue that, well, we can't try our
23 case without it. Well, I would disagree because they do
24 have Lyle evidence that I would not argue with. The Lyle
25 evidence that they would have that I would not argue with.

1 is earlier in the morning, as I told the Court, they'll be
2 testifying that Mr. Johnson grabbed a gun and shot at
3 people. He shot at people, that people shot back at him.
4 That is their prior bad act evidence and they're saying
5 that he shot at people. Because he shot at these
6 individuals, he told members of his group, his organization
7 or whatever you want to call it, we need to go back and get
8 those people who shot at me. That's prior bad act evidence
9 in and of itself, which would be admissible which I would
10 not disagree with. They are allowed to be bringing up
11 evidence of that.

12 But to say -- it's almost like a double Lyle. It's
13 almost as if to say we're allowed to bring in this evidence
14 because he's a member of a gang is so prejudicial in and of
15 itself it doesn't make sense. For them to say that they
16 can't try the case without mentioning a gang is exactly the
17 problem we have with Lyle evidence. They're saying the
18 only case that we have is Lyle evidence.

19 They have uncorroborated testimony of co-defendants is
20 the extent of the State's case. So what they're trying to
21 do is bolster the uncorroborated testimony of co-defendants
22 with nothing but Lyle. When you actually sit down and read
23 the Lyle case and, Judge, unfortunately, I made the mistake
24 of trying to sit down and read it again last night, that
25 1921 kicked in that awful language, but when you sit there

1 and you read it and you read the case out of Aiken, South
2 Carolina, that talks about the check fraud and the fact
3 that an individual had five different charges, two of them
4 occurred in Aiken and some of them had occurred in Georgia.

5 The State -- I'm sorry. The Court in that situation
6 looked at the Lyle case and they were very specific. It's
7 hard to get in Lyle evidence and that's the way the Court
8 looked at it. It's hard to get in Lyle evidence and if
9 you're simply using it just to prejudice an individual,
10 that's not permissible.

11 Judge, I'm going to sit down at this point because I
12 think I should give the State an opportunity to say how
13 they intend on offering this evidence. And with the
14 Court's permission, I'd like to have an opportunity to
15 argue against how they intend on offering the evidence.

16 THE COURT: All right. I'll be glad to hear from the
17 State.

18 MR. GOINGS: Thank you, Your Honor. May it please the
19 Court. As far as the summary that Mr. Kent gave to the
20 Court about what occurred on this particular date, the
21 State really doesn't argue, although obviously there's
22 going to be some more specifics that the State is going to
23 bring out.

24 As far as just summarizing for the Court the proposed
25 testimony of witnesses who would testify, the State's

1 intention is to bring the investigators who were on the
2 case. That would be Detective Billy Lyons with the Sumter
3 Police Department and Agent Mark Berube with SLED. Their
4 essential testimony is going to be the fact that they are
5 gang investigators who investigated a gang shooting and
6 what they found during that investigation.

7 And what they found and you'll see from the testimony
8 from co-defendants is -- who gave statements is that there
9 was a gang in Sumter County called 135 Piru. It is a Blood
10 gang that was being led -- the Sumter set was being led by
11 Mickey Johnson, the defendant. They will also testify
12 about what happened on -- I mean the State intends to bring
13 out everything about how it is structured, who calls the
14 shots, everything -- well, a lot to do with how this
15 particular gang works in Sumter and throughout the state
16 because I mean it's -- it's a large gang that runs through
17 New Jersey on down, Your Honor, and we intend to bring out
18 all of that because the jury has to know -- to under --
19 fully understand the case, they have to know exactly how
20 this organization works. They have to know that Bless, AKA
21 the defendant Mickey Johnson, had the ability to call the
22 shots and order those under him to go commit certain
23 crimes, one crime being the murder that took place on March
24 22nd.

25 All that's going to be established I think through the

1 relevant testimony of the co-defendants and also the
2 investigators who went through this case. The part about
3 the importance of protecting territory, brotherhood,
4 camaraderie, with the sporting of the flags and everything
5 is important to go to motive as well. And all this goes
6 back to why did the murder take place the night of March
7 22nd, 2011, and there's no way that the jury can understand
8 it unless they know exactly what was going on that day, and
9 what was going on that day is you had a gang operating in
10 Sumter led by Mickey Johnson and then as part of a plan
11 because of a shooting that happened, they developed a plan
12 to get retaliation.

13 He ordered the hit. He ordered the hit because he was
14 the gang leader and it's relevant for motive. It's
15 relevant for the jury to fully understand the case and
16 although it may be prejudicial to mention gang activity, in
17 this situation it -- this murder happened because it's a
18 gang, because he was the leader, because he's the one that
19 ordered the shooting.

20 Now, in South Carolina, unfortunately, I couldn't find
21 really many cases that talked about gang evidence
22 specifically. However, I would point out that there's been
23 several cases gone through the Supreme Court and the Court
24 of Appeals where gang evidence is admissible. I mean it's
25 obviously a probative versus prejudicial analysis. The

1 evidence is relevant. It tends to show facts in the case
2 to the jury. It goes to motive. It goes to the jury
3 understanding the full -- getting a full understanding of
4 what happened.

5 But I will hand up I think what's a good case, Your
6 Honor, is Utz, U-T-Z, v. Commonwealth of Virginia, and I
7 apologize I don't have two copies. I only have one copy
8 for the judge. It talks -- this is a great case out of
9 Virginia that goes through the analysis and also gives
10 other jurisdictions a determination as to when gang
11 evidence is admissible. And if you get down to just
12 looking at the facts, what we propose to bring out in the
13 case, Your Honor, it's clearly more probative than it is
14 prejudicial to the defendant.

15 THE COURT: All right. You may respond briefly.

16 MR. KENT: Judge, respectfully, Mr. Goings -- his
17 argument is exactly the problem and that's exactly what
18 Lyle tries to prohibit. They have yet to offer a specific
19 act that they're even trying to introduce so we can't even
20 go with nexus or proximity or time or anything of that
21 nature. What the State is trying to say is we want to talk
22 about gang structure. We want to talk about everybody in a
23 gang. We want to talk about all these people in the gang.
24 We're not going to offer a specific act. We want to talk
25 about gangs are bad, ladies and gentlemen of the jury, and

1 this guy is the leader of the gang so convict him. That's
2 not Lyle evidence.

3 THE COURT: What he did say he wanted to talk about
4 gang structure and how gangs work and then apply it to the
5 facts of this case showing how the actions actually took
6 place in relation to gang activity. Am I correct, Mr.
7 Goings?

8 MR. GOINGS: That's correct, Your Honor.

9 MR. KENT: But, Judge, what's the specific act? The
10 problem is that's just very general. That's not a Lyle. I
11 mean that's very general. There's no ---

12 THE COURT: Well, the accessory before I would say
13 would be the act.

14 MR. KENT: But the accessory before is the current act
15 in this trial. What to find -- when we talk about Lyle,
16 looking at Lyle and looking at People v. Molineaux and all
17 the cases that talk about Lyle evidence, the act that the
18 State would seek to introduce as Lyle evidence usually is a
19 specific act. An example would be we want to offer an
20 example of back in two months before this happened, Mickey
21 Johnson made an order to another individual to shoot
22 somebody else in this gang and they followed the orders and
23 someone died. That's a Lyle argument.

24 That's not what they're arguing. What they're saying
25 is we want to generally talk about gangs and say he's a

1 member of the gang. That's not Lyle evidence. That's
2 prejudicial evidence and all they're trying to do is offer
3 prejudice.

4 Judge, generally a case has to stand on its own on its
5 own merit and the State is not trying to try the case on
6 its own. They have their own case. They have individuals
7 who will testify Mr. Johnson ordered us to do this, this,
8 this and this. That's their testimony. To use the word
9 gang is just to prejudice the jury. They have yet to show
10 why get into the structure, why get into all of these other
11 individual -- all these other things.

12 And, Judge, to be even more specific, the fact that
13 they want to offer these witnesses, I think they have to
14 make a showing that the witnesses have personal knowledge
15 and that's why they followed these -- these things. Not
16 that they had personal knowledge of a gang, but they had
17 personal knowledge of Mr. Johnson's role in the gang, that
18 he scared them, that there's a specific act that they're
19 scared of. They're not offering a specific act. That's
20 what makes this so hard to argue.

21 He's exactly right. I've spent the last weeks looking
22 for gang evidence throughout the State of South Carolina.
23 There's five cases that mention gangs and, to be perfectly
24 honest, when you look at them, there's not one that
25 specifically says gang evidence is admissible. What it

1 generally says is this evidence came in. However, it
2 shouldn't have come in. We found it harmless error. It
3 was hearsay evidence; it should not have come in.

4 There's not one case in South Carolina that
5 specifically says that gang evidence is admissible.
6 There's none that I have found. I think the analysis still
7 has to be Lyle evidence -- Lyle analysis. I still think
8 the State would have to make a showing not that they need
9 it, but they need to make a showing of what is the act they
10 intend on introducing, not an act of generalities, and
11 that's what the State has just said. We want to talk
12 generally about -- and here's the other problem. We want
13 to talk about generally -- generalities of this gang up and
14 down the east coast and all the stuff from what the east
15 coast does.

16 Well, Judge, that's not going to get past the clear
17 and convincing evidence bar. How are they going to prove
18 -- I don't have a chance to cross examine these people that
19 they're talking about that the 135 Piru up in New Jersey do
20 this and the ones in the east coast do this and the ones in
21 the west coast do that. We've got a confrontation clause
22 problem.

23 This is opening a slippery slope where they're just
24 allowed to say we're going to throw everything at your
25 client that he probably has nothing to do with, but let's

1 hope the jury buys it and it's going to stick. That's the
2 problem with this type of an issue.

3 THE COURT: All right.

4 MR. GOINGS: And, Your Honor, my response to that
5 would be that obviously we're not really focusing on Lyle.
6 It's a 403 determination, plain and simple. It's evidence
7 that has been determined -- or the State believes it is
8 obviously relevant. Then you go to, well, is that evidence
9 more prejudicial to the defendant than it is probative?
10 Obviously, yeah. The State's position in that analysis is
11 clearly to prove -- obviously, it's prejudicial, but the
12 probative value for motive and for the jury to fully
13 understand this case clearly, clearly outweighs the
14 prejudicial effect it will have on Mr. Johnson -- yeah, Mr.
15 Johnson.

16 So it's not a Lyle issue. It's a 403 prejudicial
17 versus probative on relevant evidence and I would -- the
18 State believes it relevant and also admissible even though
19 it's prejudicial because the probative value outweighs it.

20 THE COURT: All right. And again, for the record, how
21 do you intend to tie it all together?

22 MR. GOINGS: Tie exactly what, Judge?

23 THE COURT: The mentioning and use of gang activity
24 and gangs into this specific case?

25 MR. GOINGS: I would -- it's our intention that the

1 co-defendants who will be testifying not only about the --
2 how the gang is structured, how they got in, but we'll tie
3 that into how that shows Mr. Johnson has the ability to
4 order the hit that was ordered that night and why they went
5 over there and did what they did is because the -- the
6 lieutenant of the 135 Piru set ordered somebody to be
7 killed that night.

8 THE COURT: All right. Sounds good. One second.

9 (Whereupon, there is a pause in the proceedings.)

10 THE COURT: All right. For the record, I'm going to
11 find that the mention of gang is relevant and that its
12 probative value substantially outweighs its prejudicial
13 effect. All right. Any other motions?

14 MR. KENT: Yes, sir, Judge, and these will be much
15 quicker. One of the issues that I would have is -- well,
16 let me just get to lengthier issues. I think, just for the
17 record, the State has turned over all witness statements
18 that they have in their possession. I'm pretty sure I have
19 them all, but just to cover myself on the record, they
20 turned over all the witness statements from anyone who will
21 be testifying for them in this trial that they have in
22 their possession. I'm sure they have, but still to cover
23 myself on the record.

24 Number two, Judge, the shooter in this case, an
25 individual by the name of Rasheed Brandon, it's an

1 interesting situation. He is currently being evaluated. I
2 don't think the evaluation has been completed yet. He has
3 not been tried. My understanding is he gave a statement to
4 law enforcement. From the discovery that I received from
5 law enforcement, that statement coupled with some of the
6 other statements is what they based a lot of the testimony
7 that law enforcement will be giving.

8 I would specifically ask that law enforcement could
9 not testify -- it's a strange motion, Judge, because of the
10 confrontation clause issue. I would say -- I would argue
11 that the State be prohibited from testifying from anything
12 that they garnered from Rasheed Brandon's testimony. Since
13 he won't be here, I won't be able to cross examine him. I
14 won't be able to talk to him.

15 So what it would be is that an officer could get on
16 the stand and say through the course of our investigation,
17 I learned XYZ. If they learned XYZ from the shooter's
18 statement, I would have -- not have an ability to cross
19 examine him. So I specifically say that nothing from that
20 testimony be allowed whatsoever.

21 THE COURT: Any objections to that from the State?

22 MR. GOINGS: None specifically, Your Honor, but I mean

23 ---

24 THE COURT: He's not the only witness?

25 MR. GOINGS: He was not the only individual that was

1 interviewed so I think law enforcement when I ask them
2 questions such as, well, what did you learn, I have noted
3 in -- and when I'm questioning the lead detectives who
4 responded to the scene, I will ask them did you talk to
5 Rasheed Brandon. I will not ask them what did he tell you.
6 I will ask them as a result of that interview with Rasheed
7 Brandon, what did you do, and obviously, they'll probably
8 testify we went and got arrest ---

9 THE COURT: Any problem with that?

10 MR. GOINGS: --- warrants for these people.

11 MR. KENT: No. And maybe I said it improperly. Not
12 improperly, but here's my concern, Judge. They have
13 several statements from several witnesses. One of their
14 major witnesses is an individual by the name of John
15 Stamps, who goes by the nickname Ratchet. He gives an
16 initial statement. The initial statement is benign, if you
17 will. There's nothing much to the statement that he gave
18 that he signed, but I think he gave it to a number of
19 Sumter County law enforcement.

20 Thereafter, they interviewed the shooter. My position
21 is it appears as though they interviewed the shooter, the
22 shooter gives them a detailed statement. They take that
23 detailed statement and then go to Mr. Stamps and say you're
24 clearly not telling us the truth because we know this,
25 this, this and this. I've never made this motion before

1 and it's an interesting situation because I cannot cross
2 examine the initial statement.

3 THE COURT: He's not going to say what Rasheed Brandon
4 said. He's not going to introduce the statement at all.

5 MR. KENT: And I would just like ---

6 THE COURT: He does have a right to say we did
7 interview him.

8 MR. KENT: That's correct.

9 MR. GOINGS: And I think I see Mr. Kent's argument,
10 but the point is even though they may have used Rasheed
11 Brandon's statement to go get more information from these
12 other people, they still got the more information from
13 these other people and that was part of their
14 investigation.

15 THE COURT: Right.

16 MR. GOINGS: And even with the proffers that have been
17 done, the re-interviews after people have pled, all that's
18 part of their investigation that they can testify to the
19 fact that based on their investigation, this is what they
20 believe happened that day and it's not coming just from
21 Rasheed Brandon's statement. They just heard it from him
22 first.

23 THE COURT: And that's not to say what Rasheed Brandon
24 said.

25 MR. KENT: Well, Judge -- I'm sorry.

1 THE COURT: Go ahead.

2 MR. KENT: I'll say it this way. They interview
3 Rasheed Brandon; he gives a statement. They interview
4 Person X; he gives a statement. The statements do not
5 match. They then take Rasheed's statement to Person X and
6 they say, hey, you're clearly not telling us the truth
7 because we know this, this, and this, and this, and these
8 things are the truth. Person X then changes his statement
9 to mirror Rasheed's statement. So now we have two
10 statements.

11 THE COURT: We're not going to introduce Rasheed's
12 statement.

13 MR. KENT: It's not that we're going to introduce it.
14 I guess my argument is the second statement is now forever
15 tainted and I can't cross examine Rasheed Brandon about,
16 well, did the information you give them might not have been
17 true. This person is not even competent to stand trial.
18 He's not competent yet and so it's a -- it's a different
19 type of argument. Judge, the problem is the second
20 statement is so tainted by the first statement and I can't
21 cross examine the person who gave the first statement to
22 see if there was truthfulness, there was accuracies,
23 whatever problem. I know, Judge, I ---

24 THE COURT: Well, they are going to be here.

25 MR. KENT: Just making it for the record, Judge.

1 MR. GOINGS: And my point is the State can't call him
2 as a witness either. I mean I'd love to call him.

3 MR. KENT: The State can call him actually.

4 THE COURT: I understand.

5 MR. GOINGS: But he'll still have a chance to cross
6 examine whoever changes their statement and ask them, well,
7 why did you do it. Why did -- why did you say this and
8 then this? I mean -- so I mean the State is not going to
9 try to say, Detective Lyons, what did Rasheed Brandon tell
10 you that day.

11 THE COURT: Right. I understand. All right. Any
12 other motions?

13 MR. KENT: Judge, we had already covered on the record
14 the issue that they will not be bringing the burglary
15 charge in front of the jury.

16 THE COURT: Correct.

17 MR. KENT: And, Judge, just for protection of the
18 record, are you going to need me to remake my motion as to
19 the Lyle evidence whenever it comes in or will you protect
20 me for the record?

21 THE COURT: It's up to you. As far as I'm concerned,
22 you've made it. I could be wrong, but I don't think every
23 time you hear the word gang we've got to stop and see.

24 MR. KENT: That's what I just wanted to make sure if
25 the record is protected. Judge, I think the case law is

1 clear if you protect the record ---

2 THE COURT: As far as I'm concerned ---

3 MR. KENT: --- I don't have to remake the motion every
4 time and I'll make it at the closing of the State's case.

5 THE COURT: Okay.

6 MR. KENT: Just one moment, Judge. I think that's all
7 I have. Let me make sure.

8 (Whereupon, there is a pause in the proceedings.)

9 MR. KENT: Oh, just -- and I told Mr. Goings I would
10 cover this. In light of the fact that it is a murder
11 trial, rather than requiring the State to prove up the
12 murder trial, we're going to stipulate to the autopsy.
13 I'll stipulate that a murder occurred and I will stipulate
14 that a murder occurred on that day in question and will not
15 argue with that whatsoever. I don't think they intend on
16 offering pictures of it from what I've been told from the
17 State, but as far as the murder in and of itself, we're
18 going to stipulate.

19 THE COURT: All right.

20 MR. GOINGS: That's correct, Your Honor.

21 MR. KENT: Judge, that would be the extent of the
22 arguments that I think that I would need to make before the
23 jury is sworn before the trial.

24 THE COURT: All right. Anything from the State before
25 we begin?

1 MR. GOINGS: Nothing from the State, Your Honor.

2 THE COURT: All right. The strikes will be five and
3 five. Is that correct?

4 MR. KENT: Is it five or is it ten?

5 MR. GOINGS: No, it's ten, Your Honor.

6 MR. KENT: It's ten and five, Judge. The accessory
7 before.

8 MR. GOINGS: It's thirty to life so it's ten.

9 MR. KENT: Yeah.

10 THE COURT: Ten and five. All right. Do you need one
11 alternate or two?

12 MR. GOINGS: Two would be just ---

13 THE COURT: All right. Let's have two alternates as
14 well. All right. Let's go ahead and bring in the jury.

15 THE BAILIFF: Yes, Your Honor.

16 (Whereupon, the jury panel enters the courtroom at
17 10:30 a.m.)

18 THE COURT: All right. Are all the jurors in the
19 courtroom?

20 THE BAILIFF: Yes, sir, Judge.

21 THE COURT: All right. Thank you. If the State
22 would, call your first case.

23 MR. GOINGS: The State would call 2012-GS-47-03, the
24 State versus Mickey Johnson.

25 THE COURT: Thank you very much. Members of the jury

1 panel, up until this point in time, you have been qualified
2 to serve as jurors this week. However, I need to at this
3 point in time make sure that you are qualified to serve on
4 a particular case. In order to do that, I need to ask you
5 certain questions and I need for you to remember two
6 things. One, you are under oath and, two, at any point in
7 time if you would like to answer a question up here, feel
8 free to let me know and come up here. However, if a
9 question is applicable to you in this case, I need for you
10 to respond and I need for you to respond truthfully.

11 All right. In this case, the State of South Carolina
12 simply alleges that Mickey Johnson and others did in Sumter
13 County, South Carolina, on or about January 2009 until
14 present did willfully and knowingly combine with one or
15 more persons for the purpose of accomplishing unlawful
16 objects, including but not limited to the murder of one
17 Adrian Davis. Therefore, Mickey Johnson is charged with
18 criminal conspiracy, accessory both before the fact to a
19 felony murder, accessory after the fact to a felony murder,
20 pointing and presenting a firearm at a person, and unlawful
21 carrying of a pistol. To these charges, Mickey Johnson has
22 pled not guilty and requested a trial.

23 Now, in this regard, has any member of the jury panel
24 read anything about this case, seen anything about this
25 case on the news, talked to anybody that knows anything

1 about this case? If you have any information about this
2 case, no matter how insignificant you may think it is, I
3 need for you to stand and let me know.

4 (Whereupon, several people stand.)

5 THE COURT: All right. Just two? If you would, come
6 on up front and the lawyers may come up as well. (To court
7 reporter) Where do you need me at? Right here be all
8 right?

9 MR. GOINGS: This is good.

10 THE COURT: All right.

11 (Whereupon, a bench conference is held with each
12 potential juror who comes forward.)

13 THE CLERK: This is Mr. Tyndall.

14 THE COURT: Good morning. Mr. Tyndall, hold on one
15 second. Give me your name, please.

16 THE POTENTIAL JUROR: Darrell Tyndall.

17 THE COURT: All right. And your juror number is?

18 THE POTENTIAL JUROR: Number 169.

19 THE COURT: Number 169, good. All right. Tell me
20 what you know about this case.

21 THE POTENTIAL JUROR: I really would like to sit, but
22 I can't sit for this one. That's my nephew.

23 THE COURT: The defendant is your nephew?

24 THE POTENTIAL JUROR: Yes. No. My nephew, Adrian
25 Davis.

1 THE COURT: I got you. All right. I'm going to
2 excuse you for the purposes of this trial. Where do you
3 need him?
4 THE CLERK: Back downstairs, Judge.
5 THE COURT: If you would, go back downstairs to the
6 jury assembly room.
7 THE POTENTIAL JUROR: Thank you.
8 THE COURT: And don't talk to anybody about this case.
9 Okay?
10 THE POTENTIAL JUROR: Okay.
11 THE COURT: Thank you. That's pretty easy to start
12 with.
13 (Whereupon, Juror Number 169 leaves the bench
14 conference and Juror Number 11 joins the bench
15 conference.)
16 THE BAILIFF: John Brabham, Number 11, sir.
17 THE COURT: How are you doing?
18 THE POTENTIAL JUROR: My name is John Brabham.
19 THE COURT: All right. What do you know about this
20 case?
21 THE POTENTIAL JUROR: I -- I just read something.
22 There was an article in the paper about it.
23 THE COURT: Okay.
24 THE POTENTIAL JUROR: I felt like it was under oath
25 and ---

1 THE COURT: That's good.

2 THE POTENTIAL JUROR: --- if I read anything about it.
3 So I just read it. It wouldn't have had any effect on me
4 being impartial, but ---

5 THE COURT: Okay.

6 THE POTENTIAL JUROR: --- I did read that.

7 THE COURT: Well, let me ask you further. Taking into
8 account that you read that article in the newspaper, could
9 you set that information aside and be fair and impartial
10 not only to the State but the defendant as well?

11 THE POTENTIAL JUROR: Absolutely.

12 THE COURT: Would you be fair and impartial to both
13 sides ---

14 THE POTENTIAL JUROR: Obviously.

15 THE COURT: --- if selected to serve as a juror in
16 this case?

17 THE POTENTIAL JUROR: I would be.

18 THE COURT: Thank you very much. If you would, have a
19 seat and don't mention anything to anybody else about what
20 you read.

21 (Whereupon, Juror Number 11 leaves the bench
22 conference and Juror Number 170 joins the bench
23 conference.)

24 THE BAILIFF: Your Honor, Number 170.

25 THE COURT: What's your name?

1 THE POTENTIAL JUROR: Morgan Todd.

2 THE COURT: Morgan Tom?

3 THE POTENTIAL JUROR: Todd, T-O-D-D.

4 THE COURT: Todd. You can do away with that shirt now
5 if you want to.

6 THE POTENTIAL JUROR: I think I was reading about this
7 in the paper.

8 THE COURT: You read something in the paper?

9 THE POTENTIAL JUROR: I believe so. I can't remember
10 it particularly. I mean I just -- like you said,
11 insignificant as it is.

12 THE COURT: That's fine. Well, let me ask you this.
13 Could you set that information aside, set aside what you
14 read and have a clear and blank mind and be fair and
15 impartial in this case and based on the evidence presented
16 to you be fair and impartial to the State of South Carolina
17 as well as the defendant?

18 THE POTENTIAL JUROR: Yeah.

19 THE COURT: Would you be fair and impartial to both
20 sides if you were selected to serve on the jury in this
21 case? Is that a yes or a no?

22 THE POTENTIAL JUROR: That's a yes.

23 THE COURT: All right. Thank you very much. Now,
24 come here. When you go back out there, don't tell anybody
25 what you read or anything. Just sit tight and we'll go

1 from there.

2 THE POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you. There's nobody else?

4 THE CLERK: That's it, Judge.

5 (Whereupon, the bench conference ends.)

6 THE COURT: Very good. All right. At this time, I
7 would ask that the defendant, Mr. Mickey Johnson, please
8 stand and just turn and face the jury panel.

9 (Whereupon, the defendant complies.)

10 THE COURT: All right. Thank you. You may be seated.
11 Is any member of the jury panel related by blood or
12 marriage or has a close personal or social relationship
13 with the defendant, Mr. Mickey Johnson, in this case? If
14 so, please stand.

15 (Whereupon, no one stands.)

16 THE COURT: All right, good. No one stood. Would the
17 attorney general, Mr. Cary Goings, and your assistant,
18 Curtis Pauling, please stand and introduce yourselves.

19 MR. GOINGS: My name is Cary Goings. I'm a prosecutor
20 with the South Carolina Attorney General's Office.

21 MR. PAULING: I'm Curtis Pauling. I'm also a
22 prosecutor with the South Carolina Attorney General's
23 Office in Columbia.

24 THE COURT: All right. Thank you. You may be seated.
25 Is any member of the jury panel related by blood or

1 marriage or has a close personal or social relationship
2 with either of these attorneys in this case? If so, please
3 stand.

4 (Whereupon, no one stands.)

5 THE COURT: All right, good. No one stood. Mr. Kent,
6 if you would, stand and introduce yourself and your
7 assistant.

8 MR. KENT: Good morning. My name is Shaun Kent and I
9 practice law over in Manning, South Carolina. This is my
10 assistant, Ms. Xeniya Leckie, and she'll be helping me with
11 the trial today. Thank y'all so much. It's nice to see
12 you.

13 THE COURT: Thank you. Is any member of the jury
14 panel related by blood or marriage or has a close personal
15 or social relationship with Mr. Kent or his assistant in
16 this case? If so, please stand. Or have you been
17 represented by Mr. Kent or his law firm at any point in
18 time in the past? If so, please stand.

19 (Whereupon, no one stands.)

20 THE COURT: All right, good. No one stood. The
21 witnesses on behalf of the State in this case are a Mr.
22 Charles Bonner -- and who is he with? The South Carolina
23 ---

24 MR. GOINGS: He's with the Sumter County Police
25 Department.

1 THE COURT: The Sumter County ---

2 MR. GOINGS: I mean the City of Sumter Police
3 Department.

4 THE COURT: All right. He's with the Sumter County
5 Police Department. A Dean Plute, also with the Police
6 Department; a Kanadja McConico; James Green with SLED;
7 Truman Duggins with South Carolina -- Sumter Police
8 Department; Janice Ross, M.D.; Annesia Allen; William Lyons
9 with the Police Department; Mark Berube with SLED; James
10 Wesley Stamps; Bryant Bradley, William Morgan, Amy Stephens
11 with SLED; and Dontae Crayton.

12 In this regard, is any member of the jury panel
13 related by blood or marriage or has a close personal or
14 social relationship with any of these witnesses? If so,
15 please stand.

16 (Whereupon, several people stand.)

17 THE COURT: All right. The man with the Clemson shirt
18 on. What's your name and your number again?

19 THE POTENTIAL JUROR: Morgan Todd.

20 THE COURT: All right. And which witness do you know?

21 THE POTENTIAL JUROR: Lyons, Billy Lyons.

22 THE COURT: All right. And how do you know him?

23 THE POTENTIAL JUROR: Through youth baseball.

24 THE COURT: All right. Well, taking that into
25 account, if you were selected to serve as a juror in this

1 case, could you be fair and impartial not only to the State
2 but the defendant as well?

3 THE POTENTIAL JUROR: Yes, sir.

4 THE COURT: Would you be fair and impartial to both
5 sides?

6 THE POTENTIAL JUROR: Yes, sir.

7 THE COURT: Thank you. Anybody else? Your name and
8 your number, please, ma'am?

9 THE POTENTIAL JUROR: I'm 67 and I'm Ashleigh Hamm. I
10 know Billy. He did baseball with my son.

11 THE COURT: All right. Well, taking that into
12 account, if you were selected on -- selected as a juror in
13 this case, could you set that relationship aside and be
14 fair and impartial to the State and the defendant?

15 THE POTENTIAL JUROR: Yes, sir.

16 THE COURT: Would you be fair and impartial to both
17 sides?

18 THE POTENTIAL JUROR: Yes, sir.

19 THE COURT: Good. Thank you. Anybody else? All
20 right. The witnesses for the defense will be: a Kenteshie
21 Gilliard; Willie Johnson; Michael Rogers; David Martin;
22 June James; Garnett Davis; and a Calvin Hastie.

23 In that regard, is any member of the jury panel
24 related by blood or marriage or has a close personal or
25 social relationship with any of these witnesses? If so,

1 please stand.

2 (Whereupon, no one stands.)

3 THE COURT: All right, good. No one stood. Is any
4 member of the jury panel related by blood or marriage to
5 any law enforcement officer? If so, please stand.

6 (Whereupon, several people stand.)

7 THE COURT: All right. Your name and your number,
8 please, ma'am?

9 THE POTENTIAL JUROR: 156, Shirley Sok.

10 THE COURT: And who are you related to?

11 THE POTENTIAL JUROR: My sister-in-law is a forest
12 ranger. She has capabilities to arrest.

13 THE COURT: Okay. Taking that into account, if you
14 were selected to serve on a jury in this case, could you be
15 fair and impartial to the State and the defendant?

16 THE POTENTIAL JUROR: I could.

17 THE COURT: And would you be fair and impartial to
18 both sides?

19 THE POTENTIAL JUROR: I would.

20 THE COURT: Thank you very much. Anybody else?

21 THE BAILIFF: Two more just stood up.

22 THE COURT: Okay. Yes, ma'am?

23 THE POTENTIAL JUROR: Teresa Purvis. My number is
24 131. Jeffrey Purvis from the Sumter County Sheriff is my
25 husband.

1 THE COURT: All right. Okay. Well, taking that into
2 account, if you were selected to serve on a jury in this
3 case, could you be fair and impartial to the State and the
4 defendant?

5 THE POTENTIAL JUROR: Yes, sir.

6 THE COURT: Would you be fair and impartial to both
7 sides?

8 THE POTENTIAL JUROR: Yes, sir.

9 THE COURT: Thank you very much. Ma'am, your name and
10 your number?

11 THE POTENTIAL JUROR: Loretta Rembert, Number 136.
12 I'm the -- my husband is I think a detective or Officer
13 Gerald Richardson of the Sumter County Police Department.

14 THE COURT: Well, taking that into account, if you
15 were selected as a juror in this case, could you be fair
16 and impartial not only to the State but the defense as
17 well?

18 THE POTENTIAL JUROR: Yes, sir.

19 THE COURT: Would you be fair and impartial to both
20 sides?

21 THE POTENTIAL JUROR: Yes, sir.

22 THE COURT: Good. Thank you.

23 THE POTENTIAL JUROR: Thank you.

24 THE COURT: Anybody else? That could be a policeman,
25 Sheriff's Office, Highway Patrol. Okay, good. No one else

1 stood. Is any member of the jury panel aware of any bias
2 or prejudice for or against the State of South Carolina in
3 this case? If so, please stand.

4 (Whereupon, no one stands.)

5 THE COURT: All right. No one stood. Has any member
6 of the jury panel formed an opinion as to the guilt or
7 innocence of the defendant, Mr. Mickey Johnson, in this
8 case? If so, please stand.

9 (Whereupon, no one stands.)

10 THE COURT: Very good. No one stood. Is there any
11 member of the jury panel who is a member of or contributor
12 to any group which has its primary concern the promotion of
13 law enforcement or victim's rights? These groups would
14 include but certainly not be limited to MADD, SADD or CAVE,
15 Citizens Against Violent Crimes. If so, please stand.

16 (Whereupon, no one stands.)

17 THE COURT: Okay. No one stood. Has any member of
18 the jury panel or any member of your immediate family ever
19 been involved in a crime of personal violence? This could
20 be including but not limited to criminal sexual conduct,
21 assault and battery of a high and aggravated nature,
22 assault and battery with intent to kill, murder,
23 manslaughter, kidnapping, armed robbery, et cetera. Now,
24 if you or any member of your immediate family have ever
25 been a victim or a defendant in a crime such as these just

1 mentioned or anything similar to it, please stand.

2 (Whereupon, several people stand.)

3 THE COURT: All right. You may come on up if you

4 would like.

5 (Whereupon, a bench conference is held as follows with

6 Juror Number 190.)

7 THE COURT: How are you doing?

8 THE POTENTIAL JUROR: Good.

9 THE COURT: Good. Your name and your number?

10 THE POTENTIAL JUROR: I think it's 190. My name is

11 Timothy Russell.

12 THE COURT: Okay. Mr. Russell, how does that question

13 apply to you?

14 THE POTENTIAL JUROR: I've got a first cousin that was

15 murdered. He was studying in a school on the island of St.

16 Kitts and he was -- his home was broken into and robbed and

17 he was shot twice.

18 THE COURT: Taking that into account, if you were

19 selected to serve as a juror in this case, could you fair

20 and impartial to the State and the defendant?

21 THE POTENTIAL JUROR: Yes, sir.

22 THE COURT: Would you be fair and impartial to both

23 sides?

24 THE POTENTIAL JUROR: Yes, sir.

25 THE COURT: Good. Thank you.

1 (Whereupon, Juror Number 190 leaves the bench
2 conference and Juror Number 83 joins the bench
3 conference.)
4 THE BAILIFF: Your Honor, Number 83.
5 THE COURT: Number 83?
6 THE CLERK: Ms. Ingram.
7 THE COURT: How are you doing, Ms. Ingram?
8 THE POTENTIAL JUROR: I'm doing good. How are you
9 doing?
10 THE COURT: Good. How does that question apply to
11 you?
12 THE POTENTIAL JUROR: My nephew, Terrance Ingram, he's
13 incarcerated. I think it's in Greenville County and he was
14 -- I think it was accessory after the fact of armed
15 robbery.
16 THE COURT: Okay. Taking that into account, if you
17 were selected to serve as a juror in this case, could you
18 be fair and impartial not only to the State but the defense
19 as well?
20 THE POTENTIAL JUROR: Yes, sir.
21 THE COURT: Would you be fair and impartial to both
22 sides in this case if you were selected to serve?
23 THE POTENTIAL JUROR: Yes, sir.
24 THE COURT: Thank you. I appreciate you coming
25 forward.

1 THE POTENTIAL JUROR: Okay.

2 (Whereupon, Juror Number 83 leaves the bench
3 conference and the bench conference ends.)

4 THE COURT: All right. Anyone else? Is there any
5 member of the jury panel who knows of any reason whatsoever
6 why they could not give the parties in this case a fair and
7 impartial trial? If so, please stand.

8 (Whereupon, no one stands.)

9 THE COURT: No one stood. Has any member of the jury
10 panel or any member of your family ever been prosecuted by
11 the Attorney General's Office? If so, please stand.

12 (Whereupon, no one stands.)

13 THE COURT: All right. No one stood. Anything
14 further from the State?

15 MR. GOINGS: We just ask that you ask if anybody has
16 been tried or convicted by the Sumter County Solicitor's
17 Office as well.

18 THE COURT: Has any member of the jury panel ever been
19 tried or prosecuted by the Sumter County Solicitor's
20 Office, whether or not the case was dismissed or otherwise?
21 If so, please stand.

22 (Whereupon, no one stands.)

23 THE COURT: All right. No one stood.

24 MR. GOINGS: Nothing further from the State, Your
25 Honor.

1 THE COURT: All right. Anything further from the
2 defense?

3 MR. KENT: Nothing from the defense, Judge.

4 THE COURT: All right. Thank you very much. For the
5 record, except for the one I have found unqualified, I find
6 the remaining jury panel qualified for this case. Mr.
7 Clerk, if you would, give me a jury.

8 THE CLERK: Yes, sir, Your Honor.

9 THE COURT: And two alternates.

10 THE CLERK: Yes, sir.

11 (Whereupon, there is a pause in the proceedings as the
12 jury list is drawn.)

13 (Whereupon, a bench conference is held as follows.)

14 THE CLERK: Judge, I just got information from the
15 bailiff that Juror Number 191 would like to speak to you.

16 THE COURT: All right. Summon 191.

17 THE CLERK: Ms. Walden.

18 (Whereupon, the bench conference ends.)

19 THE CLERK: 191, come forward, please.

20 THE COURT: And the lawyers may -- may approach as
21 well.

22 (Whereupon, a bench conference is held with Juror
23 Number 191 as follows.)

24 THE COURT: Hold on one second. Let me have the
25 lawyers come up here. Are you doing okay?

1 THE POTENTIAL JUROR: Yes, sir.

2 THE COURT: All right. What have you got?

3 THE POTENTIAL JUROR: I wanted to speak to you because

4 I'm missing school right now and I'm taking finals this

5 week and my advisor said I can't miss any more classes.

6 THE COURT: Did you tell that to Judge Young when --

7 when he qualified you?

8 THE POTENTIAL JUROR: I talked to her yesterday. She

9 said she didn't get around to talk to him so I couldn't

10 talk to him.

11 THE COURT: What y'all want to do?

12 MR. GOINGS: I have no objection if you wish to excuse

13 her?

14 THE COURT: Do you have any objection to excusing her?

15 MR. KENT: No, sir.

16 THE COURT: All right. We're going to let you go.

17 THE POTENTIAL JUROR: Okay.

18 THE COURT: You have a good day.

19 THE POTENTIAL JUROR: Thank you.

20 THE CLERK: Can I excuse her for the week, Judge?

21 THE COURT: Yes.

22 THE CLERK: Okay.

23 (Whereupon, the bench conference ends.)

24 (Whereupon, there is a pause in the proceedings.)

25 THE COURT: Members of the jury panel, if you would,

1 just be patient.. We're having some computer issues.
2 Supposedly, computers were invented to speed things up and
3 make things better, but it seems like every Monday morning,
4 no matter where I go, there's a computer glitch and it
5 slows things down. It used to be that we'd put your name
6 in a little capsule and then put it in a little thing and
7 just roll it over or an old cigar box like they had in
8 Dillon and it worked pretty well, but we've got to wait on
9 IT to fix the computer.

10 (Whereupon, there is a pause in the proceedings.)

11 THE CLERK: May it please the Court, Your Honor.

12 THE COURT: Yes, sir.

13 THE CLERK: Ladies and gentlemen, when your name is
14 called, please come forward and stand here in front of the
15 podium and face the back of the courtroom. Bring with you
16 any personal belongings that you may have. Juror Number
17 185, Arthur Winn.

18 (Whereupon, a white male comes forward.)

19 THE CLERK: Come on up right up here, please. What
20 sayeth the State?

21 MR. GOINGS: Please present Mr. Winn.

22 THE CLERK: What sayeth the defendant?

23 MR. KENT: Please excuse Mr. Winn from the trial of
24 this case.

25 THE CLERK: Have a seat back in the panel. You've

1 been excused from this trial, please, sir. Juror Number
2 30, Ted Coleman.

3 (Whereupon, a white male comes forward.)

4 THE CLERK: What sayeth the State?

5 MR. GOINGS: Please present Mr. Coleman.

6 THE CLERK: What sayeth the defendant?

7 MR. KENT: Please excuse Mr. Coleman from the trial of
8 this case.

9 THE CLERK: Have a seat back in the panel. You've
10 been excused from this trial, please, sir. Juror Number
11 142, Christopher Riles.

12 (Whereupon, a white male comes forward.)

13 THE CLERK: What sayeth the State?

14 MR. GOINGS: Please present Mr. Riles.

15 THE CLERK: What sayeth the defendant?

16 MR. KENT: I beg the Court's indulgence for one
17 moment. Please swear Mr. Riles.

18 THE CLERK: Have a seat in the jury box, please, sir,
19 over this way. Juror Number 119, Robert Moore.

20 (Whereupon, a black male comes forward.)

21 THE CLERK: What sayeth the State?

22 MR. GOINGS: Please present Mr. Moore.

23 THE CLERK: What sayeth the defendant?

24 MR. KENT: Please swear Mr. Moore.

25 THE CLERK: Have a seat in the jury box, please, sir.

1 Juror Number 183, Michelle Wilson.

2 (Whereupon, a black female comes forward.)

3 THE CLERK: What sayeth the State?

4 MR. GOINGS: Please present Ms. Wilson.

5 THE CLERK: What sayeth the defendant?

6 MR. KENT: Please swear Ms. Wilson.

7 THE CLERK: Have a seat in the jury box, please,

8 ma'am. Juror Number 131, Teresa Purvis.

9 (Whereupon, a white female comes forward.)

10 THE CLERK: What sayeth the State?

11 MR. GOINGS: Please present Ms. Purvis.

12 THE CLERK: What sayeth the defendant?

13 MR. KENT: Please excuse Ms. Purvis from the trial of

14 this case.

15 THE CLERK: Have a seat back with the panel. You've

16 been excused from this trial, please, ma'am. Juror Number

17 16, James Brock.

18 (Whereupon, a black male comes forward.)

19 THE CLERK: What sayeth the State?

20 MR. GOINGS: Please present Mr. Brock.

21 THE CLERK: What sayeth the defendant?

22 MR. KENT: Please swear Mr. Brock.

23 THE CLERK: Have a seat in the jury box, please, sir.

24 Juror Number 191, Shanice Walden.

25 (Whereupon, no one comes forward.)

1 THE CLERK: Juror Number 191, Shanice Walden.
2 MR. GOINGS: I believe she was just excused, Your
3 Honor.
4 THE COURT: Who has? The one you just called?
5 THE CLERK: Yes, sir.
6 THE COURT: Just keep on going to the next one.
7 THE CLERK: All right. Juror Number 11, John Brabham,
8 Jr.
9 (Whereupon, a white male comes forward.)
10 THE CLERK: What sayeth the State?
11 MR. GOINGS: Please present Mr. Brabham.
12 THE CLERK: What sayeth the defendant?
13 MR. KENT: Please excuse Mr. Brabham.
14 THE CLERK: Have a seat back in the panel. You've
15 been excused from this trial, please, sir. Juror Number
16 166, Frankie Thompson.
17 (Whereupon, a black male comes forward.)
18 THE CLERK: What sayeth the State?
19 MR. GOINGS: Please excuse Mr. Thompson from the trial
20 of this case.
21 THE CLERK: Have a seat back with the panel. You've
22 been excused from this trial, please, sir. Juror Number
23 124, Ashley Osteen.
24 (Whereupon, a white female comes forward.)
25 THE CLERK: What sayeth the State?

1 MR. GOINGS: Please present Ms. Osteen.

2 THE CLERK: What sayeth the defendant?

3 MR. KENT: Please swear Ms. Osteen.

4 THE CLERK: Have a seat in the jury box, please,

5 ma'am. Juror Number 91, Letitia Kelley.

6 (Whereupon, a black female comes forward.)

7 THE CLERK: What sayeth the State?

8 MR. GOINGS: Please excuse Ms. Kelley from the trial

9 of this case.

10 THE CLERK: Have a seat back in the panel. You've

11 been excused from this trial, please, ma'am. Juror Number

12 190, Timothy Russell.

13 (Whereupon, a white male comes forward.)

14 THE CLERK: What sayeth the State?

15 MR. GOINGS: Please present Mr. Russell.

16 THE CLERK: What sayeth the defendant?

17 MR. KENT: Please excuse Mr. Russell from the trial of

18 this case.

19 THE CLERK: Have a seat back with the panel. You've

20 been excused from this trial, please, sir. Juror Number

21 55, Cindy Gibbs.

22 (Whereupon, a black female comes forward.)

23 THE CLERK: What sayeth the State?

24 MR. GOINGS: Please present Ms. Gibbs.

25 THE CLERK: What sayeth the defendant?

1 MR. KENT: Please swear Ms. Gibbs.

2 THE CLERK: Have a seat in the jury box, please,

3 ma'am. Juror Number 83, Brenda Ingram.

4 (Whereupon, a black female comes forward.)

5 THE CLERK: What sayeth the State?

6 MR. GOINGS: Please excuse Ms. Ingram from the trial

7 of this case.

8 THE CLERK: Have a seat back with the panel. You've

9 been excused from this trial, please, ma'am. Juror Number

10 129, Candace Pope.

11 (Whereupon, a white female comes forward.)

12 THE CLERK: What sayeth the State?

13 MR. GOINGS: Please present Ms. Pope.

14 THE CLERK: What sayeth the defendant?

15 MR. KENT: Please swear Ms. Pope.

16 THE CLERK: Have a seat in the jury box, please,

17 ma'am. Juror Number 104, Rebecca Mauldin.

18 (Whereupon, a white female comes forward.)

19 THE CLERK: What sayeth the State?

20 MR. GOINGS: Please present Ms. Mauldin.

21 THE CLERK: What sayeth the defendant?

22 MR. KENT: Please swear Ms. Mauldin.

23 THE CLERK: Have a seat in the jury box, please,

24 ma'am. Juror Number 130, Jeffrey Preast.

25 (Whereupon, a white male comes forward.)

1 THE CLERK: What sayeth the State?

2 MR. GOINGS: Please present Mr. Preast.

3 THE CLERK: What sayeth the defendant?

4 MR. KENT: I beg the Court's indulgence. Please swear

5 Mr. Preast.

6 THE CLERK: Have a seat in the jury box, please, sir.

7 Juror Number 29, Michelle Cobia.

8 (Whereupon, a black female comes forward.)

9 MR. KENT: Mr. Bradley, you said 29?

10 THE CLERK: Yes, sir.

11 MR. KENT: Thank you, sir.

12 THE CLERK: What sayeth the State?

13 MR. GOINGS: Please excuse Ms. Cobia from the trial of

14 this case.

15 THE CLERK: Have a seat back with the panel. You've

16 been excused from this trial, please, ma'am. Juror Number

17 28, Terry Clark.

18 (Whereupon, a black female comes forward.)

19 THE CLERK: What sayeth the State?

20 MR. GOINGS: Please present Ms. Clark.

21 THE CLERK: What sayeth the defendant?

22 MR. KENT: Please excuse Ms. Clark from the trial of

23 this case.

24 THE CLERK: Have a seat back with the panel. You've

25 been excused from this trial, please, ma'am. Juror Number

1 164, Karen Thevenet.
2 (Whereupon, a white female comes forward.)
3 THE CLERK: What sayeth the State?
4 MR. GOINGS: Please present Ms. Thevenet.
5 THE CLERK: What sayeth the defendant?
6 MR. KENT: Please excuse Ms. Thevenet.
7 THE CLERK: Have a seat back with the panel. You've
8 been excused from this trial, please, ma'am. Juror 109,
9 Kelly McJunkin.
10 (Whereupon, a white male comes forward.)
11 THE CLERK: What sayeth the State?
12 MR. GOINGS: Please present Mr. McJunkin.
13 THE CLERK: What sayeth the defendant?
14 MR. KENT: I beg the Court's indulgence one moment,
15 please. Please swear Mr. McJunkin.
16 THE CLERK: Have a seat in the jury box, please, sir.
17 Juror Number 93, Rishad Kershaw.
18 (Whereupon, a black male comes forward.)
19 THE CLERK: What sayeth the State?
20 MR. GOINGS: Please excuse Mr. Kershaw from the trial
21 of this case.
22 THE CLERK: Have a seat back with the panel. You've
23 been excused from this trial, please, sir. Juror Number
24 146, Shakali Rogers.
25 (Whereupon, a black female comes forward.)

1 THE CLERK: Any reason for cause from the State?

2 MR. GOINGS: No reason for cause, Your Honor.

3 THE CLERK: What sayeth the defendant?

4 MR. KENT: Please swear Ms. Rogers.

5 THE CLERK: Have a seat in the jury box, please,
6 ma'am. Juror Number 17, Carolyn Brown.

7 (Whereupon, a black female comes forward.)

8 THE CLERK: What sayeth the State?

9 MR. GOINGS: No reason for cause, Your Honor.

10 THE CLERK: What sayeth the defendant?

11 MR. KENT: I beg the Court's indulgence for one
12 moment. Please excuse Ms. Brown from the trial of this
13 case.

14 THE CLERK: Have a seat back with the panel. You've
15 been excused from this trial, please, ma'am. Juror Number
16 65, Gregory Griffin.

17 (Whereupon, a white male comes forward.)

18 THE CLERK: Any reason for cause from the State?

19 MR. GOINGS: None from the State.

20 THE CLERK: What sayeth the defendant?

21 MR. KENT: Please excuse Mr. Gregory from the trial of
22 this case.

23 THE CLERK: Have a seat back with the panel. You've
24 been excused from this trial, please, sir. Juror Number
25 186, Carlos Ybarra.

1 (Whereupon, a white male comes forward.)
2 THE CLERK: Any reason for cause from the State?
3 MR. GOINGS: None.
4 THE CLERK: What sayeth the defendant?
5 MR. KENT: Please excuse Mr. Ybarra from the trial of
6 this case.
7 THE CLERK: Have a seat back with the panel. You've
8 been excused from this trial, please, sir. Juror Number
9 67, Ashleigh Hamm.
10 (Whereupon, a white female comes forward.)
11 THE CLERK: Any reason for cause from the State?
12 MR. GOINGS: None.
13 THE CLERK: Any reason for cause from the defendant?
14 MR. KENT: None.
15 THE CLERK: Have a seat in the jury box, please,
16 ma'am. Alternate juror. Juror Number 75, Silvia Holliday.
17 (Whereupon, a Hispanic female comes forward.)
18 THE CLERK: What say -- what sayeth the State?
19 MR. GOINGS: Please present Ms. Holliday.
20 THE CLERK: What sayeth the defendant?
21 MR. KENT: Please swear Ms. Holliday.
22 THE CLERK: Have a seat in the jury box, please,
23 ma'am. Second alternate. Juror Number 107, Dennis
24 McFadden.
25 (Whereupon, a black male comes forward.)

1 THE CLERK: What sayeth the State?

2 MR. GOINGS: Please present Mr. McFadden.

3 THE CLERK: What sayeth the defendant?

4 MR. KENT: Please swear Mr. McFadden.

5 THE CLERK: Have a seat in the jury box, please, sir.

6 THE COURT: All right. Any objections to the jury or
7 the process by which they were drawn? What says the State?

8 MR. GOINGS: I beg the Court's indulgence. None from
9 the State, Your Honor.

10 THE COURT: How about from the defense?

11 MR. KENT: My client would like to make a motion,
12 Judge.

13 THE COURT: All right. If you would, take the jury
14 into the jury room. I need for the rest of the jury panel
15 to step out into the hall.

16 THE BAILIFF: Yes, sir.

17 THE COURT: Do not leave.

18 (Whereupon, the jury and the jury panel exit the
19 courtroom at 11:19 a.m.)

20 THE COURT: All right. Mr. Kent?

21 MR. KENT: Thank you, Judge. According to my client's
22 request, I explained to him the case law and the progeny of
23 Batson, as well as JEB v. Illinois -- JEB v. Kentucky. I'm
24 sorry. I apologize. Pursuant to that, he's specifically
25 pursuant to that going to make a motion as to the striking

1 of the jury on behalf of the Attorney General's Office.
2 Specifically, the Attorney General's Office struck Juror
3 Number 166, Juror Number 91, Juror Number 83, Juror Number
4 29, and Juror Number 93.

5 All of those individuals are African-American, three
6 of them were African-American females. On behalf of my
7 client, we would ask for a racially neutral reason and
8 additionally that no one similarly situated of an opposing
9 race was sat on the jury.

10 THE COURT: All right. Let me hear from you, Mr.
11 Goings.

12 MR. GOINGS: Thank you, Your Honor. If it please the
13 Court, as to Juror Number 166, our records indicate he has
14 multiple magistrate level convictions. There was no one
15 similarly situated that the State put on the jury regarding
16 that type of conduct. There was one individual who had a
17 pending DUI, but that was not a conviction. Similarly, we
18 also show an arrest for a charge out of '01 or '91,
19 magistrate level obviously because it didn't rise to having
20 her disqualified from the beginning.

21 THE COURT: All right.

22 MR. GOINGS: As to Number 93, that would be the last
23 individual that the State struck and to be quite honest, he
24 doesn't have a record, Your Honor. However, our feeling
25 is, is this is a gang case. This is actually a Blood gang

1 case. His -- although I didn't actually look at his
2 tattoos, but he is dressed in red, came with a Chicago Cubs
3 red baseball cap. Out of an abundance of caution, the
4 State believes that that was a reason that we had to strike
5 him because although we don't know for sure, I just don't
6 want to take that chance.

7 THE COURT: All right.

8 MR. GOINGS: And he had the jersey on yesterday during
9 general voir dire. So that leaves -- obviously, none of
10 these other individuals had -- that we sat on the jury were
11 similarly situated. So that would leave 29. She was
12 unemployed. Nobody else on the jury -- I believe actually
13 everybody else on the jury that the State sat was -- is
14 employed and that was the race neutral reason that we
15 struck Ms. Cobia.

16 THE COURT: All right. How about the other two?
17 Juror Number 83 and Juror Number 91.

18 MR. GOINGS: Oh, I thought I already covered those
19 with the -- which ones did I not cover?

20 THE COURT: 91 and 83.

21 MR. GOINGS: I thought we did those with the arrest
22 records. Did I miss somebody? 191 and -- 199 had the --
23 166 had the multiple magistrate level convictions.

24 THE COURT: Correct.

25 MR. GOINGS: 91 also had the same. Am I missing 83?

1 THE COURT: Correct.

2 MR. GOINGS: Oh, that was the one. During -- oh, the
3 nephew. That's right. The nephew. She was a -- her nephew
4 had been -- is incarcerated for accessory after the fact.
5 That was the one that approached the Court.

6 MR. KENT: That wasn't her?

7 MR. PAULING: Yeah, her.

8 MR. GOINGS: She was the one.

9 THE COURT: All right. And Number 29 was unemployed
10 and Number 93 had on a red hat and a jersey?

11 MR. GOINGS: And he had a red shirt and red hat and
12 had a jersey on yesterday, Your Honor.

13 THE COURT: All right. I need to hear from you, Mr.
14 Kent.

15 MR. KENT: Judge, specifically first going to Juror
16 Number 29 that they said that they did not -- that they
17 struck because she was unemployed. Juror Number 65, who is
18 a white male, also in his jury qualification list lists
19 that he is unemployed and the State did not utilize a
20 strike.

21 THE COURT: All right. In that regard, let me hear
22 from you, Mr. Goings?

23 MR. KENT: Judge, actually I'm going to take that
24 back. They were out of strikes at that point in time. I
25 apologize, Your Honor.

1 THE COURT: All right.

2 MR. KENT: To be perfectly candid, at that point in
3 time they would have been out of strikes. I apologize.

4 THE COURT: Yes, sir.

5 MR. KENT: And, Judge, they just glossed over briefly.
6 I just want to make sure I understand that they are saying
7 Juror Number 166 had a bevy of magistrate convictions and
8 they're also saying Juror Number 91 also had a bevy of
9 magistrate convictions?

10 MR. GOINGS: She had one magistrate conviction. She
11 had one.

12 MR. KENT: She had one magistrate conviction and what
13 was that for?

14 MR. GOINGS: I don't have the arrest -- they're in my
15 -- actually in my car, Your Honor, but it looks like based
16 on my records here it was probably a check of some sort.

17 THE COURT: All right.

18 MR. KENT: Judge, just an argument on that one would
19 be that that there was somebody similarly situated in light
20 of the fact that they indicated there was an individual
21 with a DUI who they did situate on this case.

22 THE COURT: But they were not convicted. They were
23 simply charged. Is that correct?

24 MR. GOINGS: That's correct, Your Honor.

25 MR. KENT: And, Judge, my only final argument is I

1 think they mentioned Juror Number 93 they did not sit him
2 because he was wearing red and had tattoos who simply had a
3 hat on, but another individual, a female who has spiky hair
4 who also has tattoos going up her right arm, white female.
5 She had tattoos. I would argue that she's wearing red.
6 We've got that similar situation and, if anything, that's
7 as subjective as possible to look at someone and need a
8 race neutral reason to say that this black individual has
9 tattoos, we have no other reason, but we just think out of
10 an abundance of caution to remove them. I don't think that
11 qualifies as a race neutral reason based on the fact there
12 was a similarly situated individual with tattoos who was
13 also put on the jury.

14 THE COURT: All right. Let me hear from you, Mr.
15 Goings.

16 MR. GOINGS: Your Honor, obviously, I would disagree.
17 I believe that the type of attire that you wear to the
18 courthouse goes specifically to a race neutral reason. She
19 may have had some red on and had some tattoos on, but even
20 if not ---

21 THE COURT: She had red hair I believe, red and blonde
22 hair. Is that right?

23 MR. KENT: Yes, sir, Judge.

24 THE COURT: I remember her.

25 MR. GOINGS: But it's common knowledge that to sport

1 gang colors, you wear certain types of hats and that's the
2 reason the State objected to him being sat on this
3 particular jury.

4 THE COURT: All right. I'm going to deny your motion.

5 MR. KENT: Thank you, Judge.

6 THE COURT: What do you want to do with the remaining
7 jury?

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

10 THE COURT: Is the State ready to proceed?

11 MR. PAULING: Yes, sir, we are.

12 THE COURT: How about the defense?

13 MR. KENT: I just got so confused.

14 THE COURT: How about the Attorney General?

15 MR. GOINGS: Just taking a bathroom break would be
16 great, Your Honor.

17 MR. KENT: A bathroom break and some air conditioning.
18 I would love both.

19 THE COURT: Let's take a ten minute break and let's
20 come back and begin.

21 (Whereupon, there is a break in the proceedings from
22 11:27 a.m. until 11:37 a.m.)

23 THE COURT: All right. Is the State ready to proceed?

24 MR. GOINGS: The State's ready, Your Honor.

25 THE COURT: How about the defense?

1 MR. KENT: Yes, sir. Well, Mr. Johnson might not be,
2 but ---
3 THE COURT: We'll get him in before the jury comes in.
4 MR. KENT: No problem.
5 THE COURT: Are you going to bring him in?
6 THE DEPUTY: Yes, sir.
7 MR. KENT: He'll be in during opening statements.
8 THE COURT: If he sits behind that big computer
9 screen, I can't see if he's there.
10 (Whereupon, there is a pause in the proceedings until
11 the defendant enters the courtroom.)
12 THE COURT: All right. Go ahead and bring in the
13 jury.
14 THE BAILIFF: All right, sir.
15 (Whereupon, the jury enters the courtroom at 11:40
16 a.m.)
17 THE CLERK: Your Honor, we have all the jurors present
18 in the courtroom.
19 THE COURT: Thank you very much. Mr. James Brock, I'm
20 going to appoint you the foreman of the jury. If you
21 would, come over here and switch seats with Mr. Preast, if
22 you would. You got a little bit of gray hair over there.
23 You look like you'd be patient and wise. You just have a
24 seat right there in that seat right there. And hereafter,
25 I need for the two alternates to sit in the back two chairs

1 on the far left just so I know who you are and where you
2 are.

3 All right. Mr. Clerk, if you would, swear the jury.

4 THE CLERK: Yes, sir, Your Honor. Ladies and
5 gentlemen of the jury, please stand and raise your right
6 hand to be sworn. For the State of South Carolina, County
7 of Sumter, in the Court of General Sessions. Docket Number
8 2012-GS-47-03, the State of South Carolina versus Mickey
9 Johnson. You shall well and truly try and a true
10 deliverance make between the State of South Carolina and
11 the defendant, whom you shall have in charge, and a true
12 verdict give according to the evidence, so help you God.
13 Please respond by saying "I will."

14 THE JURY: I will.

15 THE CLERK: Thank you. You may be seated.

16 THE COURT: Thank you. Members of the jury, we're
17 getting ready to begin this case. Before we actually
18 start, I just want to give you a few pre-trial
19 instructions. I call it back pocket knowledge, just a
20 little bit of information you can put in your back pocket
21 and sit on it and use it as you see fit.

22 The first thing I want to tell you is that the State
23 of South Carolina in this case has the burden of proof.
24 They have to prove the defendant guilty beyond a reasonable
25 doubt.

1 The next thing I want to explain to you is what your
2 role is and what my role is. You are the judge of the
3 facts; I am the judge of the law. You ask yourselves,
4 well, what's the difference? The difference is you
5 determine what the facts of this case are, not me, not my
6 clerk, nobody in the audience, just you. Well, you ask
7 yourselves, how do I do that? You do it by looking at the
8 evidence.

9 Evidence is made up of two things. One, the witnesses
10 that come over here and they put their left hand on the
11 Bible and they raise their right hand and they're sworn in
12 and they testify. That is evidence.

13 Now, in that regard, I want you to understand when it
14 comes to the witnesses, you have the right to judge their
15 credibility and their believability. You can believe
16 everything a witness tells you. You can believe nothing a
17 witness tells you. You can believe part of what a witness
18 tells you. You can believe one witness against many or
19 many against one. That's your job. That is evidence.
20 That's where you determine what the facts of this case are.

21 Furthermore, there may be items admitted into the
22 record as evidence. It could be photographs. It could be
23 posters. It could be reports. It could be tangible things
24 like a cigarette lighter or a knife or a gun or what have
25 you. Those items that are admitted into the record as

1 evidence are evidence before you as well. So you take the
2 testimony you hear and you look at the matters admitted
3 into the record as evidence and you determine what the
4 facts of this case are.

5 Now, at the end of this case, I'm going to give you a
6 detailed instruction on the law and I want you to
7 understand that you have to accept the law as I give it to
8 you. If you have any preconceived ideas as to what you
9 think the law is or what the law ought to be and it does
10 not agree with what I tell you the law is, you have to
11 abandon those preconceptions and accept the law as I give
12 it to you, and then when I tell you and only when I tell
13 you to begin your deliberations, you'll take the law as I
14 give it to you, the facts as you find them, put the two
15 together, and make a decision there from. All right?

16 Furthermore, I want to let you know that what the
17 lawyers tell you is not evidence. They are spokespersons
18 for their clients. They are advocates for their clients.
19 They fight for their clients.

20 Also, and this is very, very important, nowhere
21 throughout the process of this trial, if we take a break
22 and you have to go back into the jury room or if we take a
23 lunch break and you go home or you go home tonight, at any
24 point in time -- at no point in time do you start
25 discussing this case until I tell you to. It's very, very

1 important that you have everything you need before you
2 start deliberating and before you start making a decision.
3 It's important that you hear from the State and everything
4 they have to give you. It's important that you hear from
5 the defense and everything they have to say and give you.
6 And it's important that at the very end of this trial you
7 hear from me and I will know when you have everything you
8 need to start making a decision and I will specifically at
9 that time tell you to begin.

10 Furthermore, there may be a little bit of press
11 coverage in relation to this case. So if you go home at
12 lunch or you leave the courthouse tonight and you come back
13 tomorrow and go home again for lunch or whatever, I don't
14 want you reading the newspaper if you don't mind until this
15 case is over with and do not watch the news. Do not get on
16 the internet and try to Google anybody's name. Don't try
17 to find out anything about this case outside of this
18 courtroom.

19 I want you to keep an open mind. I want you to get
20 everything you need to make a decision, but I want you to
21 get it right here in this courtroom so it can be done
22 fairly and properly. Okay? All right. With that being
23 said, I'll recognize the State for your opening statement.

24 MR. PAULING: Thank you, Your Honor. May it please
25 the Court.

1 THE COURT: Sure.

2 OPENING STATEMENT BY THE STATE

3 MR. PAULING: On March 22nd, 2011, Adrian Davis got up
4 just like any normal day. He got up and he went to work.
5 During that time, he was working at the Pizza Hut where he
6 was a shift manager. After he completed his shift later
7 that night, he returned home. At that particular time, he
8 was living at [REDACTED] Apartments. It's over on [REDACTED]
9 [REDACTED] Street. There, he lived in Apartment 50 with his
10 girlfriend, Annesia Allen.

11 When he returned home, like normal people he got home,
12 wanted to relax. He was talking with Annesia and another
13 friend of theirs who was at the apartment. He was also at
14 the computer just playing a video game. Now, in their
15 particular apartment out there at [REDACTED] the computer
16 is right next to the door.

17 Now, Adrian had just been home a short period of time
18 and there was a knock at the door. Annesia went to the
19 door and answered it. As she pulled open the door, still
20 looking through the screen door, there was a young black
21 male who greeted her. As she opened the door, he saw
22 Adrian sitting at the computer. Pulled out a handgun. He
23 fired one shot. Adrian collapsed to the floor and shortly
24 later he died from a single shot, one bullet that pierced
25 through his lung and tore through his heart. Adrian Davis

1 was twenty-seven. He was the victim of a cold-blooded,
2 senseless shooting.

3 And so the question is, well, how did we get to that
4 point? Well, I have to back up several hours earlier that
5 day also out at [REDACTED] Apartments. See, over at
6 Apartment 9, there were several individuals outside that
7 particular apartment. An individual by the name of Bryant
8 Bradley, AKA Bundy; another individual by the name of John
9 Wesley Stamps, AKA Ratchet; Rasheed Brandon, AKA Ready; and
10 along with them was the defendant, Mickey Johnson, AKA
11 Bless; and they're all members and you will hear testimony
12 of the 135 Piru Blood gang operating here in Sumter. Along
13 with them also that day was an individual by the name of
14 William Morgan, AKA New York. Now, Mr. Morgan was not a
15 part of this particular Blood set, but he was an associate
16 of the defendant, Mickey Johnson.

17 And earlier that day, they were all out in front of
18 Apartment 9 working out. Mr. Johnson had called them over
19 to work out and to -- and to fight and spar with one
20 another and that's what they were doing earlier that day.
21 And while they were out there in front of Apartment 9, a
22 couple of individuals dressed in all black came through the
23 apartment complex.

24 Now, Bless, Mickey Johnson, took exception to that
25 because he thought -- he believed that they were a rival

1 gang or part of a rival gang, that being Folk Nation, and
2 that they were flagging in his area. He took exception to
3 that and there were words between Mr. Johnson and the other
4 individuals. Well, those two individuals then went on and
5 left. A short time later, they came back with
6 reinforcements. You'll hear about two carloads full of
7 individuals with them.

8 Now, at that particular point, we no longer have a
9 verbal altercation, but it gets a little more heated. When
10 the two groups, Mickey Johnson and his crew and the other
11 group allegedly Folk Nation, start towards each other,
12 William Morgan, New York, pulls a handgun, racks it, and
13 points it at the other group. Another member of their
14 group produces a handgun and points it at Bless and his
15 group.

16 At a certain point, the defendant takes the firearm
17 that New York had from him and fires at the alleged Folk
18 Nation group. There's return fire at that time. It's the
19 middle of the day. Fortunately, no one was hit. The
20 members of Folk Nation, they leave. Mr. Johnson also
21 leaves that area with Bryant Bradley and Rasheed Brandon
22 and William Morgan. Now, they leave John Wesley Stamps
23 behind. Ratchet, they leave him behind in Apartment 9 to
24 protect the apartment and the women who are also still in
25 the apartment.

1 Now, while Mr. Stamps is out there in that area,
2 another vehicle comes by -- it's a short time later -- and
3 fires at Mr. Stamps. That information is then reported to
4 Bless. Bless asks -- well, wants to know where they'd come
5 from. The information that's provided to him is I believe
6 they came from Apartment 7. Ratchet then regroups with the
7 defendant, Mickey Johnson, and Bryant Bradley, Rasheed
8 Brandon, and they regroup with Garnett Davis.

9 Now, you will hear testimony again that Mickey Johnson
10 is the leader of this 135 Piru set in Sumter and Garnett
11 Davis was second-in-command. He goes by Garney. But they
12 regroup at his house and there's a plan devised to
13 retaliate against the individuals who shot at them earlier.

14 Bless then drives Garnett Davis, Rasheed Brandon, John
15 Wesley Stamps, and Bryant Bundy back over to [REDACTED]
16 Apartments later that evening. And these are the orders.
17 Bryant Bradley, Bundy, he's the driver. John Wesley
18 Stamps, AKA Ratchet, he's the lookout. And the shooter,
19 Rasheed Brandon, Ready. The orders are go to Apartment 7,
20 knock on the door, shoot the first person who answers the
21 door. If no answers at Apartment 7, go to Apartment 50 and
22 shoot the first person who answers the door.

23 Bless drives them over to [REDACTED] Apartments and
24 tells them wait five minutes so he and Garney can leave the
25 vehicle and they're walking to another location. Wait five

1 minutes and then execute the plan. And the three of them,
2 John Wesley Stamps, Bryant Bradley, and Rasheed Brandon,
3 they do exactly that.

4 Mr. Brandon goes to Apartment 7 and knocks on the
5 door. No one is there. He then proceeds to Apartment 50
6 as instructed and knocks on the door. When the door opens,
7 he's met with Ms. Annesia Allen. He sees Adrian Davis, who
8 had just gotten home from work a short time earlier, and he
9 fires one shot that kills him. They then after the
10 shooting go back to Garnett Davis' house and they report
11 back to the defendant, Mickey Johnson, mission
12 accomplished.

13 I'm Curtis Pauling. My co-counsel is Cary Goings. We
14 are assistant AGs for the South Carolina Attorney General's
15 Office and it's our duty, our job, to prosecute crimes that
16 occur in the State of South Carolina.

17 Now, for his role, his involvement in these particular
18 shootings, Mr. Johnson has been arrested, charged, and
19 indicted for pointing and presenting a firearm, unlawful
20 carrying of a pistol, criminal conspiracy, accessory before
21 the fact to a murder, accessory after the fact to a murder.

22 And while he's been charged and while he's been
23 indicted, he sits in this courtroom today presumed innocent
24 because that's how our justice system works. He is cloaked
25 in a presumption of innocence. As the judge stated to you

1 earlier, it is our duty, it is our burden to prove that he
2 committed these crimes beyond a reasonable doubt. He
3 doesn't have to prove a thing. I will tell you at the
4 outset we welcome that burden.

5 And so how do we prove our case? Well, you're going
6 to hear from several individuals throughout this trial.
7 You're going to hear from Ms. Annesia Allen, who lived with
8 Adrian Davis, and she's going to tell you what she saw
9 earlier that day out at [REDACTED] Apartments. She's going
10 to tell you what happened that evening when she opened that
11 door.

12 You're also going to hear from a Ms. Kanadja McConico,
13 who is another resident of [REDACTED] Apartments out on
14 [REDACTED], and she's going to tell you what she saw
15 earlier that day, the altercation that she saw before that
16 fateful shooting that night.

17 You're going to hear from a couple of individuals who
18 were actually involved in the matter. You're going to hear
19 from Bryant Bradley, AKA Bundy. He's going to tell you his
20 role. He's going to tell you how he was associated with
21 the defendant. He's going to tell you why he did what he
22 did.

23 You'll also hear from John Wesley Stamps, the lookout,
24 Ratchet. And he'll tell you his affiliation with 135 Piru,
25 how he came to know Mickey Johnson, and how he got involved

1 with the situation that particular day back on March 22nd.
2 You're also going to hear from William Morgan, AKA New
3 York, and he's going to tell you about the prior incident
4 that day before the shooting that night, before the murder
5 that night.

6 There's also going to be members of law enforcement
7 that you're going to hear from. You're going to hear from
8 Detective Billy Lyons with the Sumter Police Department who
9 responded that evening to the scene and began an
10 investigation. You're also going to hear from Special
11 Agent Mark Berube with SLED, and they're going to tell you
12 and give you some background on the investigation and their
13 knowledge of gangs and particularly the 135 Piru gang and
14 how it was operating here in Sumter.

15 And I'm just telling you that giving you a preview.
16 The question is, well, what do you do with that? How do
17 you determine if we've proved our case? Well, the
18 individuals are going to come to this witness box and
19 they're going to swear to tell you the truth, the whole
20 truth, and nothing but the truth, but while they're there,
21 observe them, because in a case like this, a case of this
22 nature, credibility is key.

23 Credibility is key and so while the witnesses are in
24 the witness box, observe them. Are they honest? Are they
25 forthright? You have to think, well, while they're up

1 there, do they have any reason to lie? Is there any type
2 of bias that they may have? Does what they -- the
3 testimony that they give, does it add up with other
4 evidence? Does it -- does it mesh together? Does it make
5 sense?

6 Because see, only you all can decide what happened
7 that night, March 22nd, 2011, at [REDACTED] Apartments. You
8 can only decide whether or not Mr. Johnson is responsible
9 for what he was charged with. The judge is going to rule
10 on the law, but you have to decide what happened that night
11 and what you bring to the table is just your everyday life
12 experience. There's not any particular specialized
13 knowledge that you have to possess to evaluate this type of
14 matter.

15 I will tell you that -- I submit to you that once
16 you've heard the testimony and once you've heard the
17 evidence, you will be able to go back to the jury room and
18 deliberate and return a verdict that speaks justice. We're
19 here seeking justice, nothing more, nothing less. This
20 case is important to Mr. Johnson. It's important to the
21 State. I just ask that you pay very close attention to the
22 evidence and the testimony as it's presented to you. Thank
23 you for your time. This case, again, is very important to
24 Mr. Johnson and it's important to the State and we just
25 appreciate your time.

1 THE COURT: Thank you. Mr. Kent, you're recognized.

2 MR. KENT: Thank you, Judge. May it please the Court.

3 THE COURT: Sure.

4 MR. KENT: Mr. Goings.

5 OPENING STATEMENT BY THE DEFENSE

6 MR. KENT: How are y'all doing? Y'all met me a little
7 bit earlier. My name is Shaun Kent. I'll give a little
8 bit of background about myself and tell you who I am and
9 where I'm from and I'm going to tell you a little bit about
10 my client, Mickey Johnson.

11 I'm an attorney. I practice law in Manning, South
12 Carolina. I've been practicing in Manning for around
13 thirteen years. Before that, I actually was a prosecutor.
14 I served as a prosecutor in Charleston, South Carolina, for
15 a long time. While I've been in Manning, I practiced with
16 another law firm for a little bit, a bigger law firm, and I
17 went out on my own at the end of last year. Formerly, I
18 actually ran for a senate office that would run in Sumter,
19 South Carolina. Probably none of you realize that because
20 I didn't get a lot of votes so I'm pretty sure not many of
21 you realize that I ran for senate, but I actually did.

22 When I was a prosecutor down in Charleston, I
23 prosecuted not to the extent of these guys, but I
24 prosecuted some pretty high-profile crimes down there and I
25 was the assistant in our office and we did a lot of really

1 important things. And some of the things we used to do is
2 I was in charge of prosecuting the drug crimes. I was the
3 drug crime prosecutor. That's what they came to me with.
4 Drug crimes that came up came to Shaun Kent. Shaun, what
5 do we do? What do we do? What do we do? That was my job.

6 So if somebody would get stopped on the interstate,
7 they'd call me up and like, Shaun, we've got some drugs on
8 the interstate, what do you want to do? First words out of
9 my mouth was does the guy want to work? Now, in drug
10 problems what that means is does the guy want to work means
11 does he want to give us some information because we want to
12 get some information because we want to get some
13 information because what we always try to do is get the
14 bigger fish. That's what we try to do. We're always
15 trying to get the bigger fish.

16 That was Shaun Kent. That's what I used to do.
17 They'd call me up. They'd say, so and so, we've got him.
18 We've got him dead to rights. He's got drugs inside of the
19 car. First words out of Shaun Kent's mouth? Does he want
20 to work? Officer is like, well, we've got the drugs inside
21 of his car. He's like, well, does he want to work? The
22 guy will come in. As always, we tell them what amount of
23 time he's looking at. He's looking at jail time. The guy
24 will say, well, I want to work. I want to help. I want to
25 get my time cut down. I don't want to go to jail for a

1 long time. They'd always work.

2 So what they would do is they'd say we'll work. Let
3 me help you get somebody else. Wear a wire and do some
4 stuff and they'd help you get somebody else. The next
5 person, they'd call me up like, Mr. Kent, guess what? We
6 got somebody else. First words out of my mouth, does he
7 want to work? The guy would come in. He's like I don't
8 want to do time. I don't want to do time. What do you
9 need? Help me get somebody else.

10 And then after a while, this process would go on and
11 on and on and on because I'd always try to get the bigger
12 fish. I always tried to get the bigger fish. At the time,
13 I worked for a fellow named Ralph Worthington, who was a
14 solicitor down in Charleston, and I ended up one time he
15 came and he sat in my office and he sat down and was like,
16 Shaun, you keep cutting these deals with all of these
17 people who you know are guilty, who you know have committed
18 these crimes, and you keep cutting their sentences and
19 letting them go to get the bigger fish. Sometimes there's
20 not a bigger fish. Sometimes there's just not a bigger
21 fish. Sometimes you're just cutting deals to cut deals.

22 Ladies and gentlemen, this is Mickey Johnson. Mickey,
23 stand up. Mickey's family is in the back behind him.
24 Y'all stand up, if you will. I've known this family for
25 quite some time. Y'all can sit down. They're all from

1 Clarendon County, Manning where I practice. I've known his
2 family for a long time. His father is a truck driver. His
3 mom runs a restaurant. His wife is sitting right next to
4 them. I've known the family for a good, long, solid piece
5 of time. Good, solid family.

6 They came to me when Mickey was charged and said we
7 want you to represent Mickey and that's what I'm doing
8 today. I'm representing my friend, Mickey Johnson, in the
9 charges that are filed by the Attorney General's Office.

10 I'm going to shock you a little bit because I heard
11 the long opening statement that the Attorney General's
12 Office gave of the charges that Mickey Johnson is looking
13 at and everything that happened on that day. I'm going to
14 shock you a little bit and tell you something right off the
15 bat. He's guilty of two of the charges that they talked
16 about.

17 I don't want you to be complicated. I don't want you
18 to go in the back in the jury room and say I wonder if he
19 did it. I'm telling you right now in your face he is
20 absolutely guilty of two of the things that the Attorney
21 General's Office has accused him of. He is guilty of
22 possessing a firearm and he is guilty of pointing it at
23 somebody. Absolutely guilty.

24 I'm telling you this because at the end of the trial,
25 you're going to be asked to make some decisions. One of

1 those decisions that you're going to be asked is, is he
2 guilty of some of these offenses and I'm telling you right
3 now Mickey Johnson is guilty of possessing a firearm and
4 he's guilty of pointing a firearm.

5 I'm also telling you this because I agree with a lot
6 of what the State of South Carolina has said up there. I
7 agree with what the State of South Carolina has said
8 happened on the day in question. I agree Mickey Johnson
9 was out with his friends at [REDACTED] Apartments and
10 something happened. Another group of guys came and he
11 pointed a gun. No one got hurt. He shouldn't have done
12 it. He's in trouble. He's going to be found guilty of
13 that. That happened.

14 I agree that people got upset out there. I agree,
15 unfortunately, that a man was killed. I agree that there
16 was a shooter, I agree that there was a lookout, and I
17 agree there was a getaway driver. All three. The Father,
18 the Son, and the Holy Ghost, if you will. There's a
19 getaway driver, there's a shooter, and there's a lookout.

20 The State of South Carolina has said to you look for
21 reasons to lie, why people would be motivated to lie to
22 you. They've got three people who committed this crime.
23 They've got them. There's no doubt about it. Let's see if
24 we hear from these people and let's see what they have to
25 say about their reasons to lie. Has the State given them

1 anything? Have they offered them anything? Have they
2 tried so hard to get the bigger fish that they forgot that
3 you have the people that we're looking for? Reason to lie?
4 Is there motivation?

5 Oh, you're going to hear about the motivation. You're
6 going to hear about the reason. You're going to hear that
7 the State of South Carolina in all their zeal and all their
8 effort and all of their energy to try to prosecute this
9 case -- and I think the exact quote was we're just here for
10 justice. And all of that energy, what they've done is
11 said, you know what? There's got to be a bigger fish here.
12 There's got to be more in it. Let's offer everybody we can
13 give some great deal to get the great Mickey Johnson.
14 Trying to get the bigger fish.

15 And what you're going to find out, the one thing that
16 we can't disagree, Mickey Johnson didn't pull a trigger.
17 Mickey Johnson didn't shoot anybody. You didn't hear that
18 in the opening statement. He wasn't even there when
19 someone got shot. So what happened is three people clearly
20 were there, clearly shot somebody, and clearly had a role
21 in the relationship. So what does the State of South
22 Carolina do? Hey, can we give y'all a deal? We know
23 you're in trouble. We know we've got you, but we want to
24 give you a deal to get somebody who wasn't even there.
25 Reason to lie. Their words, not mine. Thank you.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 THE COURT: All right. Thank you. If you would, call
2 your first witness.

3 MR. GOINGS: Thank you, Your Honor. If it would
4 please the Court, the State would call Investigator Billy
5 Lyons.

6 THE CLERK: Place your left hand on the Bible and
7 raise your right hand. State your name, please.

8 THE WITNESS: William Lyons.

9 THE CLERK: Do you solemnly swear or affirm your
10 testimony to the Court shall be the truth, the whole truth,
11 and nothing but the truth, so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Thank you. Have a seat up here, please.
14 Please state your full name and spell your last name for
15 the record.

16 THE WITNESS: William Lyons, L-Y-O-N-S.

17 WILLIAM LYONS, being first duly
18 sworn, testifies as follows:

19 DIRECT EXAMINATION

20 BY MR. GOINGS:

21 Q: Good morning, Detective Lyons. How are you?

22 A: Good morning. Fine, thank you.

23 Q: How are you currently employed?

24 A: With the City of Sumter Police Department.

25 Q: And how long have you been there?

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Since 2004.
- 2 Q: All right. About nine years?
- 3 A: About nine years.
- 4 Q: All right. When did you graduate? Did you go to the
- 5 Criminal Justice Academy I assume?
- 6 A: I did.
- 7 Q: When was that?
- 8 A: I graduated in December of 2004 from the Criminal
- 9 Justice Academy.
- 10 Q: Okay. So you've been with the Sumter P.D.'s Office or
- 11 Sumter Police Department since that time?
- 12 A: Yes, I have.
- 13 Q: All right. What was your main duties when you were
- 14 hired by Sumter?
- 15 A: Upon hiring me, I went through the Academy and began
- 16 like every other officer as a -- as a general road patrol
- 17 officer.
- 18 Q: All right. And I'm assuming your duties would be like
- 19 any patrol officer.
- 20 A: Responding ---
- 21 Q: Maintain traffic light or traffic offenses and report
- 22 to crime scenes if you're called on?
- 23 A: That's correct.
- 24 Q: And how long did you serve in that capacity?
- 25 A: I was in the patrol division for about a year and a

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 half and then I moved to a specialized enforcement team
2 called the Neighborhood Enforcement Team designed at that
3 time to combat high crime areas, drug problems, assist with
4 the narcotics division as well as the general investigative
5 division at the department. We were a four-man unit and
6 during which that time I had a K-9 as well. I was the K-9
7 officer on that team.

8 Q: So patrol deputy for a year and a half, then
9 neighborhood crime enforcement unit for how long?

10 A: About a year and a half before I became a detective.

11 Q: All right. So two -- so basically three years out of
12 2004 you became a detective?

13 A: Correct.

14 Q: And what unit were you assigned to?

15 A: When I was -- when I became a detective -- and it was
16 actually on July 24th, 2007. It was my anniversary so I
17 remember that as well. I was assigned to the criminal
18 investigations division as the gang detective.

19 Q: Okay. As being the gang detective, did you have to go
20 to certain classes, receive additional training in that
21 field?

22 A: I did. At the time in 2007, the department received a
23 grant from the Department of Justice for a gang
24 investigator and as a result of receiving that grant, I was
25 given the opportunity to be the gang detective. I went to

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 trainings conducted by the State Law Enforcement Division,
2 the South Carolina Department of Corrections, the East
3 Coast Gang Investigators Association, the South Carolina
4 Gang Investigators Association. It's a variety of
5 different trainings that were offered through each of those
6 agencies, as well as some local training with some other
7 gang investigators that were already established.

8 Q: Can you approximate for the jury basically how long
9 you spent receiving these training classes from the various
10 organizations?

11 A: The training was ongoing. I went to training every
12 year, two to three classes a year. So I don't know about
13 hour-wise, but I can tell you that most of the gang
14 conferences that we went to were week-long, whether it be
15 the South Carolina Gang Investigators conference. I went
16 to the North Carolina Gang Investigators conference, the
17 East Coast Gang Investigators conference, and each one of
18 those were week-long conferences, as well as the ones that
19 the Department of Corrections put on were three to four
20 days in length as well. So over the -- over the three
21 years that we were on the ground, I was required to receive
22 training every year and I went to two to three conferences
23 a year to receive additional training.

24 Q: Okay. Now -- and we're going to get back to your
25 training and experience in gang investigations, but for

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 right now, are you currently still employed as the gang
2 investigator for Sumter Police Department?

3 A: Not technically in that capacity. I'm currently the
4 senior detective over the property crimes division. That
5 grant ran out in 2010. As a result, I was -- we don't have
6 a per se dedicated gang detective for the department. I
7 guess I am still the only one. I catch any case that has a
8 gang-related tie to it, whether it's property crimes,
9 violent crimes, narcotics. I assist all the other
10 divisions, but as of right now, we don't have to
11 particularly assigned gang detective for the department.

12 Q: And this was -- that happened in 2010?

13 A: Yes, sir. The grant was for three years.

14 Q: So 2007 to 2010, you were the designated gang
15 investigator for the Sumter Police Department?

16 A: Correct.

17 Q: As your -- when you're a road deputy, did you have the
18 chance to run into actual gang members?

19 A: We did, whether it be responding to calls for service
20 during traffic stops, deal with interviews. I've had the
21 opportunity to respond to calls where gang graffiti has
22 been spray-painted on sidewalks or on buildings or whatnot.
23 So as a road officer, many times the officers have a chance
24 to be the initial contact person involving a crime that may
25 be gang-related.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: What about your time as the detective for the
2 Neighborhood Watch program?

3 A: The Neighborhood Enforcement Team, yes. As being a
4 member of that, we concentrated our -- our efforts in high-
5 crime areas and oftentimes in the high-crime areas, gangs
6 are somewhat prevalent. The neighborhoods that they live
7 in, the individuals keep to their neighborhoods. So we
8 have an opportunity to run into a lot of different people
9 from different -- different backgrounds, from different
10 types, but they all had a similar mode or means of
11 operation for criminal activity.

12 Q: And obviously as the gang investigator from 2007 until
13 2010, I would assume that you had a -- a large number of
14 chances to investigate gang activity in Sumter County?

15 A: I did. Again, as the cases were assigned, the road
16 officer may or may not have been aware at the time that it
17 had a gang -- gang tie to it. Oftentimes, we investigated
18 cases that the individual themselves was a gang member who
19 committed a crime. Sometimes we investigated cases where a
20 group of individuals were involved, whether it be a fight
21 or an assault or a robbery or a shooting. So it -- it just
22 depended upon what was going on. We would have the
23 opportunity to investigate quite a number of cases
24 involving criminal gang activity.

25 Q: And currently in your role from 2010 to 2013, even

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 though -- although you're the senior investigator, you say
2 you still -- any case that has gang ties is most likely
3 coming to you; is that correct?

4 A: That's correct.

5 Q: Okay. Have you been keeping up with literature and,
6 you know, documentations or publications that come out
7 about gang activity? I mean do you keep yourself current?

8 A: Yes. I try to keep on top of it. I still have a good
9 working relationship with the State Law Enforcement
10 Division. Agent Mark Berube, Agent Nicole Bryan, and some
11 of the others there I still keep in contact with. I still
12 have some associates that work in other jurisdictions that
13 I try to stay in contact with to keep up on what's going
14 on. I try to keep them abreast as best I can as to what's
15 going on in Sumter County, especially in the city. But I
16 try to stay on top of it. Although it's not particularly
17 assigned my full-time duties, but I try to give it the best
18 I can to try to stay on top of what's going on now.

19 Q: Are you associated still with any of these
20 memberships? Obviously, you were explaining that the South
21 Carolina Gang Association, the East Coast Gang Association
22 put on various trainings. Were you ever a member of those?

23 A: Yes, I was. I was a member of both of those.

24 Q: All right. Are you still currently a member?

25 A: I do not believe we're -- I do not believe we paid the

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 membership for the East Coast. I have to check with the
2 department and see whether or not the membership was paid
3 for the ---

4 Q: All right.

5 A: --- Gang Investigators Association here in South
6 Carolina.

7 Q: Now, this training that you said was numerous examples
8 of the training that you received when you were the gang
9 investigator, what were they focused on I mean?

10 A: Most of the time, the conferences were multi-purpose
11 and focused on investigative techniques, prosecution both
12 local, state and federal level. We had federal prosecutors
13 come in and talk with us. We had members from the AG's
14 Office come in and talk about the state grand jury, how
15 that works, our different means and avenues of prosecuting
16 a case. Established gang units from all up and down the
17 east coast have come in and given, you know, lectures and
18 examples of how they conduct their gang investigations.

19 We've gotten information from the Department of
20 Corrections in regards to how gangs are operating within
21 the Department of Corrections and how that bleeds over to
22 what occurs in the streets and vice versa. Oftentimes,
23 they go hand-in-hand. While you would think that the folks
24 in the prison wouldn't have a say-so in what occurs on the
25 outside, but oftentimes it does. So we're able to get a

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 good idea of a broad focus on how gangs operate, how to
2 prosecute gangs, how to investigate, and interrogation.
3 Oftentimes, the conferences covered a wide variety of
4 topics.

5 Q: What about general stuff such as being able to
6 recognize or understand different colors or symbols or hand
7 signals that are used by various gangs? Did you ever
8 receive any training in that?

9 A: Yes, through the South Carolina Criminal Justice
10 Academy. They have taught some of the training at some of
11 these conferences as well. They have a basic gang course
12 that they teach as well, as well as an advanced recognition
13 course. It goes into looking at different hand signs,
14 looking at the way people stand, looking at colors,
15 symbols, graffiti, artwork, how to look at it and
16 potentially interpret it to make a determination if it
17 potentially may be gang-related or not.

18 Q: All right. Throughout your career with Sumter P.D.,
19 can you approximate for the jury how many gang
20 investigations you have been involved in or conducted
21 yourself?

22 A: I would say probably over a hundred cases that have
23 some sort of gang tie to it, whether it was the entire
24 group working or whether it was an individual, whether it
25 be a graffiti-related case. An exact number would be hard

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 to -- to pinpoint, but probably in excess of a hundred over
2 -- over the years.

3 Q: And how many gang members have you actually sat down
4 with do you think? Estimate for us.

5 A: Probably in excess of a hundred as well just in the
6 course of conducting investigations and interviewing
7 people.

8 Q: Have you ever testified in court about your
9 involvement in these gang-related cases?

10 A: I have, but not to the -- I've testified about the
11 criminal activity itself, but not necessarily the ---

12 Q: The overall gang ---

13 A: --- the overall gang aspect of it.

14 MR. GOINGS: Your Honor, at this time I would like to
15 introduce Detective Lyons as an expert in criminal gang
16 investigations.

17 THE COURT: Any objections?

18 MR. KENT: Yes, sir, Judge. Do you want to hear from
19 me now?

20 THE COURT: Sure.

21 MR. KENT: Judge, I know Investigator Lyons very, very
22 well, but to say that he's an expert in this field would be
23 a bit of a stretch. He hasn't testified at all, as he just
24 testified, and has never been qualified as an expert.
25 Additionally, Judge, his qualifications, if anything, were

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 three years ago. As he just testified, he hasn't dealt
2 with this gang information, he hasn't attended any current
3 CLEs, if you will, or anything that would make him
4 currently qualified as an expert in gang activity.

5 THE COURT: All right. I'm going to overrule your
6 objection. You may continue.

7 MR. GOINGS: Thank you, Your Honor.

8 Q: Detective Lyons, are you familiar with a gang known as
9 135 Piru?

10 A: I am.

11 Q: And where is that gang operating currently?

12 A: It's operating here in Sumter County, as well as eight
13 other counties in the state of South Carolina, as well as
14 North Carolina, Georgia, and up the east coast into New
15 Jersey.

16 Q: And has it -- when did you become involved in
17 investigating 135?

18 A: On March 22nd, the night Mr. Adrian Davis was killed is
19 the night we came into I guess per se contact with 135
20 Piru. The beginning of that investigation was as the -- as
21 the result of Mr. Adrian Davis' death.

22 Q: And that started this investigation that eventually
23 led to these charges and why we're here today; is that
24 correct?

25 A: That is correct.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Now, can you approximate for the jury just in Sumter
2 how many members of 135 there are?

3 A: Let me refer to my notes. I believe -- I believe I
4 have a number here on this sheet of paper. Approximately
5 sixteen that have been identified.

6 Q: That have been identified? And how did you identify
7 these individuals?

8 A: Many -- many of these individuals were identified
9 through self-admission and as a result of that self-
10 admission, many of the other members were identified
11 through their involvement in this case, as well as through
12 the use of technology, computers, Facebook, stuff that we
13 looked up and were able to gather intel regarding these
14 members that came to us and admitted to being involved in
15 it. We took that information; we then went out and we
16 actually identified -- identified several other and
17 interviewed them, those that were not actually involved in
18 this incident that night.

19 Q: And obviously, it's probably self-explanatory, but
20 self-admission is basically where you sit down with them
21 and they tell you, hey ---

22 A: I'm a member of the gang.

23 Q: --- I'm a member of the gang?

24 A: Yes.

25 Q: Based on your investigation, did you learn the

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 organizational system or ranks of -- of 135?

2 A: I did. I learned that for here in Sumter County

3 especially Mickey Johnson, AKA Bless, is the lieutenant.

4 For lack of better terms, he is the person in charge of

5 Sumter County. And underneath him was his second-in-

6 command, his sergeant so to speak, Garnett Davis.

7 Q: Did you learn anything else about the rank structure

8 of 135 Piru?

9 A: That as a result of Mickey Johnson being named

10 lieutenant, that had to come from a higher-up here in South

11 Carolina. James Pikard out of Columbia, South Carolina,

12 who goes by the nickname of Cash, is in charge of the state

13 of South Carolina.

14 Q: Does he have a rank?

15 A: He is the I guess OG of South Carolina, so to speak.

16 Q: When you say OG, what is that?

17 A: Original gangster.

18 Q: And does James Pikard have someone who is higher up

19 than him?

20 A: He does. He was -- he was given that rank by DaShaun

21 Morris, who goes by the nickname of Jiwe, who is the per se

22 founder of Piru 135 here on the east coast.

23 Q: And based on your investigation, where is Jiwe

24 located?

25 A: In New Jersey.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: How many states can you approximate that 135 is
2 actually operating in on the east coast?
- 3 A: At least five.
- 4 Q: That would include New Jersey and South Carolina
5 obviously?
- 6 A: New Jersey, South Carolina, North Carolina,
7 Pennsylvania, and Georgia.
- 8 Q: And based on your investigation -- correct me if I'm
9 wrong -- Jiwe is at the top. Under him would be as far we
10 know is Cash for the state of South Carolina. And then
11 under Cash is the defendant, Mickey Johnson?
- 12 A: Correct.
- 13 Q: And his rank is what again?
- 14 A: Lieutenant.
- 15 Q: And then Garnett Davis is under him and his rank is
16 what?
- 17 A: Sergeant.
- 18 Q: Did you able -- were you able to determine other
19 people's ranks such as Bryant Bradley, John Wesley Stamps,
20 and Dontae Crayton?
- 21 A: Based on their -- their admission, they were simply
22 soldiers. They did not hold a -- a higher rank. They
23 answered directly to Mickey Johnson and Garnett Davis.
- 24 Q: Based on your investigation, how -- I mean what would
25 the gang -- what would this gang like do? Would they have

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 meetings? Would they collect dues? Was it anything of
2 that magnitude?

3 A: Yes. As a result of interviewing the members of --
4 through the self-admissions and the others that we
5 interviewed afterwards, we were able to determine that they
6 operated I think I guess you could maybe consider it much
7 like a business, but in the criminal sense. They were
8 required to collect dues. They paid \$21 a month to their
9 secretary. They were required to put in work. They were
10 required to go to [REDACTED] Apartments where they operated
11 out of. They were required to go there, work out, fight
12 each other and spar. Not in a -- when I say fight each
13 other, not in a -- in a mean way towards each other, but as
14 a result, they sparred with each other. They -- and then
15 if they were given an order to put in work, they had to go
16 and do whatever their order that was given them to do.

17 Q: And if they -- based on your investigation, if they
18 didn't put in work, what would happen?

19 A: They would be punished and as a result of that
20 punishment, they could be beat, fined, depending upon the
21 punishment that was handed down by their lieutenant, Mickey
22 Johnson.

23 Q: And if they failed to go to a meeting, what would
24 happen?

25 A: They could also be punished as well.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: How were members initiated into 135 in Sumter?

2 A: They are jumped in or beat in, as you would call it.
3 They are selected, approved by Mickey Johnson. If he okays
4 them to be a part of that group, to be a part of their
5 gang, then that individual is beat in. They have to go
6 through a process of being beat in by other members that
7 Mickey Johnson would assign to beat in -- participate in
8 the beat-ins lasting twenty-one seconds.

9 Q: And how would they -- well, what is knowledge? Can
10 you explain that to the jury?

11 A: It's -- I guess it's much like reading -- reading a
12 book. They -- they are required to learn certain things.
13 It's kind of like going to school and you have to learn A,
14 B and C before you can get to D. Their knowledge
15 oftentimes revolves around information that's been handed
16 down over the years through generations regarding where
17 they originated from. They use certain slang terms to
18 indicate codes and, you know, they have their way of
19 talking that's different than carrying on a normal
20 conversation. They have to learn all this knowledge. If
21 they don't learn the knowledge, they can be punished as
22 well. They're giving -- they're given information that
23 they must know and be able to recite.

24 Q: Does this information also include how -- not only
25 exactly how -- well, let me ask you this first. What type

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 of gang is 135 Piru? Is it Blood? Crip? Folk Nation?
2 What?
3 A: It is a Blood gang.
4 Q: And it generates its roots from where? Obviously, you
5 testified it's operating in the east coast now. Where did
6 it generate its roots from?
7 A: It originated on the west coast in the early 1970s.
8 Q: And is that part of the knowledge that these
9 particular members once they're initiated has to learn?
10 A: That is correct. They -- they have to realize where
11 their group came from and how their leader Jiwe, DaShaun
12 Morris up in New Jersey, how and where he got permission
13 from to start Piru on the east coast. This particular 135
14 -- 135 Piru.
15 Q: What is -- what is a flag?
16 A: It would be much like a bandanna, so to speak.
17 Different -- they come in different colors, but it would be
18 a bandanna.
19 Q: In your investigations on criminal gangs just in
20 general, is it common to -- for individuals to flag
21 themselves as a particular gang?
22 A: That is correct. Oftentimes, you'll see the Blood
23 gang members wearing red, burgundy, green. Oftentimes, you
24 see Crip members wearing blue, sometimes black. Folk gang,
25 black. It just depends on what color they have

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 particularly adopted, especially if it's not some -- not a
2 nationally recognized group. Some of our local street
3 gangs, for lack of better terms, are unorganized and they
4 can kind of get things confused, so to speak, but the
5 national groups, Piru 135, their colors are burgundy, red,
6 and green.

7 Q: And that goes to my next question. This is not a
8 typical neighborhood grew up together type gang; is it?

9 A: No, it's not. Our -- our -- our typical neighborhood,
10 as you were saying growing up, living in the same
11 neighborhood, going to the same school together, those guys
12 are nowhere near as organized as this. In fact, they're
13 very loosely organized. Oftentimes, they don't have a true
14 rank structure. While somebody may call themselves as being
15 in charge, but they don't truly have someone to answer to.
16 Whereas, this group here is -- is a national group. It's
17 not just here in Sumter, South Carolina. Cases have been
18 investigated in our other jurisdictions within the state,
19 as well as the east coast involvement in this group.

20 MR. GOINGS: I beg the Court's indulgence.

21 Q: Detective Lyons, I'm going to ask you to take a look
22 at State's Exhibit 1 and 2.

23 (Whereupon, two color photographs are presented to the
24 witness for review.)

25 A: Yes, sir.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Do you recognize the individuals in that photo?

2 A: Yes.

3 MR. GOINGS: Your Honor, at this time I would like to
4 publish 1 and 2 to the jury and also submit it into
5 evidence.

6 Q: Well, let me ask you. What's -- what's detailed in
7 the pictures?

8 A: There's two separate pictures. One has five
9 individuals in it; the other has more than a dozen or so
10 individuals in it. These are members of 135 Piru that have
11 been identified through the use of some self-admission
12 because some of the members you have have self-admitted,
13 but as well as through interviews with other gang members.
14 These guys as well, some of these guys have spoken and have
15 been shown these photographs and identified the members in
16 each one of these as being gang members of 135 Piru.

17 Q: All right. So you -- you were able to identify each
18 of the members depicted in one of the two photographs and
19 they are either members of 135 or ---

20 A: Associates.

21 Q: --- associates; is that correct?

22 A: Correct.

23 MR. GOINGS: Your Honor, at this time, I would like to
24 submit State's 1 and 2 into evidence and also publish it to
25 the jury and have Mr. Lyons identify the individuals in the

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 pictures.

2 THE COURT: Any objections?

3 MR. KENT: Subject to my original pre-trial objection
4 covered under that umbrella, as well as the testimony of
5 today.

6 THE COURT: State's 1 and 2 are admitted into
7 evidence.

8 MR. GOINGS: Thank you. Your Honor, I don't know if
9 this is actually turned on. Well, I know this is. How
10 does this work?

11 (Whereupon, the projector is tested, but does not
12 function properly.)

13 MR. GOINGS: We'll just do it like this for right now.

14 Q: This first picture, State's 2 ---

15 THE COURT: Why don't you go ahead and step down in
16 front of the jury where they can see you?

17 (Whereupon, the witness complies.)

18 Q: Who are the members? There's five individuals,
19 correct, in this picture?

20 A: Correct.

21 Q: Okay. And who are the members or people in that
22 particular picture?

23 A: I'll start with the gentleman here wearing the red
24 hoodie holding the P -- the hat with the P on it. That
25 gentleman is the defendant sitting over there, Mickey

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Johnson. That would be him. This gentleman sitting here
2 with the white jersey with the number 90 -- I'm sorry.
3 Number -- I believe it says 32. It's kind of crooked, but
4 anyhow, this is James Pikard, Cash, the leader of the South
5 Carolina group. The individual standing beside him in the
6 black is DaShaun Morris, AKA Jiwe, the leader of 1tre5 Piru
7 on the east coast. This is another member, Clifton
8 Johnson. He's the gentleman in the white shirt. He's from
9 the Florence group, the Florence faction of 1tre5 Piru. He
10 is one of the leaders of the Florence group.

11 Q: So again, Mickey Johnson and who else?

12 A: Mickey Johnson, Clifton Johnson, James Pikard, and
13 DaShaun Morris.

14 Q: And then the Florence leader?

15 A: And the Florence leader. And if you'll notice, each
16 of them -- those three are standing and if you'll look
17 closely at their arms, they're all making the letter P for
18 Piru, the three that are standing.

19 Q: Any other hand signals in that particular picture that
20 you can identify?

21 A: Yeah. Mr. Johnson, who is standing up here in the
22 burgundy shirt, is also making a P with his left -- with
23 his left hand.

24 Q: You can stay right here because we're going to look at
25 the other picture. State's 1, what's depicted there?

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 A: Again, also I think that was taken at [REDACTED]
2 Apartments. I'm sorry. You may have saw it on the sign.
3 This photograph here was also taken inside [REDACTED]
4 Apartments. In this picture here, this is a little more
5 larger group of the individuals. Again in this picture as
6 well, this is the defendant, Mickey Johnson, AKA Bless,
7 there in the middle with the P on his hat. Sitting in
8 front of him, again is DaShaun Morris, the east coast
9 leader of 1tre5 Piru. Sitting beside him again is James
10 Pikard, AKA Cash, the leader of South Carolina. This
11 gentleman right here, his name is David Martin. He's also
12 a member of 1tre5 Piru. This gentleman right here in the
13 middle is Garnett Davis. He's also a member. This
14 gentleman here with the burgundy flag over his face is
15 Rasheed Brandon. The gentleman here in the black is
16 William Morgan holding the pistol. William Morgan is not a
17 member of 1tre5. He is not a member of that group, but he
18 is a very close associate of the defendant, Mickey Johnson.

19 Q: Is he also affiliated with Blood gangs?

20 A: He is. He is, but he's not in 1tre5 Piru. The
21 individual with the green hat on with the P in the back is
22 Lashae Badger. She is also a member of 135 Piru. Again,
23 that gentleman there is from the Florence area, the same
24 gentleman in this picture in the first photograph I showed
25 you. There are several others that are hard to recognize

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 just as a result of the photograph quality and the way
2 they're pictured in here, but according to the individuals
3 we spoke to about this photograph, everyone pictured in it
4 other than William Morgan is a member of 135 Piru and this
5 was taken in [REDACTED] Apartments along with the first
6 picture.

7 Q: Let's talk about the significance. Obviously, you've
8 indicated -- what color was the flag that was used by 135
9 here in Sumter?

10 A: They use a red and a burgundy flag. In this case,
11 this flag -- and it may be because of the color of the
12 paper -- appears to be red and burgundy colors. It's hard
13 to pinpoint an exact color on that flag.

14 Q: Based on your investigation, what -- what colors would
15 they -- would they wear as representing their gang?

16 A: Red.

17 Q: And is that the significance of what they're wearing?
18 The hats and that type of thing?

19 A: Yes. The hat, the Philadelphia Phillies hat has the P
20 on it for Piru.

21 Q: What about the hand signals that are ---

22 A: They're throwing a 135 and also east side.

23 Q: And when you -- can you identify -- what is this
24 particular hand signal that the individual in the white
25 shirt is throwing?

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 A: He's throwing up east side and then 135. He's
2 throwing up both, one on each hand.
3 Q: East side referring to?
4 A: East side Piru.
5 Q: All right. Because they're on ---
6 A: They're operating on the east coast.
7 Q: You can take a seat. Thank you.
8 (Whereupon, the witness complies)
9 Q: So obviously, that was taken in Sumter because it's
10 [REDACTED] Apartments; is that correct?
11 A: Correct.
12 Q: So that was at -- at least an occasion based on logic
13 where Jiwe was in Sumter?
14 A: Correct.
15 Q: With the rest of his 135 group?
16 A: That is correct.
17 Q: But based on your investigation, Jiwe does not live
18 nor does he run the Sumter set?
19 A: No.
20 Q: All right.
21 A: He does not.
22 Q: He runs the Sumter set, but not ---
23 A: Yeah. Per se he is in charge of it being because he's
24 in charge of the entire group, but he does not live here in
25 Sumter.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Let's go to the incident that March of 2011. Now, you
2 were not the gang investigator at that time; is that right?
3 A: No. On March 22nd, 2011, I was the senior detective
4 over the violent crimes division.
5 Q: But as you testified, you still handled the gang
6 stuff?
7 A: Correct.
8 Q: And before we get any further, did you ask for
9 assistance from any other police departments or law
10 enforcement agencies to help in investigating this case?
11 A: I did. We contacted State Law Enforcement Division
12 and asked for their assistance. We initially contacted the
13 FBI, but they were unable to take the case because of they
14 had another case that was already in the works. So we
15 contacted SLED, Special Agent Mark Berube, because he had
16 worked down here with me over the years. We contacted them
17 and asked for their assistance in the case.
18 Q: So March 22nd, 2011, were you on duty that particular
19 evening?
20 A: Yes, I was.
21 Q: All right. And obviously, when did you first learn
22 about anything that was going over there at [REDACTED]
23 Apartments on that particular day?
24 A: If I can go back, as -- I was out working that night
25 as a result of a funeral that had occurred that day. We

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 were over in the Bowman Street area, which is maybe two
2 blocks from [REDACTED] Apartments. It's not very far.
3 It's within walking distance from one another. About a
4 week prior, a sixteen-year-old boy had been shot and killed
5 on Bowman Street in an unrelated incident, not related to
6 this, but we were out working that night because they had
7 had the funeral that day. A large crowd had gathered over
8 there and while we were working, the call came out for the
9 shots being fired in [REDACTED] Apartments that night.

10 As we got over there on scene, I was one of the first
11 officers to arrive on the scene. We discovered Mr. Davis
12 there in the living room area of the -- of the apartment
13 with a gunshot wound. We secured the scene and EMS was
14 called. As we began our investigation, we began talking to
15 residents within the apartment complex. It was only then
16 that we learned that some previous altercations had
17 occurred that very same day.

18 It was then that we learned that those altercations
19 revolved around some of those guys that were actually at
20 the -- over on Bowman Street where we were working after
21 the funeral. So in other words, the boys from -- that had
22 attended the funeral had actually gone into [REDACTED]
23 Apartments that afternoon and an altercation had occurred
24 between them and members of 135 to include the defendant,
25 Mickey Johnson.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Based on your investigation, were you able to
2 determine who resided in [REDACTED] Apartments that was
3 affiliated with 135 Piru?

4 A: We did. As a result, we were able to determine that
5 they were hanging out at June James' apartment along with
6 her boyfriend, Clifton Johnson, who is a member of 135.

7 Q: The same Clifton Johnson that you just identified in
8 that one photograph?

9 A: That's correct, as well as the defendant, Mickey
10 Johnson, Bryant Bradley, Rasheed Brandon, John Wesley
11 Stamps. We were able to identify -- and Garnett Davis as
12 well. We were able to identify those individuals as
13 hanging out and being in [REDACTED] Apartments. I know
14 Garnett Davis was not there during the daytime that day
15 when that -- that shootout occurred, but we did associate
16 him to that group as well.

17 Q: All right. And what apartment?

18 A: It would be Apartment 9, which would be June James'
19 apartment.

20 Q: And the apartment that the murder took place at, where
21 was that?

22 A: That would be Apartment 50.

23 Q: Are you familiar with the layout of [REDACTED]
24 Apartments?

25 A: I am.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: I'm going to show you what's been marked State's
2 Exhibit 3. Do you recognize that photograph or can you
3 tell what that photograph represents?

4 A: This is an overview of [REDACTED] Apartments.

5 Q: And that's where both incidents that day took place;
6 is that correct?

7 A: That is correct.

8 Q: Okay.

9 MR. GOINGS: Your Honor, at this time, the State would
10 like to introduce State's Exhibit 3.

11 THE COURT: Any objections?

12 MR. KENT: No objection, Judge.

13 THE COURT: State's Number 3 into evidence without
14 objection.

15 MR. GOINGS: I also ask to have permission to ask Mr.
16 Lyons to come down again.

17 THE COURT: You may.

18 (Whereupon, the witness complies.)

19 MR. GOINGS: They're supposed to be sending somebody,
20 Your Honor, to get this working.

21 Q: Now, you said this was a picture of [REDACTED]
22 Apartments?

23 A: That is correct.

24 Q: All right. Do you -- can you indicate on there where
25 Apartment 9 is?

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 A: Do you want me to mark it?

2 (Whereupon, the witness indicates by marking on the

3 aerial photograph.)

4 Q: All right.

5 A: It's hard to read. It's on this corner here.

6 Q: All right. And that was the apartment that who

7 resided at?

8 A: That was June James' apartment, who resided there

9 along with her boyfriend, Clifton Johnson, which is the

10 apartment that the members of 135 were associated with.

11 Q: Okay. And Apartment 50 where Adrian Davis was found,

12 where is that in location to Apartment 9?

13 A: It's at a thirty -- forty-five degree angle directly

14 across the street.

15 Q: All right. So this is the location where, one, the

16 altercation that afternoon occurred and then later the

17 murder?

18 A: That is correct.

19 Q: And apartment ---

20 A: Excuse me.

21 Q: Now, obviously, you said that you didn't respond to --

22 the first time you responded to any calls was for the

23 shooting that occurred that night; correct?

24 A: That is -- that's correct. That's the first time I

25 responded.

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. And that's the murder of ---
2 A: Adrian Davis.
3 Q: Okay. But during your investigation, you learned of
4 what occurred prior; is that right?
5 A: That is correct.
6 Q: Based on your investigation, what was your
7 understanding of what happened earlier that day?
8 A: I ---
9 MR. KENT: Judge, may we approach?
10 THE COURT: Yes.
11 (Whereupon, a bench conference is held off the
12 record.)
13 Q: Let me just ask you this way. You wasn't there and
14 you don't know what happened that afternoon; is that
15 correct?
16 A: Correct.
17 Q: All right. But your investigation showed there was an
18 altercation?
19 A: That is correct.
20 Q: That was connected to the murder?
21 A: Correct.
22 Q: And who did that altercation involve?
23 A: The altercation involved the defendant, Mickey
24 Johnson, as well as the other members of 135, also William
25 Morgan, against that group of Folk Nation members that had

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 come in to the apartment complex after that funeral that
2 afternoon.

3 Q: Now, you had testified that they had meetings for 135;
4 is that correct?

5 A: Correct.

6 Q: Was there a meeting going on that day?

7 A: Yes. They were over there working out.

8 Q: And based on your investigation, who called that
9 meeting?

10 A: The defendant, Mickey Johnson.

11 Q: Now, when you get on scene at the murder -- now, we're
12 going to switch gears and go to that night when you
13 actually arrived on the scene. Okay? What did you find
14 again?

15 A: Again, I was one of the first officers who arrived on
16 the scene and entered the residence. I found the victim,
17 Adrian Davis, suffering from a single gunshot. The
18 apartment was occupied by himself, Annesia Allen, and Ms.
19 Kanadja McConico. We got -- we had them exit the
20 apartment. EMS came in and attempted life-saving
21 techniques on Mr. Davis, but they were unsuccessful.

22 Q: I'll show you what's been marked State's 4 and 5. Can
23 you review those photographs?

24 A: Yes, sir.

25 Q: And what are those photographs of?

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 A: The interior portion of Apartment 50.

2 Q: And that's where Mr. Davis was found?

3 A: That's correct.

4 Q: All right. Is that an accurate portrayal of how that

5 residence looked that night when you arrived on scene?

6 A: Yes, it is.

7 MR. GOINGS: Your Honor, the State would seek to

8 submit into evidence State's 4 and 5.

9 THE COURT: All right. Any objections?

10 MR. KENT: No objections.

11 THE COURT: State's 4 and 5 into evidence without

12 objection.

13 Q: If you'd come down once more, Mr. Lyons, and this is

14 probably the last time.

15 (Whereupon, the witness complies.)

16 Q: All right. Let's take State's 5. Describe what --

17 for the jury what they're looking at in State's 5?

18 A: This is entering into the apartment complex. This is

19 the computer table -- or the apartment, not necessarily the

20 complex. This is actually entering into Apartment 50.

21 This is the computer table that the victim, Adrian Davis,

22 had been sitting at prior to being shot.

23 Q: And where's the front door?

24 A: The front door is going to be off to the right here.

25 Q: So that opening that you're seeing on the right side

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 of the computer stand, that's the front door entering the
2 apartment?

3 A: That would be correct. You can actually see the
4 reflections off the -- the light reflections.

5 Q: And this -- and show the jury what you're looking at
6 on State's 4?

7 A: Again, that's another picture of the computer table,
8 as well as kind of going around that room. The door would
9 have been here, that computer table would have been here,
10 and the room would have went around to its right. It's a
11 picture that includes the television, that living area
12 right there right inside the door.

13 Q: Thank you, sir.

14 MR. GOINGS: Permission to publish to the jury, Your
15 Honor?

16 THE COURT: Yes, sir.

17 Q: Once you arrived on the scene and found Mr. Davis
18 unresponsive, what was the next course of your
19 investigation?

20 A: Obviously, we began to interview the occupants of the
21 apartment, Ms. Allen and Ms. McConico, as well as other
22 tenants within inside the apartment complex. There was a
23 large crowd, a lot of people out there that night. So we
24 began walking through the complex interviewing and asking
25 questions. Did anyone see anything, any one hear anything,

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

- 1 the general beginning of an investigation.
- 2 Q: Let's go back to the crime scene when you first got
3 there and physical evidence that was collected. Obviously,
4 you're not the crime scene guy that comes out there and
5 actually takes the photographs or collects any physical
6 evidence; is that right?
- 7 A: That's right.
- 8 Q: I mean y'all have a separate designated person for
9 that?
- 10 A: Correct.
- 11 Q: But as the case agent for this case, you know what is
12 collected and what's not collected; correct?
- 13 A: Correct.
- 14 Q: Was any significant tangible evidence collected from
15 the crime scene that night?
- 16 A: We did not collect any shell casings that night. I do
17 know that I believe they removed the door for evidentiary
18 purposes, and once Mr. Davis was taken to the hospital,
19 they actually recovered the bullet out of his clothing
20 there in the hospital.
- 21 Q: The fired bullet?
- 22 A: Yes, sir.
- 23 Q: Any weapons collected?
- 24 A: No. No weapons were collected.
- 25 Q: Has any weapons ever been matched in this case?

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: No, sir, it has not.
- 2 Q: As a part of your investigation, have y'all collected
3 any firearms from any individuals?
- 4 A: No, we have not.
- 5 Q: What about DNA or anything? Was there anything
6 substantially received from the crime scene that matched
7 anything in this case?
- 8 A: No, sir.
- 9 Q: And -- and I know you're not a DNA expert, but based
10 on your investigation, did the person who shot actually
11 enter the apartment?
- 12 A: No, he did not.
- 13 Q: And based on your investigation, was Mickey Johnson
14 even personally present at that front door?
- 15 A: No, he was not.
- 16 Q: Based on your investigation -- well, let me ask you
17 this way. You said you went and started interviewing
18 Annesia Allen and Kanadja McConico?
- 19 A: Correct.
- 20 Q: Those were the two individuals who were in the
21 apartment at the time of the shooting?
- 22 A: Correct.
- 23 Q: Okay. And you said you eventually learned about the
24 prior shooting that happened between 135 Piru and the
25 alleged Folk Nation gang through your investigation?

DETECTIVE BILLY LYONS - DIRECT EXAMINATION BY MR. GOINGS

1 A: That is correct.

2 Q: All right. What was your next step? Did you show any
3 photo lineups or develop a suspect or anybody?

4 A: We did. As a result of ---

5 Q: And I don't want to know who they picked out or what
6 they said.

7 A: Right.

8 Q: Just did you do that?

9 A: Yes, we did. We did -- we did end up showing a photo
10 lineup.

11 Q: To who?

12 A: To Ms. Annesia Allen.

13 Q: And based on your investigation and your interview
14 with Ms. Allen, what happened next?

15 A: A warrant was signed for Rasheed Brandon's arrest for
16 the murder of Adrian Davis.

17 Q: And were y'all able to locate Rasheed Brandon?

18 A: Eventually, we were.

19 Q: All right. Were other interviews conducted in your
20 investigation?

21 A: They were.

22 Q: Again, I don't want to know what they said, but as a
23 result of those interviews, did y'all make more arrests?

24 A: We did. Eventually, warrants were obtained for Bryant
25 Bradley, John Wesley Stamps, Garnett Davis, Mickey Johnson,

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 and William Morgan.

2 MR. GOINGS: I beg the Court's indulgence. Detective
3 Lyons, answer any questions Mr. Kent may have for you.

4 THE COURT: All right. Any members of the jury, do
5 y'all need a bathroom break real quick? All right. Let's
6 take about a ten minute break, use the rest room, and come
7 back and we'll complete this witness. As I've told you
8 before, do not discuss the case among yourselves.

9 (Whereupon, the jury exits the courtroom at 1:01 p.m.)

10 (Whereupon, there is a break in the proceedings from
11 1:01 p.m. until 1:12 p.m.)

12 THE COURT: Go ahead and bring out the jury.

13 (Whereupon, the jury enters the courtroom at 1:13
14 p.m.)

15 THE CLERK: Your Honor, all the jurors are present in
16 the courtroom.

17 THE COURT: All right. The defense is recognized for
18 your cross examination.

19 MR. KENT: Thank you, Judge.

20 CROSS EXAMINATION

21 BY MR. KENT:

22 Q: Investigator, how are you today?

23 A: Fine, sir. Thank you.

24 Q: Let's not even pretend we don't even know each other.
25 How many cases have we had together though?

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

- 1 A: I don't know.
- 2 Q: And you will not be offended if I call you Billy
3 because if I try to call you Investigator Lyons, I'll mess
4 it up at some point in time.
- 5 A: That's fine.
- 6 Q: So do you mind if I call you Billy while you're on the
7 stand?
- 8 A: That's fine.
- 9 Q: Just a couple of questions. I just want to go over
10 some of the things that you testified to while you were
11 getting asked questions. One of the big things that the
12 State was asking you is realistically you don't know
13 personally anything about this case; is that a safe
14 assumption? And by personal, you weren't there that night?
- 15 A: Okay. Correct. I was not there.
- 16 Q: Were you there?
- 17 A: No.
- 18 Q: That's something you need to tell me. You weren't
19 there that night; correct?
- 20 A: That is correct.
- 21 Q: So you don't have any independent knowledge of this
22 case?
- 23 A: Correct.
- 24 Q: The extent of what you have gotten from this case has
25 gotten from -- and I know we keep using the words through

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 the course of your investigation. The course of your
2 investigation would be talking to witnesses?
3 A: Correct.
4 Q: And the witnesses would be co-defendants?
5 A: Some yes and some not.
6 Q: Some yes, some not, but -- well, let's break it up
7 into two parts. The gravamen of what we're talking about
8 is a murder?
9 A: Correct.
10 Q: And why a murder happened?
11 A: That is correct.
12 Q: And we can't beat around the bush. We're talking
13 about a murder and why a murder happened and the
14 allegations are that Mickey Johnson ordered somebody to
15 kill somebody?
16 A: Correct.
17 Q: The gravamen of that came from the co-defendants?
18 A: That is correct.
19 Q: So the extent of our "through our investigation" came
20 from people who were also charged with the same crimes that
21 Mr. Johnson is charged with?
22 A: Exactly.
23 Q: Okay. And those people that we're talking about --
24 and I think we keep hearing their names -- are William
25 Morgan, John Stamps, Rasheed Brandon, Bryant Bradley. Am I

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

- 1 missing anybody?
- 2 A: Garnett Davis.
- 3 Q: Garnett Davis. Okay. These are the individuals who
- 4 are also co-defendants who have also been charged who are
- 5 also looking at the same type of thing that Mr. Johnson is
- 6 looking at; correct?
- 7 A: Except for Mr. Morgan.
- 8 Q: Except for Mr. Morgan?
- 9 A: Correct.
- 10 Q: Okay. So these individuals are charged similarly with
- 11 the exception of Mr. Morgan, but they were charged --
- 12 charged that evening and they are the people who you keep
- 13 to referring to as "through my investigation" of the
- 14 murder, the alleged hit, the alleged "he ordered us to do
- 15 something?"
- 16 A: That is correct.
- 17 Q: Now, through the course of our investigation, we know
- 18 who the shooter is?
- 19 A: Correct.
- 20 Q: And through the course of our investigation, we know
- 21 it's not Mickey Johnson?
- 22 A: That is correct.
- 23 Q: No doubt about that, no question about that, nothing
- 24 of that nature?
- 25 A: Correct.

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 Q: Through the course of our investigation, we know who
2 the lookout man was?

3 A: That is correct.

4 Q: And we know that's not Mickey Johnson?

5 A: Correct.

6 Q: The lookout man who is John Stamps?

7 A: Correct.

8 Q: So he was looking out while our shooter, Rasheed
9 Brandon, went to a house and shot somebody; correct?

10 A: Correct.

11 Q: So we know those two people. And we know who the
12 getaway driver is; correct?

13 A: Correct.

14 Q: We know the getaway driver is not Mickey Johnson?

15 A: Correct.

16 Q: The getaway driver is Bryant Bradley; correct?

17 A: Correct.

18 Q: So we know those three things. Those are the facts
19 that we know. We know that for a fact and we know Mickey
20 Johnson was not there when those things happened. I mean
21 when someone was shot, individuals got in a car and drove
22 away. He was not there during that sequence of events?

23 A: Correct.

24 Q: Okay. So then we go to these individuals. Let's
25 start with these three people. They are the ones who help

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 us through the course of our investigation; correct?

2 A: Correct.

3 Q: To the best of your knowledge, were they given any

4 deals or any promises or were they given anything for their

5 testimony or these statements that they gave you?

6 A: They were all offered proffers and I believe they ---

7 Q: Let's talk about a proffer. And we've done this and

8 I'm not arguing with you, but we've done proffers a lot.

9 Would you agree with me a proffer is when we go to somebody

10 and say you tell us what happened and if you tell us the

11 truth, we won't hurt you, we'll leave you alone? I'm

12 giving a real quick skinny version of it.

13 A: Yeah, because there's more than -- I mean yes and no

14 because it's not necessarily that we will leave you alone

15 because they were offered proffers, but they still all pled

16 guilty to charges.

17 Q: They all pled guilty to charges?

18 A: Correct.

19 Q: And so when we offer someone a proffer, what we're

20 basically saying is it's not an immunity, it's not saying

21 you're getting freedom for everything you've done, but

22 we're saying if you tell us the truth, tell us everything,

23 just the truth, that's all we care about, we'll look out

24 for you if we can?

25 A: The general thing of a proffer is we go to someone, we

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 ask them to give the truth, their side of the story, and
2 it's also in that proffer agreement that if they lie to us
3 or what they tell us is not true, then pretty much all bets
4 are off.

5 Q: So did all three individuals give proffers?

6 A: I believe they did.

7 Q: So all three of them signed agreements that said ---

8 A: Well, not -- not Rasheed.

9 Q: Not Rasheed?

10 A: No.

11 Q: Okay.

12 A: That would be it.

13 Q: So our shooter, no proffer, but the person who was the
14 lookout driver and the person who was the getaway driver
15 signed proffers?

16 A: Yes.

17 Q: Saying we promise we're going to tell you the truth
18 and y'all said so long as you tell the truth, we ain't
19 going to do anything, but if you lie, we're coming after
20 you?

21 A: It's not that we didn't do anything because they --
22 they pled guilty to charges.

23 Q: And you told them not to lie?

24 A: Exactly.

25 Q: And if they lied, all deals were off, we're not going

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 to recommend anything, we're not going to cut your sentence
2 down, we're not going to give you anything whatsoever?
3 A: Exactly.
4 Q: Anybody lie to y'all?
5 A: Not that I'm aware of.
6 Q: Not that you're aware of?
7 A: No.
8 Q: Anybody's statements a little bit different from time
9 to time?
10 A: Not that I'm aware of.
11 Q: Okay. You mentioned when Mr. Goings was asking you a
12 questions that all of this started out at Apartment 9.
13 That's where June lived; is that correct?
14 A: Correct.
15 Q: So that was Apartment 9, no doubt about that?
16 A: As far as I remember, yes, as far as I know.
17 Q: Tell the jury what corroboration is? How would you
18 use that word? I always say it funny. Tell me what
19 corroboration is?
20 A: You tell me one thing, I go to somebody else and see
21 if they tell me the same thing. If that thing is tangible,
22 then maybe we can pick it up. It's basically building upon
23 truths, you know. If you tell me X is X and I go ask
24 someone else if X is X and they say yes, then we can
25 somewhat potentially corroborate what that person is saying

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 to be true.

2 Q: Because we don't necessarily want to take everybody's
3 word for stuff, we try to look for tangible things to
4 corroborate their story, to make sure their story makes
5 sense as to what they're saying?

6 A: Correct.

7 Q: But one other thing we like to use with corroboration
8 is sometimes we use other witnesses?

9 A: Yes.

10 Q: Usually we try to use tangible bits of evidence to try
11 to corroborate what somebody is saying. To example, if I
12 said, Billy, it's raining outside, corroboration might be
13 you running outside and seeing somebody is wet or seeing
14 the rain?

15 A: Right.

16 Q: Is there any corroboration of tangible facts of
17 anything that those three witnesses have told you? Any
18 actual tangible evidence that this jury can touch that
19 corroborates the people's statements? Maybe is there a
20 murder weapon? Is there, you know, a video? Is there any
21 DNA evidence? Is there any tangible thing anyone can touch
22 to say that these three individuals, the shooter, the
23 getaway driver, and the lookout, that corroborates their
24 statements?

25 A: We have a bullet so we know the -- and a body so ---

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

- 1 Q: We have a bullet and a body?
- 2 A: And we know the murder occurred.
- 3 Q: Okay. But that's it?
- 4 A: That's correct.
- 5 Q: You mentioned when you were going through the litany
- 6 in talking about the gang and all this other stuff you were
- 7 taking -- saying that 135 Piru has a secretary to take
- 8 these dues and they take all this money. Have we talked to
- 9 the secretary? Have we seen a ledger? Have we seen the
- 10 books? Have we seen the dues? Have we seen any of that --
- 11 any of that corroboration?
- 12 A: We have not seen a ledger, but we have spoken to the
- 13 secretary.
- 14 Q: So she'll be able to testify and tell us about this
- 15 information?
- 16 A: At one point in time, one of the co-defendants was the
- 17 secretary.
- 18 Q: One of the co-defendants who gave you the story that
- 19 is our investigation?
- 20 A: That is correct.
- 21 Q: The shooter, the -- is it one of those three?
- 22 A: It's one of -- it's one of -- at some point in time,
- 23 one of those individuals was the secretary of this group.
- 24 Q: And we have no murder weapon; correct?
- 25 A: No, sir, we do not.

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

- 1 Q: No sign of the murder weapon?
- 2 A: That is correct.
- 3 Q: Okay. And the extent of our case is based primarily
- 4 on the testimony of three individuals who were also charged
- 5 in this case, who were charged originally?
- 6 A: That and the other witnesses who were not charged.
- 7 Q: Who were not charged?
- 8 A: Right.
- 9 Q: But none of those witnesses could offer any
- 10 independent -- did they offer any evidence whatsoever about
- 11 the murder?
- 12 A: In relation to? I mean they offer evidence as to what
- 13 happened there on scene that night with the -- with the
- 14 shooting occurring. Do they know anything about the gang?
- 15 I don't think so, no. As far as witnesses, if you're
- 16 referring to outside of those who were charged, Ms. Allen
- 17 and the other female, no.
- 18 Q: As a result of the testimony of the three people that
- 19 we keep mentioning, the shooter, the getaway driver, and
- 20 the lookout, were they getting deals to testify?
- 21 A: They were given an opportunity to plead and I believe
- 22 ---
- 23 Q: Were they getting deals to testify?
- 24 A: Well, they were given a plea.
- 25 Q: They were given deals to testify?

DETECTIVE BILLY LYONS - CROSS EXAMINATION BY MR. KENT

1 A: They were given a plea ---

2 Q: All right. Well, let's go through that ---

3 A: --- in exchange for their testimony.

4 Q: --- since we're going to beat around the bush on it a

5 little bit. Was anyone's murder charge dismissed?

6 A: Yes.

7 Q: Somebody's murder charge was dismissed to get them to

8 testify against somebody who wasn't even there?

9 A: Correct.

10 MR. KENT: Thank you. That's all the questions I

11 have.

12 THE COURT: Redirect?

13 MR. GOINGS: Thank you, Your Honor, if it please the

14 Court.

15 REDIRECT EXAMINATION

16 BY MR. GOINGS:

17 Q: Detective Lyons, I want to clear some things up that

18 were brought since obviously we were talking about the

19 investigation and he asked you these. They're based on the

20 statements that were given by a certain individuals;

21 correct?

22 A: Correct.

23 Q: Specifically, I believe Rasheed Brandon, Bryant

24 Bradley, John Wesley Stamps, and William Morgan?

25 A: Correct.

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. All at some point gave a statement to law
2 enforcement?
3 A: Correct.
4 Q: All right. And other individuals -- you interviewed
5 other individuals of 135; correct?
6 A: That is correct.
7 Q: Is Dontae Crayton 135?
8 A: He is.
9 Q: All right. Did you interview him?
10 A: We did.
11 Q: And was he there at the prior shooting or the murder?
12 A: No. In fact, he was incarcerated at the time.
13 Q: But you got information about 135 from him as well;
14 correct?
15 A: We did.
16 Q: That was part of your investigation?
17 A: That's correct.
18 Q: All right. Now, as part of these interviews, you
19 learned about what happened earlier that day; correct?
20 A: Correct.
21 Q: And what did you learn?
22 A: That the incident occurred earlier that afternoon
23 between the defendant, Mr. Johnson, his associates, and
24 this other group of young males from the Folk Nation that
25 came into that apartment complex where gunshots were

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 exchanged and then they came back again and then later that
2 night we had the -- the murder occur.

3 Q: And you learned from talking to these people about how
4 that murder that eventually happened was planned; correct?

5 A: That is correct.

6 Q: All right. And you learned who ordered it; correct?

7 A: Correct.

8 Q: And who ordered it?

9 A: The defendant, Mickey Johnson.

10 Q: And he is the what for 135 in Sumter, South Carolina?

11 A: He is the lieutenant. He is in charge of Sumter,
12 South Carolina.

13 Q: Let's talk about proffers. You were asked do you know
14 what a proffer is and a proffer is not a plea agreement; is
15 it?

16 A: No, sir.

17 Q: A proffer -- isn't a proffer where you agree with an
18 individual, hey, tell me what you know and I won't use that
19 statement against you because I just need to know what you
20 know; correct?

21 A: Correct.

22 Q: And it also helps for law enforcement to get with the
23 prosecutors to once they find out actually what a person
24 knows to help with a plea offer?

25 A: Correct.

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: Is that correct?

2 A: Correct.

3 Q: All right. So there's -- when you proffer, that's

4 just another word for an interview; correct?

5 A: Mm-hmm.

6 Q: All right. I mean the prosecutors aren't there; are

7 they?

8 A: No.

9 Q: It's just law enforcement and the investigators who

10 are investigating the case; correct?

11 A: Correct.

12 Q: All right. And all it is is an agreement between the

13 State and the defense or defendant or a suspect, hey, tell

14 me what you know. I promise I won't -- I can't use it. As

15 a matter of fact, the proffer says I can't use it against

16 you; is that right?

17 A: That's right.

18 Q: But it helps for you and the prosecutor then to sit

19 down and determine what type of plea offers are going to be

20 made?

21 A: That is correct.

22 Q: All right. Now, obviously, we know after the shooting

23 takes place, you had interviews that didn't involve a

24 proffer agreement; is that correct?

25 A: Correct.

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

- 1 Q: All right. You interviewed Rasheed Brandon, John
2 Wesley Stamps, and Bryant Bradley?
- 3 A: Correct.
- 4 Q: Concerning their role about what happened that night?
- 5 A: That is correct.
- 6 Q: All right. And then later on in your investigation,
7 once the individuals were indicted for specific crimes, is
8 when you went back and did proffer interviews?
- 9 A: That is correct.
- 10 Q: All right. Now, Bryant Bradley wasn't proffered; was
11 he?
- 12 A: I do not believe so. I know I didn't participate in a
13 proffer so I do not think that he was proffered.
- 14 Q: Okay. So he was interviewed and gave a statement
15 after the murder, did not -- or was not re-interviewed
16 through a proffer?
- 17 A: Correct.
- 18 Q: All right. John Wesley Stamps was; was he not?
- 19 A: He was.
- 20 Q: And you participated in that?
- 21 A: I did.
- 22 Q: Okay. So not only do we have a statement after the
23 murder from him, but we also have a proffer interview?
- 24 A: Correct.
- 25 Q: Again, no specific plea deals are in place at that

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 point in time; is that correct?

2 A: That is correct.

3 Q: Now, William Morgan, was he proffered?

4 A: Yes.

5 Q: All right. Were you present for that one?

6 A: Yes.

7 Q: Now, he did not give a statement following the

8 incident; did he?

9 A: No, he did not.

10 Q: So the first time you learned about the information

11 from William Morgan was through his proffer agreement?

12 A: That is correct.

13 Q: Now -- and you were asked this and this is all going

14 to come out so I'll -- plea -- plea bargains were struck;

15 were they not?

16 A: They were.

17 Q: All right. And basically me and you sat down and we

18 talked about what we want to do because these individuals

19 -- I mean why do people do plea bargains?

20 A: To help themselves.

21 Q: And do they?

22 A: Yes, sir.

23 Q: And why does the State and law enforcement go along

24 with plea bargains?

25 A: In order to potentially get, you know, the next person

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 in line. I mean that's -- it's -- we want them to be able
2 to testify in a case in order to assist us with our
3 prosecution of someone else.

4 Q: To break it down, it's basically the State has a duty
5 to prove something; correct?

6 A: Correct.

7 Q: Beyond a reasonable doubt?

8 A: That's correct.

9 Q: And that's largely based on what?

10 A: On evidence and testimony on ---

11 Q: And in this case ---

12 A: --- what the witness says.

13 Q: --- what evidence is there?

14 A: It would be witness statements in this case.

15 Q: And you said a murder charge -- well, let's talk about
16 Rasheed Brandon. He gave a statement after the shooting?

17 A: He did.

18 Q: He has not been proffered ---

19 MR. KENT: Judge, I'm going to object to the leading.
20 I think he's getting ---

21 THE COURT: Sustained.

22 MR. KENT: He's getting very ---

23 THE COURT: Sustained.

24 MR. KENT: Thank you.

25 Q: Has Rasheed Brandon been proffered or pled guilty?

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

- 1 A: No, he has not.
- 2 Q: Has his murder charges been dismissed?
- 3 A: No, they have not.
- 4 Q: Are they still pending?
- 5 A: They are.
- 6 Q: Let's talk about Bryant Bradley. He was originally
- 7 indicted for murder as well; correct?
- 8 A: That is correct.
- 9 Q: He has pled guilty?
- 10 A: He has pled guilty.
- 11 Q: He hasn't been -- has he been sentenced?
- 12 A: No, he has not.
- 13 Q: Do you know what he pled guilty to?
- 14 A: He pled to a lesser offense, I believe manslaughter.
- 15 Q: Well, would you agree that he pled to accessory after
- 16 the fact to murder and also a burglary first degree?
- 17 A: That is correct.
- 18 Q: And the burglary first degree is not ---
- 19 A: Associated.
- 20 Q: --- connected to the murder?
- 21 A: That's right.
- 22 Q: And he is -- and part of his plea agreement is what?
- 23 A: He has to testify truthfully.
- 24 Q: Truthfully based on what?
- 25 A: His statement.

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: His statements and the -- well, he didn't proffer so
2 just his statement?
3 A: His statement.
4 Q: Prior to?
5 A: Right.
6 Q: Right after the murder took place?
7 A: Right after the murder took place.
8 Q: All right. Now, John Wesley Stamps, has he pled
9 guilty?
10 A: Yes, he has.
11 Q: And he was originally indicted for murder as well; is
12 that correct?
13 A: That is correct.
14 Q: Do you know what he pled guilty to?
15 A: It was a lesser included as well. His was
16 manslaughter; is that correct?
17 Q: So he pled to voluntary manslaughter?
18 A: Correct.
19 Q: And has he been sentenced?
20 A: No, he has not.
21 Q: All right. But there's -- for these pleas that these
22 people entered into, their part of the agreement was what?
23 A: That they must testify truthfully in this case as to
24 their statements and their involvement and what took place.
25 Q: Statements and interviews that they gave prior to a

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 plea agreement?

2 A: That is correct.

3 Q: Is that fair?

4 A: That's fair to say.

5 Q: So it's not like, hey, Bryant Bradley, we're going to

6 take your murder charge away and let you plead to something

7 else and then you're going to tell us what happened or

8 you're going to tell us what we want you to tell us because

9 we think that's how it happened. This is something he said

10 right after the murder; is that correct?

11 A: That's right.

12 Q: Similarly with John Wesley Stamps, the statement right

13 after the murder?

14 A: That is correct.

15 Q: I mean he gave a proffer later on, but he made his

16 statement right after the murder before anybody was even

17 arrested; correct?

18 A: That's correct.

19 Q: William Morgan is the only one who didn't give a

20 statement then, but gave it during a proffer?

21 A: That is correct.

22 Q: And at that point in time when the proffer is done,

23 again for the jury, is a plea deal in place?

24 A: No.

25 Q: Because did you know what William Morgan was going to

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 tell you during this proffer?

2 A: No, we did not.

3 Q: As part of law enforcement and you've been through
4 many of these cases with the prosecutor, on the part of law
5 enforcement is it important to know what a person is going
6 to tell you before you offer any type of plea deals?

7 A: That's correct.

8 Q: Because if you offer a plea deal and he comes in and
9 tells you I don't know nothing, is that any help to law
10 enforcement?

11 A: No, it's not.

12 MR. GOINGS: I beg the Court's indulgence.

13 Q: Well, let me ask you this. You were asked if it was
14 Apartment 9, that you were sure it was Apartment 9. The
15 fact that you may have the apartment number wrong and --
16 does that change the relation of that picture that you were
17 shown? The relationship to the apartments? The fact that
18 June James had an apartment to the ---

19 MR. KENT: Judge, objection to the leading. It's the
20 ---

21 THE COURT: Sustained.

22 MR. KENT: --- same question.

23 Q: Does it change the fact that 135 members were ---

24 MR. KENT: Still a leading question.

25 THE COURT: Sustained.

DETECTIVE BILLY LYONS - REDIRECT EXAMINATION BY MR. GOINGS

1 MR. GOINGS: He's not letting me finish, Your Honor.

2 Q: Was 135 in [REDACTED] Apartments?

3 A: Yes, they were.

4 Q: That diagram you were shown, is that the location of
5 that apartment?

6 A: Yes. Where I marked on the diagram is the apartment
7 that they operated out of.

8 Q: Whether it was Apartment 9 or something else?

9 A: That's correct. Where I -- the apartment I marked is
10 -- was June James' apartment.

11 Q: And that's in -- and Apartment 50 is the apartment you
12 marked on that map?

13 A: That is correct.

14 Q: And that map shows the relationship distance-wise;
15 correct?

16 A: Correct.

17 MR. GOINGS: I beg the Court's indulgence. Nothing
18 further from the State, Your Honor.

19 THE COURT: All right. Mr. Kent?

20 MR. KENT: Thank you.

21 RECROSS EXAMINATION

22 BY MR. KENT:

23 Q: All right. Let's go through this again. We didn't
24 finish William Morgan. He was originally -- if I'm not
25 mistaken, he was originally indicted for criminal

DETECTIVE BILLY LYONS - RECROSS EXAMINATION BY MR. KENT

1 conspiracy and accessory before the fact to murder; wasn't
2 he?
3 A: Yes. You have the indictment there.
4 Q: And all of that was dropped and all he pled to was a
5 pointing and presenting charge?
6 A: As a result of his proffer, yes, he was.
7 Q: Okay. And then John Wesley Stamps was originally
8 indicted for criminal conspiracy and murder. He's not
9 looking at those charges anymore; is he?
10 A: No. He's pled guilty and just looking at voluntary
11 manslaughter.
12 Q: And we say pled guilty and they say -- but he hasn't
13 been sentenced yet?
14 A: That's correct.
15 Q: So there's still something hanging over his head
16 depending on how he testifies?
17 A: Correct.
18 Q: Because we want him to testify consistent with -- I
19 think y'all said consistent with his statement that he
20 gave?
21 A: Correct.
22 Q: He gave two different or three different statements;
23 didn't he? Which one do you want him to be consistent
24 with?
25 A: Be consistent with what he told us in the proffer and

DETECTIVE BILLY LYONS - RECROSS EXAMINATION BY MR. KENT

1 what he told us in his statements.

2 Q: Okay. The last statement, the one that y'all took
3 down? You want him to be consistent with the third
4 statement he gave? Because he gave a statement right after
5 the murder; didn't he?

6 A: He gave a statement that night.

7 Q: And so he gave a statement, he signed it, he wrote
8 down, he says this is what happened, and you reviewed that
9 statement?

10 A: Right.

11 Q: And then you went back to him later and got a couple
12 of other statements; right?

13 A: We got -- he had -- he did a proffer.

14 Q: He did two other statements; didn't he?

15 A: He may have, yes.

16 Q: Okay. And so he gave a third statement finally for
17 y'all and then he has to testify consistently with the
18 third statement he gave, the statement that helps y'all
19 with your case against Mickey Johnson? And he hasn't been
20 sentenced yet; correct?

21 A: He hasn't.

22 Q: And his murder charge has been dismissed?

23 A: Yes. He's pled guilty to voluntary manslaughter.

24 Q: But he hasn't been sentenced and depending on how he
25 testifies is what we're going to tell the judge to give

DETECTIVE BILLY LYONS - RECROSS EXAMINATION BY MR. KENT

1 him; correct? Do you trust these individuals?

2 A: I don't trust.

3 Q: But do you believe them?

4 A: I believe -- I believe what they say is true.

5 Q: You believe what they say is true this time?

6 A: I ---

7 Q: The third statement that Mr. Stamps gave you, you

8 believe that one?

9 A: I believe that what they all said that Mickey Johnson

10 was in charge of that group, I do believe that.

11 Q: And you went to them and you told them you wanted them

12 to testify against Mickey Johnson to get the deal; correct?

13 I mean that's the whole point of this. We want y'all to

14 testify against Mickey Johnson. That's how you're going to

15 get your deal. Isn't that what we told them?

16 A: We wanted them to tell. I guess, yes.

17 Q: Okay. And that's the only way they would get their

18 deal is if they testified against Mickey Johnson that he

19 was the leader of the gang and that he ordered the

20 shooting. That's the only way they were getting these

21 deals?

22 A: They did a proffer ---

23 Q: That's the only way they were getting these deals?

24 MR. GOINGS: Objection, Your Honor.

25 THE COURT: Overruled.

DETECTIVE BILLY LYONS - RECROSS EXAMINATION BY MR. KENT

1 MR. GOINGS: May we approach?

2 THE COURT: Continue.

3 A: As a result of their testimony if they testified
4 truthfully to the events that occurred, which includes that
5 Mickey Johnson set this up, then yes, they would receive
6 the plea agreement that was entered into between them and
7 the Attorney General's Office.

8 Q: And the only evidence we have is their statements. So
9 the only way we know if they're true is by comparing the
10 statements of each other; correct?

11 A: Correct.

12 Q: So that's the only way we know. So we can pick and
13 choose, this statement is true, this statement is not true.
14 So we decided this one's true and that's the one we're
15 going with?

16 A: We went on based on everything that was getting it
17 done.

18 Q: Based on everything that was getting it done? So
19 let's start with John Stamps. He gave you a statement
20 originally and he didn't implicate Mr. Johnson, but that
21 wasn't good enough; was it? You needed to get two other
22 statements so he could implicate him.

23 A: He was -- he was already implicated.

24 Q: So you didn't believe Mr. Stamps' first statement?

25 A: I'm not saying we didn't believe it. It's just that

DETECTIVE BILLY LYONS - RECROSS EXAMINATION BY MR. KENT

1 he may not have been fully forthcoming with what took
2 place, but Mr. Johnson had already been implicated prior to
3 Mr. Stamps being interviewed.

4 Q: Based upon one of the other individuals who y'all had
5 interviewed, the shooter who is the murderer, the lookout,
6 and the getaway driver. Based upon one of those, we didn't
7 like we said so we wanted to change his statement?

8 A: No.

9 Q: Mr. Stamps?

10 A: No.

11 Q: We didn't like what he was saying. We didn't like his
12 first statement that didn't implicate anybody, so we
13 offered him a deal. We're going to drop your murder case.
14 Just testify for us against Mickey Johnson.

15 A: That's not how it happened.

16 Q: Well, is it safe to assume that y'all even thought
17 that these guys were easily manipulated, that these were
18 easily manipulated people, that they would do whatever
19 they're told, whatever? You know, if y'all tell them to
20 say something, they're going to say whatever you want
21 because they're easily manipulated; right?

22 A: They're easily manipulated by the defendant.

23 Q: And by y'all?

24 A: No.

25 MR. KENT: That's all the questions I have, Judge.

DETECTIVE BILLY LYONS - RECROSS EXAMINATION BY MR. KENT

1 THE COURT: All right. You may step down.

2 THE WITNESS: Thank you, Your Honor.

3 (Whereupon, the witness leaves the stand at 1:38 p.m.)

4 THE COURT: All right. Why don't we take a lunch
5 break? Everybody be back at 2:45. All right. And as I've
6 told you before, do not discuss the case among yourselves
7 or with your family members or anybody on the street and do
8 not investigate the case. Do not watch or read the news.
9 Just have lunch, relax, come back after you get yourself
10 something to eat. Everybody else remain seated while the
11 jury is excused.

12 (Whereupon, the jury exits the courtroom at 1:39 p.m.)

13 THE COURT: All right. We'll be back in an hour.

14 MR. KENT: Thank you, Judge.

15 THE COURT: Thank you.

16 (Whereupon, there is a break in the proceedings from
17 1:39 p.m. until 2:51 p.m.)

18 THE COURT: All right. Mr. Goings?

19 MR. PAULING: He's out, but I've got the next witness,
20 Your Honor.

21 THE COURT: Go ahead and bring in the jury.

22 (Whereupon, the jury enters the courtroom at 2:52
23 p.m.)

24 THE CLERK: Your Honor, we have all the jurors present
25 in the courtroom.

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 THE COURT: Thank you. Call your next witness.

2 MR. PAULING: Thank you, Your Honor. At this time,
3 the State would call Ms. Annesia Allen.

4 THE CLERK: Place your left hand on the Bible and
5 raise your right hand. State your name, please.

6 THE WITNESS: Annesia Allen.

7 THE CLERK: Do you solemnly swear or affirm your
8 testimony to the Court shall be the truth, the whole truth,
9 and nothing but the truth, so help you God?

10 THE WITNESS: Yes, I do.

11 THE CLERK: Thank you. Have a seat up here, please.
12 Please state your full name and spell your last name for
13 the record.

14 THE WITNESS: Annesia Allen, A-L-L-E-N.

15 ANNESIA ALLEN, being first duly
16 sworn, testifies as follows:

17 DIRECT EXAMINATION

18 BY MR. PAULING:

19 Q: How are you doing, Ms. Allen?

20 A: I'm fine. How are you?

21 Q: Very good. Ms. Allen, could you tell the jury, ma'am,
22 where you live at this time? Do you live in Sumter?

23 A: Yes, I do reside in Sumter.

24 Q: Okay. Have you lived in Sumter all your life?

25 A: No. I'm originally from north New Jersey. I came

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 down in '06.

2 Q: Okay. I'm going to ask, Ms. Allen, if you could and
3 just speak just a little bit just so everyone in the jury
4 can hear you.

5 A: All right.

6 Q: If you can't hear me, please let me know and I'll try
7 to be louder as well.

8 A: Okay.

9 Q: You're originally from New Jersey; is that correct?

10 A: Yes.

11 Q: Okay. And when did you move from New Jersey?

12 A: In '06. I came down in July of '06.

13 Q: And why did you move from New Jersey?

14 A: Just got tired of the violence. It -- I had two
15 teenagers so I just felt like it wasn't no place to raise
16 no teenagers. So me and my mom -- and then I'm the only
17 child so we just decided to relocate.

18 Q: All right. And so you relocated to Sumter; is that
19 correct?

20 A: Yes.

21 Q: Okay. And who all came with you? You said your
22 mother and your two teenagers?

23 A: Me and my mom, my little foster brother, and my two
24 children.

25 Q: And when you came to Sumter, where did you reside?

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: We stayed on Artesian Drive down on 15 South.
- 2 Q: And how long did you live there?
- 3 A: We stayed there about five months and then we moved to
- 4 Manning Avenue and my mother put in for housing and her
- 5 housing went through and we moved to [REDACTED] Apartments
- 6 in Number 34. So I put in my own application for my
- 7 apartment and I was accepted and I moved into Number 50.
- 8 Q: Okay. When your mother moved into Apartment 34, were
- 9 you living with her at 34 at any ---
- 10 A: Yes.
- 11 Q: --- period of time?
- 12 A: Yes.
- 13 Q: Okay. And when about was that that you were living in
- 14 Apartment 34 with your mother?
- 15 A: From April of 2007 until May of 2008.
- 16 Q: And were you working at that particular time?
- 17 A: Not right then. I started working in May of 2008 at
- 18 The Item.
- 19 Q: Okay. And The Item, is that the Sumter Item?
- 20 A: Yes.
- 21 Q: Is that the local newspaper?
- 22 A: Yes.
- 23 Q: Okay. Now, eventually you moved into Apartment 50?
- 24 A: Yes.
- 25 Q: Okay. And who was living with you at Apartment 50?

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 A: At the time, it was just me and my son.
2 Q: Okay. You and your son?
3 A: Yes.
4 Q: Okay. And again, you began working at the -- at The
5 Item; is that correct?
6 A: Yes.
7 Q: And did you continue to live there by yourself?
8 A: Yes, I did for a while.
9 Q: For a while?
10 A: Yes.
11 Q: Okay. What changed?
12 A: I met Adrian.
13 Q: Okay. And you speak of Adrian. Adrian Davis?
14 A: Yes.
15 Q: Okay. The victim in this case?
16 A: Yes.
17 Q: Can you tell the members of the jury how you met
18 Adrian?
19 A: We met on Black Planet social network. We met. We
20 went out on a few dates and we enjoyed it and we had fun
21 and we just basically fell in love and that was it.
22 Q: About how long after you moved into Apartment 50 did
23 you and Mr. Davis begin dating?
24 A: About two and a half years I was staying there before
25 me and Dre moved. I call him Dre. I'm sorry. Before I --

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 we moved in together.

2 Q: And when about did you and Dre move in together? When
3 did he move into Apartment 50 with you?

4 A: I want to say around August 2010, if I'm not mistaken.
5 Somewhere up in there.

6 Q: And Dre, was he -- was he working at that particular
7 time?

8 A: Yes.

9 Q: Okay. Where? Where was he working?

10 A: He was working at the Pizza Hut on 441. He was a
11 shift manager.

12 Q: A shift manager?

13 A: Yes.

14 Q: Okay. And could you kind of describe to the -- to the
15 jury what was it like out at [REDACTED] Apartments?

16 A: In the beginning, it was -- it was -- it was
17 comfortable. It was a nice area. Like I said, in the
18 beginning. No -- no violence, you know. There would be
19 people out there. They have a curfew and so after eleven
20 o'clock if you didn't have a permit to be -- a visitor's
21 pass to be out there, you know, you wasn't allowed out
22 there after eleven o'clock. But other than that, it was --
23 it was okay.

24 Q: And at some point, Ms. Allen, did that -- you said at
25 first, so at some point did that change?

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: Yes.
- 2 Q: Okay. And when about did you notice the changes?
- 3 A: When a neighbor -- well, when an occupant moved across
- 4 the street into the other -- the other apartment.
- 5 Q: Okay. And do you know who that is or what apartment
- 6 are you referring to?
- 7 A: June apartment. June's apartment.
- 8 Q: June's apartment? You knew her as June?
- 9 A: Yeah.
- 10 Q: Okay.
- 11 A: I didn't really socialize with her because she just
- 12 was always loud and obnoxious to me so I just didn't
- 13 associate myself with her.
- 14 Q: And in relation to your apartment, if you were to walk
- 15 out the front door to your apartment, Apartment 50, how
- 16 would you get to -- to June's apartment?
- 17 A: It's diagonal across the street. Diagonal.
- 18 Q: Now, do you recall about when it was that she -- she
- 19 moved into [REDACTED] Apartments?
- 20 A: I'm not sure. I'm not sure.
- 21 Q: Now, Ms. Allen, specifically, I want you to go back to
- 22 March 22nd of 2011. Do you remember that -- that day,
- 23 ma'am?
- 24 A: Clearly.
- 25 Q: Clearly? Do you recall what you did that day or what.

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 you were planning on doing that particular day?

2 A: I had some friends over that day. So we was in the
3 house and I was on the computer and I had my curtains open
4 so -- and my front door was open so I could see. I could
5 see out the door and out the window.

6 Q: Okay. And if you're looking out your door, is there
7 -- is it like a -- I would say courtyard area? Well, if
8 you're looking out your front door, what apartments would
9 you see or what do you see out front?

10 A: From looking out of my door, I could see from
11 Apartment 2 on down to Number 16.

12 Q: Okay. And you said you had some friends over. Did
13 you go outside at any point or were you just looking out
14 the window?

15 A: We was just looking out the door, out the window,
16 yeah. Well, like I said, the computer was right there by
17 my window in-between the window and the door so I could sit
18 right there at my computer and I could see out my window
19 and I could see out my door.

20 Q: Okay. Now, that particular day on March 22nd, could
21 you describe for the jury -- well, what did you see across
22 the way? What was going on across the way?

23 A: From -- from my -- from where I was sitting at, my
24 door was open so I could see directly across over to June's
25 apartment and it was a lot of activity going on over there.

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

- 1 There was a lot of people in the yard. They was lifting
2 weights or physical activities. They was drinking, playing
3 around, slap boxing or whatever they call it.
- 4 Q: Well, was it odd for you to see that over at that
5 particular apartment?
- 6 A: No, no.
- 7 Q: And those individuals that were over there, was there
8 anything -- anything similar about them? I say similar
9 about them. Was there any particular thing they were
10 wearing that was consistent?
- 11 A: Yeah. I mean it was obvious that I could tell that
12 they were thugs. I mean they had the bandannas. They was
13 wearing their colors.
- 14 Q: Okay. So wearing their colors, what colors were they
15 wearing?
- 16 A: Red.
- 17 Q: And you've seen that before?
- 18 A: Oh, yeah.
- 19 Q: Now, other than those individuals lifting weights and
20 physical activity, what else occurred?
- 21 A: I'm sorry?
- 22 Q: What else happened? You said they were lifting
23 weights and there was some physical activity and slap
24 boxing?
- 25 A: Yeah.

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 Q: What else happened that day?

2 A: Some -- some young boys had went to another young
3 boy's funeral and they parked in front of Number 4. Like I
4 said, where I was sitting at, I could see everything out my
5 window. So I saw them when they pulled up to Number 4 and
6 got out the car and they was -- came -- they was walking
7 across the street, but they was walking as if they was
8 upset and they was talking about how hypocritical the
9 preacher was being as far as what they wore to the boy
10 Boobie's funeral.

11 Q: Let me ask you this. What were they wearing?

12 A: They had on black shorts and a white shirt with
13 Boobie's picture on the front and picture on the back.

14 Q: Okay. As they walked across, what happened? If they
15 were just walking the street there in the complex, what
16 happened?

17 A: The boys that was over at June's location, they must
18 have spotted the boys or whatever the case may be and one
19 of them was leading the group over there and the rest of
20 them was behind him and he came up to them and just said
21 something to the nature of let me holler at you. So the
22 boy said okay, go ahead. What you want to holler at me
23 about? So he was like, no, come here, let me holler at
24 you. So he was like, all right, go ahead.

25 Q: And let me slow you down, Ms. Allen. At this point,

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 are you still inside ---
2 A: Yes, I'm still ---
3 Q: --- the apartment?
4 A: --- inside, but I'm at the door now.
5 Q: Okay. So you're actually going -- and you can hear
6 this conversation going on?
7 A: I could hear it, I could see it, yes.
8 Q: Okay. Are they talking in a normal tone like you are?
9 Is there yelling going back and forth? What's ---
10 A: No. It wasn't yelling at that time.
11 Q: Okay.
12 A: It was -- it was a normal tone, but you can tell that
13 it was some tension there.
14 Q: Okay. And then what happened?
15 A: And so the guy asked him come -- come and let me
16 holler at you. Come walk around here with me. So they
17 went around on the side of my building. Now, what was said
18 when they went around on the side, I don't know, but all I
19 know is they came back and one of the boys -- one of the
20 young boys, he was just like okay, I done said what I had
21 to say. Ain't nothing else left to be said. That's it.
22 Q: When you say one of the young boys, is this one of the
23 individuals who was dressed in black?
24 A: Yes.
25 Q: Okay.

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: Yes.
- 2 Q: And he says I don't have anything else to say?
- 3 A: Yeah.
- 4 Q: And then what happens?
- 5 A: They got up in each other's face. So that's when one
- 6 of the guys that was in my mouse, you know, him and along
- 7 with June's boyfriend, you know, he said ---
- 8 Q: Do you know who June's boyfriend is?
- 9 A: I can't remember his name.
- 10 Q: Okay.
- 11 A: But, you know, they told him, man, y'all go ahead and
- 12 get from in front of this lady's house, you know. We got
- 13 to stay out here. So one of the boys that was at June's
- 14 location, he put it out there like I don't give a F ---
- 15 Q: All right. Let me -- let me ask you this. You said
- 16 in front of this lady's house. Which -- who were they
- 17 speaking of?
- 18 A: Mine.
- 19 Q: In front of Apartment 50?
- 20 A: Yes.
- 21 Q: So now because they've come around the side of your
- 22 house, they're in front of your house?
- 23 A: In front of my door, yes.
- 24 Q: Okay. And after all that is stated, where did they
- 25 go?

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: The boys -- you know, the boys left. They was like
2 okay, we can respect that, and they left. They got in
3 their vehicle and they left. The boys that was at June's
4 house, they went back across the street and started doing
5 what they was doing.
- 6 Q: Okay. About what time of the day was this when all
7 this was occurring?
- 8 A: Three -- three -- four, something up in-between that
9 area.
- 10 Q: Was it still light out?
- 11 A: Yeah. It was still day.
- 12 Q: Okay. And did you have any conversation with the
13 individuals or this something you're -- you're just
14 listening to at this point?
- 15 A: No. I didn't have no conversation with neither side.
- 16 Q: Okay. And then you go back into your apartment?
- 17 A: Yes. I go back into my apartment.
- 18 Q: Now, you know, I asked you, Ms. Allen, what you were
19 doing that particular day or what you planned on doing that
20 day. As far as Dre is concerned, was he there at -- there
21 at that particular time?
- 22 A: No. He was at work.
- 23 Q: Okay. Do you remember about what time he would have
24 gone to work that day?
- 25 A: He went to work about nine -- nine that morning

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 because I think he had to open up at ten. So I think it
2 was about nine when he left that morning.

3 Q: Okay. And now, after the individuals left, the
4 individuals who were wearing black and the boys who were at
5 June's apartment, after they separated, the other boys got
6 back in their car and left, did you see those individuals
7 again?

8 A: The ---

9 Q: The ones who had -- who had left?

10 A: Yes.

11 Q: Who were dressed in black?

12 A: Yes, I did.

13 Q: Okay. About how long after this particular
14 altercation -- verbal altercation happened did that occur?

15 A: About twenty -- between twenty and twenty-five, thirty
16 minutes.

17 Q: Okay. And if you can, describe for the jury -- and
18 you're still in your apartment?

19 A: Yes. I'm still in my apartment. The door was still
20 open.

21 Q: Tell the jury what happened when they returned?

22 A: They returned and -- they returned and there was like
23 two, three carloads. They didn't pull up in front of my
24 door. They pulled up like two, three complexes -- two to
25 three complexes down from my unit and they got out the car

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 and I guess the boys that was across the street at June's
2 house must have saw them when they pulled up and got out
3 and they just started walking down on the grass saying,
4 what's up, what's popping. And so the other boys that
5 pulled up, they got out and was like, yeah, what's up,
6 what's cracking. So the next thing I know, the shooting
7 started.

8 Q: Okay. I'll hold you there. When they meet up -- when
9 they eventually meet up, where are they when they -- when
10 they come together in relation to your apartment?

11 A: The boys in the black are in the middle of the street.
12 The boys that was at June's house was walking on her side,
13 but they was still on the grass walking down the street on
14 the grass.

15 Q: Okay.

16 MR. PAULING: May I approach the witness, Your Honor?

17 THE COURT: Sure.

18 MR. PAULING: May the witness step down, Your Honor?

19 THE COURT: Yes.

20 MR. PAULING: Just briefly. Your Honor, this is
21 State's 3.

22 (Whereupon, the exhibit photograph is displayed on the
23 courtroom monitors.)

24 Q: Ms. Allen, if you could, step this way.

25 (Whereupon, the witness complies.)

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 Q: Where I'm pointing here is Apartment 50, your
2 apartment?

3 A: Yes.

4 Q: Okay. Where about would the two groups have met?

5 A: My apartment is here. The boys was like right down
6 here. The boys in the black was here. The boys that was
7 at June's house was walking right down this way. They was
8 still on the grass, but they was walking that way.

9 Q: Okay. And then where did they eventually meet before
10 the shooting began?

11 A: The boys in the black, they eventually got in the
12 street.

13 Q: Okay.

14 A: And the boys that was at June's house, they stayed on
15 the sidewalk before when they started shooting. They was
16 still right up in here and they started shooting.

17 Q: Okay. You can take your seat, ma'am.

18 (Whereupon, the witness complies.)

19 Q: Now, Ms. Allen, if you could, describe to the jury --
20 explain to the jury what happened. What did you observe
21 just before the shooting happened?

22 A: They was in -- the boys in the black had got in the
23 street. So one of them from June's house walked -- was
24 walking along the grass where I showed you and he pulled
25 out a gun and he cocked it back. Another one walked up

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 alongside of him while they were still having words with
2 the boys.

3 Q: All right. Let me stop you. Because one individual
4 was with the boys with June's group was in red; is that
5 correct?

6 A: Yes.

7 Q: So he -- he cocked the gun?

8 A: He pulled out the gun and cocked it.

9 Q: Okay. Did anybody from the other group do anything?
10 The group that was in black?

11 A: I don't know whether they pulled out a gun and now I'm
12 quite sure they did. I'm not sure though.

13 Q: But did you see them pull out a gun?

14 A: No.

15 Q: Okay. Then what happened, ma'am?

16 A: And somebody that was walking alongside the one that
17 pulled out the gun snatched the gun from him and started
18 firing at the boys in black.

19 Q: Did the boys in black return fire?

20 A: Yes, they did.

21 Q: About how many shots do you remember firing off? If
22 -- if you can remember.

23 A: I can't remember because I slammed my door after that.

24 Q: Okay. Do you know how long the gunfire lasted? And
25 if you don't know, that's fine. I'm just ---

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: No.
- 2 Q: Okay. Once you went into your apartment and slammed
3 the door, what did you do?
- 4 A: I got on the phone and called 9-1-1.
- 5 Q: Okay. And did law enforcement respond?
- 6 A: They did.
- 7 Q: Okay. And did you go back out of your apartment once
8 the police arrived?
- 9 A: No.
- 10 Q: Okay.
- 11 A: I opened my door back once they arrived.
- 12 Q: Okay. And once law enforcement had gotten there and
13 you opened your door, did you see any of the individuals
14 who were involved in the shootout still around?
- 15 A: Some of them were still in the back of June's
16 apartment, but the police didn't go back. They didn't go
17 behind her house.
- 18 Q: But you could see them behind June's apartment?
- 19 A: No. I saw them when they went back. I saw them when
20 they went behind her apartment.
- 21 Q: Okay. Before the police got there?
- 22 A: Before the police got there.
- 23 Q: And did you speak with the police at that particular
24 point?
- 25 A: No.

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 Q: Okay. You stayed inside? You had your door open, but
2 you stayed inside?

3 A: Yes.

4 Q: Why was that?

5 A: Because them boys was still out there.

6 Q: Okay. You saw -- you knew they were back there, but
7 the police didn't?

8 A: Exactly.

9 Q: Okay. And now, as far as -- you said you called
10 9-1-1. Did you -- did you talk to anybody else or did you
11 tell anybody else what had happened out there?

12 A: I texted Dre and I told him ---

13 Q: Okay.

14 A: --- that they was shooting out there. We was texting
15 back and forth.

16 Q: And he was still at work at Pizza Hut that night?

17 A: Yes.

18 Q: And did the police eventually leave?

19 A: Yeah, eventually. Yeah, they left.

20 Q: And do you recall about what time that was when they
21 left?

22 A: It wasn't even -- they wasn't out there a good five
23 minutes from -- from where the boys was shooting at, they
24 didn't walk that far down to see was any shell casings
25 there.

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Okay. Now, after the police left, what did you do?
- 2 A: I stayed in the house and the sun started going down
- 3 so everything kind of died down. So, you know, I went and
- 4 sat in my yard.
- 5 Q: Did you do anything else that evening? Did you meet
- 6 with anyone else or go anywhere?
- 7 A: No, not until the lights went out.
- 8 Q: Okay. When you say the lights went out, the lights in
- 9 your apartment went out or what happened?
- 10 A: No. The lights in the complex went out.
- 11 Q: Okay. So the power -- the power went out?
- 12 A: Yes.
- 13 Q: Do you know about -- about what time that was?
- 14 A: It was about ten.
- 15 Q: Okay. And at that point -- well, let me ask you this.
- 16 Is Dre back home yet?
- 17 A: Dre hadn't got home yet. He got home right after the
- 18 lights came back on.
- 19 Q: Okay. So the lights go out. Are you still -- were
- 20 you still sitting in your front yard? Were you out? Were
- 21 you in your apartment?
- 22 A: I'm sorry. Excuse me. The lights went out about
- 23 9:45.
- 24 Q: Okay. And where were you when the lights went out?
- 25 A: I was in the house and when the lights went out,

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 everybody was outside sitting on their porch. So I went to
2 Number 21 to one of my neighbor's house and I was sitting
3 out on the porch with her.

4 Q: Okay. And y'all were -- were y'all just talking and
5 chatting?

6 A: Yeah. We was just talking.

7 Q: Okay. Did y'all talk anything about what had happened
8 earlier out at the complex?

9 A: Actually, we did. She mentioned it, you know, but she
10 was like, she went -- after she heard the gunshots, you
11 know, she got her kids and went in the house.

12 Q: Her children were outside when ---

13 A: Yes.

14 Q: --- the shooting began?

15 A: Yes.

16 Q: Who was that, ma'am?

17 A: Hope Richardson.

18 Q: Okay. And now, how long were you out there speaking
19 to Hope?

20 A: Until about maybe like 10:20.

21 Q: Had the power come back on yet?

22 A: Yeah. The lights came back on about 10:15 and around
23 that time, Dre had pulled up to -- pulled up in front of
24 our house.

25 Q: Okay. And once he got home, what did y'all do?

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 A: He -- he went in the house. Where Hope stay, I could
2 see who pulls up to my house in front of my house from her
3 house. So I saw him when he pulled up. So he called me
4 and asked me was I okay and I was like, yeah, some -- yeah,
5 I'm good. I said, I'm right around here to Hope's house.
6 He said, yeah, I just wanted you to know I'm home. I said,
7 yeah, I saw you when you pulled up. So he asked me who was
8 shooting and I was like I don't know who that is. I said
9 all I know is they was in front of the house with it.

10 Q: And did you leave Hope's house and then -- and then
11 eventually -- and come home?

12 A: Yes, I did.

13 Q: And once you got back home, so you and Dre -- was
14 anybody else there with you?

15 A: There was a girl that stayed down a little further
16 down from Hope. Her name is Tonice.

17 Q: Okay.

18 A: She was -- she came down to the house, too.

19 Q: And with Tonice, was she just hanging out with you all
20 or what?

21 A: Well, actually, she had cooked on the grill that day.

22 Q: Okay.

23 A: And I had told her to bring me some shrimps.

24 Q: Okay.

25 A: So she had brought me a plate down to Hope's house and

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 I had to use the bathroom so I told Hope that I was going
2 home and I'll be right back. So Tonice followed me home so
3 she was on her phone texting. So I had to use the bathroom
4 so I hurried up and went on in the house.

5 Q: Okay. And once you got home, it was you and Dre and
6 Tonice. What did y'all do at that point? What were y'all?

7 A: Dre is sitting at the computer. I walk in the house
8 and I speak and I go to the bathroom. By the time I came
9 back out the bathroom, Tonice was sitting on our -- on the
10 sofa, which was like by the door. And I came out the
11 bathroom and Dre was at the computer and I was standing up
12 behind him and we had a few jokes, a few words, and then
13 somebody knocked at the door.

14 Q: Okay. I'll hold you there, Ms. Allen.

15 MR. PAULING: And, Your Honor, if the witness can step
16 down one more time?

17 THE COURT: All right.

18 (Whereupon, the witness complies.)

19 (Whereupon, State's Exhibit Number 5 is shown on the
20 courtroom screens.)

21 Q: Ms. Allen, I'm going to just have you stand here. I'm
22 going to show you State's 5, ma'am, and you were saying
23 that Dre was sitting at the computer. In this picture ---

24 A: He was sitting here.

25 Q: Sitting here?

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 A: Yes.

2 Q: Okay. And where would you have been standing?

3 A: Behind him. There was a chair right here. He was

4 sitting in the chair and I was standing right behind him

5 and the chair.

6 Q: Okay.

7 (Whereupon, State's Exhibit Number 4 is shown on the

8 courtroom screens.)

9 Q: State's 4, is this just another ---

10 A: I was standing right there behind him.

11 Q: Okay.

12 A: Standing up behind him.

13 (Whereupon, State's Exhibit Number 5 is shown on the

14 courtroom screens.)

15 Q: Again, State's 5, this would be looking out?

16 A: The door. That's the door.

17 Q: Of your apartment there?

18 A: Yes.

19 Q: The front door there? Okay. And you said there was a

20 knock at the door?

21 A: There was a knock, yes. At the screen door, not the

22 main door, but the screen door.

23 Q: Okay. And what happened at that point?

24 A: (No audible response.)

25 MR. PAULING: Ms. Allen, ma'am, you can -- you can --

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 you can take a seat. Judge, can we just have a moment?

2 THE COURT: Yes, sir.

3 MR. PAULING: Ms. Allen, just take your time. Just
4 take a moment.

5 (Whereupon, there is a pause in the proceedings.)

6 Q: Okay?

7 A: He knocked on the screen door.

8 Q: And were you expecting anybody at that time?

9 A: No, no, no. It was just odd that somebody would knock
10 on the screen door so we still didn't think nothing of it.
11 So I opened the main door and he was standing at the screen
12 door and I noticed he was standing at an angle with one
13 hand behind his back, but I still didn't pay him no
14 attention. And he just looked at me in my face and said,
15 hey, how you doing.

16 Q: So he greeted you?

17 A: Yeah, he greeted me. And I said, hey, how are you,
18 and before I got through with that he just came from around
19 his back and aimed at Dre and shot one time and I slammed
20 the door and locked it. And Dre fell out the chair and he
21 was on his stomach and he just started using his arms and
22 he just started scooting and he just stopped and he was
23 just looking at me and I got on the phone with 9-1-1 and I
24 told them to send somebody, my boyfriend just been shot.
25 And I'm telling him, baby, hold on, hold on, they're

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 coming. And he was looking at me and it was like he would
2 take a deep breath, but he'll hold it so long I thought
3 that was his last breath.

4 So I'm telling him, Dre, Dre, don't do this. Hold on,
5 baby, they're coming. Just hold on. He'll exhale and then
6 he'll take another deep breath. So now, I'm seeing blood.
7 He's on his stomach, like he's laying on the left side of
8 his face and I'm seeing the blood so I'm thinking he's shot
9 in his face. Then the next thing I know I saw some lights
10 and the girl, Tonice, she jumped up like she was getting
11 ready to open the door and I said no, don't open the door.
12 She was panicking, too. Then I just saw a lot of blue
13 lights and I went up to the window and I looked out the
14 window and there was a police officer coming up to the
15 window with his gun drawn. I looked back at him on the
16 floor and I said, baby, they're here.

17 So I opened the door and the police came in and he
18 said I had to get out and so I said, no, I'm not going to
19 leave him. So he said, ma'am, we need to secure the crime
20 scene. So then he took me outside and that's it.

21 Q: Now, Ms. Allen, the individual that knocked on your
22 door, that the same individual who shot Dre, at some point
23 did you talk to law enforcement?

24 A: Yeah. Yeah. They took me to the police station and
25 they talked to me and gave me a GSR to ---

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 Q: Well, let me ask you this, ma'am. The person though
2 that came to the door, did you talk to law enforcement
3 about that individual? Were you asked to identify that
4 individual?

5 A: Yes.

6 Q: Okay. And were you able to do so?

7 A: Yes.

8 Q: And do you recall having seen that individual earlier
9 that day?

10 A: Yes, I do.

11 Q: Okay. And where about did you -- just where about did
12 you see that individual earlier that day?

13 A: In the middle of the street. He made it very clear
14 ---

15 Q: Well, let me -- let me ask you this. I just -- all I
16 need to know is where did you see that person?

17 A: In the middle -- he was at June's house.

18 Q: He was at June's house? Was he with the -- he was
19 with that same group?

20 A: Yes.

21 Q: Was he wearing red?

22 A: Yes.

23 Q: Okay. Now, earlier you mentioned that when the
24 shooting occurred, there was an individual who was over at
25 June's house who actually drew the weapon and cocked the

ANNESIA ALLEN - DIRECT EXAMINATION BY MR. PAULING

1 gun, and then you said another individual took the gun from
2 him. That particular individual, is that person here
3 today?

4 A: Yes.

5 Q: And, Ms. Allen, could you point that person out?

6 A: The defendant.

7 Q: And what is he wearing?

8 A: A blue shirt.

9 MR. PAULING: Your Honor, for the record, I'd like the
10 record to reflect that Ms. Allen has indicated the
11 defendant, Mr. Mickey Johnson. I beg the Court's
12 indulgence. Thank you, Ms. Allen. I have no further
13 questions. Please answer any questions Mr. Kent may have
14 for you.

15 THE COURT: Mr. Kent?

16 MR. KENT: Thank you, Judge.

17 CROSS EXAMINATION

18 BY MR. KENT:

19 Q: Ms. Allen, how are you?

20 A: All right.

21 Q: And I know this is difficult and I'm sorry for what
22 you're going through and I'll try to make this as quick and
23 painless as possible. Okay? I'm very sorry that you lost
24 your boyfriend. I can't imagine going through what you're
25 going through right now. Just take some water. Take your

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 time. I'm not going to yell at you or anything like that.
2 So we'll try to make this as painless as possible. First
3 question -- and I apologize for this. Could you pronounce
4 your first name for me because I keep butchering it? I've
5 called you Amnesia. I've called you Nesia. I've called
6 you everything. How do you pronounce your first name?
7 A: Annesia.
8 Q: It's Annesia? And you go by Neecy?
9 A: Yes.
10 Q: Everybody calls you Neecy?
11 A: Yes.
12 Q: Okay. And, Neecy, I'm just going to go briefly about
13 everything that happened that day and I know you get tired
14 of reliving it, but it will be done in a very, very short
15 minute. Okay? Originally, do you remember giving a
16 statement to law enforcement? Do you remember when they
17 came down and they gave you a statement to review?
18 A: Yes.
19 Q: Okay. And you were giving a statement and you were
20 talking a little bit about everything that happened over in
21 [REDACTED] that day. Do you remember that?
22 (Whereupon, the witness nods.)
23 Q: Say yes or no because this lady is taking down every
24 word you're saying ---
25 A: Okay. Yes.

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 Q: --- and she can't take down head nods and shakes. So
2 you need yes and no and talk to her if you can. Okay?

3 A: Yes, I do.

4 Q: All right. I'm going to ask again just so we make
5 sure. Do you remember giving a statement to law
6 enforcement?

7 A: Yes, I do.

8 Q: Okay. And you gave a detailed statement to law
9 enforcement telling pretty much everything you remember
10 happening that day?

11 A: Yes, I did.

12 Q: Okay. When you were asking a question -- the
13 prosecutor was asking you something, had you recognized
14 that individual who shot your man earlier, and you started
15 to say something like he made it very clear. I saw him
16 earlier; he made it very clear. What were you about to say
17 before you were cut off?

18 A: He got in the middle of the street and yelled ain't
19 nobody going to say nothing, ain't nobody going to say a
20 mother F-ing thing. I'll murder me a bitch and all of
21 that.

22 Q: Okay. And that was the person who came to your house
23 later that same night?

24 A: Yes.

25 Q: So earlier in the daytime, you heard this person who

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 murdered your boyfriend, you heard him earlier say that he
2 was going to murder somebody?

3 A: If somebody said something.

4 Q: If somebody said something. Okay. And you're
5 positive this was the same person who came to your house
6 later that day?

7 A: Yes.

8 Q: Okay. And I want to talk about earlier that morning.
9 They were asking you questions about the person who pulled
10 the gun and could you identify him. Now, in your statement
11 you weren't able to identify the person who had pulled the
12 gun. Do you understand what I'm saying? Earlier that day
13 when these kids were out there shooting at the rival gang
14 as we called it? Do you understand what I'm saying? And I
15 don't -- make sure you understand so I don't want to
16 confuse you. Do you understand what I'm saying? From
17 earlier, your testimony was you were watching everything
18 from your apartment in Apartment 50?

19 A: Yes.

20 Q: And you remember you said you were watching everything
21 in Apartment 50 and the gangs were getting into it with
22 each other. The groups were getting into each other. One
23 was wearing all black and one was wearing another color.
24 Do you remember that?

25 A: Yes.

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

- 1 Q: And you had testified that somebody picked up one of
2 the guns and then somebody else took it from them?
- 3 A: Yes.
- 4 Q: Do you remember that?
- 5 A: Yes.
- 6 Q: Okay. And then in your statement, you said some guy
7 who I didn't know basically took the gun from him. Do you
8 remember that or did you actually know the person who took
9 the gun?
- 10 A: I don't know him. I've seen him out there.
- 11 Q: Okay. Were you able to pick him out of a line-up or
12 anything of that nature? When is the first time you
13 identified him to law enforcement? Or did you ever
14 identify him to law enforcement?
- 15 A: I identified him through pictures.
- 16 Q: They gave you a line-up?
- 17 A: Not a line-up.
- 18 Q: They didn't give you a line-up at all?
- 19 A: No.
- 20 Q: Okay. Tell me what happened? What did they do?
- 21 A: They just showed me a photo and asked me did I
22 recognize any of them?
- 23 Q: They showed you one picture? Tell me about that, if
24 you could just go through it with me. Tell me what they
25 did?

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 A: They showed me a photo with a few of them in the
2 picture and I was like he was there and he was there and he
3 was there. That's the one that pulled out the gun and
4 that's the one that grabbed the gun.

5 Q: Okay. So they just gave you just like a photo? Just
6 like a photo with a bunch of people in it?

7 A: Yeah.

8 Q: And just asked you who was out there and who wasn't
9 there?

10 A: Asked me did I recognize any of them that was out
11 there.

12 Q: They asked you if you recognized anyone who was out
13 there that day? Who did that line-up with you?

14 A: I'm not sure.

15 Q: You don't remember? And I'm sorry. It's not your
16 fault. I'm just trying to make sure I understand. From
17 that, did they talk about that these people were definitely
18 out there? Tell me exactly what these officers told you
19 that time?

20 A: What do you mean?

21 Q: I'm just trying to figure out what everybody told you
22 when they were showing you those pictures. When they
23 showed you the line-up I mean.

24 A: I mean they didn't tell me anything. They just asked
25 me did I -- could I -- did I see any of these guys out

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 there. Were any of them out there? They didn't coerce me
2 or nothing like that in anything.

3 Q: No. I understand. I'm just trying to ---

4 A: They asked me was any of them out there and I pointed
5 them out, the ones that was out there.

6 Q: Okay. Did they ask you about the person who pulled
7 the gun out earlier?

8 A: Did they ask me about him?

9 Q: Yeah. Did the person who pulled the gun ---

10 A: Did they ask me did I know him or ---

11 Q: Yeah. Yes, ma'am.

12 A: No.

13 Q: They didn't ask you about that?

14 A: No.

15 Q: Okay. Did you ever write down and say the person who
16 pulled out the gun there earlier was Mickey Johnson or
17 anything of that nature?

18 A: No.

19 Q: Okay. They never asked you anything of that nature?

20 A: No. First of all, I didn't know his name.

21 Q: Okay. So how did you identify him? When was the
22 first time you ever identified him for law enforcement?

23 A: When I saw the photos.

24 Q: When you saw that one photo and they showed it to you?

25 A: Yeah.

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 Q: Thank you so much.

2 MR. KENT: Judge, I have a matter that I need to take
3 up without getting up there if I can avoid that.

4 THE COURT: Members of the jury, if you would, step
5 into the jury room for just a moment. Do not discuss the
6 case.

7 (Whereupon, the jury exits the courtroom at 3:29 p.m.)

8 THE COURT: All right. Mr. Kent?

9 MR. KENT: Thank you, Judge. The line-up that I'm
10 hearing that -- and it may be okay, but the line-up that
11 I'm hearing about or whatever they want to call it, first
12 time I'm hearing about it, of course, is through this
13 witness. I don't think she's motivated to lie or anything
14 of that nature, but in the necessity of protecting the
15 record, I need to look deeper into it because I've never
16 been told that she was shown any form of a line-up and it
17 sounds like she wasn't shown a line-up. It sounds like she
18 was shown one picture and told by them who was in the
19 picture, which is clearly inadmissible because it might be
20 a question based upon that now if that's how she was able
21 to identify Mr. Johnson today. It's not a permissible
22 line-up. It's not done the proper way.

23 More important, this is the first time I'm ever
24 hearing about it. It's nowhere in the statement. It's
25 nowhere in the discovery that she was shown any type of

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 identification and asked who are these individuals who were
2 out there that day. Can you identify them? None of that
3 has ever been turned over. I think it's discoverable
4 because at the very minimum I wouldn't have asked the
5 question because I would have known about it.

6 And the reason I bring it up, Judge, is because when
7 you go through her statement -- and I believe she's telling
8 the complete truth. I have nothing to challenge her
9 veracity, but when you're preparing for the case and I went
10 through her statement for details, she never identified the
11 individual who pulled the gun out earlier that day. I know
12 we've admitted to it, but one of -- the problem is when she
13 gets on the stand now and she talks basically about a line-
14 up, she basically is talking about a tainted line-up with
15 the State showing one piece of paper and saying identify
16 the people who were out there that day.

17 THE COURT: All right. Let me hear from the State.

18 MR. PAULING: Your Honor, it's the State's position
19 that this indeed was not a photo line-up. She was merely
20 -- she said she was shown a picture. Did she recognize any
21 of those individuals? She recognized those individuals
22 because she had seen them over at June's apartment, and as
23 far as it relates to this particular incident, she
24 indicates she saw that person and that's what that
25 particular person did. But this wasn't a photo line-up,

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 even wherein in the instance where she identified who the
2 shooter was. This was not that type of -- this was not a
3 photo line-up.

4 THE COURT: All right.

5 MR. PAULING: She was simply asked if she recognized
6 any of those individuals and she answered that she
7 recognized them from being over at June's apartment from
8 the incident that particular day.

9 THE COURT: All right.

10 MR. KENT: Judge, my problem is I would have been able
11 -- I would have made a motion to probably suppress that
12 because if they took that -- let's say they took that
13 [REDACTED] gang picture and used that as a photo line-up.
14 It's still impermissible. You either do a line-up or you
15 don't do a line-up. It's just ---

16 THE COURT: It wasn't a line-up. It was just a
17 picture.

18 MR. KENT: Which would make it akin to a show of ID,
19 which is -- our courts have ruled time and time again are
20 impermissible. The State can't have a show of ID. If they
21 would have taken her and had him in a perp walk and had him
22 with handcuffs, we'd have a problem with that also. They
23 take one picture of a group of individuals all dressed in
24 red around [REDACTED] Apartments who are a gang in nature
25 and say, are these individuals the people who were out

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 there. That's suggestive in and of itself.

2 Whether she knows them or whether they don't, this is
3 something I should have been told about. To find out while
4 the witness is on the stand that there was some type of --
5 the officers clearly showed her a picture. One, where did
6 they get the picture from? What is the picture? I need to
7 see the picture, see if the picture is suggestive in
8 nature. You can't just say, well, it wasn't a show-up. We
9 don't have to tell you about it. You still have to tell
10 you about it. You still have to tell me about it. It's
11 still discoverable.

12 THE COURT: Well, the picture is into evidence.

13 MR. KENT: Well, I don't know if that's the picture.
14 I mean I'm just making an assumption. I know nothing about
15 it.

16 THE COURT: All right. Let me hear from you.

17 MR. PAULING: Your Honor, again, this is not a photo
18 line-up. It's not even a show-up line-up. I mean it's not
19 even a show-up. You know, he mentions the perp walk. This
20 is -- this is not that -- that situation, Your Honor, and
21 she mentioned it here today in response to his question.
22 No, it wasn't in her -- her statement, but there's wasn't
23 -- there wasn't anything as far as it being a photo line-
24 up. Your Honor, I mean this is not -- it's not a photo
25 line-up. She was simply asked did she know any of those

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 individuals. She explained she did and -- and then she
2 further gave information as to how she knew them.

3 But it wasn't a question of was this person out here,
4 show me the person who pulled the gun, show me the person
5 who cocked the gun, show me the person who took the gun
6 away and then fired at the other group. This was not a
7 photo line-up.

8 THE COURT: All right.

9 MR. KENT: Judge, I think the State misses the point.
10 I know it's not a photo line-up. That's my problem. The
11 problem is some picture was shown to this witness that I
12 haven't been told about.

13 THE COURT: Well, the witness is out of the jury room.
14 Why don't we ask her some questions and find out which
15 picture we're talking about?

16 PROFFERED CROSS EXAMINATION

17 BY MR. KENT:

18 Q: Well, do you -- can you describe the picture that they
19 -- they showed you?

20 A: It's one of the same pictures you done seen with all
21 about twelve -- eleven or twelve of them on it.

22 THE COURT: They're up here on the counter.

23 Q: Is this the picture you were shown that day? And I'm
24 showing you what's been pre-marked as State's Exhibit
25 Number 1 for the record. The individuals -- the picture

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 that was introduced through Investigator Lyons. Is that
2 the picture you were shown?

3 A: Yes. This is the picture.

4 Q: Okay. And, Ms. Allen, do you know who showed you the
5 picture? And I know I keep belaboring the point, but just
6 for the record if you could tell me as much detail as you
7 can ---

8 A: I -- I can't remember which -- which detective showed
9 me this picture, but ---

10 Q: When was -- was it shown the night of the shooting?

11 A: No.

12 Q: Okay.

13 A: No. It wasn't shown the night of the shooting.

14 Q: When was it shown to you?

15 A: The next day, the day after the -- Tuesday? Either
16 that Wednesday or that Thursday.

17 Q: Yes, ma'am. And you're not in trouble. We're just
18 trying to get -- trying to figure stuff out.

19 A: Well, I have no reason to be in trouble.

20 Q: I know. So a couple of days after, you were shown
21 that picture. We have no clue what the -- who the officer
22 was or anything of that nature?

23 A: It was -- I think it was the female detective that was
24 with Detective Lyons. I'm not sure. I can't remember her
25 name, but if I'm not mistaken, I think it was her that

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 showed me this photo.

2 Q: Okay. Tell me ---

3 A: The only thing, she had it on a computer.

4 Q: She had it on a computer and showed it to you?

5 A: Yes.

6 Q: Anything that you can remember about what they asked

7 you or what they told you about this picture? Did they say

8 this is a gang picture? Anything that they could tell you

9 at all?

10 A: No. She just asked me did I recognize any individuals

11 in the photo.

12 Q: Okay. And tell me exactly what you said to her at

13 that point in time?

14 A: I told her yeah.

15 Q: And that's all you said is yes or what did you do

16 then?

17 A: I pointed them out.

18 Q: And tell me who you pointed out and what you said?

19 A: It's blurry on here. Like I said, it was better on

20 the computer.

21 Q: Okay. Do you remember what you said to her when you

22 were picking the individuals out on the computer? And if

23 you don't remember, you don't remember. I'm not trying to

24 put words in your mouth. I'm trying to see what you

25 remember.

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 A: I showed her who pulled out the gun. I showed her who
2 grabbed the gun. I showed her who I saw that I could
3 recognize that was out there in the complex.

4 Q: Okay. And so that was all that was said to her? Did
5 you give a statement or anything to that effect?

6 A: No.

7 Q: Or you just told her that and that was the extent of
8 it?

9 A: Yeah.

10 Q: Okay.

11 THE COURT: Solves your problem?

12 MR. KENT: No, sir, Judge. I think that creates more
13 of a problem.

14 THE COURT: Well, it's already into evidence.

15 MR. KENT: I think ---

16 THE COURT: You didn't object to it. I assumed it was
17 provided to you in the discovery; is that right?

18 MR. PAULING: It was, yes.

19 MR. KENT: Yeah.

20 THE COURT: State's Number 1.

21 MR. KENT: The problem is, of course, it's provided in
22 discovery, but there's -- I mean I guess I'd like to put
23 Investigator Lyons on the stand now and ask him about what
24 was shown. This is something that should have been
25 disclosed because then I probably would have made an

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 objection to the proper foundation.

2 THE COURT: She did not give a written statement to
3 that effect. She simply was asked the question and she
4 identified them based on the picture that is already in
5 evidence without objection.

6 MR. KENT: And I guess, Judge, that would be my
7 problem. Had I know about this, known about the line-up,
8 known about this situation ---

9 THE COURT: It wasn't a line-up.

10 MR. KENT: I know. I think it's a line-up. I
11 understand your concern, Judge, but in my position, that at
12 the very minimum it violates the line-up provision. What
13 it is to me is a show-up, which they take this to her, a
14 picture of the gang -- individuals on a gang on the
15 computer, point it to her and say, who was involved and who
16 was out there. That's improper based upon any type of
17 line-up case law that we look at. Judge, at the minimum
18 had I known about this, I would have been allowed to
19 challenge it pre-trial and try to suppress that statement
20 as well.

21 THE COURT: Well, if it was not in writing, it was not
22 a statement. Nobody knew about it until you asked about it
23 in this trial.

24 MR. KENT: I will respectfully disagree, Judge, and
25 ---

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 THE COURT: Would you like to reply to that?

2 MR. PAULING: Your Honor, all that's been said still
3 at this point, there was no indication that she identified
4 who these people were or knew their names, and from her
5 testimony, they didn't characterize this as here's this
6 gang photo, here's this gang operating in [REDACTED]
7 Apartments, can you pick out the members of this gang who
8 were involved in this particular shooting. None of that
9 happened. They showed her a picture and asked her if she
10 recognized any of the individuals.

11 THE COURT: All right. Hold on one second.

12 (Whereupon, there is a pause in the proceedings.)

13 THE COURT: I'm going to deny your motion.

14 MR. KENT: Thank you, Judge.

15 THE COURT: Go ahead and proceed and bring the jury
16 back out.

17 THE BAILIFF: Certainly.

18 (Whereupon, the jury enters the courtroom at 3:39
19 p.m.)

20 THE CLERK: Your Honor, all the jurors are present in
21 the courtroom.

22 THE COURT: Thank you. You may continue.

23 CONTINUED CROSS EXAMINATION

24 BY MR. KENT:

25 Q: Ms. Allen, I'm almost done. I just want to make sure

ANNESIA ALLEN - CROSS EXAMINATION BY MR. KENT

1 I'm clear. The statement that was uttered by the person
2 who shot from the door, what was that statement again?
3 What did he say to that person who made it clear? What did
4 he make clear to everybody out there?

5 A: He said, anybody say something, he'll murder somebody.

6 Q: Okay. And then that's the same person who came to
7 your door later that evening ---

8 A: Yes.

9 Q: --- and killed your boyfriend?

10 A: Yes.

11 Q: When he made that statement, did you see anybody
12 around him talking to him or anything like that?

13 A: Yeah. They told him to come on, get in the car.
14 Well, June hollered let's go, get in the car, they about to
15 call the police, the police going to be out here, get in
16 the car. So that's when I guess she put all that she could
17 in the car and a few of them stayed behind and he was one
18 of them.

19 MR. KENT: Okay. Thank you so much, Ms. Allen. I
20 appreciate it.

21 THE COURT: Redirect?

22 MR. PAULING: Just briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. PAULING:

25 Q: Ms. Allen, that last statement you made about what the

ANNESIA ALLEN - REDIRECT EXAMINATION BY MR. PAULING

1 individual said?

2 A: Yes.

3 Q: Do you know what he was saying that in relation to?

4 If someone told -- do you know?

5 A: I guess he was talking in relation to ---

6 MR. KENT: Objection, Your Honor, calls ---

7 THE COURT: Sustained.

8 MR. KENT: --- for speculation.

9 THE COURT: Sustained.

10 Q: And if you don't know, that's fine. Do you know what

11 -- what -- what he meant?

12 MR. KENT: Objection, Your Honor, would call for

13 speculation.

14 THE COURT: Sustained.

15 MR. PAULING: I beg the Court's indulgence.

16 Q: And just so I'm clear, what was his full statement?

17 A: He got in the middle of the street and said ain't

18 nobody -- I got to say exactly what he said?

19 THE COURT: Go ahead.

20 Q: And we understand he said it, ma'am. So yes, ma'am.

21 A: He said, ain't nobody going to say shit. Ain't nobody

22 going to open their motherfucking mouth. If anybody say

23 something, I'll murder a bitch out here.

24 MR. PAULING: Thank you, Ms. Allen. I have no further

25 questions, Your Honor.

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 THE COURT: Anything?

2 MR. KENT: Nothing further, Judge.

3 THE COURT: All right. You may step down.

4 (Whereupon, the witness leaves the stand at 3:43 p.m.)

5 THE COURT: Call your next witness.

6 MR. GOINGS: Thank you, Your Honor. I beg the Court's
7 indulgence. We have to go get her, but the next witness
8 would be Kanadja McConico.

9 (Whereupon, there is a pause in the proceedings until
10 the witness enters the courtroom.)

11 THE CLERK: Place your left hand on the Bible and
12 raise your right hand. State your name, please.

13 THE WITNESS: Kanadja McConico.

14 THE CLERK: Do you solemnly swear or affirm your
15 testimony to the Court shall be the truth, the whole truth,
16 and nothing but the truth, so help you God?

17 THE WITNESS: Yes.

18 THE CLERK: Have a seat up here, please. Please state
19 your full name and spell your last name for the record.

20 THE WITNESS: Kanadja McConico, M-C-C-O-N-I-C-O.

21 KANADJA MCCONICO, being first duly
22 sworn, testifies as follows:

23 DIRECT EXAMINATION

24 BY MR. GOINGS:

25 Q: Good afternoon, Ms. McConico. How are you?

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Pretty good.
- 2 Q: Tell the jury briefly about yourself. Where are you
3 from?
- 4 A: From Sumter.
- 5 Q: All right. How long have you been in Sumter?
- 6 A: All my life.
- 7 Q: Now, March 22nd, 2011, do you remember that day?
- 8 A: Yes.
- 9 Q: All right. Where were you at?
- 10 A: At Apartment 50 in [REDACTED] at a friend, Neecy Mays
11 Allen, house.
- 12 Q: If you would, lean a little closer to that microphone
13 and speak up so everybody can hear you?
- 14 A: Mm-hmm.
- 15 Q: All right. So you were over at Neecy's apartment?
- 16 A: Yes.
- 17 Q: Do you know what her real name is? Her given name?
- 18 A: Annesia Mays Allen.
- 19 Q: Okay. And where does she live? Or where did she
20 live?
- 21 A: In Apartment 50 in [REDACTED]
- 22 Q: Is that the first time you've been over to [REDACTED]
23 Apartments to see her?
- 24 A: No..
- 25 Q: Do you live -- or did you live at [REDACTED]

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

- 1 Apartments back then?
- 2 A: Not at that moment, but previously.
- 3 Q: Okay. When did you -- when did you move out from
- 4 [REDACTED]
- 5 A: Maybe about four months before the incident happened.
- 6 Q: All right. So that would have been in 2010 or 2011?
- 7 A: It was the end of 2010.
- 8 Q: Okay.
- 9 A: Yeah.
- 10 Q: Was Neecy or Annesia over there? Was she living there
- 11 when you were there?
- 12 A: Yes.
- 13 Q: Okay. Is that how y'all met each other?
- 14 A: Yes.
- 15 Q: In relation -- what apartment were you in when you
- 16 were living over there?
- 17 A: I think it was 54.
- 18 Q: And she was in apartment what?
- 19 A: 50.
- 20 Q: Okay. And you said you were visiting Neecy at
- 21 Apartment 50 on March 22nd; is that correct?
- 22 A: Yes.
- 23 Q: Do you remember what happened that day?
- 24 A: Yes.
- 25 Q: What time of day did you get over there?

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: It was about one o'clock that afternoon.
- 2 Q: Did you go straight there or did you go visit other
3 friends? What happened?
- 4 A: I went straight there.
- 5 Q: And where were y'all hanging out together at? Inside?
6 Outside the apartment?
- 7 A: We was inside at first.
- 8 Q: Okay. When y'all were inside the apartment, was the
9 door closed? Left open?
- 10 A: It was open.
- 11 Q: Did you see anything else that particular day at
12 another apartment?
- 13 A: Yeah. It was some guys across the street, about six
14 guys, probably six guys across the street.
- 15 Q: You say across the street. Is it at another
16 apartment?
- 17 A: Yeah.
- 18 MR. GOINGS: And, Your Honor, if I can get the witness
19 to step down real fast?
- 20 THE COURT: All right.
- 21 Q: Will you come down here?
- 22 (Whereupon, the witness complies.)
- 23 (Whereupon, State's Exhibit 3 is shown on the
24 courtroom screens.)
- 25 Q: Do you recognize that photograph?

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 A: Yes.

2 Q: All right. Is that an aerial view of [REDACTED]

3 Apartments?

4 A: Mm-hmm.

5 Q: All right. What apartment did Neecy live at based on

6 what you remember?

7 A: It was right here.

8 Q: Okay. Would you know the streets out there?

9 A: I believe, yeah, this was Tyndall.

10 Q: That's [REDACTED] Street.

11 A: It was somewhere in here.

12 THE COURT: She's going to need to speak up.

13 A: I think it was up here.

14 Q: All right. So you're saying -- you need to speak up

15 and face the jury. Okay?

16 A: Mm-hmm.

17 Q: So based on your recollection, her apartment is right

18 here?

19 A: I believe so.

20 Q: Okay. What about the apartment where you saw the six

21 or seven people at? In relation to that apartment, where's

22 that at?

23 A: It was in a diagonal, kind of like over in that area.

24 Q: Okay. Thank you.

25 A: The curve.

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 Q: You can have a seat.

2 A: Mm-hmm.

3 (Whereupon, the witness complies.)

4 Q: What do you recall about those six or seven people

5 that were over there at the other apartment?

6 A: They looked like they was just hanging out at first.

7 Q: Okay. Do you know who resided there?

8 A: No. I didn't know any of them by name.

9 Q: Okay. Even when you were living there prior, do you

10 know who was residing there?

11 A: Mm-hmm. Oh, June. The female was June. I didn't

12 know any of the boys.

13 Q: Okay. So -- but you knew June? Do you know June's

14 full name?

15 A: No. I never knew her. I just know her name from the

16 incident.

17 Q: Okay. So -- so obviously, June wasn't living in the

18 apartment -- in that particular apartment when you were

19 living out there?

20 A: No.

21 Q: Is that right?

22 A: No.

23 Q: So you -- you leave and at some point in time June

24 moves in, but you still come over and visit Neeey?

25 A: Yes.

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. And on this particular occasion, you
2 described six or seven people at that apartment. What were
3 they doing?

4 A: They was all just standing out in the front of an
5 apartment.

6 Q: All right.

7 A: And being loud.

8 Q: What do you mean being loud?

9 A: I don't know what they was talking about. They just
10 like every time I came over there different days, they just
11 was out there being loud. I never really engaged into any
12 of their conversations.

13 Q: Did you ever -- did you notice anything about what all
14 of them were wearing?

15 A: A couple of them had on no shirts and maybe like the
16 wife beaters and then I think one of them had on a red hat.

17 Q: And when you noticed all this, were y'all outside?
18 Inside? Is this when you pulled up? When did you notice
19 the guys?

20 A: Yes, when we pulled up.

21 Q: Okay. Take me through that afternoon. What happened?

22 A: Well, once we first got there, we was just all in the
23 house and then a couple of guys that my boyfriend knew,
24 they was walking from -- they was walking into the
25 direction of Neecy's apartment. So he stopped them and

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 asked them about a funeral that occurred earlier that day.
2 So they was out there talking about the funeral and saying
3 that they was upset because the reverend was saying some
4 things about young boys coming to funerals with white
5 shirts on and jewelry and all that. He said they needed to
6 change their life.

7 So they was upset about that and about five minutes
8 after us standing out there and asking them about the
9 funeral, that's when the group of boys walked over there in
10 our direction and got Bless -- I know his name because it
11 was on his chest. I wouldn't have known it if it wasn't on
12 his chest, but he was the one with no shirt on. So he
13 walked up and pulled one of the young guys around to the
14 side of the apartment. I don't know what the conversation
15 was, but when they came back, the young guy was upset and
16 they was like having a little confrontation with words. So
17 after that ---

18 Q: All right. I'm going to stop you and let's just --
19 let's backtrack a little bit.

20 A: Okay.

21 Q: So two individuals walk up the street and your
22 boyfriend stopped to talk with them?

23 A: No. It was like the young -- the young group that it
24 was, it was like maybe four or five of those.

25 Q: Okay. So it was more than two?

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes.
- 2 Q: All right. But your boyfriend stopped to talk to
3 them?
- 4 A: Yes.
- 5 Q: Okay.
- 6 A: Because he knew them from the neighborhood, too, about
7 a funeral that happened earlier that day with another young
8 guy that everybody in the area knew.
- 9 Q: Okay. And at some point in time, the individuals who
10 are at Apartment -- or June's apartment walk down towards
11 y'all; is that right?
- 12 A: Yes.
- 13 Q: Okay. And who talks to the people that your
14 boyfriend's talking to from that group that came down from
15 June's house?
- 16 A: The guy Bless.
- 17 Q: And that's the one you said has got Bless tattooed ---
- 18 A: On his chest.
- 19 Q: --- on his chest?
- 20 A: Yeah.
- 21 Q: Is that individual in the courtroom today?
- 22 A: Yes.
- 23 Q: Could you point him out to the jury?
- 24 A: He's over to the left.
- 25 Q: Can you describe the shirt he's got on?

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 A: It's blue, a blue shirt.

2 MR. GOINGS: Your Honor, we would like the record to
3 reflect that the witness has identified the defendant as
4 Bless.

5 Q: Did you hear what Bless was saying to the other boys?

6 A: No. He took the -- one of the young boys around the
7 side of the apartment. I don't know what the confrontation
8 was about on the side. None of us knew. It was just him
9 and -- it was just those two that stepped off to the side,
10 and when they came back from around, they was like arguing
11 a little bit. They was having words. So my boyfriend was
12 like, look, y'all -- we don't need this in front of Neecy's
13 apartment. She got to live here. Y'all need to take that
14 somewhere else.

15 Q: All right.

16 A: So ---

17 Q: And who was arguing when they came back around? Both
18 of them going back and forth to each other?

19 A: Yes. They was going back and forth to each other.

20 Q: Did you hear what they were saying?

21 A: The young boy was like, I don't got time for this. I
22 just come from my people's funeral. I don't got time for
23 this. And a little couple of cuss words flew out and
24 that's when my boyfriend stepped in.

25 Q: All right. Do you remember Bless saying anything back

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 to him while he was saying that, that he ain't got time for
2 this?

3 A: I don't remember what he was saying. We was just like
4 confused and I wasn't really paying -- because I had my
5 kids, I was just trying to get out of the way, so.

6 Q: Okay. What happens next?

7 A: Bless and his crew walked back across the street and
8 the young guys left and ---

9 Q: All right. Did y'all go back in the house or did
10 y'all stay outside?

11 A: Yes. We went back in the house. We went back inside
12 and maybe like an hour and a half later, the young boys
13 came back, but they came back in a different car. It was a
14 truck, like a green Trailblazer truck.

15 Q: How many boys came back?

16 A: Maybe about six.

17 Q: Was it the same exact boys that ---

18 A: No. They came back with a couple of more other guys
19 with them. They came back with a couple of different guys
20 and then the other ones that was in the Honda earlier, I
21 think they let two of them out the car, but the other ones
22 were still in there. So altogether it was maybe like six
23 of them.

24 Q: Okay.

25 A: And the young ---

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 Q: So two vehicles come back?

2 A: Yes. The Honda came back, but it didn't pull all the
3 way up. It just pull in the front and the truck pulled
4 like two apartments down from Neecy's apartment.

5 Q: Going towards where this individual named -- or Bless
6 was with the guys he was hanging out with or back?

7 A: It just stopped.

8 Q: Okay.

9 A: They just stopped right there and parked and got out
10 and walked up toward Neecy's apartment again.

11 Q: What happened after that?

12 A: The young boy that Bless got into it with, he was in
13 like between Neecy's apartment and the apartment to the
14 left of hers and he had a gun and he was like, yeah,
15 nigger, I'm back. So across the street -- well, we was
16 standing outside then. We stepped onto the porch across
17 the street because my cousin knew the young guys so she was
18 like trying to tell him no, leave from out here with that
19 gun, this and that, but that's when I guess the boy named
20 New York, the one that had on the hat, he pulled out a gun
21 and he like pointed it, but he didn't shoot it and that's
22 when Bless came and grabbed it and just started shooting.
23 That's how the shooting started.

24 Q: Okay. So these young guys come back with a little bit
25 more. They get out?

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes.
- 2 Q: Did they pull their gun first or does New York ---
- 3 A: He already had it out.
- 4 Q: Oh, he got out of the vehicle with it?
- 5 A: Yeah. He had it like he was walking on his side. He
- 6 didn't point it. He just had it like on his side.
- 7 Q: Did he point it before --- you testified New York got
- 8 his gun out and pointed it at them. Had they pointed their
- 9 gun at the individuals that ---
- 10 A: He was just -- he had it on his side like, yeah, like
- 11 showing him. He wasn't pointing it in his direction. He
- 12 just had it like, yeah, nigger, I'm back, and that's when
- 13 New York pulled his out and he was like, well, if you're
- 14 going to pull your gun, you better shoot it, and he -- he
- 15 pointed the gun at him and about not even a minute later
- 16 Bless came walking over, he grabbed the gun, and he started
- 17 shooting.
- 18 Q: Did you hear Bless say anything at that point in time?
- 19 A: No. They was all the way across the street. They
- 20 started shooting like from the other apartment side where
- 21 they was at to Neecy's side of the apartments.
- 22 Q: So Bless and them were -- or when Bless got the gun
- 23 and shot, he was shooting towards y'all?
- 24 A: Yes.
- 25 Q: Did the other individuals in the other group fire --

KANADJA MCCONICO - DIRECT EXAMINATION BY MR. GOINGS

1 fire shots back?

2 A: Yeah. They started. They had a shootout in broad
3 daylight.

4 Q: All right. Who was the first one to fire a shot?

5 A: Bless.

6 Q: And that's the same individual you just previously
7 identified that had the tattoo on his chest?

8 A: Yes.

9 Q: The defendant with the blue shirt; is that correct?

10 A: Mm-hmm.

11 MR. GOINGS: I beg the Court's indulgence.

12 Q: You wasn't there that night when the murder happened;
13 is that right?

14 A: No.

15 MR. GOINGS: No further questions, Your Honor.

16 THE COURT: All right. Cross examination?

17 MR. KENT: Judge, I have no questions of this witness.

18 THE COURT: You may step down. Does the jury need a
19 break or do you want to continue?

20 (Whereupon, the witness leaves the stand at 3:59 p.m.)

21 MR. GOINGS: If we could, I'd like to take a break at
22 this point in time.

23 THE COURT: All right. Why don't we take a short
24 break and then continue in fifteen minutes. If you would,
25 let the bailiff know whenever you're ready to proceed. Do

1 not discuss the case.

2 (Whereupon, the jury exits the courtroom at 3:59 p.m.)

3 (Whereupon, there is a break in the proceedings from
4 3:59 p.m. until 4:12 p.m.)

5 THE COURT: All right. Go ahead and bring in the
6 jury.

7 (Whereupon, the jury enters the courtroom at 4:12
8 p.m.)

9 THE CLERK: Your Honor, we have all the jurors present
10 in the courtroom.

11 THE COURT: Thank you. If you would, call your next
12 witness.

13 MR. GOINGS: The State would call Dontae Crayton.

14 (Whereupon, there is a pause in the proceedings until
15 the witness enters the courtroom.)

16 THE CLERK: Mr. Crayton, come on up here, sir. Place
17 your left hand on the Bible and raise your right hand.
18 State your name, please.

19 THE WITNESS: Dontae Crayton.

20 THE CLERK: Do you solemnly swear or affirm your
21 testimony to the Court shall be the truth, the whole truth,
22 and nothing but the truth, so help you God?

23 THE WITNESS: Yes, sir.

24 THE CLERK: Thank you. Have a seat up here, please.
25 Please state your full name and spell your last name for

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

1 the record.

2 THE WITNESS: Dontae Terrell Crayton, C-R-A-Y-T-O-N.

3 THE COURT: All right. Yes, sir.

4 DONTAE CRAYTON, being first
5 duly sworn, testifies as follows:

6 DIRECT EXAMINATION

7 BY MR. GOINGS:

8 Q: Now, Mr. Crayton, if you'd lean into the microphone
9 and make sure you speak up loudly so everybody can hear
10 you. Okay?

11 A: Yes, sir.

12 Q: Mr. Crayton, if you would, just please tell the jury a
13 little about yourself. Where are you from?

14 A: I stay in Long Island, New York.

15 Q: All right. How long did you stay in New York?

16 A: Since I was like fourteen, fifteen. I was born there.

17 Q: All right. When did you come to South Carolina?

18 A: 2001.

19 Q: All right. Why did you come down here?

20 A: Because my grandmother was from down here. She wanted
21 to leave New York.

22 Q: Where did your grandma live?

23 A: Excuse me?

24 Q: Where did your grandma live?

25 A: She was from Elliott, South Carolina.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Did you go there first or did you go somewhere else in
2 South Carolina?

3 A: I went to Elliott first.

4 Q: Did you ever have a time to reside in Sumter?

5 A: Yes, sir.

6 Q: When was that?

7 A: I moved to Sumter in 2008.

8 Q: Did there come a time where you were -- met Mickey
9 Johnson?

10 A: Yes.

11 Q: When was that?

12 A: 2009.

13 Q: That was after you came to Sumter?

14 A: Yes, sir.

15 Q: How did you meet him?

16 A: His brother was living with me and my girl at the time
17 and so he stayed with us for a while. He introduced us.

18 Q: Mr. Crayton, are you a member of 135 Piru?

19 A: Not no more.

20 Q: Were you a member of 135 Piru?

21 A: Yes, sir.

22 Q: What years were you a member of 135 Piru?

23 A: 2010 until the point that I came over in 2012.

24 Q: And you were actually one of the -- at least for the
25 Sumter set; correct?

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: One of the first members?
- 3 A: Yes, sir.
- 4 Q: Were you in a gang? Were y'all going -- were y'all in
- 5 a different gang prior to that?
- 6 A: Yes, sir.
- 7 Q: And what was that called?
- 8 A: I was 9Tre Gangster.
- 9 Q: 9Tre Gangster?
- 10 A: 9Tre Gangster Blood.
- 11 Q: All right. Any other gang?
- 12 A: And after I became 9Tre Gangster Blood, I became Piru.
- 13 Q: Was Mickey Johnson also a member of that first gang?
- 14 A: When you say first gang, are you talking about 9Tre?
- 15 Q: What's the mob one that you were a part of?
- 16 A: Sir?
- 17 Q: Wasn't you part of a gang titled Mob something?
- 18 A: Mob Piru.
- 19 Q: So was he part of 9Tre at the time?
- 20 A: No. He wasn't part of 9Tre.
- 21 Q: But he was a part of Mob Piru?
- 22 A: Yeah. Yes, sir.
- 23 Q: And you were a part of Mob Piru?
- 24 A: Yes, sir.
- 25 Q: When did y'all switch to 135 Piru?

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Sometime in 2010.
- 2 Q: Who -- anybody else come along with y'all?
- 3 A: A few people.
- 4 Q: And who were those few people?
- 5 A: It was myself, Garney, Stump, and Bliff. It was a
- 6 couple of us -- few of us.
- 7 Q: Do you know Bliff's real name?
- 8 A: I don't know Bliff's real name.
- 9 Q: All right. Do you know his girlfriend's name?
- 10 A: No, sir.
- 11 Q: Huh?
- 12 A: No, sir.
- 13 Q: Do Garnett -- Garney, do you know his real name?
- 14 A: I just know him by Garney.
- 15 Q: And what about -- you said Bless. Is that the
- 16 defendant, Mickey Johnson?
- 17 A: Bliff?
- 18 Q: Bless.
- 19 A: Yes, sir.
- 20 Q: So y'all all were in Mob Piru when it became 135 Piru?
- 21 A: We was Mob Piru before we became 1Tre5 Piru.
- 22 Q: And how -- why did y'all become 135?
- 23 A: I really don't know. I was just basically following
- 24 -- following my set.
- 25 Q: And who was running your set?

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Bless.
- 2 Q: The defendant, Mickey Johnson?
- 3 A: Yes, sir.
- 4 Q: So he was running it even when it was Mob Piru?
- 5 A: Yes, sir.
- 6 Q: And he made the decision to go to 135 Piru; is that
- 7 correct?
- 8 A: Yes, sir.
- 9 Q: All right. When y'all were 135 Piru, during the time
- 10 that you were a member of it, was Bless the leader?
- 11 A: Over Sumter, yes.
- 12 Q: All right. Just for the Sumter set. Were there
- 13 people over him?
- 14 A: Yes, sir.
- 15 Q: Who were they?
- 16 A: One person that I met was Cash.
- 17 Q: And what's your understanding of what Cash was over?
- 18 A: It's like -- other like counties throughout South
- 19 Carolina.
- 20 Q: So your understanding while you were a member of 135
- 21 Piru is that Cash ran South Carolina and Bless was under
- 22 him and ran Sumter?
- 23 A: Yes, sir.
- 24 Q: And then you were under Bless?
- 25 A: Yes, sir.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: What about Garney?
- 2 A: Garney basically was in the ranks with me, same rank.
- 3 Q: The same rank as you?
- 4 A: Yes, sir.
- 5 Q: And what was that rank?
- 6 A: Sergeant.
- 7 Q: So when y'all joined from Mob Piru to 135 Piru, y'all
- 8 were at the sergeant level?
- 9 A: Well, Garney, he gained his rank like after we became
- 10 1Tre5. I was already a sergeant.
- 11 Q: Okay. So actually, you're telling this jury when
- 12 y'all went from Mob Piru to 135 Piru, you got Bless still
- 13 leading Sumter, but you were ahead of Garney? You were
- 14 ranked higher than he was?
- 15 A: At the time, yes.
- 16 Q: All right. Were you ever demoted for some reason?
- 17 A: Yes.
- 18 Q: Okay. And when I say demoted, what is it -- what do
- 19 y'all call it?
- 20 A: It's not like a certain word we use. It's a drop in
- 21 rank.
- 22 Q: And that's some sort of punishment for something you
- 23 may have did or not did?
- 24 A: Yes.
- 25 Q: So you came on higher -- at some point in time, Garney

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

1 was actually a higher rank than you because of your -- your
2 violation or demotion; is that correct?

3 A: It's the same -- we had the same rank, but he was just
4 -- it's just like certain like things I couldn't do
5 probably. Basically, he -- he could probably call like --
6 he could -- he had more authority than I had.

7 Q: Okay. Same rank, but because of your violation or
8 demotion, he had more power. And who gave him that power?

9 A: I believe Bless.

10 Q: And all this happened in 2010 is 'when y'all started
11 becoming 135. Now, let's talk about 135 a little bit.
12 Obviously, you -- you were locked up eventually; is that
13 correct? And we'll go ahead and get that out there.

14 A: Yes, sir.

15 Q: What were you locked up for?

16 A: First degree burglary.

17 Q: All right. Do you know how much that charge carried?

18 A: Fifteen to life.

19 Q: And have you since reached a plea deal?

20 A: Yes, sir.

21 Q: On that charge?

22 A: Yes, sir.

23 Q: Have you pled guilty?

24 A: Yes, sir.

25 Q: And what did you plead guilty to?

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Eight, non-violent.
- 2 Q: All right. So you were charged with burglary first
3 degree, fifteen to life; correct?
- 4 A: Yes, sir.
- 5 Q: And you pled that down and actually pled guilty to a
6 burglary second, non-violent?
- 7 A: Yes, sir.
- 8 Q: And you haven't been sentenced; is that right?
- 9 A: No, sir.
- 10 Q: Do you understand what the recommendation from the
11 State is going to be at your sentencing?
- 12 A: I don't understand, sir.
- 13 Q: Do you understand what time you're looking at right
14 now?
- 15 A: Yes, sir.
- 16 Q: And what is that?
- 17 A: Eight years.
- 18 Q: Eight years. That's what you agreed to; correct?
- 19 A: Yes, sir.
- 20 Q: That's what the State agreed to give you if you
21 cooperated?
- 22 A: Yes, sir.
- 23 Q: Does that change the fact that any of your testimony
24 here today is not the truth?
- 25 A: No, sir.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Now -- and when did that burglary occur?
- 2 A: July 19th, 2010.
- 3 Q: All right. And how long did you stay -- you're out on
- 4 bond now; is that right?
- 5 A: Yes, sir.
- 6 Q: How long were you in the county jail before you got
- 7 released on bond?
- 8 A: Two years and a month.
- 9 Q: How much?
- 10 A: Two years and a month.
- 11 Q: Okay. So from 2010 to 2012, you were locked up?
- 12 A: Yes, sir.
- 13 Q: On that burglary first degree charge?
- 14 A: Yes, sir.
- 15 Q: So you weren't actually out with 135 the day this
- 16 incident that we're here about today happened, which was
- 17 March 22nd, 2011?
- 18 A: No, sir.
- 19 Q: Because obviously, you were in the county jail?
- 20 A: Yes, sir.
- 21 Q: Let's go back. Let's talk about 135 and the actual
- 22 organization. Okay?
- 23 A: Yes, sir.
- 24 Q: What are the rank structures within 135 in the Sumter
- 25 set?

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Basically, I guess you have your general, your
2 captain, lieutenant, sergeants, OYGs, YGs.
- 3 Q: All right. Let me ask you what is a YG?
- 4 A: Young gangster.
- 5 Q: Young gangster? Make sure you talk up and into the
6 microphone. Okay?
- 7 A: Young gangster.
- 8 Q: All right. Is that the lowest level?
- 9 A: No.
- 10 Q: Huh?
- 11 A: No.
- 12 Q: What's the lowest level?
- 13 A: Pups.
- 14 Q: Pups? That's what you are when you come in or are
15 initiated into the gang?
- 16 A: Yes, sir.
- 17 Q: And then you go to a YG?
- 18 A: No. You go pup to a soldier, YG, OYG, then up.
- 19 Q: Okay. So initiated into the gang, you're a pup, and
20 you have soldier, young gangster, YG?
- 21 A: Yes, sir.
- 22 Q: Original young gangster, OYG?
- 23 A: Yes, sir.
- 24 Q: And then what else?
- 25 A: Sergeants, lieutenants, captains, and a general.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

1 Q: And at this time, you're a sergeant?

2 A: Yes, sir.

3 Q: Garney is a sergeant?

4 A: Yes, sir.

5 Q: Bless is over y'all?

6 A: Yes, sir.

7 Q: And when I say Bless, Mickey Johnson?

8 A: Yes, sir.

9 Q: Okay. Did y'all have other members of 135 that were

10 of lower ranks?

11 A: Yes, sir.

12 Q: And who were those people?

13 A: It was like Bliff, Stone, and it was like a few that I

14 didn't meet because I was locked up.

15 Q: Okay. How many members are there of 135 that you know

16 about in Sumter that are under Bless?

17 A: At the moment, I really couldn't tell you because I

18 was locked up and he was recruiting so I don't really know.

19 Everybody's like spread out.

20 Q: Well, let's talk about this recruiting and initiation.

21 All right? How are you -- obviously, since you were part

22 of Mob Piru before becoming 135 with Bless, you had already

23 been initiated into a gang at some point in time elsewhere;

24 correct?

25 A: Yes, sir.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: All right. But you did witness initiations into 135;
2 correct?
- 3 A: No. I witnessed initiations into Mob Piru.
- 4 Q: Well, do you know about the initiation process in 135?
- 5 A: No, because I was locked up at that time.
- 6 Q: Well, who has the ability to determine who's going to
7 be a part of 135 in Sumter?
- 8 A: It can be the sergeants, through your OYGs, or at the
9 end of the day some captains and generals and lieutenants.
- 10 Q: And at the end of the day in this particular
11 situation, who was that person in Sumter?
- 12 A: Mickey Johnson.
- 13 Q: Bless?
- 14 A: Yeah.
- 15 Q: Did y'all have meetings?
- 16 A: We wouldn't really like call it meetings because when
17 I was home, it's like basically we had parties and stuff
18 where we were all just getting together kind of stuff like
19 to have fun, play music, and stuff.
- 20 Q: Would you be required to go to these parties?
- 21 A: No, not -- not at the time, no.
- 22 Q: What about your understanding now? Were meetings held
23 in 135 that attendance were required?
- 24 A: Some.
- 25 Q: And if you didn't attend one of these meetings, what

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

1 happens?

2 A: You get a violation.

3 Q: And describe what -- obviously, you talked about it

4 already, but a demotion in rank could be a possible

5 violation. Is there other possible violations?

6 A: Yes, sir.

7 Q: Like what?

8 A: You could get physically handled.

9 Q: When you say physically handled, do you mean you're

10 going to -- you could get beat up by the rest of the gang

11 members?

12 A: Yeah, but you -- I wouldn't say like beat up, but

13 yeah, you would have other gang members jumping on you, but

14 you'd be fighting back, yes.

15 Q: But it's -- it's punishment; right?

16 A: Yes, sir.

17 Q: Any other types of punishment besides physical

18 altercations and demotion in rank?

19 A: Like sometimes it all depends on like the situation.

20 Sometimes you could have verbal -- verbal violations.

21 Q: It all depends on what the violation is for?

22 A: Yes, sir.

23 Q: Is that fair? The more severe the violation, the

24 worse it's going to be; is that fair?

25 A: Yes, sir.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Let's talk about how you gain rank in 135. Obviously,
2 you said that once you're initiated, you come in as a pup?
- 3 A: Yes, sir.
- 4 Q: And then there's these various ranking systems that
5 were positions that you testified about. How do you move
6 up?
- 7 A: Basically, to my knowledge it's basically mental, like
8 as long as you know your knowledge and stuff, if you're up
9 to par on your knowledge, you can move up in your rank.
- 10 Q: When you say knowledge, what are we talking about?
- 11 A: Like history like for that set, just being on top of
12 your knowledge like knowing about the set.
- 13 Q: So is there documents? Are we talking about
14 documentation that's been handed down or I mean what are
15 you reading to gain this knowledge?
- 16 A: Like nothing -- nothing is put on paper. This is all
17 verbal.
- 18 Q: Where do you get this knowledge from?
- 19 A: You get it from Bless, you get it from people who's
20 over me, or somebody -- or something I missed, somebody
21 that was under me will fill me in or something like that.
22 If they was -- if they knew their knowledge.
- 23 Q: What's -- what's putting in work called? I mean are
24 you familiar with that term?
- 25 A: Yes, sir.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Well, what's it mean?
- 2 A: It can mean different things. It depends on the
3 situation.
- 4 Q: All right. That's fair. Does it mean you actually
5 have to go and do something, whether it's criminal or not,
6 that you -- it's not just learning knowledge. You've got
7 to go and do something that's been requested of you; is
8 that fair?
- 9 A: Depending on the situation, yes.
- 10 Q: Does putting in work also get you -- or could it --
11 could it get you a increase in rank?
- 12 A: It can, but off of what I was told, it's not about the
13 work that you put in. It's basically mental on you and
14 your knowledge.
- 15 Q: And who makes the decision whether or not a person is
16 going to gain rank?
- 17 A: The person that's -- that's head up over you or
18 everybody.
- 19 Q: And in this situation again, that person is who?
- 20 A: Bless.
- 21 Q: So he makes the determination of who's going to join?
22 Well, I take that back. You testified that the sergeants
23 can actually bring a person in for possible initiation into
24 the gang; is that right?
- 25 A: Yes, sir.

DONTAE CRAYTON - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. But what happens if Bless doesn't want him
2 in?

3 A: Then he doesn't -- he doesn't be a part of the set.

4 Q: Okay. So Bless has the final decision, whether it's
5 yes or no, or a particular person joining?

6 A: Yes.

7 Q: Bless has the final decision about whether or not a
8 person gets a increase in rank?

9 A: Yes.

10 Q: Bless I'm assuming is the one that hands out these
11 violations or demotions?

12 A: Yes.

13 Q: So he has the power to order a violation, whether it
14 may be a beating or demotion or something else?

15 A: Yes.

16 Q: And he has the power to call meetings; correct?

17 A: Yes, sir.

18 Q: Again, the failure of which to show up could result in
19 a violation?

20 MR. KENT: Your Honor, I'm going to object. We're
21 getting into a lot of leading questions.

22 THE COURT: Sustained.

23 MR. GOINGS: I'll rephrase, Your Honor.

24 Q: And he has the power to call meetings?

25 A: Yes, sir.

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

1 MR. GOINGS: I beg the Court's indulgence. I think
2 that's all the questions I have, Your Honor.

3 THE COURT: All right. Cross examination?

4 MR. KENT: Judge, if I could just have one moment?

5 THE COURT: Sure.

6 CROSS EXAMINATION

7 BY MR. KENT:

8 Q: Dontae, how are you doing? I'm sorry, sir.

9 A: Fine.

10 Q: Dontae, I was getting a little bit confused at your
11 testimony. Are you currently incarcerated or are you not
12 incarcerated?

13 A: I'm not.

14 Q: You're not incarcerated?

15 A: No.

16 Q: Okay. You're out on bond right now?

17 A: Yes, sir.

18 Q: And you were in jail for two years?

19 A: Yes, sir.

20 Q: When did you get a bond?

21 A: I think my fourteenth month.

22 Q: Okay. What was your bond set at?

23 A: 60,000.

24 Q: Okay. Did the State help you in any way get your
25 bond?

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

1 A: When you say did the State help me in any way get my
2 bond, what do you mean?

3 Q: Did they come to you and help you get out of jail so
4 you would talk and testify? Did they help you with your
5 bond at all?

6 A: No.

7 Q: Okay. How long -- how did you get your bond reduced?

8 A: It wasn't reduced because I never had a bond.

9 Q: Okay. So it took two years for them to come and set
10 your bond? No one came and ---

11 A: I said fourteen months.

12 Q: Fourteen months? You never had a bond hearing or
13 anything of that nature? You just sat in jail for bond and
14 no one just came and just all of a sudden out of nowhere
15 before testimony get your bond reduced to the point that
16 you could make one?

17 A: No.

18 Q: Okay. And let's talk about as a condition of your
19 testimony today, you've made a deal with the State of South
20 Carolina in which they're going to give you an eight year
21 and I think you said non-violent sentence?

22 A: Yes, sir.

23 Q: What does that -- I mean you mentioned the word non-
24 violent. What does that mean? Because you were looking at
25 violent before.

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

- 1 A: Yes, sir.
- 2 Q: What is the difference as you understand it?
- 3 A: Like for me to plea to a lesser charge.
- 4 Q: Yes, sir.
- 5 A: That carried fifteen to life on the first degree
- 6 burglary.
- 7 Q: Okay.
- 8 A: It was dropped to a second to eight years non-violent.
- 9 Non-violent mean that my charge is not violent no more so
- 10 it's not carrying life anymore.
- 11 Q: And it's not carrying even eight full years. You're
- 12 doing less than eight years; right?
- 13 A: I believe so.
- 14 Q: You believe so? That you know that even though they
- 15 say eight years non-violent, realistically you're going to
- 16 serve much less than eight years if you even get the eight
- 17 year sentence?
- 18 A: Yes, sir.
- 19 Q: You could get less than an eight year sentence for
- 20 your testimony today; couldn't you?
- 21 A: I'm not sure how that work.
- 22 Q: Now, you already pled guilty. You went in front of a
- 23 judge, you admitted your role in this other crime that has
- 24 nothing to do with this, and you pled guilty and admitted
- 25 your role in it, told the judge you were guilty. Did the

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

1 judge say you are now sentenced to eight years or did they
2 just hold your sentence? You didn't get sentenced yet; did
3 you?

4 A: No.

5 Q: As a matter of fact, they're waiting for your sentence
6 until to determine how you testify today to this jury;
7 right?

8 A: I'm not sure.

9 Q: You're not sure? But they didn't sentence you and you
10 pled guilty to a charge that carried life in prison and
11 they let you walk out of the courtroom; right?

12 A: I didn't plea -- they didn't plea ---

13 Q: Mr. Crayton, the question was they let you walk out of
14 the courtroom after you pled guilty; didn't they?

15 A: Yes, sir.

16 Q: And you were looking at a charge that carried eight
17 years. Actually, you were looking at a charge that carried
18 life in prison and they just let you walk out of the
19 courtroom?

20 A: Yes, sir.

21 Q: All in exchange for your testimony against Mickey
22 Johnson today; correct?

23 A: It wasn't -- it wasn't -- I wasn't told that the
24 testimony that I'm giving here today would be anything --
25 wouldn't have anything to do with my plea.

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

1 Q: So you didn't have to testify? You didn't have to
2 come here at all today? It was a condition that you came
3 to testify; wasn't it?

4 A: No, sir.

5 Q: It actually had everything to do with your testimony.
6 You were told to come and you had to testify in the case of
7 State versus Mickey Johnson; weren't you? Now, I'm sure
8 they told you that you had to tell the truth and if you
9 tell the truth, we'll give you the sentence that we
10 promised you if you tell the truth; correct?

11 A: They never said nothing like basically off of how
12 you're saying it.

13 Q: Well, tell me. What did they tell you?

14 A: Just basically they said that my testimony here today
15 has to be truthful or else they could discredit whatever
16 like my plea and it would go back.

17 Q: So if you didn't testify how they wanted you to
18 testify, they would take that eight years that ---

19 MR. GOINGS: Objection, Your Honor.

20 Q: --- they offered you off the table?

21 MR. GOINGS: He just said truthful. He didn't say the
22 way they wanted to.

23 THE COURT: Overruled. It's cross examination.

24 A: They said -- they just said that my testimony had to
25 be truthful. If it was any -- any lies that I told with

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

1 anything that it could discredit my plea.

2 Q: What did you think they meant by discredit your plea?

3 A: Like that ---

4 Q: They would take it back? They would take that eight

5 year deal and you were now looking at life in prison?

6 A: Fifteen.

7 Q: Fifteen to life; right?

8 (Whereupon, the witness nods his head.)

9 THE COURT: You have to speak up.

10 A: Yes, sir.

11 Q: You were looking at life in prison if you did not

12 testify ---

13 A: No. They said -- they didn't -- they didn't say if I

14 didn't testify that it would be my plea would go back.

15 They said if I was found out to be saying anything that

16 wasn't true.

17 Q: So you're telling me you didn't have to testify at all

18 today? You didn't have to testify no matter what and you

19 were going to get that eight year deal? You didn't have to

20 testify?

21 A: I believe I was.

22 Q: You believe you did not have to testify?

23 A: Yes, sir.

24 Q: You didn't -- you believe you didn't have to get on

25 the stand at all? Why do you think you weren't sentenced

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

1 that day then?

2 A: I don't know.

3 Q: Why do you think they let you out of the courtroom

4 that day then?

5 A: I don't know.

6 Q: Why do you think they let you go out of the courtroom

7 and go about your life? Just no clue, huh?

8 A: That's the thing. I'm like ---

9 Q: You just thought they were being nice to you?

10 A: You say go on with my life?

11 Q: They told you to go on with your life?

12 A: No. You just said they ---

13 Q: Well, that's what you did though. They let you out.

14 A: --- said go on with your life. I'm like I'm still --

15 my plea is still like what open.

16 Q: When are you scheduled to go to jail? When are you

17 scheduled to plea? After this court appearance?

18 A: I'm not sure.

19 Q: They haven't told you yet?

20 A: No.

21 Q: Have you had to meet with any parole officers or

22 anybody like that since you've been released?

23 A: No.

24 Q: Have you had to report to anybody to let them know

25 you're not committing any crimes or anything or did they

DONTAE CRAYTON - CROSS EXAMINATION BY MR. KENT

1 just let you go on your way?

2 A: I stay in touch with my public defender.

3 Q: Okay. The public defender? You don't stay -- you
4 don't have to stay in touch with the State or anybody like
5 that?

6 A: No.

7 Q: You are no longer in 135 Piru; is that correct?

8 A: No.

9 Q: Did you leave 135 Piru voluntarily or ---

10 A: I left voluntarily.

11 Q: You left voluntarily? Nobody came to get you and said
12 you're not allowed to leave? You chose to leave and you
13 left 135 Piru?

14 A: Like I made a choice, a decision as a man to just
15 distance myself off.

16 Q: And you're allowed to do that? As a man, you're
17 allowed to make a decision and choose not to be in the gang
18 life anymore?

19 A: No. I'm not saying it's that simple, but that's what
20 I did.

21 Q: That's what you did? And you're fine. You walked in
22 the courtroom here today; correct?

23 MR. KENT: That's all the questions I have for you.
24 Thank you.

25 THE COURT: All right. Redirect?

DONTAE CRAYTON - REDIRECT EXAMINATION BY MR. GOINGS

1 MR. GOINGS: Yes, sir, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. GOINGS:

4 Q: You were asked -- you were just asked whether or not

5 you left voluntarily; is that right?

6 A: Yes, sir.

7 Q: And you testified -- is everything you told this jury

8 here today the truth about the rank structure and how 135

9 Piru ---

10 MR. KENT: Objection, Your Honor, improper bolstering.

11 MR. GOINGS: I believe defense counsel made it seem to

12 suggest that his testimony is only solely made because of

13 his plea deal, Your Honor.

14 THE COURT: I'm going to overrule it. Go ahead.

15 Q: Is what you said here today truthful?

16 A: Yes, sir.

17 Q: Is what you told law enforcement previously truthful?

18 A: Yes, sir.

19 Q: After you made this statement to law enforcement about

20 135, can you literally go back to the gang?

21 A: Can I go back to them?

22 Q: Yes.

23 A: No.

24 Q: I mean would you be welcomed?

25 A: No.

DONTAE CRAYTON - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: Have you had any altercations -- defense counsel asked
2 you have you moved on with your life. Have you had any
3 altercations since you've been out on bond?

4 A: Yes, sir.

5 Q: Were you threatened?

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

7 THE COURT: Yes.

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

10 Q: Let me ask you this question, Mr. Crayton. You were
11 going to say that, you know, it's not that easy the way
12 defense counsel was portraying when he was asking that
13 question; is that correct?

14 A: Yes, sir.

15 Q: It's not like you can make a decision I don't want to
16 have nothing to do with y'all boys anymore; is it?

17 A: No, sir.

18 Q: And the only reason that you didn't go back to 135 is
19 why?

20 A: It's because I was told that I'm lucky that I didn't
21 get -- in the words that the person said -- my way pushed
22 back.

23 Q: Because you gave a statement? You told about the
24 inner workings of the gang; did you not?

25 A: Yes, sir.

DONTAE CRAYTON - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: And that's highly disfavored in 135; correct?

2 A: Yes, sir.

3 Q: And despite your personal safety, you still came in

4 here and you -- and you testified. You didn't think you

5 had to testify in order -- or if you didn't testify, they

6 wouldn't take your plea deal. Is that what you understood

7 sitting there today?

8 A: Yes, sir.

9 Q: But you're still here in front of this jury?

10 A: Yes, sir.

11 Q: Are you scared?

12 A: A little bit.

13 Q: And ---

14 MR. GOINGS: I beg the Court's indulgence.

15 Q: What's the normal way you would -- if you wanted --

16 obviously, your situation is not normal. If a person

17 wanted to no longer be 135 and they hadn't had any arrests,

18 hadn't made any statements, how would they normally get out

19 of the gang?

20 A: Probably beat out.

21 Q: So it's just your situation is because you couldn't go

22 back?

23 A: Yes, sir.

24 MR. GOINGS: No further questions, Your Honor.

25 THE COURT: All right. Anything further, Mr. Kent?

1 MR. KENT: Nothing further from this witness, Judge.

2 Thank you.

3 THE COURT: You may step down. Thank you.

4 (Whereupon, the witness leaves the stand at 4:48 p.m.)

5 THE COURT: Is it a good time for a break for the day?

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

8 THE COURT: All right. If you would, call your next
9 witness.

10 MR. GOINGS: The State would call William Morgan.

11 We'll have to go downstairs to get him.

12 (Whereupon, there is a pause in the proceedings until
13 the witness enters the courtroom. During the pause, a
14 bench conference is held off the record.)

15 THE CLERK: Come on up, sir. Place your left hand on
16 the Bible and raise your right hand. State your name,
17 please.

18 THE WITNESS: William Morgan.

19 THE CLERK: Do you solemnly swear or affirm your
20 testimony to the Court shall be the truth, the whole truth,
21 and nothing but the truth, so help you God?

22 THE WITNESS: Yes, sir.

23 THE CLERK: Thank you. Have a seat up here, please.
24 Please state your full name and spell your last name for
25 the record.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 THE WITNESS: William Christopher Morgan.

2 MR. PAULING: How are you doing this afternoon?

3 THE CLERK: Spell your last name, please, sir. Spell

4 your last name.

5 THE WITNESS: M-O-R-G-A-N.

6 WILLIAM MORGAN, being first

7 duly sworn, testifies as follows:

8 DIRECT EXAMINATION

9 BY MR. PAULING:

10 Q: How are you doing, Mr. Morgan?

11 A: I'm all right.

12 Q: Mr. Morgan, can you tell the jury, sir, whereabouts

13 you live? Do you live in Sumter?

14 A: Yes, sir.

15 Q: Okay. And are you originally from Sumter?

16 A: Yes -- no, I'm from New York.

17 Q: From New York?

18 A: Yes, sir.

19 Q: Okay. And do you go by another name other than

20 William Morgan?

21 A: Yeah, New York.

22 Q: Okay. And that's why I assume?

23 A: Yes, sir.

24 Q: Okay. Now, how long did you live in New York?

25 A: Until I was about sixteen.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Okay. And what happened when you were sixteen? Why
2 did -- why did you move from New York?
- 3 A: Because my grandmother was moving down to Sumter so I
4 moved down here with my mother.
- 5 Q: Okay. When you were living in New York, you were
6 living with your -- your mother and your ---
- 7 A: No, my grandmother.
- 8 Q: With your grandmother?
- 9 A: Yes, sir.
- 10 Q: Where were your mother and father at that time?
- 11 A: She was just -- you know, I wasn't with her.
- 12 Q: Okay.
- 13 A: It's just I wasn't with her.
- 14 Q: So when you turned sixteen and you're getting ready to
15 move down to South Carolina with your grandmother?
- 16 A: Yes, sir.
- 17 Q: Okay.
- 18 A: Not -- I moved to Indiana instead of here.
- 19 Q: To Indiana?
- 20 A: Yes, sir.
- 21 Q: How old are you, sir?
- 22 A: Twenty-five.
- 23 Q: Okay. And so when you moved to Indiana with your
24 mother, how long were you out there in Indiana?
- 25 A: 2004 to 2005.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: And why did you -- why did you leave Indiana?
- 2 A: Because it really wasn't my cup of tea. It wasn't --
- 3 I wanted to be with my grandmother. I wasn't with my grand
- 4 -- my mother not at all in my life. So I moved with my
- 5 grandmother -- back with my grandmother.
- 6 Q: All right. So you moved down to Sumter? When would
- 7 that have been? Was that -- was that 2005?
- 8 A: 2005.
- 9 Q: 2005?
- 10 A: 2005.
- 11 Q: And when you moved down to Sumter, were you going to
- 12 school at that time?
- 13 A: Yes, sir. Lakewood. Lakewood High School.
- 14 Q: Okay. And did you graduate from Lakewood?
- 15 A: No, sir. No, sir.
- 16 Q: Why is that?
- 17 A: I ended up stop going. I stopped going.
- 18 Q: Okay. Did you just stop going or did they kick you
- 19 out?
- 20 A: Yeah. I got kicked out for not -- you know, not going
- 21 -- for not going to school.
- 22 Q: For truancy?
- 23 A: Yeah, truancy. Yes, sir.
- 24 Q: All right.
- 25 A: Yes, sir.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Q: And at that particular point, then what did you do?
2 Did you stay in -- did you stay in South Carolina?

3 A: Yes, sir. I was just -- I was in South Carolina for a
4 good little bit after that, for a good little -- little old
5 second.

6 Q: Okay. And did you move somewhere else?

7 A: No. I didn't really move nowhere else until I got in
8 jail, got locked up.

9 Q: Okay. Before we get there, before coming to South
10 Carolina, before moving down with your grandmother, did you
11 have any type of affiliation with any type of a gang?

12 A: No, sir.

13 Q: Okay. At some point in your life, did you become
14 affiliated with a gang?

15 A: Yes.

16 Q: Okay. And when was that? Can you tell the jury?

17 A: About '05.

18 Q: About '05?

19 A: '05.

20 Q: Okay. Now, would that have been the time that you --
21 and I'm just trying to remember. Would that have been the
22 time that you moved?

23 A: To Sumter.

24 Q: To Sumter from Indiana?

25 A: Yes, sir.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Q: Okay. And at that time, Mr. Morgan, what gang were
2 you affiliated with?

3 A: The Bloods.

4 Q: The Bloods?

5 A: Yes, sir.

6 Q: Okay. And where were you when you joined up with the
7 Bloods?

8 A: Down 15 South in Sumter.

9 Q: Okay. All right. And was there a particular name of
10 that particular set of Bloods?

11 A: Sex Money Murder.

12 Q: Sex Money Murder?

13 A: Yes, sir.

14 Q: Okay. And as far as being -- well, back then, do you
15 remember who was over that particular organization?

16 A: Yeah, Bless.

17 Q: Bless?

18 A: Yes, sir.

19 Q: When you say Bless, do you see that individual ---

20 A: Mickey Johnson.

21 Q: All right. Can you tell -- well, what is he wearing?

22 A: Blue shirt.

23 MR. PAULING: Your Honor, I just ask that the record
24 reflect that Mr. Morgan has indicated the defendant, Mickey
25 Johnson.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Q: Now, at that particular time, how were you initiated
2 into Sex Money Murder?

3 A: Beat in.

4 Q: You were beat in?

5 A: Yes.

6 Q: Can you explain that to the jury? Was it a one-on-one
7 fight or how did ---

8 A: Five people. Five people and you just get, you know,
9 thirty-one seconds, like that.

10 Q: Did you fight each person for thirty-one seconds or
11 ---

12 A: All together.

13 Q: All together? Okay. Do you know the significance of
14 why it was five people?

15 A: I don't know. I really -- I guess because Bloods is
16 five I guess, you know. I don't know.

17 Q: When you say Bloods is five, what do you mean?

18 A: Five-point star.

19 Q: Five-point star?

20 A: Yes, sir.

21 Q: Is the five-point star one of the symbols for the
22 Bloods?

23 A: Yes, sir.

24 Q: Now, as far -- and how do you know that?

25 A: Because I was -- you know, I was a Blood and you know.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Well, let me ask you this. Did you know that before
2 you were initiated?
- 3 A: Yes.
- 4 Q: And how did you know that?
- 5 A: I grew up around a lot of Bloods.
- 6 Q: In New York?
- 7 A: Yes, sir.
- 8 Q: Okay. You grew up around Bloods in New York. How
9 about when you were in Indiana?
- 10 A: No Bloods.
- 11 Q: Okay.
- 12 A: I didn't even deal with the -- with the Blood thing in
13 Indiana.
- 14 Q: Okay. But you weren't a member of the Bloods until
15 you came down to Sumter?
- 16 A: In Sumter.
- 17 Q: In 2005?
- 18 A: Yes, sir.
- 19 Q: Well, let me ask you this. Well, how did that come
20 about? How did you -- how did you meet Bloods?
- 21 A: Mutual friends.
- 22 Q: Mutual friends?
- 23 A: Mutual friends. We all lived in ---
- 24 Q: Who were your mutual friends?
- 25 A: We all lived in the same neighborhood.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Okay.
- 2 A: So, you know, just a mutual friend thing.
- 3 Q: Okay. And as far as the thirty-one seconds, do you --
- 4 what was the -- or what is the significance of thirty-one
- 5 seconds? Do you know?
- 6 A: It could have been twenty-one or twenty-five. It was
- 7 just, you know, thirty-one.
- 8 Q: And after you were initiated and became a part of Sex
- 9 Money Murder, who all was involved in that particular set
- 10 of Bloods?
- 11 A: It was a few of us, but, you know, it was just me and
- 12 Bless, you know, basically. There was a couple of us
- 13 though.
- 14 Q: Okay. Who else?
- 15 A: City, Jersey, you know, a couple people, couple more
- 16 people.
- 17 Q: Okay. Do you know their real names?
- 18 A: No, sir.
- 19 Q: Okay. And you mentioned earlier, Mr. Morgan, that
- 20 there came a period of time -- I'd asked you if you had
- 21 moved and you said no, you'd gotten into trouble. What
- 22 happened?
- 23 A: I ended up getting a lynching charge.
- 24 Q: Okay. And when about was that?
- 25 A: 2006.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Okay. 2006 is when it happened?
- 2 A: All of this was 2006.
- 3 Q: Okay. And did you go to trial or did you plead guilty
- 4 on that?
- 5 A: I pled guilty. I pled guilty.
- 6 Q: And what did you get?
- 7 A: I was in jail for about eight months. I got time
- 8 served and probation and house arrest. I was on house
- 9 arrest for three months.
- 10 Q: And now, after you got out of jail, you said you were
- 11 on house arrest?
- 12 A: Yes, sir.
- 13 Q: Okay. Did you come into contact with Mr. Johnson,
- 14 Bless, after that?
- 15 A: It wasn't -- you know, we ain't chilling, but I seen
- 16 him one time -- one time after that.
- 17 Q: Okay. And where about was that? Was that here in
- 18 Sumter?
- 19 A: Yes, sir. One time. Yeah, one time before I left to
- 20 go back to Indiana.
- 21 Q: Okay. So 2006 you catch this lynching charge?
- 22 A: Yes, sir.
- 23 Q: And you said some time in 2007 ---
- 24 A: April of 2007, I got out. So it was after April.
- 25 Q: Okay. And you went back to Indiana at that point?

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: Yeah. I went back to Indiana.
- 2 Q: Okay. Why did you go to Indiana? Had you still been
- 3 living with your grandmother?
- 4 A: Yeah. My grandma was going to take me. She said you
- 5 just go ahead and start your life over again.
- 6 Q: Okay.
- 7 A: So, you know, I tried.
- 8 Q: So you moved back up to Indiana with your -- with your
- 9 mother?
- 10 A: Yes, sir.
- 11 Q: Okay. And where is your father at during all this?
- 12 A: My father passed.
- 13 Q: When was that?
- 14 A: In 2004.
- 15 Q: Okay. So that's before you even moved down to Sumter?
- 16 A: Yes, sir.
- 17 Q: Okay. Now, Mr. Morgan, how long were you in Indiana
- 18 back with your mother?
- 19 A: Maybe until 2008, maybe '09, something like that
- 20 around that area.
- 21 Q: Okay.
- 22 A: 2009. I'm not, you know, sure of the exact dates, but
- 23 it was around that area.
- 24 Q: Okay. And why did you leave Indiana?
- 25 A: Oh, because I had a job opening. My uncle called me

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 and told me to come down to Lowe's, you know, so I just
2 tried to do it again.

3 Q: Lowe's here in Sumter?

4 A: Yes, sir.

5 Q: And had you ---

6 A: Installing carpet.

7 Q: I'm sorry?

8 A: Installing carpet.

9 Q: Okay. Installing carpet. And had you -- well, where
10 were you going to live?

11 A: Back with my grandmother.

12 Q: Okay. So you had this job opportunity?

13 A: Yes, sir.

14 Q: And your grandmother was willing to take you back in?

15 A: Yes, sir.

16 Q: Okay. And so when you came back to South Carolina,
17 did you -- did you get that job? Did you move in with your
18 grandmother?

19 A: Oh, yes, sir. I got the job.

20 Q: During this time, once you had gotten out of jail on
21 the lynching charge and moved back to Indiana and during
22 that time, are you in contact with Bless at all?

23 A: Uh-uh. No. I wasn't in contact with him. I seen
24 him. The next time I seen Bless was about 2010.

25 Q: Okay. So you come back to South Carolina sometime in

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 2009 and you got this job at Lowe's. You're living with
2 your grandmother. And at some time in 2010, you run back
3 into Bless?

4 A: About 2010, end of 2010, something like that.

5 Q: Tell the jury how that came about?

6 A: I was at a club. I was at a club and I happened to
7 see him and a couple other guys, you know. We talked a
8 little bit and that was it.

9 Q: Well, let me ask you this. Were you still part of Sex
10 Money Murder?

11 A: I was a part of it because, you know, once you're
12 Blood, you just, you know, the best you can do is just lay
13 it down and just leave it alone. You can't just -- you
14 can't never be out. I guess you're always going to be
15 affiliated with the Bloods.

16 Q: Why is that?

17 A: Because once you take a oath, it always going to be a
18 part of it your life, you know. I'm not sure, but that's
19 how it is.

20 Q: Okay. You said once you take the oath. Did you take
21 an oath when you became a part of Sex Money Murder?

22 A: Yes.

23 Q: Okay. And who administered the oath? Who gave you
24 the oath? Who told you that you had to take this oath?

25 A: It was Bless and Jersey.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Bless and Jersey?
- 2 A: Yes.
- 3 Q: When you say Jersey, do you know who Jersey is?
- 4 A: I don't know his first name.
- 5 Q: Okay. And your nickname is New York because you're
- 6 from New York. Is Jersey from Jersey?
- 7 A: Yes, sir.
- 8 Q: Okay. Now, did you become reacquainted with Bless in
- 9 2010? You said you saw him at the club with some other
- 10 guys?
- 11 A: Yes, sir.
- 12 Q: Did you start hanging with him again or what's --
- 13 what's your relationship at that point?
- 14 A: We exchanged numbers. I believe we exchanged numbers,
- 15 but we happened to be -- you know, I seen him a few times
- 16 after that, a few times.
- 17 Q: Okay.
- 18 A: A few times after, you know, that -- at that time.
- 19 Q: Do you know if he was still part of Sex Money Murder?
- 20 A: No, no, no. I know he wasn't for a fact.
- 21 Q: How do you know that?
- 22 A: Because he told me.
- 23 Q: Okay.
- 24 A: He told me that he was Piru.
- 25 Q: He told you he was Piru?

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: Yes, sir.
- 2 Q: And did you know what Piru was at that time?
- 3 A: Yes, sir.
- 4 Q: Okay. And how did you know?
- 5 A: Just -- you know, just knowing the knowledge on, you
- 6 know, Bloods.
- 7 Q: Okay. When you say knowing the knowledge on Bloods,
- 8 where did you pick up knowledge on Bloods?
- 9 A: Just basically studying, you know. They give you
- 10 paperwork when you, you know, get initiated, whatever, you
- 11 know, and you just do it like that.
- 12 Q: And when you say ---
- 13 A: You study it.
- 14 Q: Oh, I'm sorry. Go ahead.
- 15 A: Basically, you're just studying it, you know,
- 16 paperwork.
- 17 Q: Okay. And you say paperwork. When you joined Sex
- 18 Money Murder, after you were administered an oath?
- 19 A: Yes, sir.
- 20 Q: Did you get paperwork as you call it?
- 21 A: Yes, sir.
- 22 Q: Okay. Could it describe it to the jury? What are you
- 23 talking about when you're talking about paperwork?
- 24 A: Knowledge. Knowledge.
- 25 Q: Knowledge?

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: Yes, sir.
- 2 Q: What type of knowledge?
- 3 A: Basically, what you should do and what you shouldn't
- 4 do. What you wear, you know, stuff like that.
- 5 Q: Okay. When you say stuff like that ---
- 6 A: Rules. Basically, your rules.
- 7 Q: Okay.
- 8 A: Yes, sir.
- 9 Q: What were some of the rules that you learned when you
- 10 became part of Sex Money Murder?
- 11 A: It's certain stuff like, you know, you can't have sex
- 12 with your brother's, you know, girlfriend. You can't deal
- 13 with them -- a female if they're dealing with your -- you
- 14 know, your Blood brother. Basically, like that. There was
- 15 a few rules. I just can't think of them offhand.
- 16 Q: Well, let me ask you this. Was there any particular
- 17 type of dress code?
- 18 A: Oh, yeah. You got to wear red flags. Just basically
- 19 red, you know. We didn't really wear too much blue. So it
- 20 was just like basically ---
- 21 Q: Well, why couldn't you wear too much blue?
- 22 A: Because that's Crip.
- 23 Q: Okay.
- 24 A: That's Crip, you know, the other side gang.
- 25 Q: All right. Were there any other colors that were

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 restricted?
- 2 A: Basically, that was it. We couldn't wear blue.
- 3 Q: Okay. Could you wear black?
- 4 A: Yeah, yeah, but, you know, some people, you know,
- 5 thought it stood for, you know, being a Folk.
- 6 Q: Okay.
- 7 A: But, you know, it's the way you wear it.
- 8 Q: Okay. What do you mean the way you wear it?
- 9 A: The way -- the way you wear your black flag as a
- 10 Blood, like you wear your black flag a certain way to where
- 11 you won't be identified as a -- you know, as a Folk.
- 12 Q: Well, explain that to me. When you say Folk, you're
- 13 talking about Folk Nation?
- 14 A: Yes, sir.
- 15 Q: Please explain that to the jury. If you've got a
- 16 black flag as a -- as a Blood and you're a member of Sex
- 17 Money Murder, and it's okay to wear black, how would you
- 18 wear your black flag so as not to be identified as a member
- 19 of Folk Nation?
- 20 A: Basically like, you know, the thirty-one teardrops on
- 21 the -- on the -- on a bandanna, you just, you know, have
- 22 the dragon -- the five on top of the dragon to where, you
- 23 know, you can't never have the five on the bottom. The
- 24 five is -- you know, you can't do that.
- 25 Q: Okay. And I'm going to have to slow you down because

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 I don't know if I quite understood that. You're talking
2 about the way you actually fold ---
3 A: Fold.
4 Q: --- the bandanna?
5 A: Yeah. You fold your bandanna. Yes, sir.
6 Q: And do you fold the bandanna so there are five points?
7 Is that what you're saying?
8 A: No. Thirty-one -- thirty-one teardrops and then you
9 have a five-point crown right under the thirty-one
10 teardrops.
11 Q: Okay.
12 A: On top of the dragon.
13 Q: And if you wear it that way?
14 A: You'll be identified as a Blood.
15 Q: Even if it's black?
16 A: Even if it's black.
17 Q: Okay. Now, let me ask you this. As far as when you
18 joined up with Sex Money Murder, were there -- were there
19 meeting times and places and ---
20 A: Of course. You know, you got to go to the meetings.
21 There's meetings, you know. Basically you have to, you
22 know, put in for the pot, you know, to help your -- you
23 know, your brothers out like that. It wasn't, you know --
24 you know, basically, like a job basically.
25 Q: Well, explain that to me then. You were working at

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Lowe's at the time; right?

2 A: No, not at that time.

3 Q: Not at that time?

4 A: When I -- when I just became Sex Money Murder, no, I

5 wasn't working at Lowe's.

6 Q: Okay. All right. But you said somewhat like a job.

7 Well, who would set the schedule? Who would set the

8 meetings?

9 A: Bless.

10 Q: Okay. And where would you typically meet?

11 A: It could be anywhere. It could be my house. It could

12 be at a friend's house. You know, it could be anywhere.

13 Q: Okay. And you said you had to -- well, did you have

14 to attend the meetings or could you say, well, you know, I

15 don't feel like going?

16 A: Basically, yeah.

17 Q: I can't make it today?

18 A: Yeah. You -- you kind of had to. You kind of had it.

19 It wasn't -- you know, it was mandatory.

20 Q: It was mandatory? What happened ---

21 A: Yes, sir.

22 Q: What happened if you didn't make a meeting?

23 A: It could be a violation. It could be anything. It

24 could be a violation and you let it slide. It could be

25 anything. Anything.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Q: All right. Well, let's say you miss a meeting. A
2 violation. What's the smallest form of violation? What
3 would the ---
4 A: Probably get punched in your chest a few times or, you
5 know, stuff like that. Screamed on. You know, it could be
6 anything.
7 Q: Say it again? Screamed on?
8 A: Yes, sir.
9 Q: Which means what?
10 A: Just get yelled at.
11 Q: Okay.
12 A: Basically.
13 Q: What's the worst that could happen to you for let's
14 say just for missing a meeting?
15 A: Yeah. The worst you can get or the worst that could
16 happen is you go and a couple guys, you know, jump on you.
17 Q: Okay. Now, you said that you would have to put in for
18 the pot or put the pot in?
19 A: Yeah, money basically.
20 Q: Money?
21 A: Yes, sir. You had to put money in. You know, stuff
22 like that.
23 Q: Money for what?
24 A: I don't even know. It was just basically for whoever
25 needs, whoever was controlling the pot.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Okay.
- 2 A: Basically.
- 3 Q: Was there a certain amount of money you'd have to put
- 4 in?
- 5 A: Ten dollars. It was a little bit of nothing. A
- 6 little bit of nothing at that time.
- 7 Q: Okay.
- 8 A: Because we was all broke. We didn't have no jobs.
- 9 Q: All right. Okay. But you were putting in this money
- 10 into this pot?
- 11 A: Yes, sir.
- 12 Q: All right. Who controlled the money?
- 13 A: It could be anybody. I -- it was a couple of us. I
- 14 know I never controlled the pot. They ain't never got me
- 15 to control it. So it could be anybody. Anybody.
- 16 Q: Now, Mr. Morgan, you said you got reacquainted with
- 17 Bless in 2010, but he was not with Sex Money Murder
- 18 anymore; he was with Piru. You knew that because he told
- 19 you?
- 20 A: And I seen a couple other guys that was Pirus, too.
- 21 So, you know, I figured. He told me out of his mouth that
- 22 he was Piru.
- 23 Q: Okay.
- 24 A: Yes, sir.
- 25 Q: Now, the fact that y'all had gotten reacquainted, I

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 mean was there any discussion about you becoming Piru?

2 A: Yeah. You know, we was -- we was real close. Real

3 close. So he asked me a few times. A few times, you know,

4 just to be Piru.

5 Q: What did he -- he asked you to be Piru?

6 A: Yeah, a few times.

7 Q: And he asked you a few times, so I'm assuming did you

8 say no?

9 A: No, no. I said no.

10 Q: Okay. Why was that?

11 A: Because I know how he is.

12 Q: Okay.

13 A: Something don't go right, you know, you're going to

14 have to -- you know, you're going to have to deal with it.

15 You're going to have to -- you know, I knew him for years.

16 Q: All right. So you denied his request to become part

17 of Piru? Did you know where ---

18 A: Yes, sir.

19 Q: I'm sorry?

20 A: Yes, sir.

21 Q: Okay. Did you know where he was staying at that time?

22 A: No, no. I wasn't sure. Maybe I think he was staying

23 with Bliff out there in [REDACTED]

24 Q: All right. When you say [REDACTED] are you talking

25 about [REDACTED] Apartments?

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 A: Yes, sir.

2 Q: Is that out there on [REDACTED] Street?

3 A: I believe so. I believe so.

4 Q: Okay.

5 A: Because I'm not sure. You know, I don't know street

6 names or anything like that.

7 Q: All right. And you said staying with Bliff. Do you

8 know what Bliff's real name is?

9 A: Cliff Johnson. Clifford something like that.

10 Clifford Johnson.

11 Q: Okay. And how did you know Bliff? Do you know Bliff

12 just through Bless?

13 A: No. I met Bliff, you know, just being in Gamecock

14 Apartments when I was living in Gamecock Apartments.

15 Q: Okay.

16 A: And I met Bliff like that.

17 Q: Okay. When were you living in Gamecock Apartments?

18 A: At the end of 2009 -- the real end of 2009 up until

19 2010.

20 Q: Okay. And where is that in relation to [REDACTED]

21 Apartments?

22 A: It's not far at all. It's not far.

23 Q: Like walking distance? Driving?

24 A: Yeah, you could walk. Yeah. Walking distance, yeah.

25 Q: All right. Now, there are several instances where

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Bless has asked you to become part of 135 Piru and you say
2 no. Are you still hanging out with him?
3 A: No. No. It wasn't like we was hanging out. We'd see
4 each other. The two times that we hung out was when I went
5 to [REDACTED]
6 Q: Okay.
7 A: Two times.
8 Q: Tell me about the first time you went to [REDACTED]
9 Apartments?
10 A: It was a cookout. It was a cookout up there. They
11 had a cookout. Everybody was -- there was a couple people
12 out there.
13 Q: Okay. And you say a couple people out there. Who all
14 was out there?
15 A: Bless, me, Bliff. It was a few of us. It was a few
16 of us.
17 Q: Okay.
18 MR. KENT: Judge, can we approach?
19 THE COURT: Sure.
20 (Whereupon, a bench conference is held off the
21 record.)
22 THE COURT: Members of the jury, just for a few
23 moments, if you would, step into the jury room. We'll be
24 back with you in two or three minutes. Do not discuss the
25 case.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 (Whereupon, the jury exits the courtroom at 5:16 p.m.)

2 MR. KENT: Thank you, Judge, and I apologize for the
3 interruption. During the statement that was originally
4 given by Mr. Morgan, there was some mention of that day in
5 question my client potentially using cocaine, but the State
6 assures me that they have no intention on attempting to
7 elicit any of that testimony which I don't think they
8 intend to mislead either way. But just to protect against
9 a spontaneous utterance or something of that nature of my
10 client potentially using cocaine, I would make that
11 objection at this time.

12 THE COURT: Any objections to that?

13 MR. PAULING: No objection, Your Honor, and if I can
14 just ---

15 THE COURT: Make sure he understands that.

16 THE WITNESS: I understand.

17 MR. PAULING: Okay.

18 THE COURT: All right. Thank you. Go ahead and bring
19 the jury back in, please.

20 MR. KENT: Thank you, Judge.

21 (Whereupon, the jury enters the courtroom at 5:18
22 p.m.)

23 THE CLERK: Your Honor, all of the jurors are back in
24 the courtroom.

25 THE COURT: All right. You may continue.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 MR. PAULING: Thank you, Your Honor.

2 THE COURT: Thank you.

3 Q: Now, Mr. Morgan, you mentioned the first time you were
4 out at [REDACTED] Apartments, there was a party? A
5 cookout?

6 A: Yeah, a cookout.

7 Q: Okay. And there were a few people there you said?

8 A: Yes, sir.

9 Q: Okay. Those individuals, were they members of 135
10 Piru?

11 A: Everybody was except for me.

12 Q: Everybody was except for you?

13 A: Yes, sir.

14 Q: Who invited you to the -- to the get-together?

15 A: Bless.

16 Q: Okay. Even though you weren't affiliated with 135
17 Piru?

18 A: Yeah. That's how cool we was.

19 Q: Okay. And now as far as 135 Piru is concerned, did
20 you understand or did you know their -- their rank
21 structure?

22 A: Not really. Not really because, you know, they're not
23 supposed to, you know, let outsiders know their business.
24 That's it basically.

25 Q: When you say not let outsiders know their business,

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 were you an outsider?

2 A: Yes, sir, because I wasn't Piru.

3 Q: Okay. You were Blood, but you weren't Piru?

4 A: Yeah, I was Blood. Yeah, I was Blood.

5 Q: But since you weren't 135 Piru, you were an outsider?

6 A: Outsider.

7 Q: Okay. So could you go to their initiations?

8 A: Not really. No, not really. Basically, they're not

9 going to let -- they're not going to talk in front of me.

10 They're not going to -- you know, they're not going to

11 mention anything in front of me.

12 Q: Okay. Well, do you know who was running the 135 Piru

13 set at that time when you went to that particular get-

14 together?

15 A: As far as in Sumter or ---

16 Q: In Sumter.

17 A: Bless.

18 Q: Okay. Do you know if there were any other higher

19 ranking Piru members at that particular get-together?

20 A: Yeah. A guy named Jiwe and Cash.

21 Q: Okay. Well, let me ask you this. How did you know

22 that they were higher ranking? How did you know that they

23 were there?

24 A: Bless introduced me to everybody.

25 Q: Okay. And when he introduced you -- that particular

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 day?

2 A: Yes, sir.

3 Q: Okay. When he introduced you to Cash and Jiwe, I mean

4 did he tell you what their rank was or how did -- how did

5 that ---

6 A: Just -- no, not -- not offhand. I'm not sure, not

7 offhand, but I knew who they was because they was listening

8 to him. He was talking and they was -- you know, everybody

9 was listening to him, Jiwe.

10 Q: Okay. I understand. Was he giving them knowledge at

11 that particular time or was he just talking about ---

12 A: He was just basically talking about there needed to be

13 a change.

14 Q: Now, you said there was a -- a second time -- well,

15 let me ask you this. When you were at [REDACTED] was

16 Bless living out at that particular place or was this just

17 a location where the event was?

18 A: Yeah, he was living there.

19 Q: Okay. Who was he living with?

20 A: Bliff. Bliff and his girlfriend.

21 Q: Okay. And that was the first time you were out at

22 [REDACTED] is that correct?

23 A: Yeah, the first time I ever been to [REDACTED] ever.

24 Q: All right. Now, the second time that you indicated,

25 do you remember when about that was?

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 A: Yeah, I remember that.

2 Q: Okay.

3 A: I can't never forget that day.

4 Q: Would that have been around March 22nd of 2011?

5 A: March 22nd, yes, sir.

6 Q: You said you remember that well. Do you remember what

7 you were doing that day or planning on doing that

8 particular day?

9 A: Yeah. Bless gave me a call and told me to come out

10 there and chill with them, you know work out.

11 Q: Okay.

12 A: I'm not going to work out. So, you know, I went out

13 there anyway, you know, just to chill. So I went to go get

14 me a beer, me and my girlfriend.

15 Q: Well, let me ask you this. Was it okay for you not to

16 work out because you weren't a part of 135 Piru?

17 A: No. It was just basically like everybody working out

18 trying to, you know, get their weight up.

19 Q: Okay.

20 A: I don't work out.

21 Q: You weren't feeling that?

22 A: I don't work out.

23 Q: Okay. All right. So you -- you go out there. I mean

24 Bless invites you out there so you go out there; is that

25 correct?

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 A: Yes, sir. I went to go get me a beer before I went
2 out there.

3 Q: Okay. And when you get out there, who all is out
4 there?

5 A: Me, Bliff, Bless, Ready, Bundy, Ratchet.

6 Q: All right. Ready, Bundy, and Ratchet, do you know
7 their real names? Do you know Ready's real name?

8 A: Now I do. Rasheed Brandon.

9 Q: Okay. At that particular time, did you know his real
10 name?

11 A: No.

12 Q: Okay. What about Bundy? Did you know his real name?

13 A: No.

14 Q: Okay. And as far as Ratchet, did you know him as
15 Ratchet?

16 A: Yeah. I just knew him as Ratchet.

17 Q: Now, had you met those three individuals before?

18 A: Yeah. I met Ready. I met Ready, you know, maybe a
19 week before when they -- they initiated him a week before
20 we was out there. It wasn't even supposed to happen. He
21 just happened to walk up with a red bandanna. Bless talked
22 to him and after that, we was -- you know, that's how it
23 went.

24 Q: All right. He already had a red bandanna on?

25 A: Yeah. He had a red bandanna on him.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Q: Okay. You said it wasn't planned so ---
2 A: Yeah. It wasn't planned.
3 Q: But he was initiated that -- that particular day?
4 A: Yes, sir.
5 Q: Did you see the initiation?
6 A: Yeah. I was far back and they told me to step back.
7 Q: Okay. They told you to step back?
8 A: Yeah. They told me to step back and let them handle
9 their business.
10 Q: Okay. And when they handled their business, what did
11 they do?
12 A: Brought him home. Bring -- you know, put him in Piru.
13 Q: Well, I understand that, but what I'm saying is what
14 did they do? What did the initiation consist of?
15 A: Yeah, just beat on him. Beat on him a little bit.
16 Punch him out. Slap him around. Gave him -- you know.
17 Q: Was it thirty-one seconds or twenty-one seconds or ---
18 A: Twenty-one. That was twenty-one probably.
19 Q: Okay. And you said they brought him on home? He
20 became Piru?
21 A: Yes, sir.
22 Q: And that was about you say a week before?
23 A: Yeah, about a week before.
24 Q: All right.
25 A: A week before.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: And just so I'm understanding, is this the same time
2 that the event that you'd been to was going on or was this
3 ---
4 A: A week after. Probably about a week after, then
5 that's when the event came on where we got jammed up.
6 Q: Okay.
7 A: March 22nd.
8 Q: Okay. So they're out there working out. You're not
9 working out.
10 A: I was drinking a beer.
11 Q: Okay. You were drinking a beer.
12 A: It was kind of hot out there, too, so I was just
13 drinking me a beer.
14 Q: Okay.
15 A: Watching them work out.
16 Q: So while you're out there -- and is it just you guys
17 there? Is anybody else there?
18 A: There was a couple females. You know, I don't know
19 them offhand.
20 Q: Where were they?
21 A: They was out there watching them work out.
22 Q: Okay.
23 A: They was all out there in the front just chilling.
24 Q: And then what happens while y'all are out there?
25 A: A couple guys come up. Five -- five guys came up

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 wearing black shirts.

2 Q: Wearing black shirts?

3 A: Yes, sir.

4 Q: Okay. Do you know which direction they were coming

5 from or where they were going to? Could you tell?

6 A: I think they was going to Apartment 50 or something.

7 I'm not sure. It was two years ago, but they came out the

8 car coming from a funeral.

9 Q: Okay. How did you know they were coming from a

10 funeral?

11 A: I knew that funeral was going on that day. Everybody

12 got on all black and they said they was coming from a

13 funeral.

14 Q: They said that?

15 A: They said we coming from the funeral. I just seen my

16 homeboy, you know, buried.

17 Q: Say it again now?

18 A: I just seen my homeboy buried.

19 Q: Who is Barry?

20 A: Buried. Buried. Buried. Like ---

21 Q: Buried. I'm sorry. They said we're coming from a

22 funeral. We just saw my homeboy buried. I got you.

23 A: Yes, sir.

24 Q: All right. Now, when they came through, was there any

25 discussion between you all and these -- these individuals

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 dressed in black?
- 2 A: Yeah. Bless -- you know, Bless went over there and
- 3 talked to them. Basically, he said it's a Blood territory.
- 4 Ain't none of that going on.
- 5 Q: Okay. And what -- what did you take that to mean?
- 6 Ain't none of that going on?
- 7 A: It's a Blood territory. Ain't no Folk stuff going on.
- 8 Q: Okay. Now, you just said they were coming from a
- 9 funeral dressed in black?
- 10 A: Yeah.
- 11 Q: All right.
- 12 A: And blue, yeah.
- 13 Q: So why would Bless say what he said to them?
- 14 A: He didn't really care. He didn't care.
- 15 Q: Now, were they flagging?
- 16 A: No. None of them was flagging.
- 17 Q: And what would you consider flagging at that point?
- 18 If they were just dressed in black, is that flagging or do
- 19 you have to have a bandanna?
- 20 A: Anybody could be dressed in black and just -- you
- 21 know. You know? You know? You got to be flagging.
- 22 Q: Okay.
- 23 A: Basically, yeah. Or be a known gang member.
- 24 Q: Okay. Well, did they just have words then?
- 25 A: They had some words. You know, we held everybody

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 back. It was just words at the time.

2 Q: And did they leave?

3 A: They left.

4 Q: Okay. What did y'all do? Did you go back to working

5 out?

6 A: Yeah. They went back there. I was -- you know, I

7 continued drinking my beer. They went back to work out and

8 about fifteen minutes later -- fifteen -- thirty minutes,

9 you know, around that facility, that's when everybody came

10 with them.

11 Q: You say everybody came. Who came -- well, who came

12 back?

13 A: It was a lot of people.

14 Q: Okay.

15 A: A lot of people.

16 Q: One car?

17 A: About three cars. Three, four.

18 Q: When they came back, were these -- were some of the

19 same individuals who were there the first time? Could you

20 tell?

21 A: There were a couple. Yeah, it was a couple of them.

22 Q: Okay. And were they all -- were they dressed in

23 black?

24 A: It was different colors. I know none of them was

25 dressed in red.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Okay. All right. Was anybody flagging?
- 2 A: No.
- 3 Q: Okay. And now, when they came back, did they come
- 4 directly to where you all were or what happened?
- 5 A: Yeah. They came out the car and, you know, we walked
- 6 towards them and I -- you know, that's -- yeah, that's how
- 7 we did.
- 8 Q: Okay. So when they pulled up, I mean -- well, who
- 9 decided y'all needed to make the move to go towards them?
- 10 Or did y'all just kind of all walk over there?
- 11 A: Yeah, we all -- yeah, we all kind of walked over
- 12 there. Kind of -- kind of walked over there.
- 13 Q: All right. What was going on in your mind at that
- 14 point about ---
- 15 A: The first thing in my mind?
- 16 Q: Yes.
- 17 A: I'm not trusting nobody else. Nobody, not even the
- 18 guys that I'm with. I'm not trusting them. So I'm going
- 19 to go with, you know, from what I -- what I know. So, you
- 20 know.
- 21 Q: So what did you do?
- 22 A: Grabbed a gun.
- 23 Q: All right. Where did you grab the gun from?
- 24 A: It was outside. It was outside.
- 25 Q: Outside of [REDACTED] where ---

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 A: Yeah. Like this is like the step right here. It was
2 like below the step on the grass.

3 Q: Okay.

4 A: Under some stuff.

5 Q: When you say the step, the steps leading up into the
6 apartment?

7 A: Yeah. Like it's the step, yeah.

8 Q: Okay.

9 A: Okay.

10 Q: And what did you do with that gun?

11 A: Put it in my pants.

12 Q: Okay. And then you continued on walking towards the
13 other group?

14 A: Yeah. I didn't want no kids to see me with -- you
15 know, with a gun. There were a lot of kids out there.

16 Q: There were a lot of kids out there?

17 A: Yeah. There was a lot of kids out there.

18 Q: All right. Do you know what time of day this was?

19 A: Three o'clock. Three, three thirty or something like
20 that. It was -- it was a lot of people out there.

21 Q: It was light out still?

22 A: Daylight.

23 Q: Okay. And you're walking towards this other group.
24 Who was walking there? Who was walking with you?

25 A: Everybody. At that time, everybody started walking

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 over there.

2 Q: So would that be Bless?

3 A: Yeah. Bless would be walking with me.

4 Q: Ratchet?

5 A: Yeah. Ratchet was walking.

6 Q: Ready?

7 A: Ready, Bundy.

8 Q: Bundy?

9 A: Yes, sir.

10 Q: Was Bliff there, too?

11 A: No. Bliff had left.

12 Q: Okay.

13 A: Bliff left.

14 Q: All right. Are there any words being exchanged as

15 you're walking towards this other group? Did anybody say

16 anything?

17 A: Yeah. I tried to calm the crowd down, tried to tell

18 them to, you know, calm down.

19 Q: Okay. Is the gun still in your pants at this point?

20 A: The gun is still in my pants.

21 Q: Okay. And then what happened?

22 A: They wasn't trying to hear me. I knew a couple guys

23 -- a couple guys out there and I told them, y'all just

24 chill. There's a lot of kids out there and one of them

25 said, oh, no, ask that. I said, oh, all right, and I took

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 the gun out, cocked it. A light went off in my head real
2 fast. I put the gun back in my pants. As I'm putting it
3 back in my pants, Bless end up snatching it from me.

4 Q: All right. The other group, the other individuals who
5 were walking towards you, did you notice if any one of them
6 had a gun at the time?

7 A: Yeah. He had a gun out. Yeah. He had a gun out.
8 That's why I guess Bless got mad because I ain't shoot.

9 Q: Okay. I mean was he pointing the gun already or did
10 he ---

11 A: He had it down like -- you know, down like this.
12 (Indicating.)

13 Q: Down by his side?

14 A: Yes, sir.

15 Q: Okay. You put the gun back in your pants? Well, you
16 said you were putting the gun back in your pants, but what
17 happened?

18 A: As I'm putting it in, me and Bless was like -- you
19 know, he trying to get it with me.

20 Q: Okay.

21 A: I just gave it to him. I'm not about to shoot myself.
22 It ain't have no safety.

23 Q: Okay. Had you already racked a round at that point?

24 A: Excuse me?

25 Q: Had you already racked one in the chamber at that

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 point?

2 A: Yeah. One was in the chamber.

3 Q: Okay.

4 A: One was in the chamber.

5 Q: So did Bless -- well, did Bless eventually get the

6 gun?

7 A: Yeah. He got it. He ended up getting the gun from

8 me.

9 Q: All right. And what did he do or what happened?

10 A: He started shooting. He started shooting. I mean

11 it's that. He just started shooting.

12 Q: And was there return fire?

13 A: Yeah, yeah. The guy let off a couple of shots. They

14 shooting at each other.

15 Q: And just approximate for me how far are y'all away

16 when this shootout starts?

17 A: Maybe from here where I'm sitting at to probably about

18 that desk right there.

19 Q: Okay.

20 A: Or maybe to the -- you know, where Mr. Lyons is

21 sitting.

22 Q: Okay.

23 A: That close.

24 Q: And y'all were shooting back and forth? Well, I say

25 y'all were shooting back and forth. Bless is shooting and

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 the other individual ---

2 A: Back and forth. Back and forth.

3 Q: What does everybody do at that point?

4 A: Scatter. Everybody scattered. Everybody getting in

5 their cars and leaving. I ain't had no ride so I'm out

6 there..

7 Q: How did you get out there?

8 A: My girlfriend.

9 Q: Okay. She -- did she drop you off?

10 A: Yeah. She dropped me off.

11 Q: Okay. And so where did you go after this -- this

12 shootout?

13 A: I'm still there. We all still there. We ain't go

14 nowhere.

15 Q: Okay. When you say still there, are you still

16 standing out in the street or did you go back in the

17 apartment?

18 A: No. We're in the back yard. We're in the back.

19 Q: In the back yard?

20 A: In the back of the apartments.

21 Q: All right. Did the police come out?

22 A: Yeah. I believe -- yeah, the police came out.

23 Q: Okay. I mean did anybody talk to you or ask about ---

24 A: I ain't talked to nobody. They just went out there

25 and just got in the car and left.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 Q: Okay. I mean did you -- did you see the police? I
2 mean did they see you?
3 A: I seen the police.
4 Q: Did they see you?
5 A: No. They ain't seen me.
6 Q: Where were you?
7 A: In the back of the apartments.
8 Q: Okay. As far as the gun is concerned, where -- where
9 was the gun?
10 A: Bless still had the gun.
11 Q: Okay. Did you see where he put it?
12 A: No. I assume he put it in his pants.
13 Q: Okay.
14 A: I ain't see the gun no more.
15 Q: Now, you said you stayed there for some period of
16 time; is that correct?
17 A: I did stay there for some period of time.
18 Q: All right. Did you eventually get picked up or did
19 you -- did you go to another location?
20 A: Yeah. I got picked up. I got picked up.
21 Q: All right. Who picked you up?
22 A: My girlfriend.
23 Q: Okay. And then did you go home at that point?
24 A: No. No, sir. We dropped -- we went over there --
25 over Garney's house. I don't know exactly -- we went over

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 there.

2 Q: Okay. When you say Garney, who is Garney?

3 A: Garnett Davis.

4 Q: All right. How -- did you know Garnett Davis before

5 that -- that day?

6 A: Yes, sir.

7 Q: How did you know him?

8 A: From out there in Gamecock, same way I knew Bliff.

9 Q: Okay. Now, as far as Garney is concerned, was he

10 affiliated with 135 Piru?

11 A: Yes, sir.

12 Q: And do you know what his affiliation was or what his

13 -- what his rank was?

14 A: I'm not sure, but I know it was -- you know, him and

15 Bless was -- they was side by side.

16 Q: Okay. So when your girlfriend came and picked you up,

17 who all did she take over to Garney's?

18 A: Me, Bless, Bundy, and Ready I believe. Yeah, Ready.

19 There was a couple of us.

20 Q: And did you -- once you went over to Garney's house,

21 did you stay there for a while or what happened when you

22 were there?

23 A: I dropped them off. She was through with me. She was

24 too through.

25 Q: When she came to pick you up, she knew you were

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 involved in a shootout?
- 2 A: Yeah. I ended up calling her and telling her. She
3 was through with me because that was supposed to be our
4 day.
- 5 Q: Okay. Now, Mr. Morgan, as far as these particular
6 incidents, at some point were you arrested in this
7 particular matter?
- 8 A: Yes, sir, about a week after.
- 9 Q: Okay. And, in fact, weren't you charged with pointing
10 and presenting a firearm?
- 11 A: Pointing and presenting a firearm.
- 12 Q: Criminal conspiracy?
- 13 A: Criminal conspiracy.
- 14 Q: Accessory before the fact to murder?
- 15 A: Yes, sir.
- 16 Q: And just so I've got it clear, Mr. Morgan, your plea
17 agreement was you actually pled to pointing and presenting;
18 is that correct?
- 19 A: Yes, sir.
- 20 Q: You weren't originally charged with pointing and
21 presenting, but you were charged with criminal conspiracy
22 and accessory before the fact; is that correct?
- 23 A: I had four charges.
- 24 Q: Okay. What were the other charges?
- 25 A: Criminal conspiracy, unlawful carrying of a firearm,

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 pointing and presenting a firearm, and accessory before the
2 fact.

3 Q: Okay.

4 A: Before the fact of murder.

5 Q: And what did you plead guilty to?

6 A: Pointing and presenting, exactly what I did.

7 Q: Okay. And what's your understanding -- well, let me
8 ask you this. Have you been sentenced yet?

9 A: No, sir.

10 Q: Okay. Do you know what you're facing?

11 A: No, sir.

12 Q: You've talked to your attorney about what pointing and
13 presenting carries?

14 A: Zero to five.

15 Q: Okay. Now, after that particular incident, you said
16 that you dropped off Bless and the others at Garney's and
17 your girlfriend was upset with you?

18 A: Yes, sir.

19 Q: Okay. Did you -- did you see Bless again that
20 particular night?

21 A: I never seen Bless after that until right now.

22 Q: Let me ask you this, Mr. Morgan. Do you know or did
23 you find out what occurred at [REDACTED] Apartments later
24 that night?

25 A: Yeah. Yeah, I did.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 Q: Okay.
- 2 A: I did because somebody called me the next morning and
3 said why did you murder that boy out there in [REDACTED]
4 You were in black. I said, oh, I ain't murder nobody. And
5 that's when I started trying to get in touch with Bless.
- 6 Q: Okay. Well, let me ask you this. Did you have
7 anything to do with the planning or the commission of that?
- 8 A: I didn't know nothing about it, nothing.
- 9 Q: That shooting? That murder?
- 10 A: Yeah. That was -- that was against the rules. They
11 don't let outsiders know what was going on within the set.
- 12 Q: Okay. Mr. Morgan, have you been truthful to this jury
13 today?
- 14 A: A hundred percent truthful.
- 15 MR. PAULING: I beg the Court's indulgence.
- 16 Q: Mr. Morgan, I've just got a few more questions for
17 you. When you were with Sex Money Murder, you said Bless
18 was running that; is that correct?
- 19 A: Yes, sir.
- 20 Q: Okay. And when you got initiated, what was your rank?
- 21 A: I'm not sure. Probably like a foot soldier or
22 something. Foot soldier.
- 23 Q: But -- but the lowest rank, whatever?
- 24 A: The lowest rank. You got to start at the bottom.
- 25 Q: Well, how would you gain rank?

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

- 1 A: It could be anything. Beat up people, selling drugs.
2 It could be anything. Studying your knowledge. It could
3 be anything. Any of the above.
- 4 Q: What would you call that?
- 5 A: What would I call what?
- 6 Q: I mean what would you do? Is that putting in work or
7 what do you ---
- 8 A: You put in work. Put in work, yeah. That's what it
9 was.
- 10 Q: Who would determine if you would gain rank?
- 11 A: Bless.
- 12 Q: Okay. And now, could you just go on and put in work
13 on your own? Could you just go do something and say, hey,
14 look, this is what I've done? Can I get my rank boosted?
- 15 A: No.
- 16 Q: Or was there a procedure?
- 17 A: It got to be -- you know, you got to call it. It got
18 to be -- it got to be something that, you know, the higher
19 ranks call.
- 20 Q: All right. So someone a higher rank than you would
21 have to -- to tell you what to do to gain rank?
- 22 A: Yeah.
- 23 Q: Okay. And again, what were some of those things?
24 What would some of those things be?
- 25 A: Beating up people, robbing, stealing, selling drugs.

WILLIAM MORGAN - DIRECT EXAMINATION BY MR. PAULING

1 It could be anything. Putting money in, knowledge.

2 Q: But that would be the extent of putting in work?

3 A: Exactly.

4 Q: Okay.

5 MR. PAULING: I have no further questions. Please
6 answer any questions Mr. Kent may have.

7 THE COURT: Mr. Kent?

8 MR. KENT: Thank you, Judge.

9 CROSS EXAMINATION

10 BY MR. KENT:

11 Q: Mr. Morgan, how are you doing today?

12 A: I'm doing all right.

13 Q: And they asked you these questions, but I want to get
14 right to it. When this all came out, you were charged with
15 a lot of charges. You were charged with accessory before
16 the fact of murder?

17 A: Yes, sir.

18 Q: You were charged with accessory after the fact of
19 murder?

20 A: Accessory after the fact, yes, sir.

21 Q: You were charged with conspiracy?

22 A: Conspiracy.

23 Q: And what else? That's three. What else were you
24 charged with originally?

25 A: I was charged with pointing and presenting a firearm,

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 unlawful carrying of a firearm, accessory, and conspiracy.
2 Q: Okay. And let's go over those charges. Accessory
3 before the fact of murder, that's the same as murder. You
4 were looking at thirty years to life. You were looking at
5 the same charges that Mickey Johnson is looking at;
6 correct?
7 A: I believe so, yes.
8 Q: And the State just dismissed those charges?
9 A: I really didn't have nothing -- the evidence didn't
10 have me ---
11 Q: The State just dismissed those charges; correct?
12 A: Yes.
13 Q: Okay. They came to you and they just said they
14 believed you. You told them I didn't do it and they said
15 okay, we believe you?
16 A: I assume the evidence -- the evidence would, you know,
17 said that I didn't do it.
18 Q: Well, you got a high bond on these charges, too;
19 didn't you? Didn't you? What was the bond that they set
20 on your charges?
21 A: 200.
22 Q: 250,000; wasn't it?
23 A: 200,000.
24 Q: \$200,000?
25 A: Yes, sir.

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 Q: Did you make that bond?

2 A: I made it.

3 Q: You made a \$200,000 bond?

4 A: Yes, sir.

5 Q: Your testimony earlier was you were broke; wasn't it?

6 That you were ---

7 A: Yeah. I was broke, but not my family.

8 Q: Okay. So you made a \$200,000 bond when you were

9 looking at a murder charge and all of these other things

10 that you were looking at?

11 A: Yes, sir.

12 Q: And then the State of South Carolina in an effort,

13 they asked you to testify for them; is that correct?

14 A: Yes, sir.

15 Q: They came to you and they said we want you to testify

16 and we want you to testify against Mickey Johnson; correct?

17 A: Yes, sir.

18 Q: And they asked you to testify to Mickey Johnson and

19 they agreed to dismiss a bunch of charges against you, the

20 same charges that Mr. Johnson was looking at; correct?

21 A: No. I don't believe they -- you know, they did it

22 just to ---

23 Q: Are you still facing those charges?

24 A: No, sir.

25 Q: They were dismissed?

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 A: After they said that -- after they said that ---
2 Q: Are you still facing those charges today?
3 A: No, sir.
4 MR. GOINGS: Judge, I would ask that the witness ---
5 THE COURT: Let him answer the question.
6 MR. GOINGS: Thank you.
7 Q: Are you still facing those charges?
8 A: No, sir.
9 Q: Were those charges dismissed?
10 A: Yes, sir.
11 Q: Okay. And as an exchange for that, you actually have
12 already pled guilty to your charges; correct?
13 A: Yes, sir.
14 Q: They just charged you with the only thing you said you
15 did was pointing and presenting a firearm?
16 A: Yes, sir.
17 Q: You been sentenced on that yet?
18 A: No, sir.
19 Q: Not at all?
20 A: Not at all.
21 Q: So you pled guilty and they just let you walk out of
22 the courtroom?
23 A: Yes, sir.
24 Q: What did they say at the plea when you pled guilty?
25 Why did they let you walk out of the courtroom?

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 A: I don't know. I didn't ask.

2 Q: You didn't ask? They just let you walk out of the
3 courtroom?

4 A: Yes, sir. I pled guilty to my charge.

5 Q: Have you been sentenced yet?

6 A: No, sir.

7 Q: So that sentence is hanging over your head right now
8 in exchange for your testimony today; isn't it?

9 A: I believe so.

10 Q: Okay. So depending on your testimony, how you testify
11 today determines on what type of sentence you're going to
12 get?

13 A: I'm just telling the truth, man.

14 Q: The question was depending on how you testify today
15 determines what type of sentence you're going to get when
16 you do eventually get sentenced?

17 A: Yes.

18 Q: When you made your bond, did you make any promises to
19 the Court about not getting in trouble or not getting re-
20 arrested and not breaking state and local laws? Did you
21 make that promise?

22 A: That's part of bond, yes.

23 Q: Did you get in trouble at all? Did you get re-
24 arrested for anything whatsoever as a condition of your
25 bond?

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 A: A driving charge.

2 Q: A driving charge? So you did get arrested. You did
3 break the law?

4 A: Yeah. I got locked up for a driving under suspension.

5 Q: You did get arrested? You did serve ---

6 A: Yeah.

7 Q: When you got arrested when you broke the law, did the
8 State come and try to revoke your bond because you were
9 violating the condition that you promised the Court that
10 you wouldn't get in trouble, you wouldn't lie to the Court?

11 A: Yes, sir.

12 Q: So they put you back in jail?

13 A: Yes, sir.

14 Q: You're not in jail right now though?

15 A: Because of the judge gave me my bond back.. Judge
16 Benjamin.

17 Q: Was the State of South Carolina there when they went
18 in front of you for that bond hearing when they gave you
19 your bond back?

20 A: The second time. The second time.

21 Q: Okay.

22 A: I went twice.

23 Q: Do you remember giving a statement to law enforcement
24 as a condition of a proffer? Do you remember giving ---

25 A: Back in March?

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

- 1 Q: Yeah. Do you remember that?
- 2 A: Yes, sir.
- 3 Q: Giving a statement. Do you understand what a proffer
- 4 is? What was the proffer agreement that they told you?
- 5 A: I don't -- I don't know. They explained it to me,
- 6 but I don't know. I guess just be truthful.
- 7 Q: And they'll dismiss your charges?
- 8 A: No. They ain't say that.
- 9 Q: Well, what did they tell you?
- 10 A: When I -- when I -- matter of fact, when I did give
- 11 the proffer, they didn't tell me nothing. It wasn't no
- 12 sentence hanging out or nothing. I was still facing the
- 13 charges.
- 14 Q: They didn't explain anything to you whatsoever ---
- 15 A: No.
- 16 Q: --- when they gave you ---
- 17 A: No.
- 18 Q: --- a proffer? Did you sign an agreement?
- 19 A: Did I sign an agreement?
- 20 Q: Did you sign anything at that time?
- 21 A: No.
- 22 Q: You didn't sign a proffer agreement ---
- 23 A: No.
- 24 Q: --- with the State?
- 25 A: I signed a proffer agreement, but I ain't signed no

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 plea or nothing like that or get them charges dropped.

2 Q: You signed a proffer agreement with the State of South
3 Carolina agreeing to do certain things; is that correct?

4 MR. GOINGS: Judge? Your Honor, can we approach?

5 THE COURT: Sure.

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

8 Q: You signed a proffer agreement; is that correct?

9 A: Yes.

10 Q: What was your understanding of signing that proffer
11 agreement?

12 A: I thought it was just a regular statement.

13 Q: What do you mean it was just a regular statement?
14 Explain ---

15 A: Like how you write a regular statement.

16 Q: Did you write anything down?

17 A: No.

18 Q: Okay. So you just thought you were just signing
19 something? You lawyer didn't explain to you what the terms
20 of the proffer agreement were or what the State had to do
21 or what you had to do? No one explained it?

22 A: I thought I was still going to be facing them same
23 charges so I didn't know.

24 Q: So your lawyer didn't explain any of this to you?

25 A: No. My lawyer ---

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 Q: You just -- you just signed an agreement and just
2 started talking is what you're ---
3 A: Tell the truth. Basically, tell the truth.
4 Q: Tell me -- you've got a tattoo right there on your
5 eye. What is that? Is that a teardrop?
6 A: The passing of my father.
7 Q: Huh?
8 A: Yeah.
9 Q: Is that a teardrop?
10 A: The passing of my father.
11 Q: Okay. Does that have any other reference in the gang
12 community? I know you know so much about gangs.
13 A: No.
14 Q: Do teardrop tattoos mean anything else possibly?
15 A: Not by my knowledge. My dad died.
16 Q: So you have no knowledge at all about what a teardrop
17 ---
18 A: My dad died so I got it.
19 Q: I'm sorry. I'll finish my question. You have no
20 knowledge whatsoever in gang parlance what a teardrop
21 tattoo on an eye means at all?
22 A: I do.
23 Q: Can it mean anything else?
24 A: It could mean a thousand reasons so why would you
25 assume ---

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 Q: Well, give me some of them?

2 A: Passing, jail time ---

3 Q: Killing somebody?

4 A: Yeah. Yeah, there's killing somebody.

5 Q: Okay.

6 A: Yeah.

7 Q: And the statement that you gave to law enforcement,

8 did you ever mention Apartment 50? The first time I've

9 ever heard you mention it was today. Did you ever ---

10 A: Yeah.

11 Q: Do you remember ---

12 A: Yeah.

13 Q: You mentioned Apartment 50 somewhere ---

14 A: I look at it like this. We was at a low number and

15 you look across the street, the high numbers is across the

16 street.

17 Q: But you specifically mentioned the Number 50 while you

18 were on the stand today.

19 A: Yeah. I mentioned 50.

20 Q: You mentioned 50 in your statement or you just talked

21 about general numbers or did somebody tell you that 50 was

22 the number that you needed to talk about today?

23 A: No. I just went through my statements last night or

24 something.

25 Q: You went through your statement last night?

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

- 1 A: No. Other people's statements, you know.
- 2 Q: You went through other people -- whoa, whoa, whoa.
- 3 You went through other people's statements last night?
- 4 A: Yeah. Just -- yeah.
- 5 Q: Who gave you copies of other people's statements?
- 6 A: It's in a motion of discovery.
- 7 Q: So you went through other people's testimonies, other
- 8 people's statements so you could know exactly what you
- 9 needed to ---
- 10 A: No.
- 11 Q: --- testify to today?
- 12 A: No. No. Not at all.
- 13 Q: So why were you reading other people's statements
- 14 based upon your testimony ---
- 15 A: When you're ---
- 16 Q: --- when you're just supposed to be testifying about
- 17 the truth today?
- 18 A: What do people read motions of discovery for? What's
- 19 the point of getting a motion of discovery?
- 20 Q: Well, you wanted to make sure you could be good for
- 21 the State ---
- 22 A: No.
- 23 Q: --- so you could tell them everything you needed ---
- 24 A: No. I don't even have my statement anymore.
- 25 Q: So Apartment 50 that you came up to potentially came

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 from you reading other people's statements?

2 A: Yes, sir.

3 Q: So it had nothing to do with your own testimony? It

4 was about what other people had said?

5 A: No.

6 Q: Did you in your own statement ever mention Apartment

7 50 or did you come up with Apartment 50 from reading other

8 people's statements last night?

9 A: I can't recall exactly what number I ---

10 Q: You can't recall the truth?

11 MR. GOINGS: Objection, Your Honor. Please let the

12 witness finish answering the question.

13 MR. KENT: He said I can't recall.

14 THE COURT: Sustained. Just ask the question and ---

15 Q: You can't ---

16 THE COURT: --- let him answer it and then you ask

17 your question and he can answer the questions.

18 Q: You can't recall what you said? Didn't -- what you

19 said, wasn't it just the truth the first time you talked to

20 ---

21 A: I didn't say -- I didn't say Apartment 50. I didn't.

22 No, I didn't.

23 Q: You didn't say Apartment 50?

24 A: No, I didn't.

25 Q: So why did you mention it in front of this jury today?

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 Why was it all of a sudden important for you to mention
2 Apartment 50 today in front of this jury during your
3 testimony?
4 A: I told you why.
5 Q: Because you read the statements and that's what the
6 State wanted you to ---
7 A: No.
8 Q: --- do?
9 A: No. It's not the reason why.
10 Q: So why did you mention it?
11 A: Because I know we was at a low number and across the
12 street was the high numbers.
13 Q: How many high numbers? Was there an Apartment 47 over
14 there? Forty-nine is a high number. Forty-eight is a high
15 number. Seventeen is a high number.
16 A: Yeah.
17 Q: Why did you pick Apartment 50 as the high number that
18 you needed to mention today?
19 A: I don't know.
20 Q: You don't know?
21 A: Going through my statements.
22 Q: Well, you didn't have your statement. You went
23 through everybody else's statements.
24 A: My statements. When I say my statements, I mean my
25 paperwork. So let me not say my statements. Other

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 people's statements.

2 Q: So last night before you came to testify ---

3 A: It wasn't last night.

4 Q: When was it? You just said ---

5 A: Sometime yesterday.

6 Q: Oh, I'm sorry. My fault. I apologize. It wasn't

7 last night. Sometime yesterday within the last twenty-four

8 hours, you saw fit to go through everybody else's

9 statements and ---

10 A: I didn't -- I didn't go through everybody's.

11 Q: Whose statements did you read through?

12 A: I'm not sure because I didn't -- you know, there was

13 no name on there, but I'm just looking. I see Apartment

14 50. I see Apartment -- all type of apartments.

15 Q: So is your testimony based upon your individual

16 knowledge or is it based upon knowledge ---

17 MR. GOINGS: Objection, Your Honor.

18 A: It's the truth.

19 MR. GOINGS: It's been asked and answered. He said he

20 didn't know.

21 THE COURT: Ask him one more time and that way we're

22 going to end it.

23 Q: Is your statement -- your testimony today to this

24 jury, is it based upon your independent knowledge or the

25 knowledge of the statements that you read in the last

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

- 1 twenty-four hours?
- 2 A: My statement is based on the truth.
- 3 Q: Not your statement, your testimony today?
- 4 A: My testimony is based on the truth.
- 5 Q: You didn't talk to Mickey Johnson at all after all of
- 6 the events happened that day? You didn't talk to him the
- 7 next day at all?
- 8 A: Yeah. I spoke to him the next day.
- 9 Q: You spoke to him the next day? When you spoke to him
- 10 the next day, you asked him about the murder and he said he
- 11 didn't have any clue what you were talking about?
- 12 A: He ain't had no clue.
- 13 Q: No clue what you were talking about ---
- 14 A: Yeah. I said my ---
- 15 Q: --- when you asked him?
- 16 A: Yeah. I said my name is being, you know, asked about.
- 17 He said, yo, you know about the system. You'll be all
- 18 right.
- 19 Q: Is that anywhere in your statement anywhere or is that
- 20 just necessary ---
- 21 A: No.
- 22 Q: --- for you to testify to today to help this jury?
- 23 A: No. I spoke to him. I said I spoke to him. Do I got
- 24 to go into details?
- 25 Q: In your statement to the State of South Carolina, when

WILLIAM MORGAN - CROSS EXAMINATION BY MR. KENT

1 asked you said I talked to Mickey Johnson and he said he
2 knew nothing about it, but today you're trying to add some
3 stuff?

4 A: And you can -- you can see it in the statement. He
5 said I ain't had nothing to worry about. That's what I
6 said, that I ain't had nothing to worry about.

7 Q: Did he say he didn't have nothing to worry about or he
8 said I didn't know what you were talking about?

9 A: Yeah. He said you ain't -- I ain't had nothing to
10 worry about.

11 Q: You're adding stuff again; aren't you?

12 A: Adding what?

13 Q: Whatever you feel like they need to hear to help you
14 get your sentence I guess.

15 MR. KENT: That's all the questions I have, Judge.

16 THE COURT: All right. Redirect?

17 MR. PAULING: Just briefly, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. PAULING:

20 Q: Mr. Morgan, as far as that -- that proffer statement
21 which occurred, that was some time ago; isn't that correct?

22 A: Yeah. It was March.

23 Q: And that particular proffer statement, you said when
24 you gave that statement, was it your understanding you -- I
25 mean you still had charges; correct?

WILLIAM MORGAN - REDIRECT EXAMINATION BY MR. PAULING

1 A: I thought the charges were going to stick.

2 Q: And at the time that the proffer agreement came about,
3 was there -- was there a plea agreement in place yet?

4 A: No.

5 Q: Okay. And did that occur sometime after the -- the
6 proffer statement to us?

7 A: Yes, sir.

8 Q: And as far as your plea agreement is concerned, your
9 plea agreement with the State, does that involve only
10 testimony against Mickey Johnson?

11 A: No.

12 Q: Okay. Does that include testimony against other co-
13 defendants that are outstanding?

14 A: Yes, sir.

15 Q: And again, be truthful ---

16 A: Yes, sir.

17 Q: --- in your proffer?

18 A: Yes, sir.

19 Q: Were you truthful for this jury?

20 A: Yes, sir.

21 MR. PAULING: No further questions, Your Honor.

22 THE COURT: All right. Last time.

23 RECROSS EXAMINATION

24 BY MR. KENT:

25 Q: He asked you a question were you truthful in front of

WILLIAM MORGAN - RECROSS EXAMINATION BY MR. KENT

1 this jury, but we agreed you weren't truthful about the
2 information about Apartment 50.

3 (Whereupon, the witness laughs.)

4 Q: Is this funny to you?

5 A: I just -- I just don't understand. Like I told you
6 exactly what I said. Apartment 50 is Apartment 50. I
7 don't -- it could be Apartment 47. I'm sorry to be so
8 disrespectful, but I'm just going by my knowledge of it.
9 That's it. I didn't say it in my -- in my -- my proffer.
10 I left it out.

11 Q: But you had no clue about Apartment 50. You had no
12 clue what numbers. You just made that up?

13 A: Yes.

14 MR. KENT: Thank you. That's all I've got.

15 THE COURT: All right. You may step down.

16 (Whereupon, the witness leaves the stand at 5:51 p.m.)

17 THE COURT: All right. Members of the jury, we're
18 going to break until ten o'clock in the morning. As I have
19 told you before, do not discuss the case among yourselves
20 or with anybody. I can assure you when you get home
21 tonight, you're going to talk in the door and the first
22 thing your spouse and your children and your family members
23 are going to say is, what is it about? Tell me what's
24 going on. Tell them you cannot talk about it until the
25 case is over.

1 Furthermore, as I told you this morning, if you would,
2 while this case continues until it is over, don't read the
3 newspaper. Don't watch the news. Don't get on the
4 internet and try to research the matter. Just go home,
5 relax, have a good evening, and we'll see you back at ten
6 o'clock in the morning and we'll continue then. Everybody
7 else remain seated.

8 (Whereupon, the jury exits the courtroom at 5:52 p.m.)

9 THE COURT: All right. We'll start back at ten
10 o'clock.

11 MR. KENT: Ten o'clock. Thank you, Judge.

12 (Whereupon, there is a break in the proceedings from
13 5:52 p.m. until the next day.)

14

15 --- CONTINUED IN VOLUME II - DAY 2 OF 3 ---

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF SUMTER	)	CASE NO. 2012-GS-47-00002
	)	2012-GS-47-00003
	)	2012-GS-47-00004

STATE OF SOUTH CAROLINA,
 Plaintiff,

-vs-

MICKEY JOHNSON,
 Defendant.

TRANSCRIPT OF RECORD
(VOLUME II: DAY 2 OF 3)

July 16-18, 2013
 Sumter, South Carolina

B E F O R E:

THE HONORABLE WILLIAM SEALS, Judge; and a jury

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

CARY GOINGS, Assistant Attorney General
 CURTIS PAULING, Assistant Attorney General
 Attorneys for the Plaintiff

SHAUN KENT, Esquire
 Attorney for the Defendant

KRYSTAL J. SMITH
 Court Reporter

1	<u>I N D E X (THIS VOLUME ONLY)</u>	
2	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
3	VOLUME II	
4	(DAY 2 OF 3)	
5	John Wesley Stamps, Jr.	
6	Direct Examination by Mr. Goings.....	303
7	Cross Examination by Mr. Kent.....	362
8	Redirect Examination by Mr. Goings.....	412
9	Recross Examination by Mr. Kent.....	420
10	Bryant Bradley	
11	Direct Examination by Mr. Goings.....	423
12	Questioning of Defendant re: Rights.....	482
13	Bryant Bradley	
14	Cross Examination by Mr. Kent.....	486
15	Redirect Examination by Mr. Goings.....	518
16	Recross Examination by Mr. Kent.....	524
17	Mark Berube	
18	Direct Examination by Mr. Goings.....	529
19	Cross Examination by Mr. Kent.....	547
20	Redirect Examination by Mr. Goings.....	552
21	State Rests.....	553
22	Questioning of Defendant re: Testifying.....	555
23	Motions.....	557
24	Charge Conference.....	560
25		

1 JULY 17, 2013

2 (Whereupon, the proceedings resume at 10:01 a.m.)

3 THE COURT: All right. Is the State ready to proceed?

4 MR. GOINGS: Actually, not yet. Your Honor, we're
5 waiting on our transport of our witness. He got a SLED
6 agent to bring him and he got stopped by the highway
7 patrol.

8 THE COURT: How long do you think it will be before
9 he's here?

10 MR. GOINGS: About five minutes ago, we got a text he
11 was ten minutes out.

12 THE COURT: About ten minutes from now?

13 MR. GOINGS: I would think so. Yes, Your Honor.

14 THE COURT: Anything we need to take up before we
15 begin?

16 MR. GOINGS: No, Your Honor.

17 THE COURT: Then we'll just wait on him.

18 MR. GOINGS: Only that there's an article in the paper
19 this morning about the case, Your Honor. I don't know if
20 you want to inquire to the jury.

21 THE COURT: I've already told them not to read it.

22 MR. GOINGS: The State is fine with that, Your Honor.

23 THE COURT: Probably three or four times.

24 MR. KENT: Judge, as with yesterday, my understanding
25 is the next two witnesses the State would be calling -- I

1 could be incorrect -- are the two lay witnesses who would
2 be John Stamps, as well as Bryant Bradley. I don't
3 anticipate it. Myself and the prosecutor have talked about
4 not going into any mention of prior cocaine use or any
5 prior bad act, but just for the record, I'd ask if there's
6 any prior bad acts that the State would be looking to
7 elicit from either of these witnesses. I don't anticipate
8 any, but just for protection of the record, I'd ask if
9 there's any prior bad acts, and if there's not, I
10 specifically ask the Court to inquire of these two
11 witnesses not to discuss that information.

12 MR. GOINGS: I don't plan to ask about anything about
13 the cocaine use. I know they may mention it so it may be a
14 precaution for the Court to take care of when they reach
15 the stand before the jury gets out here.

16 THE COURT: All right.

17 MR. GOINGS: And I have no problem with that
18 instructing them not to mention it.

19 THE COURT: Why don't you do that before we begin?

20 MR. GOINGS: Okay.

21 THE COURT: By the time they get here and come in, the
22 jury will be sitting there and I hate to send them back
23 out. If you'll just tell them before you begin your
24 examination. All right. We'll just wait on your witness
25 to come.

1 MR. GOINGS: Thank you, Judge.

2 (Whereupon, there is a break in the proceedings from
3 10:03 a.m. until 10:10 a.m.)

4 THE COURT: All right. If the bailiffs will go ahead
5 and bring out the jury.

6 (Whereupon, the jury enters the courtroom at 10:11
7 a.m.)

8 THE CLERK: Your Honor, we have all the jurors present
9 in the courtroom.

10 THE COURT: Thank you. If the State will, call your
11 next witness.

12 MR. GOINGS: If it please the Court, the State would
13 call John Wesley Stamps.

14 THE CLERK: Place your left hand on the Bible and
15 raise your right hand. State your name, please.

16 THE WITNESS: John Stamps.

17 THE CLERK: Do you solemnly swear or affirm your
18 testimony to the Court shall be the truth, the whole truth,
19 and nothing but the truth, so help you God?

20 THE WITNESS: Yes, sir.

21 THE CLERK: Thank you. Have a seat up here, please.
22 Please state your full name and spell your last name for
23 the record.

24 THE WITNESS: John Wesley Stamps, Jr., S-T-A-M-P-S.

25 JOHN WESLEY STAMPS, JR., being first

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 duly sworn, testifies as follows:

2 DIRECT EXAMINATION

3 BY MR. GOINGS:

4 Q: Good morning, Mr. Stamps. How are you?

5 A: I'm all right. How are you doing?

6 Q: Mr. Stamps, if you would, tell the jury a little bit
7 about yourself. Where were you born?

8 A: I was born in Tchula, Mississippi.

9 Q: How long did you stay there?

10 A: Until I was an infant. I moved to Sumter, South
11 Carolina.

12 Q: All right. What -- when did you move to Sumter?

13 A: I'm not even quite sure. When I -- when I was too
14 little to remember.

15 Q: Okay. So you were just born there and you came to
16 Sumter?

17 A: Yes.

18 Q: How long did you stay in Sumter?

19 A: Until I was twelve years old.

20 Q: And then where did you go?

21 A: I moved to Baltimore, Maryland.

22 Q: About how long were you in Baltimore?

23 A: About ten years.

24 Q: After that, where did you go?

25 A: I moved back down to Sumter, South Carolina.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. Do you remember what year that was?
2 A: 2011.
3 Q: All right. What part of 2011?
4 A: January. Well, actually, no. Well, actually, it was
5 -- it was late 2010. It was December. It was December.
6 Q: All right. So December of 2010, you moved back down
7 to Sumter. Who were you staying with?
8 A: My mother.
9 Q: And what part of Sumter did she live in?
10 A: She lived close to here. She lived right by the
11 Burger King, Piggly Wiggly. Right down the street
12 actually.
13 Q: How close to [REDACTED] Apartments did she live?
14 A: Down the street.
15 Q: Now, from twelve until -- well, how old are you right
16 now?
17 A: I'm twenty-five.
18 Q: So you actually didn't come back to Sumter until right
19 before this incident occurred; is that right?
20 A: Yes, sir.
21 Q: When you were originally living in Sumter, did you
22 ever know Mickey Johnson, the defendant?
23 A: No. I never saw him before. I never met him.
24 Q: Well, let's talk about your gang affiliation. Okay?
25 What's the first gang you ever joined?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: It was Baltimore Denver Lanes in Baltimore.
- 2 Q: Okay. And how old were you?
- 3 A: It was 2009 so I was like -- what? About twenty --
- 4 twenty-one.
- 5 Q: Okay. And how long did you stay in that gang?
- 6 A: Well, I was in that gang until I actually came back
- 7 down to South Carolina.
- 8 Q: All right. And that's, again, in December of 2010?
- 9 A: Yes, sir.
- 10 Q: Why did you come back to Sumter?
- 11 A: It was a bad living environment. I was drinking.
- 12 Fast life. I got stabbed in the head recently, you know,
- 13 so I just figured I'd, you know, come back to Sumter to put
- 14 the pieces of my life back together.
- 15 Q: When you say you got stabbed in the head, was that
- 16 some gang affiliation reason or ---
- 17 A: No, sir.
- 18 Q: -- a fight?
- 19 A: I was trying to protect one of my friends and the
- 20 other guy stabbed me.
- 21 Q: So you wanted to come back to Sumter for a better way
- 22 of life?
- 23 A: Well, yeah. Yes, sir. Slow down.
- 24 Q: And you came back in December of 2011?
- 25 A: December of 2010.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Or 2010. My fault.

2 A: 2010.

3 Q: Did you have an occasion when you came -- after you
4 came back to Sumter to meet the defendant, Mickey Johnson?

5 A: Yes, I did.

6 Q: When was that?

7 A: It was January of 2011.

8 Q: How are -- how are you so sure it was January of 2011
9 is when you met him?

10 A: Because, you know, a few days later that's when I got
11 initiated -- initiated into the gang.

12 Q: Do you actually remember what day in January he came
13 over?

14 A: Well, I don't remember the exact day he came over. I
15 remember the day I got initiated.

16 Q: What was the first meeting like with Mickey Johnson?

17 A: Well, I was -- I was in the back of my grandfather's
18 yard. He has a little barn where, you know, you can go
19 chill, drink, you know, watch the game, and one of the guys
20 who, you know, I grew up with when I was down in South
21 Carolina -- you know, he wasn't really a friend, you know.
22 He was just a neighborhood guy. He came to the barn door
23 and he knocked on the door and he had Bless with him --
24 Mickey Johnson with him. And he told me he wanted to
25 introduce me to somebody and that's when I met him.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Who's this friend we're talking about?
- 2 A: His name is Jerriell Cooper or Jerrell Cooper.
- 3 Q: So you knew him from the time that you were growing up
- 4 until the time you were twelve?
- 5 A: Yes, sir.
- 6 Q: Before you moved to Baltimore?
- 7 A: Yes, sir.
- 8 Q: All right. When you came back, obviously, y'all met
- 9 up again?
- 10 A: Yeah, yeah. I mean he lives right down the street
- 11 from my mother's house, right around the corner. So, you
- 12 know, it was just neighborhood. Neighborhood guy.
- 13 Q: When he brought the defendant, Mickey Johnson, over,
- 14 was he a member of 135?
- 15 A: I don't think he was at that time. I think he was
- 16 thinking about it.
- 17 Q: What was the purpose of him bringing Mickey Johnson
- 18 over that day?
- 19 A: I believe, you know, Bless just wanted to see whether
- 20 or not I was official. That's what they call it, you know,
- 21 whether or not the gang that I was in was known or, you
- 22 know, was I real, you know.
- 23 Q: All right. So what did -- I mean what was the
- 24 conversation like? What kind of questions was he asking?
- 25 A: Well, he -- you know, when you -- when you greet

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 another gang member, you know, you shake their hand and,
2 you know, he introduced himself as the -- you know, you
3 introduce yourself and you tell them, you know, whatever is
4 in your paperwork and your paperwork is, you know, who
5 you're supposed to be in the gang, you know, and so he
6 shook my hand and, you know, I -- when I had joined my
7 gang, which is a neighborhood gang, you know, I really
8 didn't never get any paperwork. I wasn't what they called
9 an official so I just made some things up, you know, and we
10 just talked and, you know, he was talking about gang
11 history and him and my uncle kind of got in like a little
12 spat over, you know, where the Bloods originated from and,
13 you know, it was just like he was feeling me and, you know,
14 it was nice to meet him.

15 Q: Was the Baltimore Denver Lanes that you were a member
16 of considered a Blood, Crip or Folk Nation gang?

17 A: It was a Blood gang.

18 Q: All right. But you said it wasn't organized?

19 A: It was just a neighborhood thing. It was like a
20 branch that somebody else started. It wasn't, you know,
21 recognized, you know. It was like a neighborhood gang.

22 Q: And what's this paperwork you were talking about?

23 A: Paperwork is just what you get when you join a gang
24 and it tells you, you know, the rules and, you know, who
25 your enemies are and what you say if somebody was to ask

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 you if you do gang bang and, you know, just different rules
2 and things like that.

3 Q: All right. And you're saying y'all didn't have that
4 type of paperwork with the Baltimore Denver Lanes?

5 A: No. I didn't have any, no. I actually told Bless,
6 you know, I was just -- I was just chilling, you know. I
7 wasn't really active, you know. I never was active in the
8 gang. I just joined it and, you know, from time to time
9 I'd come to the neighborhood, but I told him I wasn't
10 active. You know, I was just chilling out.

11 Q: At any point in time during that day did Bless ask you
12 to join 135 Piru?

13 A: Not -- not at that day.

14 Q: Did he discuss 135 Piru with you?

15 A: No, sir.

16 Q: Did you know he was actually in a gang himself?

17 A: I mean from what -- yeah. I mean from how he
18 introduced himself, you know. He said his name, you know,
19 the gang -- those gang names, his gang tag.

20 Q: When you say gang tag, what is that?

21 A: I mean it's just what you say when somebody asks you
22 if you're in a gang, you know.

23 Q: Is it code?

24 A: Yeah. It's kind of like a code. You would tell, you
25 know, your gang name. Everybody has a gang name and then

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 you would tell, you know, what gang you're in and, you
2 know, certain things that they say in a gang.

3 Q: So he leaves out?

4 A: Yeah. He leaves that night.

5 Q: How did y'all end the conversation that day?

6 A: We just like it was nice to meet you and, you know, he
7 -- you know, he was -- I'm a cool cat, you know, basically,
8 you know.

9 Q: When was the next time you run into the defendant?

10 A: It was a couple of days later. I was in the same
11 place.. My mother, she had locked the keys in her car and,
12 you know, I was trying to, you know, find some kind of
13 crowbar to help with, you know, get the keys out of the car
14 and I went around and I looked and it was like a group of
15 guys around my mother, you know, around the car and I
16 recognized Bless. So, you know, I already knew, you know,
17 what it was, you know. I already knew, you know, what
18 happened, you know, what they wanted to do. So I went over
19 there, you know, to them and I told him, you know, let's
20 move up the road. You know, I don't want my mom to be
21 around this. You know what I'm saying? So we go up the
22 road a little bit.

23 Q: All right. Let me -- let me stop you before we get
24 there. How many people were with Bless when they came back
25 over to your mom's house?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: It was -- it was six people with him.
- 2 Q: All right. Do you remember who it was?
- 3 A: There was a guy named Dave. He was in the gang.
- 4 There was a guy named Bliff. He was in the gang. There
- 5 was three more -- three more guys that -- there was one guy
- 6 named Stunner. His brother was another guy I didn't know.
- 7 Bundy was there and Bless was there.
- 8 Q: Do you know Bliff's real name?
- 9 A: I think it's Clifford, but that's -- I think. I'm not
- 10 quite sure.
- 11 Q: All right. So the people you know is Bundy -- do you
- 12 know Bundy's real name?
- 13 A: I think it's Bryant. I just learned -- I just learned
- 14 their real names from off of looking at legal work when I
- 15 got legal work, you know.
- 16 Q: Okay. So you only know them by their nicknames?
- 17 A: Yeah.
- 18 Q: All right. So you knew Bundy, Bliff ---
- 19 A: Mm-hmm.
- 20 Q: --- Bless, and Stunner?
- 21 A: Yes, sir.
- 22 Q: Anybody else?
- 23 A: Uh-uh.
- 24 Q: All right. But there were other individuals there?
- 25 A: Yeah.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. And you tell them what?

2 A: I mean we were just talking, you know, and he was just
3 like, look, I checked up on you. Baltimore Denver Lanes
4 isn't really official, you know, so I need, you know,
5 basically either get down or lay down. You know what I'm
6 saying? You can't be running around here acting like
7 you're inactive. If you're in a gang, you're supposed to
8 be a in gang, period. You know what I'm saying? So he was
9 basically just telling me, you know, threatening me to get
10 down in the gang.

11 Q: All right. Explain to the jury what get down or lay
12 down means?

13 A: I mean get down or lay down basically means either way
14 you're going to get beat up. You know what I'm saying? So
15 either you get down with them or, you know, they cause
16 problems for you in the future, you know.

17 Q: So either you join the gang or you'd say no and what
18 happens?

19 A: You get beat. I mean either way it would be, you
20 know, more and more problems because now you're an enemy,
21 you know.

22 Q: And so what did you decide to do?

23 A: I decided, you know, my mom's living -- my mom's
24 living around there, you know. I wasn't make good
25 decisions, drinking every day, you know, so I figured, you

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 know, I'm going to just go and get down. My mom live
2 around there. My aunts, my grandfather, so we moved -- I
3 told them come on, let's move up to the cul-de-sac.
4 There's a cul-de-sac around that area by Jerriell Cooper's
5 house and we went over there and they beat me in.
- 6 Q: When you say they beat me in, who beat you in?
- 7 A: Five guys.. It was Dave, Stunner, Bliff, Stunner's
8 brother, and the other guy. I didn't know his name.
- 9 Q: Did Bundy join in on the beating?
- 10 A: No. Bundy wasn't in on it.
- 11 Q: What's -- do you -- do you know the purpose of why it
12 was five individuals who were beating you in?
- 13 A: Not really. Like I told you, you know, I was -- I was
14 in a gang, but I didn't really quite know, you know, the
15 background or signs and things like that. I was just in
16 it, you know.
- 17 Q: So you didn't know the history or the meaning of
18 things?
- 19 A: Not really. I never got any paperwork, like I told
20 you. My gang was just a neighborhood gang.
- 21 Q: Who made the decision to have you beat in that day?
- 22 A: Who made the decision?
- 23 Q: Yeah.
- 24 A: I mean I'm the one who said okay, I'll get down.
- 25 Q: All right. Who is the one that told you it's either

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 get down or lay down?

2 A: I mean it was Bless.

3 Q: And is Bless in that -- in this courtroom today?

4 A: Yes, sir.

5 Q: Can you point him out for the jury and describe what

6 he's wearing?

7 A: A suit, a brown suit. Short haircut. Right there,

8 the middle person over there at the bench.

9 MR. GOINGS: Please let the record reflect, Your

10 Honor, that he's identified the defendant, Mickey Johnson,

11 as Bless.

12 THE COURT: Yes, sir.

13 Q: And Bless didn't join in in the beat-in?

14 A: No, he didn't.

15 Q: Did he direct who would be the ones who were beating

16 you in?

17 A: Yes, sir.

18 Q: So he's the one that made the decision about who were

19 the five guys that was going to jump on you?

20 A: Yes, sir.

21 Q: Do you remember how long the jump-in took place?

22 A: It was twenty-one seconds.

23 Q: Do you know the significance of twenty-one seconds?

24 A: Not really. I just know in the past I heard of

25 thirty-one seconds and, you know, in the gang that I was --

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 I used to be a part of, I got beat in for twenty-one
2 seconds at that time as well. I didn't know, you know,
3 really why. I just know they change it up somehow, you
4 know.
- 5 Q: So now you're a member of 135 Piru?
- 6 A: Yes, sir.
- 7 Q: Do you meet other members?
- 8 A: Yeah, yeah.
- 9 Q: Besides the ones -- oh, I'm assuming that Dave,
10 Stunner, Bundy -- and you said Stunner's brother?
- 11 A: Stunner's brother and the other guy. I don't remember
12 his name.
- 13 Q: They're all members of 135?
- 14 A: Yes, sir.
- 15 Q: Okay. What other members did you meet once you joined
16 that organization?
- 17 A: I met Garney. Bless dropped me off at his house, you
18 know, and I met Garney. I met -- that's about it. That's
19 all I can remember right now.
- 20 Q: What was y'all's colors?
- 21 A: Burgundy, red, and green.
- 22 Q: Did you get paperwork this time?
- 23 A: Yeah, I did.
- 24 Q: Who did you get the paperwork from?
- 25 A: I got it from -- I got it from Garney.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: And what is it -- when we talk about paperwork -- and
2 I know we discussed this a little bit -- it's your
3 documentation and you talk about rules that you must learn.
4 I mean is that -- is that what was included in this
5 paperwork?

6 A: Yes, sir.

7 Q: All right. What were some of the rules of 135 once
8 you joined?

9 A: Well, you know, I've been -- I'm not -- I don't
10 consider myself to be a member right now so I haven't
11 really been giving it that much thought, you know, but I
12 know, you know, you had to work out. You had to learn
13 Swahili, you know. You couldn't do certain things without
14 getting the sanction from a person who was, you know,
15 higher rank than you. You couldn't mess with another guy's
16 ex-girlfriend or girlfriend.

17 Q: All right. And these rules were written out for you
18 to learn?

19 A: Yes, sir.

20 Q: What -- what is cuts?

21 A: Cuts means no -- I mean no ifs, ands or buts about
22 anything.

23 Q: Well, explain that a little bit more to the jury about
24 exactly what that entails if you're saying no ifs, ands or
25 buts in a gang?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 A: That means whatever, you know, is to be done, whatever
2 they say to do, you do it. If not, you get punished.

3 Q: Let's talk about the punishment for a little bit. I
4 mean is that called being violated?

5 A: Yeah, violated.

6 Q: What types of punishments or violations happen if you
7 don't follow these rules?

8 A: Well, you know, I wasn't a member of this gang only
9 for about a month and a half. So I could only go by what I
10 saw, you know. I mean, you know, you might get one person
11 that violated to fight another person that violated, you
12 know. I mean it all depends on how, you know, Bless felt,
13 you know. He might get somebody to drive him somewhere,
14 you know. It all depends on how he felt, you know. It
15 could be anything.

16 Q: Okay. Who was the one that made the decision on
17 punishment or violation?

18 A: Bless.

19 Q: Why?

20 A: Why did he make decisions?

21 Q: Yeah. Why did he have that authority?

22 A: I mean he was the highest ranking -- ranking member in
23 the gang that I knew of.

24 Q: In where?

25 A: In the actual Sumter, you know, actually be able to

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 see, you know.

2 Q: So he ran the Sumter set?

3 A: Yes, sir.

4 Q: But this 135 Piru is not just in Sumter; is it?

5 A: No, sir.

6 Q: Do you know where else -- where other places it's

7 operating in?

8 A: Well, like I said, I haven't been trying to think

9 about it or memorize things. I know it's all over, you

10 know. I know it's in different states, New Jersey. I know

11 it's in different counties, Bamberg, Florence. It's all

12 over the place all up the east coast.

13 Q: So not only is there different sets in South Carolina,

14 but in other states as well?

15 A: Yes, sir.

16 Q: Okay. But for your purpose, the leader of the Sumter

17 set was who?

18 A: Bless. Mickey Johnson.

19 Q: Who was the one who made the decision of whether or

20 not anybody would join 135?

21 A: Bless. Mickey Johnson.

22 Q: Who is the one who made the decision that a member of

23 135 would be violated?

24 A: Bless.

25 Q: Who is the one that made sure that the members of 135.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 Piru learned their paperwork?
- 2 A: Bless.
- 3 Q: And you said that no cuts was one of those rules?
- 4 A: Yes, sir.
- 5 Q: Meaning if you were told to do something, do it?
- 6 A: Yes, sir.
- 7 Q: And you also mentioned another rule. What's the rule
- 8 about you have to get a higher ranking member's permission
- 9 first?
- 10 A: I mean if -- before you did anything, they just had to
- 11 give you a green light basically. That's what it's called.
- 12 Okay to do -- you know, do something.
- 13 Q: So if there was a hit or a murder to take place, could
- 14 a lower ranking member just make that decision?
- 15 A: I don't believe so.
- 16 Q: Did you ever participate in any beat-ins on other
- 17 individuals after you were 135?
- 18 A: Yes, sir.
- 19 Q: Did you ever participate in any beat-ins?
- 20 A: Yes, sir.
- 21 Q: Who?
- 22 A: Bundy. No, not Bundy. Ready, the guy who actually
- 23 murdered the person in this situation, and there was a guy
- 24 named Rudy. You know, I actually didn't, you know,
- 25 participate, you know, like that, but I was there. There

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 was another guy named Tyrone I believe, but, you know, he
2 didn't actually get down because, you know, he kept -- you
3 know, he couldn't stand up and fight. You know, he didn't
4 last long. And that's -- that's it.

5 Q: Well, let's talk about the ones that didn't --
6 couldn't last. If you -- if you can't fight or take the
7 beat-in long enough, they don't want you anymore?

8 A: I mean that's what I found out. I never really
9 witnessed it -- witnessed that before. You know, this was
10 -- these are the only beat-ins I ever been involved with.
11 So yeah, I guess so.

12 Q: So how many -- repeat them again? There was four of
13 them that you at least participated in or saw?

14 A: It was Rudy. It was Ready. It was -- it was Tyrone.
15 And I believe that's it.

16 Q: What about your friend, Jerriell Cooper? Did he ever
17 join 135?

18 A: Yeah. He -- he was -- he was a member before I became
19 one.

20 Q: Okay. So he was actually from January -- from the day
21 that Bless first comes over to your house with Jerrell ---

22 A: Mm-hmm.

23 Q: --- until the time you get beat-in, at some point in
24 time Jerrell is now a member?

25 A: Yes, sir.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: And you get locked up when for these specific charges?

2 A: March 30th, 2011.

3 Q: So from sometime in January to the end of March of
4 2011, you know of how many people that have recently joined
5 the gang?

6 A: The number?

7 Q: Yeah.

8 A: I mean it was -- it was some more people that I wasn't
9 involved. I know of a girl named Miami. That was Garney's
10 -- like what? Garney's girlfriend's daughter. Miami.

11 There was Rudy. But Tyrone didn't. But there was Ready
12 and that was about it.

13 Q: So it's fair to say the recruiting process was going
14 at a fast pace?

15 A: Yeah. After -- you know, after -- after me, yeah.

16 Yes, sir.

17 Q: All right. Let's talk about some of your
18 responsibilities. Obviously, we talked about the
19 paperwork, the rules you have to learn. Okay? Did y'all
20 ever have meetings?

21 A: Yes, sir.

22 Q: Who would call these meetings?

23 A: Bless.

24 Q: And what -- what would y'all do?

25 A: Everybody would turn their phones off and, you know,

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 we'd just sit and talk about, you know, issues in the gang,
2 you know, people that were locked up that I really didn't
3 know. You know, he would ask if, you know, we had any
4 issues with anybody or, you know, something that we had to
5 say and get off our chests.

6 Q: All right. And if you didn't go to these meetings,
7 what happened?

8 A: You got violated.

9 Q: How often would these meetings take place?

10 A: I don't know. I only went to like two I believe.

11 Q: Okay.

12 A: Probably once -- once a month.

13 Q: And did y'all ever have to pay money?

14 A: Yeah. You had to pay \$21 every month.

15 Q: Who collected that money?

16 A: I believe Garney collected the money.

17 Q: Did that rotate any at all, if you know?

18 A: I don't have -- I'm not -- I'm not quite sure.

19 Q: Because I mean obviously you were only in the gang for
20 how long before you got arrested?

21 A: A month and a half. You know, it was actually less
22 than that because it took twenty-one days to -- you know,
23 you have to -- you're not considered to be in the gang
24 until you learn the paperwork. So you got to wait twenty-
25 one days, you know, to learn the paperwork. So it was a

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 month.

2 Q: Are you tested at the end of this twenty-one days?

3 A: Yes, sir.

4 Q: All right. And if you don't know the paperwork, what

5 happens?

6 A: You're violated.

7 Q: And again, who makes that decision?

8 A: Bless.

9 Q: Now, obviously, if you don't attend the meeting, then

10 who makes the decision whether you're going to be violated?

11 A: Bless.

12 Q: Who calls these meetings?

13 A: Bless.

14 Q: Let's talk about the rank structure a little bit.

15 When you first joined 135, what is your rank?

16 A: You were YG.

17 Q: And then it goes up the chain?

18 A: OYG, then you are -- I believe you're a sergeant, then

19 you're a lieutenant, and then you're capo, and then you're

20 OG.

21 Q: Do you know who the OG of 135 Piru is?

22 A: I mean there's a few of them. I know of Cash, who is

23 the OG for the whole South Carolina. Jiwe I believe is the

24 OG of all of it. And there's three more in -- in Compton,

25 California. I can't remember.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Okay. And what is Bless' rank in South Carolina?
- 2 A: I believe he was a lieutenant.
- 3 Q: In Sumter, was there anybody over Bless?
- 4 A: No, sir.
- 5 Q: Now, let's go to March 22nd, 2011. Okay? What did you
- 6 do that day?
- 7 A: I mean like I told you, I was drinking real bad. Two,
- 8 three years drinking non-stop every day. So I woke up and
- 9 I didn't have no money to get drunk so I went over to
- 10 [REDACTED] Apartments.
- 11 Q: All right. Was a meeting called that day?
- 12 A: Not that I was aware of.
- 13 Q: All right. Where did you go at [REDACTED] Apartments?
- 14 A: I went to June's apartment. It was Cliff's girlfriend
- 15 or baby mother. I went over there and that's where they
- 16 usually hang out at.
- 17 Q: When you say Cliff, what's his nickname you know him
- 18 as?
- 19 A: Bliff.
- 20 Q: Is this the first time you've ever been over to that
- 21 apartment?
- 22 A: No. I used to go over there, you know, quite a few
- 23 times.
- 24 Q: To hang out with who?
- 25 A: Hang out with whoever was there. Bliff, Dave might

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 have been there, Mike might have been there, some other
2 guys that weren't in the gang or were in another gang,
3 Bless, his girlfriend, whoever was there.

4 Q: And who was there on this particular day?

5 A: When I -- when I first went, it was just Bless and he
6 was -- you know, he was getting dressed and Teece, his
7 girlfriend, and June. They were the only ones there.

8 Q: All right. Who else eventually arrived over there
9 that ---

10 A: That day?

11 Q: That afternoon?

12 A: Ready, Bundy, some other people.

13 Q: All right. So give me a full list of who you remember
14 that was over there that afternoon prior to the first
15 shooting?

16 A: Before -- before it happened?

17 Q: Yes.

18 A: Well -- well, a guy named New York. We used to call
19 him New York. He was there.

20 Q: Is he a member of 135?

21 A: I don't believe so.

22 Q: All right. But he hung out with you?

23 A: Yes, sir.

24 Q: All right. Who else?

25 A: It was Teece, Bless' girlfriend. It was June. It was

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Bliff. It was -- that's all I can remember right now.

2 Q: What about Bundy?

3 A: Yeah. Bundy, yeah. Bundy was there.

4 Q: What about Ready?

5 A: Yeah. I said Ready.

6 Q: Okay. What about Garney?

7 A: Garney wasn't there.

8 Q: Do you know Garney's real name?

9 A: I think it's Garnett. That's what my paperwork says.

10 Q: All right. What's his rank?

11 A: I believe he was a sergeant.

12 Q: In relation to Bless, what's his rank?

13 A: He's under him.

14 Q: Anybody in-between them in Sumter?

15 A: Not that I know of.

16 Q: All right. So Bless at the top in Sumter. Garney or

17 Garnett Davis is a sergeant. What's your -- your rank is

18 still OYG?

19 A: YG.

20 Q: And what's that stand for?

21 A: Young gangster I believe. Young gangster.

22 Q: So you're just a young gangster? You haven't made it

23 to original young gangster yet?

24 A: No. No, sir.

25 Q: Do you know Ready's rank back at that time?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 A: He was a young gangster.

2 Q: What about Bundy?

3 A: He was a young gangster.

4 Q: What about Bliff?

5 A: I wasn't quite -- I'm not quite sure what Bliff was.

6 Q: But was he a young gangster like y'all?

7 A: I don't think he was. I think he might have been an

8 OYG.

9 Q: Okay. But of the people who were over there that day,

10 y'all were the lowest ranking ones?

11 A: Yes, sir.

12 Q: Okay. Were y'all sporting colors?

13 A: Yeah. I used to wear a flag, burgundy flag.

14 Q: What about the rest of them? Were they sporting

15 colors up there that day?

16 A: They might have been. You know, it was a regular

17 thing so, you know, it didn't pop up as, you know, with --

18 they may -- they might have been, they might have not. I

19 don't know.

20 Q: It's a quite regular thing for y'all to sport the

21 colors; right?

22 A: Yeah.

23 Q: And you said burgundy flag. That's one of your

24 colors?

25 A: Yeah.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Now, take me to -- I mean what was -- what were y'all
2 doing over there?

3 A: I mean in the paperwork it says, you know, we're
4 supposed to work out and things like that so they were just
5 working out. They had some little push up things, two
6 little push up things. They were -- you know, we were
7 drinking, you know.

8 Q: What happens next?

9 A: These guys show up, you know. I knew one of the guys
10 from my past -- you know, past experiences, and there was a
11 guy that just got killed around my neighborhood. You know,
12 he was a part of another gang, but like I said, you know, I
13 don't -- I don't hold no hatred in my heart over no colors
14 or nothing like that, you know. So I went over there to
15 his vigil. They had a memorial and, you know, he was -- he
16 had got shot. He was laid out on the ground. His mother
17 was crying, you know. So I figured it was a sad event and,
18 you know, the people that came over to [REDACTED]
19 Apartments were, you know, related to him where they were
20 mourning for his funeral, you know, and they were -- they
21 were across the street from us when they came. They was in
22 black shirts.

23 Q: All right. You actually went to the memorial service?

24 A: Yes, sir.

25 Q: All right. And you may not be able to answer this. I

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 don't know. Was the individual who passed away and they
2 were having the memorial service for related in any way or
3 associated in any way with a particular gang?

4 A: I'm not quite sure. I believe he was, but I'm not
5 going to sit here and say I do.

6 Q: All right. What was -- what do you believe his
7 affiliation was?

8 A: I believe he might have been a Folk or a Crip, one of
9 those.

10 Q: Okay. But you said you knew him?

11 A: I knew not the guy that got killed.

12 Q: Okay.

13 A: I knew one of the guys, you know, who was at the
14 vigil.

15 Q: So what was the purpose of you going to the memorial
16 service?

17 A: I mean he got killed in my neighborhood. Like I said,
18 why not? You know, it was a tragedy, you know. He got
19 killed over colors, over nonsense. You know what I'm
20 saying?

21 Q: So individuals from the memorial service. Take me
22 from there. What happened after when they were walking up
23 the street?

24 A: After that, Bless was in the house. He comes out the
25 house and sees all the black shirts. So he goes across the

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 street, you know. You know, Bundy, Teece, his girlfriend,
2 they try to stop him, you know, and he went over there. He
3 said something to the guy. I'm not quite -- I'm not quite
4 sure. I didn't catch it. And the guy, you know, kind of
5 looked at him like, you know, caught an attitude with him.
6 And then, you know, all the black shirt, they started to
7 leave and they got in their car and, you know, I heard one
8 of the guys say we'll be back, you know. They got in their
9 car and they left.

10 Q: What's Bless' attitude like at this point in time?

11 A: I mean -- towards them?

12 Q: Yes.

13 A: I mean he didn't like the fact that they were there.

14 Q: Was he angry? Was he sad?

15 A: I mean you would say angry.

16 Q: Why was he angry?

17 A: I mean I believe it was just because they had on black
18 shirts ---

19 MR. KENT: Objection, calls for speculation, Judge.

20 THE COURT: Sustained.

21 Q: Let me talk -- how important is turf with gangs?

22 A: It's real important.

23 Q: Why is it real important?

24 A: I'm like -- I mean I guess you don't want another ---

25 MR. KENT: Objection, Your Honor. It calls for

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 speculation. His testimony is speculation when he starts
2 with saying I guess.

3 MR. GOINGS: Yeah, but it's not speculating anybody
4 else's opinion.

5 THE COURT: I'm going to overrule it. Go ahead.

6 Q: You can answer.

7 A: I guess because you don't want any other gang members
8 around your area, you know, other gangs. I'm not quite
9 sure.

10 Q: Turf is very important?

11 A: Yeah.

12 Q: Was turf very important to 135?

13 A: I mean yeah. Yes, sir.

14 Q: And members dressed in black for a memorial service is
15 who was walking up the road?

16 A: You say what now?

17 Q: The individuals who were walking up the road, they
18 were dressed in what?

19 A: In black, yeah.

20 Q: And a verbal altercation occurred between who?

21 A: Between Bless and the guy I knew. You know, the guy I
22 knew by face.

23 Q: Was it a calm altercation?

24 A: I really -- I mean Bless said something to him and
25 caught an attitude with him and they started to leave. I

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 heard one of the guys say, you know, that they would be
2 back.

3 Q: And you said -- who was trying to control Bless from
4 -- from this altercation?

5 A: Bundy was trying to hold him back. There was somebody
6 else I can't remember. Teece. You know, they were just
7 trying to hold him back from going over.

8 Q: Who is Teece?

9 A: That's Bless' girlfriend.

10 Q: Okay. So she was over there that day, too?

11 A: Yes, sir.

12 Q: All right. What kind of car does she drive?

13 A: It's been a long time. It's -- but it's a Civic.
14 It's some kind of little, small, tannish-color car. I
15 can't remember what kind of car it is.

16 Q: But she was over there, Bundy was over there, and they
17 were trying to hold Bless back?

18 A: Yes, sir.

19 Q: What happens at the end of the verbal altercation
20 between Bless and this other individual?

21 A: They leave and I just sit down, you know, because I
22 just had a gut feeling that they would be back and I just
23 sat down, you know. We had been drinking, you know, and
24 they came back, you know. Bless came back across the
25 street. Everybody came back across the street and just

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 hanging out, still working out, slap boxing.

2 Q: What happens next?

3 A: They end up -- end up coming back.

4 Q: How many people come back this time?

5 A: It was two carloads full up. There might have been

6 three, but I'm not quite -- I'm not quite sure.

7 Q: These same individuals who got in an altercation with

8 Bless, were they also there?

9 A: Yes, sir.

10 Q: And what happens next? Well, let me ask you this

11 first. Was any of them armed that you could tell?

12 A: Yeah. One of them got out of the car with a gun.

13 Q: How was he holding the gun?

14 A: He was holding it down.

15 Q: Did he point it any specific person prior to what

16 happened?

17 A: No, sir.

18 Q: So he gets out of the car with a gun down. What

19 happens?

20 A: This guy named New York, he goes up to them. We're --

21 they're like across the street and he pulls out his gun and

22 he cocks it, you know, and they kind of back up. Some of

23 the guys that were with the guy, they walk off and run to

24 the car.

25 Q: All right. Where did New York -- did you see where

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 New York got the gun from?
- 2 A: Out his waistband.
- 3 Q: Did he point it? Where did he point it?
- 4 A: I mean he -- he kind of pointed it at them, but, you
- 5 know, he didn't -- you know, he just kind of cocked it and
- 6 pointed it a little, but it -- he didn't really point it
- 7 like that. You know what I'm saying? He just kind of
- 8 tried to scare them.
- 9 Q: So he -- you said he cocked it?
- 10 A: Yeah.
- 11 Q: He put a bullet in the chamber?
- 12 A: Yes, sir.
- 13 Q: What was Bless doing at this time?
- 14 A: I don't know what he was doing, but, you know, he ran
- 15 up to New York and took the gun out his hand, you know, or
- 16 out of his waistband. He had his hand on his waistband. I
- 17 don't know. He got the gun somehow, you know, and he -- he
- 18 pointed it at the guy and he shot.
- 19 Q: Prior to him getting the gun from New York, did you
- 20 ever hear Bless say anything to New York?
- 21 A: No, I didn't hear anything.
- 22 Q: Okay. But based on what you recall and what you saw
- 23 that day, Bless went and got the gun and fired it?
- 24 A: Yes, sir.
- 25 Q: Who was the first one to shoot that afternoon?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: I believe it was Bless who shot.
- 2 Q: How crowded was [REDACTED] Apartments?
- 3 A: There was a lot of people out there, man. There was
- 4 kids out there. There was a lot of people outside, you
- 5 know, including the people that were, you know, by their
- 6 cars, you know. There was a lot of people out there, a lot
- 7 of people.
- 8 Q: So it's not only your group, their group, but who
- 9 else?
- 10 A: Other people that lived in the apartment buildings.
- 11 Kids was over there to the side, you know, women, you know.
- 12 Q: But Bless fires. Do they fire back?
- 13 A: Yeah.
- 14 Q: Did they leave? What?
- 15 A: They start shooting at each other.
- 16 Q: Anybody get hit?
- 17 A: Nobody got hit.
- 18 Q: What happens next?
- 19 A: After that, they leave. The guy with the gun, he .
- 20 starts running up to the car because they're pulling off.
- 21 You know, the guy gets in the car. They leave and, you
- 22 know, Bless, Bundy, Ready was there. You know what I'm
- 23 saying? New York. They left, you know, and Bless told me
- 24 to stay at the house with the women basically.
- 25 Q: Did you stay at the house with the women?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: Did you know where these other guys were going?
- 3 A: No, sir.
- 4 Q: What happens while you're still at the house ---
- 5 A: Well ---
- 6 Q: --- later on that afternoon?
- 7 A: I'm at the house and, you know, we start getting
- 8 drunk, you know. Teece, Bless' girlfriend, she put out
- 9 some Absolut. So I'm drinking and I'm, you know, standing
- 10 -- standing in front of the house, you know. This car
- 11 pulls up. I think it's a white Malibu or white Caprice.
- 12 It was a new classic, you know, car. It pulls up and a guy
- 13 hops out. He goes into a house that was like right next
- 14 door to the -- June's complex. And he gets back out and he
- 15 goes and he gets in the car and they spin and they turn
- 16 around at the dumpster and, you know, one of them guys says
- 17 -- excuse my French -- he says what you looking at, you
- 18 bitch ass nigger? That's what he says and then he pulls a
- 19 gun out, you know, while they're riding off and he shoots
- 20 at me. He shoots one shot at me.
- 21 Q: You know where that shot hit?
- 22 A: I'm not quite sure.
- 23 Q: Obviously, it didn't hit you?
- 24 A: Yes, sir.
- 25 Q: Did you report that information to Bless?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: How?
- 3 A: Well, I used -- I believe I used Teece's phone or I
4 might have used New York girl's phone, but either way I
5 don't remember, but I know I got in contact with him and
6 told him to be careful because, you know, a guy just shot
7 at me.
- 8 Q: What was he -- what was his reaction to you when you
9 told him that?
- 10 A: He wanted to know exactly what house the guy who had
11 got in the car, you know, what house -- exactly house, you
12 know, he came out of basically.
- 13 Q: Did you give him that information?
- 14 A: Yeah. I was -- you know, I was -- I basically gave it
15 to him. First, I was like, you know, I'm not quite sure,
16 but he kept on pestering me, you know, which one is it, you
17 know, and I wasn't quite sure if it was this one or that
18 one, you know, so I had to, you know, walk out in front of
19 the yard a little, you know, and I gave it to him.
- 20 Q: And what did you give him?
- 21 A: I believe it was 7 or 17.
- 22 Q: Did you give him both those numbers or you just ---
- 23 A: It was one, but it was ---
- 24 Q: It was one?
- 25 A: I know it was a seven in it so it was 7 or 17, one of

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 them.

2 Q: So after you get shot, you make a phone call. Bless
3 wants to know what happened and where he came from?

4 A: Yeah. He wanted to know exactly what house it was.

5 Q: And you said he kept pestering you for that
6 information?

7 A: Yeah.

8 Q: And you said 7 or 17?

9 A: Yes, sir.

10 Q: Did he tell you to go anywhere?

11 A: Yeah. He told me after -- after -- basically, Teece
12 left or whatever. You know what I'm saying? When they
13 left, to go to Garney's house to meet him.

14 Q: All right. And who did you ride with?

15 A: I rode with -- it was June's cousin. I'm not quite
16 sure who he was, you know. I rode with him and it was like
17 a little girl, a high school girl, and a high school boy.
18 I rode with them.

19 Q: And who was over at Garney's house when you got there?

20 A: Dave, Mike, Miami, she was there, her girlfriend.
21 That's all I can remember right now.

22 Q: What about Bless and Garney and Ready and Rat -- I
23 mean Bundy?

24 A: They wasn't there.

25 Q: What did you do when you got there?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: We was just sitting, chilling, talking. I believe we
2 had some beers and we was drinking as well.
- 3 Q: What happens next?
- 4 A: I hear a car pull up out -- out front, you know. I
5 hear Bless call my name. He called me Ratchet. That's
6 what they called me. You know, that's the name he gave me.
7 He said Ratchet, so I jumped the fence, you know, and I go
8 to the car and I see him. The door is open. You know what
9 I'm saying? So I go get in the car.
- 10 Q: Whose car is it?
- 11 A: Teece's car. Bless' girlfriend's car.
- 12 Q: The same gold Civic or ---
- 13 A: Yeah.
- 14 Q: --- car you just described?
- 15 A: Same car.
- 16 Q: Who is driving?
- 17 A: Bless is driving it.
- 18 Q: Where -- and who else is in the car?
- 19 A: Garney is in the passenger seat. Bundy is on the
20 other -- behind the passenger -- behind the driver. Ready
21 is in the middle and I squeeze in on the end.
- 22 Q: Where did you think y'all were going at that point in
23 time?
- 24 A: I wasn't quite sure. We were just riding.
- 25 Q: Where did y'all eventually end up?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 A: We ended up going around a whole new scenic route that
2 I never went -- went to, you know. We ended up behind
3 [REDACTED] -- [REDACTED] Apartments. Well, it wasn't like
4 right behind there, but it was up a ways a little bit
5 behind a green trash can.

6 Q: And what were you thinking at this point in time?

7 A: I'm thinking something's about to go down.

8 Q: Did you know if there was a gun in the car?

9 A: When I first got in the car, they told me there was a
10 gun in the car, yeah.

11 Q: Who had the gun?

12 A: I'm not quite sure who had it.

13 Q: When they told you there was a gun in the car, what
14 were you thinking to yourself at that point in time?

15 A: I mean I was a little suspicious, but I didn't think
16 it was a murder, you know, but there's always guns around,
17 you know. I wasn't really thinking about it like that. I
18 told you, you know, I was intoxicated, you know. I was
19 numb, you know. I was kind of -- it was like surreal. I
20 was numb to it, you know. Numb to what was going on around
21 me.

22 Q: When you get out of the car or when you go to
23 [REDACTED] Apartments knowing there was a gun in the car,
24 had your attitude about what's going down changed yet?

25 A: Oh, yeah, yeah.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: What did you think was going to go down now?
- 2 A: I mean when -- when they -- when they got out -- you
- 3 want me to tell you what happened when they ---
- 4 Q: Yeah.
- 5 A: When we got there? When we got there, I stayed in the
- 6 back seat of the car, you know. Bundy hops out, you know.
- 7 Garney hops out. Ready -- Ready hops out. Bless hops out
- 8 and I hear -- you know, the car doors are open. I hear
- 9 Bless tell Ready, whoever come to the door, shoot whoever
- 10 come to the door. That's what I heard.
- 11 Q: Who told Ready that?
- 12 A: Bless.
- 13 Q: And what was his exact words that you heard?
- 14 A: Shoot whoever come to the door.
- 15 Q: Did you hear their conversation prior to that?
- 16 A: Not really.
- 17 Q: What did Bless tell you?
- 18 A: He didn't tell me nothing.
- 19 Q: So at no point in time did he actually discuss what
- 20 your role in what was going to happen that night?
- 21 A: No. I'm just the dumb guy in the car, should have got
- 22 out of the car. I should have got out.
- 23 Q: What did you do?
- 24 A: I stayed in the car.
- 25 Q: The whole entire time?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 A: You mean after they left?

2 Q: After -- well, let me -- so Ready -- you hear Bless
3 tell Ready to shoot whoever comes to the door?

4 A: Yes, sir.

5 Q: What happens next?

6 A: Bless and Garney, they end up walking off. They were
7 on the phone talking to some females about meeting them
8 somewhere to come pick them up.

9 Q: Do you know why they walked off?

10 A: I mean now, yeah. I mean not the meeting ---

11 MR. KENT: Objection, Your Honor. Objection, Your
12 Honor.

13 Q: At that point in time, did you know why they walked
14 off?

15 A: No.

16 Q: But you stayed. Who else stayed?

17 A: Ready and Bundy.

18 Q: Okay. Who had the gun at this point?

19 A: I'm not quite sure. I didn't see the gun.

20 Q: Okay. What happens next?

21 A: They end up -- that scenic route that we just took,
22 you know, they end up going and taking the scenic route
23 again and we got right there to -- to the light. You know
24 what I mean? And I was just -- my gut was just telling me
25 to get out the car, John. Get out the car, J. You know

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 what I'm saying? And I didn't. You know, I went against
2 it, you know, and they went back to the scenic route. We
3 get -- we park, you know. Ready hops out. He says, come
4 on, Ratchet. You know what I'm saying? So I -- you know,
5 I walk with them.

6 Q: What would have happened if you got out the car?

7 A: I wouldn't be here today. You know, I would have went
8 home and, like I said, man, I mean I was making bad
9 decisions, too many bad decisions. Man, something like
10 this was inevitable, you know.

11 Q: So when y'all come back, Bundy is doing what? Is he
12 -- who's driving the car?

13 A: Bundy is. Bundy is driving.

14 Q: All right. And where are you at? Front passenger
15 seat? Back passenger seat?

16 A: I'm like sitting in the middle.

17 Q: And you get there and what is said?

18 A: When I get where?

19 Q: To ---

20 A: When we get to the apartment building?

21 Q: I mean y'all come back to [REDACTED] Apartments;
22 right?

23 A: Yeah. When we get -- when we get there and we come
24 back, you know what I'm saying, Ready hops out. He says,
25 come on, Ratchet, and Bundy is like, y'all hurry up.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: What happens next?

2 A: We start walking. You know what I'm saying? We walk
3 -- walk towards the apartment building and I'm like, dude,
4 you know, give me the gun. You know, they shot at me. You
5 know, I'm trying to get the gun from them. You know what
6 I'm saying? But he keep on walking. He walks into the
7 apartment complex. I stand up at the -- at the top
8 because, you know, if he's going to do something wild like
9 that, I didn't want to be next -- next to him. You know
10 what I'm saying?

11 And he goes down to the apartment complex and there's
12 like ten people out there. You know what I'm saying?
13 Sitting by June's house, you know, and another guy from the
14 gang, Rudy I told you about earlier, he -- he ends up --
15 he's walking back from the apartments, you know, and I
16 speak to him. I stop and I talk to him, you know. He's
17 like, what's about to happen, and I'm like, you got to see.
18 You know what I'm saying? Because I'm about to see as
19 well, you know, and he went -- he just -- he just kept
20 walking.

21 And Ready, he end up coming back from the -- the
22 apartment complex, you know, because he -- well, the house
23 that, you know, they figured I gave him. You know what I'm
24 saying? So I'm like ---

25 Q: Do you know what apartment number that was?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Seven or 17, whichever one. But, you know, nobody
2 came to the door. So I was relieved, you know.
- 3 Q: Then what happened?
- 4 A: Then I mean I'm waiting for him to come walk back up.
5 He crosses the street a little when he comes back up and
6 then he goes and stops at another apartment building. You
7 know what I'm saying? And he stops. I see him knock and I
8 see him pull the gun out so I start walking off. You know
9 what I'm saying? I hear a girl scream, you know, and then
10 I hear a shot. So I start -- you know, I start running
11 back to the car, but he's -- he's dipping, he's jacking,
12 you know what I'm saying, to the car. He's got the gun in
13 his hand. You know, he gets to the car way before me and I
14 was like I'm -- it's surreal.
- 15 It happened so quick. I'm like numb to it, like did
16 this just really happen? You know what I'm saying? That's
17 why I'm not running that fast. And then he's like,
18 Ratchet, come on, Ratchet, Ratchet. You know what I'm
19 saying? So I go hop in the car in the back seat.
- 20 Q: Okay. When y'all get there, Ready goes to the first
21 apartment and nobody answers?
- 22 A: Yes, sir.
- 23 Q: He goes to the second one and you hear a gunshot?
- 24 A: I hear a scream and then I hear the gunshot.
- 25 Q: How many gunshots?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 A: One shot.

2 Q: And then Ready comes back out and says let's go. Is
3 that pretty much it?

4 A: No. I mean -- no. I mean I was running and I saw him
5 run real fast past me. You know what I'm saying? He came
6 like around the corner and he came past me when he started
7 running and then he got to the car and was like, come on,
8 because I wasn't running fast enough. You know what I'm
9 saying?

10 Q: If Bless didn't tell you to stay as the lookout, why
11 did you get out of that car ---

12 A: It was the dumbest ---

13 Q: --- and walk with Ready that night?

14 A: Dumbest decision I ever made. I mean a few things ran
15 through my mind, you know, but basically I was a coward,
16 man. I mean I can't lie to y'all. I was a coward, you
17 know. I should have did the right thing. You know what
18 I'm saying? But I did -- you know, for Adrian's family,
19 the victim's family, for my family, or at least reported
20 the murder, but, you know, I was thinking about no cuts. I
21 was thinking about how they was going to look at me if I
22 was a coward. I didn't want to get violated. You know
23 what I'm saying? I thought -- I had just left the
24 apartment building and the guy who had just shot at me, he
25 just got in the car so I didn't believe he was going to

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 answer the door, which I was right. I didn't know nothing
2 about that other thing that they had planned. You know
3 what I'm saying? And, you know, I just ---

4 Q: Again, what is no cuts?

5 A: No cuts means no ifs, ands, or buts, you know, and I
6 also felt like, you know, if I would have -- I felt like I
7 was committed. I mean if I would have got out of that car,
8 they would have -- I'd have been the first person they came
9 to, you know, if or when they would have got, you know,
10 arrested. You know, I just -- I was a coward.

11 Q: Where did y'all go from there?

12 A: We went to ---

13 Q: Once it was over, where did y'all go?

14 A: We went to [REDACTED] -- I mean Garney's house.

15 Q: So y'all went back over to Garnett Davis' house?

16 A: Yes, sir.

17 Q: Who was there?

18 A: Dave, Mike, Bless, Garney, Miami.

19 Q: What happened that night?

20 A: When we went there? When we went back, Bless pulled
21 Ready to the side and I heard him say, did you get him, and
22 Ready said, yeah, I got him and he kind of did like a -- he
23 showed the dude falling over. He said, I saw him fall over
24 like this. You know what I'm saying? I'm like he done
25 killed the guy. You know what I'm saying? And after that,

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Bless called me -- everybody that's out there, he calls us.
2 He calls us into an assembly together. You know what I'm
3 saying? And he's like -- he points to -- he points to
4 Ready first. You're OYG. He points to Bundy first.
5 You're OYG. And he points to me first and says you're OYG.
6 Q: So y'all gained rank for the murder of Adrian Davis?
7 A: Yes, sir.
8 Q: And who made that decision?
9 A: Bless.
10 Q: And who inquired as to whether or not Ready got him
11 that night?
12 A: Bless.
13 Q: Did Bless give y'all any instructions that night about
14 what to say to the cops if they approached you?
15 A: Yeah. He said if the police come to you, don't say
16 nothing. That was his exact words because I remember them.
17 You know what I'm saying? I remember them to this day.
18 Q: So the leader of your gang that night after giving
19 y'all rank instructed you to be quiet?
20 A: Yeah. Don't say nothing.
21 Q: What did you do after that?
22 A: He sent me to the store to get some beers and I was
23 all right with that. You know what I'm saying? We were
24 drinking for a long time, you know, just trying to -- you
25 know, it was still surreal because I was drunk, but, you

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 now, he sent us -- he sent me to the store to get some
2 bonkers. That's what they call it, you know, some Old
3 English beer. So he gave me a whole bunch of change and I
4 went and got the beers and then came back and we were just
5 drinking and talking and rapping. You know what I'm
6 saying?

7 Q: Where did you stay that night?

8 A: I went home. Dave, he's a member. His girlfriend was
9 there, you know. They took me home previous before so I
10 went home that night.

11 Q: Now, you were eventually arrested; is that right?

12 A: Yes, sir.

13 Q: And eventually you were indicted; correct?

14 A: Yes, sir.

15 Q: And you've actually already pled guilty; is that
16 right?

17 A: Yes, sir.

18 Q: We're going to talk about that a little bit. Okay?

19 A: All right.

20 Q: All right. When you were approached by law
21 enforcement, do you remember that?

22 A: Yeah. I remember the day clearly.

23 Q: And how long after the murder was it?

24 A: That was the 22nd. It was on the 30th I got locked up.
25 So it would have been eight days.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. So they already had arrest warrants for
2 you?

3 A: Yeah. When I got to the station, yeah, they did.

4 Q: And did you tell them at that point in time that you
5 wanted to talk with them?

6 A: No. I was drunk then. I was drunk. It was about
7 eight thirty in the morning and I was drunk then.

8 Q: All right. Did you eventually talk to law enforcement
9 about your role in what happened on March 22nd, 2011?

10 A: Yeah.

11 Q: Do you remember the date of that?

12 A: I mean the next day, but, you know, I didn't really --
13 I lied.

14 Q: When you say you lied, what -- what do you mean lied?

15 A: I lied. I tried to get out of the situation, you
16 know. I know I didn't shoot the dude. I know -- you know
17 what I mean? I didn't know that they was going to do what
18 they did, kill an innocent person. You know what I'm
19 saying? I didn't drive. I just got myself in a bad
20 situation so I was trying to shake up out of it the best
21 way I knew how and I was lying. You know, I was -- like I
22 said, I was a coward at that time in my life. You know
23 what I'm saying?

24 Q: Well, do you actually remember that interview?

25 A: Kind of, sort of.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. I'm going to show you -- did you make a
2 written statement or sign a statement afterwards?

3 A: Yeah. I mean they -- they wrote down what I said, but
4 I -- I signed it afterwards and apologized to the victim's
5 family for being in that situation.

6 Q: Okay. I'm going to show you that. I want you to
7 review it. Take your time and just look up at me when
8 you're done. Okay?

9 A: Yes, sir.

10 (Whereupon, there is a pause in the proceedings.)

11 MR. KENT: Can we approach, Judge?

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

14 Q: And you said that you were drunk when they originally
15 picked you up; is that right?

16 A: Yes, sir.

17 Q: Do you remember everything you told law enforcement?

18 A: What -- what I just read? I mean some of it.

19 Q: No. Prior to reading that, do you remember it?

20 A: Some of it, yeah.

21 Q: Did that help you refresh your memory?

22 A: I mean -- yeah.

23 Q: When you said a while ago that you lied to law
24 enforcement, what do you mean exactly that you lied?

25 A: I mean I was trying to -- I mean I know in this

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 situation here, you know what I mean, I made a bad decision
2 not to get out of the car. You know what I'm saying? So
3 I'm guilty of knowing about the murder. You know what I'm
4 saying? After it happened. You know what I'm saying? So
5 I felt as though I wanted to get out of that, you know. I
6 wanted -- you know, I lied and said, you know, I was just
7 going to the store. I had no idea, you know. When we
8 stopped at the apartment and they got out and I heard what
9 I heard, you know, shoot whoever come to the door. You
10 know what I'm saying? I knew about it then, you know. I
11 just didn't back out of it.

12 Q: So you're saying you didn't tell law enforcement at
13 that point in time everything?

14 A: Yeah. But, you know, at that situation there, you
15 know, I was lying, but then at the end, the detective was
16 like, so you want the victim's family to think you're a
17 cold-blooded killer? You know, I just -- I just broke
18 down. I couldn't have that. You know what I'm saying? So
19 the statement actually was done when I wrote what I wrote.
20 You know, I wrote, look, I'm sorry for being here in this
21 situation with these guys. You know, I didn't think they
22 was going to, you know, use that statement because, you
23 know, I admitted I was lying.

24 Q: But at least on this particular date, you told law
25 enforcement that you were there; correct?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 A: Yeah, I was there.

2 Q: And you may not have told them everything?

3 A: Yeah.

4 Q: When you made that statement and this copy says March

5 31st, 2011, you were arrested; correct?

6 A: Yes, sir.

7 Q: Were you indicted?

8 A: You mean did I have a warrant?

9 Q: There was an arrest warrant. Do you know what an

10 indictment is?

11 A: Is that an arrest warrant?

12 Q: It's fine if you don't. Did you have a plea deal with

13 law enforcement or the solicitor or anybody else to make

14 the statement?

15 A: No. I did that out of my own, you know, trying to --

16 trying to shake out of the situation. You know what I'm

17 saying?

18 Q: So despite the fact -- and what were you arrested for?

19 A: They hit me with a murder one and a conspiracy.

20 Q: So despite that, on March 31st with no plea deal in

21 place, you gave that first statement; is that correct?

22 A: Yes, sir.

23 Q: Do you remember being interviewed by law enforcement

24 later on?

25 A: Yeah. Vaguely, yeah.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: When you say vaguely, do you remember the dates that
2 you were interviewed?
- 3 A: No, not at all.
- 4 Q: Do you remember how many times you were interviewed?
- 5 A: I mean I told them that I wanted to help them out.
6 You know what I'm saying? Because, you know, I was feeling
7 guilty over it, you know. I gave my life to God. I
8 started reading the Bible and accepted Jesus Christ as my
9 personal savior and I realized that, you know, I had to
10 speak the truth. I had to be a man about it. I was a
11 child at the time. So I called them and told them, you
12 know, I want to talk to y'all, give y'all some information,
13 at least let y'all know, you know, what I know, you know.
14 I think it was -- I think I talked to him twice.
- 15 Q: When you say you talked to him twice, who is he? Do
16 you remember who it was?
- 17 A: Yeah. It was two detectives.
- 18 Q: Who were they?
- 19 A: Mark and I forgot the other guy's name that's sitting
20 right there.
- 21 Q: Detective Billy Lyons and Agent Mark Berube?
- 22 A: Yes, sir.
- 23 Q: Do you -- do you remember the date?
- 24 A: No.
- 25 Q: Do you remember how long after you were originally

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 arrested and giving that first date? I mean was it a long
2 period of time? Was it a short period of time?

3 A: I think it was a long period of time. Months.

4 Q: If I asked you if May 3rd, 2011, sounded familiar,
5 would -- would that help you?

6 A: Not really.

7 Q: Would that surprise you if you were interviewed that
8 day?

9 A: No.

10 Q: And you said that was done by Agent Mark Berube and
11 Detective Lyons; correct?

12 A: Yeah.

13 Q: Do you -- do you remember what y'all talked about?

14 A: Vaguely.

15 Q: Do you remember telling them more information than
16 what you had in your original statement?

17 MR. KENT: I'm going to object to the leading, Your
18 Honor.

19 THE COURT: Sustained.

20 MR. KENT: Thank you.

21 Q: Did you add anything to your original statement?

22 MR. KENT: It's still a leading question, Judge.

23 A: I -- I basically just ---

24 MR. GOINGS: Just because it's yes or no doesn't mean
25 it's leading.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 THE COURT: All right.

2 Q: Did you add anything?

3 A: Yeah, I did.

4 Q: What did you add?

5 A: I told them -- man, I got to go back now. I've been

6 trying not to think about this stuff. I told them that I

7 did see the gun. I told them -- I can't remember, man.

8 You know, I just -- I can't remember.

9 Q: Did you ever tell them about the rules and stuff that

10 you had previously discussed to the jury in your first

11 statement?

12 A: Yeah, yeah. Actually, yeah, I told them about it and

13 I told them that -- you know, I had actually written the

14 paperwork down. You know what I'm saying? On my computer,

15 you know, so I wouldn't forget it. You know what I mean?

16 And I told them that they -- that they can get that.

17 Q: Had you discussed the rules with them at that point in

18 time? Just like you discussed that today?

19 A: Yeah. Yeah, I did.

20 Q: Okay. What about the stuff you heard Bless say that

21 you testified? Did you tell them that in your original

22 statement?

23 A: I don't believe I did.

24 Q: Why?

25 A: I mean I wasn't trying to do -- you know, I wasn't

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 trying to be a snitch. You know what I'm saying? I was
2 trying to get out of this situation. You know what I'm
3 saying?

4 Q: But why on May 3rd did you finally come clean with
5 everything?

6 A: Like I told you, man ---

7 Q: With more information?

8 A: Like I told you, man, I'm -- I couldn't believe what I
9 was, you know, involved with and I was sobering up and
10 getting my mind right and I was just ready to, you know,
11 just do whatever I could, you know, to -- to, you know, get
12 home as soon as possible. You know what I'm saying?

13 Q: Okay. When you were interviewed on May 3rd, 2011 --
14 and this would have been two months after the murder. It's
15 actually not even two months, a month and a couple weeks.
16 You were still under arrest; correct?

17 A: Yes, sir.

18 Q: Murder charges?

19 A: Yeah, murder charges.

20 Q: Did you have a plea agreement in place at any point in
21 time from March -- from your first interview to the second
22 interview that the State had agreed to drop anything on
23 your behalf?

24 A: No. They weren't dropping nothing. I had no plea.

25 Q: Did law enforcement when you were interviewed promise

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 you anything in return for your statement that day?

2 A: The promised me nothing.

3 Q: Why did you give that statement?

4 A: I mean, man, I was trying to come clean, you know. I
5 was trying to get this situation over with and, you know, I
6 know I would have been -- I was a fool trying to, you know,
7 get out of it when they knew I was on the scene, you know.
8 So I just had to man up.

9 Q: Now, that wasn't your only interview either; was it?

10 A: No.

11 Q: Do you remember being interviewed on October 11th,
12 2012?

13 A: Yeah, yeah.

14 Q: At that point in time, were you represented by
15 counsel?

16 A: Yes, sir.

17 Q: And what was your understanding of what that interview
18 was?

19 A: I was just -- I just told them everything that I knew,
20 every single thing, no leaving nothing out. They wanted me
21 to tell them everything I knew about the situation.

22 Q: Did you sign any type of a proffer agreement at least?

23 A: Yes, sir.

24 Q: All right.

25 A: A proffer.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: What's your understanding of what a proffer is?
- 2 A: A proffer is just, you know -- I guess it's just, you
3 know, if you can use the information I give you, then so be
4 it, but there's no promises. You know what I'm saying?
- 5 Q: So when you gave that -- signed that proffer agreement
6 and gave that interview on October 11th, 2012, did you have
7 a plea deal in place with the State or with law enforcement
8 agreeing to do anything with your charges?
- 9 A: No, not at that date.
- 10 Q: And what did you tell law enforcement at that point in
11 time?
- 12 A: I told them the whole thing, the whole truth.
- 13 Q: Similar to your May 31st statement?
- 14 A: Yeah.
- 15 Q: It wasn't until after this interview and that proffer
16 agreement that you were ever offered a plea deal; is that
17 correct?
- 18 A: Yes, sir.
- 19 Q: And these three statements -- obviously, you said that
20 you weren't fully forthright on the first one, but these
21 three statements are pretty much your testimony here today?
- 22 A: Yes, sir.
- 23 Q: Now, you are -- obviously, you reached a plea
24 agreement with the State; correct?
- 25 A: Yes, sir.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. You were -- you said you had a murder
2 charge on you?

3 A: Yeah.

4 Q: All right. Do you know what that carried?

5 A: Thirty to life.

6 Q: Was that the only charge you had on you?

7 A: Conspiracy.

8 Q: All right. Do you know how much that carries?

9 A: I think it's zero to five.

10 Q: All right. And as part -- what's your understanding
11 of what the agreement is between you and the State?

12 A: Right now?

13 Q: Yes.

14 A: Zero to fifteen. Well, it's actually zero to thirty
15 with a fifteen year cap. I know I got zero to five
16 conspiracy, manslaughter.

17 Q: That was what you pled to?

18 A: Yes, sir.

19 Q: So the State reduced it from murder down to
20 manslaughter and capped the maximum sentence the judge can
21 give you at fifteen?

22 A: Yes, sir.

23 Q: All right. What do you have to do in exchange for
24 that recommendation from the State?

25 A: Do what I'm doing now. I've got to testify.

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Testify to what the State wants you to say?
- 2 A: Testify to what I said.
- 3 Q: Which is the what?
- 4 A: The truth.
- 5 Q: Has law enforcement ever told you this is what we want
- 6 you to go in there and say?
- 7 A: No.
- 8 Q: Did law enforcement have everything you've testified
- 9 about before a plea agreement was entered into?
- 10 A: Yes.
- 11 Q: From your interviews?
- 12 A: Yes, sir.
- 13 Q: Your agreement is to come and testify as to -- you
- 14 call it the truth -- against who?
- 15 A: I guess whoever want to go to trial I guess.
- 16 Q: Obviously, you're testifying today against Bless?
- 17 A: Yes, sir.
- 18 Q: Right?
- 19 A: Yes, sir.
- 20 Q: If any of the other individuals go to trial, do you
- 21 think your plea agreement covers that as well?
- 22 A: It does.
- 23 Q: And if you don't abide by your plea agreement what you
- 24 agreed with the State, what is your understanding of what
- 25 happens?

JOHN WESLEY STAMPS, JR. - DIRECT EXAMINATION BY MR. GOINGS

1 A: It's no good.

2 Q: And the State can bring back the original charges?

3 A: Yes, sir.

4 Q: What about all these statements you've given? What do
5 they think they can do with those?

6 A: Same thing.

7 Q: Does that mean what you're saying up there today is
8 not the truth?

9 A: It is the truth. I mean it's got to be the truth or
10 else this would be for no purpose. You know what I'm
11 saying?

12 Q: And you told law enforcement all of this prior to a
13 plea deal?

14 A: Yes, sir.

15 MR. GOINGS: I beg the Court's indulgence. Please
16 answer any questions Mr. Kent may have for you.

17 THE COURT: All right. Mr. Kent?

18 MR.. KENT: Thank you, Judge.

19 CROSS EXAMINATION

20 BY MR. KENT:

21 Q: Mr. Stamps, how are you, sir?

22 A: I'm doing all right. How are you doing?

23 Q: How did you get that nickname, Ratchet?

24 A: Bless gave it to me.

25 Q: Who did?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 A: Bless gave it to me.
- 2 Q: So that's how you -- he just said you're going to be
- 3 called Ratchet?
- 4 A: Yes, sir.
- 5 Q: Okay. Tell me a little bit about yourself? We didn't
- 6 get into a lot of your background educational-wise. Did
- 7 you go to school?
- 8 A: Yes, sir.
- 9 Q: How far did you go to school?
- 10 A: I graduated.
- 11 Q: You graduated high school?
- 12 A: Yes, sir.
- 13 Q: How did you do in high school?
- 14 A: I did pretty good. I actually went to one of the best
- 15 schools in the country. I went to Baltimore City Public
- 16 College High School, but I got kicked out. You know what
- 17 I'm saying? I graduated in Sumter High School.
- 18 Q: Okay. So you're a high school graduate?
- 19 A: Yes, sir.
- 20 Q: I mean you did pretty good in school?
- 21 A: Yes, sir.
- 22 Q: Tell me about your grades. Tell me about that type of
- 23 stuff you did in school?
- 24 A: You mean from high school?
- 25 Q: Yeah.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 A: In high school?
- 2 Q: Yeah.
- 3 A: Well, I did -- you know, I did pretty bad, you know,
4 in tenth and eleventh grade. I started smoking weed and
5 just not applying myself, you know, so they kicked me out.
6 Then when I went to school in -- in Sumter, I did pretty
7 good. I was like a A/B student in, you know, stuff like
8 some courses that I -- it just wasn't me though.
- 9 Q: So you ain't no dummy. You know, you're a smart kid?
- 10 A: Yeah.
- 11 Q: You get A and Bs?
- 12 A: Yeah, in courses ---
- 13 Q: You study. When you study when you work on things,
14 you know what to do. Did your teachers like you?
- 15 A: I'm not quite sure. Maybe, maybe not.
- 16 Q: You hope so I would hope.
- 17 A: I mean they passed me.
- 18 Q: Okay. Did you ever get in any trouble or any fights
19 or any altercations in school or were you a pretty good
20 student?
- 21 A: I was a pretty good student.
- 22 Q: Not a lot of trouble? Respectful to your teachers?
23 Respectful to your elders? Did what you were told?
- 24 A: Yes, sir.
- 25 Q: Tell us about your family so we know more about you?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 A: Just elaborate on them?
- 2 Q: Yeah. Go ahead. I mean tell us about them.
- 3 A: I've got a little brother. You know, I've got a
- 4 little brother. I've got two older sisters. I just had a
- 5 little nephew was born two years ago. I didn't get a
- 6 chance to hold him yet. I got a mom, you know. That's
- 7 about it.
- 8 Q: And what do they think about this whole situation?
- 9 A: They're just ready for me to come home.
- 10 Q: They want you to come home? They want you to do
- 11 whatever it takes to get home? They don't want you in
- 12 jail; do they? They definitely don't want you to spend
- 13 life in jail?
- 14 A: (Indicating)
- 15 Q: Is that a yes?
- 16 A: You know it's a yes, man.
- 17 Q: Yeah. Well ---
- 18 A: You know it's a yes.
- 19 Q: And you've talked to your mom about that over the
- 20 phone?
- 21 A: Yes, sir.
- 22 Q: You've talked to your family about that over the
- 23 phone?
- 24 A: Yes, sir.
- 25 Q: They've all talked to you. You've got to do what you

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 got to do. You cannot spend life in prison. I mean that's
2 scary.

3 A: Yeah.

4 Q: Is that a yes?

5 A: Yes, sir.

6 Q: Who all have you talked to about that? Your mom?
7 You've got a niece. You've got a nephew. You've got
8 brothers. You've got sisters.

9 A: I've talked to my mom, my oldest sister, and my
10 brother.

11 Q: And they all told you life, baby, you cannot do life
12 in jail and explained that to you; right?

13 A: Yes, sir.

14 Q: Okay. Talk to me a little bit about the statements.
15 I want to make sure that I understand everything. Well,
16 before we get into the statements, I want to talk a little
17 bit about your alcohol problem. You talked about you have
18 a bit of a drinking problem or had a bit of a drinking
19 problem?

20 A: Yes, sir.

21 Q: Tell us about that. You said you drank every day.
22 What do you drink and how much do you drink?

23 A: I used to wake up and drink two can couple of forties,
24 you know, and that's how I started every day basically, you
25 know, and whatever else came I drunk it.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Okay. And you had mentioned something about you would
2 black out. What do you mean by that? Sometimes you
3 blacked out when you drank?

4 A: I don't remember mentioning that, but I blacked
5 probably about twice.

6 Q: So you ---

7 A: And this was closer to this -- you know, me getting
8 locked up.

9 Q: Okay. And I think in some of your statements there's
10 a lot of times when the officers were talking to you and
11 you said, man, I was so drunk I don't remember that day or
12 this whole month was a blur. Everything was a blur. What
13 did you mean by that?

14 A: I was -- it was a continuous haze, man. If you're an
15 alcoholic, if you've ever been an alcoholic, you know how
16 it is. You know, you just -- you just drink. Time passes
17 by, you know. You're not really -- you know, you're numb
18 to reality.

19 Q: So a lot of that day, a lot of the month as you stated
20 when you talked to the officers, was a haze. When they
21 started talking to you about thing, you were like, man,
22 that's a haze. I was drunk. I barely remember that stuff.
23 Isn't that what you told the officers?

24 A: I mean, yeah, my first statement. Like I told you, I
25 was -- I was lying.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: So your first statement, let's go over that. You said
2 your first statement was a lie. Do you have your first
3 statement in front of you?

4 A: No, I don't have it.

5 MR. KENT: (To opposing counsel) Do you have that
6 statement that you handed to him?

7 Q: All right. This is the first statement that they were
8 talking about. When you said the first statement was a
9 lie, that was your word; right? That was your word it was
10 a lie?

11 A: Yeah.

12 Q: Correct?

13 A: Yeah.

14 Q: Now, what is a lie? A lie is just not telling the
15 truth?

16 A: Yeah. You know, I basically was trying to get myself
17 out of the situation.

18 Q: You said I'm trying to get myself out of this so they
19 don't think I had anything to do with it?

20 A: Yeah.

21 Q: And that's what you were telling the agent. I was
22 lying in this statement because I didn't want them to think
23 I had anything to do with this murder whatsoever?

24 A: Yes, sir.

25 Q: And I went to the officers with this first statement

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 -- you didn't have a lawyer with you?

2 A: No.

3 Q: You went in there by yourself?

4 A: Mm-hmm.

5 Q: And you gave this first statement. Okay. And you see

6 the first statement. I think you initialed each page. On

7 the first page of the statement, there's a JWS at the

8 bottom right-hand corner. That's your statement; correct?

9 That's your signature?

10 A: Yeah. That's my signature.

11 Q: And on the next page, you actually signed it; is that

12 correct? On the second page?

13 A: Yes, sir.

14 Q: All right. And you write John W. Stamps, Jr.?

15 A: Yeah.

16 Q: And you're saying that this statement that you gave to

17 law enforcement without anyone there, you were lying in

18 this statement?

19 A: Yeah. I was ---

20 Q: All right. Well, let's go through it. Go through it

21 with me. Okay?

22 A: All right.

23 Q: First line, on March 22nd, 2011, at approximately

24 twelve o'clock, I went to June's house over on [REDACTED]

25 Apartments. Is that a lie or is that the truth?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: That's the truth.

2 Q: That's the truth. I went over there to chill and get
3 drunk. Lie or the truth?

4 A: That's the truth.

5 Q: When I got there, I started lifting weights with
6 Bless, Bundy, Ready, Bliff, and some other dude that I
7 don't know. Lie or the truth.

8 A: That's the truth.

9 Q: We all were drinking and then Bless went over and
10 started talking to some dudes that had come over from a
11 funeral. Lie or the truth?

12 A: That's the truth.

13 Q: So far everything you're saying is the truth?

14 A: Yes.

15 Q: Okay. One of the guys was light-skinned and had --
16 the rest of the guys were dark-skinned. Lie or the truth?

17 A: That's the truth.

18 Q: All of the guys had on black shirts. Lie or the
19 truth?

20 A: The truth.

21 Q: Everything boosted up into an argument and people were
22 holding other people back and then the guys with the black
23 shirts left in a green Honda Civic. Lie or the truth?

24 A: That's the truth.

25 Q: When they left, I heard them saying go get the thing.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Lie or the truth?

2 A: I'm not quite sure about that one. I don't remember
3 saying go get the thing. I think the police officer put
4 that because ---

5 Q: So the police officer just added something to your
6 statement?

7 A: I wouldn't -- I wouldn't say go get the thing. I mean
8 that's not in my -- how I talk.

9 Q: But did that happen? But did something like that
10 happen?

11 A: I mean -- yeah. They said they were coming back. I
12 mean he put that there.

13 Q: So that's basically the truth, but the officer might
14 have added language that you didn't utilize?

15 A: Yeah. I mean a lot of this stuff is what the officer
16 perceived.

17 Q: Okay. It's what the officer perceived, not what you
18 thought?

19 A: Yeah. How he would take my language and write it down
20 for himself, you know.

21 Q: We all went back to the apartment and some people went
22 inside and others stayed outside and started lifting
23 weights. Lie or the truth?

24 A: That's the truth.

25 Q: I sat on the porch and was getting drunk. Lie or the

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 truth?

2 A: That's the truth.

3 Q: At about two thirty, the dudes came back two cars

4 deep. Lie or the truth?

5 A: That's the truth.

6 Q: It was a blue PT Cruiser and the same Honda Civic.

7 Lie or the truth?

8 A: I think the PT Cruiser was purple.

9 Q: Oh, okay. So that was a lie? Or just a different

10 color?

11 A: I mean I'm just saying what -- I'm just trying to show

12 you that the -- the detective wrote this.

13 Q: The detective wrote it?

14 A: Yeah.

15 Q: The light-skinned dude jumped out of the Civic and

16 started walking towards the dumpster and he was holding

17 something in his pants. Lie or the truth?

18 A: That's the truth.

19 Q: There was about ten people that got out of both cars.

20 Lie or the truth?

21 A: That's the truth.

22 Q: The light-skinned dude was short. I think he was from

23 Sherwood. Lie or the truth?

24 A: That's the truth.

25 Q: Then New York cocked his gun and everybody backed up.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Lie or the truth?

2 A: That's the truth.

3 Q: Somehow Bless got the gun from New York and started
4 shooting. Lie or the truth?

5 A: That's the truth.

6 Q: You weren't trying to protect anybody. You were just
7 telling everything you knew at this point in time?

8 A: Yeah. I mean I wasn't trying to ---

9 Q: Okay. Next question.

10 A: I wasn't trying to ---

11 Q: Trying to -- you weren't trying to get yourself
12 involved?

13 MR. GOINGS: Objection, Your Honor. I'd like the
14 witness to answer the question.

15 THE COURT: Sustained.

16 A: I wasn't trying to snitch. I wasn't trying to, you
17 know, say anything about, you know, them, you know, to get
18 them involved with it.

19 Q: You weren't trying to snitch, but you clearly said
20 Bless had a gun and started shooting at everybody. What's
21 the difference between that and snitching?

22 A: I mean I'm talking about this murder.

23 Q: I'm just going through this part right here. At this
24 point right here, you said Bless had a gun and started
25 shooting at everybody?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: Please continue, sir.

2 Q: I'm sorry. My question is: you said that Bless had a
3 gun and started shooting at everybody; correct?

4 A: Yeah, I did.

5 Q: That's saying Bless' role in what was happening at
6 that point in time; correct?

7 A: Yeah.

8 Q: So that's snitching; ain't it?

9 A: Yeah. But I'm on ---

10 Q: Okay. Thank you.

11 A: I'm on the stand for murder ---

12 MR. GOINGS: Objection, Your Honor.

13 THE COURT: Sustained. Let him answer. Go ahead.

14 Q: The light-skinned started shooting back and everyone
15 just scattered.

16 THE COURT: Hold on one second. If you need to answer
17 that last question more fully, feel free to do so.

18 A: I'm -- I don't see how that's -- that's -- that's
19 relevant to what I'm talking about. You know, this is --
20 this is a murder charge. It's more serious than somebody
21 shooting. Nobody got killed. This is serious. This is my
22 life I'm fighting for. So if you think it's a joke, I'm
23 not really joking about it. You know what I'm saying?

24 Q: Whose life are you fighting for?

25 A: I'm fighting for my life.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 Q: You're fighting for your life on the stand right now?
- 2 Thank you. The light-skinned dude started shooting back
- 3 and everybody just scattered. Lie or the truth?
- 4 A: That's the truth.
- 5 Q: All of the guys that was with the light-skinned dude
- 6 left. Lie or the truth.
- 7 A: That's the truth.
- 8 Q: I went back to June's and sat on the porch. Lie or
- 9 the truth?
- 10 A: That's the truth.
- 11 Q: About five minutes later, all of the guys left in
- 12 Bless' old lady's car. Lie or the truth?
- 13 A: That's the truth.
- 14 Q: I stayed at the apartment so I could protect all of
- 15 the women and the kids. Lie or the truth?
- 16 A: That's the truth.
- 17 Q: Sometime around five thirty or so, a white Dodge
- 18 Stratus came back to the apartment. Lie or the truth?
- 19 A: That's the truth. It might have been a Stratus. I
- 20 think I said a Malibu, something like that, but it was a
- 21 car.
- 22 Q: The passenger was a dark-skinned guy with a blue hat
- 23 on and I did not see the driver. Lie or the truth?
- 24 A: That's the truth.
- 25 Q: The passenger was throwing up gang signs. Lie or the

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 truth?

2 A: That's the truth.

3 Q: The car stopped a few minutes -- the car stopped a few

4 apartments down from June's and one of the dudes that was

5 in the back seat got out and went into the apartment. Lie

6 or the truth?

7 A: That's the truth.

8 Q: The dude came back and got into the car and the driver

9 did a U-turn and then asked me what are you looking at, you

10 bitch ass nigger. Lie or the truth?

11 A: That's the truth.

12 Q: The guy then -- then the guy that was in the passenger

13 seat shot at me one time. Lie or the truth?

14 A: That's the truth.

15 Q: Then June called the police and described the car.

16 Lie or the truth?

17 A: That's the truth.

18 Q: The police came out there and then they drove off real

19 fast. Lie or the truth?

20 A: Well, they drove off before the police came.

21 Q: Okay. I called New York off of his girl's phone and

22 let him know what was happening. Lie or the truth?

23 A: That's the truth.

24 Q: Everybody started leaving June's house to get away

25 from the area. Lie or the truth?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 A: I don't remember saying that.
- 2 Q: Okay. I got in the car with June and her cousin, some
3 dude I don't know. Lie or the truth?
- 4 A: Oh, okay. I see -- I see where he's going. He kind
5 of like -- okay. No. That last statement, yeah.
- 6 Q: That's the truth?
- 7 A: Yeah. The last statement is the truth and this one is
8 true.
- 9 Q: The car was a red small car. Is that true?
- 10 A: Yes, sir.
- 11 Q: I don't know what kind it was. Is that true?
- 12 A: Yeah. That's true.
- 13 Q: Then we went back to Garney's house that's somewhere
14 off of Broad Street near Dairy Cream. Lie or the truth?
- 15 A: That's the truth.
- 16 Q: I went in the back yard of Garney's house and I
17 chilled out. Lie or the truth?
- 18 A: That's the truth.
- 19 Q: I heard Bless' old lady's car crank up so I jumped the
20 fence and asked them to take me to the store so that I
21 could get a beer. Is that a lie or the truth?
- 22 A: That's a lie.
- 23 Q: You lied about that?
- 24 A: Yeah, I did.
- 25 Q: What was the point about lying about wanting to go to

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 the store to get a beer?

2 A: I knew I was lying, man. I mean that don't even sound
3 right. You know what I mean?

4 Q: So what happened really?

5 A: He came and I got in the car and then this murder
6 happened. This murder occurred.

7 Q: It was Bundy, Bless, Ready, Garney, and me in the car.
8 They told me they were going to take me to the store, but
9 Ready said we're going to handle some business at
10 [REDACTED]. Is that a lie or the truth?

11 A: That's a lie.

12 Q: That's a complete lie?

13 A: Yeah.

14 Q: That never happened?

15 A: No.

16 Q: Okay. We took a back road and ended up at the back of
17 [REDACTED] near the railroad tracks. Is that a lie or the
18 truth?

19 A: That's the truth.

20 Q: Then Garney and Bless left and stated they were going
21 to meet up with some females. Lie or the truth?

22 A: That's the truth.

23 Q: And Garney and Bless left. Bundy got in the driver's
24 seat of the car and then he cut the block and came back and
25 parked behind some bushes that are near the railroad

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 tracks. Lie or the truth?

2 A: That's the truth.

3 Q: Me and Ready got out of the car and Bundy stayed in

4 the car. Lie or the truth?

5 A: That's the truth.

6 Q: Ready said that we was going to shoot whoever came to

7 the door and I was like, no, don't do that. If we're going

8 to do something, let's get the people that shot at us

9 earlier.

10 A: That's a lie.

11 Q: That's a lie? I thought you ---

12 A: I mean he got out, but I didn't -- I didn't say let's

13 do something to the people that shot at us -- that shot at

14 us earlier.

15 Q: But I thought you said the -- well, we'll go through

16 the rest of it. Me and Ready started walking towards the

17 apartment. Ready took a right into the apartments and I

18 was just standing out by the road watching down towards

19 June's house. Lie or the truth?

20 A: That's the truth.

21 Q: Somebody I knew named Elon Rudy walked up and I shook

22 hands with him and started walking off. Lie or the truth?

23 A: That's the truth.

24 Q: I saw Ready knock on one door and then after that I'm

25 noticing Ready walk across the street from June's house and

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 walking towards me.

2 A: That's the truth.

3 Q: The door that Ready knocked on first was the door

4 where the guy that shot at me earlier went into. Lie or

5 the truth?

6 A: That's the truth.

7 Q: I started walking towards the car and I got just past

8 the building. Lie or the truth?

9 A: I mean I -- that was -- that was kind of like a lie

10 because I saw him pull the gun out.

11 Q: You saw him pull the gun out?

12 A: Yeah, I did.

13 Q: I heard a gunshot. Lie or the truth?

14 A: That's the truth.

15 Q: It sounded like it was close so I started running.

16 Lie or the truth?

17 A: I knew it was close, yeah, but I -- yeah. That's the

18 truth basically.

19 Q: Ready ran from the other side through the park and he

20 was a little ways from me. I saw the gun in Ready's hand

21 while he was running. Lie or the truth?

22 A: That's the truth.

23 Q: I started looking back to see if anybody was shooting

24 at me. Lie or the truth?

25 A: That's a lie.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Ready yelled, come on, Ratchet, come on. Then I got
2 in the car and Ready asked if everything was all right.
3 Lie or the truth?

4 A: Well, he didn't ask if everything was all right.
5 That's a lie.

6 Q: Ready said, yeah, somebody just got busted. Lie or
7 the truth?

8 A: That's a lie.

9 Q: Then we left and went back at Garney's -- back to
10 Garney's house. Lie or the truth?

11 A: That's the truth.

12 Q: About thirty minutes later, Garney and Bless came back
13 to the house. Lie or the truth?

14 A: I think that's -- I think that's the truth. I'm not
15 quite sure if they was there or not. You know what I'm
16 saying? But I know they was -- they was there.

17 Q: You're not sure of the truth there? Okay. I'll let
18 you think about the truth. Let me know when you remember.

19 MR. GOINGS: Objection, Your Honor.

20 Q: After I ---

21 MR. GOINGS: Counsel is testifying.

22 MR. KENT: It's cross examination, Judge.

23 THE COURT: Sustained.

24 MR. KENT: Thank you, Judge.

25 Q: After that, I got a female unknown, Dave's girlfriend,

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 to take me to the Young's on Broad Street that is close to
2 Dairy Cream so I could get some beer.

3 A: Yeah.

4 Q: Lie or the truth?

5 A: That's the truth. Bless gave me the money.

6 Q: Then I went back to Garney's house and we all got
7 drunk. Is that true?

8 A: True.

9 Q: It was me, Garney, Bless, Ready, Bundy, Dave, and
10 Mooka Mook [phonetic].

11 A: Yes.

12 Q: Lie or the truth?

13 A: That's the truth.

14 Q: I got the same girl to take me to the store. Lie or
15 the truth?

16 A: That's the truth.

17 Q: She was driving a silver Acura. Lie or the truth.

18 A: Truth.

19 Q: When I got home, I went to sleep. I stayed around the
20 house for the next couple of days and chilled with my old
21 lady.

22 A: Yeah.

23 Q: True?

24 A: True.

25 Q: A few days later, some of my people, Rudy, came

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 through and told me that he saw a picture of Ready on a
2 poster that was saying that he was wanted for murder. Lie
3 or the truth?

4 A: That's the truth.

5 Q: A few days later, I was standing on my porch and the
6 police came up and asked me who I was and they told me I
7 was under arrest for murder.

8 A: That's the truth.

9 Q: That's true? After you gave the statement -- we're
10 going to go through it a little bit more. After you gave
11 them this statement, you put something in your own
12 handwriting at the bottom of it?

13 A: Yeah.

14 Q: And I'm assuming what happened was the officer said is
15 there anything else you want to add?

16 A: Yeah.

17 Q: That's what they said. They said is there anything
18 else you want to add and they gave you the right to say
19 anything else on this statement you wanted to say?

20 A: Mm-hmm.

21 Q: They said is this all the truth. Is there anything
22 you want to add or what did you say?

23 A: I said yeah.

24 Q: You said it's the truth and then what did you add on
25 the statement?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: I said I didn't mean for that boy to die. I didn't
2 pull the trigger, but I hope you find it in your heart to
3 forgive me. I should have come forward sooner.

4 Q: And then you signed it?

5 A: Mm-hmm.

6 Q: And then you put the date on it?

7 A: Mm-hmm.

8 Q: So the things -- the biggest thing in this statement
9 that is a lie is Ready said we was going to shoot whoever
10 came to the door and I was like no, don't do that. If
11 we're going to do something, let's get the people that shot
12 at us earlier?

13 A: Mm-hmm.

14 Q: That's the biggest lie in this whole statement?

15 A: I mean if that's how you perceive it, I guess.

16 Q: Well, you tell me how you perceive it?

17 A: I mean ---

18 Q: Did you say that?

19 A: The biggest lie to me would be when he asked me was I
20 all right when I got in the car and then we was like, yeah,
21 somebody just got busted. Somebody just got shot. You
22 know what I'm saying? That would be the biggest lie there.

23 Q: So it isn't a lie that you said Ready said, man, I'm
24 going to shoot whoever comes to the door and you said no,
25 if we're going to shoot anybody, let's shoot the people who

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 shot at me earlier. That's not the biggest lie to you?

2 A: I mean -- no.

3 Q: But that was said?

4 A: I mean I think. I mean ---

5 Q: You think? Did you say it or did you not say it?

6 A: It was two years ago, dude.

7 Q: But you're up here and you're fighting for your life

8 and you've gone over this. You don't remember the truth?

9 A: I mean I remember -- it was hazy, but I'm not going to

10 sit here and say something that's a lie. I'm not ---

11 Q: I'm not asking you for a lie.

12 A: If I'm not quite sure about it, I'm not going to say

13 it.

14 Q: Don't you think that's a pretty big issue whether or

15 not you instructed Ready to shoot the person who came at

16 you that day? That's a pretty big deal; isn't it?

17 A: I didn't. I didn't instruct him to shoot.

18 Q: Well, let's read it again. Ready said that we was

19 going to shoot whoever came to the door and I was like, no,

20 don't do that. If we're going to do something, let's get

21 the people that shot at us earlier. That's you talking;

22 correct?

23 A: If you look at the statement, I said the people that

24 shot at us earlier don't even live out there. Them cats

25 didn't even live out there, man.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Where does it say that in here? Take your time.
2 A: I will. It ain't in there.
3 Q: So you didn't say that earlier in your statement?
4 A: I said it during one of my -- during one of my -- I
5 don't know why it's not in there. You know what I'm
6 saying? But I said it during one of my interviews.
7 Q: You agree with me that's a pretty big deal that you
8 were telling Ready, no, this is who we need to shoot. You
9 were making a decision who needed to be shot.
10 A: Ready made the decision for hisself, man.
11 Q: Ready made what?
12 A: He made the decision for hisself, man.
13 Q: Ready made the decision for himself? You didn't help
14 him out a little bit? You didn't say ---
15 A: Not at all.
16 Q: --- man, let's just go ---
17 A: Not at all. Like I told you, the people who was out
18 there didn't even have nothing to do with -- the dude who
19 got killed, he had nothing to do with this, man. It was
20 just a heinous murder.
21 Q: Why did you tell Ready to shoot the people who shot at
22 you earlier?
23 A: I said -- I mean I basically -- they didn't live out
24 there. So it was pointless of you trying to go shoot
25 somebody.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Why did you tell Ready to shoot at the people who shot
2 at you earlier? Don't shoot somebody randomly. I got
3 somebody you need to shoot. Because this whole case is
4 about Mickey telling people to do something. It sounds
5 like you told somebody to do something. Are you getting
6 upset?

7 A: No. I -- no.

8 Q: So answer the question.

9 A: I mean ---

10 Q: Why did you tell somebody to shoot somebody?

11 A: I didn't tell him to shoot somebody. I said you're
12 going to shoot somebody that's not involved with this. The
13 people that I said, you know -- you know, if you're going
14 to shoot somebody, you should shoot them basically. They
15 wasn't even nowhere to be seen so he couldn't shoot them.
16 He ain't even know who they was.

17 Q: Now, when you talked to the State, you kept saying
18 that I was trying to distance myself from this first
19 statement. I was trying to get myself out of it. That's
20 why that first statement is a whole lie. That's a pretty
21 big line putting you right in it in the first statement.
22 That first statement is you saying I was involved in it and
23 I instructed someone to kill somebody.

24 A: I didn't see it like that, man. I mean I see how
25 you're seeing it, but I didn't see it like that.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Okay.

2 A: I was just telling them the people that were involved
3 weren't nowhere around there so there wouldn't be no reason
4 for you to shoot anybody in [REDACTED] Apartments.

5 Q: Did you ever put that in any of your other statements?
6 As a matter of fact, you don't mention that in any of your
7 other statements that you told him to shoot someone else;
8 do you?

9 A: I don't remember.

10 Q: You don't remember? Okay. In your other statements,
11 every time officers start talking to you about what's --
12 well, let's go to the second statement. He was talking to
13 you about the March 3rd [sic] statement. Do you remember
14 that March 3rd, 2011, statement you gave?

15 A: What? The one that you just read?

16 Q: The one that he kept asking about were you interviewed
17 again and he said your second statement, March 3rd, 2011.
18 Do you remember that? He said this was the statement. You
19 still didn't have a lawyer at this time I'm assuming. The
20 second time you met with Mark Berube, this fellow right
21 here. The second time you met with this fellow, this big,
22 old, muscular fellow right here.

23 A: Yeah. Okay.

24 Q: The second time you met with him, did you have a
25 lawyer?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: I think I did. I'm not quite sure.

2 Q: And you gave a second statement?

3 A: I mean I talked to him, yeah.

4 Q: Was it recorded?

5 A: I don't -- I'm not quite sure.

6 Q: Okay. In that second statement, you don't mention any

7 of this other stuff about the shootings, any of this stuff;

8 do you? Are you still trying to distance yourself and lie

9 about what happened that time?

10 A: I don't remember.

11 Q: You don't remember?

12 A: Man, look, man, I've been back behind them walls

13 trying to get closer to God, man. I wasn't focusing on

14 this, man. It was like a -- I wasn't focusing on this

15 situation here. You know what I'm saying? You know, I

16 might have said some things, I might not have, you know,

17 but I'm telling the truth right now. You can assassinate

18 my character all you want, but it is what it is.

19 Q: Assassinate your character? What does that mean?

20 A: I mean trying to make me seem like I'm rambling and

21 mumbling. You know, this is my first time being on the

22 stand and, you know, you're a lawyer. You've been doing

23 this. So it's true.

24 (Whereupon, a bench conference is held off the

25 record.)

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Listen to me carefully. On March -- May 3rd, 2011, the
2 second statement that we consistently talk about, did you
3 tell the agent the following: John Stamps gave the
4 following information on the events that took place on
5 March 22nd, 2011, before, during and after the shooting that
6 occurred at [REDACTED] Apartments. In the early afternoon,
7 he was riding with Mickey Johnson. He headed to Tuomey
8 Hospital to see about a girl who wanted to get down with
9 the set. He did not know the girl's name, but she was sick
10 and in the hospital. After this, they went to Bliff's and
11 June's house in [REDACTED] Apartments to work out. Stamps
12 stated that he had gone to dedication for somebody who was
13 murdered in another shooting prior -- the week prior and he
14 stated the person was a member of the Folk gang member. He
15 was unsure as to why he was present at the dedication.

16 At any rate, some of the people from the dedication
17 showed up at [REDACTED] Apartments and this is when the
18 altercation with Bless took place, which eventually led to
19 a shootout. Everyone left the scene at [REDACTED]
20 Apartments, but Stamps was left there because some of the
21 girlfriends were still in the apartment. While Stamps was
22 at the apartment, a white Dodge Stratus drove past and he
23 saw several males throwing up gang signs. Stamps claimed
24 that the occupants of the vehicle fired one shot out of the
25 window before leaving the scene.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Stamps claimed that he went to Garnett Davis' house
2 next where he was asked to get in the car with Bundy,
3 Garney, Bless, and Ready. Stamps' story became very
4 muddled at this time as he claimed to never have seen a gun
5 during the ride over to [REDACTED] Apartments and he also
6 stated that he had no idea what was going on as far as the
7 retaliation shooting that took place eventually resulting
8 in the death of Adrian Davis.

9 Do you remember telling that to the agent as your
10 story as what happened the second time on May 3rd, 2011?

11 A: If you got it, I guess so, yeah.

12 Q: And I'm not trying to ---

13 A: Do I remember it? No. I really don't remember, man.
14 I really don't.

15 Q: So you don't remember giving the second statement to
16 the agent?

17 A: I mean I don't remember what it consisted of like
18 that. No, I don't.

19 Q: So when you were testifying about the second statement
20 to the State, you really didn't remember giving the second
21 statement?

22 A: I didn't say that. I said I don't remember what the
23 whole interview consisted of.

24 Q: Well, that ---

25 A: I remember giving it.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: That part of the interview was about what you said
2 happened that day. You don't remember what you told them
3 happened that day? Because what they kept talking about
4 was the first two statements, you weren't promised
5 anything, you weren't given anything. So at that point in
6 time, you weren't implicating anybody. You were just
7 telling what happened. Right? You weren't given any
8 promises when you gave the first two statements and in the
9 first two statements you were implicating yourself; right?
10 A: Yeah. I mean I ---
11 Q: Yeah. You were implicating ---
12 A: The first -- implication means what? Saying that a
13 person ---
14 Q: You were saying that you were involved in it.
15 A: Well, the first one I don't -- I don't believe I was
16 implicating myself.
17 Q: You don't think you were implicating yourself when you
18 said let's shoot somebody else? Again, your testimony is
19 Ready did what he wanted to do on his own?
20 A: No, man. You're taking my words and twisting them,
21 man. I said if you're going to shoot somebody, you should
22 shoot somebody that's -- you shoot the people at least that
23 -- don't shoot somebody that ain't got nothing to do with
24 it. That's what I'm basically saying. I didn't say go
25 shoot somebody. I said what you're about to do basically

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 is ludicrous. No -- none of this -- these people ain't
2 involved. The people that shot at us don't even live out
3 there. Like I said, I know one of the cats was from
4 Sherwood. They didn't live out there.

5 Q: You would have had opportunity to explain all this.
6 They gave you an opportunity to write down everything
7 you're saying. You didn't explain any of that; did you?

8 A: They didn't -- the opportunity to write down?

9 Q: You got an opportunity to write it down; remember?
10 You wrote it down in your own handwriting right here. They
11 gave you an opportunity to write down any additional stuff.
12 You didn't think it was necessary to write down no, no, no,
13 when I said shoot just somebody else out there, I was
14 saying about someone in Sherwood? You didn't think it was
15 necessary to write it down?

16 A: I said the cats that shot at us earlier. The people
17 that shot at us earlier don't live out there.

18 Q: Well ---

19 A: They don't live out there.

20 Q: I thought your testimony was you told him that the
21 people who lived out there earlier or the person who shot
22 at us came from Apartment 7 or 17?

23 A: That's -- see, that's a different situation. There
24 was two shootings. One shot at me. He lived out there,
25 but he left. I'm talking about before then.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: So the person who shot at you lived in Apartment 7 or
2 17 and then you just happened to say if we're going to get
3 someone, let's get the person that shot at me earlier? He
4 happens to live at 7 or 17.

5 A: Like I just told you, the guy left. I really didn't
6 believe the guy would be back. I mean that's crazy you're
7 going to shoot at somebody and you're going -- you're going
8 to come back and chill in your house.

9 Q: You agree with me, but the second time you never
10 mentioned the fact that you said something about shooting
11 somebody. You never said that again. You never talked
12 about it again. Correct? The only time you ever talked
13 about it was that first statement which you said was a lie
14 because you were trying to distance yourself from the whole
15 murder. How else did you distance yourself from the whole
16 murder in the first -- in that first statement?

17 A: Huh?

18 Q: How else did you distance yourself? You said I was
19 distancing myself. That's why I was lying. How else did
20 you distance yourself?

21 A: Oh, okay.

22 Q: What else did you do that shows I distanced myself?

23 A: Well, I -- I basically said -- I was trying to make it
24 seem like when I got in that car, you know, I was just
25 going to go get a beer. You know what I'm saying? And

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 then -- then when I said I heard a gunshot, I started
2 running, it sounded like it was close, you know, I said I
3 thought somebody was shooting. I started looking back to
4 see if somebody was shooting at me. You know what I'm
5 saying? And then when I talked about Ready acting like he
6 didn't know what was going on and saying, yeah, somebody
7 got busted.

8 Q: So how was that distancing yourself? You put yourself
9 out there and you said you knew what he was doing. Ready
10 got out of the car. Ready had the gun. You said, Ready,
11 if you're going to shoot somebody, don't shoot somebody
12 randomly. Go shoot the people who shot at me earlier. How
13 is that -- how is any of that distancing yourself?

14 A: The people that shot at us earlier I was discussing
15 didn't live out there. That was the shootout that happened
16 previous that day.

17 Q: You gave this first statement without an attorney
18 present?

19 A: Mm-hmm.

20 Q: You gave the second statement without an attorney
21 present?

22 A: Mm-hmm.

23 Q: And then you give the third statement that you're
24 testifying about today?

25 A: Mm-hmm.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 Q: The one that was recorded by law enforcement, the one
2 that they sat down, the one that they went over with you,
3 the one that they talked to you about?
- 4 A: Mm-hmm.
- 5 Q: How many times have you met up with law enforcement to
6 go over your statement before today? Have they met with
7 you or talked to you or interviewed you again to say let's
8 talk about your testimony? You've never -- I'm sorry?
9 What was that?
- 10 A: I didn't say anything yet.
- 11 Q: Okay. So I'm waiting.
- 12 A: I don't believe so.
- 13 Q: You've never met with either of these people right
14 here? This is the first time you've ever seen ---
- 15 A: You said ---
- 16 Q: The first time you have ever seen anybody from the
17 State of South Carolina, these people right here at the
18 table, is today? This is the first time you've ever met
19 them is today when they talked to you?
- 20 A: You said law enforcement. I didn't know they were law
21 enforcement.
- 22 Q: How many times have you met with these people about
23 your testimony?
- 24 A: I met with them once.
- 25 Q: Just one time?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: Mm-hmm.

2 Q: When was that?

3 A: A few days ago.

4 Q: Okay. And did they go over that third statement with

5 you?

6 A: What? Did they actually have it with them or -- I

7 mean they just asked me -- you know, they asked me what I

8 was going to -- you know.

9 Q: Did they reinforce -- did they talk to you about the

10 terms of your deal and what you were supposed to testify?

11 Did they tell you you had to testify about the truth in the

12 third statement and if you don't testify to the truth and

13 consistently with the third statement that your deal would

14 be off the table?

15 A: No. They didn't say that.

16 Q: Okay. Let's talk about your other third -- your

17 couple of statements. You also made a point during your

18 testimony that you heard -- and you weren't sure what he

19 was talking about, but you heard Bless say to Ready shoot

20 whoever came to the door.

21 A: Mm-hmm.

22 Q: Now, in no other statement at any point in time have

23 you ever used the word shoot. The first time you've ever

24 used the word shoot was today. All of your statements

25 consistently say whomever came to the door. When did you

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 decide to add the word shoot to your testimony?
- 2 A: Well, what -- what other word would I use?
- 3 Q: Well, you never used that word shoot before; have you?
- 4 A: Written statements?
- 5 Q: Yeah. The statement you gave to law enforcement, the
- 6 recorded statement you gave to law enforcement, you've
- 7 never used the word shoot. Why did you choose to use it
- 8 today?
- 9 A: That's what he said. I don't -- I don't get -- I
- 10 don't get what you're getting at.
- 11 Q: Why didn't you say that ever before?
- 12 A: What did I say before?
- 13 Q: You said whoever came to the door.
- 14 A: That's what ---
- 15 Q: As a matter of fact, the exact statement was: at this
- 16 point, Stamps claims that Bless and Garney got out of the
- 17 car along with Ready. He claims that he heard Garney say
- 18 the girls were going to pick he and Bless up. Also, he
- 19 claims he might have heard Bless say whoever comes to the
- 20 door.
- 21 A: Mm-hmm.
- 22 Q: Is that what he said or did he say shoot whoever comes
- 23 to the door?
- 24 A: It was shoot. Shoot whoever comes to the door.
- 25 Q: So why did you never tell them that? Why didn't you

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 ever tell them they used the word shoot?

2 A: I mean ---

3 Q: You were very specific. They actually put it in
4 quotation marks, whoever came to the door.

5 A: I mean you're taking real small things and blowing
6 them out of proportion. I mean ---

7 Q: How is that small? Is that small to you? Is that why
8 you just thought it was necessary to add the word?

9 A: I mean I figured that's what was going to happen.

10 Q: You figured? You figured that would happen? So
11 you're just assuming your testimony? You're just adding
12 stuff to make your testimony more glorified in front of the
13 jury?

14 A: No. I ---

15 Q: Did he say the word shoot or did he not say the word
16 shoot?

17 A: It was shoot.

18 MR. GOINGS: Objection, Your Honor. He's not ---

19 THE COURT: Sustained.

20 MR. GOINGS: --- letting the witness answer the
21 question.

22 THE COURT: Let him answer it.

23 A: He said shoot. I mean ---

24 Q: Don't ---

25 A: I mean ---

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Don't ---
2 A: --- that's what I figured was going to happen. Shoot.
3 Q: Did you figure it was going to happen and you figured
4 the word shoot or did he actually use the word shoot?
5 A: The word was -- I said shoot.
6 Q: Did you ever use that word anytime other than today?
7 A: I thought I did. I mean ---
8 Q: You thought you did?
9 A: Yeah, I did.
10 Q: Now, you testified that you reviewed your testimony
11 and you looked at your statements before this. Did you
12 ever see the word shoot before?
13 A: I testified I did what now?
14 Q: Have you looked at your statement that you gave to law
15 enforcement for today's testimony?
16 A: Are you talking about this?
17 Q: Yeah.
18 A: No.
19 Q: Okay. And when you were out there that day, you
20 talked about running into your friend, your buddy, Eton,
21 whatever his name is, Rudy? And when Rudy said what's
22 going on, you looked at him and said, man, you're about to
23 see what's about to happen. Why did you say that?
24 A: Yeah. You got to see. You got to see. Just like I'm
25 about to see.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: So you knew what was going to happen or you didn't
2 know what was going to happen?

3 A: I -- I knew that he was supposed to be going to the
4 door. I said he said shoot whoever came to the door, but
5 like I told you, the thirty minutes before the dude had
6 left so I was just hoping that the dude didn't come to the
7 door and he didn't come to the door.

8 Q: And today, your testimony and your third statement was
9 you were trying to be the good guy, that you tried to get
10 the gun away from Ready. Ready, give me the gun. You
11 don't need to do this. Is that what was happening?

12 A: I mean I didn't say it like that, you know. I can't
13 say it like that.

14 Q: What was your plan?

15 A: If I would have got the gun from him, an innocent
16 person wouldn't have got killed.

17 Q: So you were trying to stop it?

18 A: Yeah. In a way, yeah. That's crazy. Why would you
19 do something like that?

20 Q: So you were trying to stop it? You were taking it
21 upon yourself and you say this is crazy. I need to take
22 the gun from him.

23 A: I didn't say it like that, no.

24 Q: But that's basically what you were thinking? You
25 needed to stop an innocent person from being killed?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 A: Yeah.
- 2 Q: Because you were going to stop it?
- 3 A: I mean I tried, yes.
- 4 Q: You tried? You tried to stop this murder from
- 5 happening? Now, that's confusing me because they made a
- 6 big deal about this whole no cuts thing. No cuts. No ifs,
- 7 ands or buts. No cuts. You must do what you're told. I
- 8 would have gotten in trouble if I wouldn't have been there,
- 9 but you wouldn't have gotten in trouble for stopping the
- 10 murder if this murder was ordered?
- 11 A: We were by ourself. I figured, you know, we was by
- 12 ourself. I could have at least tried to talk some sense
- 13 into him, but I didn't say it to where as though give me
- 14 the gun, Ready.
- 15 Q: You were by yourself so you could have left?
- 16 A: Yeah. I could have left.
- 17 Q: You could have gone to see law enforcement. You could
- 18 have taken off. You could have said, guys, let's get in
- 19 the car. I'm going to call 9-1-1. You could have done all
- 20 of this stuff. You weren't scared. Why didn't you do
- 21 anything?
- 22 A: It's the worst decision I ever made in my life, man.
- 23 Worst decision, man.
- 24 Q: You were the lookout? That was your job?
- 25 A: No, I was not the lookout.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

- 1 Q: You served as the lookout?
- 2 A: No, I wasn't.
- 3 Q: So you didn't do anything wrong?
- 4 A: I got in the car and when I got the opportunity to
- 5 leave, I didn't. It was never said you're the lookout.
- 6 You do this. I got in the car and when I got out, I didn't
- 7 go into the apartment building because I didn't want to be
- 8 by the dude if he was to do something crazy.
- 9 Q: When you talked to law enforcement the third time when
- 10 they came to you, did they come to you and they said we
- 11 know you didn't tell us everything in the first statement?
- 12 We know you've left some stuff out. That's what they told
- 13 you; didn't they? They knew you -- they thought you had
- 14 left some stuff out; right?
- 15 A: I'm not quite sure of that.
- 16 Q: What do you mean you're not quite sure? You were
- 17 there. They were interviewing you.
- 18 A: Yeah. I'm not quite sure whether they said it or I
- 19 said it, you know, just to, you know, get it -- get it off
- 20 my chest. I'm not quite sure if they coerced me to say it
- 21 or not to say it.
- 22 Q: What do you mean you're not quite sure? What
- 23 happened? You were there. You don't remember?
- 24 A: Right.
- 25 Q: I think your testimony earlier from the State was this

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 was the most important day of my life. I'll never forget
2 it. I'll never forget what's happening. And now you're
3 forgetting details?

4 A: You said what now?

5 Q: You in your earlier testimony said, man, I'll never
6 forget. I'll never forget what happened. This was the
7 scariest day of my life. I remember everything about it.
8 And now every time I ask you about details, you say I'm not
9 quite sure.

10 A: You're talking about interviews. I mean I'm sitting
11 inside of a jailhouse for two and a half years rotting. I
12 got no kind of nothing going on. You know what I'm saying?
13 So when the interview comes, you know what I'm saying, it's
14 -- it's -- it's totally out of what I'm used to doing, you
15 now. So I -- I don't remember every detail of everything.
16 My mind isn't even working on top function. You know what
17 I'm saying? And then you're talking about interviews now.

18 Q: And as you remember, you were drunk that day so you
19 barely remember most of the details because you were
20 blurry, you were hazy. You barely remember everything that
21 happened that day; right? Wasn't that your testimony and
22 wasn't that your testimony to the officers in the third
23 statement? I think he testified that your testimony became
24 very muddled at this point in time because you were drunk.
25 Do you remember?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: I told you, man. That was the first statement, man.
2 I told you what I did there.

3 Q: Your first statement? So then the third statement you
4 never mentioned being muddled or drunk or anything of that
5 nature and not being able to remember stuff?

6 A: I didn't remember all the details. I might have, but
7 hey, I might have, I might have not.

8 Q: You might have, you might have not?

9 A: Yeah. Like I said, it's an interview. I don't
10 remember every word that was said in the interview, man.

11 Q: Let's talk about the sentence that you're looking for
12 that you're getting in exchange for your testimony today.
13 They made it very clear they wanted you to testify against
14 Bless; didn't they?

15 A: Yes, sir.

16 Q: As a matter of fact, during your interview I think you
17 and Detective Lyons -- in the recorded portion of the
18 interview, Detective Lyons is saying Bless is the reason
19 all of this happened and you're like, yeah, yeah, Bless is
20 the reason all of this happened.

21 A: I mean you ---

22 Q: None of this would have happened but for Bless?

23 A: He's the catalyst, yeah. He's the catalyst.

24 Q: Yeah. That's what y'all both are saying, yeah, it's
25 Bless. It's not me. It was Bless. Bless had everything

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 to do with it.

2 A: No, no. I accept full responsibility for the bad
3 decision I made.

4 Q: But according to your testimony, you didn't do
5 anything wrong?

6 A: Yeah, I did.

7 Q: All you did was get in the car and you tried to stop
8 somebody from being killed?

9 A: Yeah. But I could have got out of that car. I could
10 have went home. I could have took myself out of this
11 situation. I could have reported the murder. I never said
12 I did that.

13 Q: In exchange for you being the lookout that day, what
14 was the deal that the State gave you?

15 A: I wasn't the lookout, man.

16 Q: What was the deal that the State gave you?

17 A: It was a zero to thirty.

18 Q: That's not the deal that they gave you. What was the
19 deal that you got?

20 A: Well, the deal that I have now?

21 Q: Mm-hmm.

22 A: Zero to thirty with a fifteen year cap.

23 Q: Well, it isn't zero to thirty. It means the most you
24 can possibly look at is a fifteen year cap?

25 A: Yeah.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: Explain to the jury what you understand about the
2 fifteen year cap?

3 A: Well, I can't go over fifteen.

4 Q: Which means the judge can sentence you to less. The
5 judge can give you probation.

6 A: I mean that's what cats in the jail say, but I'm not
7 quite sure. This is my first time being in the situation
8 like this. The way I perceived it, I thought if it's a
9 zero to thirty, you know what I'm saying, then I would
10 probably get higher. That's what I thought.

11 Q: You have a lawyer in this situation, actually a very
12 good lawyer.

13 A: Yeah.

14 Q: And he's explained to you what you're looking at. I
15 know your lawyer. He's a very good lawyer and I'm sure
16 he's explained to you the sentence that you're potentially
17 looking at.

18 A: Yeah.

19 Q: And he's told you you're looking at a fifteen year
20 cap, which means that's the most the judge can give you,
21 and he can go under that?

22 A: Yeah. But this was before.

23 Q: And -- and he also told you and I'm sure the State has
24 told you testify well, be credible. If they like you, they
25 can go recommend a lower number to the judge; right?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: I mean my lawyer, he basically -- you know, I need to
2 come up here and tell the truth like I'm doing.

3 Q: And if they -- if they like you, they're going to go
4 in front of the judge when you get sentenced and give you
5 less time or ask ---

6 A: If they like me? No. They didn't say nothing like
7 that.

8 Q: Okay. And so you could be looking at probation based
9 upon your testimony if you testify in accordance to your
10 third statement?

11 A: If you say so. I don't know how much time they're
12 going to give me.

13 Q: How much were you looking at?

14 A: How much what?

15 Q: How much time were you looking at before you agreed to
16 testify?

17 A: I believe it was murder would carry a life sentence.

18 Q: You were looking at a life sentence?

19 A: Yeah.

20 Q: In exchange for your ---

21 A: I think it went to a two to thirty.

22 Q: So you were looking at a life sentence before you
23 agreed to testify and in exchange for testifying, you're
24 now potentially looking at a probationary sentence?

25 A: Well, I was looking at the two to thirty before.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: You were looking at murder, which carries thirty to
2 life?
3 A: No. I was looking at a two to thirty manslaughter.
4 Q: Two to thirty manslaughter? They told you you looked
5 at a manslaughter charge?
6 A: That's what my -- my lawyer came up and told me. You
7 know what I'm saying? He said two to thirty.
8 Q: And your testimony is you tried to stop what happened
9 that day; is that right? You tried to stop it; correct?
10 A: In a -- in a way I did, but in a way I could have -- I
11 could have talked to that boy, man. I know I could have.
12 I know I could have said something to him to prevent him
13 from doing that. I know I could have.
14 Q: And I think your direct testimony was I'm wrong about
15 the statement that Ready was crazy and acted on his own.
16 Tell me about Ready. What type of person is he?
17 A: Man, Ready was the type of guy, man, you know, you
18 could exploit him, you know. He was a young guy and, you
19 know, he just -- he was just ---
20 Q: A little crazy?
21 A: No. I don't think he was crazy. You know, I just
22 think he was -- you know, wanted to be accepted, you know.
23 Q: Y'all went out there together, you, Ready and Bundy?
24 You were the three in the car?
25 A: Mm-hmm.

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 Q: And after somebody got killed, the three of y'all
2 drove back. Just the three of you were in the car?
3 A: Mm-hmm.
4 Q: Bundy was the driver?
5 A: Mm-hmm.
6 Q: Ready was the shooter and you were just the innocent
7 person who got stuck in the middle of all this?
8 A: I wasn't innocent. You know what I'm saying? I'm not
9 going to sit here and say I'm innocent, but I did not play
10 no lookout, man. You know what I mean? I could have went
11 home, but I didn't, you know. But, you know, you know
12 anybody can say just because I'm there you want to give me
13 a position. You know what I'm saying?
14 Q: Fine. Let's talk about what happened when you went
15 back to Garney's house because you never mentioned that
16 until the third statement. Do you realize that you never
17 mentioned this rank increase gang thing that happened, that
18 there was this ceremony? You never ever mentioned that
19 until your third statement; correct?
20 A: No.
21 Q: You never mentioned it.
22 A: No. I mentioned that. I mentioned it.
23 Q: It's mentioned in that first statement? Obviously, I
24 missed it.
25 A: No. I didn't mention it in the first statement. I

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 told you the first statement, you know, I was trying to get
2 out of it, but the second time I talked to the detective,
3 yeah, I mentioned that.

4 Q: The second time you talked to him, you told him? And
5 I just read to you ---

6 A: Well, they might not have written it down, but it was
7 -- there was a lot of verbal things going on.

8 Q: And he didn't -- he just chose not to write down that
9 important piece of information?

10 A: I mean you asked me ---

11 Q: That fellow right there? He just chose not to write
12 it down?

13 A: He didn't write it down.

14 Q: And then I think you said during the third statement,
15 if I'm not mistaken, Bundy was back there hugging
16 everybody, kissing everybody, telling everybody I love you
17 guys, I love y'all. Bundy was an active participant in
18 what was going on?

19 A: Man, you're something else. You know that, man?

20 Q: I think so, too.

21 A: Yeah.

22 Q: My mom does.

23 A: But whether or not, he wasn't hugging and kissing
24 everybody, man.

25 Q: Well, what was he doing?

JOHN WESLEY STAMPS, JR. - CROSS EXAMINATION BY MR. KENT

1 A: He just said, you know, I love y'all. You know what
2 I'm saying?

3 Q: Was he upset and did it look like he didn't want to be
4 there or anything of that nature?

5 A: No.

6 Q: Nothing like that? Is that a yes or a no?

7 A: No.

8 Q: Okay.

9 MR. KENT: Thank you so much.

10 THE COURT: All right. Redirect?

11 MR. GOINGS: Yes, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. GOINGS:

14 Q: Let's go back. You were asked in your first statement
15 -- you still got it up there?

16 A: Yeah. I got it.

17 Q: There was a lot of words being put in your mouth I
18 think right there so let me try to clear it up a little
19 bit.

20 A: Mm-hmm.

21 Q: When you said -- in your statement where it says you
22 told Ready, no, if you're going to shoot someone, let's
23 shoot the ones that just shot at me, were you giving an
24 order to Ready at that point in time?

25 A: No, I wasn't.

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: Do you have the power to give an order to Ready?

2 A: I don't have no power, no. We was the same --

3 supposed to be the same rank.

4 Q: What is the purpose of why you said it ---

5 A: I told them ---

6 Q: --- or why you put that in your statement?

7 A: I told them that like I told him. That was -- the

8 people that lived out there, they -- the people that lived

9 -- the people that shot at us, they don't live out there.

10 They left. You know what I'm saying? Why go and shoot at

11 somebody when they ain't got nothing to do with it? You

12 know what I'm saying? But he was saying it was the other

13 guy that I was talking about from the time I got shot at.

14 Q: But you wouldn't tell -- I mean did you tell Ready,

15 hey, man, don't go there. Go ---

16 MR. KENT: Objection to leading, Judge.

17 THE COURT: Sustained.

18 A: No. No.

19 Q: Did you tell Ready the exact location so y'all can go

20 there and shoot somebody?

21 A: I don't even know where the dude live at. I know it

22 was Sherwood, somewhere around there. You know what I'm

23 saying? But I know they didn't live out there. That's why

24 they was coming out there visiting after the funeral in

25 those black shirts.

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: Is it consistent with what you said in your third
2 statement though? I was trying to talk Ready out of it?

3 A: Yeah.

4 Q: Why?

5 A: Why was I trying to talk him out of it?

6 Q: Yeah.

7 A: It was crazy, man. I mean I can't believe I'm sitting
8 here on this witness stand and an innocent person is
9 killed. I mean it's madness. Why would you do something
10 like that?

11 Q: Why were you there then?

12 A: A dumb decision and, like I told you, I didn't believe
13 the old boy was going to be there. The dude who I -- who I
14 gave the apartment number, he wasn't there. I had no clue
15 about this other -- this other situation. This ---

16 Q: Why -- why take the chance?

17 A: Something I ask myself every day, man. I played with
18 fire and got burned, man.

19 Q: Does it go back to the no cuts policy?

20 A: I mean -- yeah, you could say that, but, you know, at
21 the end of the day it was a -- there was a wrong decision
22 to make and a right decision to make and I made the wrong
23 decision.

24 Q: You were asked at length about your first statement
25 and your second statement and your third statement, and

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 actually it was read line by line for you whether or not
2 what was a lie and what was the truth; right?
3 A: Mm-hmm.
4 Q: And in fact, most of what was read to you, you
5 answered truth to?
6 A: Yeah.
7 Q: Is that right?
8 A: Yeah.
9 Q: So when you -- when I asked you what do you mean by
10 lying when you testified on direct, what do you mean by
11 lying?
12 A: I mean just saying -- just -- just making something up
13 to, you know, make myself seem like I wasn't -- you know, I
14 hadn't -- you know, I wasn't involved, like I didn't know
15 nothing about it.
16 Q: Do you consider omitting facts lying?
17 A: Admitting facts?
18 Q: Omitting, meaning something you didn't tell law
19 enforcement.
20 A: Yeah.
21 Q: Is that a lie?
22 A: I believe so, yeah.
23 Q: Did you tell law enforcement every detail about what
24 happened that night on that first interview?
25 A: No.

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 Q: That last interview you gave -- well, let me ask you
2 this. The second interview that you gave Mr. Berube, did
3 you tell him everything then?

4 A: No. I didn't tell him fully everything, no.

5 Q: That third interview, did you tell him everything?

6 A: Yeah. I told him everything then.

7 Q: But again, did you have a plea agreement in place when
8 that third interview took place?

9 A: No, I didn't.

10 Q: Now, that first interview you were -- we went through
11 it and you were asked a bunch of information. You didn't
12 add the part or didn't talk about the part ---

13 MR. KENT: Object to the leading, Judge.

14 THE COURT: Sustained.

15 Q: Did you talk about your gang affiliation in that first
16 interview?

17 A: I don't believe so, no.

18 Q: Did you talk about 135 and the rank structure in that
19 first interview?

20 A: I don't think so.

21 Q: Were you asked about who led 135 in that first
22 interview?

23 A: Yeah. They were showing me some pictures of different
24 people who was leading, you know, different leaders and
25 there was a point do you know him, do you know him, trying

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 to get me to crack. You know what I'm saying?

2 Q: But did you go into details?

3 A: No.

4 Q: Why not?

5 A: Like I said, I was trying to -- trying to get out of

6 the situation and I really don't -- don't know too much

7 about the gang myself.

8 Q: Did you also want to snitch on people at that time?

9 A: No.

10 Q: But eventually, you made law enforcement aware of the

11 organization; is that correct?

12 A: Yes, sir.

13 Q: And you told about the rank structure?

14 A: Yes, sir.

15 Q: And you decided to tell exactly what happened that

16 night?

17 MR. KENT: Object to the leading, Judge.

18 THE COURT: Sustained.

19 A: Yeah.

20 Q: Was that the truth?

21 A: Yes, sir.

22 Q: Did you have a plea deal in place?

23 A: I didn't have a plea deal.

24 Q: And you were also asked this is the first time you

25 used the word shoot was when you were on the -- on the

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 stand; is that right?

2 A: Yeah. He -- did he ask me that?

3 Q: Yeah.

4 A: Yeah.

5 Q: And what was your response?

6 A: I don't remember that being the first time I used the

7 word shoot. I thought I said it at that time.

8 Q: And what did you hear Bless tell Ready at [REDACTED]

9 Apartments?

10 A: I heard him say shoot whoever come to the door.

11 Q: And what did Ready do?

12 A: He shot. He shot somebody in their house.

13 Q: When you were -- in your first statement when you said

14 you thought somebody was shooting at you, why did you put

15 that in there?

16 A: Because I wanted to make it seem like I had no clue of

17 what was going on. You know what I'm saying? Like I just

18 heard a gunshot and I just ran.

19 Q: So you were wanting law enforcement to believe you

20 didn't know it was Ready shooting?

21 A: Yeah.

22 Q: Is that -- is that right?

23 A: Yes, sir.

24 Q: So you thought I'll tell law enforcement somebody shot

25 at me or I thought somebody may have been shooting at me?

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 A: Yes, sir.

2 Q: But that wasn't true?

3 A: No.

4 Q: The last part of your cross examination right there,

5 you were asked about Ready.

6 A: Mm-hmm.

7 Q: And what was your answer about his character?

8 A: I just said he was easy to be exploited, man. He was

9 one of those guys that just wanted to fit in. You know, I

10 remember this particular time we was at -- we was at like a

11 poker game, you know, and Bless had him doing push-ups ---

12 MR. KENT: Objection, Judge.

13 THE COURT: What grounds?

14 MR. KENT: May we approach?

15 THE COURT: Yes.

16 (Whereupon, a bench conference is held off the

17 record.)

18 Q: Well, let's just leave it at your opinion Ready is

19 easily exploited.

20 A: Yeah. He's easily exploited.

21 Q: Did Bless exploit him that night?

22 A: In my opinion?

23 Q: Yes.

24 A: I believe he did. I believe he did and I -- I believe

25 I could have -- I could have did something about it, but I

JOHN WESLEY STAMPS, JR. - REDIRECT EXAMINATION BY MR. GOINGS

1 didn't.

2 Q: And did y'all gain rank from what happened?

3 A: Yeah. I mean I didn't know I was going to gain no
4 rank, you know.

5 Q: Did you gain rank from what happened?

6 A: Oh, yes, sir.

7 Q: Did Ready?

8 A: Yeah, he did.

9 Q: Did Bundy?

10 A: Yeah.

11 Q: And who made that decision?

12 A: Bless did.

13 MR. GOINGS: I beg the Court's indulgence. No further
14 questions, Your Honor.

15 THE COURT: All right.

16 MR. KENT: I beg the Court's indulgence for one
17 moment.

18 RECROSS EXAMINATION

19 BY MR. KENT:

20 Q: Just to make sure I'm clear on that no cuts policy or
21 whatever it is, now what does no cuts mean?

22 A: It means no ifs, ands or buts.

23 Q: And so if an order is made, no matter what you have to
24 follow it and that's why you got in the car?

25 A: I said that it crossed my mind. You know what I'm

JOHN WESLEY STAMPS, JR. - RECROSS EXAMINATION BY MR. KENT

1 saying? It was just a coward move, you know. It just --
2 when I said that, I said those were some of the things that
3 crossed my mind.

4 Q: Those are some of the things? Is that what you said?
5 Those are some of the things that crossed your mind and
6 that's why you got into the car?

7 A: That's why.

8 Q: And that specific testimony the reason you got in the
9 car was because of the no cuts policy and you had to follow
10 it?

11 A: That's why I got in the car?

12 Q: Yeah.

13 A: No. That's why I didn't get out of the car.

14 Q: Okay. Do you really have to follow that no cuts
15 policy when you're a grown man and you can do whatever you
16 want to do?

17 A: That's why I just said those were some of the things
18 that crossed my mind, but at the end of the day, it was the
19 wrong decision, period.

20 Q: At the end of the day, you guys are all grown men and
21 you make grown men decisions and you do whatever you want?

22 A: Yeah. Yeah.

23 Q: Is that a yes?

24 A: Yes, sir.

25 MR. KENT: Thank you. That's all the questions I

1 have. Thank you so much.

2 THE COURT: You may step down. Let's take a fifteen
3 minute break. Do not discuss the case. Everybody remain
4 seated.

5 (Whereupon, the jury exits the courtroom and the
6 witness leaves the stand at 12:08 p.m.)

7 THE COURT: We'll take a fifteen minute break.

8 (Whereupon, there is a break in the proceedings from
9 12:08 p.m. until 12:33 p.m.)

10 THE COURT: All right. Everybody be seated. Bring
11 out the jury.

12 MR. GOINGS: Your Honor, if I may have a second?

13 THE COURT: All right.

14 MR. GOINGS: I'm going to make sure my guy is -- the
15 next witness is up here and I'm also going to instruct him
16 the same way I instructed Mr. Stamps to not mention ---

17 THE COURT: That would be good. You do that first and
18 then we'll bring out the jury.

19 (Whereupon, there is a pause in the proceedings.)

20 MR. GOINGS: We're ready, Your Honor.

21 THE COURT: All right. Go ahead and bring out the
22 jury.

23 (Whereupon, the jury enters the courtroom at 12:40
24 p.m.)

25 THE COURT: All right. If you will, call your next

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 witness.

2 MR. GOINGS: Thank you, Your Honor. If it please the
3 Court, the State would call Bryant Bradley.

4 THE CLERK: Right here, sir. Place your left hand on
5 the Bible and raise your right hand. State your name,
6 please.

7 THE WITNESS: Bryant Bradley.

8 THE CLERK: Do you solemnly swear or affirm your
9 testimony to the Court shall be the truth, the whole truth,
10 and nothing but the truth, so help you God?

11 THE WITNESS: Yes, sir.

12 THE CLERK: Thank you. Have a seat up here for me.
13 Watch your step. Please state your full name and spell
14 your last name for the record.

15 THE WITNESS: Bryant Beante Bradley, B-R-Y-A-N-T B-E-
16 A-N-T-E B-R-A-D-L-E-Y.

17 BRYANT BRADLEY, being first duly
18 sworn, testifies as follows:

19 DIRECT EXAMINATION

20 BY MR. GOINGS:

21 Q: Good afternoon, Mr. Bradley. How are you doing?

22 A: All right.

23 Q: If you would for the jury, just tell -- tell them a
24 little bit about yourself. Where were you born?

25 A: Manning, South Carolina.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: How long did you live in Manning?
2 A: All my life.
3 Q: All right. Who did you live there with?
4 A: My mother and father.
5 Q: All right. So you never moved from Manning at all?
6 A: No, sir.
7 Q: While you were growing up?
8 A: Yes, sir.
9 Q: All right. Tell me how you know the defendant, Mickey
10 Johnson?
11 A: I met -- met Bless in about 2008. We were chilling.
12 He came over to my house and he was painting with my mother
13 because my mother paint the house and stuff like that. And
14 we all started hanging around probably around 2008, 2009.
15 Q: Are you related to Bless?
16 A: Yes, sir.
17 Q: All right. How are you related to him?
18 A: On my mother's side, he's my first cousin.
19 Q: So he's your first cousin?
20 A: Yes, sir.
21 Q: All right. Y'all didn't really hang around each other
22 while y'all were growing up?
23 A: No, sir, not really.
24 Q: But in 2008, at some point during that time is when
25 you met him or -- not met him, but started hanging around

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 him; is that right?

2 A: Yes, sir.

3 Q: All right. And he approached you or did you go over
4 to see him or what happened?

5 A: He came -- he came over to my mother's house painting
6 and then -- then shortly after, I'd say about two weeks, he
7 came to my grandmother's house and that's when he
8 introduced me to the gang.

9 Q: When you say introduced you to the gang, what do you
10 mean?

11 A: Like he wanted me to join the Blood gang, Piru.

12 Q: Did he tell you what kind of gang it was?

13 A: Yeah, 1tre5.

14 Q: What was it?

15 A: 1tre5 Piru.

16 Q: Did he come with any other people?

17 A: No, sir.

18 Q: Tell me how that conversation took place. I mean what
19 happened?

20 A: It -- we was at my grandmother's house and we was
21 talking and he would ask me about my life and what I been
22 doing or whatever and he asked me did I ever join a gang or
23 whatever I had considered and we started talking and
24 whatever. And so I chose to join and that's when he said
25 it was Homicide -- Homicide ---

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Well, let me stop you there. Had you ever been in a
2 gang prior to ---

3 A: No, sir.

4 Q: --- agreeing to joining 135?

5 A: No, sir.

6 Q: And what time frame -- obviously, you said 2008 is
7 when he came ---

8 A: Yes, sir.

9 Q: --- and y'all started hanging out. When were you
10 approached about actually joining 135?

11 A: Around probably like the beginning of 2009.

12 Q: What did your mama think about you hanging around with
13 Bless?

14 A: She ain't like it at all. She tell me to stop hanging
15 around him and I chose not to.

16 Q: Well, why did you choose to join 135?

17 A: He tricked me and manipulated me and stuff, talking
18 it's nothing but love. You're uplifting the community.
19 Filled my head up with lies and basically used us to do
20 crimes and stuff like that. Once you done joined, then
21 he'll tell you what it is. Then he asks you to join. He
22 asks you to join and he's got others, not a community and
23 stuff like that. Then when we join, he want us to go out
24 there and do crimes and stuff, but he'll never put hisself
25 in a crime. He get us to do it for him.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: And we're going to get to some stuff, but I want to
2 first talk about actually 135.
- 3 A: Mm-hmm.
- 4 Q: When you joined, you said it was 2009?
- 5 A: Yes, sir.
- 6 Q: Okay. How were you initiated into the gang?
- 7 A: They beat me in.
- 8 Q: All right. When you say they, do you remember who it
9 was that beat you in?
- 10 A: I know Homicide.
- 11 Q: Do you know Homicide's real name?
- 12 A: Dontae Crayton.
- 13 Q: Okay.
- 14 A: And it was David, Mike ---
- 15 Q: Do you know David's last name?
- 16 A: I don't know. I don't know him and Mike's last name.
17 They be brothers though.
- 18 Q: Okay.
- 19 A: I think a guy named Bliff if I ain't mistaken and
20 there was one more person, but I mean I can't get it off
21 head.
- 22 Q: And these are the actual people who did what to you
23 that day?
- 24 A: They beat me in the gang.
- 25 Q: All right. When you say beat me in, what do you mean?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: They bring you home. You join the gang. They beat
2 you for twenty-one seconds.

3 Q: All -- all five of them are hitting you?

4 A: Mm-hmm. At the same time.

5 Q: Do you know what the significance of why it's five
6 people?

7 A: Like basically a survival. Like if the other gang
8 members, like Folk or Crip, they come and jump you, like
9 showing that you could survive doing that. If they ever
10 decide to jump you, that's why they do that. And for the
11 twenty-one OGs and stuff like that that's dead and gone and
12 all of that stuff.

13 Q: Is that the purpose of the twenty-one seconds?

14 A: Yes, sir.

15 Q: All right. And how did you learn that information?

16 A: By Mickey Johnson.

17 Q: Is Mickey Johnson in this courtroom today?

18 A: Yes, sir.

19 Q: Can you describe what he's wearing for the jury?

20 A: It look like a brown -- brown suit with blue on.

21 MR. GOINGS: Please let the record reflect that he's
22 identified the defendant as Mickey Johnson.

23 THE COURT: Yes, sir.

24 Q: Is there any other significance of five referring to
25 Blood gangs? Do you know what the significance of five is?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: Of five?

2 Q: Yes.

3 A: The letters -- the letters to spell the letter Blood,

4 B-L-O-O-D.

5 Q: So you were beat in by the individuals you mentioned.

6 Who was the one that said you were going to join the gang

7 and you were going to get beat in?

8 A: Bless.

9 Q: When you joined, who was the leader of the Sumter set

10 for 135?

11 A: Bless.

12 Q: Do you know the rank structure of the individuals when

13 you joined 135?

14 A: Yes, sir. I know a little bit.

15 Q: All right. What was Bless' role? What was he known

16 as?

17 A: The big dog, big homey of Sumter, South Carolina, of

18 Sumter.

19 Q: So he ran it?

20 A: Yeah.

21 Q: Who was under him?

22 A: Who was under?

23 Q: Yeah.

24 A: It was Garney. He was his second-in-command and then

25 there was the rest of us OYGs and YGs.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. When you say OYG, what are OYGs?

2 A: Who, the names?

3 Q: What's the OYG stand for?

4 A: OYG stand for original gangster and YG stand for young

5 gangster.

6 Q: Okay. So YG, young gangster, OYG, original young

7 gangster?

8 A: Yes, sir.

9 Q: When you joined, what was your rank?

10 A: I was just a pup. I was a new recruit. I ain't had

11 no rank.

12 Q: All right. How long did you stay a pup?

13 A: Until the murder happened.

14 Q: And we're going to get to that. You got rank increase

15 based on that?

16 A: Yes, sir.

17 Q: All right. Now, did you ever meet or --- obviously,

18 what is your duties in the gang? I mean what -- what do

19 they include? What are you supposed to do as a 135 gang

20 member?

21 A: I mean it was basically on some -- well, Jiwe was on

22 some others in the community, but Bless, he didn't see it

23 that way. He wanted people to rob people, you know, put in

24 work, and if somebody else got on the wrong color, he want

25 us to get on them.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: All right. Let's break those down. You mentioned
2 Jiwe. That's the first time you mentioned that name. Who
3 is Jiwe?
- 4 A: He's the -- all of -- he's the big dog, like the OG of
5 all -- all around everywhere, California and on down to
6 South Carolina.
- 7 Q: Do you know where he lives?
- 8 A: No, sir.
- 9 Q: All right. But he's the one who runs -- is at the tip
10 top of 135?
- 11 A: Yes, sir.
- 12 Q: All right. Who else is at the top of 135 that you
13 know of?
- 14 A: Cash is under him.
- 15 Q: And who is Cash?
- 16 A: I don't know his real name.
- 17 Q: Do you know -- oh, you don't know his real name?
- 18 A: No, sir.
- 19 Q: Do you know what he -- what he is over?
- 20 A: What he's what?
- 21 Q: What he is -- what regions is he over in 135?
- 22 A: I don't know his rank, but I know he's pretty up there
23 because he's like under Jiwe.
- 24 Q: Is he over Bless?
- 25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. So as far as you know, there's Jiwe, Cash
2 ---
3 A: Mm-hmm.
4 Q: --- and then Bless?
5 A: Yes, sir.
6 Q: All right. Are -- let's talk about the other members
7 of 135 in the State of South Carolina. Are you aware
8 there's other 135 members?
9 A: Yes, sir.
10 Q: All right. Do you know how many counties 135 is
11 operating in?
12 A: Florence, Columbia, Manning -- well, I was the only
13 one in Manning, and Chester. Chesterfield, I think.
14 Q: Okay. Now, in each one of these different counties,
15 do they have an individual leader like Bless led Sumter?
16 A: Say that again?
17 Q: These counties you mentioned -- I mean Bless didn't go
18 over there and run Chester; did he?
19 A: No, no. He just been over Sumter.
20 Q: Okay. So each one of these different cities that you
21 mentioned have their own rank structure just like y'all
22 have in Sumter?
23 A: Yes, sir.
24 Q: They have somebody calling the shots just like Bless
25 was calling the shots down here?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: Okay. And you said Jiwe -- was it wanted a more
3 community aspect to the gang?
- 4 A: Mm-hmm.
- 5 Q: What's that mean?
- 6 A: It mean when he came down here, he be saying all the
7 Blood wasn't correct down here and they needed to get
8 right. It was like they forgetting their faith. They
9 false-claiming or whatever and he wanted to get rid of them
10 or they would force them to join the gang, otherwise kill
11 them.
- 12 Q: Did Bless agree with that philosophy?
- 13 A: Yes, sir.
- 14 Q: Did Bless and Jiwe's principles and philosophies
15 always meet? I mean was Bless about helping out the
16 community?
- 17 A: No. No, sir.
- 18 Q: How important is turf in a gang?
- 19 A: Turf?
- 20 Q: Yeah.
- 21 A: It's very important.
- 22 Q: Why?
- 23 A: I don't really know why because there's certain
24 knowledge you get as a rank. When they rank you in,
25 there's certain knowledge you receive as you gain your

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 rank. So I haven't received that on that.

2 Q: [REDACTED] Apartments, was that y'all's turf?

3 A: Yes, sir.

4 Q: Did y'all protect that turf?

5 A: Yes, sir.

6 Q: On whose command?

7 A: Bless.

8 Q: The -- and again, you testified that he's all for if

9 you're not down with 135, what happens?

10 A: If you're not down?

11 Q: With 135.

12 A: And you come around there?

13 Q: Yeah.

14 A: Oh, something bad would happen, especially if you're

15 in another gang.

16 Q: Okay. Now, let's go to the meetings and stuff.

17 A: Mm-hmm.

18 Q: Were y'all required to attend meetings?

19 A: Yes, sir. Certain people. He wanted certain people

20 to know certain stuff.

21 Q: Tell us about that. Who would call these meetings?

22 A: He will.

23 Q: And then you were in the gang until this incident

24 happened from 2009 until 2011; is that right?

25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: All right. Did you attend a lot of meetings?
- 2 A: No, not that many. Probably about three or four.
- 3 Q: Did they collect dues from you monthly?
- 4 A: Yes, sir.
- 5 Q: And, in fact, did you serve as the secretary one time
- 6 collecting those dues?
- 7 A: Yes, sir.
- 8 Q: All right. So each member was expected to pay money
- 9 into 135?
- 10 A: Yes, sir.
- 11 Q: And y'all were expected to go to meetings if called
- 12 upon?
- 13 A: Yes, sir.
- 14 Q: What happens if you don't do these things?
- 15 A: You get violated. They start beating on you, a lot of
- 16 people.
- 17 Q: Who? What do you mean by violated?
- 18 A: You just start -- they beat on you, like five people
- 19 just start beating on you if you don't attend the meetings.
- 20 Q: And who determines whether or not a person is going to
- 21 get violated and beat on?
- 22 A: Bless.
- 23 Q: Who determines when these meetings are held?
- 24 A: Bless.
- 25 Q: I mean you said that he -- sometimes he would call

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 different set or different members of 135 to the meetings?
- 2 A: Certain people know certain things.
- 3 Q: All right. Describe that a little bit for us. When
- 4 he called the meetings for 135 members, it wasn't
- 5 necessarily every member in Sumter?
- 6 A: No. No, especially if you were a new recruit. He
- 7 don't want you to know that much because he ain't -- he
- 8 ain't going to trust you like that.
- 9 Q: Okay. But at some point in time, you did go to the
- 10 meetings?
- 11 A: Yes, sir.
- 12 Q: Did you ever go to a meeting that wasn't -- that you
- 13 were told to come to and didn't show up?
- 14 A: No, sir. I always went.
- 15 Q: Why?
- 16 A: Because he called me and he'll come pick me up from my
- 17 mother's house and tell me to get ready and I'd have to go.
- 18 Q: Did you want to get violated?
- 19 A: No.
- 20 Q: Have you ever been violated?
- 21 A: Yes, sir.
- 22 Q: For what? Actually, I'll take that back. We'll just
- 23 leave it. Have you been violated?
- 24 A: Yes, sir.
- 25 Q: Whose decision was it to violate you?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: His. Bless.

2 Q: And I don't want to know what it was for, but how many

3 times have you been violated?

4 A: Not but one time.

5 Q: What did you have to do?

6 A: What did I have to do?

7 Q: Yeah.

8 A: Fight five people.

9 Q: Have you ever seen other members of 135 violated?

10 A: Yes, sir.

11 Q: Approximately how many times in the two -- well, it's

12 actually -- yeah, two -- two years you were in the gang did

13 you see people get violated?

14 A: Yes, sir. I seen -- how many?

15 Q: Yeah.

16 A: I seen a bunch, about over ten people.

17 Q: Did anybody else make the determination to violate

18 those people besides Bless?

19 A: No, sir. He -- he got the last decision and Garney,

20 too. Garney is second-in-command so it's up to him, too.

21 Q: What about people who join the gang? Who makes the

22 determination on that?

23 A: Bless do.

24 Q: And did you participate in any initiations for

25 recruits during your time with 135?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: Approximately how many recruits were you involved in?
- 3 A: Probably about -- I'd say about two or three.
- 4 Q: Do you remember who they were?
- 5 A: I remember one. His name was News. He was from
- 6 Hartsville, but I -- I don't know his real name.
- 7 Q: What about John Wesley Stamps or Ratchet? Did you ---
- 8 A: Yeah.
- 9 Q: Did you participate in his?
- 10 A: Yeah. I was there, but I didn't -- I wasn't in the
- 11 jumping. Bless didn't want me. He said I was too big to
- 12 fight because he was little. So he just let me stand at
- 13 the side by him.
- 14 Q: So besides the one that's from Hartsville, do you
- 15 remember anybody specifically that you actually joined in
- 16 the initiation beat-in?
- 17 A: Not -- not offhand right now.
- 18 Q: Okay. And your testimony is not only does Bless
- 19 decide who's going to be able to join the gang, but he
- 20 determines who's going to participate actually in the ones
- 21 that are going to beat in?
- 22 A: Yes, sir.
- 23 Q: What about all the violations? Does Bless make that
- 24 same determination?
- 25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: All right. Who -- what the punishment is going to be
2 and who is going to do it?
- 3 A: Who's going to do it?
- 4 Q: Yeah. I mean does he assign somebody to actually, if
5 it's a beating, to perform the violation?
- 6 A: As we be there, it be whoever. He'll just pick out --
7 pick out people whoever and then tell them to jump on them
8 and we'll just go ahead and do it.
- 9 Q: And why would y'all just go ahead and do it?
- 10 A: Because he -- he said go ahead. He said beat them.
- 11 Q: And that's how ---
- 12 A: It's not -- it's not twenty-one seconds like the jump-
13 in is. It's until he say stop.
- 14 Q: All right. So this is not twenty-one seconds for the
15 twenty-one dead homies?
- 16 A: No.
- 17 Q: This is ---
- 18 A: No. This is a violation.
- 19 Q: And ---
- 20 A: Basically, teach you a lesson.
- 21 Q: Bless determines who violates. Bless determines who
22 is going to perform the vio -- or the punishment and how
23 long it lasts?
- 24 A: Yes, sir.
- 25 Q: And you do it just because why?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Because he said. It's his command. Protocol.
- 2 Q: Now, with the -- when you were initiated, are you
- 3 required to learn rules of the gang?
- 4 A: Yes, sir.
- 5 Q: What's that called?
- 6 A: Full knowledge.
- 7 Q: And what happens if you don't learn that knowledge?
- 8 A: He asks you a question and you don't know too much,
- 9 you can get violated.
- 10 Q: Did you ever see that happen?
- 11 A: Yes, sir.
- 12 Q: So do you remember specifically who it happened to?
- 13 A: No, sir, not really.
- 14 Q: All right. Well, let's talk about some of this
- 15 knowledge. What -- what all does it include?
- 16 A: The history, background of 1tre5, and codes we use.
- 17 Q: Does it also include the rules?
- 18 A: Yes, sir. Twenty-one rules and regulations.
- 19 Q: So tell us a little bit about the history that you
- 20 have to learn. What's your understanding of where 135 came
- 21 from?
- 22 A: It came from I think California to Newark, New Jersey.
- 23 Q: All right. And then it filtered its way down south?
- 24 A: Yes, sir.
- 25 Q: Do you have to learn specific names of people who have

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 started these original gangs? I mean I'm trying to figure
2 out exactly what kind of paperwork or knowledge y'all are
3 given to learn.

4 A: Like -- repeat that again?

5 Q: I mean is it -- are you asked to learn names of the
6 original homies or -- or what? I mean exactly what -- I
7 know, obviously, you learn the history of the gang, but
8 what does that entail?

9 A: Like you name certain people. Like Jiwe's name is our
10 leader. His name is Machete. That's why it is called
11 1tre5 Machete now. You got homies. You got your rank --
12 rank structure like 5 star OGs on down to 1 star OGs and
13 sergeant on down to OYGs and they got their name, but I
14 can't remember them like that.

15 Q: Okay. But most of this knowledge is how Jiwe started
16 this gang?

17 A: Yes, sir. He the one made that.

18 Q: Okay. So it's -- he actually wrote it up and said
19 this is what I want y'all to learn?

20 A: Yes, sir.

21 Q: All right. And who told you all this information?

22 A: Bless did.

23 Q: These rules that 135 that you have to learn -- you
24 said there's certain rules?

25 A: Yes, sir. Certain ranks -- for certain ranks, certain

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 people.

2 Q: I understand there's a rank structure and you have to

3 learn the rank structure, too?

4 A: Yes, sir.

5 Q: But you also have to learn the rules?

6 A: Yes, sir.

7 Q: There's a code y'all live by?

8 A: Yes, sir.

9 Q: All right. What are some of those rules that you have

10 to learn?

11 A: First of all, never snitching. Stuff like that.

12 Q: Anything about not going after other gang member's

13 woman?

14 A: Oh, yeah, you can't. You can't mess with another --

15 another gang member's woman, but I done seen that happen,

16 so.

17 Q: What about -- are you familiar with what's called

18 cuts? No cuts?

19 A: No cuts mean no excuse. No ifs, ands or buts.

20 Q: And what's that referring to?

21 A: That mean like when you're getting violated, you don't

22 want to hear no excuse.

23 Q: What about understanding and listening to orders that

24 are given from higher ranks? Y'all got any rules that

25 pertain to that?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Say that again?
- 2 Q: What about if a higher member gives you an order to do
3 something? Y'all got any rules that pertain to that? What
4 you're supposed to do?
- 5 A: Like if a higher rank give me orders?
- 6 Q: Yeah.
- 7 A: Do I got to do it?
- 8 Q: Yeah.
- 9 A: Oh, yeah.
- 10 Q: Is that one of the rules?
- 11 A: Oh, yes, sir.
- 12 Q: No matter what?
- 13 A: Yes, sir.
- 14 Q: And if you don't learn these rules, what happens?
- 15 A: Violation.
- 16 Q: If you don't follow these rules, what happens?
- 17 A: Violation.
- 18 Q: All by who? Who calls the violations?
- 19 A: Bless.
- 20 Q: Now, when you're -- you said you came in as a pup?
- 21 A: Yes, sir.
- 22 Q: How long did you stay a -- well, you said you stayed a
23 pup until after this happened?
- 24 A: Yes, sir.
- 25 Q: All right. Describe for the jury the rank structure

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 of the local set. It goes pup obviously and then you said
2 what's next?

3 A: YG, OYG, then sergeant, then lieutenant, then 5 --
4 then 1 star to 5 star.

5 Q: You were a pup, eventually went to what?

6 A: I could have got YG, but he just moved us to OYG.

7 Q: Okay. So you went from pup, skipped YG, up to OYG?

8 A: Mm-hmm.

9 Q: All right. And how do you gain rank in 135?

10 A: Basically, putting in work.

11 Q: What do you mean putting in work?

12 A: Committing crimes and stuff like that.

13 Q: And whose decision was it whether or not you would
14 gain rank for any particular things that y'all did?

15 A: Bless.

16 Q: Did you ever see him give rank to anybody?

17 A: Yeah.

18 Q: I don't want to know what it was for. I just want to
19 know if you ever -- besides you and the others from what
20 happened on March 22nd, did you ever see him give rank to
21 anybody else?

22 A: Yes, sir.

23 Q: Who?

24 A: Homicide.

25 Q: And that's Dontae Crayton?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: And what was Dontae Crayton's original rank? I mean
3 what did he go from and then to?
- 4 A: He was -- I think he was OYG and they give him
5 sergeant second-in-command.
- 6 Q: Okay.
- 7 A: Because Garney was first-in-command sergeant and he
8 became second-in-command sergeant.
- 9 Q: All right. Anybody else that you saw Bless give rank
10 to?
- 11 A: News from Hartsville.
- 12 Q: Okay. And what did he go from?
- 13 A: He got LT -- LT lieutenant status like Bless do.
- 14 Q: And when these new ranks are given out, is there like
15 a ceremony? I mean tell the jury what -- is it like Bless
16 would just call him up on the phone and say, hey, you got
17 new rank?
- 18 A: We would have a meeting to discuss it, stuff like
19 that. He'd ask some questions and then if you know certain
20 knowledge and what you do, you know. He'd probably get you
21 to put in work, rob somebody, something like that, and then
22 he'd give you rank.
- 23 Q: And again, these are all decisions made by who?
- 24 A: Bless.
- 25 Q: Did you ever see anybody get demoted?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: What do you mean?
- 2 Q: Like instead of rising in rank, they were reduced in
3 rank?
- 4 A: Homicide.
- 5 Q: Who?
- 6 A: Homicide, Dontae Crayton.
- 7 Q: You actually saw him get reduced in rank, too?
- 8 A: Yes, sir.
- 9 Q: So not only did you see him get promoted to a 1 star
10 -- sergeant ---
- 11 A: Well, I haven't seen -- I didn't see it, but I heard
12 about it when I was locked up.
- 13 Q: Okay. Let's go to March 22nd, 2011. Do you remember
14 that day?
- 15 A: Yes, sir.
- 16 Q: What were you doing that day?
- 17 A: We were chilling outside, drinking.
- 18 Q: Where at?
- 19 A: [REDACTED] Apartments.
- 20 Q: Who lives over at [REDACTED]?
- 21 A: June and Bliff.
- 22 Q: Is Bliff a member of 135?
- 23 A: Yes, sir.
- 24 Q: Was June a member of 135?
- 25 A: No, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: All right. And who is June in relation to Bliff?
- 2 A: That was his -- that's his baby mama.
- 3 Q: Was anybody else residing over there with Bliff and
- 4 June that you know of?
- 5 A: Kenteshie, Bless' wife, and Bless.
- 6 Q: All right. So all of them stayed at this apartment?
- 7 A: Yeah, I think. Bless got kicked out of his mama's
- 8 house and then he moved over there.
- 9 Q: All right. And do you know Bliff's real name?
- 10 A: I'm thinking Clifton Johnson.
- 11 Q: Okay. Well, let me -- let me -- let me go back. Have
- 12 you ever met Jiwe and Cash in person?
- 13 A: Yes, sir.
- 14 Q: How many times?
- 15 A: One time.
- 16 Q: And when where was that?
- 17 A: [REDACTED] Apartments when we had a big cookout.
- 18 Q: And all of 135 Sumter was over there?
- 19 A: Yes, sir. Not everybody.
- 20 Q: What was the purpose of Jiwe coming down?
- 21 A: To make -- to get the Bloods straightened around
- 22 Sumter, make sure they're correct.
- 23 Q: Now -- and that was at the same apartment complex
- 24 where you were that day?
- 25 A: Yes, sir. [REDACTED] Apartments.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: How often had you been over to [REDACTED] Apartments?
2 A: When I moved a week -- a week before the murder
3 happened.
4 Q: You moved from your mama's house?
5 A: Yes, sir. Bless came and got me.
6 Q: And where did you go to?
7 A: [REDACTED] Apartments.
8 Q: And who were you ---
9 A: Apartment 12.
10 Q: Who were you staying with?
11 A: Bliff.
12 Q: Okay. So you were staying there as well?
13 A: Yes, sir.
14 Q: All right. And then on that particular day, tell the
15 jury -- you said you were drinking. Was a meeting called
16 or what was going on?
17 A: Yes, sir.
18 Q: Who called the meeting?
19 A: He called other -- other people or other homies up.
20 He even called New York, but he wasn't affiliated with the
21 gang, with 1tre5, but he still called him though.
22 Q: And you say he. Who are you talking about?
23 A: Bless.
24 Q: Okay. And who did he specifically call to come over
25 there?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: He called New York, Ready, Rasheed Brandon, John
2 Stamps. I think that's it.
- 3 Q: And John Stamps and Rasheed Bradley [sic] on March
4 22nd, 2011, hadn't been in the gang long; had they?
- 5 A: No. No, sir.
- 6 Q: In fact, how long had Rasheed Brandon actually been in
7 135 on March 22nd?
- 8 A: As far as I know, about two weeks.
- 9 Q: Were you -- did you participate in his beat-in?
- 10 A: No. I wasn't even there.
- 11 Q: Okay. But you were there for ---
- 12 A: I was there for John Stamps.
- 13 Q: John Stamps?
- 14 A: Ratchet.
- 15 Q: How long was he in the gang prior to March 22nd, 2011?
- 16 A: No more than five weeks.
- 17 Q: But you had been in the gang for two years?
- 18 A: Yes, sir.
- 19 Q: Now -- so it's you, Bless -- did New York show up?
- 20 A: Yes, sir.
- 21 Q: All right. New York, Ready ---
- 22 A: Ratchet.
- 23 Q: And Ratchet?
- 24 A: Yes, sir.
- 25 Q: All right. Who else from 135 ---

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: I don't think Bliff was there.

2 Q: Bliff was there?

3 A: I don't think he was there at the time.

4 Q: Oh, okay.

5 A: I'm not quite sure.

6 Q: What about Garnett Davis? Was he there?

7 A: No. He wasn't there at the time.

8 Q: What were y'all doing that day?

9 A: We were working out.

10 Q: Is that a requirement or a rule ---

11 A: Yeah.

12 Q: --- of 135?

13 A: That's in the rules and regulations.

14 Q: Why -- it's a rule that you have to work out?

15 A: Mm-hmm.

16 Q: Why?

17 A: Possibly get big, you know.

18 Q: They want you to be able to fight?

19 A: Mm-hmm. Yes, sir.

20 Q: And what happened? Take us through what happened that

21 day?

22 A: Tell you what happened?

23 Q: That afternoon.

24 A: We were chilling outside. We were chilling outside

25 and we was working out. We was slap boxing each other,

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 acting fool, and some dudes came in all black over there
2 and Bless saw them and he immediately went and approached
3 them, asked them -- y'all can't be -- tell y'all you can't
4 be over here. This is Piru territory. And I went over
5 there to stop him because I know how crazy. I went over to
6 stop them and then I grabbed him and we went and he pushed
7 me away and then the dudes left and I'd say about thirty
8 minutes later they returned back. They returned back and
9 then one dude had a gun and there was about ten or fifteen
10 people. And I saw New York and Bless on the side talking,
11 on the side of the apartment. Then the next thing you
12 know, New York cocked a gun. Bless tell him to shoot; he
13 wouldn't shoot. Bless snatched the gun and started busting
14 at Romero Davis, the other dude that had the Tre57, the
15 other gun, the revolver.

16 Q: Let me stop you there. Y'all were slap boxing out in
17 the yard and two people walked out and who goes over and
18 confronts them?

19 A: Bless.

20 Q: Did you hear their conversation?

21 A: Yes, sir.

22 Q: What was going on?

23 A: I went over there with him.

24 Q: All right. What was Bless saying to them?

25 A: He was like this Piru territory and the other dude

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 went like, yeah, I'm boss and this and that, but I ain't
2 trying to start no problems. We just came from a funeral,
3 this and that. I was like y'all just leave and I grabbed
4 Bless and we walked away, but the dudes came back like
5 thirty minutes later.

6 Q: We'll get to when they came back. When Bless went
7 over there -- I mean did they -- they didn't come into the
8 yard with y'all; did they?

9 A: No. We went -- he went over there to them. Well, we
10 went over there to them.

11 Q: Did he say anything to you before he went over there?

12 A: No. We just went.

13 Q: Okay. What was his attitude like?

14 A: He don't care.

15 Q: When you say he don't care, what do you mean?

16 A: He don't care. Basically like it sound. He just
17 don't -- he just don't care.

18 Q: What ---

19 A: His whole attitude.

20 Q: Was he angry?

21 A: Yeah.

22 Q: Why?

23 A: Because they had on all black.

24 Q: And what's that a sign of?

25 A: Folk Nation.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: And whose territory was [REDACTED] Apartments?
- 2 A: Bless' Piru territory.
- 3 Q: And so was this a cordial conversation that Bless was
- 4 having over there? I mean was it nice and friendly?
- 5 A: No.
- 6 Q: All right. And what was Bless basically -- I mean
- 7 what was Bless telling them to do?
- 8 A: He was like telling them to get out of here or
- 9 something is going to happen.
- 10 Q: And what were you trying to do?
- 11 A: I was trying to tell him to fall back, chill, but he
- 12 -- he didn't want to listen. So I -- I grab him and then
- 13 the dudes left and then they came back like thirty minutes
- 14 later and that's when the fire was exchanged.
- 15 Q: So Bless is angry, but you tried to pull him back?
- 16 A: Yeah. I did pull him back.
- 17 Q: Okay. And then you -- you testified that the boys
- 18 came back?
- 19 A: Yes, sir.
- 20 Q: How many cars do you remember coming back?
- 21 A: Far as I can know, two. Some people came on foot.
- 22 They must be parked their cars farther down the road or
- 23 something like that.
- 24 Q: They came on foot or come on car or what?
- 25 A: No. It was two cars pulled up, but some people came

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 on foot, too.

2 Q: Okay. And was it the same boys that were just got ---

3 A: Oh, yeah.

4 Q: --- Bless got into it with?

5 A: Same and more. And more people. They must be wanted

6 to get -- get their Folk Nation clique or whatever, gang

7 members -- the gang members.

8 Q: And what happens now?

9 A: Fire was exchanged. Bless shot. Bless shot at them

10 three times and then the gun jammed and they returned fire.

11 Q: When you said Bless shot at them, let's take it back.

12 When they pull up, did anybody -- any from -- anyone from

13 their group have a gun?

14 A: Yes, sir.

15 Q: Could you see it?

16 A: Yes, sir.

17 Q: Where did they have it at?

18 A: Had it -- had it on the side of his pants. He was

19 showing it.

20 Q: So the gun was out of his pants?

21 A: No. No. He had it. You couldn't see it. You could

22 see the handle.

23 Q: You couldn't see the whole gun?

24 A: No.

25 Q: All right. He had it tucked in his waistband?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: Yes, sir.

2 Q: Was his hand on it?

3 A: Yes, sir.

4 Q: All right. But he -- it wasn't pointed at anybody?

5 A: No, sir.

6 Q: Okay. What happened? You said -- I think you

7 mentioned that you saw Bless and New York, William Morgan

8 ---

9 A: They been on the side.

10 Q: --- talking?

11 A: They been on the side of the apartment talking. Bless

12 must have been trying to get the gun from New York, but I

13 don't think New York wanted to give him the gun because he

14 know how Bless is.

15 Q: All right. And -- but could you hear exactly what

16 they were saying?

17 A: No, sir.

18 Q: Okay. But eventually, what does William Morgan, AKA

19 New York, do?

20 A: He went up to the crowd and cocked the gun. He said

21 y'all back up and the next thing you know, Bless ---

22 Q: All right. When New York did it, was he pointing it

23 at anybody or what -- where was the gun?

24 A: No. He just -- he just cocked it in the air letting

25 everybody know he had a gun.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: And you said that Bless made some statements to New
2 York at that time. What did -- what was Bless saying to
3 New York?
4 A: Shoot.
5 Q: He was telling New York to shoot?
6 A: Yeah.
7 Q: But New York ---
8 A: New York wouldn't do it.
9 Q: Okay. So what happened next?
10 A: Bless grabbed -- snatched the gun somehow and then he
11 started firing shots.
12 Q: So after ordering New York to shoot and New York not
13 ---
14 A: Mm-hmm.
15 Q: --- Bless got the gun and shot?
16 A: Yes, sir.
17 Q: And how many times did you say he shot?
18 A: Three times.
19 Q: Besides your group that was out there, 135, and this
20 supposed rival Folk Nation gang, describe the apartments?
21 I mean who else was out there?
22 A: It was his wife, Kentishie. It was June. It was
23 Ratchet. It was me. It was Ready and New York.
24 Q: Were any kids out there?
25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: Was there kids out in the direction that he was firing
2 forward?
3 A: Yes, sir.
4 Q: Was there kids in the direction that they returned
5 fire to y'all?
6 A: Yes, sir.
7 Q: What happened after that?
8 A: After the fight started, June, me and his wife,
9 Kentishie -- Bless' wife, Kentishie, they went and dropped
10 me and the baby off at McDonald's, along with a girl in the
11 middle, but I don't know their name, and then they went
12 back to [REDACTED] Apartments while I stayed with the baby
13 at McDonald's.
14 Q: All right. So who was actually at [REDACTED] -- I
15 mean in the car with you when you left out?
16 A: It was me, June, Teece, and the baby and a female and
17 the dude that I don't know.
18 Q: And how long did you stay at McDonald's do you think?
19 A: About ten -- I think about ten minutes, something like
20 that.
21 Q: And obviously, you didn't have a car; right?
22 A: No, sir.
23 Q: Well, let me ask you. What -- do you remember what
24 type of car Teece, Mickey Johnson's wife, drives?
25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: What is it?
- 2 A: A Honda, like a gold-ish Honda.
- 3 Q: A gold Honda?
- 4 A: Yes, sir.
- 5 Q: All right. Have you ever seen Bless driving that car
- 6 before?
- 7 A: Yes, sir.
- 8 Q: Had he ever come picked you up in that car before?
- 9 A: Yes, sir, all the time.
- 10 Q: Who came and picked you up from McDonald's?
- 11 A: The baby's father, Bliff.
- 12 Q: All right. Was anybody with him?
- 13 A: It was a dude. It was a dude. It was a dude he be
- 14 chilling with, but I don't know his name.
- 15 Q: And where did y'all go from there?
- 16 A: We went over to Morris -- by Morris College I think
- 17 called James Village Apartments.
- 18 Q: Mm-hmm. Y'all didn't go back to [REDACTED]?
- 19 A: No.
- 20 Q: You sure about that?
- 21 A: Yes, sir.
- 22 Q: Do you remember talking to law enforcement right after
- 23 this happened?
- 24 A: Yes, sir.
- 25 Q: Did you give a statement?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: Did you actually sign that statement?
- 3 A: I don't think so.
- 4 Q: Do you remember what you told them that day?
- 5 A: Yes, sir.
- 6 Q: Do you remember telling them that you went back to
- 7 [REDACTED] Apartments after leaving McDonald's?
- 8 A: I don't think so.
- 9 Q: But eventually at some point y'all get to where?
- 10 A: James Village.
- 11 Q: And who lives at James Village?
- 12 A: Ready. Rasheed Brandon.
- 13 Q: And anybody else living with Ready that you know of?
- 14 A: I was back on and off from Bliff's house -- from Bliff
- 15 to -- to Ready's house. When I met him, when I came up
- 16 there from Bliff's house ---
- 17 Q: Uh-huh.
- 18 A: --- and Bliff -- it was too crowded in the apartments
- 19 because I don't think it had three bedrooms. So Bless
- 20 asked Ready to let me stay over there for a couple days and
- 21 I started staying with him.
- 22 Q: All right. So prior to this shooting on March 22nd,
- 23 you were actually staying a couple nights over at Ready's
- 24 apartment?
- 25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: And you said James or Jane?
2 A: James Village I think.
3 Q: All right. And who was -- and who was at James
4 Village when you got there?
5 A: It was Bless, New York, and Ready.
6 Q: And then obviously you?
7 A: Yes, sir.
8 Q: Did Bliff stay with y'all?
9 A: No. He -- he went ahead and go.
10 Q: And how long did y'all stay over at James Village?
11 A: Probably approximately about half an hour or something
12 like that.
13 Q: What was Bless' attitude during the time you were with
14 him when he was at James Village? I mean was he happy?
15 Was he angry? I mean explain to the jury how he was
16 acting?
17 A: He was -- he was cussing. When I was in the apartment
18 for a little while, he was cussing New York out. He wanted
19 to beat him up. Basically, he wanted to kill them dudes
20 that had shot -- shot at us and all that. He just wanted
21 to kill them.
22 Q: Was a plan being -- let me go back real quick. Why
23 did Bless only shoot two or three times over at ---
24 A: Because it only had three bullets in the gun.
25 Q: All right. So he emptied the chamber?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: Yes, sir.

2 Q: On the afternoon of March 22nd?

3 A: Yes, sir.

4 Q: All right. What else did y'all do when y'all were
5 over at James Village?

6 A: Rasheed Brandon get some more bullets from across from
7 the neighbor.

8 Q: What was the purpose of him going and getting some
9 more bullets?

10 A: Because Bless -- Bless out telling him to go get some
11 more guns because we ain't had no more, no shells for the
12 casings, but it was .380 bullets for the 9 millimeter. We
13 ain't ---

14 Q: At that point -- I'm sorry.

15 A: He ain't had -- we ain't had no 9 millimeter bullets,
16 but the next-door neighbor had .380 bullets so we used
17 that.

18 Q: Now, at this point in time, did you know what the plan
19 -- was there a plan developed at that point in time or
20 Bless just said go get more bullets?

21 A: Yeah. It wasn't a plan right then and there.

22 Q: All right. What happened next then?

23 A: We heard -- Kentishie called Bless' phone and tell him
24 somebody shot at Ratchet where he was at the apartment left
25 with the girls.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: All right. So Ratchet's not with y'all at James
2 Village?
3 A: No. He stayed at the apartment with the females.
4 Q: And at some point in time, who received a phone call
5 -- phone call from Kentishie?
6 A: Bless.
7 Q: And information is relayed to him?
8 A: Mm-hmm.
9 Q: About what?
10 A: About Ratchet got shot at.
11 Q: And how did that make him react?
12 A: He tell -- he tell everybody let's go to Garney's
13 house.
14 Q: I mean had he calmed down any?
15 A: No.
16 Q: So who all -- how do you get from James Village to
17 Garney's house?
18 A: Bless.
19 Q: Bless is driving what car?
20 A: The Honda.
21 Q: Teece's car?
22 A: Yes, sir.
23 Q: So who is all in the car at that point in time?
24 A: Me -- me, Bless -- I think me, Bless, Ready, and New
25 York.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: The gun that was used by Bless earlier that day, do
2 you know where it -- what happened to it at that point in
3 time? Obviously, you were going to get more bullets, but
4 do you know where specifically the gun is?
- 5 A: It was either Bless or New York had it.
- 6 Q: Okay. You're not sure which one?
- 7 A: No, sir. I ain't sure.
- 8 Q: All right. And again, once he finds out that Ratchet
9 gets -- Ratchet gets shot, what's his attitude like?
- 10 A: He said he's calling a meeting. He said everybody
11 meet up at Garney's house on Woodlawn and tell them we
12 about to -- you know.
- 13 Q: Because whose territory did Ratchet get shot at?
- 14 A: Bless or Piru territory. [REDACTED] Apartments.
- 15 Q: And y'all get to Garney's house. Obviously, it's you,
16 Bless, New York. New York went over there with y'all at
17 first; right?
- 18 A: Yeah. But he left. He ain't stayed long.
- 19 Q: All right. But he rode over there with you?
- 20 A: Yes, sir.
- 21 Q: And who else is in the car? Or -- Ready?
- 22 A: Ready.
- 23 Q: All right. So the four of you. Just four of you?
- 24 A: Yes, sir.
- 25 Q: Okay. So y'all get over to Garney's house. Who was

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 there?

2 A: Who was there?

3 Q: Yeah.

4 A: Garney, Mike, David, Mooka Moo.

5 Q: All these are members of 135?

6 A: Yes, sir.

7 Q: Anybody that you just named that's not a member of

8 135?

9 A: All of them members.

10 Q: And New York? I mean in the car was there a

11 discussion about anything about a plan?

12 A: No, not right then.

13 Q: Would Bless have that type of discussion in front of

14 New York?

15 A: Not -- not really, no, because he's not affiliated

16 with 1tre5.

17 Q: All right. He's affiliated with who?

18 A: Who? New York?

19 Q: Yeah.

20 A: He just around I think Sex Money Murder or something

21 like that.

22 Q: Which is -- based on your understanding, what kind of

23 gang was that?

24 A: East side -- east side Blood gang. It's not Piru

25 though.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: So it ain't going to be right to talk about anything
2 that 135 is going to do in front of somebody else?
- 3 A: Yes, sir.
- 4 Q: And you said once y'all get over to Garney's, New York
5 -- how long does he stay there?
- 6 A: Who? New York?
- 7 Q: New York.
- 8 A: He stayed about five -- ten minutes and then they
9 left, him and his old lady. His old lady came and got him.
10 Well, his old lady rode Kentishie -- Kentishie and June
11 over from [REDACTED] Apartments.
- 12 Q: Obviously, at some point in time, y'all had y'all's
13 meeting; correct?
- 14 A: Yes, sir.
- 15 Q: And what plan does Bless develop for you?
- 16 A: Well, he got on the phone with Jiwe and he was telling
17 him we had a shootout over the turf and he be wanting some
18 shooters to be en route. So Jiwe tell him to call Hollow,
19 that he be living in Florence.
- 20 Q: All right.
- 21 A: And ---
- 22 Q: I'll stop you there. Who's Hollow? Do you know who
23 that is?
- 24 A: LT, who is -- he stay in Florence.
- 25 Q: So he's the lieutenant ---

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 MR. KENT: Judge, I'm going to object to this
2 testimony until a proper foundation is laid about that
3 phone conversation.

4 THE COURT: Come on up here.

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

7 Q: You were asked -- you testified that Bless called
8 Jiwe. How do you know it was Jiwe?

9 A: He had him on speaker phone.

10 Q: So you actually heard the conversation that Bless was
11 having with whoever -- what you believe is Jiwe on the
12 phone?

13 A: Yes, sir.

14 Q: All right. Did Bless say I'm going to call Jiwe
15 before he called him?

16 A: Yes, sir.

17 Q: Okay. So he makes the phone call to Jiwe?

18 A: Yes, sir.

19 Q: And what does Bless tell Jiwe?

20 A: He wants some shooters en route.

21 Q: All right. And what does Jiwe tell him?

22 A: To call Hollow.

23 Q: So Jiwe specifically says to Bless call Hollow?

24 A: Yes, sir.

25 Q: Who is the lieutenant where?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Florence.
- 2 Q: So he runs the Florence set?
- 3 A: Yes, sir.
- 4 Q: Why was there a need to call Hollow? Is it Hollow or
- 5 Holler?
- 6 A: Hollow, Hollers. I think Hollow is the guy's
- 7 nickname.
- 8 Q: Why was the need -- was there a need to call Hollow?
- 9 A: Because they were like the closest people around. He
- 10 didn't want us to get involved.
- 11 Q: When you say he, who was that?
- 12 A: Bless ain't want us getting involved in it.
- 13 Q: So they wanted to have a -- a -- a ---
- 14 A: Out of town -- basically, out of town shooters.
- 15 Q: To do what? What did -- what did Bless and Jiwe
- 16 specifically call it?
- 17 A: Call it?
- 18 Q: Yeah.
- 19 A: Water the garden.
- 20 Q: What's water the garden mean?
- 21 A: Shooting something up or killing something.
- 22 Q: And did Bless try to call Hollow?
- 23 A: Yes, sir.
- 24 Q: What happened with that?
- 25 A: He didn't answer.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: So what were y'all left with?

2 A: Say what? Say it again?

3 Q: I said so what happened next?

4 A: So that's when Bless tell us what about to happen.

5 Q: And that's when the plan was developed?

6 A: Yes, sir.

7 Q: Because Bless didn't want to wait?

8 A: Yes, sir.

9 Q: And what was the plan that was developed?

10 A: To go to [REDACTED] Apartments. He got Ready, Rasheed

11 Brandon, to go to [REDACTED] Apartments, knock on the door.

12 I remember Apartment 50, but I don't know the other. He

13 was supposed to go knock on the first one. I believe

14 Apartment 7 first. If nobody answered, go to 50 and shoot

15 whoever answered the door.

16 Q: Did he give any instructions about no females and

17 kids?

18 A: He say -- he say don't shoot no females.

19 Q: But his instructions to Ready was knock on Apartment

20 -- you believe it was 7?

21 A: Yes, sir.

22 Q: And then 50?

23 A: Yes, sir.

24 Q: And the first person who answers, do what?

25 A: Shoot them, but not no touch no females or nothing

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 like that.

2 Q: And what was your role?

3 A: I been the driver. I was to drive them back after the

4 shooting.

5 Q: Did you want to drive?

6 A: No, sir.

7 Q: Why not?

8 A: Because I didn't want to be involved.

9 Q: But you still did it?

10 A: Yes, sir.

11 Q: And when I say drive, we're going to get to more

12 specifics. You didn't actually drive over to [REDACTED]

13 Apartments?

14 A: No. Bless drive over there.

15 Q: All right. You just drove away?

16 A: Yes, sir.

17 Q: You didn't want to do it, but you did it anyway?

18 A: Yes, sir.

19 Q: Why?

20 A: I tell him I ain't want to be involved and he say, no,

21 be loyal or otherwise die. So I didn't say nothing.

22 Q: Were you afraid of what was going to happen to you?

23 A: Yes, sir.

24 Q: From who?

25 A: Bless.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: So what was Ratchet's role going to be?

2 A: He would serve as a lookout.

3 Q: Ready was the shooter?

4 A: Yes, sir.

5 Q: And you were the driver?

6 A: Yes, sir.

7 Q: But how many people actually, when y'all left from

8 Garney's house, was in the car when y'all went over to

9 [REDACTED] Apartments?

10 A: Five.

11 Q: And who all was that?

12 A: Bless the driver, Garney was in the passenger, I was

13 in the back seat, Ready was in the middle, and Ratchet was

14 on the other side.

15 Q: Ready the shooter, Ratchet's the lookout, you're the

16 driver, but Bless takes y'all over there first?

17 A: Yes, sir, and he planned it then.

18 Q: Who gave the gun to Rat -- I mean Ready?

19 A: Bless.

20 Q: Did you see -- actually see that?

21 A: Yes, sir.

22 Q: Where did that occur?

23 A: In the car.

24 Q: Anybody else give anything to Ready before y'all went

25 over there?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: I think he went -- I know he went to change his
2 clothes from Garney's house -- at Garney's house. I think
3 Garney give him a shirt to change his clothes because he
4 had on all red and they didn't want him to be in red.
5 Q: What did he change into?
6 A: A Raffle line Polo shirt, black with a horse on it.
7 Q: Bless -- Bless gives him a gun, Garney gives him
8 clothes?
9 A: Mm-hmm.
10 Q: Bless drives him over there?
11 A: Yes, sir.
12 Q: And what was the instructions on the part -- what was
13 the conversation like on the way over there?
14 A: He was like basically saying shoot the shooter from
15 earlier today by saying water the garden. He didn't
16 actually say shoot. He was like water the garden meaning
17 shoot something up.
18 Q: Okay. Now, what happens when y'all get there? Is
19 there further instructions? Like I mean Ready is the
20 shooter, Ratchet's the lookout, you're the driver, but you
21 still got Garney and Bless there; correct?
22 A: Yes, sir.
23 Q: What did he tell y'all to do?
24 A: He tell us to wait -- wait five minutes so he could
25 leave, get off the scene before the murder happen and he'll

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 meet us back at Garney's house.

2 Q: And what -- did he tell you he was going to get

3 something?

4 A: He tell us he going to get beer. Lie.

5 Q: He just didn't want to be there?

6 A: Yes, sir.

7 Q: What happened next?

8 A: After five minutes, I tell Ready -- Rasheed and

9 Ratchet to go ahead. They went over there and the next

10 thing you know I heard the shot and I cranked the car up

11 and they came back running.

12 Q: And then what happened?

13 A: We went back to Garney's house.

14 Q: Well, let me ask you. Did Ready say anything about

15 what just went down?

16 A: He shot him. He shot somebody.

17 Q: Did he still have the gun in his hand?

18 A: Yes, sir.

19 Q: Did he say anything ---

20 A: It was jammed.

21 Q: Go ahead.

22 A: It was jammed.

23 Q: How do you know it was jammed?

24 A: Because of three of the bullets he had in his hand

25 pointing and I say put it down. He came in like I shot

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 him.

2 Q: So the actual fired bullet or the shell casing at

3 least was still in the gun?

4 A: It was still in the gun.

5 Q: And you saw it?

6 A: Yes, sir.

7 Q: All right. And the gun that was used, was that the

8 same one that ---

9 A: For the shooting that day.

10 Q: All right. And can you describe that gun?

11 A: Nine millimeter, gray -- gray and black, if I'm not

12 mistaken.

13 Q: Gray and black?

14 A: Yeah. Gray and black.

15 Q: And whose gun is that?

16 A: It was New York's gun.

17 Q: You ever seen New York with it before?

18 A: Yes, sir.

19 Q: And I'm going to show you what's been marked State's

20 1. Do you recognize that photo?

21 A: Yes, sir. That was at the cookout.

22 Q: All right. Can you see New York in that photo?

23 A: Yeah. He's the one holding the gun in all black.

24 Q: Is that the gun you're referring to?

25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: And so they come back to the car, y'all get in the
2 car, and where do you go?
3 A: We went to Garney's -- back to Garney's house.
4 Q: And who was there when y'all got there?
5 A: Everybody except Bless and Garney.
6 Q: They hadn't made it back yet?
7 A: No, sir.
8 Q: Did they eventually come back to Garney's house?
9 A: Yes, sir.
10 Q: Did they have any beer with them?
11 A: No.
12 Q: And what happened after that?
13 A: That when he had a meeting. He gave ranks out.
14 Q: Who was there at the meeting?
15 A: It was all of us that attend -- attend the murder was
16 there.
17 Q: Was there any other members of 135 there?
18 A: Mike and David, but they was on and off back in the
19 house I think.
20 Q: But Bless calls this meeting once y'all get back and
21 what's he say?
22 A: He say, y'all did it? And Ready say, yeah, and that's
23 when he had a meeting and he started giving out ranks.
24 Then later on he said let's go get some beer and weed and
25 stuff and we got drunk and high.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Okay. Whose rank got increased?
- 2 A: Me, Ready, and Ratchet.
- 3 Q: And what did y'all go from and then to?
- 4 A: Pup to OYG.
- 5 Q: All of you?
- 6 A: Yes, sir. Garney was supposed to go to lieutenant,
- 7 but he didn't give him the rank right then and there.
- 8 Q: Did Bless give y'all any instructions about what to
- 9 say or not say?
- 10 A: No, sir, not really.
- 11 Q: Do you know what happened to the gun?
- 12 A: No, sir.
- 13 Q: Are you sure you don't know what happened to the gun?
- 14 A: Not -- no, not really. The last person that had it
- 15 was Rasheed Brandon.
- 16 Q: Okay.
- 17 MR. GOINGS: I beg the Court's indulgence.
- 18 Q: Do you remember talking with law enforcement?
- 19 Remember?
- 20 A: Yes, sir.
- 21 Q: It's been a while ago?
- 22 A: Yes, sir.
- 23 Q: And you talked to them right after this incident
- 24 occurred?
- 25 A: Yes, sir.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 Q: And was stuff fresher in your head then than it is
2 now?
3 A: Say that again?
4 Q: I mean was it easy to remember what ---
5 MR. KENT: Objection on leading, Judge.
6 A: Yes, sir.
7 THE COURT: Sustained.
8 Q: Well, let me ask you. Do you remember telling them
9 that Ready sold the gun?
10 MR. KENT: Objection to leading, Judge.
11 THE COURT: Sustained.
12 Q: Did Ready sell the gun?
13 MR. KENT: Object to the leading, Judge.
14 A: Yes.
15 THE COURT: Overruled.
16 Q: Huh?
17 A: Yes, sir. I remember that.
18 Q: Okay. Who did he sell it to?
19 A: He sell it to one of my homeboys in Manning.
20 Q: Okay. Now, let's talk about your statement. You were
21 -- were you arrested before you talked with law enforcement
22 or did you come in on your own free will?
23 A: Well, they met -- they came to my mother's house and I
24 turned myself in.
25 Q: You had arrest warrants though?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 A: Yes, sir.
- 2 Q: All right. Do you remember the date you gave the
3 statement?
- 4 A: No, sir.
- 5 Q: But you remember making the statement?
- 6 A: Yes, sir.
- 7 Q: Was it long after the murder took place?
- 8 A: It was about -- I don't know how long it was. It
9 might have been a couple of days. Probably about a week.
10 Five days.
- 11 Q: When you made that statement to law enforcement, had
12 you had any plea deal whatsoever to testify?
- 13 A: No, sir.
- 14 Q: Why did you -- why did you -- why were you willing to
15 talk to law enforcement then?
- 16 A: I think I was scared. I just had wanted to tell the
17 truth that an innocent person got killed.
- 18 Q: And you told law enforcement what happened?
- 19 A: Yes, sir.
- 20 Q: And you're telling this jury what happened?
- 21 A: Yes, sir.
- 22 Q: And you've reached a plea deal with the State;
23 correct?
- 24 A: Yes, sir.
- 25 Q: And your original charges were murder and criminal

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 conspiracy; correct?
- 2 A: Yes, sir.
- 3 Q: What did you actually -- what have you pled to so far?
- 4 A: Burglary and accessory after the fact.
- 5 Q: So you were also indicted on a burglary first degree
- 6 charge?
- 7 A: Yes, sir.
- 8 Q: All right. And you have pled to that burglary first
- 9 degree?
- 10 A: Yes, sir.
- 11 Q: And then you have pled to accessory after the fact?
- 12 A: Yes, sir.
- 13 Q: To a felony murder?
- 14 A: Yes, sir.
- 15 Q: Correct?
- 16 A: Yes, sir.
- 17 Q: And what -- obviously, you know what you were facing
- 18 under the original murder charge?
- 19 A: Yes, sir.
- 20 Q: What was it?
- 21 A: Thirty to life.
- 22 Q: Do you know what you're facing now?
- 23 A: Fifteen.
- 24 Q: A straight fifteen?
- 25 A: Yes, sir. Zero to fifteen.

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

- 1 Q: Well, let me ask you this. You pled to burglary first
2 degree; correct?
- 3 A: Yes, sir.
- 4 Q: Do you know what that carries in the State of South
5 Carolina?
- 6 A: Fifteen to life.
- 7 Q: All right. And you pled guilty to that charge?
- 8 A: Yes, sir.
- 9 Q: You've also pled guilty to accessory after the fact,
10 which is zero to fifteen?
- 11 A: Yes, sir.
- 12 Q: So isn't it fair that no matter what, if you uphold
13 your plea agreement with the State, you're going to jail
14 for fifteen?
- 15 A: Yes, sir.
- 16 Q: Because burglary first has a mandatory minimum?
- 17 A: Yes, sir.
- 18 Q: Fifteen to life?
- 19 A: Yes, sir.
- 20 Q: And your -- what is your understanding of what you
21 have to do as part of that plea agreement?
- 22 A: To tell the truth.
- 23 Q: Tell the truth when?
- 24 A: What happened to the murder.
- 25 Q: But when do you have to come in to tell the truth?

BRYANT BRADLEY - DIRECT EXAMINATION BY MR. GOINGS

1 A: When?

2 Q: Yeah.

3 A: Today.

4 Q: What about if any other co-defendant goes to trial?

5 A: I testify against them, too.

6 Q: And you're testifying to what?

7 A: The truth.

8 Q: About what happened when?

9 A: The murder and the shootout that day, the burglary.

10 MR. GOINGS: I beg the Court's indulgence.

11 Q: Just briefly, Mr. Bradley, you said that you were
12 scared and that you wanted -- didn't want to drive; is that
13 right?

14 A: Yes, sir.

15 Q: What was Bless' response to that to you?

16 A: You're going to do it.

17 Q: Or what?

18 A: Otherwise -- I be loyal or otherwise die.

19 Q: Did he specifically tell you that -- what would --
20 what would happen?

21 A: Basically, that's what he's saying. Be loyal or
22 otherwise die. That's being a Blood.

23 MR. GOINGS: No further questions, Your Honor.

24 THE COURT: All right. Why don't we take a lunch
25 break and then come back for cross examination.

1 MR. KENT: Thank you, Judge.

2 THE COURT: All right. Members of the jury, let's
3 take a break until 2:45. Do not discuss the case. Have a
4 good lunch. Everybody else remain seated while the jury
5 exits the courtroom.

6 (Whereupon, the jury exits the courtroom at 1:39 p.m.)

7 THE COURT: All right.

8 MR. GOINGS: Judge, just for scheduling, I would
9 assume that we're probably going to finish up in the
10 morning.

11 THE COURT: I would think so.

12 MR. GOINGS: Not enough time today.

13 THE COURT: How many more witnesses do you have?

14 MR. GOINGS: I have one after him.

15 THE COURT: All right. Yeah, we'll finish up
16 tomorrow.

17 MR. GOINGS: Okay.

18 MR. KENT: I anticipate about thirty-six witnesses,
19 Judge. I'm just joking.

20 THE COURT: All right. Be back at 2:45. Take him
21 back. Don't talk to anybody.

22 THE WITNESS: All right, sir.

23 (Whereupon, there is a break in the proceedings from
24 1:40 p.m. until 2:46 p.m.)

25 THE COURT: Are we still waiting on a few jurors?

1 THE BAILIFF: Yes, sir.

2 THE COURT: And the State has one more witness; is
3 that right?

4 MR. GOINGS: When we finish with this part, yes, sir.

5 THE COURT: While we wait, do you want me to go over
6 his rights with him?

7 MR. KENT: That would be perfect, Your Honor.

8 THE COURT: Tell him to come on up here and we'll go
9 ahead.

10 THE CLERK: We need two more jurors, Judge.

11 THE COURT: All right. Mr. Clerk, if you would, go
12 ahead and swear in the defendant.

13 THE CLERK: Yes, sir. Place your left hand on the
14 Bible and raise your right hand. Left hand, please, sir.
15 Left hand. State your name, please.

16 THE DEFENDANT: Mickey Johnson.

17 THE CLERK: Do you solemnly swear or affirm your
18 testimony to the Court shall be the truth, the whole truth,
19 and nothing but the truth, so help you God?

20 THE DEFENDANT: Yes, sir.

21 THE CLERK: Thank you.

22 THE COURT: All right. Mr. Johnson, do you understand
23 that in this trial that you have the right to testify if
24 you would like?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that you can come over
2 here and you can be sworn in just like you were just then
3 and you can take the witness stand and you can testify any
4 way that you and your lawyer see fit? Do you understand
5 that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: However, it's important that you
8 understand that if you do testify, you may be cross
9 examined on any and all relevant issues in connection with
10 your case. In other words, if you have a criminal record
11 that involves crimes of dishonesty or false statements or
12 it involves crimes that carry a punishment of more than one
13 year, and the Court determines that the probative value of
14 admitting same substantially outweighs its prejudicial
15 effect, then your criminal record will be introduced to
16 attack your credibility. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand the risk associated with
19 testifying?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. However, I want you to
22 understand that you do not have to testify because you have
23 the constitutional right to remain silent and I want you to
24 understand that if you chose to exercise that right, I
25 would tell the jury they cannot use that against you in any

1 way. If you chose to not take the stand, I would tell the
2 jury that that is to have absolutely no prejudice against
3 you. I would even charge the jury and tell them that they
4 cannot even talk about that fact in the jury room. Do you
5 understand your constitutional right to remain silent?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Have you and your lawyer talked about
8 whether or not you want to testify in this trial or not?

9 THE DEFENDANT: We spoke about it.

10 THE COURT: Okay. Have you decided what you're going
11 to do?

12 THE DEFENDANT: I have to make the decision right now?

13 THE COURT: No, not at all. You can talk with your
14 lawyer and then let me know, but do you have any questions
15 about what I just told you?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you have any questions about your right
18 to remain silent?

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. Well, good.

21 MR. KENT: Judge, for the record, if I'm not mistaken,
22 the Attorney General's Office and I have spoken. There
23 will be no useful record that would be utilized against him
24 if he did choose to testify.

25 THE COURT: Okay.

1 MR. KENT: Just so he knows for his record that no
2 record will be used to impeach him.

3 THE COURT: So talk to him and let him know. All
4 right. If you'll just let me know after y'all discuss it
5 and decide what it is.

6 (Whereupon, there is a pause in the proceedings until
7 all of the jurors arrive.)

8 THE CLERK: All of them are here, Judge.

9 THE COURT: All right. Everybody ready?

10 MR. GOINGS: I think we need to get the witness.

11 MR. KENT: Do you want to sit him back on the stand
12 where we were?

13 THE COURT: Sure. Let's get him back. And do you
14 want to call your other witness tomorrow or do you want to
15 ---

16 MR. GOINGS: No. As soon as we finish him, I'll be
17 ready to call my last witness.

18 THE COURT: All right. Go ahead and bring us the
19 jury.

20 (Whereupon, the jury enters the courtroom at 2:51
21 p.m.)

22 THE CLERK: Your Honor, all the jurors are present in
23 the courtroom.

24 THE COURT: All right. Mr. Kent?

25 MR. KENT: Thank you, Judge.

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

CROSS EXAMINATION

1

2 BY MR. KENT:

3 Q: Mr. Bradley, how are you doing today?

4 A: All right.

5 Q: Mr. Bradley, you understand what you're here for

6 today. Is that ---

7 A: Yes, sir.

8 Q: Is that safe? You know what you're here for?

9 A: Yes, sir.

10 Q: You know what you're looking at and you know what your

11 charges are; is that correct?

12 A: Yes, sir.

13 Q: Okay. Make sure you answer all the questions so

14 Madame Court Reporter can take down everything that you're

15 saying; okay?

16 A: Yes, sir.

17 Q: You had a lawyer in this case who has advised you and

18 told you of your rights and told you what you're looking

19 at; correct?

20 A: Yes, sir.

21 Q: Your lawyer is an attorney out of Kingstree, South

22 Carolina; correct?

23 A: Yes, sir.

24 Q: He's a pretty good attorney. I think his name is

25 Charles Barr; isn't it?

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

- 1 A: Yes, sir.
- 2 Q: Your lawyer has met with you and talked to you and
3 counseled you of your rights and told you about the plea
4 deals and told you everything that you're looking at;
5 correct?
- 6 A: Yes, sir.
- 7 Q: Your lawyer advised you of what happens when you
8 testify against -- in front of a jury and what you need to
9 do to protect your interests; correct?
- 10 A: Yes, sir.
- 11 Q: Your lawyer advised you and talked to you of the
12 necessity of testifying in a way that is conducive to help
13 you get your sentence reduced; correct?
- 14 A: No.
- 15 Q: Well, he told you to tell the truth. He told you ---
- 16 A: Yes, sir.
- 17 Q: Okay.
- 18 A: Tell the truth.
- 19 Q: And he kept saying that, too. Tell the truth. Tell
20 the truth. Tell the truth. Tell the truth.
- 21 A: No. I told him I'm going to tell the truth.
- 22 Q: Okay. And your lawyer told you make sure you tell the
23 truth. Tell the truth. Tell the truth.
- 24 A: Yes, sir.
- 25 Q: Tell the truth. And when you gave your first very

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 initial statement, you didn't have anyone representing you
2 at all, only just you giving your statement in and of
3 itself what happened; correct?

4 A: Yes, sir.

5 Q: And when you get arrested and you get charged with
6 crimes in South Carolina, you're given what's called
7 discovery; right?

8 A: Yes, sir.

9 Q: And discovery is all the information that the State of
10 South Carolina intends on using if they were trying to try
11 your case; correct?

12 A: Yes, sir.

13 Q: And your lawyer is responsible for getting all of the
14 discovery and giving you copies of the discovery; correct?

15 A: Yes, sir.

16 Q: And you and your lawyer went through all of the
17 discovery and everything that the State of South Carolina
18 would be utilizing if they tried to convict you of a crime;
19 correct?

20 A: Yes, sir.

21 Q: And they gave you all of the statements, all of the
22 witness statements, all of the information, everything
23 inside of the packet that the State of South Carolina would
24 be utilizing if they took you to trial or anyone else to
25 trial; correct?

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 A: Yes, sir.

2 Q: And you and your lawyer went through all of the
3 statements to look at all of the statements and see what
4 everybody was saying, as well as the discovery, as well as
5 the evidence of everything they had against you; correct?

6 A: Yes, sir.

7 Q: As well as everything they had against Mr. Johnson and
8 anybody else who was looking to go to trial or looking for
9 a deal in this case?

10 A: Yes, sir.

11 Q: And your lawyer went through everything in painstaking
12 detail; correct?

13 A: Yes, sir.

14 Q: Looked at everything, looked at every statement,
15 checked every statement, checked what everybody said in
16 detail; correct?

17 A: Yes, sir.

18 Q: So you're pretty familiar with this file and pretty
19 familiar with what everybody has said in this case;
20 correct?

21 A: Yes, sir.

22 Q: Okay. When's the last time you looked through all of
23 the statements, all of the witness statements, all of the
24 evidence dealing with your case? Did you look at them
25 yesterday before you testified?

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

- 1 A: No, sir.
- 2 Q: When's the last time you looked at them?
- 3 A: Last year.
- 4 Q: Last year? So you haven't looked at them in a while?
- 5 A: No, sir.
- 6 Q: Okay. You didn't look at your testimony or a
- 7 statement or anything before you testified today?
- 8 A: No, sir.
- 9 Q: Okay. And you remember giving your statement when you
- 10 talked to law enforcement the first time?
- 11 A: Yes, sir.
- 12 Q: Okay. Who did you give a statement to when you talked
- 13 to law enforcement the very first time? Do you remember
- 14 who it was?
- 15 A: It was a lady. I don't know her name.
- 16 Q: It was a lady and she sat down and she gave a -- took
- 17 a statement from you?
- 18 A: Yes, sir.
- 19 Q: And at that time when you gave the statement, you gave
- 20 her all the details of everything you knew of everything
- 21 that happened that day?
- 22 A: Yeah. From my best memory.
- 23 Q: From your best memory?
- 24 A: Yes, sir.
- 25 Q: And this was some two years ago?

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

- 1 A: Yeah. Almost three.
- 2 Q: Almost three years ago when you gave the statement and
3 that statement you gave was very close to the incident date
4 that happened.
- 5 A: Yes, sir.
- 6 Q: It was very close?
- 7 A: Yes, sir.
- 8 Q: Okay. And that's -- when we give our statements close
9 to the incident date, that's when our memory would be
10 absolute freshest; correct?
- 11 A: Yes, sir.
- 12 Q: And when you gave her information and you told her
13 everything that happened, you were telling her as close to
14 the incident date as could possibly happen?
- 15 A: Yes, sir.
- 16 Q: And then she took a statement from you and I think she
17 typed it up in her own -- she just typed it up; correct?
- 18 A: Yes, sir.
- 19 Q: And then she let you review it?
- 20 A: Yes, sir.
- 21 Q: And she asked you was there any changes in the
22 statement, anything that's wrong in the statement, anything
23 you want to add or take out from the statement; correct?
- 24 A: Yes, sir.
- 25 Q: And you said nope, that statement is accurate, that

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 statement is true, that's the truth, that's what happened
2 from the best of my memory?

3 A: Yeah.

4 Q: Correct?

5 A: Because that's the truth.

6 Q: And because that was as close to the incident date as
7 humanly possible?

8 A: Yes, sir.

9 Q: Okay. And when you gave the statement -- and when you
10 were asked from the direct examination, one of the things
11 that you said was -- well, why did you say you didn't want
12 to go that night? Why did you tell the Attorney General's
13 Office you didn't want to go, you didn't want to drive?
14 Why did you tell Mickey Johnson you didn't want to go?

15 A: Because I didn't want to be involved because --
16 because I know what everybody do. I didn't want to be
17 involved in it.

18 Q: And that's what you told Mickey Johnson? I don't want
19 to go because I don't want to be involved. I want nothing
20 to do with this. That's why I don't want to go?

21 A: No. I didn't tell him all that. I didn't want to
22 drive.

23 Q: That's what you said? I don't want to drive. I want
24 nothing to do with that?

25 A: Yeah. I tell him I don't want to drive.

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

- 1 Q: And then you ---
- 2 A: That was my exact words.
- 3 Q: I'm sorry. Go ahead.
- 4 A: I told him -- I think what I said was I don't want to
- 5 drive.
- 6 Q: And did you tell him why?
- 7 A: I tell him I just don't want to drive to the murder
- 8 incident.
- 9 Q: Okay. Isn't it true that you actually told him I
- 10 don't want to go, I got warrants?
- 11 A: I got warrants?
- 12 Q: Yeah. Didn't you tell him I got warrants, I don't
- 13 want to go, man. I got warrants.
- 14 A: I don't know. I can't remember.
- 15 Q: You can't remember that?
- 16 A: Yes, sir.
- 17 Q: Mr. Bradley, just one moment, please. I'm showing you
- 18 a four-page document. Do you recognize that?
- 19 A: Yes, sir.
- 20 Q: And what does it say at the top of it?
- 21 A: Bradley interview notes.
- 22 Q: And it's got your nickname on it?
- 23 A: Yes, sir.
- 24 Q: And it's got your Social Security number?
- 25 A: Yes, sir.

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 Q: It's got your phone number. And how many pages is it?
2 A: Four.
3 Q: It's four pages. You didn't even have to look and you
4 know it's four pages?
5 A: Yes, sir.
6 Q: And that's the four-page interview notes that you also
7 had in your discovery; correct?
8 A: Well, I didn't -- I didn't receive this ---
9 Q: But that's ---
10 A: --- copy right here.
11 Q: I'm sorry.
12 A: I didn't receive this one.
13 Q: Okay. But that's the one that we just talked about
14 that the officer wrote down the notes and had you look at
15 it and see if there's anything ---
16 A: Yes, sir.
17 Q: --- you want to add. That's the statement; correct?
18 A: Yes, sir.
19 Q: Okay. You said you didn't remember stuff. I want you
20 to give time to review that. Just read through the
21 statement, take your time, and I'm going to ask you some
22 questions about it. Okay? Take your time, read it, and
23 just let me know when you feel your memory is sufficiently
24 refreshed as to the things that you said to the officer
25 immediately after the shooting.

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 (Whereupon, there is a pause in the proceedings.)
2 A: I read through it.
3 Q: I'm sorry. You read it?
4 A: Yes, sir. I just -- I read it, but I'm telling you
5 ---
6 Q: Well, just -- and I don't want to cut you off, but is
7 your memory sufficiently refreshed as to the statement you
8 gave on that day at this point in time?
9 A: Not really, but I'm trying to -- I'm telling you ---
10 Q: And I -- and I'm not trying to interrupt you. I have
11 to make sure of certain procedural things. Your memory is
12 not sufficiently refreshed from that statement at all?
13 A: No. 'I ain't read all of it.
14 Q: Well, I need you to read it to the point that your
15 memory is sufficiently refreshed and if the statement does
16 not refresh your memory, I need you to tell me that, as in
17 I don't remember giving the statement or I remember giving
18 the statement and it completely refreshes my memory.
19 A: Yeah. I remember giving the statement.
20 Q: Okay. So you remember giving the statement?
21 A: Yeah. I remember.
22 Q: Now -- and now, I was interrupting you when you wanted
23 to say something. What did you want to say?
24 A: Oh, I'm saying I'm here. I'm telling them what I
25 remember from this date because it happened three years

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 ago. You know, when I give this statement, you know, I
2 know this wasn't true, you know.

3 Q: I'm sorry? So the statement you gave was not true?

4 A: I say it was the truth.

5 Q: Okay.

6 A: The truth.

7 Q: All right.

8 A: You know, I'm trying to -- I'm coming from my best
9 memory what I can remember from three years ago.

10 Q: So today you're testifying from your best memory.
11 What was that -- that statement right there?

12 A: This -- this the truth. It happened. I gave the
13 statement like a week before it -- a week after it
14 happened.

15 Q: So that statement is as close to the truth as possible
16 and today you're testifying from your memory from three
17 years ago?

18 A: Yeah, to the truth.

19 Q: Okay. That's fine.

20 A: Yes, sir.

21 Q: So the question I asked you -- do you remember the
22 question that I asked you before I had you review and
23 refresh your memory?

24 A: What was it?

25 Q: When I asked you, I asked you the question about why

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 you told Mr. Johnson -- why you told Mickey Johnson that
2 you didn't want to go and I said in this statement do you
3 remember saying I didn't want to go because I got warrants?
4 Do you remember that now?

5 A: I don't -- I don't remember.

6 Q: Did you read that point in your statement? Did you
7 read that ---

8 A: No, I didn't.

9 Q: Again, I need you to review it.

10 THE COURT: Come on up here real quick. Mr. Goings?
11 (Whereupon, a bench conference is held off the
12 record.)

13 Q: In the statement you gave to law enforcement, you told
14 them that you didn't go because you had warrants and that's
15 why you didn't want to go. That's what you told the
16 officers. That's the statement that you acknowledged
17 giving that you didn't want to go because you had warrants.
18 Did you have warrants?

19 A: Yes, sir.

20 Q: What did you have warrants for?

21 A: Clarendon County assault and battery.

22 Q: That's the only warrants you had?

23 A: Assault and battery and strong-armed robbery.

24 Q: Strong-armed or armed robbery?

25 A: Strong-armed.

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 Q: Okay. You had a strong-armed robbery charge and you
2 had an assault and battery charge pending in Clarendon
3 County?

4 A: Yes, sir.

5 Q: And that's what you told him. Man, I don't want to
6 go. I got warrants. I don't want to go for this thing.
7 Correct?

8 A: I don't remember saying it.

9 Q: You don't remember the statement you gave that was the
10 truth?

11 A: I don't remember. I don't remember.

12 Q: Also going through the statement that you gave, during
13 the testimony today when the State's Office was asking you
14 questions, you said specifically Mr. Johnson told us don't
15 shoot any women. Don't shoot any women. You never said
16 that in the statement that you gave that was close to the
17 incident as possible; did you? You never mentioned that at
18 all. You never mentioned in any statement when you gave
19 your statement that Mr. Johnson said don't shoot any women.
20 You never said anything like that; did you?

21 A: I can't remember.

22 Q: You can't remember, but today you can?

23 A: I can't remember putting that in the statement.

24 Q: There's a lot of things inside of your statement that
25 you just conveniently either left out or just happened to

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 remember today; isn't there?

2 A: Yes, sir.

3 Q: Why is that? Is it just more necessary to give more
4 detail to help you out with the deal that you've gotten?

5 A: I mean when y'all -- when y'all tell me and I tell you
6 my best from memory, you know.

7 Q: When I tell you, you'll tell me your best from memory?
8 What does that mean?

9 A: That you tell me what like in the statement I write
10 because I haven't received it.

11 Q: Well, I'm just curious because another question came
12 up and the Attorney General's Office asked you what
13 happened to the gun and in your testimony to the Attorney
14 General's Office, he asked you what happened to the gun and
15 you said I have no clue what happened to the gun. He asked
16 you again what happened to the gun. You said I have no
17 clue what happened to the gun. Then finally he says,
18 didn't he sell it? Yeah, to one of my friends.

19 A: Yeah. And that's how I remember.

20 Q: That's how you remember? So you're just testifying
21 just from pure memory and your memory I guess is fallible
22 today. There's things that you just don't remember what
23 really happened.

24 A: Well, I remember what happened. All I know, I
25 remember what happened on that incident date.

BRYANT BRADLEY - CROSS EXAMINATION BY MR. KENT

1 Q: Is it possible what you're remembering is the
2 statements and the witness statements and other things from
3 the discovery ---

4 A: No.

5 Q: --- that are not clearly attributed to you because you
6 don't remember your own statement?

7 A: That related to what I'm saying. What I'm testifying
8 against related to my statement.

9 Q: You mentioned Jiwe being on speaker phone. None of
10 that was ever put in your statement anywhere at all; was
11 it? You never mentioned that the first time you met with
12 law enforcement. The first time you ever mentioned that to
13 anyone in the world is today while you're on the stand.
14 This call -- this magical call that Mickey Johnson made to
15 somebody, the first time you've ever mentioned it is right
16 now. Why isn't that in this statement?

17 A: I don't know.

18 Q: You don't remember?

19 A: No. I don't know.

20 Q: You don't know? So you do remember not saying it?

21 A: I thought I said it in the statement. It should be in
22 there.

23 Q: In the statement you gave to law enforcement -- well,
24 when Mr. -- the solicitor was asking you questions. I
25 called him solicitor. I'm sorry. The Attorney General was