

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

Brooks P. Goldsmith, Circuit Court Judge

JERON ALONDO COOK,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000816

APPENDIX

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	)	
COUNTY OF SUMTER	)	Case No(s) : 09-GS-43-00882
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Jeron Alondo Cook,	)	
	)	
Defendant.	)	
	)	

April 19 - 21, 2010
Sumter, South Carolina

B E F O R E:

HONORABLE W. JEFFREY YOUNG, Judge.

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

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Recorded by: Debbie Everett
Circuit Court Reporter

Transcribed by: Teresa B. Johnson
Circuit Court Reporter

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P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 19th day of April, 2010.)

THE COURT: Any motions before we bring the jury in?

MR. FINNEY: Your Honor, I filed a motion to sequester witnesses by the State.

MR. CONNER: There are two witnesses. One is the sister of the deceased and the other is -- I'm not exactly sure but --

THE COURT: She is also a victim correct?

MR. FINNEY: The sister is, yes.

THE COURT: Victims always have a right to be in here.

MR. FINNEY: All right.

THE COURT: They can stay.

MR. FINNEY: All right. The other witnesses should not be able to listen to her testimony.

THE COURT: Mr. Conner, any objection to that?

MR. CONNER: Our plan is to put up the other woman, Ms. Weathers, first and so -- and the sister, of course, is the victim and we're going to put -- we'll put up a couple of other people, officers in the case.

1 **THE COURT:** Well, then I'm going to take the
2 position that until the witness testifies, unless
3 they are the lead officer in this case or the
4 victim, then they would need to be sequestered.

5 **MR. FINNEY:** Your Honor, of course, this is
6 for the record. We have a situation where these
7 two ladies were in the house at the time of the
8 shooting and the State has elected to call the
9 younger witness, Ms. Weathers, first but then
10 that will allow the, quote, unquote, victim, Ms.
11 Blackwell, to listen to the testimony --

12 **THE COURT:** That may be, but that doesn't
13 mean she's going to commit perjury and that
14 doesn't -- she'll still always has a right to be
15 here in the trial.

16 **MR. FINNEY:** Your Honor, we would settle the
17 matter very simply by allowing Ms. Weathers to
18 testify first with Ms. Blackwell not having an
19 opportunity to hear her gives the jury an
20 opportunity to listen to the testimony and that's
21 what we would be asking --

22 **THE COURT:** I'm not going to tell the State
23 the order to try their case. They can call in
24 the order they deem fit.

25 **MR. FINNEY:** We would just like that on the

Motions

11

1 record, Your Honor, subject to your ruling.

2 THE COURT: Thank you. Mr. Collins.

3 MR. CONNER: Your Honor, just to clarify,
4 we've got the evidence technical who worked the
5 scene. We're not sequestering him.

6 THE COURT: I don't think he would need --

7 MR. FINNEY: I wouldn't object to his being
8 present.

9 MR. CONNER: And let's see.

10 THE COURT: Of course the technicians or
11 anybody like that is --

12 MR. CONNER: There were several different
13 officers who went around there and Lieutenant
14 Carter is here. He was the first officer on the
15 scene and I anticipate that we would use him
16 first so it wouldn't be any question of
17 sequestration with him. I have Doris McGee here
18 and all she did was swab one of the victims' hand
19 and Lieutenant Florence was there and he's the
20 main investigator in this case.

21 THE COURT: Objection?

22 MR. FINNEY: Just seems like if you don't
23 have anything but a lady who did the swabs of the
24 hand it wouldn't be any problem for her to be --

25 THE COURT: I wouldn't think she'd be a

1 problem either.

2 **MR. FINNEY:** I don't anticipate a problem at
3 all, Your Honor, but it just seems to me the
4 ruling would be the chief investigating officer
5 could stay. You've already ruled over objection
6 that the victim can stay. And I just would ask
7 the other witnesses be taken in order, bring them
8 in one at a time. The other part of this is that
9 there's such a presence with law enforcement that
10 it gives an implication to the jury that we don't
11 have if these witnesses are --

12 **THE COURT:** Yeah, but quite frankly before
13 the trial is over they're all going to be there
14 anyway. It is going to make no difference.

15 **MR. FINNEY:** Normally, Your Honor, after a
16 witness testifies, the state and the defendant
17 both ask for that witness to be excused so they
18 can go back to work.

19 **THE COURT:** This is a public room courtroom.
20 We could have half of Sumter in here if they
21 wanted to be in here. I mean they would have a
22 right to be.

23 **MR. FINNEY:** Yes, sir. But they don't have
24 anything to do with the case. These officers
25 have something to do with the case. There are

1 three different written reports that are filed by
2 officers. I think it is important these officers
3 be able to testify without the benefit of
4 listening to other officers because --

5 **THE COURT:** I'm not talking about that. I
6 may go along with you on that. Once they testify
7 though they can --

8 **MR. FINNEY:** No, sir. Once they testify I
9 have no problem.

10 **THE COURT:** Right. I'm going to do just like
11 I did in another trial. Unless they are a lead
12 investigator or the victim, then they will stay
13 outside the courtroom until they testify. Once
14 they testify, they can stay in the courtroom for
15 the balance of the trial.

16 **MR. CONNER:** May it please the Court I elect
17 Mr. Bean be here as our first --

18 **THE COURT:** He can stay in here because he's
19 the first witness.

20 **MR. CONNER:** He is not our first witness but
21 as our investigator.

22 **THE COURT:** Okay.

23 **MR. CONNER:** I ask the others to -- what time
24 will we be resuming?

25 **THE COURT:** We will break now. We will start

1 at two o'clock and the other witnesses would be
2 excluded from the jury during opening statements
3 cause opening statements get made at that point
4 in time and I don't want to mislead anybody. So
5 if I'm going to have them sequestered, it would
6 be for the whole trial until they testify.

7 **MR. CONNER:** Lieutenant Carter is my first
8 witness. He has to stay outside --

9 **THE COURT:** No. He can be. Not a problem.

10 **MR. CONNER:** Your Honor, I wanted to take up
11 the issue on the record in regards to the victim,
12 William Blackwell's criminal record. I've got --
13 I've given Mr. Finney a copy of that and I also
14 hand up a copy for the court. I've got this as
15 the NCIC print out. We've got it on him.

16 Your Honor, William had been convicted of
17 possession of a stolen vehicle and, at some
18 point, in time he had had his probation revoked.
19 He also has a prior record for simple possession
20 of marijuana. Our position, as I previously
21 informed you and Mr. Finney, is that that's not
22 relevant to self-defense or any -- it is not
23 relevant to violence for one thing and it can not
24 be tied in any way with a violent act towards
25 this defendant. And I have a couple of cases in

Motions

15

1 regards to that.

2 **THE COURT:** Let me just go ahead and hear
3 from Mr. Finney first.

4 **MR. FINNEY:** Judge, obviously, I don't think
5 the marijuana is relevant. I have reviewed the
6 record. As the Court has been told, he had a
7 revocation, a possession of a stolen vehicle
8 charge. I would ask for more information because
9 the revocation that seems to be on this record
10 was from 2008. And it might be, Your Honor, from
11 looking at this record -- it appears that the
12 charge was made in 2001. Do you have the record,
13 Your Honor?

14 **THE COURT:** I do.

15 **MR. FINNEY:** The charge was made in 2001 and
16 it says he got a youthful offender in 2002. Then
17 if you skip over two pages, in the middle of the
18 -- three or four, it says he --

19 **THE COURT:** Exactly which page are you
20 talking about?

21 **MR. FINNEY:** Page three or four.

22 **THE COURT:** Okay.

23 **MR. FINNEY:** It says there was a reference of
24 something to the Department of Corrections in
25 2006 for --

1 **THE COURT:** Stolen vehicles?

2 **MR. FINNEY:** Yes, sir.

3 **THE COURT:** Okay.

4 **MR. FINNEY:** Which that might be the
5 revocation. It says convicted not to exceed five
6 years. That looks like the revocation of 2006
7 but there is an additional entry on the last page
8 for January of 2008, another parole revocation,
9 serving time. And it does not seem to say what
10 charge that would be for, although the last
11 charge before that was a Clarendon County
12 burglary charge.

13 **THE COURT:** Burglary second nonviolent. Mr.
14 Conner, do you know anything?

15 **MR. CONNER:** I know nothing about it except
16 what's on his NCIC printout. And in any event,
17 Your Honor, I don't believe it would be relevant
18 because it has nothing to do with this defendant.
19 And in that regard, I hand up this case and also
20 State versus Brown.

21 **THE COURT:** Mr. Finney.

22 **MR. FINNEY:** Judge, I'm just concerned that
23 we have information here that the young man may
24 have been in prison. And we only know when he
25 went to prison. We don't know why he went to

1 prison. And it would be my understanding that
2 that material would be relevant or could be
3 relevant, especially since the event -- the last
4 event on his record was --

5 **THE COURT:** If he had a probation violation
6 or parole violation and got another charge, we
7 would know that. It could have been through --
8 for not paying his fees or something like that.
9 But if he had gotten charged with another crime,
10 we would know that. I can -- I can only assume
11 from that that he was not charged with another
12 crime.

13 **MR. FINNEY:** Your Honor, he had apparently
14 two burglaries in Clarendon County, one in '06
15 and one was in '07. There is no dispositions on
16 them but in '08, there was a parole revocation.
17 That just -- I would ask the Court to let me have
18 an opportunity or get the State to provide me
19 with a little bit more information on what a
20 happened between '06 and '08 on those cases to
21 see for sure whether or not it's relevant or not.

22 **THE COURT:** Mr. Conner, can you get that
23 information before two o'clock?

24 **MR. CONNER:** I believe we can

25 **MR. FINNEY:** Thank you, Your Honor.

1 **MR. CONNER:** We'll call the Clarendon office
2 and ask them.

3 **THE COURT:** It may be that the victims --

4 **MR. CONNER:** Probably was dismissed cause --

5 **THE COURT:** Probably dismissed after his
6 death.

7 **MR. FINNEY:** Well yes -- except the last
8 revocation was in 08 and apparently he was not
9 deceased at that time.

10 **THE COURT:** Again, he might have gotten
11 revoked because of another charge but ---

12 **MR. CONNER:** In any --

13 **THE COURT:** --- know what the charges would be
14 -- this charge wouldn't be in any way related to
15 this defendant or any violent act on the part of
16 Blackwell towards this defendant.

17 **THE COURT:** Right, and I understand that and
18 I -- if it doesn't have anything to do with him,
19 I probably would not --

20 **MR. FINNEY:** I understand, Your Honor.

21 **THE COURT:** -- allow him to bring it up. Of
22 course if the door is opened --

23 **MR. FINNEY:** Yes, sir.

24 **THE COURT:** -- then it would be possible at
25 that point from time to -- but we will take up

1 that issue as it comes. See if you can't find
2 out about the parole revocation. Any other
3 motions?

4 **MR. FINNEY:** No, Your Honor.

5 **THE COURT:** Mr. Conner, any other motions?

6 **MR. CONNER:** Your Honor, just one minute.
7 Let me review my notes here.

8 **MR. CONNER:** Your Honor, Audja Blackwell was
9 shot in the buttocks. And I have her medical
10 records from Tuomey, and a copy of the medical
11 records was provided to the defense. I would

12 like to -- the first three pages of the medical
13 record particularly the page -- third of the page
14 indicates where her injuries occurred and where
15 they entered and where they exited and I would
16 like to have an agreement that we could put this
17 in without calling somebody over here from the
18 hospital to say that that describes her wound.
19 And of course, she will be here too -- she will
20 be a witness for the case.

21 **THE COURT:** Mr. Finney, do you have any
22 objection to the -- or stipulation to the
23 authenticity of these records?

24 **MR. FINNEY:** Not to the authenticity, Your
25 Honor. I would just -- could I ask what the

1 State's reasoning is for having the admission of
2 the records if the witness is going to testify?

3 **MR. CONNER:** To show where she was injured
4 and that somebody else observed the injury at the
5 location that she describes.

6 **THE COURT:** Is that a question? I mean --

7 **MR. CONNER:** I don't think so, Your Honor.
8 My concern is it says, "patient reports that she
9 was at home and someone came in to the house and
10 shot her and her brother". That's information
11 that was relayed to the medical attendant by
12 either the witness or somebody else.

13 **THE COURT:** If she testifies, it's not
14 hearsay.

15 **MR. CONNER:** I am not worried about her. I
16 am worried about the report coming in that says
17 things that she --

18 **MR. CONNER:** What I am particularly
19 interested in -- and I will be glad to cut this
20 bottom part off about her complaint if that is
21 necessary -- is the assessment up top shows that
22 patient comes to ER after being shot in buttocks,
23 on the left side of the left thigh, buttocks,
24 going through the left leg, exits the left leg
25 and enters the right leg with exit on the lateral

1 side of the right thigh buttocks.

2 MR. FINNEY: I would be glad to stipulate
3 that the State could read that if we didn't have
4 to put the document in.

5 THE COURT: Any objection to that?

6 MR. CONNER: I would ask that we be allowed
7 to put the document in and just cut off the
8 bottom part.

9 THE COURT: I'm going to just allow it in.
10 That's -- and cut off the bottom so there's no
11 other -- and then she can testify to whatever
12 else after that. All right.

13 MR. FINNEY: Subject to our objection.

14 THE COURT: Yes, sir. Anything further?

15 MR. CONNER: I would ask Mr. Finney if he
16 would stipulate to the use of this house diagram
17 for a plan of the house. This was provided to
18 him in discovery.

19 MR. CONNER: I have a copy of that, Your
20 Honor.

21 MR. FINNEY: I do have some -- wait a
22 moment -- objection to it coming in. But I do
23 want the Court to be aware that it is not drawn
24 to scale, and I whether certainly be asking that
25 of the witnesses. You would agree it's not drawn

1 to scale?

2 MR. CONNER: That's right. It is State's
3 Exhibit number 1.

4 THE COURT: All right.

5 (WHEREUPON, State's Exhibits 1 through 6 are
6 marked for identification purposes.)

7 MR. FINNEY: Your Honor, maybe we could get
8 Mr. Conner to tell us -- he has provided me with
9 several photographs. It might speed the process
10 up if we discuss what he plans to put in, in
11 terms of photographs.

12 THE COURT: Why don't we do that after I
13 bring the jury in and dismiss them for lunch?

14 MR. FINNEY: Yes, sir. That would be fine.

15 MR. CONNER: I have these things we could go
16 ahead and mark them. And then when we come back
17 for lunch we can --

18 THE COURT: That would be good. Thank you.
19 Let's bring the jury in so I can dismiss them.
20 Then I will swear them at two o'clock.

21 MR. FINNEY: At two? Yes, sir.

22 (WHEREUPON, jury enters the courtroom.)

23 THE COURT: A little hotter in here than it
24 is in the other courtroom, isn't it?

25 THE BAILIFF: All the jurors are in the

1 courtroom, Your Honor.

2 **THE COURT:** Thank you, Ladies and Gentlemen.
3 We had some issues to take up before bringing you
4 back in here. What I'm going to do now is I'm
5 going to excuse you for lunch now with the
6 instruction that you are to be back here at
7 2.P.M. We will start the trial of this case at
8 that time. You will be sworn as the jury and I
9 will appoint the foreperson.

10 Please do not discuss anything about this
11 case with anyone and then -- or even amongst
12 yourself. I'm going to give you further
13 instructions on that. But have a nice lunch and
14 be back here shortly before two o'clock so we're
15 ready to go at 2 p.m. Thank you.

16 (WHEREUPON, the jury exits the courtroom.)

17 **THE COURT:** Court is in recess until 2.P.M.

18 (WHEREUPON, a short recess is taken.)

19 (WHEREUPON, State's Exhibits 7 through 28 is
20 marked for identification purposes.)

21 **THE COURT:** I think we are still waiting on
22 two jurors.

23 **THE COURT:** Y'all get the exhibits worked
24 out?

25 **MR. CONNER:** That is the medical record with

1 the victim that -- the part is deleted. It just
2 indicates what was observed there about the
3 wound.

4 **THE COURT:** Mr. Finney, do you have any
5 objection to this as it is written?

6 **MR. FINNEY:** Your Honor, I'm going to please
7 let my previous objection stand to the report
8 coming in. I do contend and agree it is a
9 medical record but without the person bringing
10 the record from the hospital. If the Court is
11 going to let it in, I do want it to be over my
12 objection.

13 **THE COURT:** Are you stipulating this is the
14 real record? Otherwise they've got to bring
15 somebody from Tuomey to come over and put it in.

16 **MR. FINNEY:** Your Honor, I am not contending
17 it is not a medical record Tuomey maintains
18 regularly on their behalf.

19 **THE COURT:** Would stipulate this is the real
20 record?

21 **MR. FINNEY:** Yes, sir.

22 **THE COURT:** But the question you have is
23 should it come in?

24 **MR. FINNEY:** The relevancy of its admission
25 if the lady is going to testify.

1 **THE COURT:** And I reserve the right to change
2 my opinion on that.

3 **MR. FINNEY:** Your Honor, there were several
4 photographers.

5 **THE COURT:** Thought y'all were going to get
6 those taken care of.

7 **MR. FINNEY:** They were marked.

8 **THE COURT:** We found out what his probation
9 case was about?

10 **MR. FINNEY:** Haven't heard.

11 (WHEREUPON, the attorneys confer.)

12 **MR. CONNER:** Your Honor, I called their
13 office and asked them about the burglary entry
14 and the lady down there told me that they had
15 burglary warrants that he had been served with
16 but that they were dismissed at a preliminary
17 hearing so he wouldn't have been revoked for
18 that.

19 **THE COURT:** Is that in answer to your
20 question, Mr. Finney?

21 **MR. FINNEY:** Yes, Your Honor. There seem to
22 be 28 photographs. All right. I have seen the
23 photographs. We don't have any objection.

24 **MR. CONNER:** That is 7 through 28.

25 **MR. FINNEY:** Then it's 21. Sorry --

1 **MR. CONNER:** No, 7 through 28.

2 **THE COURT:** 21?

3 **MR. FINNEY:** That's right.

4 **THE COURT:** Without objection.

5 (WHEREUPON, State's Exhibits 7 through 28 are
6 admitted into the record.)

7 **MR. CONNER:** And this item State's Exhibit 1
8 is in.

9 **THE COURT:** Right, but he does not stipulate
10 it is to scale.

11 **MR. FINNEY:** That's right.

12 **THE COURT:** Are you going to --

13 **MR. CONNER:** I plan to use this in my opening
14 arguments.

15 (WHEREUPON, State's Exhibits 1 is admitted into
16 the record.)

17 **THE COURT:** Sure. Is the victim here?

18 **MR. CONNER:** Yes, right here.

19 **THE COURT:** Oh, okay.

20 **MR. CONNER:** One of the victims.

21 **THE COURT:** Well, apparently, our jurors are
22 all here. Are you going to use that, Mr. Conner,
23 during the --

24 **MR. CONNER:** I thought I would if it would be
25 a convenient --

1 **THE COURT:** Let's bring our jury in.

2 (WHEREUPON, the jury enters the courtroom.)

3 **THE COURT:** I hope you had a nice lunch. We
4 were supposed to start at 2:00 and when I tell
5 you to be here, you need to be here at that time.
6 We have a lot of people waiting. I'll be here.
7 Everyone in here will be here. And I expect you
8 to be here. Mr. Johnson, I am appointing you as
9 the foreperson to this jury. From here on out
10 you'll sit from this seat right here. You don't
11 have to move. But for the next time, you'll sit

12 from that seat and I will give you further
13 instructions on that. Swear the jury.

14 **THE CLERK:** Yes, sir.

15 Okay. Ladies and Gentlemen, please stand and
16 be sworn.

17 (WHEREUPON, the jury is duly sworn.)

18 **THE COURT:** Thank you. Now Ladies and
19 Gentlemen, before we begin this trial, I want to
20 tell you it's probably going to be different from
21 what you might expect. Many people never have
22 the opportunity to come in court and attend a
23 court session as you're doing now. You may think
24 from watching TV, movies or reading books that
25 trials are always full of high drama, intense

1 action and circumstances. While this may be true
2 at times, this trial is not for entertainment.

3 This trial is a real trial which is a
4 fundamental part of our democracy. A search for
5 the truth in an effort to make sure that justice
6 is done. Searching for the truth and ensuring
7 that justice is done is often slow, deliberate,
8 and repetitive, the exact opposite of what you've
9 seen on TV and movies and read in books. This
10 courtroom is a place of honor that is dedicated
11 to the protection and the preservation of
12 citizen's rights through what has often been
13 called the greatest justice system ever created.

14 The attorneys who are appearing before you
15 are advocates for the parties that they
16 represent, but first and foremost, they are
17 officers of this court who are sworn to uphold
18 the integrity and fairness of our judicial system
19 and to help you in your search for the truth.
20 You should expect them to be professional,
21 competent and ethical as well in the
22 representation of their client's interest. And
23 remember, Ladies and Gentlemen, you too just took
24 an oath to listen to the evidence of this case
25 and to reach a fair and just verdict and you are

1 expected to be professional, reasonable and
2 ethical as well.

3 Let me thank you again for accepting the
4 important duty of jury service in our justice
5 system. What I'm saying now is an introduction
6 in the trial of this case. These remarks are not
7 a charge on the law in this case. I will charge
8 you the law at the conclusion of the trial. This
9 is merely an explanation of procedures that we
10 will follow so that you may better understand
11 what is going on and what will happen. Let me

12 say up front, you are not going to be able to
13 take notes in this case. Therefore, it is very
14 important you listen closely throughout the
15 trial.

16 The defendant is charged but indictment of
17 the crimes of Murder, Assault and Battery with
18 Intent to Kill, Possession of a Firearm during
19 the Commission of a Violent Crime and the
20 Unlawful Carrying of a Pistol. The elements of
21 these charges will be explained to you later.

22 The indictment charging the defendant is
23 simply the documents by which the case comes to
24 court and is not in any sense any evidence of the
25 allegations contained therein. The defendant has

1 pled not guilty and, therefore, the State has the
2 burden of proving all of the elements of the case
3 or charges in the indictment beyond a reasonable
4 doubt. And it will be your duty, Ladies and
5 Gentlemen, to decide whether the State has met
6 that burden. Your purpose as jurors is to find
7 and determine the facts. The evidence of this
8 case will be presented to you from this witness
9 stand and by items that may be introduced as
10 exhibits in to evidence. You are to determine
11 the facts from the testimony you hear and the
12 other evidence that is introduced in court. It
13 will then be up to you, Ladies and Gentlemen, to
14 determine the inference which you feel may be
15 properly drawn from the evidence. It is
16 especially important that you perform your duty
17 diligently and conscientiously because ordinarily
18 there is no way to correct an erroneous finding
19 of fact by a jury.

20 But, but with equal importance, the same law
21 that makes you the Judges of the facts makes me
22 the Judge of the law. The law, as given by me, is
23 the only law that you can consider. You must
24 accept this law as I give it to you and follow it
25 even though you may disagree. I cannot tell you

1 what the facts are and you cannot disagree with
2 me about what the law is or what you think the
3 law should be. Your job is to apply the law as I
4 give it to you and apply it to the facts and --
5 that you will find from the testimony of the
6 witnesses and any other evidence that is
7 introduced.

8 After hearing the evidence, you will
9 deliberate and render a true and just verdict
10 under the oath that you just took as jurors.
11 Until I advise you to begin your deliberations at
12 the conclusion of the case, you must not discuss
13 the case with others including other jurors,
14 except when authorized by me.

15 You may not use a computer, cell phone or
16 anything with communications capabilities while
17 in attendance here at the trial or during your
18 deliberations. Although you may use these devices
19 during lunch or when we're on break, but even
20 then you can not use them to disclose information
21 about the case when you're not in court.
22 Information about the case would include, but is
23 not limited to, information about a party, a
24 witness, attorney, any news or account
25 information about the case, any information

1 collected through juror research and testimony
2 offered by any witness or any information
3 collected through juror research or any other
4 topics you think might be helpful in deciding
5 this case.

6 After the case is submitted to you, you must
7 discuss it only in the juror with your fellow
8 jurors. The attorneys and parties in this case
9 have been advised that they are not to talk to
10 you. So if you see anyone involved in this case
11 and they don't even speak and say hello, well,
12 they're not being unfriendly to you. They are
13 just following my orders.

14 Now, Ladies and Gentlemen, it is important
15 that you keep an open mind and not decide any
16 issue in this case until all of the evidence has
17 been presented, the attorneys have made their
18 closing arguments and I have instructed you on
19 the law. It is your sole responsibility to
20 determine the guilt or the innocence of the
21 defendant and your verdict must be based solely
22 on the evidence as it is presented to you at this
23 trial and on the law as I instruct it to you at
24 the close of this trial.

25 Now, Ladies and Gentlemen, just a moment the

1 solicitor will make what is called an opening
2 statement in which he will explain to you what he
3 believes the issues are in this case. The
4 attorney for the defendant may also make an
5 opening statement, however, he is not required to
6 do so. Let me remind you, what the attorneys
7 tell you in their opening statements is not
8 evidence in this case. It is only their
9 contention as to what they believe the issues
10 are.

11 Now, during this trial, Ladies and Gentlemen,
12 you may hear one of the lawyers say something
13 like, "Your Honor, I have a question of law or a
14 matter of law to discuss with you" or "Your
15 Honor, may we approach the bench." You are the
16 judges of the facts and as to the facts in
17 connection with my making the ruling on the law.
18 And I will excuse you from the courtroom while
19 these discussions take place so that you will in
20 no way be influenced by anything that I might say
21 or do in connection with the facts.

22 Also, during the trial you may hear one of
23 the attorneys make an objection to evidence which
24 is about to be presented. Now, Ladies and
25 Gentlemen of the jury, "I sustain", which means

1 grant the objection, or "Overruled", which is to
2 deny the objection, should not be construed that
3 I favor one side or the other. I do not. Nor
4 should you infer that the objecting party is
5 trying to hide something from you.

6 In the court, as in all situations in life,
7 there are certain rules that must be followed.
8 The attorneys are merely trying to follow the
9 rules of evidence in this court in making their
10 objections. And I am only ruling based upon what
11 I believe the law to be concerning the evidence
12 being presented.

13 Now, in determining what the facts in this
14 case are, you must decide whether or not the
15 testimony of a witness is believable. It will be
16 my responsibility, Ladies and Gentlemen, to rule
17 as a matter of law as to whether certain
18 testimony is admissible. Once the testimony is
19 admitted whether or not you decide to believe it
20 is solely for you to determine.

21 In deciding whether to believe a witness, you
22 have the right to consider the interest of any
23 witness, the bias of any witness, the prejudice
24 of any witness, the opportunity of the witness to
25 have observed the things and manners about which

1 the witness may testify and which the witness
2 acts on the witness stand. You have a right to
3 consider anything that is in the record that will
4 help you evaluate the testimony of the witness.

5 That means, Ladies and Gentlemen, it is your
6 duty to pay close attention to these witnesses,
7 to observe the witnesses, to listen to the
8 witness and to pay close attention to the
9 attorneys and to the Court. Don't let your
10 thoughts wander but give full attention to the
11 testimony, that is, all the testimony and the

12 arguments of counsel and the charge on the law by
13 me. Then you will then be in a position to
14 determine what the true facts are and to apply
15 the law to those facts and thus render a true and
16 just verdict.

17 Now, Mr. Foreman, in addition, it will be
18 your duty to preside in the jury room and you
19 will be the jury spokesperson here in court. You
20 also have the duty to write down the verdict when
21 it is reached but I will give you further
22 instructions on that at the close of the case.
23 In order to preserve everyone's rights, I will
24 give the parties an opportunity to object to
25 anything that I have said. Mr. Conner, do you

1 have any objection to anything --

2 MR. CONNER: No objection.

3 MR. FINNEY: No objection.

4 THE COURT: We will now begin the trial of
5 this case.

6 Mr. Conner.

7 MR. CONNER: May it please the Court.

8 THE COURT: Yes, sir.

9 MR. CONNER: Ladies and Gentlemen, of the
10 jury, my name is Harry Conner and I'm the
11 assistant solicitor here in Sumter County. As
12 you already heard, the defendant is Jeron Cook.
13 Jeron is charged with murder in this case. He is
14 charged also charged with Assault and Battery
15 with Intent to Kill, Possession of a Firearm
16 during Commission of a Violent Crime and Unlawful
17 Carrying of a Pistol.

18 This happened at a house on Patricia Drive
19 here in Sumter or West Patricia back in March of
20 2009, about a year ago. Living there at that
21 house -- or people at the scene of what happened
22 are four different people. One is Audja
23 Blackwell --

24 Stand up, Ms. Blackwell.

25 This is Audja Blackwell.

1 You may have a seat. She was the leaser or
2 the person of the -- she didn't own the home, but
3 she was renting it. She was the -- paying the
4 rent. Living there with her at the time of this
5 incident was a woman by the name of Shameikkico
6 Weathers, or I might say a girl. She was 17
7 years of age and you're going to find out some
8 things about Ms. Weathers or you will hear from
9 Ms. Weathers and Ms. Blackwell in this case.
10 They were both there. They're both witnesses to
11 what went on.

12 Ms. Weathers was a foster child and grew up
13 most of her life in other people's homes or
14 raised as a foster child. At one time, she had
15 lived with some relative of the Blackwells. And
16 the last time she was in foster care. she was in
17 Richland County. And she had come to Sumter
18 County, apparently, to get away from her
19 situation over there. And she moved in with some
20 of the Blackwell family because she knew them.

21 She had lived with one of -- (inaudible) and
22 the other person living there was William
23 Blackwell. He's the deceased in this case. He's
24 the dead guy. He was the brother of Audja. And
25 what happened is, after Ms. Weathers got over

1 there -- apparently, William was attracted to her
2 -- and began to live with there with them and
3 live with the girl, live with the Weathers girl,
4 the other -- the fourth person in this situation
5 was Jeron Cook, the defendant.

6 Apparently, Weathers was attracted to William
7 and called him her boyfriend. But she was short
8 on money. She was a runaway from foster care.
9 She had no job. She was 17 years old. And I
10 don't know that I would approve of her actions,
11 but she had agreed to have sex with Mr. Cook for
12 money. And she tells me -- and I'm sure she will
13 tell you -- that this was not the first time that
14 she had had sex with him. She had had sex with
15 him for money on a previous occasion. She had
16 reached such a desperate point in life that she
17 was -- doing this.

18 On the day that the killing happened or early
19 on -- was actually during the daytime on March
20 17. The shooting actually occurred after
21 midnight on the 18th at about 1:40 or so in the
22 morning, 1:45. The sheriff's department has the
23 records and they will be -- you will be hearing
24 from them as to the time and how long it took
25 them to get there and things of that sort.

1 But if defendant had been calling Ms.
2 Weathers about getting together with her and he
3 had come over to the house at one point to
4 discuss getting together and you -- she will tell
5 you what she told him in regards to it. She was
6 not willing to go as long as William was present.
7 Well, William was there. William Blackwell. She
8 didn't want to is -- well I'll just let her tell
9 you her story in regards to that.

10 In any event, some time late that night,
11 shortly after midnight, William informed two
12 women, Audja and Shameikkico Weathers, that he
13 was going to the store. So after he had left and
14 gone to the store and they had decided that he
15 was gone, Weathers calls up the defendant, Jeron
16 Cook, and tells him that William is gone and Cook
17 comes over. And of course, what happens is
18 William Blackwell comes home and when he walks in
19 the house and flips on the light in the bedroom,
20 there was Jeron Cook with his pants in one hand
21 and apparently a pistol in the other. And he
22 began to shoot. And the first shot -- I don't
23 know -- he was shot three times. Where the first
24 shot hit him, nobody knows. But he had one shot
25 that hit him in the left arm and entered his

1 chest and that shot was the one that would have
2 killed him. It was fatal.

3 He turned and ran and Audja Blackwell will
4 tell you what he did and Shameikkico Weathers
5 will tell you what he did. He ran through the
6 living room to another bedroom. And on the way,
7 he was shot two more times. He was shot from the
8 buttocks one time and he was shot in the chest,
9 in the back. He was shot twice in the back, once
10 in the buttocks and once up high in the chest.
11 The chest shot would also have killed him.

12 You would hear from the doctor who examined
13 the body at autopsy that she got two rounds out
14 of him. Apparently, both of these chest shots
15 the bullets happened, or stopped, inside
16 somewhere. And when she opened him up to do the
17 autopsy, she retrieved the bullets.

18 Also Mrs. Blackwell, Audja Blackwell, will
19 tell you she ran behind her brother because she
20 had an infant child from the bedroom. She was
21 running towards him and before she got to the
22 door, she was shot in the buttocks. And you will
23 hear from her in regards to that.

24 Ladies and Gentlemen, William Blackwell was
25 an unarmed man. He came home and was surprised

1 to find this guy in the house and he was
2 unprepared for it. He had no weapon. I'll tell
3 you why I submit to you that he had no weapon.
4 The sheriff's department worked this scene and
5 they retrieved all the casings off the floor.

6 Most of you are probably knowledgeable or
7 know something about semiautomatic pistols. Most
8 of you probably know, every time you pull the
9 trigger, it ejects an empty cartridge on the
10 floor. And they collected five, the cases, the
11 empty hulls. The bullet had left but the

12 cartridge was on the floor. They got cartridges
13 and all were 40 caliber cartridges. And the SLED
14 firearms man is going to say they were all fired
15 by one gun and that one gun was handled by Jeron
16 Cook. And of course there was only one gun found
17 there.

18 Also, the sheriff's department recovered five
19 bullets, five pieces of lead that were found
20 there at the -- well they weren't found at the
21 scene. Three were cartridges at the scene and
22 what were found in the body when they did the
23 autopsy. All five of those were fired by a 40
24 caliber weapon just like these cartridge casings.

25 Another factor that makes -- that I submit

1 might have some influence on your decision as to
2 whether William was armed is he was shot twice
3 from the back. He was shot three times total,
4 once up front, twice from the back. But as he
5 ran across this living room -- this is going to
6 be the testimony. I submit to you that will be
7 the is -- the shooting started over here.

8 (Motioning.) This is the front door. This is the
9 living room. The shooting started over here.
10 This is where Ms. Weathers and the defendant were
11 sleeping or having intercourse and this was the
12 bedroom she normally lived in with William
13 Blackwell.

14 Anyway, when the shooting -- when William
15 entered the room, Jeron Cook shot him. William
16 ran out. And you will see some blood along the
17 door and the wall. But he ran in that direction
18 in that bedroom, and his body was found right
19 there in the bedroom. And there's a bed right
20 inside. And he fell up against the bed and --
21 and the defendant came around and went out this
22 front door.

23 Of course, I believe the testimony will be
24 and I submit to you will be that he fired. And
25 on the way out, and the wounds -- the wounds to

1 the back side of both Audja and William Blackwell
2 would seem to substantiate that. You will also
3 see the bullet holes in the wall and we have
4 photographs that will be shown to you to show you
5 what happened and how it fits with what the
6 witnesses say.

7 Another reason I submit to you to conclude
8 that William Blackwell was an unarmed man is
9 this. The sheriff's department has a kit they do
10 in cases of this type. They call it a gunshot
11 residue kit. The firearm man from SLED will tell
12 you about how the gunshot residue thing works and
13 effectively what happens when you fire a gun.
14 You might not see a cloud of smoke around it, but
15 a little bit of powder comes out around the
16 cracks and crevices of the gun or of a pistol,
17 and it gets on your hand. And what they do is
18 they have a kit with some chemicals in it and
19 some swabs that will swab the hand. They swab
20 the back side of the left hand and the right
21 hand, both hands.

22 If they swabbed the hand of William
23 Blackwell, there was nothing there. No gunshot
24 residue. They swabbed the hand of this woman
25 here, Audja Blackwell, both sides, both hand,

1 nothing there. They swabbed the hands of
2 Shameikkico and there was nothing there. And the
3 SLED man is going to tell you this, that if the
4 gun has been recently fired, the gun will have
5 that kind of stuff on it. Of course, the
6 sheriff's department didn't find a gun there.
7 There was no gun there to find. If these women
8 had handled the gun after the thing happened the
9 gunshot residue would have been on their hands
10 because they handled a gun with the stuff on it.

11 Ladies and Gentlemen, Jeron Cook came to this
12 home with malice in his heart. He came armed.
13 He came ready for trouble. He could have avoided
14 all the trouble. You might saying, oh, these
15 women were at fault, they shouldn't have done
16 this and the other.

17 And I submit to you, I'm inclined to agree
18 with you to some extent on that. They used
19 extremely poor judgement. But the main man, the
20 guy with the pistol, sits right there and he
21 could have avoided the whole thing, and he knew
22 that William Blackwell was over there, and he
23 knew the connection between William and this
24 woman, and he went with that gun and he went for
25 a purpose. He had the power to stop what

1 happened there.

2 Ladies and Gentlemen, I thank you for your
3 attention. And throughout this case, that's what
4 we're asking for is your attention. We submit to
5 you, at the end, you conclude the defendant is
6 guilty as charged.

7 **THE COURT:** Thank you, Mr. Conner.

8 Mr. Finney.

9 **MR. FINNEY:** May it please the Court, Your
10 Honor.

11 **THE COURT:** Just one moment. Let him get
12 that out it have the way.

13 **MR. FINNEY:** Your Honor.

14 **THE COURT:** Yes, sir.

15 **MR. FINNEY:** Mr. Conner, Ladies and
16 Gentlemen, I thought I was feeling pretty
17 uncomfortable because of the heat in here and
18 then my colleague got up and started talking.
19 And the more he talked, the more uncomfortable I
20 got. And I think I'm going to just say it to you
21 like this, the reason we're here, as the Judge
22 told you, is to find the truth. The truth isn't
23 always pretty when we find it. Sometimes it's
24 not easily packaged. Sometimes it's not
25 sweet-smelling.

1 The truth in this case is that Mr. Cook, my
2 client, 27 years old, went to school at Bates for
3 a while and then Sumter High for a while. Father
4 of three children. Mr. Cook did use some poor
5 judgment because he thought that he could trust
6 this young lady that he was having a romance
7 with. And yes, in fact, it was poor judgment
8 because he was paying this lady to have romance.
9 That's the part of this story that's not pretty.

10 But the part of this story is that that young
11 man, Jeron Cook, didn't murder him. And the
12 facts of the matter are going to be that when you
13 get through the facts in two or three days of
14 this case, you're going to see that Jeron Cook
15 did what the law says he could do. He acted on a
16 reasonable belief that he was getting ready to
17 get beat up or hurt up because he was in this
18 man's house.

19 Let me say you something to you that Mr.
20 Conner -- if I've got to admit to you, in this
21 statement he just gave, Jeron Cook didn't know
22 William Blackwell. Jeron Cook never met William
23 Blackwell. Jeron Cook had no beef with Mr.
24 Blackwell. So Mr. Conner say these ladies used
25 poor judgment. No, it's worse than that. These

1 ladies put that young man in a bad situation and
2 he had only one reasonable way of coming out of
3 it.

4 Ladies and Gentlemen, it is after midnight.
5 He has been on the phone with this girl, one or
6 more of these girls all day long back and forth.
7 They call him, he calls them. They talk. "When
8 can you come over?" "I want to come over now."
9 "No, you can't come over now." You'll find out
10 about all that.

11 But what I want you to understand is when you
12 got picked this morning you thought this was a
13 murder case and didn't know what to expect. After
14 you've heard Mr. Conner and me, you'll find out
15 this case has a whole other side to it. This
16 young man was in a house with a woman doing what
17 young people do at midnight or a few minutes
18 after. He comes to this house and lets this man
19 in the house who doesn't even have a key. You
20 wait. You will see the proof of where Blackwell
21 lives, because on the police record, it is not at
22 Patricia Drive. Mr. Blackwell lives in another
23 city. That's going to be the proof you're going
24 to hear. He couldn't get in that house that
25 evening without permission from his sister

1 because it wasn't his house. That's if proof
2 you're going to see.

3 That young man there is standing in the room
4 with a woman having intercourse not worrying
5 about things, not having any problems, enjoying
6 himself. Mr. Blackwell comes in that house.
7 He's the one that's upset. You're going to find
8 from the medical record he's the one that's full
9 of certain illegal substance. He's the one that
10 comes in and cuts the light on and opens the
11 door.

12 What you find then is what Jeron Cook had to
13 deal with, that there was no way out, that he did
14 not bring about this situation on himself and
15 that there was only one reasonable belief and
16 that was that he was in somebody's house who was
17 going to hurt him and that's what he did, trying
18 to get his pants on. He acted in self-defense by
19 taking out a pistol that he had with him and
20 shooting this man in the chest to stop him from
21 getting any closer.

22 We believe that the first shot was a head
23 wound shoot. There may have been other shots
24 fired from the melee. The house was dark. There
25 were other people there. You will hear the

1 facts. When you hear the facts, you will know
2 that young man acted in self-defense, that these
3 ladies and this man Mr. Blackwell were not about
4 the business of being good citizens and friendly
5 people and that they put him in a situation that
6 he only had one course to react.

7 I believe when you hear all of the evidence
8 you will say this man acted under the self-
9 defense that Judge Young is going to charge you
10 as a reasonable person would act from those
11 situations and from that circumstance. If you
12 find that he can rely on the defense of
13 self-defense and he can go back to his family and
14 back to his life -- he has waited one year and
15 one month and one day to have this trial. He has
16 come to you because he's not trying to hide
17 anything.

18 We're going to have pictures of the house,
19 drawings of the house. We're going to try to
20 bring you as much information as you can -- as
21 can be given to you. Because when you weigh it
22 all and you use your common sense and talk to one
23 another and use your experience, you're going to
24 see this young man did not have the intent to
25 harm anybody.

1 The reason they got him charged with Assault
2 and Battery with Intent to Kill is because the
3 young lady got injured in the buttocks and
4 there's not one scintilla of proof that he was
5 mad with her or upset with her but just that he
6 was shooting in a way to get out of that house,
7 and she may have accidentally gotten shot.
8 That's not a charge. That's not something you
9 should find him guilty of.

10 The young man is charged with murder. He is
11 not guilty of murder. He didn't know the man.
12 He didn't have any intent to harm the man. He
13 only reacted to what the man started by coming in
14 that room after midnight that night. Listen to
15 the evidence. Listen to all the evidence. Make
16 up your mind after you've heard it all and you
17 will find this is a case of self-defense. Thank
18 you very much.

19 Mr. Conner.

20 **MR. CONNER:** Call Lieutenant Roger Carter.

21 **ROGER CARTER**

22 having first been sworn, testifies as follows:

23 **DIRECT EXAMINATION**

24 **BY MR. CONNER:**

25 **Q** Lieutenant Carter, where do you work?

1 **A** Sumter County's Sheriff's Department..

2 **Q** What do you do for the Sumter County
3 Sheriff's Department?

4 **A** Lieutenant in the patrol division.

5 **Q** How long have you been with the sheriff's
6 department?

7 **A** 18 years.

8 **Q** What does a lieutenant do with the patrol
9 division?

10 **A** Basically, I supervise all the other deputies
11 in patrol working on that shift, assist with the

12 calls, go to major crime scenes.

13 **Q** Tell us something about your training as a
14 police. When you first started out, where did you go?

15 **A** I worked at the State Department of
16 Corrections prior to coming to the sheriff's
17 department and came to the sheriff's department,
18 attended the academy, and worked patrol for several
19 years, worked warrants division, went back to patrol.

20 **Q** You've been doing that for 18 years?

21 **A** Yes, sir.

22 **Q** Back on March 18, 2009, did you have occasion
23 to go over to West Patricia Drive in response to this
24 case?

25 **A** Yes, sir. I did.

1 Q Tell us about what time you got called and
2 what time you got there.

3 A It was approximately ten minutes to 1:00 in
4 the morning, I believe. I was right from that
5 vicinity. I was there within a few minutes.

6 Q Okay. And who else arrived with you? Were
7 other people on the shift that went with you?

8 A Deputy Harvin and Sergeant Green.

9 Q And were y'all all in different cars?

10 A Yes. Yes, sir.

11 Q And tell us what you saw when you got there.

12 A When I got there Deputy Harvin and myself
13 entered the residence. We found the deceased and a
14 female holding the deceased in a bedroom to the right.
15 We checked the other rooms. There was no one else in
16 the house.

17 Q When you go to the scene of a shooting like
18 that one, what's the first thing you do?

19 A Clear the residence. Make sure there's no
20 suspect there, maintain the evidence if you see any
21 evidence, control it so it won't be destroyed or taken
22 away.

23 Q Did you see anybody else there other than
24 this female and the deceased?

25 A That was it at that time, sir.

1 Q Where was he located?

2 A We went in the front door through the living
3 room and it was the bedroom to the right.

4 Q I'll show you here State's Exhibit number 17
5 and ask you to step to the side there and point it
6 out.

7 A Yes, sir. It is upside down. (Pointing.)
8 We entered the front. You could see them right here
9 just inside this door way. We also -- I believe
10 Deputy Harvin stood here and I cleared the rest of the
11 house to make sure no one else was here and, of
12 course, we called for an ambulance.

13 Q This woman that was there, was that
14 Shameikkico Weathers?

15 A Yes, sir.

16 Q Did you have any conversation with her?

17 A She was almost in shock.

18 Q What was she doing when you got --

19 A She was holding Blackwell.

20 Q What was Blackwell's condition?

21 A He wasn't breathing.

22 Q Was EMS also called?

23 A Yes, sir.

24 Q And while you were there, did EMS respond to
25 the scene?

1 **A** Yes, sir. They did.

2 **Q** And did they examine the fellow?

3 **A** Yes, sir. They did.

4 **Q** What did they do after they located him?

5 **A** They basically verified he was deceased.

6 **Q** Did y'all ask Ms. Weathers to go outside?

7 **A** Yes, sir. She was shaken up real bad.

8 Sergeant Green escorted her out.

9 **Q** And where did he put her?

10 **A** In his patrol car.

11 **Q** Sergeant Green is one of the people that
12 works on your shift for you?

13 **A** Yes, sir.

14 **Q** Did you see any weapons in the house?

15 **A** No, sir. We did not.

16 **Q** Did you see any signs in the house of
17 gunfire?

18 **A** Yes, sir, definitely.

19 **Q** Other than the deceased with bullet holes in
20 him, what else did you see?

21 **A** There were several shell casings on the
22 floor. Saw a few shell casings. No bullet holes in
23 the walls. Saw bullet holes in the door, what
24 appeared to be blood on the walls.

25 **Q** This woman over here, Audja Blackwell, was

1 she there when you got there?

2 A No, sir.

3 Q Did you -- did some other officer on your
4 shift stop her vehicle?

5 A Yes, sir, about a block and a half away.

6 Q Were you aware of what was happening there?

7 A Yes, sir, I knew she was shot and an
8 ambulance responded there also.

9 Q Okay. And did you actually pass in -- in
10 going to this house on Patricia Drive did you actually
11 pass where the officer had stopped her?

12 A Yes, sir.

13 Q How about the vehicle that she was driving
14 what did y'all do with it?

15 A It was an old, large van. I had the officer
16 call for a wrecker and we had it towed and impounded.

17 Q Is that a secured area?

18 A Yes, sir, it is.

19 Q Do you know who took her from where the
20 vehicle was stopped to the hospital?

21 A I believe it was EMS, the ambulance.

22 Q And how far was it from the Patricia Drive
23 residence to where her vehicle was stopped?

24 A At the most a block and a half.

25 Q Okay. Answer any questions the defense

1 lawyer might have.

2 **THE COURT:** Mr. Finney.

3 **CROSS-EXAMINATION**

4 **BY MR. FINNEY:**

5 **Q** Lieutenant Carter.

6 **A** Yes, sir.

7 **Q** Were you the first officer at the scene?

8 **A** Deputy Green was there first. I believe I
9 was there third. We were all there within a minute or
10 two.

11 **Q** You say you got there about -- according to
12 your testimony 45 minutes after 12.

13 **A** I believe that's when we got the call.

14 **Q** All right. Now, Officer Harvin is a Sumter
15 police officer. Is he a --

16 **A** Deputy.

17 **Q** Deputy sheriff?

18 **A** Yes, sir.

19 **Q** He works with you at the deputy's office?

20 **A** Yes, sir.

21 **Q** He's a corporal. You're a Lieutenant?

22 **A** Yes, sir.

23 **Q** He would have been under your supervision?

24 **A** Yes, sir.

25 **Q** Why did he write up the incident report for

1 this matter?

2 **A** I believe he was actually the first person
3 there.

4 **Q** He was probably the first guy to get on the
5 property?

6 **A** Yes, sir.

7 **Q** Who was the officer that stopped Audja
8 Blackwell driving away in the vehicle?

9 **A** Deputy Yelton.

10 **Q** Yelton?

11 **A** Yes.

12 **Q** Deputy Yelton got Ms. Audja from a van. You
13 call it a large older van.

14 **A** I believe so.

15 **Q** She was a block and a half away from the
16 house?

17 **A** Approximately.

18 **Q** Was anybody with her?

19 **A** I don't think so.

20 **Q** All right. So she left the housing driving
21 the van. Did she ever tell you or anybody that you
22 know of where she was going?

23 **A** She didn't -- I didn't have contact with her
24 sir.

25 **Q** Do you know who made the call to the officers

1 or the EMS, 911 to say there's been a shooting at West
2 Patricia Drive, please send help?

3 **A** No, sir.

4 **Q** A year and a month and a day have gone by and
5 you don't know anything about who came first?

6 **A** Sir, who called first?

7 **Q** Who called 911 from the house?

8 **A** That, I don't know.

9 **Q** Did you see any children at the house when
10 you got there?

11 **A** No, sir, didn't see any children.

12 **Q** And you say you saw a few shell casings.

13 **A** Yes, sir.

14 **Q** And you didn't moved them. You left them
15 where they were?

16 **A** Yes, sir.

17 **Q** And do you remember how many you saw?

18 **A** One here, one there. Too many.

19 **Q** Did you file any kind of official report for
20 the police file for the case file in this matter? Did
21 you sign or fill out a report?

22 **A** No, sir, I didn't.

23 **Q** You or? Under your supervision, you
24 requested that a tow truck driver take the tow -- tow
25 the vehicle that Miss Audja was driving and take it?

1 A No, sir. I advised them to do that, made a
2 request.

3 Q You told officer Yelton?

4 A Yes, sir.

5 Q To get a truck driver to pull the vehicle?

6 A Yes, sir.

7 Q Do you know if that vehicle was ever
8 searched?

9 A Yes, sir, I believe so.

10 Q You know who did it?

11 A I believe he's standing behind you, sir.

12 Q Who did it?

13 A Investigator Bean.

14 Q Do you know when he would have looked at the
15 truck to search it?

16 A I don't know.

17 Q What was the state of Ms. Weathers when you
18 saw her? You said he was upset.

19 A Extremely.

20 Q What was she dressed in?

21 A I really don't recall.

22 Q She had clothes on?

23 A Yes, sir.

24 Q She have shoes on?

25 A I believe so. I can't say for sure.

1 **Q** You would admit from the time the call was
2 made from the house, whoever made the call, it took
3 several minutes for the police to get to the house?

4 **A** A few minutes, I believe.

5 **Q** A few minutes. During that time, if Ms.
6 Blackwell was in the house and got shot, she left the
7 house, cranked up the truck and drove a block and a
8 half away.

9 **A** Yes, sir.

10 **MR. FINNEY:** Nothing further. Thank you.

11 **THE COURT:** Any redirect?

12 **MR. CONNER:** I have nothing further at is
13 this time.

14 **THE COURT:** Thank you. You may step down.

15 Any objection to this officer being excused
16 for the balance of the trial?

17 **MR. FINNEY:** No objection.

18 **MR. CONNER:** Your Honor, at this time, I'm
19 going to call Shameikkico Weathers.

20 **THE COURT:** I tell you what, Mr. Conner,
21 since you -- this can be -- how long you think
22 this testimony will take?

23 **MR. CONNER:** At least 30 minutes.

24 **THE COURT:** I'm going to go ahead and give
25 the jurors a break. It is hot in here. I think

1 everybody will need a break, so we will take more
2 breaks than usual.

3 Ladies and Gentlemen, I'm going to dismiss
4 you to the jury room. Do not discuss the case
5 with anyone or amongst yourselves. We'll give
6 you about a 15 minute break. Court will be in
7 recess until -- everybody else remain seated
8 until the jury leaves -- be in recess until 25
9 after.

10 (WHEREUPON, the jury enters the courtroom.)

11 THE COURT: Ladies and Gentlemen, I found if
12 we don't move a whole lot, it doesn't seem quite
13 as hot in here.

14 Ready, Mr. Conner?

15 MR. CONNER: We are ready.

16 THE COURT: Call your next witness.

17 MR. CONNER: Call Shameikkico Weathers.

18 SHAMEIKKICO WEATHERS

19 having first been sworn, testifies as follows:

20 DIRECT EXAMINATION

21 BY MR. CONNER:

22 Q Ms. Weathers, how old are you?

23 A I'm 18.

24 Q At the time that William Blackwell was
25 killed, how old were you?

- 1 **A** 17.
- 2 **Q** Where were you living at the time?
- 3 **A** In Red Bay area.
- 4 **Q** In the Red Bay area?
- 5 **A** Yes, sir.
- 6 **Q** Was that on Patricia Drive?
- 7 **A** Yes, sir.
- 8 **Q** Before you moved into Sumter County, where
- 9 were you living?
- 10 **A** In Columbia, South Carolina.
- 11 **Q** Were you in foster care in Columbia?
- 12 **A** Yes, sir.
- 13 **Q** How long had you been in foster care?
- 14 **A** Since I was little. Since I was basically
- 15 born.
- 16 **Q** Since you were born. So could you tell us
- 17 some of the places you've lived?
- 18 **A** Basically from Columbia and then I stayed at
- 19 Alcolu. And that's probably it.
- 20 **Q** When you stayed in Alcolu, that was down in
- 21 Clarendon County?
- 22 **A** Yes, sir.
- 23 **Q** Who did you live with there?
- 24 **A** With a foster mother, who is their aunt.
- 25 **Q** She was the aunt of Audja Blackwell?

1 **A** Yes, sir.

2 **Q** And William Blackwell?

3 **A** Yes, sir.

4 **Q** So that's how you got to know the Blackwell
5 family?

6 **A** Yes, sir.

7 **Q** Now, in the early part of 2009, had you come
8 over here from Columbia?

9 **A** Yes, sir.

10 **Q** And who were you living with when you first
11 got here?

12 **A** Barbara Blackwell.

13 **Q** Barbara Blackwell?

14 **A** Yes, sir.

15 **Q** Is she from the courtroom?

16 **A** No, sir.

17 **Q** What kin is she to Audja Blackwell?

18 **A** Sisters. They're sisters.

19 **Q** They're sisters. Now what brought you to
20 move from Barbara's house over to Audja's house?

21 **A** William Blackwell.

22 **Q** You what?

23 **A** William Blackwell.

24 **Q** William Blackwell. Tell us about that.

25 **A** We started messing around. And one day --

1 one night after the club, I went over there. And he
2 didn't want me to go back over there. I went over
3 Audja house. And he didn't want me to go back to
4 Barbara house, so I just stayed at Audja house.

5 Q You stayed at Audja's house?

6 A Yes, sir.

7 Q Did William stay there?

8 A Yes, sir.

9 Q So y'all were effectively living together; is
10 that --

11 A Yes, sir.

12 Q And how many people were living in that
13 house?

14 A Me, Audja and her kids so --

15 THE COURT: Ms. Weathers, please speak to the
16 microphone.

17 THE WITNESS: It was me and Audja and her two
18 kids and Ice Cream. That's five.

19 BY MR. CONNER:

20 Q Ice Cream. Who is Ice Cream?

21 A William Blackwell.

22 Q That was his nickname?

23 A Yes, sir.

24 Q So you were living with William, but both of
25 y'all lived there with Audja and her kids?

1 A Yes, sir.

2 Q And there were two kids you say?

3 A Yes, sir.

4 Q They were small?

5 A Yes, sir.

6 Q Huh?

7 A I think they're a year apart. I don't even
8 know their age.

9 Q Did they go to school or --

10 A Yes, sir.

11 Q -- were younger than school?

12 A They're elementary school.

13 Q Elementary. Now how did you get to know
14 Jeron?

15 A I really didn't know him. He came over one
16 night. And he told Audja he wanted to talk to me or
17 whatever but he never came back to the room because
18 there was another boy in the living room. And he
19 jumped out the window or whatever. So the next time I
20 seen him, he told me he was going to give me anything
21 I want, which was like money-wise. So I start just
22 started doing it to him.

23 Q You were having sex with him for money?

24 A Yes, sir.

25 Q Did you have sex with him several times or

1 just one time?

2 **A** Only had sex with him two times.

3 **Q** Two times?

4 **A** Yes, sir.

5 **Q** How about the night of March 18, 2009?

6 **A** That was the second time.

7 **Q** That was the second time.

8 **A** Yes, sir.

9 **Q** You had had sex with him at least once
10 before?

11 **A** Yes, sir.

12 **Q** Now, on that particular day before midnight,
13 it would have been some time during the day on March
14 17, did you communicate with him in any way?

15 **A** Yes, sir. Earlier that morning, he kept like
16 calling Audja's phone for me, you know, back to back.
17 And we wasn't answering so I -- he kept calling. And
18 I guess Audja answer the phone. And he asked where I
19 was at. And I wasn't around her so she told him I was
20 going to call him back whenever I get around her or
21 whatever. So he called back or something like that.
22 And he came by the house. And we talked at the door
23 for a while. He asked me was my boyfriend at the
24 house. And I told him yeah. And he asked me when
25 could I come back and see him. And I said Ice Cream

1 is in there now. And he said we going to get from the
2 car tell him you'll be back. And I said because he in
3 there -- and I said when. And I said I'll call you
4 later. And he said make sure you call me later. So
5 he said all right.

6 So he -- he called the phone back and kept
7 asking me when. And I told him I was going to call
8 back and when -- about ten or eleven o'clock that
9 night, Ice Cream was on the phone with somebody. And
10 he tell me he was going to get them at the store. And
11 I said go ahead and do it now so we called when we

12 found Ice Cream was leaving. And he said give him 20
13 minutes.

14 And then Ice Cream leave. And he said call
15 him back when Ice Cream leave. And he said call him
16 back. And he said well give him 20 minutes. So we
17 gave 20 minutes. And then he said is everything
18 straight. I said yeah. He came and knocked on the
19 door. And he opened it.

20 Q So William Blackwell, who you call Ice Cream,
21 had gone to the store?

22 A Yeah he said he was going to the store but he
23 would be right back but was going with somebody?

24 Q Tell me about what Jeron Cook know about
25 William Blackwell.

1 **A** I don't think he knew much about him. I
2 don't even know him so I don't know what he knew about
3 William.

4 **Q** You told him that William was there?

5 **A** Yeah.

6 **Q** And you called William your boyfriend; is
7 that right?

8 **A** Yes, sir.

9 **Q** And he knew that William was Audja's brother,
10 didn't he?

11 **A** Yes, sir. I believe so.

12 **Q** He kept calling you?

13 **A** Yes, sir.

14 **Q** And you called him back and told him when
15 William had left to go to the store?

16 **A** Yes, sir.

17 **Q** And your purpose was to -- for money?

18 **A** Yes, sir.

19 **Q** Did you have a job?

20 **A** No, sir, I was a runaway.

21 **Q** You were a runaway?

22 **A** Yes, sir, so I couldn't get a job.

23 **Q** You mean you ran away from foster care in
24 Columbia?

25 **A** Yes, sir.

1 Q And you lived in foster care all your life?

2 A Yes, sir.

3 Q After the defendant got there what did y'all
4 do

5 A Excuse me?

6 Q After Jeron Cook arrived at where -- at the
7 house there, what did y'all do?

8 A He said come here, let me talk to you in the
9 room. And we went in the room.

10 Q You went in the bedroom?

11 A Yes, sir.

12 Q Did you have sex with him?

13 A Yes, sir.

14 Q And while you were having sex tell us what
15 happened.

16 A Ice Cream knocked on the door. And I jumped
17 up. And I put my pants on. And by the time I got out
18 the door, Ice Cream was right there at the door.

19 Q At which door?

20 A At the room door. He already came through
21 the front door but he had knocked. And he said who is
22 it. And he said Ice Cream. And when he said Ice
23 Cream, I hurry up put my pants on. And Audja opened
24 the door for him or whatever. And by the time I got
25 out the door, he was right there. And he pushed the

1 door. And he just looked at him. And he said,
2 "What's up, bro."

3 Q Who said "what's up, bro"?

4 A Ice Cream. He said "what's up, bro".

5 Q Was the light on in the bedroom?

6 A Yes, sir.

7 Q Who cut it on?

8 A I really don't remember who cut the light on.
9 I know it was on though.

10 Q So Ice Cream or William Blackwell went
11 through the bedroom door and who was in there?

12 A Me and -- me and Jeron.

13 Q Okay. I thought you said you'd come out of
14 the bedroom.

15 A It was like out the door of the bedroom.

16 Q So you were out the door of the bedroom?

17 A Like a foot out the door.

18 Q You could see what was going on in the
19 bedroom?

20 A Yeah, it's like from the bedroom door.

21 Q Tell us what you saw happened.

22 A When Ice Cream said "what's up, bro", only
23 thing I seen was he just started shooting him.

24 Q Who started shooting?

25 A Jeron. He started shooting and -- Ice Cream

1 -- he shot a couple times the first time. Ice Cream
2 went back and he ran towards the wall or whatever.
3 And he came out the room and started shooting. And
4 Ice Cream was --

5 Q Who was doing the shooting?

6 A Jeron.

7 Q Cook?

8 A Yes, sir.

9 Q What was Ice Cream doing?

10 A He was trying to go into Audja's room.

11 Q He was running the other way?

12 A Yes, sir. He was leaning on the wall, like,
13 from the living room. He was leaning on that wall.
14 And when he came out, the room, he was, like, still
15 coming in to the room. And they just got -- Audja and
16 Ice Cream got stuck -- when he was coming out he
17 started shooting until he got out the door. And Ice
18 Cream had done fell on the floor. And I just ran over
19 there to him.

20 Q When you got to Ice Cream, what did you find
21 there?

22 A I ripped his shirt off. And I just seen the
23 bullet holes and stuff like that. That's what I seen.

24 Q Did he ever say anything to you?

25 A When I started talking to him, he couldn't

1 talk. He was still coming -- like his mouth was --
2 the blood and stuff was coming out his mouth and his
3 hand and stuff was all stuck and stuff like that. And
4 I like squeezed his hand. He didn't squeeze it back
5 or nothing like that. And his chest started swelling
6 up and he died.

7 Q Did Ice Cream have a gun?

8 A No, sir.

9 Q Had you ever seen him with a gun?

10 A No, sir.

11 Q Now who called 911?

12 A Audja.

13 Q Audja called 911?

14 A Yes, sir.

15 Q Did they come pretty quick?

16 A Yes, sir.

17 Q Not as quick as you would have liked for them
18 to come?

19 A (Nods head.)

20 Q But they came?

21 A Yes, sir.

22 Q And it wasn't long?

23 A Sir?

24 Q It wasn't long?

25 A No, sir.

1 Q I want you to come down here and stand there.
2 Hold that if you would. This is State's Exhibit
3 number 1. Let it rest on there. You got it?

4 A Yes, sir.

5 Q Don't let it turn over. I got it. Now you
6 hold this. Show us the bedroom that you were in
7 having sex with the defendant.

8 A This one. (Motioning.)

9 Q That's the bedroom?

10 A Yes, sir.

11 Q Where is the front door of the house?

12 A Right there. (Motioning.)

13 Q Okay. When Ice Cream came home, you say you
14 had got up out of the bed and where had you gone to?

15 A Right here. (Motioning.) I stood -- this is
16 the door I stood right -- I just walked right out the
17 door, one foot out the door.

18 Q Put an S there for you.

19 A (Drawing.)

20 Q Now where did Ice Cream go?

21 A Like right here. (Motioning.)

22 Q So he just walked inside the door?

23 A Uh-huh. He was in front of me and Audja.

24 And Audja was right here. Right here.

25 Q So Audja was right here?

1 **A** Yes, sir.

2 **Q** Put a little circle around -- okay.

3 (Motioning.) Put a circle around Ice Cream.

4 **A** (Drawing.)

5 **Q** Where was the defendant?

6 **A** In the middle of the bedroom, like under --
7 the bed is on the wall. And that's the bed. And
8 that's the dresser. And all this junk was right here.
9 So he was standing here right by the light -- under
10 the light.

11 **Q** When Ice Cream was first shot he was standing
12 right there where you got it circled?

13 **A** Uh-huh.

14 **Q** And --

15 **A** And he never moved and --

16 **Q** Did he go any further into the room? Did he
17 turn around and retreat?

18 **MR. FINNEY:** Objection. He's leading the
19 witness, Your Honor.

20 **THE COURT:** Rephrase your question.

21 **BY MR. CONNER:**

22 **Q** What did he do? Show us what --

23 **A** Ice Cream he never came further than right
24 here. Because when he walked in, the only thing he
25 said was what's up and --

1 **Q** Only thing who said?

2 **A** Ice Cream. William. That's the only thing
3 he said. And Hood, they just looked. And he started
4 shooting and Ice Cream tried to run back this way.
5 And like the wall was here. He leaned up against the
6 hallway. And Audja was already trying to -- out of
7 room because (inaudible) was in the room. And Hood
8 ran out the room. So he shot all the way out the room
9 til he got out the room, when he got right here. They
10 was stuck in the door. And I guess that's how they
11 got shot.

12 **Q** They was stuck in the door. Who was --

13 **A** Audja and William.

14 **Q** This door here?

15 **A** Yes, sir.

16 **Q** You say he was leaning up -- Ice Cream was
17 leaning on the wall along the kitchen wall there?

18 **A** Yes, sir.

19 **Q** Put a W right where -- where he fell, where
20 Ice Cream fell on the Floor.

21 **A** He fell on the floor in the room where Jeron
22 Cook is he -- he followed --

23 **MR. FINNEY:** Objection. He's leading the
24 witness.

25 **BY MR. CONNER:**

1 Q Tell us what Jeron Cook did after the first
2 time he shot Ice Cream?

3 A He ran out the room firing his gun and --

4 Q Show us where he ran.

5 A He ran from here all the way out the room.

6 And he went out the front door. And he was shooting
7 as he was running. He never stopped shooting.

8 Q Okay. Have a seat. When had you discovered
9 Audja had also been shot?

10 A When we saw he had been shot, we was sitting
11 there and hollering, all still in shock. When she got
12 her daughter to the door her daughter said, "Mama, you
13 bleeding." And she did like that. And she said,
14 "Mika, I'm bleeding." And she was saying a lot of
15 stuff. And she was like call the police. And she
16 said, "I'm bleeding." And she called the police. And
17 I didn't even see when she got off the phone with the
18 police. She just left in her van.

19 Q You stayed there with --

20 A Yes, sir. William.

21 Q -- William. And you talked with the police
22 after they got there?

23 A Yes, sir. They put me in a car. They didn't
24 -- when they came in, they removed me from the room.
25 And they put this stuff on him. And I was in the

1 living room. And then they just moved me into the
2 police car at the house.

3 Q And the police cleared the scene?

4 A Yes, sir.

5 Q So there wasn't anybody running in around or
6 out of the house? The only person in there was you?

7 A Yes, sir.

8 Q Audja left first?

9 A Yes, Audja and her daughter.

10 Q She took her child with her?

11 A Uh-huh.

12 MR. FINNEY: He's leading again, Judge Young.

13 THE COURT: I'm not sure he was. Overruled.

14 BY MR. CONNER:

15 Q You got in one of the patrol cars after the
16 police got there?

17 A Yes, sir.

18 Q And did you do whatever they asked you to do?

19 A Yes, sir.

20 Q Did they swab your hand?

21 A Yes, sir.

22 Q That gunshot residue test on you?

23 A Yes, sir.

24 Q And did they take you down to the police
25 department?

1 **A** Yes, sir.

2 **Q** And did you talk with them freely and
3 voluntarily?

4 **A** Yes, sir.

5 **Q** At the time this thing happened, Shameikkico,
6 did you know the defendant by the name Jeron Cook or
7 did you know him by some other name?

8 **A** No, I did not know him by Jeron Cook. I knew
9 him by Hood.

10 **Q** You called him Hood?

11 **A** Yes, sir.

12 **Q** So you couldn't tell him that Jeron Cook did
13 it? You didn't know his name?

14 **A** They --

15 **Q** You told --

16 **A** They asked me the name that I knew him by. I
17 told him Hood. And they asked me was that the only
18 one. And I told them yeah.

19 **Q** About five o'clock that morning, 5:00 a.m.
20 did Detective David Florence show you this item here?

21 **A** Yes, sir.

22 **Q** Did you pick out a picture there of --

23 **A** Yes, sir.

24 **Q** And who did you pick out?

25 **A** Number three.

1 Q Number three?

2 A Yes, sir.

3 Q Did you see it?

4 A Yes, sir.

5 Q And do you see that man in court today?

6 A Yes, sir.

7 Q Would you point him out for us?

8 A (Pointing.)

9 MR. CONNER: I ask the record to reflect
10 she's pointing to the defendant.

11 THE COURT: Record will so reflect.

12 MR. CONNER: Jeron Cook.

13 BY MR. CONNER:

14 Q I show you this here that was used at the
15 time you made the identification. Did you sign that?

16 A Yes, sir.

17 Q And what -- does that also indicate the
18 number of the person you picked out?

19 A Yes, sir.

20 Q That was who?

21 A Jeron Cook, number three.

22 MR. CONNER: Your Honor, we would introduce
23 this item, the six photos and the identification
24 form as one exhibit at this point.

25 THE COURT: Objection, Mr. Finney?

1 **MR. FINNEY:** I would like to see the form,
2 Your Honor. (Pause.) No objection.

3 **MR. CONNER:** Just one minute. (Pause.)
4 Ms. Weathers, answer any questions defense
5 might have for you.

6 **(WHEREUPON, State's Exhibit number 5 is admitted**
7 **into the record.)**

8 **CROSS-EXAMINATION**

9 **BY MR. FINNEY:**

10 **Q** Ms. Weathers, where do you live today?

11 **A** In Columbia, South Carolina.

12 **Q** With who?

13 **A** My best friend and her father.

14 **Q** Your best friend and her father?

15 **A** Yes, sir.

16 **Q** Is your best friend here?

17 **A** No, sir.

18 **Q** How long have you been living in Columbia?

19 **A** All my life.

20 **Q** You were living in Sumter last year this time
21 when Mr. Blackwell got shot?

22 **A** Yes, sir.

23 **Q** When did you leave Sumter and move back to
24 Columbia?

25 **A** When William Blackwell got shot.

1 Q You left shortly after Mr. Blackwell got
2 shot?

3 A Yes, sir, the night of.

4 Q Yes?

5 A The night of.

6 Q The night of?

7 A Yes, sir.

8 Q So the night he got shot was your last night
9 in Sumter?

10 A Yes, sir.

11 Q Now you testified that you were a runaway?

12 A Yes, sir.

13 Q And you knew you were a runaway?

14 A Yes, sir.

15 Q And that's why you couldn't tell anybody
16 where you were?

17 A Yes, sir.

18 Q And you knew you couldn't tell anybody, so
19 you decided to keep it undercover?

20 A Yes, sir.

21 Q And so when you left Columbia, they didn't
22 know -- the people who were looking after you didn't
23 know where you were at all?

24 A No, sir.

25 Q Then you moved into Miss Barbara's house down

1 in Alcolu?

2 **A** Down in Sumter, South Carolina.

3 **Q** Mrs. Barber never lived in Alcolu?

4 **A** No, sir.

5 **Q** I thought I heard you testify you moved into
6 somebody's house in Alcolu?

7 **A** That was Ms. Barbara's house.

8 **Q** Your foster mother?

9 **A** Yes, sir.

10 **Q** She was your foster mother from a long time
11 ago?

12 **A** Yes, sir.

13 **Q** You left Columbia, ran away went to this
14 lady's house in Alcolu where you used to live a long
15 time ago?

16 **A** Yes, sir, but I did not go back to Alcolu. I
17 came to Sumter to Barbara Blackwell's house.

18 **Q** That was after you met them after William
19 didn't want you to go back to Barbara's house; isn't
20 that what you testified?

21 **A** No, sir.

22 **Q** I'm going to start over. You were living in
23 Columbia at a foster parent's house?

24 **A** Yes, sir.

25 **Q** You ran away from there?

1 A Yes, sir.

2 Q You went to Alcolu?

3 A No, sir.

4 Q When you left Columbia, where did you go?

5 A To Sumter, South Carolina.

6 Q To Barbara's house?

7 A Yes, sir.

8 Q Barbara was the related to this woman who
9 lived in Alcolu?

10 A Yes, sir.

11 Q Who you used to know?

12 A I still do know her.

13 Q Who you used to live with?

14 A Yes, sir.

15 Q How did you know Barbara?

16 A Because that's her niece. That's their
17 niece. That's my foster's mother's house.

18 Q Did you tell Barbara you were a runaway?

19 A No, sir.

20 Q Did you tell that the people in Columbia had
21 done bad things to you?

22 A No, sir.

23 Q You just showed up at Barbara's house and it
24 was all right for you to stay there?

25 A Yes, sir. And the people in Columbia didn't

1 do nothing bad to me.

2 Q You just ran away because you wanted to?

3 A Yes, sir.

4 Q And when you got to Barbara's house you
5 stayed there until William said I want you to come to
6 Sumter?

7 A I was already in Sumter.

8 Q How much was William paying you? Does he
9 give you a salary? He was looking out for you and
10 buying you things?

11 A No, sir.

12 Q No, sir?

13 A No, sir.

14 Q Nothing?

15 A No.

16 Q He wasn't providing you meals, paying bills
17 at the house?

18 A No, sir.

19 Q At any time when you lived in Sumter, did you
20 pay any rent to anybody?

21 A Yes, sir.

22 Q Who?

23 A Blackwell.

24 Q How were you paying rent?

25 A Through --

1 Q From money you were ascertaining from sex?

2 A Yes, sir.

3 Q You said you were only with him one time.

4 How could you give her money?

5 A That's the only time I paid her one time was
6 once.

7 Q You weren't sleeping with any other men?

8 A No, sir.

9 Q You weren't sleeping at any other men at the
10 house on Patricia Drive and paying them money?

11 A No, sir.

12 Q Did you ever live in Westwood Drive in
13 Manning?

14 A No, sir.

15 Q Did you ever visit Westwood drive in Manning?

16 A Yes, sir.

17 Q Who lived there?

18 A Ice Cream.

19 Q Ice Cream did?

20 A Yes, sir.

21 Q That was his legal residence, wasn't it?

22 A Yes, sir.

23 Q Westwood Drive in Manning, South Carolina?

24 A Yes, sir.

25 Q How come you didn't live at Mr. William's?

1 A Because he was staying with someone, a
2 female.

3 Q He had a female in Manning. He couldn't stay
4 with you there. So he asked you to come live with his
5 sister in Sumter and you moved in with Audja?

6 A Yes, sir.

7 Q Now this event took place on March 18, 2009.

8 A Yes, sir.

9 Q How long had you been living at West Patricia
10 Drive when the event took place.

11 A I started staying there when Ice Cream
12 started staying from. But he just came down here to
13 visit one time. Then he started staying at Audja's
14 house.

15 Q Tell me how long you had been staying at West
16 Patricia Drive?

17 A Nothing but a couple of months.

18 Q A couple of months?

19 A Yes, sir.

20 Q Mr. William was staying in Manning at
21 Westwood Drive and moved in with you?

22 A Yes, sir.

23 Q Now Mr. Cook, to your knowledge, never met
24 Mr. Ice Cream, did he?

25 A Not that I know of.

1 Q And you never introduced him because that
2 wasn't within your -- that wasn't going to be part of
3 your game to let those guys know each other, right?

4 A No, sir.

5 Q So Mr. Hood, you call him Hood, Mr. Jeron
6 Cook, you have had his phone number for a while?

7 A I didn't have his phone number.

8 Q Audja had it?

9 A Yes, sir.

10 Q Audja was the boss lady, right?

11 A Yes, sir.

12 Q Okay. Audja had his phone number, right?

13 A Yes, sir.

14 Q And did you have a cell phone?

15 A No, sir.

16 Q Audja had the cell phone?

17 A Yes, sir.

18 Q So everything had to go through Audja. Audja
19 had Mr. Cook's phone number?

20 A Yes, sir.

21 Q And she could tell Mr. Cook when to come over
22 and when not to come over?

23 A Yes, sir.

24 Q All right. Now did you all -- you said --
25 you said something about Mr. Cook came over to the

1 house one time and he jumped out the window?

2 A Yes, sir.

3 Q At Patricia Drive?

4 A Yes, sir.

5 Q When did he do that?

6 A Yes, sir.

7 Q When did he do that?

8 A That was after me and him ever started having
9 sex for money.

10 Q What was he doing at the house?

11 A I have no idea.

12 Q He didn't come to you?

13 A No, sir.

14 Q He must have --

15 A No, sir.

16 Q He must have, if he jumped out the window?

17 A Only reason was, I guess we had another boy,
18 he was chilling with us. And he said he didn't want
19 the boy to see him.

20 Q Didn't you give the police officers a
21 two-page statement a few hours after you saw Mr.
22 Blackwell pass away?

23 A Yes, sir.

24 Q Didn't they ask you to tell everything you
25 knew about this case?

1 A Yes, sir.

2 Q And you didn't say anything to the police
3 officers about Jeron Cook jumps out any window, did
4 you?

5 A Because at the time --

6 Q Hold on. You didn't say anything about it,
7 did you?

8 A No, sir.

9 Q Now a year later, for the first time ever,
10 you're telling the jury that Jeron Cook was at the
11 house and he jumped out the window because some boy
12 was coming and chilling at the house?

13 A Yes, sir.

14 Q What kind of car did Mr. Blackwell have that
15 night?

16 A He didn't have a car.

17 Q You said that he -- you heard him on the
18 phone talking to somebody, Mr. Blackwell. He said he
19 was going to the store?

20 A Yes, sir. The store is like walking distance
21 up from the house.

22 Q About a block away?

23 A Yes, sir.

24 Q Two blocks away?

25 A Yes, sir.

1 Q So as soon as Mr. Blackwell left the house
2 walking somebody called Mr. Cook and said come on
3 over, it's time to -- let's get it on?

4 A Yes, sir.

5 Q But Mr. Blackwell was down the street a
6 block or two?

7 A Yes, sir.

8 Q You didn't think that was a dangerous
9 situation you were creating for yourself and for Mr.
10 Cook?

11 A No, sir. I did not know Mr. Cook had a gun.
12 If I would have knew he had a gun, he would have never
13 been over there.

14 Q I understand that. You didn't think it was a
15 dangerous situation for Mr. Blackwell to come back to
16 the house and find Mr. Cook there?

17 A Yes, sir.

18 Q You did think of that?

19 A No, I didn't think of it but --

20 Q You didn't think of it?

21 A No, sir.

22 Q Because you were thinking about getting this
23 money and that's all you were thinking about?

24 A That's not all I was thinking about.

25 Q So Mr. Cook comes to the house, right?

1 A Yes, sir.

2 Q And he is -- is he in good -- good spirits?
3 He's happy to see you?

4 A He just came in and said let me talk to you
5 in the room.

6 Q Okay. And you go to the room with him?

7 A Yes, sir.

8 Q The same room you've been in before with him?

9 A No, that was -- this would have been our
10 second time doing it.

11 Q So where were you the first time?

12 A In the same room.

13 Q This would have been the same room you were
14 in with him before?

15 A Yes, sir.

16 Q Right?

17 A Yes, sir.

18 Q And he's in there taking off his clothes?

19 A Yes, sir.

20 Q And you're taking off your clothes?

21 A Yes, sir.

22 Q And you all start making love?

23 A Yes, sir.

24 Q And all of a sudden, you hear a knock on the
25 door.

- 1 **A** Yes, sir.
- 2 **Q** Who is it at the door?
- 3 **A** Ice Cream.
- 4 **Q** How come he can't come in his own house?
- 5 **A** What are you trying to say?
- 6 **Q** He's knocking at the door.
- 7 **A** Yes, sir.
- 8 **Q** He can't get in.
- 9 **A** It's really not his house. It's Audja's
- 10 house.
- 11 **Q** He can't get in, can he, Ms. Weathers?
- 12 **A** No, sir.
- 13 **Q** Who lets him in?
- 14 **A** Audja.
- 15 **Q** Isn't it a fact, when you saw Mr. Cook come
- 16 in that door that night, Audja was sitting right there
- 17 on the living room couch in the front room to the
- 18 house? Isn't that a fact?
- 19 **A** When he came in the house?
- 20 **Q** When he came in the front door that night to
- 21 see you, Miss Audja was sitting there on the couch in
- 22 the living room?
- 23 **A** Who is "he"?
- 24 **Q** Mr. Cook.
- 25 **A** Yes.

1 Q So Mr. Cook walks in, he speaks to you" and
2 speaks to Audja?

3 A Yes, sir.

4 Q And then he asks you to go in the other room
5 because he wants to get with you.

6 A He said come on in the bedroom, let me talk
7 to you.

8 Q And a few minutes later, y'all are undressed
9 in the bed?

10 A Yes, sir.

11 Q Did he ever say, "I'm here to hurt somebody.

12 I can't wait for William Blackwell to come home. I'm
13 going to wait until he gets home so I can hurt him"?

14 A No, sir.

15 Q He saw Miss Audja. He didn't hurt her when
16 he came in the house, did he?

17 A No, sir.

18 Q Y'all are back there doing what you wanted to
19 do?

20 A Yes, sir.

21 Q You heard him knock on the door?

22 A Yes, sir.

23 Q What is the first thing you thought of and
24 did?

25 A I jumped up --

1 Q Cause you were scared?

2 A Yes, sir.

3 Q You were scared. So you left the man you
4 were with and jumped up and tried to put your clothes
5 on?

6 A Yes, sir.

7 Q You said you didn't get to the door before
8 Mr. Blackwell was in the room and had opened the door
9 and cut the lights on?

10 A I said when I opened the door and stepped out
11 the door, that's when I realized Ice Cream was already
12 around the corner.

13 Q So the lights were off and door was closed,
14 true?

15 A Yes, sir.

16 Q And Mr. Blackwell was already there?

17 A Yes, sir.

18 Q And you saw Mr. Blackwell get into an
19 argument with Mr. Cook because Mr. Blackwell did not
20 like the fact that you were there with another man?

21 A That's correct.

22 Q You saw the argument because --

23 A It was not arguing.

24 **THE COURT:** One talk at a time.

25 **MR. FINNEY:** No.

1 **THE WITNESS:** No --

2 **THE COURT:** Ma'am, he will ask a question.
3 You will then answer the question and then he
4 will ask another question.

5 **THE WITNESS:** Yes, sir.

6 **BY MR FINNEY:**

7 **Q** Didn't you hear the argument between Mr.
8 Blackwell and Mr. Cook?

9 **A** No, sir.

10 **Q** Did you know Mr. Blackwell was full of
11 marijuana that night?

12 **A** No, sir.

13 **Q** You hadn't smoked with him?

14 **A** We were smoking marijuana. He wasn't smoking
15 then.

16 **Q** You knew he had been smoking?

17 **A** Yes, sir.

18 **Q** And you knew he had left the house to go see
19 somebody and you didn't know who it was or didn't care
20 how long he was going to be gone?

21 **A** I did care because we called people when he
22 first left.

23 **Q** You called people?

24 **A** Yes, sir.

25 **Q** Other than people beside Mr. Cook?

1 A Yeah. Before Mr. Cook, we called and said
2 where he was going because we thought he was going --

3 Q I see you didn't follow him?

4 A No, sir.

5 Q You had Mr. Cook on the line coming over?

6 A Yes, sir.

7 Q Mr. Cook was standing on the room when Mr.
8 Blackwell got there and cut the lights on. Mr. Cook
9 was trying to get his clothes on?

10 A He was standing with his pants in his hand.

11 Q He was trying to get his pants on, wasn't he?

12 A He had boxers on the floor.

13 Q Tell the jury. Mr. Cook, when he left through
14 the front door, did he have his boxers on?

15 A No, sir.

16 Q Did he have his shoes on?

17 A Not that I know of.

18 Q He left his shoes, didn't he?

19 A Yes, sir.

20 Q And he left his boxers?

21 A Yes, sir.

22 Q He was trying to get out that house in a
23 hurry?

24 A He was shooting and probably forgot them
25 running out of the door.

1 Q The reason is cause he was scared like you
2 were. You saw him; isn't that true?

3 A I don't know. I wouldn't believe he was
4 scared.

5 Q Mr. Blackwell, didn't you see him take off
6 his jacket and throw it on the floor? Mr. Blackwell,
7 didn't you see him take his jacket off?

8 A No.

9 Q You didn't see him?

10 A No, sir.

11 Q Audja was standing behind you?

12 A Uh-huh.

13 Q Is that right?

14 A Yes, sir.

15 Q You said Mr. Cook shot the gun several times.
16 How many times?

17 A I wouldn't know. It was a lot of times.

18 Q It is your testimony that as Mr. Cook was
19 leaving out of the front door with no shoes and no
20 shorts, trying to get his pants on, firing -- he shot
21 the gun and the bullets hit Mr. Blackwell and maybe
22 Ms. -- Ms. Audja?

23 A When Hood first shot, Ice Cream was standing
24 in front -- not directly, but he was in the doorway.
25 And Ice Cream begged him. And Hood leaned out the

1 door and started shooting. They didn't have no kind
2 of argument or nothing he was shooting and shooting.
3 He got to the door.

4 Q After the shooting was over, Ms. Audja left
5 the house --

6 A Uh-huh.

7 Q -- and goes somewhere?

8 A Yes, but she --

9 Q In the van?

10 A She was shot. That's when she found out she
11 was shot.

12 Q Where was the little child when she left?

13 A At the door. She had got the baby while Hood
14 was running out the door. She had went in the room
15 and picked her baby up and they was headed to the
16 door.

17 Q Why wasn't the baby in the truck when the
18 officer saw her?

19 A I have no idea.

20 Q Did you see the baby again that evening?

21 A No, sir. I didn't see the baby in -- I
22 didn't see her until she was out the door or at the
23 door.

24 Q You gave a two-page statement to the officers
25 three hours after this incident. Did you say anything

1 in your statement about there being a baby in the
2 house that night?

3 **A** I said that she was in the room, that she was
4 laying down in the room and Audja went to get her
5 baby.

6 **Q** Is that your statement?

7 **A** Yes, sir.

8 **Q** Look at it. Did you seen?

9 **A** Yes, sir.

10 **Q** Where does it say that the child was in the
11 house that night

12 **A** It doesn't say but ---

13 **Q** Thank you, ma'am.

14 **A** --- everybody knows the baby was in there.

15 **Q** Why was it so important for Ms. Audja to get
16 in the van that night and drive away from the house?

17 **A** Because her daughter was in the house.

18 **Q** You didn't tell the officers the daughter was
19 in the house. And the officers who testified says he
20 didn't see the daughter in the truck. Why was it so
21 important that Ms. Audja leave the house even though
22 she says she was shot and get in that truck and drive
23 away from the house?

24 **A** Because her daughter was there.

25 **Q** Because there were things that had to be

1 taken out of the house?

2 **A** No, sir.

3 **Q** You knew that, don't you?

4 **A** There wasn't nothing in the house.

5 **Q** You were in the bedroom with Mr. Cook when
6 Mr. Blackwell came in.

7 **A** Yes, sir.

8 **Q** You got around Mr. Blackwell. He didn't do
9 anything to you to stop you, to twist your arm, to
10 hurt you in any way?

11 **A** No, sir.

12 **Q** He just let you get out of the room?

13 **A** He was walking in as I was trying to -- you
14 know what he saying. When -- when I first -- that's
15 when he first came around the curb.

16 **Q** When did you get dressed?

17 **A** When I heard the knock on the door, he said
18 who is it. And when he said Ice Cream, I just jumped
19 up -- I just put my shorts back on, I had no underwear
20 or none of that on. I just slipped my little boxers
21 on. And by the time I stood in the door, Ice Cream
22 was already in front of me. He looked. And he looked
23 at Hood. And he said what's up.

24 **Q** Whose phone was laying on the bed in the room
25 where you and Mr. Cook were having sex?

1 A I don't know.

2 Q You don't know?

3 A No, sir.

4 Q You didn't go over the pictures with the
5 investigators later on to say this is a bed and this
6 is the phone we found on the bed?

7 A No, sir.

8 Q You don't know anything about that?

9 A No, sir.

10 Q Did the investigators take you back to the
11 house and walk you through --

12 A No, sir.

13 Q Once you left the house with the
14 investigation that night, you never went back in that
15 house?

16 A No, sir.

17 Q Never?

18 A Never.

19 Q You're saying you or Mr. Blackwell turned the
20 lights on in that room as you were getting out?

21 A I don't know how the lights got turned on. I
22 just know they was on when it was all over.

23 Q When it was all over the lights were on?

24 A Yes, sir.

25 Q You don't know whether they were on when Mr.

1 Blackwell came in the room?

2 **A** I know they was on he came in the room
3 because Hood was --

4 **Q** Don't you remember him cutting them on?

5 **A** No, sir. I --

6 **Q** Do you remember him opening the door or did
7 you open the door?

8 **A** I opened it to get out the door.

9 **Q** The door was closed before Mr. Blackwell came
10 in and the lights were on?

11 **A** Yes, sir. So I probably turned on the light.
12 It was so much going on.

13 **Q** So much going on and all this took place in
14 about one minute didn't it?

15 **A** Yes, sir.

16 **Q** Did you ever hear my client, Mr. Cook, say
17 anything negative towards Mr. Blackwell?

18 **A** No, he didn't say anything.

19 **Q** In the one minute it took for him to get his
20 pants on and get his hand on his pistol, he shot Mr.
21 Blackwell and --

22 **A** He never --

23 **Q** -- and he ran out the front door?

24 **A** He never had his pants on. He had them in
25 his hand.

1 Q He had his pants in his hand. You know where
2 he got the pistol from?

3 A No, sir.

4 Q He didn't have it in his hand on the bed with
5 you, did he?

6 A No, sir.

7 Q When you saw Mr. Cook shoot the weapon was he
8 in the front bedroom where you all had been on the
9 bed?

10 A Yes, sir.

11 Q Did you see him shoot the weapon at all after
12 he left this area and got in to the living room going
13 out the front door?

14 A Yes, sir. He was shooting all the way out
15 the bedroom.

16 Q All the way out?

17 A Yes, sir.

18 Q How many times would you estimate the gun was
19 fired after he left the bedroom, after Mr. Blackwell
20 started running, how many times would you estimate the
21 gun was shot?

22 A I don't know. I just know he just -- every
23 time one shot, it just shot, shot, shot, shot. I
24 can't give you an estimate of how many.

25 Q He wasn't standing there taking aim. He was

1 running, wasn't he?

2 **A** Yes, sir.

3 **Q** Did he have his pants on then?

4 **A** No, sir.

5 **Q** He was trying to get out of the house?

6 **A** He was shooting and running.

7 **Q** No shoes?

8 **A** No shoes and boxers.

9 **Q** No shorts. Had his pants in his hand. Did
10 you speak with Mr. Cook before he went in the bedroom
11 with you about how much you were going to charge him?

12 **A** We had already talked about it or whatever to
13 --

14 **Q** You knew --

15 **A** After we first went in the room, he --

16 **Q** You knew how much you were going to charge?

17 **A** Yes, sir.

18 **MR. FINNEY:** Nothing further.

19 **THE COURT:** Mr. Conner.

20 **REDIRECT EXAMINATION**

21 **BY MR. CONNER:**

22 **Q** Ms. Weathers, did William Blackwell have a
23 gun?

24 **A** No, sir.

25 **Q** Did you see him -- in the time that you had

1 lived there with him at that house, did you see him
2 with a gun?

3 A No, sir.

4 Q Did he make any threats of physical harm to
5 Mr. Cook?

6 A No, sir.

7 Q In fact, his words were what?

8 A "What's up, bro?"

9 Q "What's up, bro?" That's when the shooting
10 started?

11 A Yes, sir.

12 Q So there was no argument?

13 A No, sir.

14 Q And the weapon that was used was a pistol?

15 A I just knew it was a gun.

16 Q Was a handgun?

17 A Yes, sir.

18 Q It wasn't a long gun?

19 A I didn't get a chance to look at the gun.

20 Q It was just all -- all you know is it was a
21 gun?

22 A Yes, sir.

23 Q Did he hold it in his hand?

24 A I guess to shoot it, yes, sir.

25 **THE COURT:** Cross?

1 **MR. FINNEY:** Nothing.

2 **THE COURT:** Thank you. Step down.

3 **JANICE EDWARDS ROSS, MD**

4 having first been sworn, testifies as follows:

5 **DIRECT EXAMINATION**

6 **BY MR. CONNER:**

7 **Q** Dr. Ross, tell us something about what you
8 do.

9 **A** I am a pathologist at Newberry Pathology
10 Associates in Newberry, South Carolina.

11 **Q** What does a pathologist do?

12 **A** A pathologist is (inaudible). I have a
13 bachelor's degree from Upstate Medical Center. And
14 then years of training in -- four years of training in
15 pathology which is the study of disease. If you have
16 anything taken out of you from surgery, for instance,
17 I look at it and diagnose whether it's a tumor or not
18 in one of the laboratories in the hospital. And I'm
19 further qualified and board certified in forensic
20 pathology, which in medical terminology, doing
21 autopsies in situations such as homicides, accidents,
22 suicides, and even natural deaths.

23 **Q** And how long have you been doing this
24 forensic pathology work?

25 **A** 33 years.

1 **Q** And have you worked somewhere other than the
2 State of South Carolina?

3 **A** Yes, in New York state.

4 **Q** And how long have you been in South Carolina?

5 **A** Since May of 2000.

6 **Q** And your office is at Newberry?

7 **A** Yes.

8 **Q** Is it associated with the hospital there in
9 any way?

10 **A** Yes.

11 **Q** At the Newberry County Hospital?

12 **A** Newberry County Memorial Hospital.

13 **Q** Have you testified as an expert in the area
14 of forensic pathology in courts of this state?

15 **A** Yes, I have.

16 **Q** Actually have you testified here in Sumter
17 County previously?

18 **A** Yes.

19 **MR. CONNER:** Your Honor, we would submit
20 she's a qualified expert in the area of forensic
21 pathology.

22 **THE COURT:** Mr. Finney.

23 **MR. FINNEY:** I would have no objection to Dr.
24 Ross being qualified as an expert, Your Honor.

25 **THE COURT:** Ladies and Gentlemen, normally a

1 person cannot testify except to what they've
2 seen, heard, smelled, tasted or through their
3 other senses. However, there's an exception when
4 somebody has expertise, education and experience,
5 they can then give an opinion and -- and there
6 again there are certain areas that qualifies them
7 in that way. This witness is qualified in the
8 area of forensic pathology, so I am going to
9 allow her to give her opinion.

10 Now, Ladies and Gentlemen, that does not mean
11 that you have to accept her opinion. You can
12 take it for what you believe it is worth. And
13 you can take the weight of it and, again, this
14 can be used as just another piece of evidence in
15 your deliberations at the end of the trial.

16 Thank you.

17 You may proceed. She is deemed to be an
18 expert.

19 **BY MR. CONNER:**

20 **Q** Dr. Ross, did you observe the body of William
21 Blackwell from Sumter County on March 18, 2009?

22 **A** Yes, I did.

23 **Q** And could you tell us about your examination
24 of the body.

25 **A** Yes. In the process of an autopsy, we look

1 at the body externally with the clothing on and with
2 the clothing off and then we do an examination looking
3 at each organ.

4 Q What is the purpose of looking at the organs?

5 A To look for injuries, patterns of injuries
6 and/or natural disease.

7 Q Now, did you determine the size of the body
8 that you received?

9 A Yes. We measured him at 67 inches tall, 5
10 feet 7 inches. And we don't have a scale, but we
11 estimated his weight at 170 pounds.

12 Q So he was 5-foot, 7 inches tall and 170
13 pounds?

14 A Estimated, yes.

15 Q Now, tell us about the gunshot wounds that
16 you observed, externally.

17 A There were a total of three wounds.

18 A We designate them one, two, three, but that
19 doesn't mean the order they came in. One came through
20 the left forearm and then re-entered the chest. It
21 went from left to right. It went through both lungs.
22 It went through the aorta, the main artery coming off
23 the heart, and that bullet was found in the skin of
24 the right chest. So that bullet was going basically
25 left to right and slightly downward.

1 A second wound, bullet, went into the left
2 back and over if shoulder. It went slightly downward
3 and to the left. It just entered the left chest enough
4 to graze wounds the upper lobe of the left lung. And
5 we found that bullet in the -- more towards the left
6 chest.

7 A third wound went in through the right
8 buttocks and that was just superficial. It went in
9 and out.

10 Q If you would come around here and using me as
11 your model, just kind of point to where the gunshot
12 wounds were, starting with the one on the arm.

13 A This one would have gone -- the arm would
14 have been up somewhat, we believe, in and out the left
15 arm, went in the left chest, and was found in skin
16 over here on the right chest. (Motioning.)

17 The second one went in to the left shoulder,
18 just went into the left chest a little bit and was
19 found in the soft tissue of the chest. And the other
20 one went from -- actually went right to left through
21 the -- just underneath the skin of the right buttocks.

22 Q Those bullets, those two bullets that went
23 into the chest. They weren't both turned over and
24 turned in to the hospital at the autopsy?

25 A Yes, sir.

1 Q These bullets, the one that went in to the
2 arm and then re-entered the chest was it -- would you
3 consider it to be a fatal wound?

4 A Yes.

5 Q Why do you say that?

6 A Because it caused a lot of bleeding after it
7 went through the lungs.

8 Q And the one from the -- that hit him in the
9 back on the shoulder, would it have been a fatal
10 wound?

11 A It was potentiality a fatal wound. It hit
12 the lung.

13 Q Now the one that hit him in the hip, would it
14 have been fatal or not?

15 A No. Nonfatal.

16 Q It passed through?

17 A Yes, it just went underneath the skin.

18 Q You say you examined the organs of the body
19 for disease.

20 A Yes.

21 Q Did you see any indication of --

22 A Nothing significant.

23 Q -- that would have caused that?

24 A No.

25 Q And what was your conclusion as to the cause

1 of death?

2 **A** That he bled out due to the laceration of the
3 lungs and the aorta that, due to the gunshot wounds of
4 the chest.

5 **Q** Okay. And based upon your observation, would
6 you conclude that he died as a result of a homicide?

7 **A** Yes.

8 **MR. CONNER:** Answer any questions Mr. Finney
9 might have.

10 **THE COURT:** Mr. Finney.

11 **CROSS-EXAMINATION**

12 **BY MR FINNEY:**

13 **Q** Dr. Ross, homicide means that he didn't die
14 by natural causes, isn't that correct?

15 **A** Correct.

16 **Q** And homicide means more than likely he was
17 more than likely deceased as a result of the bullets
18 but that does not -- that is not an indication of how
19 the bullets got there whether they were accidentally
20 or on purpose? That doesn't have anything to do with
21 it?

22 **A** Correct.

23 **Q** Now I did want to -- I think -- of course,
24 you do a lot of cases. So apparently you have gone
25 over the file. I wanted to make sure I understand.

1 On the third bullet that was coming through the hip
2 area, do you have the report?

3 Q It says the bullet perforated the right
4 lateral hip muscles and right upper thigh with exit
5 through the upper right --

6 A Right.

7 Q Right side here?

8 A Yes, kind of low --

9 Q Low --

10 A Low --

11 Q Lower?

12 A Went through the buttock area and came out
13 the thigh.

14 Q Came out the thigh?

15 A No.

16 Q Upper thigh?

17 A Upper --

18 Q In the --

19 A -- in the --

20 Q This is the upper thigh. Okay. I thought I
21 heard you say the bullet was moving to the left and
22 everything -- was going right. I wanted to make sure
23 I understood.

24 A No. The bullet went left down and --
25 leftward and downward.

1 Q Leftward and downward?

2 A Yes.

3 Q But through the right side of the --

4 A Right.

5 Q And there's no way for you to tell or is
6 there -- can you tell whether the gunshot is a -- is a
7 close gunshot or a distant?

8 A The three wounds -- the wounds that started
9 through the arm had what we call stippling which means
10 it was a close range wounds.

11 Q That's the one to the front of the body?

12 A That went through the arm and then went from
13 through the left chest. Correct.

14 Q All right.

15 A The other two did not show that. But the
16 other two were covered by clothing so SLED would have
17 had to test for gunshot residue to see if that was
18 there.

19 Q Are you saying that on the first gunshot
20 wound, the one we're talking about, that came in the
21 front --

22 A Yes.

23 Q The bullet came through the arm?

24 A Yes.

25 Q And went into the chest?

1 **A** Yes.

2 **Q** You noticed stiplings on the arm.

3 **Q** On the arm, but not in the chest?

4 **A** Correct.

5 **Q** So in your expert opinion, that shot was at
6 close range cause of the stipling?

7 **A** Yes.

8 **Q** And the stipling is a condition that happens
9 to the skin as a result of the bullet coming through?

10 **A** Well the stipling is caused. But when a
11 bullet comes out of a gun, soot and burning powder

12 comes out.

13 **A** Yes, ma'am.

14 **Q** Some nonburning powder but the powder only
15 goes so far, as opposed to the bullet. So in order to
16 have that on your skin, the gun would have to be close
17 enough for that powder to hit the skin. And that close
18 stipling was noted --

19 **A** Well, close, near range or intermediate
20 range.

21 **Q** On the shot to the arm which came into the
22 chest?

23 **A** Yes.

24 **Q** And in your opinion, would the person who
25 fired the shot be in front of the person who received

1 the shot?

2 **A** Or in front of and to the person's left.

3 **Q** All right. Did you also, as a result of your
4 autopsy examination, take laboratory samples?

5 **A** Yes.

6 **Q** Urine, blood, and tissue?

7 **A** Yes.

8 **Q** And where were those samples of those items
9 sent to?

10 **A** SLED.

11 **Q** And do you receive a copy of those results?

12 **A** Yes.

13 **Q** All right. Did you receive those results
14 from SLED?

15 **A** Yes.

16 **Q** Did Mr. Blackwell have, as far as his lab
17 tests, a high amount of marijuana in his system?

18 **A** Yes.

19 **Q** How do you all rate it? I'm not -- there is
20 a number under the analysis.

21 **A** It -- you'd have to talk to a toxicologist
22 about that. But marijuana is difficult to assess
23 because it does last quite a -- quite a long time as
24 opposed to others. And the amount would have to be
25 interpreted by a toxicologist. Yes.

1 **MR. FINNEY:** Nothing further.

2 **THE COURT:** Any redirect, Mr. Conner.

3 **REDIRECT EXAMINATION**

4 **BY MR. CONNER:**

5 **Q** Dr. Ross, in fact, the toxicologist tested
6 him for several different substances, didn't he?

7 **A** Yes.

8 **Q** Is that correct?

9 **A** Yes.

10 **Q** And he didn't have anything else, other than
11 marijuana, did he?

12 **A** No, he did not.

13 **Q** Had no alcohol?

14 **A** No.

15 **Q** No heroine?

16 **A** Correct, none.

17 **Q** No cocaine?

18 **A** No cocaine.

19 **Q** And marijuana is a long lasting substance and
20 it will show up quite a while after the -- after the
21 consumption of the substance, wouldn't it?

22 **A** Yes.

23 **Q** Thank you.

24 **MR. FINNEY:** Nothing further.

25 **THE COURT:** Thank you. You may be dismissed.

1 Any objection to her being dismissed?

2 MR. CONNER: I have none.

3 MR. FINNEY: No objection.

4 THE COURT: Thank you. You're excused for
5 the balance of the trial.

6 Let me see the attorneys up here to just a
7 minute.

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

10 DAVID FLORENCE

11 having first been sworn, testifies as follows:

12 DIRECT EXAMINATION

13 BY MR. CONNER:

14 Q David Florence, you're a Lieutenant David
15 Florence, right?

16 A Yes, sir, retired lieutenant for the
17 Sumter --

18 Q Retired lieutenant.

19 A Yes, sir.

20 Q How long did you work for the sheriff's
21 department?

22 A Approximately 23 and a half years.

23 Q Were you working last March 17th and 18th,
24 2009?

25 A Yes, sir, I was.

1 Q And did you become involved in the
2 investigation in this case?

3 A Yes, sir. I did. I was called out.

4 Q Did you go to Patricia Drive or West Patricia
5 Drive, 23 West Patricia Drive in response to that
6 call?

7 A Yes, sir, I did.

8 Q And who was there when you got there?

9 A Upon arrival on the scene, I made contact
10 with Sergeant Doris McGee who was already on the scene
11 compiling information. And she briefed me on the

12 circumstances that were in hand at that particular
13 time. And we developed our strategies as far as what
14 our next step was the investigation.

15 Q Did you also talk with Lieutenant Roger
16 Carter?

17 A Briefly. I don't recall a lot of the
18 conversation other than we had a shooting at the
19 residence and one individual diseased and another had
20 been taken to the hospital.

21 Q Did you talk with a woman that was present in
22 the house?

23 A Yes, sir. Ms. Shameikkico Weathers is the
24 individual I talked with.

25 Q Did she talk with you freely and voluntarily?

1 **A** Yes, sir, she did.

2 **Q** Was she outside when you got there?

3 **A** She was sitting in one of the patrol cars.

4 And it was called to my attention a short time later.

5 I transported her to the Law Enforcement Center and

6 conducted an interview with her.

7 **Q** While you were there -- I'll show you this
8 photograph here these -- this is State's Exhibit
9 number 5. It's a photograph and the back side has got
10 a form. Could you identify that?

11 **A** Yes, sir. The first page is a six-person
12 photo line up which includes the defendant, Jeron
13 Cook's photo, and the second page is a witness line up
14 identification form which shows that -- individual
15 number three was marked. And it was signed by
16 Shameikkico Weathers on 3/18/09 at 5:00 a.m.

17 **Q** Is that a picture of the defendant?

18 **A** Yes, sir. That is the picture of the
19 defendant she identified as the individual that
20 committed the shooting.

21 **Q** Did she seem confident of her identification?

22 **A** She was not only confident, she indicated she
23 was positive.

24 **Q** She was positive?

25 **A** Yes, sir.

1 Q And I also show you this item here which is
2 unnumbered at this time and see if you can identify
3 that?

4 A Yes, sir. The same photo line up is included
5 here as the first line up, second item is the witness
6 identification line up, this item showed number three
7 was marked and identified photo number three, which is
8 the defendant in this case. And it was signed and
9 dated by Audja Blackwell, a victim in the case who was
10 also shot.

11 Q So you met with Audja Blackwell that same
12 morning?

13 A Yes, sir.

14 Q So --

15 A Later that morning.

16 Q Which one did you see first?

17 A Ms. Weathers is the one I saw first. I
18 picked her up from the scene of the crime and
19 transferred her to the Law Enforcement Center where
20 she was gave us a statement and identified the photo
21 line up. And later that night, I met with the victim
22 Audja Blackwell at her mother's residence and obtained
23 a statement and showed her the line up where she
24 positively identified Jeron Cook as the suspect.

25 Q You mean as the shooter?

1 **A** Yes, sir.

2 **MR. FINNEY:** No objection.

3 **MR. CONNER:** Your Honor, we would offer this
4 into evidence.

5 **THE COURT:** Number?

6 **(WHEREUPON, State's Exhibit 6 is marked for**
7 **identification purposes and admitted into the record.)**

8 **BY MR. CONNER:**

9 **Q** Answer any questions the defense lawyer might
10 have.

11 **A** Yes, sir.

12 **THE COURT:** Mr. Finney.

13 **MR. FINNEY:** No objection -- no questions,
14 Your Honor.

15 **THE COURT:** Thank you.

16 **THE WITNESS:** Thank you, sir.

17 **THE COURT:** You may step down.

18 **DORIS McGEE**

19 having first been sworn, testifies as follows:

20 **DIRECT EXAMINATION**

21 **BY MR. CONNER:**

22 **Q** Doris, where do you work?

23 **A** Sumter County Sheriff's Office.

24 **Q** How long you worked for Sumter County
25 Sheriff's Office?

1 A Approximately 18 years.

2 Q What do you do for the sheriff?

3 A I'm an investigator.

4 Q And did you become involved in investigating
5 a killing that occurred at West Patricia Drive back on
6 March 18, 2009?

7 A Yes, I did.

8 Q And tell us what you observed when you got
9 there.

10 A I was the investigator on call when I
11 responded to the incident location. I was briefed by

12 Sergeant Harvin. And once I got there, he indicated
13 that there was a victim already in the residence, had
14 been pronounced dead by EMS.

15 Q William Blackwell was dead when you got
16 there?

17 A Yes.

18 Q And you talked with Albert Harvin?

19 A Yes, I did.

20 Q And how about Lieutenant Carter? Was he
21 there?

22 A Yes, he was.

23 Q James Green?

24 A He was also there.

25 Q All three of them?

1 A Yes.

2 Q And who had taken custody of Mrs. Weathers
3 from her car?

4 A That would be Officer Green.

5 Q Officer Green. Did you do a gunshot residue
6 kit on her?

7 A Yes, I did.

8 Q Where did you do that?

9 A Back at the Law Enforcement Center.

10 Q Y'all took her back to Law Enforcement
11 Center?

12 A Yes.

13 Q And you and David Florence?

14 A Yes.

15 Q And tell us about the gunshot residue kit.
16 What is that for?

17 A It's just a kit that you do, collect any type
18 of residue, powder residue of a gunshot on your hand.

19 Q Where do you get the gunshot residue kits
20 from? Does SLED provide it them too or --

21 A SLED provides the forms.

22 Q Do they provide you directions with what to
23 do?

24 A All that come in the packages. Once I open
25 the package, I follow the direction of the package. I

1 kind of like swab the hand. Once I finish I have to
2 notate it on the evidence bag. I sealed it and signed
3 it and put it in -- placed it in to evidence and sent
4 it off to SLED.

5 Q Do you swab the back of the hand or both
6 sides of the hands?

7 A Both sides of the hands, palm of the hand,
8 tip of the finger.

9 Q Do you have a swab for each -- each --

10 A Each individual, yes.

11 Q Each pox too?

12 A Yes.

13 Q Each -- the palm or the back of the hand
14 or --

15 A For the --

16 Q Whatever you're swabbing, you have a swab for
17 that?

18 A Right. It already come labeled and you just
19 swab it.

20 Q I'm showing you here this envelope and ask if
21 you please identify that.

22 A It's a gunshot residue evidence kit saying
23 the subject name that I collected from is Shameikkico
24 -- not sure if I'm pronouncing it well -- Shameikkico
25 Weathers, says the name of the officer which is my

1 name Doris McGee and says the officer badge number,
2 which is my badge number, and the agent name, which is
3 the Sumter County Sheriff's Office, and the incident
4 case number.

5 Q Would that be the kit that you prepared that
6 night?

7 A It was.

8 Q And you filled out the label there, is that
9 correct?

10 A Yes, I did.

11 MR. CONNER: Your Honor, we would offer this
12 item into evidence.

13 MR. FINNEY: Excuse me --

14 THE COURT: Objection.

15 MR. FINNEY: No objection.

16 THE COURT: State's Exhibit 3 is admitted
17 without evidence -- I mean without objection.

18 (WHEREUPON, State's Exhibit 3 is admitted into
19 the record.)

20 MR. CONNER: Answer any questions Mr. Finney
21 might have for you, Doris.

22 THE COURT: Mr. Finney.

23 CROSS-EXAMINATION

24 BY MR FINNEY:

25 Q Sergeant -- is it Sergeant McGee?

1 **A** Yes.

2 **Q** Sergeant McGee, do you indicate on there what
3 time the swabs were done?

4 **A** No, actually I -- I indicate on the form that
5 goes back to SLED. You have the time. And the date
6 should have been on that form.

7 **Q** The form is something you would have filled
8 out and sent to SLED?

9 **A** It goes back into the BEST kit, yes. It
10 is --

11 **Q** But it is a sheriff's department form?

12 **A** No. It comes in the package from SLED. It
13 comes in the collect -- it comes from SLED.

14 **Q** And you -- once you did the swabs, you put
15 everything in the envelope and send it back to SLED?

16 **A** I turned it in to evidence and the evidence
17 person collected it and transport it to SLED.

18 **Q** We have had testimony that the incident was
19 called in minutes after midnight. Do you have any
20 record of what time you would have seen Ms. Weathers
21 to do the GSR kit several hours later?

22 **A** I couldn't tell you exact time without the
23 form. I don't recall the exact time.

24 **Q** You have investigative notes that you wrote
25 up as an investigator. You did a report?

1 **A** Yes, sir.

2 **Q** There's no time listed in that report that
3 would help you would it?

4 **A** No, it's not.

5 **Q** It is fair to say you didn't see Ms. Weathers
6 for several hours after the incident took place.

7 **A** I saw Ms. Weathers upon my -- shortly after I
8 arrived there.

9 **Q** At the house?

10 **A** At the incident location.

11 **Q** If I told you that the crime scene log says
12 that you got to the scene at 2:24 a.m., 30, 35 minutes
13 after the first officer would that sound right to you?

14 **A** Approximately. I can't -- I don't --

15 **Q** All right. You didn't do the GSR kit at the
16 house. She was taken downtown, ---

17 **A** Correct.

18 **Q** --- talked to Lieutenant Florence --

19 **A** Right.

20 **Q** -- then you did the GSR kit?

21 **A** Correct.

22 **Q** All I'm trying to show is she was with other
23 people doing other things a long time before you got
24 to test her hand; is that right?

25 **A** Upon -- I would say -- I would say

1 approximately 30 minutes after she arrived there with
2 Lieutenant Florence, arrived at the office, I done the
3 GSR kit on her hand.

4 Q Let me just ask you to look at one other
5 thing. The voluntary statement that Ms. Weathers
6 signed with Detective Florence was dated at four
7 o'clock in the morning. Would you disagree with that?

8 A No.

9 Q You're saying 35 minutes after she gave the
10 statement, you did the GSR kit?

11 A I don't recall. She gave the statement

12 first. But I'm almost positive I done the GSR kit
13 before he actually done the statement on her. I don't
14 recall, but I remember being present.

15 Q Read your statement. Read your investigative
16 report and refresh your memory and tell me -- tell the
17 jury, isn't it a fact she gave David Florence the
18 statement at four o'clock. After the statement, you
19 did the GSR kit?

20 A Yeah. If she gave -- if that's the time on
21 the statement, I'm quite sure --

22 Q What does your note say on the second page?

23 A Okay. It said Weathers was transported to
24 Sumter Law Enforcement Center by Lieutenant Flowers
25 when she gave him a written statement and photograph

1 was also taken and the gunshot residue evidence was
2 collected by Sergeant McGee.

3 Q That's you?

4 A Right.

5 Q And so it would have been taken off the
6 statement?

7 A Could have. I don't recall exactly.

8 Q You don't recall. All right. That's fine.
9 Did you take any pictures of her that night?

10 A No, I did not.

11 Q Did you take any pictures of Audja Blackwell
12 that night?

13 A No, I did not.

14 MR. FINNEY: Thank you, ma'am. Nothing
15 further.

16 THE COURT: Redirect.

17 MR. CONNER: I have no further questions.
18 You may come down.

19 THE COURT: Thank you. You may step down.
20 Any objection to this witness being excused?

21 MR. FINNEY: No objection, Your Honor.

22 CINDY PIERSON

23 having first been sworn, testifies as follows:

24 DIRECT EXAMINATION

25 BY MR. CONNER:

1 Q What kind of work do you do?

2 A I do evidence and crime scene.

3 Q How long have you worked for the sheriff?

4 A Twelve years.

5 Q And were you working back on March 18, 2009?

6 A Yes, sir. I was.

7 Q And did you have an occasion on that night to
8 be called in regards to a shooting over on West
9 Patricia Drive?

10 A Yes, sir. I was.

11 Q And did you actually go to West Patricia
12 Drive or did you go somewhere else?

13 A I think I went to West Patricia. And once I
14 got there, they sent me to the hospital to Tuomey.

15 Q What was your purpose in going to Tuomey?

16 A I was advised that there was a victim there
17 by the last name, I believe it was Blackwell, that had
18 been shot. And they wanted me to do a GSR on the --
19 on the victim's hand.

20 Q And was that -- would that be Audja
21 Blackwell?

22 A Yes, sir.

23 Q And the subject was a woman; is that correct?

24 A That's correct.

25 Q Did you find her at the hospital?

1 **A** Yes, sir. I did.

2 **Q** And where did you talk with her?

3 **A** From the ER.

4 **Q** And did you ask her about doing what you
5 called the GSR?

6 **A** Yes, sir. I did.

7 **Q** What is a GSR any way?

8 **A** It is a gunshot residue kit.

9 **Q** And where do y'all get the GSR kits from?

10 **A** We receive the kits from SLED.

11 **Q** And do they give you directions?

12 **A** They do.

13 **Q** Where are the directions maintained?

14 **A** Inside the packet.

15 **Q** So all you have to do is open the packet and
16 follow the directions?

17 **A** That's correct.

18 **Q** And you've done a lot of them, I assume?

19 **A** Yes, sir. I've done several.

20 **Q** Tell us how you do them.

21 **A** Once you open the kit, it tells you there's
22 some gloves in there you actually place on your hands.
23 And inside the packet, there's these -- there's vials
24 and cotton swabs. Actually the vials have a metal
25 type magnetic part on the top, when you pop the top.

1 It tells you on the bottle which hand to swab or pat
2 down first. It will either say right palm or right
3 back, left back, left front. As you do that, you
4 actually take the tab, the metal tab, which is
5 magnetic, and you just dab on the hand which picks up
6 any particles from the hand that may have gunshot
7 residue on them.

8 After you do that part, then you do part of
9 what we call a control swab. It is a cotton tip
10 actually. And you place two to three drops of nitric
11 acid on the cotton swab, rub it and place it in the
12 vial. And then you repeat your step with other cotton
13 tips along with the nitric acid and you actually will
14 cross the hand to see if there was any particles that
15 was left on the magnetic tips.

16 Q So you're looking for meal, I guess, with the
17 first test?

18 A Yes, sir.

19 Q And then with the others, you are looking for
20 some kind of chemical?

21 A Actually I'm not a chemist. It was picking
22 up anything that was possibly left behind from the
23 magnetic part of the testing.

24 Q What is it?

25 A The gunshot residue evidence detection kit.

1 **Q** That's the one you did in this case on Audja
2 Blackwell?

3 **A** Yes, it is.

4 **MR. CONNER:** We offer that into evidence at
5 this time.

6 **THE COURT:** Objection.

7 **MR. FINNEY:** No objection.

8 **THE COURT:** Admitted without objection
9 State's Exhibit number --

10 **MR. CONNER:** That would be number 2.

11 (WHEREUPON, State's Exhibit 2 is admitted into the
12 record.)

13 **BY MR. CONNER:**

14 **Q** I show you here another gunshot residue kit.
15 Is that in the same -- one that was prepared in this
16 case, the same case we're talk about?

17 **A** Yes, sir. It is.

18 **Q** And who was that prepared by?

19 **A** Investigator Bean.

20 **Q** And did you have an occasion to take all
21 three of these kits to SLED?

22 **A** Yes, sir. I did.

23 **Q** For their evaluation and examination?

24 **A** Yes, sir. I did.

25 **Q** That was done by this fellow with no hair on

1 his head right there on the left?

2 **A** Yes, sir. That would be correct.

3 **MR. CONNER:** Your Honor, we would offer this
4 into evidence at this time.

5 **THE COURT:** Objection?

6 **MR. FINNEY:** Could I see it a minute?

7 (WHEREUPON, the attorneys confer.)

8 **MR. FINNEY:** No objection.

9 (WHEREUPON, State's Exhibit 4 is admitted into the
10 record.)

11 **BY MR. CONNER:**

12 **Q** Cindy, one of your functions is the security
13 of the evidence in the cases; is that correct?

14 **A** That's correct.

15 **Q** All the sheriff's department cases. Where is
16 that kept?

17 **A** Out at the sheriff's department on North
18 Main.

19 **Q** And what --

20 **A** They are locked in a secure room along with
21 an alarm system on the outside of the door as well as
22 a magnetic key pad and you have to hit it every time
23 you go in to the room.

24 **Q** Who has custody to the room? Who has
25 permission to enter the room or knows the combination

1 to the key pad?

2 **A** Myself, my supervisor, Investigator Bean and
3 our other crime scene investigator Richardson.

4 **Q** So Mr. Bean over here has access to it?

5 **A** Yes. That's correct.

6 **Q** And at the time that this case went on back
7 in March of 2009, did Ray Mackessy also have access?

8 **A** Yes, sir. Sergeant Mackessy had access at
9 that time which Investigator Richardson did not have
10 access at that particular time.

11 **Q** And is Mackessy's retired too, is that --

12 **A** Yes, sir. He is.

13 **Q** Now what happens to the evidence that was
14 collected there at the scene, like casings, cartridge
15 casings and bullets, bullet fragments and the evidence
16 that's given to y'all by the people from the autopsy?

17 **A** Once the ID is given to us by the doctors
18 from the autopsy, we then either transport it to SLED
19 if they're open, Monday through Friday. If not, we
20 bring it back to the office and secure it until we can
21 get it to SLED.

22 **Q** So, specifically in relation to the cartridge
23 casings, I show you the item here that comes from this
24 package and ask you if you took those items to SLED.

25 **A** Yes, sir. I took these to SLED. My initials

1 are on the back of the tape. The SLED tape.

2 Q That would be for evaluation by the firearms
3 group?

4 A Yes, sir.

5 Q And the other envelope in here containing
6 bullets recovered at the scene, would you have handled
7 those too?

8 A Yes, sir. I also transported these to SLED as
9 well.

10 Q I show you this package and ask if you can
11 identify it?

12 A I can identify the name on the packet. I
13 believe these were transferred to SLED by Sergeant
14 Mackessy at the time. They were not transported by
15 myself. I picked those up today from SLED, but I did
16 not transport them to SLED.

17 Q Do you believe they were taken by --

18 A From this package right here which shows
19 Sergeant Mackessy's initials and the date they were
20 transported by him.

21 Q Okay. You retrieved them all from SLED and
22 brought them back?

23 A Yes, sir.

24 MR. CONNER: Offer these into evidence at this
25 time.

1 **THE COURT:** Objection, Mr. Finney?

2 **MR. FINNEY:** Your Honor, I wanted to make
3 sure I understood. The witness says that she
4 brought them back from SLED. I understand the
5 SLED man may have to testify as to what was done
6 with them, so I would object to them coming in at
7 this point feeling that the SLED agent need to
8 complete the chain and that he should be here to
9 testify before they're admitted into evidence.
10 Because I would like to know what day he did and
11 when he turned them back over to Sumter County.
12 I have no objection for them to be marked for
13 identification to his --

14 **THE COURT:** Go ahead and mark them for ID at
15 this point in time. Objection sustained.

16 (WHEREUPON, State's Exhibits 29 and 30 were
17 marked for identification purposes.)

18 **MR. CONNER:** Answer any questions the defense
19 may have.

20 **CROSS-EXAMINATION**

21 **BY MR FINNEY:**

22 **Q** Ms. Pierson, do you have with you any
23 indication as to when you took these items to SLED or
24 when you picked them up? You said something about
25 picking only up today?

1 **A** Yeah. Investigator Bean would have that,
2 with the dates I actually took them back.

3 **Q** All right. Now the GSR kit that you did Mrs.
4 Blackwell was done at the hospital?

5 **A** Yes, sir.

6 **Q** Was done at the hospital?

7 **A** Yes, from the ER.

8 **Q** Several hours after the incident had been
9 called in?

10 **A** As soon as I responded, they sent me to the
11 hospital from West Patricia. And I stopped to the
12 hospital. I'm not sure.

13 **Q** You don't have any notes what time you saw
14 her at the hospital?

15 **A** It should be on my evidence card what time I
16 took her samples from her hand at the hospital.

17 **Q** I think he asked you if you have done a lot
18 of GSR kits in your career?

19 **A** Yes, sir. I have.

20 **Q** Is there a time limit on it?

21 **A** Yes.

22 **Q** What is the time limit?

23 **A** I believe it is six hours after the incident
24 has occurred.

25 **Q** So if there was a shooting at one o'clock in

1 the morning, you would want to do the GSR by seven
2 o'clock?

3 **A** You would want to do it as soon as possible.
4 That's on a living subject's hand.

5 **Q** So things are going to change. If the person
6 is washing their hand or doing things with the hand,
7 it will affect the test.

8 **A** I didn't say.

9 **Q** You get a better test result the quicker you
10 tested the hand?

11 **A** That's correct.

12 **Q** Mrs. Weathers -- excuse me, Mrs. Blackwell
13 Audja Blackwell was at the hospital?

14 **A** Yes, sir.

15 **Q** Did you talk to her in terms of investigation
16 or take any pictures or anything like that?

17 **A** No, I just did the GSR on her hand.

18 **MR. FINNEY:** Nothing further.

19 **REDIRECT EXAMINATION**

20 **BY MR. CONNER:**

21 **Q** Let me show you this document and ask if you
22 can identify this.

23 **A** This is my evidence card I filled out at the
24 time of the incident.

25 **Q** Does it show the time that you did the GSR

1 kit on Audja Blackwell?

2 **A** (Inaudible).

3 **Q** I think that was reported time of the
4 incident. What is the time that --

5 **A** Oh, excuse me. I'm sorry. You're correct.
6 3:30 a.m. is when I actually received it from the
7 hands of Ms. Blackwell.

8 **Q** 3:30 a.m.?

9 **A** Yes, sir.

10 **Q** You say it is a six-hour limit from the time
11 the thing happens?

12 **A** That's what's suggested.

13 **MR. CONNER:** No further questions.

14 **THE COURT:** Any further questions?

15 **MR. FINNEY:** No, Your Honor.

16 **THE COURT:** You may step down.

17 Ladies and Gentlemen, of the jury, we have
18 gotten to the point where this will be all the
19 testimony you will hear for the day. So I'm
20 going to dismiss you for the evening. As I told
21 you, you are not to discuss this case with anyone
22 or amongst yourself.

23 You're not to watch any media and that would
24 include the internet, the newspaper tomorrow
25 morning. So I'm going to ask you that when you

1 come back in. If you've done so, you will be
2 violating my order if you do so. I'm going to
3 dismiss you for the evening. I hope you have a
4 good night's rest. Enjoy the cool you will be
5 experiencing, the 68-degrees out there because
6 you certainly deserve it. Good night, Ladies and
7 Gentlemen. Nine o'clock in the morning. Nine
8 o'clock, I'm going to say it one more time.

9 (WHEREUPON, the jury exits the courtroom.)

10 **THE COURT:** Anything further from the State or
11 defense before we adjourn?

12 Court is adjourned until nine o'clock
13 tomorrow morning.

14 (WHEREUPON, the Court recesses for the day.)

P R O C E E D I N G S

1
2 (WHEREUPON, the Court resumes on the 20th day of
3 April, 2010.)

4 THE COURT: Any matters we need to take up
5 before the jury comes in?

6 MR. CONNER: May it please the Court. I had
7 offered this medical record earlier and I don't
8 believe it had been admitted. I would like to
9 clear that up.

10 THE COURT: Mr. Finney.

11 MR. FINNEY: Yes, sir.

12 THE COURT: It has been redacted but still
13 over your objection.

14 MR. FINNEY: That is correct.

15 THE COURT: What is the purpose of putting in
16 the record?

17 MR. CONNER: Just merely to show the nature
18 of the injury.

19 THE COURT: And I believe you stipulated that
20 it was the actual record of Toumey Hospital?

21 MR. FINNEY: Yes, sir.

22 THE COURT: The case of State versus Key
23 cited at 284 S.E.2d 781 or 277 S.C. 214 seems to
24 say the admission of a business record, so long
25 as it does not contain any subjective expression

1 of opinion, in conclusion is not a -- so
2 therefore based upon that case I will allow it
3 in.

4 **MR. FINNEY:** Thank you, Your Honor.

5 **THE COURT:** Really all it does is just, I
6 guess, bolster some testimony of the witnesses
7 obviously with regard to -- all right. Let's
8 bring the jury in.

9 (WHEREUPON, State's Exhibit 3 is admitted into
10 the record.)

11 (WHEREUPON, the jury enters the courtroom.)

12 **THE COURT:** Good morning, Ladies and
13 Gentlemen. I hope you had a restful evening and I
14 appreciate your promptness this morning. We want
15 to get as much testimony as we can before the sun
16 starts bearing down on the roofer above us
17 because it was quite uncomfortable in here
18 yesterday so that's why I wanted to start early.

19 Ready to proceed?

20 **MR. CONNER:** We are.

21 **THE COURT:** Mr. Finney.

22 **MR. FINNEY:** Yes, sir.

23 **THE COURT:** Call your next witness.

24 **MR. CONNER:** We'd like to call Justin Yelton,
25 Your Honor.

1 **THE COURT:** Hold on one second. Ladies and
2 Gentlemen, I told you that you were not to review
3 any news media or anything like that? Is there
4 anyone who actually looked at the newspaper or
5 read anything about this case? (No response.)

6 Thank you.

7 **JUSTIN YELTON**

8 having first been sworn, testifies as follows:

9 **DIRECT EXAMINATION**

10 **BY MR. CONNER:**

11 **Q** Mr. Yelton, where do you work?

12 **A** Sumter County Sheriff's Office.

13 **Q** How long have you been a law enforcement
14 officer?

15 **A** Almost four years.

16 **Q** And is that -- and the entire time been with
17 the Sumter Sheriff's Department or have you worked
18 anywhere else?

19 **A** With Sumter County.

20 **Q** What was your basic training when you started
21 as a patrol -- police officer?

22 **A** I went to the Criminal Justice Academy.

23 **Q** And that's a couple of months?

24 **A** Yes, sir.

25 **Q** Eight weeks?

1 **A** Nine weeks I believe.

2 **Q** Nine weeks. Where is that located?

3 **A** In Columbia.

4 **Q** And after that did you come back -- did you
5 work any before you went there?

6 **A** Not on the road.

7 **Q** Did you -- after you came back, did you begin
8 to work patrol unit?

9 **A** We did some shadowing in other divisions and
10 I went with a field training officer.

11 **Q** So you were trained by the local sheriff
12 also?

13 **A** Yes, sir.

14 **Q** After you got back?

15 **A** Yes, sir.

16 **Q** And you say you've been doing that for four
17 years?

18 **A** Yes, sir.

19 **Q** And back on March 18, 2009, were you working
20 on the night shift?

21 **A** I was.

22 **Q** Did you have an occasion to hear a dispatch
23 call and get a dispatch call in to a shooting incident
24 that happened on West Patricia Drive here in the city
25 of Sumter?

1 **A** Yes, sir.

2 **Q** Tell us about it.

3 **A** We received a call that there was a shooting.
4 Myself and other units responded.

5 **Q** And tell us what the first action you took in
6 regards to the case.

7 **A** We had a -- I believe a vehicle description
8 leaving the scene. I was the closest unit. As I
9 turned onto 521, I observed the van that matched the
10 description that the dispatch gave out. I initiated a
11 traffic stop on the van.

12 **Q** Did you find anybody in the van?

13 **A** I did. I found a female victim and a
14 juvenile.

15 **Q** And had the -- the victim, female victim, was
16 she the driver?

17 **A** Yes, she was.

18 **Q** Had she been injured?

19 **A** Yes, she was. She was shot in the buttocks.

20 **Q** Now how about the child? How old was the --
21 just an estimate of the child?

22 **A** I would say probably six or seven.

23 **Q** There was nobody else in the vehicle with
24 her?

25 **A** No.

1 Q And what -- what action did you take at that
2 point in time?

3 A I believe she was driving to the hospital. I
4 had EMS meet me on the scene. I had her come out of
5 the vehicle so I could assess her injury. And I had
6 the child come out of the vehicle to make sure that
7 the child was okay.

8 Q And did EMS come?

9 A They did.

10 Q Tell us what they did.

11 A They took her and treated her. The child
12 stayed with me til some other family members arrived.

13 Q Tell us about the vehicle. You say it was a
14 van?

15 A Yes, sir. A full-size van.

16 Q What did you do in regards to the vehicle?

17 A I took a quick look at it with my flashlight,
18 not entering it. I secured it and called for a tow
19 truck to pull it to the impound lot and I stayed with
20 the vehicle until the vehicle was impounded.

21 Q Did -- was anybody else allowed to enter the
22 vehicle? In other words, were any of the family
23 members or anybody else go in to the vehicle?

24 A No, sir. It was a crime scene.

25 Q So you preserved it --

1 **A** As such.

2 **Q** And had it hauled to the county impound lot?

3 **A** Yes, sir.

4 **Q** What's the policy in regards to impounding a
5 vehicle when you seize it on the scene like that?

6 **A** A supervisor has to -- at least somebody with
7 a key has to open up the impound lot. It is a locked
8 lot. The county officer has to follow the tow truck
9 down to the impound. We don't lose site of it until
10 it is actually impounded and secured.

11 **Q** When you took this quick look through the
12 vehicle with your flashlight, did you see anything?

13 **A** I noticed there was a pretty large amount of
14 blood in the vehicle.

15 **Q** Other than that you didn't notice --

16 **A** No, sir.

17 **Q** You didn't see any guns or anything?

18 **A** No, sir.

19 **MR. CONNER:** Answer any questions the defense
20 lawyer might have.

21 **THE COURT:** Mr. Finney.

22 **CROSS-EXAMINATION**

23 **BY MR FINNEY:**

24 **Q** Mr. Yelton, did you file any kind of report
25 in this case?

1 **A** The report was done, but by, I believe,
2 Corporal Harvin, the actual incident report.

3 **Q** All right. And so the question was, did you
4 file any kind of report as to what you just testified
5 to?

6 **A** No, sir. I didn't file an incident report.
7 I probably filed a tow vehicle citation but not the
8 actual incident report, no.

9 **Q** So there's nothing to connect you with -- did
10 you go to the crime scene?

11 **A** No, sir.

12 **Q** You didn't go to the crime scene?

13 **A** No, sir.

14 **Q** So you were on your way to Patricia Drive as
15 a result of this call?

16 **A** Yes, sir.

17 **Q** Somebody called you and said there was a
18 vehicle leaving the scene --

19 **A** Yes, sir.

20 **Q** -- of the shooting?

21 **A** Yes, sir.

22 **Q** Now who made that call?

23 **A** I don't know. Dispatch gave it out as --

24 **Q** They described the vehicle?

25 **A** Yes.

1 Q And how far away from the scene of the
2 shooting did you stop the vehicle?

3 A I stopped the vehicle on Highway 521 around
4 Webb Street.

5 Q Do you know how far that is from --

6 A Not exactly, no.

7 Q All right. --

8 A It's right around the corner.

9 Q How did you stop the vehicle?

10 A With lights.

11 Q Blue lights?

12 A Yes, sir.

13 Q Siren?

14 A Sirens, blue lights.

15 Q Did you approach the vehicle? Did you first
16 see the vehicle? It was coming towards you?

17 A Yes, sir.

18 Q On 521?

19 A Yes, sir.

20 Q And so you had to flip around?

21 A I believe I -- I don't recall exactly how I
22 stopped it. I don't know if I turned around on it or
23 whether I drove in front of it with lights.

24 Q And so once you got the vehicle stopped, you
25 got the lady out?

1 **A** Yes, sir.

2 **Q** Okay. And you say you noticed this child?

3 **A** Yes, sir.

4 **Q** And -- but there's nothing in writing about
5 this. This is just your memory?

6 **A** Yes, sir.

7 **Q** Okay. And then so you stayed at the truck
8 while the ambulance came to pick up the lady --

9 **A** Yes, sir.

10 **Q** -- and the child wasn't allowed to go with
11 the mama?

12 **A** No, sir. She made it aware that family was
13 coming to get the child. I don't believe -- I don't
14 know EMS's policy, but usually don't have people ride
15 with them.

16 **Q** Well how did the mama know that somebody was
17 coming to get the child?

18 **A** I don't know if she knew or not. Family
19 members were -- appeared shortly thereafter.

20 **Q** Family members appeared on 521 several miles
21 away from the house?

22 **A** Yes, sir.

23 **Q** Your name never appears on the crime scene
24 log that was written that night, does it?

25 **A** I never went to that crime scene.

1 **Q** Your name doesn't appear on the report that
2 Corporal Harvin wrote that night. Have you looked at
3 that?

4 **A** I just looked at it.

5 **Q** Your name is not on it?

6 **A** No.

7 **Q** There is nothing on this report that says
8 that Audja had a child in the car with her that night?

9 **A** No, sir.

10 **MR. FINNEY:** Nothing further.

11 **THE COURT:** Redirect?

12 **REDIRECT EXAMINATION**

13 **BY MR. CONNER:**

14 **Q** Mr. Yelton, you said the place where you
15 stopped this lady was right around a corner?

16 **A** Yes, sir.

17 **Q** In other words, the crime scene or the house
18 where the shooting occurred wasn't far from where you
19 stopped?

20 **A** No.

21 **Q** I believe -- Lieutenant Carter is your
22 lieutenant; is that right?

23 **A** Yes.

24 **Q** And he went to the crime scene?

25 **A** Yes.

1 Q And yesterday he testified his estimate of it
2 was a couple of blocks away. Would that --

3 A That would sound accurate.

4 Q Is that consistent with what you recall?

5 A Yes, sir.

6 MR. CONNER: Thank you.

7 THE COURT: Any --

8 MR. FINNEY: Nothing further.

9 THE COURT: Thank you. Any objection to this
10 witness being excused for the balance of this
11 trial?

12 MR. CONNER: I would have No objection.

13 MR. FINNEY: No objection.

14 MR. CONNER: I would ask that he be excused.

15 Your Honor, at this time, I call Mike Bean.

16 MIKE BEAN

17 having first been sworn, testifies as follows:

18 DIRECT EXAMINATION

19 BY MR. CONNER:

20 Q Mike, where do you work?

21 A Sumter County Sheriff's Office.

22 Q How long have you worked for the Sumter
23 County Sheriff?

24 A Approximately six years.

25 Q And what do you do?

1 **A** I'm a crime scene investigator, supervisor of
2 the crime scene unit, evidence department.

3 **Q** And how long have you been working as a crime
4 scene investigator?

5 **A** Four years.

6 **Q** And --

7 **A** Approximately.

8 **Q** -- prior to working at the crime scene,
9 Investigator, what kind of work did you do?

10 **A** I was a patrol officer.

11 **Q** So you had a couple of years on patrol and
12 then you became a crime scene investigator?

13 **A** Yes, sir.

14 **Q** And did you work under the supervision of
15 somebody else when you first started?

16 **A** Yes, sir, sergeant --

17 **Q** Sergeant Ray Mackessy? Now, tell us whether
18 you were called to the scene of this shooting that
19 happened back on March 18, 2009 at 23 West Patricia
20 Drive.

21 **A** I tell you that I was called there? I'm not
22 following you.

23 **Q** Did you go to the shooting scene?

24 **A** Yes, sir. I was contacted by dispatch to
25 respond to 23 West Patricia.

1 Q Did you -- tell us what you found when you
2 got there.

3 A Several officers, investigators. They
4 briefed me along with Lieutenant Carter as to what
5 they -- the information they had gathered about the
6 incident, proceeded in the house and found ammunition
7 laying around, fired cartridges, fired bullets.

8 Q Okay. Did you examine the body?

9 A Not medically. I looked him over to see what
10 type of wounds he had.

11 Q He was dead when you got there?

12 A He was dead, yes, sir.

13 Q Now, is it your standard practice to do these
14 gunshot residue kits in shooting cases of this type?

15 A Yes, sir.

16 Q Tell us about that.

17 A The GSR kit, how we administer it, this
18 victim was deceased so I had to help a little bit but
19 there was blood on the hands. We had to use the GSR
20 kits, gunshot residue kits, to swab the backs of the
21 hand, the palms of each hand. Then we take a sample
22 from some spot on the body, usually under a sock or
23 down around the shoe where we're positive there's no
24 gunshot residue unless they've been shot in the foot.
25 We submit all that to SLED and they analyze it for

1 gunshot residue.

2 Q Now, I believe we have testimony thus far
3 that Cindy Pierson did the test on Audja Blackwell,
4 the woman that had been taken to the hospital.

5 A Yes, sir.

6 Q And is Doris McGee did the gunshot residue on
7 Ms. Weathers, the woman that testified here yesterday
8 that was in the house?

9 A I don't know.

10 Q And now which one did you do the gunshot
11 residue kit on?

12 A Mr. William Blackwell, the deceased.

13 Q I show you this item marked State's Exhibit
14 number 4 and ask if you can identify that.

15 A Yes, sir. That's the GSR kit that I collected
16 from Blackwell?

17 MR. CONNER: I believe this is already in to
18 evidence, is it?

19 THE COURT: Yes, sir. If it is State Exhibit
20 number 4, it would be in evidence.

21 BY MR. CONNER:

22 Q Now, I want to call your attention, Mike, to
23 this exhibit, State's Exhibit number 1, and ask you if
24 you're familiar with that.

25 A Yes, sir.

1 Q I'm going to put it up here. How about get
2 me that pointer off of this thing there. Okay. How
3 about just give us a verbal run-down of what we've got
4 here. Can you see all right? I think the diagram to
5 some extent speaks for itself but tell us about the
6 house.

7 A This is 23 West Patricia. I believe it is
8 marked that way. This is the entrance into the house.
9 This is the living room area typically where furniture
10 was in the house. Entrance at the door here. This is
11 the bedroom that we found most of the physical
12 evidence in. It is also understood that this was the
13 place where -- in which the shooting took place.

14 Q By physical evidence, what do you mean?

15 A We found four fired cartridges and a bullet
16 in this room.

17 Q And --

18 A We also found some boxer shorts, shoes that
19 were entered into evidence and analyzed. There is --
20 in this door, the door swung this way, and there's
21 bullet hole in this door. There was a dresser back
22 here and the bullet it appears to have gone through
23 the door. When you walk out of this room, there's
24 blood spatter on this wall.

25 And then the body of William Blackwell was
26 found here leaning against the bed. This door swung

1 in this direction, to this bedroom, swung out. There
2 were also bullet holes in this door and blood spatter
3 on the walls here. And in this area of the living
4 room, we found one other fired cartridge. Roughly in
5 this area where he found the single fired bullet. We
6 found a total of four -- a total of five cartridges.
7 And we can account for a total of five bullets, four
8 cartridges here, one here.

9 There was a bullet in the dresser that had
10 gone through this door, hit the dresser, gone through
11 the dresser, hit a drawer. We found a bullet there,
12 bullet here and there were two bullets retrieved from
13 the victim so we had five cartridges and five bullets
14 from this area.

15 Q You can sit down. Did you find -- you went
16 through these rooms pretty thoroughly I assume.

17 A Yes, sir.

18 Q Did you find a gun in any of them?

19 A No, sir.

20 Q Did you find a gun in the proximity of the
21 body of William Blackwell?

22 A No, sir.

23 Q Did you take photographs of the evidence that
24 you took control of there that night?

25 A Yes, sir.

1 **Q** I show you these photographs. This State's
2 Exhibit number 7 through 28. Are you familiar with
3 those?

4 **A** Yes, sir. They look like the photos I took
5 that night. Yes, sir.

6 **Q** Do they fairly and accurately show what you
7 observed there.

8 **A** Yes, sir.

9 **MR. CONNER:** And these are already into
10 evidence by stipulation, I believe.

11 **MR. FINNEY:** That's correct, Your Honor.

12 **MR. CONNER:** State's Exhibit 7 through 28.
13 Your Honor, at this time, we'd ask permission to
14 publish the photographs.

15 **THE COURT:** Yes, you may do so. They're in
16 evidence.

17 **MR. CONNER:** We're going to do this with this
18 machine.

19 **THE COURT:** Oh, okay.

20 **BY MR. CONNER:**

21 **Q** What happened to our pointer? You got it?

22 **A** Yes.

23 **Q** Can you see this screen?

24 **A** Yes, sir.

25 **Q** You can see it all?

1 **A** I can see it well, yes, sir.

2 **Q** Okay. If you could get up and stand right
3 here for the time being it would be good.

4 **A** Okay.

5 **Q** First of all, I'm going to show you State's
6 Exhibit number 7. Would you -- what are we looking at
7 there.

8 **A** This is the front door of 23 West Patricia,
9 the entry point on the house.

10 **Q** And where would you have been standing to
11 take this photograph?

12 **A** Just off the little porch on the front of the
13 house.

14 **Q** Just the front door?

15 **A** Right.

16 **Q** And the front door is the door there with the
17 ribbon on it?

18 **A** Yes, into the living room.

19 **Q** I show you next State's Exhibit number 7 is
20 -- 8. I beg your pardon. And what are we looking at
21 there?

22 **A** This is a view from the living room and
23 right-hand corner looking in from the kitchen. The
24 kitchen is the right -- right side. There's a path --
25 a bedroom and a bathroom and behind this wall is the

1 bedroom where most of the cartridges were found.

2 Q Somehow now --

3 A To the right -- this is the door to the right
4 bedroom.

5 Q And the right -- what is the significance of
6 the right bedroom?

7 A That's where the body of Mr. William
8 Blackwell was found.

9 Q Just show on that sketch over there what
10 we're looking at?

11 A From that photo approximately right here
12 taking a picture back this direction and the door is
13 the door I spoke of earlier here on the right side of
14 the screen. This would be the bedroom door which was
15 seen there. This is a bathroom door. In this corner
16 would be this bedroom by the vacuum cleaner.

17 Q Does there appear to be something on the wall
18 in this photograph?

19 A Yes, sir. It is cast off blood along this
20 wall.

21 Q What do you mean cast off blood?

22 A Somebody was moving through there, bleeding
23 fairly profusely.

24 Q I show you next State's Exhibit number 9.
25 Could you tell us what we're looking at?

1 **A** That's the -- basically the same view we
2 looked at the first one but I'm in the door getting
3 more of the -- a view of the living room in the
4 direction of the bedroom here. (Motioning.)

5 **Q** Show us where the bedroom with the body was
6 found?

7 **A** Over here?

8 **Q** Well, show it on this.

9 **A** It is at that location laying against the
10 bed. (Pointing.)

11 **Q** Now, you say you found some cartridges or
12 found at least one cartridge in the living room. Is
13 that correct?

14 **A** Yes, sir.

15 **Q** And where was that?

16 **A** It was in this area right in here. I'm
17 sorry. This corner here. It is to the right inside
18 of that door, the main door.

19 **Q** I show you next State's Exhibit number 1. I
20 beg your pardon. Number 10.

21 **A** Yes, sir. That's the bullet from the living
22 room.

23 **Q** Okay. You put these markers down so that you
24 can identify what was found where?

25 **A** Yes, sir.

1 Q Next I show you an item with marker two as
2 State's Exhibit number 11.

3 A That's the bullet in the hall. There was a
4 bullet retrieved right in this area. This is that
5 bullet.

6 Q Okay.

7 A That's the best way to explain it I think.
8 It is severed bullet. It hit several objects.

9 Q I show you next State's Exhibit number 12.
10 Could you tell us what we're looking at here.

11 A This is the bedroom here. I'm sorry. This
12 bedroom. Roughly, that's where the bed sits in the
13 corner. Obviously, this is not to scale, so it is much
14 larger than that. But that's the bedroom where we
15 found the floor cartridges.

16 Q So this is the -- this is not the bedroom
17 where the body was found?

18 A No, sir. This is the left front bedroom.

19 Q I show you next State's Exhibit number 13.
20 Could you tell us what we're looking at.

21 A This is the door that would be at in angle in
22 the left front bedroom. This is the exterior of it.
23 That would be looking at it from this side. It is a
24 bullet hole.

25 Q A bullet hole?

1 **A** Yes, sir.

2 **Q** And I show you next State's Exhibit number
3 14.

4 **A** That is a bullet, a fired bullet in this
5 bedroom. There's a dresser roughly in this area.
6 That bullet is in front of that dresser. You can see
7 the edge of the dresser across there.

8 **Q** And State's Exhibit number 15.

9 **A** That's a bullet cartridge found in this
10 bedroom, actually assuming this bed is much further
11 out. It was right in this area in front of the bed.

12 That's the bed behind marker four.

13 **Q** State's Exhibit number 16.

14 **A** It is in this same bedroom. It was more the
15 end of the bed. It is another fired cartridge.

16 **Q** And State's Exhibit number 17.

17 **A** It is a little whatnot stand in the corner of
18 this room. And on that stand, you can see to the
19 right of the number nine marker is another fired
20 cartridge.

21 **Q** And number 18.

22 **A** It is roughly in this area against the same
23 wall and it is another fired cartridge.

24 **Q** And I show you State's Exhibit number 19.

25 **A** It is the picture of Mr. Blackwell.

1 Q Show --

2 A At this point in the bedroom.

3 Q That's in the right --

4 A In the --

5 Q -- bedroom?

6 A Right bedroom, yes, sir.

7 Q I show you State's Exhibit number 20. Okay.

8 A It is Mr. Blackwell's arm as he lay on the

9 floor showing the entering exit of a bullet wound.

10 Q And State's Exhibit number 21.

11 A Mr. Blackwell's lower chest, bullet wound.

12 Q And State's Exhibit number 22.

13 A This is the casing just outside of the right

14 front bedroom. It's cast off blood.

15 Q And by cast off blood now what --

16 A If you were wounded in your arm and you threw

17 your arm up to grab the door frame, you'd cast off

18 some blood onto the surface near there.

19 Q State's Exhibit number 23.

20 A That's this door with a bullet hole just

21 below the dead bolt, right front bedroom.

22 Q Number 24.

23 A That's the reverse side of the door. That's

24 the inside, looking at it from this direction, of that

25 same bullet hole.

1 **Q** And number 25.

2 **A** It's the end of the chest of drawers that set
3 here. Actually it set in the door way. The edge of it.
4 set, basically, like that. And it is a bullet hole.

5 **Q** And number 26.

6 **A** It is a fired bullet we found in the lower
7 drawer of that chest of drawers that was here.

8 **Q** And number 27.

9 **A** That's this same door again but a bullet --
10 the door was at such an angle that when I know the
11 bullet was fired, it went in to -- kind of sliced the

12 door as you can see from the angle. It's not a
13 straight-in bullet hole. It was across the door. It
14 grazed it but it is the same bullet hole.

15 **Q** Number 28?

16 **A** That's the back side of the same door. It hit
17 the front, hit the back, and then hit the door frame
18 and that's where what we're seeing there?

19 **MR. CONNER:** That's it.

20 **MR. FINNEY:** Excuse me, sir. Don't break it.

21 **MR. CONNER:** If you -- leave it -- you want it
22 for cross? Take it down or leave it? Well, do
23 you want to use it?

24 **MR. FINNEY:** Yes, sir.

25 **MR. CONNER:** Leave it there. Just cut it

1 off.

2 BY MR. CONNER:

3 Q Did -- was anybody else assisting you in
4 collecting the evidence there?

5 A Sergeant Mackessy was on the scene.

6 Q Y'all collected all of these casings that
7 were found? Five of these casings, is that correct?

8 A Yes, sir.

9 Q And those were turned in to your evidence
10 room?

11 A Yes, sir.

12 Q And later, they would be taken to SLED?

13 A Yes, sir.

14 Q And Cindy Pierson who testified yesterday
15 took them to SLED?

16 A Yes, sir.

17 Q The bullets -- three bullets I believe you
18 testified. There was one from the left front bedroom,
19 one in either the short hall or the -- near the
20 kitchen door there?

21 A Yes, sir.

22 Q The third one was found from that dresser
23 drawer in the bedroom where the body was found?

24 A Yes, sir.

25 Q You recovered those?

1 A Yes, sir.

2 Q All that was submitted to SLED too?

3 A Yes, sir.

4 Q This packet here contains those three bullets
5 and the cartridges; is that correct?

6 A Yes, sir.

7 Q Okay. The containers that they are in are
8 those containers that you provided or are those
9 containers SLED provided after you got there?

10 A We packaged them -- and these are cotton or
11 soft tissue -- and put them in these containers to be
12 sent to SLED; that's the way they wanted a package for
13 them to --.

14 Q Up here is your case number and the
15 information so that you can recall, which one came
16 from which location; is that correct?

17 A Yes. Item number. Marker number. Case
18 number.

19 Q So the marker numbers written on the covers,
20 on each little case, would correspond to what we see
21 in these pictures?

22 A Yes, sir.

23 Q Now, did you also have an opportunity to
24 examine the van that Audja Blackwell was riding in
25 when she was stopped by officer Yelton?

1 A Yes, sir.

2 Q Where did you examine the van?

3 A In the sheriff's impound lot the following
4 morning.

5 Q The following morning?

6 A Yes, sir.

7 Q And did you find anything out of the ordinary
8 in the van?

9 A Blood. That was it.

10 Q You didn't find any gun?

11 A No, sir. The search was specifically for
12 weapons or drugs and --

13 Q You found nothing?

14 A -- I found no sign of either, no, sir.

15 Q Just for if record, I don't believe I stated
16 that this exhibit that you identified as being the
17 items y'all recovered at the scene is marked state's
18 -- State's number 30 for ID at this time. Answer any
19 questions Mr. Finney might have for you.

20 THE COURT: Cross.

21 MR FINNEY: May it please the Court.

22 THE COURT: Of course.

23 CROSS-EXAMINATION

24 BY MR FINNEY:

25 Q Mr. Bean, you have to work a lot of cases in

1 Sumter County month after month, day after day?

2 A Yes, sir.

3 Q And because of that, you found it is a good
4 idea to write things down.

5 A If they're relevant to anything going on,
6 questions.

7 Q You have take a lot of photographs because
8 that helps you remember things a year later when you
9 have to come to court?

10 A Yes, sir.

11 Q Did you write a report in this case?

12 A Yes, sir.

13 Q Is that a copy of it?

14 A Yes, sir.

15 Q How many pages is it?

16 A It's two.

17 Q When did you write the report?

18 A It probably spans across a few days. And
19 that's typically how it goes to get it started because
20 we don't know maybe what perhaps an investigator may
21 turn in on a later occasion. And this one, it doesn't
22 but --

23 Q Within a week, you had written that report?

24 A Yes, sir.

25 Q Did you sign it?

1 A Yes, sir.

2 Q And this has no date on it as to when you
3 signed it?

4 A No, sir.

5 Q Did you make any notes like in a notebook as
6 you were going through the house that night?

7 A No, sir.

8 Q I apologize. But on TV a lot of times, you
9 see investigators when they're trying to construct a
10 crime scene. They'll take a string and tie it to a
11 bullet hole and pull it back to the string to kind of
12 see where the gun -- the bullet was fired.

13 A Sure.

14 Q You do anything like that?

15 A Not in this case.

16 Q Did anybody try to determine where the gun
17 was when it was being fired?

18 A Sure.

19 Q How did you do that?

20 A We speculated --

21 Q You speculated?

22 A -- what it was.

23 Q How did you speculate?

24 A All the cartridges were in one bedroom.

25 Q That would be -- you got your pointer?

1 **A** Yeah.

2 **Q** All the cartridges you found were in one
3 bedroom?

4 **A** The majority. Four here. We found one out
5 here.

6 **Q** Let's talk about that one you found out in
7 the living room. Is it fair to say that looking at
8 State's Exhibit number 8 that that's a picture of the
9 living room wall taken from this area of the living
10 room?

11 **A** Yes, sir.

12 **Q** Would it be fair to say that looking at the
13 living room wall, the distance from the bedroom door
14 where you found Mr. Blackwell toll the door of the
15 kitchen is about three or four feet?

16 **A** It's probably four to five, something like
17 that.

18 **Q** This picture right here, this sketch --
19 that's a -- that's a long wall there, isn't it?

20 **A** Sure.

21 **Q** That's not accurate?

22 **A** No. As I pointed out, it's not to scale.

23 **Q** Did you draw that?

24 **A** No, sir.

25 **Q** You don't know who drew that up?

1 **A** No, sir.

2 **Q** This is the photograph?

3 **A** (Nods head.)

4 **Q** Now you say that you found a shell in the
5 living room.

6 **A** Right.

7 **Q** State's Exhibit number 10.

8 **A** Yes, sir.

9 **Q** Is that the shell?

10 **A** Yes, sir.

11 **Q** You found the shell in State's Exhibit number
12 10 parked next to a silver something; is that right?

13 **A** Yes, sir.

14 **Q** This is State's Exhibit number 9. Is that
15 the same area?

16 **A** Roughly, yes, sir.

17 **Q** All right. Is it clear to you in State's
18 Exhibit number 10 the shell casing on a red and blue
19 and -- and colorful carpet?

20 **A** Yes.

21 **Q** All right, sir. If you look at State's
22 Exhibit number 8, that little red and blue carpet
23 doesn't take up much space in that living room, does
24 it?

25 **A** No, sir.

1 Q Your living room has got carpet?

2 A Correct.

3 Q It's got a little rug from the middle?

4 A Yes, sir.

5 Q And the bullet casing was next to the cigar
6 on the rug?

7 A Yes, sir.

8 Q Can you show me in State's Exhibit number 9
9 where that is?

10 A It is not depicted in this one.

11 Q You didn't move anything, did you?

12 A No, sir.

13 Q Isn't that the little rug in the living room
14 in State's Exhibit number 9?

15 A One of them, yes, sir.

16 Q It is one of the rugs?

17 A Yes, sir.

18 Q Is there more than one rug in there?

19 A Yes, sir. There's a table in this corner
20 that I believe you see the chair leg on.

21 Q You show it to me. Then this thing or this
22 photo.

23 A It's not -- this, as I pointed out, is not
24 the full room, doesn't depict the corner.

25 Q Isn't there a -- in State's Exhibit number

1 10, isn't there an end table?

2 A There are several.

3 Q More than one end table?

4 A Yes, sir.

5 Q So when you took this picture in State's
6 Exhibit number 10, you had a, number one, a marker
7 down.

8 A Yes, sir.

9 Q When you took this picture, State's Exhibit
10 number 9 --

11 A Right.

12 Q -- was the marker down?

13 A No. That was -- no, sir.

14 Q So this -- State's Exhibit number 10 is a
15 bullet casing that you say you found where?

16 A Roughly in this -- this corner.

17 Q In a corner. But it's not -- it's shown in
18 this picture here, number 9.

19 A No, sir.

20 Q All right, sir. Now, that's the only casing
21 that you found in the -- outside of this bedroom.

22 A Yes, sir.

23 Q Now, is it a fact, sir, that you found all
24 five casings at the same time?

25 A No.

1 Q You did not?

2 A No, sir.

3 Q All right. How many casings did you find the
4 night that you were in the house after the shooting?

5 A We found three.

6 Q Why didn't you find the other two?

7 A Lack of light.

8 Q Was dark in the house?

9 A Was dark in that corner of the bedroom.

10 Q But you all were at the house until six
11 o'clock in the morning?

12 A I was there till about 4:30, yes, sir.

13 Q You left about 4:30. So your testimony is
14 you only found three shell casings that night?

15 A Correct.

16 Q Now tell the jury how many days went by
17 before you went back to the house and found the other
18 two shell casings?

19 A I believe it was two.

20 Q Two days later?

21 A Two days later.

22 Q Look on your report. Isn't it on your
23 report?

24 A Yes. Three days later, the 19th through the
25 23.

1 Q Three days later, you went back to the house.

2 Why did you go back to the house three days later?

3 A We did it on occasion, do a follow-up when
4 there's unanswered questions especially on a major
5 crime scene.

6 Q What was the unanswered question that brought
7 you back to the house three days later?

8 A The number of cartridges versus the number of
9 bullets.

10 Q All right. Let's talk about the bullets a
11 minute. You testified on direct examination that you
12 believe that there was a bullet hole in the bedroom
13 door to the left front bedroom.

14 A Yes, sir.

15 Q And that bedroom door was shot from the
16 hallway side, the bullet came from the hallway side in
17 to the bedroom. It hit the wall, above the dresser,
18 and the bullet was found on the floor in front of the
19 dresser.

20 A I -- speculation but, no, sir, that's not
21 what I pictured happening there.

22 Q All right sir. I want you to read your
23 report at the bottom of page 1 and at the top of page
24 2 as to what you said in your report a day or two or
25 five days after you left the house.

1 **A** You want the last paragraph?

2 **Q** Yes, sir, concerning that bullet hole. It
3 says the door leading into this bedroom. Is that what
4 it says? The door leading in this bedroom?

5 **A** Do you want the incident when I returned or
6 that night?

7 **Q** Well, that night.

8 **A** Okay. The only thing in there is the door
9 leading into this bedroom had a bullet hole that
10 passed through the door and appears to have hit the
11 wall next to the dresser.

12 **Q** And then does it say in the sentence there
13 was also a fired bullet found on the floor in front of
14 the dresser?

15 **A** In this room, two 40 caliber cartridges were
16 found on the floor, one near a window and one near a
17 pair of boxer shorts. There was also a fired bullet
18 found on the floor in front of the dresser.

19 **Q** So --

20 **A** That was --

21 **Q** In your report -- I guess let me -- let me
22 ask you this. Did you take a picture of the door
23 leading into the bedroom that had a bullet hole that
24 passed through the door?

25 **A** Yes.

1 Q Show me that picture, please, sir.

2 A This bedroom --

3 Q Yeah --

4 A Were bullet holes in the doors.

5 Q I'm talking about what you wrote in the
6 report.

7 A Right.

8 Q -- aren't you talking about the left bedroom?

9 A This one. (Pointing.)

10 Q State's Exhibit number 13 --

11 A Correct.

12 Q Is that a bullet hole through the door of the
13 bedroom that we have identified as the left front
14 bedroom?

15 A Yes, sir.

16 Q In order to make that bullet hole, wouldn't
17 the door have had to have been closed?

18 A No, sir, not and hit the interior wall at
19 this point.

20 Q So the door was open?

21 A I'm going to assume it was open.

22 Q I'm going to ask you to tell me what you
23 found that night.

24 A What I found was a bullet door that entered,
25 a bullet hole in the door that exited, that proximity

1 of both sides.

2 Q Do you have --

3 A Where, if you know, one on the wall and one
4 on the floor --

5 Q Do you have a picture --

6 A We have a picture in there.

7 Q I'll let you help me. This is the door. Is
8 that where the bullet came from or is that where it
9 came out?

10 A That's where it went from, yes, sir.

11 Q And that's State's Exhibit number 13.

12 A This is -- there is the other set. Those are
13 pretty well separate. All right. So you don't see
14 anymore photographs --

15 A Not in here --

16 Q That are from this set?

17 A No, sir.

18 Q You took some more photographs?

19 A We took lots, yes, sir.

20 Q All right. I'm going to show you a
21 photograph -- actually two photographs. The
22 photograph we were looking at just now which was
23 showing that door, State's Exhibit number 13, that's
24 the same photograph I just handed you.

25 A Yes, sir.

1 Q Now you took a photograph of the bathroom
2 door that night?

3 A Yes, sir.

4 Q Is that it right there?

5 A Yes, sir.

6 Q The bathroom photograph you took has not been
7 introduced into evidence.

8 A Okay.

9 Q You haven't seen it in evidence?

10 A No, sir. I haven't.

11 Q All right. The bathroom door also shows the
12 corner of this front bedroom area; is that correct?

13 A That's -- yes, sir. This is it.

14 Q All right. Tell the Ladies and Gentlemen of
15 the jury how the bedroom door opens.

16 A At this angle. (Motioning.)

17 Q Which is back this way? (Motioning.)

18 A Correct.

19 Q And it is your testimony that you saw the
20 bullet hole that you described from number 13 in that
21 door?

22 A Correct.

23 Q And you say that the bullet hole went through
24 the door and into the bedroom wall?

25 A It had bumped the wall.

1 Q What do you --

2 A Didn't go in the wall.

3 Q Did you take a picture of it?

4 A I don't think we have one of that. I'd be
5 lying if I told you we did. I don't know.

6 Q In your report, you put that it hit the wall

7 --

8 A Right.

9 Q -- next to the dresser?

10 A Right.

11 Q But you didn't take a picture of it?

12 A I can't tell you that we did or didn't. I
13 can't remember.

14 Q You believe -- you speculated the bullet,
15 after it hit the wall, above the dresser, fell on the
16 part right from that bedroom?

17 A Right.

18 Q Did you find a shell casing out in the
19 hallway where somebody was out in the hallway shooting
20 back into the bedroom?

21 A No, sir.

22 Q So the bullet that you found on the floor was
23 marked in a photograph?

24 A I didn't say.

25 Q All right. Do you have any way of showing

1 that that photograph right there, State's Exhibit
2 number 11, is the bullet or that this one, number 14
3 is the bullet in the front right -- front left
4 bedroom?

5 A Other than this is the dresser in the bedroom
6 and you can see the underwear that supposedly was near
7 the bed in this bedroom.

8 Q All right.

9 A No, sir, and this was in the hall.

10 Q That was in the hall?

11 A Right. It was in this -- what they -- they
12 all in this area right in here. (Pointing.)

13 Q You found one bedroom from the bullet here
14 that was fired?

15 A Yes.

16 Q You found one bullet in the living room near
17 this kitchen wall?

18 A Yes, sir.

19 Q And you found one bullet in a dresser drawer
20 that was in this bedroom?

21 A Right.

22 Q That's three bullets?

23 A Yes, sir.

24 Q And you found two from the victim. Went back
25 to the house a week later and found two more shell

1 casings?

2 **A** Correct.

3 **Q** Mr. Bean, when you got to the house that
4 night to do your photographing, were the girls, the
5 ladies there?

6 **A** No, sir, not to my knowledge.

7 **Q** You don't know where they had been taken or
8 anything?

9 **A** No, sir, I didn't have that information.

10 **Q** Was there a lot of blood from the bedroom
11 area here?

12 **A** Yes, sir. There was a fair amount of blood.

13 **Q** You testified that you took a photograph of a
14 door to this right bedroom where Mr. Blackwell's body
15 was found?

16 **A** Correct.

17 **Q** That's Exhibit number 23 and 24.

18 **A** Correct.

19 **Q** 23 is the outside part of the door?

20 **A** Yes, sir.

21 **Q** And 24 is the inside part where the bullet
22 went through and you took a picture from the inside of
23 the bedroom.

24 **A** Correct.

25 **Q** Does that door have a door handle?

1 **A** At that time, it only had a deadbolt.

2 **Q** A deadbolt?

3 **A** Yes, sir.

4 **Q** In other words, somebody could lock the
5 bedroom if they wanted to, but you couldn't open the
6 door with a handle.

7 **A** Not from the outside.

8 **Q** All right. Can you tell me, based on the
9 bullet hole that went through that door, whether that
10 door was open or closed at the time the gun fired?

11 **A** It was more closed than open. I can tell you
12 that.

13 **Q** Well, if the door -- you have a picture of it
14 in State's Exhibit 23.

15 **A** Right.

16 **Q** All right. And that door, that bullet hole
17 is an inch or two below the dead bolt.

18 **A** Correct.

19 **Q** All right. Let me show you one more picture.
20 State's Exhibit number 8. Is that the same door?

21 **A** Yes, sir.

22 **Q** Is that door open or closed in that picture?

23 **A** This one is probably at about 45, open.

24 **Q** 45-degrees open?

25 **A** Roughly.

1 Q Would it have been possible to make this
2 bullet hole that you see in State's Exhibit number 23
3 with the door in this picture?

4 A Sure, if you were in the right position to
5 make that bullet.

6 Q All right. Where would you have to be --

7 A Behind the door.

8 Q Behind the door. Which would be here?

9 (Motioning.)

10 A Correct.

11 Q So did you all speculate that the door was

12 open or closed at the time this bullet hole was made
13 that you show in State's Exhibit number 8?

14 A Mostly closed.

15 Q Mostly closed?

16 A Mostly closed. Not fully.

17 Q And if it was closed when -- then where would
18 the shot have come from?

19 A Somewhere from here back.

20 Q All right sir. Mr. Bean, when you take gun
21 residue evidence, does it require that you move the
22 blood that might be found at the scene?

23 A No, sir. It just requires it to be noted and
24 put a biohazard on it.

25 Q Did you note that on --

1 **A** Yes, sir, on the form that SLED gives.

2 **Q** You noted it on the form?

3 **A** Yes, sir.

4 **Q** One of the pictures that you took that night
5 -- did you take a picture of a cell phone on a
6 comforter?

7 **A** Yes, sir.

8 **Q** What bedroom was that found in?

9 **A** This bedroom.

10 **Q** That would have been the bed Mr. Blackwell
11 was resting against?

12 **A** Yes.

13 **Q** Do you know what happened to the phone?

14 **A** I have no idea, no, sir.

15 **Q** Who found the evidence that night?

16 **A** Myself and Sergeant Mackessy.

17 **Q** There was a phone on the bed that wasn't put
18 in evidence?

19 **A** Right.

20 **Q** State's Exhibit number 12, is that the bed,
21 that left front bedroom?

22 **A** Yes, sir. This bedroom.

23 **Q** Is there a condom package on that bed?

24 **A** Yes, sir.

25 **Q** Is it open or unopened?

1 A I do not remember.

2 Q Did you collect it as evidence?

3 A I believe we did.

4 Q Do you know where it is?

5 A It would still be in evidence if we collected
6 it.

7 Q But you don't know?

8 A I'm not sure, no, sir.

9 Q The shorts that were on the floor --

10 A Right.

11 Q -- were they put into evidence?

12 A They were.

13 Q And were there also a pair of Nike tennis
14 shoes in the same bedroom that you took in State's
15 Exhibit 12?

16 A Correct, there was.

17 Q Did you take a picture of those?

18 A Yes, sir.

19 Q But it is not in evidence?

20 A The picture was taken. I don't know if it's
21 been entered in evidence.

22 Q You haven't seen the picture of the shoes?

23 A No, sir.

24 Q Where were the shoes when you photographed
25 them?

1 A They were over from in that area I believe.

2 Q Not in this picture?

3 A No, sir.

4 Q You had moved the shoes when you took the
5 picture?

6 A No, sir.

7 Q But the shorts -- were they men's shorts?

8 A I couldn't tell you.

9 Q Couldn't tell me. Shorts on the ground here
10 on the floor here and also a pair of Nikes?

11 A Yes, sir.

12 Q Let me ask you one more question. By the
13 front door when you walked in or took -- started
14 taking pictures, State's Exhibit number 7, is there a
15 pair of jeans there?

16 A Yes, sir.

17 Q You have any idea what happened to the jeans?

18 A I believe they were collected and put in
19 evidence but I'm not -- I can't swear that --

20 Q Did you ever find out whose jeans they were?

21 A No, sir. I didn't.

22 Q Do you know if anybody did?

23 A I don't have full information on any case so
24 I can't tell you.

25 Q The jeans were less than a foot from the

1 front door.

2 **A** Yes, sir.

3 **Q** That's how you found the house when you came
4 to it?

5 **A** When I came to it, I didn't say.

6 **Q** And you photographed them?

7 **A** Yes, sir.

8 **Q** And somebody collected it?

9 **A** Yes, sir.

10 **Q** And nobody ever found out whose jeans they
11 were?

12 **A** Don't know that.

13 **Q** Do you know anything about the operation of
14 this kind of gun that shot these casings?

15 **A** I don't have the gun, so I don't know. It is
16 -- typically a semi-automatic gun, actually leaves a
17 shell and revolver does not and --

18 **Q** As soon as the bullet is fired out of the
19 front of the gun, the shell casing that's left is
20 ejected out of the gun?

21 **A** Yes, sir.

22 **Q** How -- do you know how it is ejected? In
23 other words, is it ejected from the side of the gun,
24 the top of the gun?

25 **A** I've seen where it can shoot left or right

1 depending on whether it is a left or right-handgun.

2 Q You don't know?

3 A No, sir.

4 Q The fact that all four of the shell casings
5 were found in the front bedroom, did you all speculate
6 that all four of those bullets were fired from that
7 bedroom?

8 A Not all four, no, sir.

9 Q Sir.

10 A Not all four.

11 Q So somebody shot the bullet --

12 A They --

13 Q You speculated somebody shot the bullet in
14 some other room and carried the shell casings back and
15 put them out the bedroom?

16 A They could have shot out the door. I
17 couldn't tell you. I was there for ---

18 Q Who did the study to find out how the bullets
19 that you found could have been fired from a weapon and
20 where that weapon was. Who did that?

21 A I don't know if a study was ever done for
22 that.

23 Q How can you say where the gun was? Can you
24 say where the gun was when it was shot?

25 A Not me. I can tell you where the bullets or

1 cartridges were found.

2 **Q** But you can't tell me how they got there?

3 **A** No, sir.

4 **THE COURT:** Redirect?

5 **MR. CONNER:** Yes, sir.

6 **REDIRECT EXAMINATION**

7 **BY MR. CONNER:**

8 **Q** Now this door right here, the door to this
9 front left bedroom, that door opens into the bedroom?

10 **A** Yes, sir.

11 **Q** And you found a hole on both sides of the

12 door that were consistent with a gunshot?

13 **A** Yes, sir.

14 **Q** And that you believe is the bullet that you
15 found in that room?

16 **A** Yes, sir.

17 **Q** So somebody standing over in this direction
18 could have fired through the door and be consistent
19 with what you saw?

20 **A** Yes, sir.

21 **Q** Now if there was blood on this wall right
22 here, is that correct, what you call cast off blood?

23 **A** Yes, sir.

24 **Q** On the kitchen wall?

25 **A** Yes, sir.

1 Q And from what you observed there, from the
2 cast off blood would that be consistent with what the
3 witness Weathers testified about the defendant -- I
4 mean the victim, Blackwell, somewhere along, going
5 this way?

6 A Yes, sir. It would be consistent.

7 Q If somebody stood here, a shooter, stood in
8 this general vicinity right outside of this front
9 bedroom door and aimed in this direction could the --
10 the shell would have -- if it was a right-handgun or
11 right-hand shooter would have been ejected into this
12 bedroom, either hit this door and bounced off in here.
13 You found casing in there, right?

14 A Yes, sir.

15 Q Two casings I believe.

16 A Yes, sir.

17 Q The first time you were there.

18 A Yes, sir.

19 Q So the casing could have been ejected through
20 the door into this bedroom?

21 A Yes, sir.

22 MR. CONNER: I have nothing further.

23 THE COURT: Recross?

24 **RECROSS-EXAMINATION**

25 **BY MR. FINNEY:**

1 Q Well, sir, let me ask you one more question.
2 If it was a right-handed shooter and a right-headed
3 gun was used in terms of the eject, explain to the
4 jury how you get two shell casings in this corner back
5 here? Didn't you find one in the knickknack stand in
6 if corner.

7 A You like for me to speculate on it?

8 Q No, I'd like for you to tell me how the
9 shells would have gotten in this corner if it was a
10 right-handed shooter and a right-handed ejectment on
11 the weapon.

12 A If they are standing anywhere in this area
13 and pull the trigger, the bullets are going in that
14 direction.

15 Q That's left, officer.

16 A It is a right-handed gun you're talking about
17 though and ejects to the right.

18 Q So you're saying the shooter is standing
19 here?

20 A No. Listen to --

21 Q I'll ask --

22 A I'm right here standing with my gun. I pull
23 the trigger in this direction. I'm pointing it.

24 Q You're pointing the gun towards the bed, sir?

25 A This direction.

1 Q Yes, sir.

2 A Even direction, anywhere, you know --

3 Q Anywhere in the doorway --

4 A Sure.

5 Q -- if you're firing the weapon toward the
6 bed, it would eject to the right and therefore you
7 would find casings from that area?

8 A Correct.

9 Q Did you find any proof that anybody shot
10 twice towards the bed?

11 A No, sir.

12 Q Well --

13 A Other than the two bullets in the picture.

14 Q So really it doesn't make sense. If you were
15 told a man was standing in the center of the room
16 firing a weapon towards the door, would it make any
17 sense for there to be two shell casings on the
18 left-hand side of the room?

19 A Absolutely not. No, sir.

20 Q That's where you found them?

21 A I found two, yes, sir. Here and --

22 Q No, sir. You found two more when you went
23 back five days later?

24 A Here.

25 **MR. FINNEY:** Thank you, officer.

1 **THE COURT:** May step down. Any objection to
2 Mr. Bean being excused?

3 **MR. FINNEY:** No objection.

4 **MR. CONNER:** I would like for him to stay
5 here for the time being.

6 **THE COURT:** We've been here about an hour and
7 a half. Ladies and Gentlemen, we'll take a break
8 at this time. I remind you that you are not to
9 discuss any of the evidence amongst yourself.

10 Mr. Bailiff, if you will, give them a cup of
11 coffee or something or a Coke. Thank you.

12 **THE COURT:** Court will be in recess until 20
13 minutes til 11:00.

14 (WHEREUPON, a short recess is taken.)

15 **THE COURT:** State ready to proceed?

16 **MR. CONNER:** We're ready.

17 **THE COURT:** Is the defense ready?

18 **MR. FINNEY:** We are.

19 **THE COURT:** Call your next witness.

20 **MR. CONNER:** We need the jury.

21 **THE COURT:** I knew we were missing something.

22 (WHEREUPON, the jury enters the courtroom.)

23 **THE COURT:** Mr. Conner, call your next
24 witness.

25 **RAY MACKESSY**

1 having first been sworn, testifies as follows:

2 **DIRECT EXAMINATION**

3 **BY MR. CONNER:**

4 **Q** Ray, tell us about your law enforcement
5 experience?

6 **A** I was with the Baltimore police force for 15
7 years. Shortly after moving to South Carolina, I
8 joined the Sumter County Sheriff's Office where I
9 stayed a little over 23 years and retired last May 31.

10 **Q** Before you retired, what kind of work were
11 you doing for the sheriff?

12 **A** I was supervisor, crime scene investigation
13 unit.

14 **Q** How long had you worked in that capacity?

15 **A** About 21 years.

16 **Q** And did you accompany Mike Bean or go to the
17 same place where Mike went to on March 18, 2009 to
18 Patricia Drive, West Patricia Drive, here in Sumter?

19 **A** Yes, sir.

20 **Q** And tell us what you observed when you got
21 there.

22 **A** When I got there Investigator Bean was
23 already there. He had -- we had looked around the
24 scene for any kind of evidence and found ballistic
25 evidence at the scene. They were marked with the

1 numbered crime scene markers. Investigator Bean then
2 took paragraphs. And after photographs were taken, he
3 conducted gunshot residue on the victim's hands. And
4 I was packaging up the ballistic evidence that was
5 found at the scene and some other items.

6 Q So at the time, you were kind of passing out
7 your duties with the sheriff --

8 A Yes, sir. Investigator Bean was more or less
9 taking over at that point and he was the one doing the
10 scene and I was there just to assist him and advise
11 him.

12 Q But you actually physically packaged up the
13 crime scene evidence, the bullets and casings that
14 came from the floor?

15 A Yes, sir. I packaged it.

16 Q And did you go to the autopsy?

17 A Yes, sir, I did.

18 Q And when was that?

19 A That was the next day. The 19th of March,
20 2009.

21 Q And you is -- at the autopsy, did you receive
22 any items from the autopsy doctor?

23 A Yes, sir. I did.

24 Q What was that? Specifically -- let me
25 rephrase that question. Did you recover any bullets

1 that came from the body?

2 **A** Yes, sir. There was two bullets recovered.

3 **Q** Okay. And how many wounds did you observe on
4 the body of the defendant, of the victim?

5 **A** The victim was shot three times.

6 **Q** Okay. You recovered or the doctor give gave
7 you two bullets?

8 **A** Yes, sir.

9 **Q** Were you in the room during the proceedings
10 or the autopsy?

11 **A** Yes, sir.

12 **Q** And I show you these two items marked for
13 identification as State's Exhibit number 24 and ask if
14 you can identify those.

15 **A** Yes, sir. I can.

16 **Q** Tell us something about the handling of them
17 after they were turned over to you at the autopsy.

18 **A** The pathologist in this case packaged the
19 evidence and put them in these small jars, and then
20 they're put in a plastic bag and sealed with the
21 initials across the seal, and he then hands it to me.
22 I transport it back to Sumter and place it in the
23 evidence room where it stays until evidence custodian
24 Cindy Pierson will then take it to SLED.

25 **Q** The autopsy people work as a team, is that

1 correct?

2 **A** Yes, sir.

3 **Q** And they have more than one doctor in there
4 doing these autopsies; is that correct?

5 **A** Yeah, normally there's two. It can be up to
6 three or four.

7 **Q** In this particular case it was Dr. Ross --

8 **A** Yes, sir.

9 **Q** -- and (inaudible)?

10 **A** Yes, sir.

11 **MR. CONNER:** And, Your Honor, we would offer

12 this item, State's Exhibit number 29 into
13 evidence.

14 **THE COURT:** Objection, Mr. Finney?

15 **MR. FINNEY:** No, Your Honor. No objection.

16 **THE COURT:** 29 is admitted without objection.

17 **(WHEREUPON,** State's Exhibit 29 is admitted into
18 the record.)

19 **BY MR. CONNER:**

20 **Q** This is State's Exhibit number 30, right?
21 This is State's Exhibit. I ask you to look at those
22 items and see if you can identify them.

23 **A** Yes, sir. I can identify them.

24 **Q** Tell us about why you can identify them?

25 **A** These are -- we have ballistic canisters and

1 this is what I packaged with cartridge case, fired
2 cartridge casings or bullets inside these canisters.
3 Each of these canisters bares my handwriting with the
4 item number, case number, location found and the SLED
5 number.

6 **MR. CONNER:** Your Honor, we offer these items
7 into evidence at this time.

8 **THE COURT:** Objection?

9 **MR. FINNEY:** No, Your Honor.

10 **THE COURT:** State's Exhibit 30 without
11 objection.

12 **(WHEREUPON, State's Exhibit 30 is admitted into**
13 **the record.)**

14 **MR. CONNER:** Answer any questions the defense
15 might have.

16 **MR. FINNEY:** Your Honor, the defense doesn't
17 have any questions. We'd just like to thank him
18 for all his years of service.

19 **THE COURT:** You're excused. Enjoy your
20 retirement.

21 **MR. CONNER:** Your Honor, at this time, I
22 would call Illa Simmons.

23 **THE COURT:** Mr. Conner, you may proceed.

24 **ILLA SIMMONS**

25 having first been sworn, testifies as follows:

DIRECT EXAMINATION

1
2 **BY MR. CONNER:**

3 **Q** Ms. Simmons, where you employed?

4 **A** I work at the South Carolina Law Enforcement
5 Division also known as SLED in the Trace Evidence
6 Department.

7 **Q** What does the Trace Evidence Department do?

8 **A** We analyze gunshot residue, gun powder
9 residues, we perform fiber and paint comparisons as
10 well as explosives.

11 **Q** And how -- tell us something about your
12 educational background.

13 **A** I was served a Bachelor of Science degree in
14 Chemistry. After completing that, I came to work at
15 SLED where the first three years there I worked with
16 the court-qualified certified trace evidence examiner
17 who taught me how to collect and analyze trace
18 evidence. I had to complete oral and written
19 examinations with 100 percent efficiency and that
20 completed my training.

21 **Q** And how long have you worked for SLED?

22 **A** 10 years.

23 **Q** And you have been in the Trace Evidence
24 Department throughout that time?

25 **A** Yes, sir. I have.

1 **Q** And have you ever testified in South Carolina
2 courts in regards to trace evidence questions?

3 **A** Yes, sir. I have. I have testified from
4 state, federal and civil courts over 150 times.

5 **MR. CONNER:** Your Honor, we would submit she
6 is qualified trace evidence expert.

7 **THE COURT:** Mr. Finney, any objection?

8 **MR. FINNEY:** No objection, Your Honor.

9 **THE COURT:** I will deem her to be an expert
10 in trace evidence.

11 Now, Ladies and Gentlemen, as I told you
12 before, when normally a person can only testify
13 as to what they have seen, heard, tasted or
14 smelled, however, certain witnesses, because of
15 their level of education or experience, are
16 deemed to be an expert, which I am doing by
17 deeming her to be one, Miss Simmons.

18 Now, that means that she can give an opinion
19 testimony rather than just sight or smell
20 testimony. Now, although I am admitting her
21 testimony into evidence, whether you choose to
22 believe it is solely up to you. You will give it
23 the weight that you deem that you want to. Thank
24 you.

25 You may continue, Mr. Conner, sir.

1 BY MR. CONNER:

2 Q Tell us about the gunshot residue kit, how
3 it's done and why it's done and what happens when I
4 know a gun is fired to leave gunshot residue.

5 A When a gun is fired, a mixture of microscopic
6 chemicals come out of the gun. It can get on anything
7 in close proximity to the gun at the time of
8 discharge, including the hand of the person that fired
9 the gun. A gunshot residue detection kit is a
10 standardized kit that is put together. It is
11 distributed by SLED.

12 And basically, it has double-sided sticky
13 tape which is tabbed over the hand of the person that
14 is believed to have gunshot residue on them, and some
15 swabs, just standard swabs with some solution. And it
16 is also taken from swabs of the hand. A swab is taken
17 from the right palm, the back of the hand, the left
18 palm and the back of the left hand.

19 Q Are directions in the kit for the officer who
20 performing these -- or collected the evidence so to
21 speak?

22 A Yes, sir. There is an information form and a
23 form with directions step-by-step within each kit so
24 they will know how to handle each part of the
25 detection --

1 Q And that is provided by SLED to the local law
2 enforcement agents?

3 A Yes, sir. It is.

4 Q The -- when you do your testing, do you look
5 -- what are you looking for?

6 A We're looking for three elements that
7 primarily compose gunshot residue. We're looking for
8 lead, barium and antimony.

9 Q And what kind of test work do you do to -- in
10 looking for those?

11 A We put them on a specialized instrument that
12 looks at each element and tells us how much
13 concentration there is of each element in ratio to one
14 another.

15 Q Now, did you receive a gunshot residue kit as
16 -- I've got it marked as SLED item number 11. Let me
17 get those here. State's Exhibit number 2, did you
18 receive that kit?

19 A Yes, sir. I did. State's Exhibit 2 is coming
20 from Audja Blackwell, being collected from that
21 person. It is marked with our laboratory
22 identification number. Each case that comes into SLED
23 is given an independent identification number as well
24 as each piece of evidence within that case is given an
25 idem number and this is marked as SLED's -- SLED 11.

1 Q I show you also State's Exhibit number 3.

2 A Yes, sir. State's Exhibit 3 is labeled as
3 being collected from Shameikkico Weathers. And it is
4 also marked.

5 Q And State's Exhibit number 4.

6 A Yes, sir. State's Exhibit 4 is labeled as
7 being Collected from William Blackwell. And it is
8 marked with all those identifying characteristics as
9 well.

10 Q Now, did you do your test work on all three
11 of these kits?

12 A Yes, sir. I did.

13 Q And first of all, Ms. Blackwell, did you find
14 any evidence of gunshot residue on the hands of Ms.
15 Blackwell?

16 A No, sir. The metals -- the quantities of
17 metals we found did not indicate the presence of
18 gunshot residue.

19 Q And also as to Ms. Weathers, did you find any
20 gunshot residue on her hands?

21 A No, sir. The metals that we found did not
22 indicate the presence of gunshot residue.

23 Q And William Blackwell?

24 A No, sir. There was no -- the metals we found
25 also did not indicate the presence of gunshot residue

1 on Mr. Blackwell.

2 Q Now, time is a factor in -- in people. The
3 words don't come to me but is time a factor in how --
4 in your analysis, the time from the incident to the
5 time that -- the evidence was collected? Does that
6 have any bearing on the type of results you might get?

7 A Yes, sir. On a living individual gunshot
8 residue will not remain longer than six hours and
9 begins to fall off immediately after it gets on the
10 hands. So it is optimum to try and collect the kit as
11 quickly as possible. And on a living individual, if
12 it is beyond six hours from the shooting incident, we
13 don't analyze those gut kits because we have done
14 numerous scientific tests that say there will be no
15 gunshot residue found after six hours.

16 Q Okay. In this case do you have a time --
17 were you provided with a time on Ms. Blackwell on when
18 her test was done?

19 A Yes, sir. In the kit, as I mentioned there
20 is an information sheet and the person collecting the
21 GSR kit has to fill out certain information for us so
22 that we can determine whether or not we can analyze
23 the kit. In this particular -- in this particular kit
24 on Audja Blackwell, the incident that occurred at
25 approximately around 1:40 and the GSR kit was

1 collected around 3:30 and that would be in the
2 morning, 3:30 a.m.

3 Q And Ms. Weathers, the GSR kit was collected
4 at 4:59 on the 18th of March, 2009. And Mr. Blackwell?

5 A That would also -- that would be around 3:00
6 a.m. on March 18.

7 Q Now, Mr. Blackwell was deceased when the
8 officers arrived there and so -- does the time have
9 any importance when the person is deceased?

10 A When someone is deceased the heart is no
11 longer beating, there's no sweating, they're not

12 making contact with objects, so gunshot residue will
13 remain on a deceased person indefinitely. It would be
14 like it got on an inanimate object and the only way it
15 would come off a deceased person's hand is it would
16 have to be removed by an outside source.

17 Q If -- when the gun is fired does the gun also
18 have gunshot residue on it?

19 A Yes, sir. It can get on the gun as well when
20 it is discharged.

21 Q And somebody who's not fired a gun but
22 handles the gun after it is fired, would you expect to
23 find gunshot residue on their hands?

24 A Yes, sir. If the gun had gunshot residue on
25 it and someone picked it up and it was a sufficient

1 quantity of gunshot residue, it could be transferred
2 onto the palms of the person that was handling the
3 gun.

4 **Q** So it would be likely if somebody had picked
5 up a gun that had been recently fired, their hands
6 would have gunshot residue on it.

7 **A** Yes, sir. They could if the quantities were
8 sufficient enough they could have it on the palms or
9 transfer it on the backs of the hands they could have
10 the amounts on the backs of their hands.

11 **Q** But these witnesses had no gunshot residue
12 either on the palm or the back of the hands?

13 **A** Yes, sir. The quantities of metals we found
14 did not indicate the presence of gunshot residue.

15 **Q** If somebody were arrested 24 hours after the
16 incident happened or 12 hours even after the incident
17 happened, your procedures would indicate that it
18 wasn't feasible to do a gunshot residue on that person
19 after the passage of some 12 or 24 hours?

20 **A** Yes, sir. After six hours, we would not
21 analyze a gunshot residue kit.

22 **MR. CONNER:** Answer any questions the defense
23 lawyer might have.

24 **THE COURT:** Mr. Finney.

25 **MR. FINNEY:** Thank you, Your Honor.

CROSS-EXAMINATION

BY MR FINNEY:

Q Ms. Simmons, good afternoon?

A Good afternoon.

Q Would it matter to you in making an opinion about whether or not gunshot residue was present as to what the hand had been through?

A Yes, sir. Because gunshot residue has the consistency of salt, if you're washing your hand or putting them in and out of your pockets, you can all remove gunshot residue.

Q What about getting dressed?

A Yes, sir.

Q So somebody getting dressed but had gunpowder on their hand might remove the --

A Yes, sir. Wiping it --

Q Wiping with a t-shirt or pair of jeans would affect the test?

A Yes, sir.

Q That washing their hand would affect the test?

A Yes, sir. It would.

Q Somebody who was exposed to gunpowder at, let's say, one o'clock in the morning and then had their hands tested at 3:30 in the morning, if she was

1 active, doing things, driving cars, getting dressed,
2 washing hands, it could affect the test?

3 **A** Yes, sir. Because it is best to take the GSR
4 kit as quickly as possible after the test because the
5 gunshot residue does come off.

6 **Q** According to the evidence you reviewed -- Ms.
7 Weathers didn't have her hands tested until one minute
8 to -- 4:59 was almost five o'clock in the morning?

9 **A** Yes, sir.

10 **Q** So from one to five o'clock in the morning,
11 three hours, four hours went by, if she was washing
12 her hand, dressing, moving things, whatever, it could
13 affect the test?

14 **A** Yes, sir.

15 **Q** One other thing you mentioned, if somebody
16 picked up a weapon that had been fired, it is possible
17 that gunshot residue would be on their hand?

18 **A** Could be, yes, sir.

19 **Q** If somebody picked up the weapon with a towel
20 or t-shirt wouldn't be any transfer from the weapon to
21 the person?

22 **A** No, sir. Would be on whatever was
23 touching --

24 **Q** If somebody was trying to hide a weapon and
25 they wrapped it in a t-shirt, there wouldn't be any

1 transfer, you wouldn't be able to tell whether they
2 handled it or not?

3 **A** No, sir. Not if they didn't contact it
4 directly.

5 **Q** It sounds like your test does find metals in
6 hands? You could test my hands even if I hadn't
7 touched the weapon and you'd find metals?

8 **A** We could find some metals however they
9 wouldn't meet their threshold levels as to --

10 **Q** So the threshold level is set up so that you
11 have to find a certain amount before you indicate a
12 positive result?

13 **A** Yes, sir.

14 **Q** So these people that had their hand tested
15 could have had residue, metal, led, barium or
16 antimony?

17 **A** Antimony.

18 **Q** Antimony? They could have had them present
19 but it was just enough for you to say as an expert
20 that they had been in touch with a weapon or gun
21 powder?

22 **A** Yes, sir. That's correct.

23 **Q** All right. Thank you, ma'am. Nothing
24 further.

25 **THE COURT:** Redirect?

1 **MR. CONNER:** I have nothing further. I'd ask
2 that she be excused.

3 **THE COURT:** Objection?

4 **MR. FINNEY:** No objection.

5 **THE COURT:** Thank you, ma'am. You are
6 excused for the balance of this case.

7 **MR. CONNER:** At this time, we would call
8 James Green.

9 **JAMES GREEN**

10 having first been sworn, testifies as follows:

11 **DIRECT EXAMINATION**

12 **BY MR. CONNER:**

13 **Q** Mr. Green, where do you work?

14 **A** I work for the South Carolina Law Enforcement
15 Division in the Firearms Department.

16 **Q** Could you tell us what you do in the firearms
17 department?

18 **A** I am a firearms examiner. I examine firearms
19 and firearms-related evidence, tool marks and tool
20 mark related evidence. We also do serial number
21 restoration and distance determination for bullet
22 patterns.

23 **Q** And tell us something about your educational
24 background.

25 **A** I received a Bachelor of Arts from Charleston

1 Southern University in 1996. In 2001, I was awarded
2 -- served my Master of Science in Criminal Justice
3 also from Charleston Southern University. And I have
4 also completed the SLED firearms and tool mark course,
5 which is a roughly three-year training, studying under
6 six court-qualified firearms examiners that involved
7 many thousands of microscopic comparisons and oral and
8 written examinations.

9 Q When did you join SLED?

10 A It was from 2005.

11 Q 2005?

12 A Yes, sir.

13 Q And did -- tell us something about how you do
14 your firearms work and, in other words, use of the
15 microscope and what you're looking for.

16 A Okay. From the -- when a firearm discharges
17 a piece of ammunition it can be marked with certain
18 individual microscopic (inaudible) we look for when
19 we're doing our examinations. On cartridge cases, for
20 instance, you can have it marked in five places, the
21 firing pin, the extractor or ejectment marks all those
22 could possibly leave. We'll look at it under our
23 microscope, the main thing we look at is basically two
24 microscopes joined by (inaudible) eye piece that lets
25 us look at two items, whether it be test items or test

1 evidence side by side and rotating them around so we
2 can see the microscopic scratches.

3 **Q** And have you testified in court as a
4 qualified expert in this area before?

5 **A** Yes, sir. I have.

6 **MR. CONNER:** Your Honor, we'd submit that he
7 is a qualified expert in the area of firearms.

8 **MR. FINNEY:** Without objection.

9 **THE COURT:** Without objection, he is deemed
10 to be an expert in firearms. Now, Ladies and
11 Gentlemen, as before, he is an expert. I am
12 going to allow his testimony. It will be up to
13 you, the jury, to determine the weight that you
14 choose to give his testimony. Thank you.

15 You may proceed.

16 **BY MR. CONNER:**

17 **Q** First of all, I show you State's Exhibit
18 number 30 and ask you to look at these items and see
19 if you can identify them.

20 **A** First of all, the package, as Ms. Simmons
21 testified previously, is submitted to SLED. It is
22 given its own individual SLED laboratory number
23 independent of the local agency's number. And it is
24 also given item numbers. This packaging right here
25 which Mr. Conner has handed me does have the packaging

1 with my SLED seal on it, the date and initials of
2 mine.

3 Q Do you need a knife or --

4 A Yes, sir, if you have one.

5 Q I've got one that won't cut hot butter but --

6 A If it can cut through a piece of tape, it
7 will be all right. What I'm looking for on each piece
8 of evidence is I mark it with a SLED laboratory
9 number, the individual item number and also my
10 initials so that I know I have seen these pieces of
11 evidence before. I have seen all these items

12 previously, having had a chance to examine them.

13 Q I also show you State's Exhibit number 29 and
14 ask you to examine that.

15 A Yes, sir. I've seen State's Exhibit number 29
16 as well.

17 Q Now, first of all, let's talk about the
18 cartridge casing. Can you give these Ladies and
19 Gentlemen just a brief description on how these
20 semi-automatic pistols work and the ejection of the
21 casing.

22 A I will start off when -- when a
23 semi-automatic pistol is fired I will start off the
24 fact it is already loaded in to the chamber. I pull
25 the trigger. If you pull the trigger or the striker,

1 firing pin and it contacts the (inaudible). Setting
2 off a little explosion, igniting the gun powder.
3 It creates gas. And when the gas reaches a certain
4 pressure, it expels the bullet out the front of the --
5 towards the target.

6 The law of equal and opposite reactions is
7 the bullet is going one way and the cartridge case is
8 going the other way. It is slammed up against the
9 (inaudible) of the pistol. And that is simply the --
10 the pin that the fire protrudes from. When the
11 cartridge case is slamming up back against the
12 (inaudible), any markings on that may be transferred
13 over to the cartridge case.

14 Q And the cartridge case end up where?

15 A If there is an ejection port, let's say, on
16 the right side of the pistol, there's no real way to
17 say where it's going to go. I know with my -- my
18 Glock service weapon, I can shoot it 20 times. And
19 depending on how I hold it, if I'm holding it
20 straight, it can be in any number of different areas.

21 Q But it would be ejected out onto the floor or
22 the ground or whatever, the round for it to land on?

23 A If the firearm was working properly, yes,
24 sir. It would be ejected in --

25 Q Now these -- you have five cartridge casings

1 there and what did you observe about the cartridge
2 cases and what -- what is your conclusion in regard to
3 the cartridge casings?

4 **A** The cartridges fired, .40 Smith and Wesson
5 cartridge casings that I received were all fired by
6 one firearm.

7 **Q** Why do you say they were all fired by one
8 firearm?

9 **A** Based upon the what we look for, the
10 individuals characteristics, microscopic
11 characteristics I observed when I was looking at the
12 face impressions and also the characteristics were
13 found at the firing pin impressions.

14 **Q** You say they were all 40 caliber.

15 **A** Yes, sir.

16 **Q** They had to have been the same caliber if
17 they were fired by the -- the same -- same weapon I
18 guess.

19 **A** Yes, sir. They were all the same caliber and
20 all fired by the same weapon.

21 **Q** Now, tell us about the bullets, the
22 examination of the bullets. I believe you got five
23 bullets, three that were recovered from the house
24 where the shooting occurred and two that were
25 recovered at the autopsy from the body of the victim.

1 **A** The bullets I examined were all consistent
2 with being bullets loaded in to some 40 Smith and
3 Wesson caliber or 10-millimeter auto-- cartridges.
4 .40 Smith and Wesson and a 10-millimeter use the same
5 bullets. So they have a little bit more powder in
6 them but measure the same diameter, approximately
7 40-inches. And all of them caused the same
8 characteristics. And when I say that, I mean they --
9 they were all six caliber, all have six lands and
10 grooves, were all right twists.

11 **Q** Were they somewhat mangled?

12 **A** The bullets from autopsy -- which was State's
13 Exhibit 29 -- they were both considered being ejected
14 hollow points. And they had expanded or what we call
15 mushroomed, where whatever the bullet hits the nose
16 opens up and it mushrooms out. Two of the bullets I
17 received from the scene were also misshaped and
18 mangled like they had hit a hard object.

19 **Q** Now, these bullets and the ammunition you
20 examined there, would it be consistent with being
21 fired by a pistol or a rifle?

22 **A** Would be considered a pistol. The only
23 firearms I know -- when I ran the general rifling
24 characteristics in the database provided to us by the
25 FBI, and we plug in the number of lands and grooves,

1 and the caliber, the only thing that came back was
2 pistols.

3 Q The is -- when you talk about rifling tell
4 these Ladies and Gentlemen what you mean by that.

5 A I'm sorry. I should have explained earlier.
6 Rifling is placing the -- the (inaudible) of some
7 firearms to give the bullet stabilities that -- as it
8 heads towards the target. It's like if you see Payton
9 Manning or any of the NFL quarterbacks throw a nice
10 tight spiral and if you -- the rifling stability in
11 flight and the land and grooves -- are cut into the

12 barrel. And it makes the bullet spin as it's
13 traveling through the air. Those landing impressions
14 are the markings we are looking for to make
15 identifications.

16 Q You can see that with your microscopic
17 examination?

18 A Yes, sir.

19 MR. CONNER: Answer any questions the defense
20 lawyer Mr. Finney have.

21 THE COURT: Mr. Finney.

22 CROSS-EXAMINATION

23 BY MR. FINNEY:

24 Q Mr. Green.

25 A Yes, sir.

1 Q The evidence that you examined led you to
2 write a report, did it not?

3 A Yes, sir.

4 Q And in that report you said that -- if I'm
5 correct -- that all of the bullets were examined and
6 all of them were inconclusive due to damage and
7 inconsistent marks of value, did you say that about
8 all the bullets?

9 A Yes, sir. I did.

10 Q Now, I'm going to show you three photographs.
11 One is State's Exhibit number 11. That's one of the
12 bullets that the officers saw at the scene. Would you
13 say that bullet mushroomed?

14 A I can't really tell from the photos. Fairly
15 blurry but it looks like it does have some sort of
16 damage to it.

17 Q And this is State's Exhibit number 14. I
18 think that's another bullet they sent to you. Would
19 you say that bullet mushroomed?

20 A That is damaged as well.

21 Q All right.

22 A In the picture --

23 Q And this State's Exhibit number 26 that's a
24 bullet that they say went through a bedroom door, went
25 through a dresser drawer and landed in the dresser

1 drawer. Is it mushroomed?

2 **A** No, sir. It is physically different from
3 bullets that would mushroom though. Just the general
4 makeup -- the full metal jackets have a little bit
5 tougher -- however, going through those things, you
6 may expect to find it to be a little bit different
7 form than what I can see in that picture.

8 **Q** Do you have that bullet with you in court
9 today?

10 **A** If that is the same bullet in that picture.

11 **Q** There is no way for you to tell whether there

12 is the bullet that came through the dresser drawer?

13 They didn't tell you that when they sent it to you?

14 **A** They have something on the form but I don't
15 really know where it came from.

16 **Q** Wouldn't you expect, if five bullets were
17 shot by the same gun, that they would all act the same
18 after they were fired and found?

19 **A** No, sir. Just the different fire --
20 different makes of bullets themselves like the hollow
21 points may hit a -- like go through this. Hollow
22 point will expand, have chunks of wood on it or if it
23 is full metal jacket, it may or may not be damaged,
24 but they're going to react differently based on what
25 they hit.

1 Q Are you telling me the weapon that was used
2 in this case had different kind of bullets in it?

3 A It may very well have. I wasn't there. I
4 didn't see how the gun was loaded. It could have a
5 hollow point, full metal. I don't know.

6 Q You're saying whoever loaded the gun could
7 have loaded it with three or four different kind of
8 bullets?

9 A Based on the cartridges cases that were all
10 fired loads different bullets. So it could be
11 different bullets.

12 Q Weren't they all Smith and Wesson casings?

13 A Smith and Wesson is the name of the caliber
14 of the cartridge case. Doesn't mean the name of the
15 brand.

16 Q Not the manufacturer?

17 A No, sir.

18 Q When you say 40 caliber Smith and Wesson,
19 that's a brand. It is a caliber, .40 Smith and Wesson
20 was a caliber developed by Smith and Wesson and the
21 FBI. It is not a particular brand?

22 A It is a caliber.

23 Q All the casings are the same?

24 A All the cartridge casings were fired by the
25 same gun but they were not all the same manufacturer.

1 Q All the casings that were sent to you were
2 not the same?

3 A They were fired by the same gun but they were
4 not the same manufacturer.

5 Q And the bullets also?

6 A They were inconclusive. What that means is
7 there were -- there was not enough marks of value
8 present for myself or who verified my work to say,
9 yes, they were fired by the same gun or, no, they were
10 not. There could be one gun or two guns.

11 A We just don't have enough marks, based on
12 what I saw and what was verified, to say.

13 Q Let me ask you this. I'm going to ask you
14 because you're a hypothetical because you're an expert
15 and you can answer this. Hypothetically speaking, if
16 you're at this crime scene, somebody had been shot by
17 the bullet. And the bullet was recovered on the floor
18 and they sent it to you, would you be able to tell
19 whether there were trace amounts of blood, DNA,
20 tissue?

21 A I could look at the bullet under our
22 magnification and see if there was something on it,
23 yes.

24 Q And if that bullet was found in the bedroom
25 or the living room or the -- or the hallway, it could

1 help to -- to determine where that person was when
2 they got shot?

3 **A** Not necessarily, no.

4 **Q** All right.

5 **A** I'm not a crime scene expert. I'm not a
6 ballistic -- you know the study of something in
7 motion. I'm not a doctor. I don't know.

8 **Q** If they sent you a bullet and they said --
9 did the Sumter County people ask you to check any of
10 the bullets because they were looking for evidence of
11 where they found the bullet to connect it to you a
12 young lady who had gotten shot?

13 **A** When I received a case -- I'm going to answer
14 you question. When I receive a case, the first thing
15 I do is check and see if there are any other requests
16 on the evidence before I pick it up. I don't want to
17 get something and start working on it and touching it
18 and found out they only (inaudible). So I had looked
19 through this evidence and I did not see any other
20 requests.

21 **Q** No request was made for DNA evidence?

22 **A** Not at the time I picked it up, no.

23 **Q** It might have been possible for you to
24 remember whether one of the bullets that was sent to
25 you had DNA on it had if request been made?

1 **A** Possibly, yes, sir.

2 **Q** And if they were -- if we were wanting to
3 know where a particular bullet was found that had DNA
4 on it they would have had to ask that request from
5 you?

6 **A** Yes, sir. Because when I would have a DNA --
7 and someone who is qualified and they would swap it
8 themselves.

9 **Q** In the kind of firearm that uses this kind of
10 casing, is it normal to have five bullets, six
11 bullets, 10, 15? What is the normal number of bullets
12 in a firearm that uses this kind of cartridge?

13 **A** Well, there's no real normal number per se.
14 We'll say just the 40 Smith and Wesson have a model 22,
15 a model 23 and a model 27. You can go buy a full-size
16 magazine and it will hold anywhere from 15 to 10 or
17 the model 27, like I carry when I'm off duty, only
18 holds seven or eight depending on the size of the
19 magazine.

20 **Q** So you can buy different magazines for the
21 same weapon?

22 **A** Yes, sir.

23 **Q** And the magazines hold the bullets?

24 **A** Unfired cartridges, yes, sir.

25 **Q** In clips?

1 A Yes, sir.

2 Q All right. And so is it normal that there's
3 going to be more than five bullets in the clip or --
4 or -- what you call them --

5 A Magazine.

6 Q Magazines?

7 A It just depend on how --

8 Q Do you know of any weapon -- didn't you name
9 several weapons in your report?

10 A The bullets could have been fired by serve --

11 Q How many different people make this kind of
12 weapon that --

13 A The 40 Smith and Wesson caliber.

14 Q The --

15 A Well, the --

16 Q 40 Smith and Wesson caliber.

17 A Based on the general rifling characteristics
18 I saw with the six lands and grooves, the right-handed
19 twists and -- off the top of my head, I think it is
20 (inaudible).

21 Q Four different people make that kind of
22 weapon?

23 A Yes, sir.

24 Q Do any of them make a magazine that of course
25 carries five?

1 **A** I'm not an expert in individual models but
2 there will may be. I'm not sure.

3 **Q** You're not aware of any?

4 **A** No, I --

5 **Q** Most of them carry five or ten or even up to
6 15 --

7 **A** Once again, there could be an odd ball
8 magazine sold out there by some distributor that holds
9 four and five, --

10 **Q** But you're not aware of it, are you, Officer?

11 **A** No, sir. I'm not.

12 **Q** So most of the magazine you're aware of carry
13 -- 9 to -- 5 to 15 bullets. When a gun is used to
14 shoot five bullets, are there any changes from the
15 first casing that comes out to the fifth casing that
16 comes out. They're going to all be the same?

17 **A** Marking wise or -- or where they go -- when
18 you're pulling the trigger.

19 **Q** No. Marking wise?

20 **A** They will all be the same. There have been
21 studies where you can match the first one to the one
22 thousand. It can change a little bit, but not enough
23 to where qualified examiners will say that's the same
24 gun. We'll did identify them.

25 **Q** Are you familiar with the markings of the

1 firearm that uses the 40 Smith and Wesson cartridge?

2 **A** It depends. A bunch of firearms
3 manufacturers make firearms chambered in 40 Smith and
4 Wesson caliber.

5 **Q** When you say semi-automatic, does that mean
6 all you have to do is pull the trigger and don't have
7 anything else to do to make the weapon operate?

8 **A** Once again, it goes back to who makes it.
9 Springfield makes one where there is a couple of
10 active safeties you have to defeat before you pull the
11 trigger. It has three safeties that -- as part of
12 pulling the trigger internal safeties.

13 **Q** You said earlier in part of your questioning
14 with Mr. Conner that you can make a weapon, when
15 you're firing it depending on how you're holding,
16 weapon, make cartridges, eject in different positions
17 from the room you're in?

18 **A** Yes, sir. That's one of the variables also.
19 And if we were standing side by side shooting, there
20 would be a different standard on that, weight, height,
21 temperature, hardwood floors, everything is going to
22 have an effect on that.

23 **Q** One of the factors would be the position of a
24 person who is shooting the gun whether he is moving or
25 whatever?

1 **A** Yes, sir.

2 **Q** Thank you, officer. Nothing further.

3 **THE COURT:** Redirect, Mr. Conner?

4 **MR. CONNER:** Yes.

5 **REDIRECT EXAMINATION**

6 **BY MR. CONNER:**

7 **Q** Mr. Green, something -- I'm sure that there
8 are people on the jury that probably understand this
9 but would you explain to tell them the difference
10 about what we're talking about when we when we talk
11 about a cartridge case and what we're talking about
12 when we refer to the bullet.

13 **A** Okay. The correct term for the firearms --
14 you know the firearms field, cartridge, people say
15 we're going out to find bullets, well they're actually
16 referring to cartridge. The cartridge is a piece of
17 unfired ammunition. The bullet is the projectile which
18 goes down through the barrel towards the target and
19 the cartridge case is simply the shell that hold the
20 powder, the primer and the bullet so the cartridge
21 case is a fired cartridge case like what I was
22 submitted or was received and the bullet is actually
23 the fired projectile which I received.

24 **Q** So the bullet is the part that comes out the
25 end of the gun.

1 **A** Yes, sir.

2 **Q** And the cartridge case is what's ejected on
3 the floor by these semi-automatic pistols?

4 **A** Yes, sir.

5 **Q** Your conclusion is all these cartridge
6 casings were fired by one weapon.

7 **A** Yes, sir. All fired cartridge cases I
8 received was fired by one firearm.

9 **Q** But the bullets themselves were mangled by or
10 they hit or deformed to some extent by whatever they
11 hit.

12 **A** Yes, sir. Some of them were. The one was
13 not. Even if they were in pristine condition, you shot
14 the bullet into a water tank like we do, the markings
15 are not sufficient enough and they didn't mark
16 consistently for us to say it was one gun, two guns,
17 three guns or break it down.

18 **Q** But you can say that they were of -- the
19 right size, that they should have been fired out of
20 these casings that were covered also.

21 **A** Yes, sir. They were consistent with being
22 .40 Smith and Wesson caliber or a 10-millimeter auto
23 caliber.

24 **THE COURT:** Recross?

25 **MR. FINNEY:** No, sir.

1 **THE COURT:** You may step down. Any
2 objection to this witness being excused?

3 **MR. CONNER:** I would ask that he be excused.

4 **MR. FINNEY:** No objection.

5 **THE COURT:** You are excused. Have a nice
6 day.

7 **AUDJA BLACKWELL**

8 having first been sworn, testifies as follows:

9 **DIRECT EXAMINATION**

10 **BY MR. CONNER:**

11 **Q** Ms. Blackwell, state your name for our record
12 please.

13 **A** Audja Blackwell.

14 **Q** Where do you work, Ms. Blackwell?

15 **A** Columbia Farms in Columbia, South Carolina.

16 **Q** What do they do at Columbia Farms?

17 **A** We like just -- just like a chicken plant,
18 something like gold kiss. Just put the chicken and
19 send it out.

20 **Q** What do you do?

21 **A** I de-wing thighs.

22 **Q** Okay. You -- when did you go to work over
23 there?

24 **A** May 12, 2009.

25 **Q** 2009?

1 **A** Yes, sir.

2 **Q** Do other members of the family work over
3 there also?

4 **A** Yes, sir, my sister, my baby sister and my
5 first cousin.

6 **Q** Now, back in March of 2000, were you living
7 at 23 West Patricia?

8 **A** Yes, sir.

9 **Q** How long had you lived there?

10 **A** About two years.

11 **Q** And was it your home?

12 **A** Yes, sir. I mean, I was renting it.

13 **Q** You were renting the home?

14 **A** Yes, sir.

15 **Q** You didn't own it but you -- you considered
16 it your home?

17 **A** Yes, sir.

18 **Q** Who lived with you?

19 **A** Me, Shameikkico Weathers, William -- my --

20 **Q** Your brother?

21 **A** Yeah. And my baby.

22 **Q** And the baby, how old was she?

23 **A** She was seven at the time.

24 **Q** She was seven. Now, how about Jeron Cook.

25 **Q** Did you know him?

1 A Yes.

2 Q How long had you known him?

3 A About a year-and-a-half. He's my oldest

4 brother's first cousin.

5 Q Your oldest brother's first cousin?

6 A Yes, sir.

7 Q And had he been to your home on previous

8 occasions?

9 A Yes, sir.

10 Q And so you were well acquainted with him?

11 A Yes, sir.

12 Q Did you see him on a fairly frequent basis?

13 A Yeah, I saw him a lot.

14 Q Okay. Tell us about Shameikkico Weathers.

15 How long had she lived with you?

16 A About two months. Two and a half.

17 Q And who -- who was she living with before she

18 came to live with you?

19 A My sister.

20 Q Which one?

21 A Barbara.

22 Q Barbara. Now on the night of the shooting,

23 tell us what happened. Let's back up a minute. Had

24 you had any contact with the defendant throughout the

25 day?

1 **A** Yes, sir. Everything we had -- we used to
2 talk on if phone every day.

3 **Q** So he called you frequently?

4 **A** Yes.

5 **Q** And he had called you that day?

6 **A** Yes, sir.

7 **Q** And who did he want to talk to?

8 **A** Shameikkico Weathers.

9 **Q** Did Shameikkico Weathers have a telephone or
10 was she using your telephone?

11 **A** She may have a phone.

12 **Q** You would answer the phone and then you'd
13 give it to her?

14 **A** Yeah. It was on me all the time. It was my
15 phone. I was paying the bill on it.

16 **Q** Now on the night this thing happened, the
17 shooting happened, was William there the whole night?

18 **A** Yes, sir. We was together all day. We went
19 over to my oldest sister house on south side. Then we
20 went back home that night and he was with us then too.

21 **Q** That was the three of y'all, Shameikkico, you
22 and William?

23 **A** Yes, sir.

24 **Q** And that night, at some point in time, did he
25 decide that he was going somewhere?

1 **A** Yes, sir.

2 **Q** Tell us about that.

3 **A** He said that he was about to go and be back.

4 But he was there, Jeron, and one of his friends came
5 and we was -- me and Shameikkico went out the door and
6 talked to him and he told me his homeboy wanted to
7 hook up with me. I said no. I went back in if house.
8 I asked him did he have any marijuana.

9 **Q** Whose friends is this?

10 **A** I don't know his friend's name.

11 **Q** You're talking about conversation you had

12 with --

13 **A** Jeron Cook. Yes, sir.

14 **Q** Jeron Cook came to your house while William
15 was still --

16 **A** My brother and me was at the house getting
17 dressed.

18 **Q** But your brother was in the house?

19 **A** So he didn't see him.

20 **Q** Your dealings with Jeron Cook, did he know
21 William was living with you?

22 **A** He knew he was living there but he never saw
23 him before.

24 **Q** You don't think he saw him?

25 **A** Not to my knowledge. I don't know whether he

1 seen him walking to the store or anything but he knew
2 he was living there.

3 Q Did he know that he was living with --

4 A Yes, sir.

5 Q With --

6 A Yes, sir.

7 Q He wanted you to go out with Jeron Cook came
8 by there and wanted you to go with a friend of his?

9 A He didn't want to go nowhere. The friend
10 wanted to come back when ever he came back.

11 Q Oh, so he wanted to come back and Jeron was
12 going to come with him?

13 A Yeah. They was going to come back together.

14 Q Where did -- did your brother say where he
15 was going?

16 A No. He just said he was going somewhere with
17 one of his homeboys.

18 Q Did he leave walking or riding?

19 A He walked to -- he had to meet him at the
20 store right down the road.

21 Q And is the store within walking distance?

22 A Yeah.

23 Q Now after -- tell us what happened after your
24 brother left.

25 A Shameikkico came back from the house and they

1 left. She came back in the house. She called Jeron
2 and told them that my brother just left and he told
3 her give him 20 minutes and he was coming and then so
4 I laid across the lawn chair. We'd been smoking all
5 day. That's why my brother had that stuff in him.
6 We'd been smoking all day. I laid across the chair,
7 fell asleep. He came, she woke me up. She said -- he
8 said -- Hood, when he walked in, he say, "what's up".
9 I went like that, throw my hand up and they went in
10 the room.

11 Q And you were asleep on the couch?

12 A Yes, sir.

13 Q Where?

14 A In my living room.

15 Q Now tell us what happened next.

16 A Then -- well, I don't know what they did in
17 the room but -- my brother started banging on the door
18 and I jumped up. I said who is it. He said Ice
19 Cream, so I just opened the door. I forgot -- I
20 forgot -- I was drugged -- I mean I was high up. I
21 forgot that --

22 Q What you mean you were high up?

23 A Smoking marijuana.

24 Q You got up and what did you do?

25 A I opened the door for my brother. He didn't

1 have a key. The reason he didn't have a key is
2 because I was the only one with the key to the house.
3 It was only one key and I had it. That's why he
4 didn't come in the house.

5 Q Tell us what happened when he came in.

6 A He came in and Shameikkico, I guess, she was
7 trying to come and tell me, Audja don't open the door,
8 but he was already in, and she was right there in the
9 corner. He went in the room and he just -- he went in
10 the room and Hood was standing up -- Jeron was
11 standing up like right there.

12 Q Which room?

13 A The room where my brother was -- slept at.

14 Q Your brother slept in that room?

15 A Uh-huh.

16 Q That front bedroom on the left hand side
17 after you come in the front door?

18 A Yes, sir.

19 Q And so they all went to his room?

20 A Went in the room. And he said who are you.

21 And then my brother just went to go do like there,
22 just -- he was just taking off his coat in his room in
23 his house. He went to go take off his coat. He was
24 doing like this. When he did like that, that's when
25 Jeron pulled the gun. My brother did like this. He

1 shot. My brother say Audja he's shooting me.

2 My baby heard the gunshot. She woke up. We
3 ran out the room. I was in front of my brother. My
4 brother was behind me. He said (inaudible) Audja.
5 That's my baby name. Jeron came out the room still
6 shooting. When he came out the room, my hall is real
7 short, he could have just ran out the door. He didn't
8 have to run behind us, but he kept shooting. And then
9 he kept -- I don't know whether he ran out of bullets
10 or what. He went out the door.

11 Q Where did you go?

12 A We was trying to make it to my room and lock
13 ourself in my room because you can't come in my room
14 from the outside. I had a padlock, so you had to have
15 a key to open it from the outside. So that's what we
16 was trying to do. That's why the door is like -- was
17 like half way -- and we got stuck. I was trying to
18 pull it from the top and then my brother fell. And I
19 guess that's when I catch the last bullet. I don't
20 know. I didn't even know I was shot until my baby
21 told me, "Ma, you're bleeding."

22 Q I'm going to give you this. Take a look at
23 this diagram here. Stand up. Now show us the bedroom
24 that your brother normally slept in?

25 A This one. (Pointing.)

1 Q And where -- where was this couch that you
2 were sleeping on?

3 A Right here.

4 Q Right there in the living room?

5 A Uh-huh.

6 Q And you got up and opened the door for him
7 and what did he do?

8 A He came in and Shameikkico was coming from
9 like -- she was about right here. But he -- and then
10 they walked -- he walked back in the room and -- and
11 all of us went in.

12 Q Now, she put those marks up there indicating
13 that you were right behind your brother. Did you step
14 into the room too or were you --

15 A No, I --

16 Q Were you right at the door or --

17 A Right there right behind my brother.

18 Q Right behind your brother. She was right
19 beside you?

20 A I mean, I really -- I don't know --

21 Q You don't know where she was?

22 A No.

23 Q But she was there?

24 A Yeah.

25 Q And what did you see happen there?

1 **A** My brother went to go do like this.

2 (Motioning.) She was taking off his jacket.

3 **Q** What did your brother say to Jeron Cook?

4 **A** Who are you or what's up, something -- but he
5 didn't --

6 **Q** He didn't say I'm going to --

7 **MR. FINNEY:** Objection, Your Honor. Can't
8 lead the witness.

9 **THE COURT:** Sustained. Rephrase your
10 question.

11 **BY MR. CONNER:**

12 **Q** Did he threaten you in any way?

13 **A** No, sir.

14 **Q** Did he threaten Jeron Cook?

15 **A** He didn't threaten anyone. He was coming
16 home to his house. I made the mistake. I -- I forgot
17 that -- had I remembered that he was there, I would
18 have not let my brother in til he got out of the
19 house.

20 **Q** Where do you recall seeing Jeron Cook
21 standing in the bedroom?

22 **A** Right here. (Motioning.)

23 **Q** And --

24 **A** And it was two windows -- two -- two windows
25 in that room. So when we and my brother ran out of

1 that room he could have went through a window, either
2 window. He -- either window. Either one. He had --
3 he didn't have to run behind us. He shot me in my
4 butt. He shot my brother in his back. We were
5 running from him.

6 Q Show me the path that you and your brother
7 took going to the other bedroom.

8 A We ran out of the room and through here -- I
9 mean straight down like you know. It wasn't this long
10 but just straight to the --

11 Q You went straight to --

12 A Trying to make it to my baby in my room.

13 Q The baby was sleeping in --

14 A She was right here but she had done jumped
15 up. She jumped up.

16 Q And --

17 A She wants to come and get on the stand but
18 I --

19 Q She was there.

20 A Uh-huh. She caught the last little bit of
21 it. She didn't catch what happened in this room but
22 from here to here my baby was standing in this door
23 way she saw it. She wants to come. She asked me
24 yesterday when I came to court did I ask --

25 MR. FINNEY: Objection, Your Honor.

1 **THE COURT:** Sustained.

2 **BY MR. CONNER:**

3 **Q** When did you realize that you had been shot
4 Audja?

5 **A** When my little girl say, "Ma, you bleeding",
6 because we were too busy worried about my brother.
7 She say, "Ma, you're bleeding" and I did like this and
8 I saw the blood and my baby say, "Ma, please don't
9 die." I grabbed my baby. I got -- I grabbed her and
10 went to the hospital. I didn't want my baby to see me
11 die.

12 **Q** Who called the police?

13 **A** I did.

14 **Q** You --

15 **A** Yeah, I called them before I left the house.

16 **Q** And then you left?

17 **A** Yeah.

18 **Q** And how far had you gotten when they stopped
19 you?

20 **A** Like my house -- this is the road and that my
21 house -- that's how far my house is from the stop
22 sign. When I got to the stop sign, I made the left.
23 And soon as you make the left, it is a light right
24 there. The police had his lights on, pulled in front
25 of me and stopped. I stopped. He was in front of me.

1 I couldn't move anyway. I stopped. He came to the
2 van.

3 Q And did you then go with EMS?

4 A Uh-huh.

5 Q And how about your daughter?

6 A She had to stay.

7 Q She stayed with the police?

8 A Yeah.

9 Q Have a seat. Tell us about your injury.
10 Where were you shot?

11 A In my butt.

12 Q How long did you stay at the hospital?

13 A Just a couple hours. It won't -- it went
14 from this side and came out and then went back up
15 through the crack of my butt and came out this side.

16 Q So it went in one side and came --

17 A Out this side.

18 Q -- out the other side?

19 A Uh-huh.

20 Q Answer any questions the defense lawyer might
21 have for --

22 THE COURT: Mr. Finney.

23 MR. FINNEY: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR FINNEY:

1 Q Ms. Blackwell, I'm very sorry for your loss.

2 You say you knew Jeron Cook good.

3 A I said I knew him about a year and a half. I
4 didn't say good.

5 Q Well, he had been to your house before?

6 A Yes, he has.

7 Q Lots of times?

8 A A few.

9 Q Y'all had sex together, didn't you?

10 A No, me and him didn't have sex together.

11 Q You used to go with --

12 A No, he used to be over there with my
13 ex-boyfriend that's who -- if you want too know, you
14 want the truth, that's who we used to buy weed,
15 marijuana from.

16 Q This is what I want to know, if he didn't
17 used to buy marijuana from you why didn't you tell the
18 police that when you gave them your statement that
19 night?

20 A I told the police that but they say this is a
21 homicide case not a drug case. I don't need to say
22 there. I know what's in there.

23 Q Did you write a statement?

24 A Yes.

25 Q Is that your handwriting or somebody wrote it

1 for you?

2 **A** That's my handwriting.

3 **Q** You wrote the whole thing?

4 **A** I wrote the whole thing.

5 **Q** Did you signed it?

6 **A** I sign it.

7 **Q** Did you say you and Jeron were selling drugs?

8 **A** No, I told it to the officer.

9 **Q** So you --

10 **THE COURT:** One at a time.

11 **BY MR. FINNEY:**

12 **Q** You didn't tell the whole truth, did you?

13 **A** There you go, I --

14 **Q** No, ma'am. I want you to tell me.

15 **A** That's it.

16 **MR. CONNER:** Your Honor, I object.

17 **THE WITNESS:** Yes, I did.

18 **THE COURT:** Objection sustained.

19 **BY MR. FINNEY:**

20 **Q** You didn't tell the officers that you knew
21 his name was Jeron Cook. You tried to act like you
22 only knew his street name?

23 **A** I only knew his street name. They had to
24 show me a line up of him. I knew him as Hood. We
25 never called him Jeron. Nobody around there called

1 him Jeron. Everyone around there called him Hood.

2 Q This man --

3 A Hood.

4 Q This man has been in your house?

5 A I don't know where he's been. We called him
6 Hood.

7 Q Knows your people?

8 A Ask him what's my middle name.

9 Q But you don't know his name?

10 A I sure don't.

11 Q You didn't want to --

12 A Why would I --

13 THE COURT: I'm not going to tell you one
14 more time. You will complete your question. And
15 then you will have an opportunity to answer. You
16 will have to ask another question.

17 BY MR FINNEY:

18 Q You were high, weren't you?

19 A Yes, I was.

20 Q And he went straight to the bedroom where he
21 cut on the light and saw Shameikkico and Jeron from
22 the bedroom?

23 A No, he went straight to the bedroom where he
24 sleeps, where he lives at, in the house and
25 Shameikkico wasn't in there. She was trying to come

1 out, I guess, to say, "Audja, he's here still." I
2 forgot. I was high --

3 Q And so your brother, he doesn't come and sit
4 on the couch with you or look at TV?

5 A The TV was on in the other room, but my
6 brother went to his bedroom. His room. That was his
7 room.

8 Q How long had Jeron been in the house that
9 night --

10 A I don't remember. I don't remember. Can you
11 go look at the report and --

12 Q That's how high you were, you don't remember?

13 A Yeah.

14 Q You just testified when he came in you threw
15 up your hand and said what's up?

16 A I didn't say I said what's up. I said he
17 came in, he said what's up and I threw up my hand
18 that's what I said.

19 Q You don't know how many minutes after that
20 passed?

21 A No, I went back to sleep.

22 Q So when your brother comes to the house and
23 he's knocking on the door, you had forgotten that
24 Jeron just came in the house?

25 A He didn't just come in the house.

1 Q You don't know how long he was there?

2 A No. You don't neither.

3 Q Could have been five minutes?

4 A Me or you don't know that.

5 Q You don't know and I don't know?

6 A All I know is after my brother knocked on
7 that door, he lived there, and he said his name. I
8 opened the door.

9 Q Okay. So Jeron is in there. Did you tell
10 the police officers that when Shameikkico came out of
11 the room she was naked?

12 A Yeah, I said she just had on a shirt.

13 Q What did you say in your statement?

14 A She just had on a shirt.

15 Q Read your statement.

16 A Well, naked was like just a shirt. Oh, my
17 gosh.

18 Q Ma'am, I'm just trying to find the truth.
19 What did you tell the police that night?

20 A Here. You can read --

21 Q What did you tell the police?

22 A There you go. Read it.

23 Q You don't want to tell the jury?

24 A That -- that -- can I read the statement
25 to --

1 Q I'm going to --

2 A I'm going to read my whole statement.

3 THE COURT: Ma'am, you will answer his
4 questions.

5 THE WITNESS: I'm trying to.

6 THE COURT: He has a right to --

7 THE WITNESS: I'm trying to answer but every
8 time I answer question, he --

9 BY MR. FINNEY:

10 Q Did he --

11 MR. CONNER: I object to him --

12 THE WITNESS: That's what he's doing.

13 THE COURT: Everybody be quiet.

14 Mr. Finney, I'm going to have you move back
15 a little bit. You will ask a question and she
16 will answer the question. Give her a pause
17 between your question and answer so there is no
18 talking over each other. I've got a court
19 reporter down here who's trying to take down
20 everything.

21 BY MR FINNEY:

22 Q Ms. Blackwell.

23 A Yes, sir.

24 Q Did you tell the police in your written
25 statement that Shameikkico was naked when she came out

1 of the room?

2 **A** Am I allowed -- can I read my statement?

3 **THE COURT:** You answer his question.

4 **THE WITNESS:** Yes, sir.

5 **BY MR. FINNEY:**

6 **Q** Is that the truth or is that not the truth?

7 **A** It's the truth but naked meaning she had on a
8 shirt. But, I mean, I saw all of that. She had on a
9 little shirt, but I saw all of that.

10 **Q** Of what?

11 **A** Her bottoms. Her -- this. (Motioning.)

12 **Q** All right.

13 **A** From the waste on down, I saw all of that.
14 It was visible.

15 **Q** She ran out of the room before your brother
16 went in the room?

17 **A** She ran out of the room -- I don't -- she ran
18 out of the room. My brother hadn't been in the house
19 when -- I guess she came to tell me don't let him in
20 but I had done open the door.

21 **Q** And your brother went into that room where
22 she came out of?

23 **A** My brother went straight to his bedroom, yes,
24 sir.

25 **Q** And she -- he would have seen her disrobed,

1 right?

2 A He saw her.

3 Q Okay. You never heard him say anything to
4 her?

5 A No. He didn't.

6 Q Okay. He went right --

7 A To his bedroom, yes.

8 Q To confront Jeron?

9 A No, sir, he went to his bedroom to lay down
10 in his bed.

11 Q And you never heard him say why are you in my
12 room?

13 A No, sir.

14 Q You never heard -- you ever saw him take off
15 his jacket and put it on the floor?

16 A No, sir. He was taking off his jacket. No,
17 he didn't take no jacket off and throw it.

18 Q And that's when Jeron fired the weapon when
19 he took off his jacket, isn't that true?

20 A When my brother was doing like this, he
21 pulled the gun out. Jeron Cook pulled his gun. My
22 brother did like this.

23 Q Were you standing right there to see Jeron?

24 A Yeah, I was right by my brother.

25 Q What did Jeron have on when he --

1 **A** I kept remember all of that. I'm not trying
2 to remember what -- all I'm trying to remember is my
3 brother. I'm not trying to remember nothing about
4 Jeron but that he killed my brother.

5 **Q** What was your brother going from the house to
6 do?

7 **A** I don't know. I was not with him. I did not
8 ask him.

9 **Q** What time was it when your brother left the
10 house?

11 **A** I can't remember.

12 **Q** It was after one o'clock wasn't it?

13 **A** No. It was not after one o'clock, no.

14 **Q** Look at your statement, the first two lines.
15 What time did you tell the police your brother came
16 back to the house?

17 **A** Between 1:15 and 1:30 my brother, Ice Cream,
18 was knocking on the door.

19 **Q** He was at the house then?

20 **A** Uh-huh.

21 **Q** You don't know how long he was gone?

22 **A** No, sir. I can't remember that.

23 **Q** Isn't it true that the store that he went to
24 was closed by eleven o'clock at night?

25 **A** Yeah, that store closes at eleven o'clock.

1 Q He didn't drive?

2 A No, he walked.

3 Q Where was he going?

4 A He said he was going with a friend. He was a
5 grown man. I can't -- I wasn't questioning him about
6 where he was going. He's a grown man.

7 Q The testimony is that you were out on the
8 living room couch asleep. Is that correct?

9 A Uh-huh.

10 Q Your daughter was in the bedroom --

11 A In my bed.

12 Q -- and the door was closed.

13 A No. My bedroom door was open.

14 Q How did the bullet hole that the officer
15 testified to go through the closed door?

16 A And I'm glad you asked that question. When
17 me and my brother was running to my room trying to get
18 in there to lock ourself in there, I grabbed the door
19 to try and close it. That's why it was halfway
20 closed. And when Shameikkico made the statement
21 yesterday, we were stuck in the door somehow, that's
22 how we got stuck. Both of us were trying to get in
23 and I was trying to close it at the same time.

24 Q How long did it take from the time you saw
25 your brother take off his jacket to the time Jeron

1 left the house?

2 A How long did what take?

3 Q How long did it take for Jeron to see your
4 brother take off his jacket --

5 A My brother didn't even get to finish taking
6 it off the all the way. He was doing like this.
7 (Motioning.)

8 Q He was taking off his jacket?

9 A Yes.

10 Q Standing at the doorway of the bedroom?

11 A Yes.

12 Q And no one was in the bedroom but Jeron?

13 A Uh-huh.

14 Q And you didn't hear any argument?

15 A It was no argument.

16 Q All you heard was when Jeron shot?

17 A He -- when my brother went to go take off his
18 jacket --

19 A Yes.

20 Q -- Jeron pulled the gun out.

21 A Yes. My brother did like this. (Motioning.)

22 Q Did you see what Jeron had on?

23 A I can't remember. I was not watching Jeron.

24 I cannot remember anything about Jeron. I just told
25 you that.

1 Q You don't know if he had on his underwear?

2 You don't know? Is that right?

3 A Uh-huh.

4 Q You don't know if he had on his shoes?

5 A Uh-huh.

6 Q You don't know if he had on his pants?

7 A Uh-huh.

8 Q You don't know if he had on his shirt?

9 A Uh-huh.

10 **THE COURT:** For the record is that uh-huh or

11 -- is that a yes or a no.

12 **THE WITNESS:** No. I don't know.

13 **BY MR. FINNEY:**

14 Q Did you see Jeron leave through the front
15 door?

16 A Yeah, he ran out the front door. I saw him.

17 Q What did he have on?

18 A I don't know. It's been a year and a month
19 and two days. You know what I seen? My brother
20 calling for me to help him.

21 Q Did you --

22 A There's nothing you could do. That's all I
23 seen.

24 **THE COURT:** Ma'am, let him ask the question.

25 **BY MR. FINNEY:**

1 Q Did you see enough that night that you could
2 talk to the officers and tell them?

3 A Yes.

4 Q But you didn't tell them --

5 A I told them --

6 Q -- his name?

7 A I did not know his name was Jeron Cook. All
8 we knew him by was Hood. When we say Hood there's
9 another guy in Sumter they call Hood. My brother, she
10 thought it was him so she gave the police the name.
11 They brought the line up to the hospital where they

12 had to pick him out. I know his face. But I know
13 they call him Hood, but I know his face.

14 Q And he was -- from the time you saw him shoot
15 the gun to the time he left, about a minute went by?

16 A I don't know.

17 Q It was very quick?

18 A Yeah, it was quick.

19 Q All right. And then you after he left, you
20 saw your brother in the bedroom? You were in the
21 bedroom with your brother?

22 A Uh-huh.

23 Q You don't know where you got shot?

24 A I didn't know I was shot until my baby told
25 me I was bleeding.

1 Q You don't know if you were shot at this
2 bedroom door or --

3 A I know I didn't get shot at this bedroom door
4 because my brother was behind me then and my brother
5 went -- he hold to the wall. He fell down to the
6 ground when his -- when the bullet shot him in his
7 back, he fell. So I guess that's -- and he shot again
8 so I guess that's when I caught his last bullet.

9 Q You don't really know?

10 A No, sir. I don't.

11 Q You didn't know she you were shot?

12 A No, sir. I didn't.

13 Q So you got Mr. Blackwell in the bedroom, is
14 that right?

15 A Uh-huh.

16 Q You're in the bedroom with him?

17 A Uh-huh.

18 Q Where is Shameikkico?

19 A She's in there crying.

20 Q So there's four of you. You and Mr.
21 Blackwell and Shameikkico?

22 A And (inaudible).

23 Q And the child?

24 A Uh-huh.

25 Q In the bedroom?

1 A (Nods head.)

2 Q Did you have blood on your hands?

3 A Yeah, when I did like this.

4 Q Did you wash your hand before you got in the
5 truck?

6 A No.

7 Q You got in the truck with blood on you?

8 A Yeah.

9 Q You went to the hospital with blood?

10 A On me.

11 Q Did you wash up at the hospital?

12 A No. I didn't do -- they didn't clean me off
13 until the lady came and did my hand and all of that
14 and after that that's when they marine cleaned Moe up.

15 Q Okay. So when you left the house driving,
16 you say you took the child with you?

17 A Yeah, I took my baby with me.

18 Q You didn't say that in your statement, did
19 you? You want to look at the statement? I'm asking
20 you if you remember.

21 A I think I said I got my baby and was driving
22 myself to the hospital. Uh-huh.

23 Q You didn't say that?

24 A No. The last thing I said on there was my
25 baby said, ma, you're bleeding. That was the last

1 thing I said.

2 Q In your statement, you didn't say that you
3 went and got in the van and left, did you?

4 A Because --

5 Q I'm just asking, ma'am.

6 **THE COURT:** Let him ask his question.

7 **BY MR FINNEY:**

8 Q You didn't put that in the statement?

9 A The police didn't ask me that. He asked me
10 to write down what happened with -- with this murder.
11 He didn't ask me to write down what I did and --

12 Q All right. So what I'm saying is there are
13 things that happened that are not in the statement;
14 isn't that true?

15 A Yes, sir.

16 Q Tell me whose pants are lying by the front
17 door?

18 A You got to let me see them.

19 Q State's Exhibit number 7.

20 A I don't know.

21 Q Did you go back to the house after you were
22 released from the hospital?

23 A I never went back to that house.

24 Q Never again?

25 A Since March 18, I never stepped foot in that

1 house.

2 Q The police went back five days later?

3 A Three days.

4 Q Three days?

5 A Yeah.

6 Q Did you let them in?

7 A No. They had the key. They took my key and
8 everything.

9 Q You gave them the key?

10 A Yeah, they took it that night. The night my
11 brother got killed, I didn't go back period. I left

12 the furniture and everything there.

13 Q Do you know who lives at Westwood Drive in
14 Manning?

15 A Yes, Tamika (inaudible).

16 Q Who is that?

17 A My brother's ex-girlfriend.

18 Q Who gave that address Westwood Drive? Who
19 give gave that address for your brother to the officer
20 that night?

21 A Must be Shameikkico Weathers.

22 Q Why would Shameikkico tell the officer that
23 your brother lived at Westwood Drive in Manning, South
24 Carolina, if the truth was that your brother was
25 living with her on Patricia Drive?

1 **A** Because he was living in Manning with Tamika
2 (inaudible). On his ID, everything, that was his
3 address on it. He came to my house. He was staying
4 with me because I asked him to come up there and
5 staying with me. He came to my house. They hooked
6 up, but she didn't go back down there. He stayed with
7 Shameikkico Weathers.

8 **Q** This night you didn't talk to the officers
9 about information about your brother as far as giving
10 them his address?

11 **A** No, they --

12 **Q** You say Shameikkico did that?

13 **A** Yeah they didn't --

14 **Q** So she knew his address in Manning?

15 **A** Uh-huh. I mean it's on his ID.

16 **Q** You told Mr. Conner that you were
17 well-acquainted with John Cook?

18 **A** I told him I knew him about a year and a
19 half.

20 **Q** You had never had any problem with him in
21 your house before?

22 **A** No.

23 **Q** You said to Mr. Conner you saw him a lot.

24 **A** Yeah

25 **MR. FINNEY:** Nothing further.

1 **THE COURT:** Redirect.

2 **REDIRECT EXAMINATION**

3 **BY MR. CONNER:**

4 **Q** I'm going to show you there statement that
5 you gave to the police back on March 18, 2009. I ask
6 you to look at these bottom two or three lines there.
7 You do refer to your seven-year-old daughter in
8 that --

9 **A** Yeah --

10 **Q** -- in that statement?

11 **A** In my police report, I do.

12 **Q** The police knew all about her because the
13 officer --

14 **A** I --

15 **Q** -- stopped you and sent you to EMS --

16 **A** -- and he told me --

17 **Q** -- and took custody of her until your family
18 could get there?

19 **A** Yes, sir.

20 **Q** And so you were not trying to keep anything
21 secret, were you?

22 **A** No, sir. I -- I took my baby with me because
23 I didn't know whether he -- he right behind us
24 shooting. I didn't know whether he ran out of
25 bullets, whether he was going to get some more to come

1 back and finish what he started or not. I didn't know
2 so I took my baby.

3 **MR. CONNER:** I have no further questions.

4 **THE COURT:** Recross?

5 Thank you. You may step down.

6 **MR. CONNER:** May it please the Court. We
7 would rest at this time.

8 **THE COURT:** Thank you. Ladies and Gentlemen
9 of the jury, the State has rested their case. We
10 have a few issues that we need to take up,
11 matters of law. What I'm going to do is I am
12 going to go ahead and excuse you for lunch.
13 During your lunch periods you are to speak to no
14 one about this case. You are not to discuss this
15 amongst yourself. Why don't we reconvene at
16 1:30. If y'all can be back here at 1:30, we will
17 reconvene the testimony at that time.

18 (WHEREUPON, the jury exits the courtroom.)

19 **THE COURT:** Motions before the --

20 **MR. FINNEY:** Your Honor, please on behalf of
21 my client, I would move for a -- at this time,
22 for a verdict of not guilty on all of the four
23 charges that are pending in the indictment that,
24 as to the Assault and Battery with Intent to
25 Kill, there has been no proof that my client,

1 with malice aforethought, committed an assault
2 and battery upon Audja Blackwell with the intent
3 to kill her.

4 Your Honor, there is -- the young lady didn't
5 know she was shot. There were apparently shots
6 fired in the house. They may have been directed
7 at someone who was causing or -- or getting ready
8 to cause an attack on Mr. Cook. And the jury,
9 under the best information, would only be able to
10 show that -- that there was -- a shot fired and
11 that this lady may have been hit by one of those
12 shots.

13 There is no indication that this bullet came
14 directly from the gun into Miss Blackwell. There
15 is no evidence that this bullet didn't ricochet
16 off of something because there has been lots of
17 testimony about that kind of thing happening at
18 this point. But there is no intent and no malice
19 that has been proven from my opinion, Your Honor.
20 And the new case of Belcher would not allow the
21 Court to infer malice based on the deadly weapon.
22 And based on that, I would ask the court to
23 direct a verdict of not guilty on that charge.

24 **THE COURT:** I'll let you respond on that.

25 **MR. CONNER:** Your Honor, Ms. Blackwell has

1 testified that she and her brother were running to
2 get away from the gunman and she was shot from
3 behind and he was shot from behind obviously. The
4 only thing that saves her is that the defendant's
5 aim was bad; that's no excuse for shooting
6 somebody. If his aim had been good, she'd have
7 been dead too.

8 **THE COURT:** I will let you make your next
9 motion.

10 **MR. FINNEY:** Your Honor, let me just say one
11 point. The argument by Mr. Conner doesn't hold
12 weight because he has himself introduced an
13 exhibit from the hospital showing that the lady
14 was shot on the side -- I believe it is the left
15 side and that the bullet traveled through and
16 exited on the right side. And there is no way she
17 could have been from a position of running away
18 from the shooter and get shot in the buttocks on
19 the left side with the bullet exiting on the
20 buttocks on the right side. By his own evidence,
21 that couldn't have happened.

22 **THE COURT:** As to the Assault and Battery
23 with Intent to Kill would be based upon evidence
24 in the light most favorable to the nonmoving
25 party, I find there is sufficient evidence for the

1 jury. You will have an opportunity to renew your
2 motion after all the evidence.

3 MR. FINNEY: As to count two, we would argue
4 the evidence, in the light most favorable to the
5 State, does not show any malice aforethought
6 express or implied. There were no statements made
7 by Mr. Cook that I'm going to get you or I'm --
8 I'm fed up with you or whatever, according to the
9 testimony that's been brought in. There is no
10 implied malice by the use of a pistol.

11 According to the Belcher case, we think that
12 the totality of the circumstances in this case
13 shows that there was no malice, that this was
14 assault type of motivation thing, that he was
15 acting in a legal manner of the shooting and,
16 therefore, the murder would not be able to -- to
17 be a proper charge.

18 THE COURT: Mr. Conner.

19 MR. CONNER: May it please the Court I think
20 that there's evidence in this record that he knew
21 this boy lived there and he knew he lived with
22 that woman. And the first woman that testified,
23 Ms. Weathers, said that she had told him that she
24 wasn't going to go with him or leave the house and
25 he couldn't come over while the other fellow was

1 there. And he went there armed with a pistol. I
2 submit that he thought about his action in advance
3 and he went prepared to do harm if necessary. He
4 did do harm. He did significant harm and killed
5 this young man and I submit that this is a jury
6 question.

7 **MR. FINNEY:** Your Honor, I just -- I think
8 that the record is clear that the last witness
9 testified that he didn't know that the de -- the
10 deceased, that they had no bad blood between them
11 and that these girls had made every attempt to
12 keep them from knowing one another. They
13 certainly made sure that he, the deceased, was not
14 home --

15 **THE COURT:** So under your theory if someone
16 just walks up to another human being and shoots
17 them, then that's not murder because they didn't
18 know them?

19 **MR. FINNEY:** No, sir. But under the theory
20 we have presented here, my client was in the
21 bedroom doing something that he had a right to do
22 with somebody who invited him in and he was --

23 **THE COURT:** I think under the (inaudible)
24 doctrine you have to be -- I mean this was -- well
25 at this time, I'm not going to grant the motion.

1 **MR. CONNER:** Your Honor, I would feel that the
2 possession of the firearm during the commission of
3 a violent crime and the Unlawful Carrying of a
4 Pistol are both charges which would not be
5 properly submitted to the jury at this time.
6 There is no evidence that this young man couldn't
7 be lawfully -- lawfully carry a pistol. There was
8 no evidence that he couldn't carry a pistol
9 lawfully and have one inside a residence with him
10 while he was there. There was no evidence that
11 there was a -- in my opinion, that you should not

12 submit the murder case to the jury and therefore,
13 you should not submit the possession of a firearm
14 during the violent crime for the same reasons.

15 **THE COURT:** Mr. Conner.

16 **MR. CONNER:** Your Honor, I think, of course,
17 they have to find that he is guilty of a violent
18 -- a violent crime in order to find that he
19 possessed a firearm during the commission of a
20 violent crime. So I think there is plenty of
21 evidence that he was armed with a deadly weapon.
22 Two witnesses have testified that he fired a
23 deadly weapon. And so I think that's a jury
24 question. And also under the carrying charge
25 there's no -- the general -- or pistol law is that

1 you can't carry a pistol of -- about your person
2 with --

3 **THE COURT:** This isn't out on the street.
4 This is in a private residence.

5 **MR. CONNER:** It's not in --

6 **THE COURT:** -- which he had been invited --

7 **MR. CONNER:** It's not in his residence
8 though.

9 **THE COURT:** Well -- but he had been invited
10 into this residence.

11 **MR. CONNER:** Does that authorize him to carry
12 a pistol though? There is no exception in 16 --
13 I believe --

14 **MR. FINNEY:** Here you go.

15 **MR. CONNER:** -- 16-23-20 that permits
16 somebody to carry a pistol into somebody else's
17 residence. You know, there's military people that
18 can carry them, that if you request get a -- a
19 state permit to carry a pistol. But there's no
20 law that says you -- and you can carry it on your
21 own property and in your own house, can carry it
22 in your own automobile for that matter if you've
23 got it properly secured in a glove box but --

24 **THE COURT:** All right. At this time, I'm
25 going to rule the state can go forward on that

1 charge but I will reserve my right to reverse my
2 ruling if the motion is made at a later time.

3 **MR. FINNEY:** Thank you, Your Honor.

4 **THE COURT:** Mr. Finney, do you anticipate
5 that your client is going to testify?

6 **MR. FINNEY:** Yes, sir. I do.

7 **THE COURT:** Then I'm going to go ahead and
8 ask him some questions now.

9 **MR. FINNEY:** Yes, sir.

10 (WHEREUPON, the defendant is duly sworn.)

11 **THE COURT:** Mr. Cook, at this time, I'm

12 going to explain to you certain of your rights.
13 If you do not understand anything I say, please
14 let me know. If you want me to explain anything
15 in more detail, let me know. Do you understand
16 what I'm telling you now?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** All right. Now, we have reached
19 the stage of this trial where you may present your
20 defense. You have a right to claim the
21 protections given to you by the Fifth Amendment of
22 the Constitution of the United States. This
23 amendment states, in part, that no person shall be
24 compelled in any criminal case to be a witness
25 against himself. That means that you cannot be

1 required to testify in this case.

2 You do have a right to testify on your own
3 behalf. However, no one can make you testify.
4 This is a personal right. And no one can waive
5 the right accept for you. Now if you decide to
6 testify, you will be subjected to the same rules
7 that a govern other witnesses, and you may be
8 examined and cross-examined on any relevant issue
9 in this case.

10 In addition, if you have any convictions
11 involving dishonesty or false statements or for
12 crimes punishable by imprisonment of more than one
13 year and the Court determines that the probative
14 value of admitting these into evidence outweighs
15 the prejudicial effect to you, the solicitor will
16 be able to produce your record to attack your
17 credibility. If you decide to testify, the
18 decision on your part must be freely and
19 voluntarily made by you with the knowledge of the
20 protections given to you by the Fifth Amendment
21 and the consequences of the decision to testify.

22 If you decide not to testify, I will instruct
23 the jurors that they cannot give the fact that you
24 did not testify any consideration whatsoever and
25 that there be absolutely no prejudice to you cause
26 you did not testify.

1 It is left entirely up to you whether or not
2 you testify. You may talk to your attorney, your
3 family, your friends or anyone else but the
4 full-time decision will be left entirely up to
5 you. Now, do you understand what I have explained
6 to you?

7 **THE DEFENDANT:** Yes, sir.

8 **THE COURT:** Do you have any questions about
9 what I have explained to you?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** All right. What I'm going to do

12 is I'm going to give him over the lunch hour to
13 discuss it with you further and I will ask him the
14 question as to whether or not he would like to
15 testify before we begin either testimony or the
16 charge conference?

17 **MR. FINNEY:** Judge, I would just ask the
18 court to consider the prior record. We made a
19 motion or had some pretrial discussions about the
20 fact that this young man at the time of this
21 shooting had pending drug charges. Those charges
22 were resolved by a guilty plea in November of
23 2009, about six months ago. And I would ask the
24 Court to find that he could not be cross-examined
25 on those cases because they had not been resolved

1 at the time of the shooting which was in March of
2 2009.

3 **THE COURT:** Mr. Conner.

4 **MR. CONNER:** I think the impeachment
5 question, Your Honor, is when he testifies at
6 trial as to whether he's been convicted of these
7 things. In other words, it is a matter of -- but
8 I think the fact that he was convicted of them is
9 admissible for impeachment. He has four
10 distribution of crack cocaine charges that he pled
11 guilty to on 9-17-09. They had actually happened
12 back in 2006. He also had two distribution of
13 crack cocaine charges within proximity of a school
14 that he pled guilty to at the same time. So it
15 was six counts of distribution of crack cocaine
16 and two of them were within proximity of a school.

17 He got a six-year sentence on the
18 distributions. And on the proximity charge, he
19 got ten years suspended to six years. He also had
20 at the time a possession of stolen pistol charge
21 that he pled guilty to. That occurred in 2007.
22 That's a five-year statute.

23 **THE COURT:** That one's would certainly be
24 admissible.

25 **MR. FINNEY:** Yes, sir.

1 **THE COURT:** I will hold in abeyance and do a
2 little research prior to -- thank you. We are in
3 recess until, let's say, 1:45.

4 **(WHEREUPON, a short recess is taken.)**

5 **THE COURT:** Before we broke, there were some
6 issues I needed to resolve and the first was
7 concerning -- let me ask him the questions. Mr.
8 Cook, before we broke, I questioned you and
9 informed you of your rights if you decided to
10 testify and if you decided not to testify on what
11 I would do with the jury. Have you had an
12 opportunity to speak with your attorney concerning
13 this?

14 **THE DEFENDANT:** Yes, sir.

15 **THE COURT:** You have?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** You wish to testify?

18 **THE DEFENDANT:** Yes, sir.

19 **THE COURT:** Very well. You may be seated.

20 On the two other issues we have -- one of
21 them I haven't completely resolved concerning the
22 malice -- my initial brush is you may be confusing
23 malice and motive. They don't have to prove
24 motive.

25 And I read the Belcher case. The Belcher

1 case may be a different circumstance. Of course,
2 I haven't heard from your client yet, so,
3 therefore, based upon that case, I cannot make a
4 ruling on that and therefore deny your motion on
5 the murder charge. Belcher may be different from
6 these circumstances, may be similar. But since I
7 have not heard from your side, I cannot make a
8 ruling.

9 As to the subsequent -- rather prior
10 convictions of your client, the Rules of Evidence
11 infer that's what we're talking about, that could
12 mean only at the time of trial. It doesn't matter
13 when he committed the other acts. But if he had a
14 conviction prior to trial, then it would come in
15 provided with the five-factor test. I think it's
16 comes in. But based upon that, I am going to
17 allow the convictions from 2009 to be used against
18 the defendant if he takes the stand.

19 **MR. FINNEY:** Your Honor, we would ask for a
20 reconsideration of that in light of the fact that
21 even with -- notwithstanding the fact that you
22 have found that the conviction took place before
23 the trial of this matter --

24 **THE COURT:** Yes, sir.

25 **MR. FINNEY:** -- the Court, in our opinion,

1 would have to decide that it also has a probative
2 value that outweighs the prejudicial --
3 prejudicial --

4 **THE COURT:** I do find -- I find the probative
5 value outweighs the prejudicial because the time
6 that you're looking at here is not the crime -- or
7 the one he's on trial for. It's when he testifies
8 as to whether he gets up and -- if I say he's a
9 boy scout and he's never done anything wrong -- of
10 course -- the law is pretty clear under 609, I
11 think, that the probative outweighs the
12 prejudicial.

13 **MR. FINNEY:** We would just continue reserving
14 our rights as to your ruling.

15 **THE COURT:** Absolutely. Anything further
16 from the State?

17 **MR. CONNER:** Nothing, Your Honor.

18 **THE COURT:** Let's bring the jury in.

19 (WHEREUPON, the jury enters the courtroom.)

20 **THE COURT:** Ladies and Gentlemen, I hope you
21 had a great lunch. We want to start before it
22 gets warm too here. I can feel a little
23 difference than when we left. The State has
24 rested. Defendant ready to proceed?

25 **MR. FINNEY:** We are, Your Honor. I call Mr.

1 Jeron Cook to the stand.

2 JERON COOK

3 having first been sworn, testifies as follows:

4 DIRECT EXAMINATION

5 BY MR. FINNEY:

6 Q Mr. Cook, how old are you, sir?

7 A 28.

8 Q And back in March of 2009, you would have
9 been 27 years old?

10 A Yes, sir.

11 Q Tell the jury a little bit about you. Did you
12 grow up in Sumter?

13 A Yes, I did.

14 Q You have family in Sumter?

15 A Yes, I do.

16 Q Your mom here?

17 A Yes, sir.

18 Q Tell the jury. Who's your mom?

19 A My mom is right there in the black jacket.

20 (Pointing.)

21 Q She's got glasses on?

22 A Yes, sir.

23 Q In the front row?

24 A Yes, sir.

25 Q How about your dad?

1 **A** He's right there from the back with the
2 glasses on.

3 **Q** He's got on the glasses back there?

4 **A** Yes, sir.

5 **Q** How many brothers and sisters do you have?

6 **A** One brother, one sister.

7 **Q** They live in Sumter?

8 **A** No, sir.

9 **Q** All right. So you're the baby?

10 **A** Yes, sir.

11 **Q** All right. Now did you go to school in

12 Sumter at the public schools?

13 **A** Yes, sir, I did.

14 **Q** Did you graduate?

15 **A** No, sir.

16 **Q** How far did you go?

17 **A** Tenth grade.

18 **Q** All right. And after you stopped going to
19 school, did you go in the military or the job corps or
20 anything like that?

21 **A** No, sir.

22 **Q** All right. What kind of work have you done
23 in your life?

24 **A** I worked at (inaudible).

25 **Q** All right. Doing what kind of work?

1 A Well, packaging and delivering chicken.

2 Q All right. Were you living at home most of
3 your life?

4 A Yes, sir. I did.

5 Q And do you have any children?

6 A Yes, sir. I do.

7 Q How many children do you have?

8 A Three.

9 Q All right. Now, you were living in Sumter in
10 March of 2009 when this shooting occurred?

11 A Yes, sir. I did.

12 Q Did you know Mr. William Blackwell?

13 A No, sir. I didn't.

14 Q Ever met him, have a card game with him,
15 drink a beer with him, anything like that?

16 A No, sir. I did not.

17 Q Did you have occasion to go over on West
18 Patricia to a house where Ms. Audja Blackwell lived?

19 A Yes, sir. I did.

20 Q How did you meet Ms. Audja Blackwell?

21 A Through her boyfriend.

22 Q What was his name?

23 A Scottie.

24 Q Were you and Scottie friends?

25 A Yeah, we was okay.

1 Q Scottie took you over to the house on
2 Patricia?

3 A Yes.

4 Q How long had you been going or knowing that
5 these people, Mr. Blackwell, was at this house?

6 A Maybe about a year and a half, two years.

7 Q All right. And had you been to the house
8 before the shooting? How many times would you say
9 you'd been inside the house?

10 A Probably about ten times.

11 Q All right. What was your reason for going to
12 the house?

13 A Well, I used to pay them to have sex.

14 Q Pay who?

15 A Audja and Ms. Weathers.

16 Q Did Audja and Ms. Weathers live together the
17 whole time you knew Audja?

18 A No, sir.

19 Q Who did you meet first?

20 A Audja.

21 Q And then you met her and you had this
22 relationship with her where you'd go over there and be
23 entertained?

24 A Yes, sir.

25 Q And how many times would you say that

1 happened?

2 **A** Maybe about ten times.

3 **Q** All right. And then at some point, did Ms.
4 Weathers start living there?

5 **A** Yes.

6 **Q** You remember when Ms. Weathers moved in or
7 started living there?

8 **A** I think maybe I seen her maybe like a month
9 before that happened, two months before that incident
10 happened.

11 **Q** Before the shooting happened, a month or two,
12 she was there?

13 **A** Yes, sir.

14 **Q** All right. Did you ever see the man that you
15 saw the night of the shooting? Did you ever see him
16 at the house?

17 **A** No, sir, never did.

18 **Q** When you went to the house, what kind of
19 vehicles were there?

20 **A** I done seen like a Ford Expedition and a van.

21 **Q** The van we're talking about what kind of van,
22 was it?

23 **A** Like a mini-brown, brown van.

24 **Q** Was it there the night you came there to see
25 Ms. Weathers, the night of the shooting?

1 **A** Yes, sir.

2 **Q** Now tell the Ladies and Gentlemen of the jury
3 a little bit about how you would talk to these ladies
4 at the house.

5 **A** Well, when I go over, it was already a set
6 price, you know, to have sex or whatever, might be 40,
7 \$50 at the most, \$60. So when I go over there, they
8 already know what time it is and we would have sex.

9 **Q** Did you -- did you see them by just going and
10 knocking on the door or how did y'all talk? How did
11 you know they were there?

12 **A** I called them on the phone.

13 **Q** Whose number would you be calling?

14 **A** Audja.

15 **Q** How about your number? Did you have a cell
16 phone?

17 **A** Yes, sir.

18 **Q** Did they have your number?

19 **A** Yes, sir.

20 **Q** Would they call you?

21 **A** Yes, sir.

22 **Q** And how many times in an average month would
23 you all talk?

24 **A** Talk a lot.

25 **Q** All right. Were you always going to her

1 house?

2 **A** Yes.

3 **Q** Did you take either of these women to a hotel
4 or to your house or any place else?

5 **A** One time, me and Audja went to a hotel.
6 Usually it was a situation where a phone call would be
7 made and a visit would be made to Patricia Drive.

8 **Q** Now on this particular occasion in March,
9 were there phone calls made to you?

10 **A** Yes, sir.

11 **Q** Who were you talking to when the calls came
12 in to your phone?

13 **A** I would talk to Audja.

14 **Q** Did you and Audja agree that you were going
15 to come over to the house?

16 **A** Yes, sir.

17 **Q** What time would you say the last phone call
18 came in to you before you went over to the house?

19 **A** Between 12:00 and 12:15.

20 **Q** All right. And this would have been
21 midnight?

22 **A** Yeah.

23 **Q** All right. Had you seen Audja or Ms.
24 Weathers that day?

25 **A** Yes, sir. I did.

1 Q Where?

2 A At Audja's house.

3 Q You went by there?

4 A Yes, sir.

5 Q How did you happen to go by there earlier
6 that day?

7 A I was riding with my friend.

8 Q Did you see any vehicles there that you
9 weren't aware of?

10 A No, sir.

11 Q Did anybody tell you, well, tonight's not a
12 good night because there's somebody going to be here?

13 A No, sir.

14 Q When you had been in the house before to see
15 either one of the women, had you seen any evidence
16 that a man lived there?

17 A No, sir.

18 Q All right. Now when you got there about
19 12:15, midnight or a little after, how did you get to
20 the house?

21 A I walked.

22 Q And what did you have on?

23 A I had on some black jeans and a black hoodie.

24 Q A hoodie, like a jacket?

25 A Yeah.

1 Q Did you have anything with you like a
2 suitcase or you know shaving kit or anything like
3 that?

4 A No, sir.

5 Q Where was your car?

6 A Parked at my friend's house.

7 Q All right. And why did you leave your car?

8 A I just wanted to take a stroll on foot.

9 Q Your friend's house was in the neighborhood?

10 A Yes, sir.

11 Q Tell the Ladies and Gentlemen of the jury
12 where do you live or where were you living at this
13 time in March of last year?

14 A At [REDACTED].

15 Q And where is (inaudible) Street in relation
16 to Patricia Drive?

17 A Like maybe about five, six blocks away.

18 Q Where was your friend's house where you had
19 left to walk over to Patricia Drive?

20 A On Murphy street.

21 Q How far is that away?

22 A Maybe about seven blocks away.

23 Q Is it seven blocks away from Patricia Drive?

24 A Yes.

25 Q So you walked over there?

1 A Yes, sir.

2 Q What did you do before you -- you got to --
3 did you do anything when you left your friend's house?
4 Did you tell your friend where you were going?

5 A No, sir.

6 Q You just told him you'd see him later?

7 A I told him I'd be back.

8 Q What did you do after that?

9 A I had a gun in the car. I didn't want to
10 leave it there so I had brought it with me.

11 Q Where was the gun?

12 A In the car.

13 Q And where did you put the gun after you left
14 the car?

15 A In my back pocket.

16 Q In your pants?

17 A Yes, sir.

18 Q Did you have it in a holster or a case or
19 anything?

20 A No, sir.

21 Q What kind of gun was it?

22 A A 40 caliber.

23 Q How long had you had the gun?

24 A Maybe about three months.

25 Q Why would you have the gun in the car with

1 you from that evening?

2 A I usually just don't have it with me. I just
3 had brought it out with me that day. I don't know
4 why.

5 Q Is it true in you have had in your past some
6 charges placed on you?

7 A Yes, sir.

8 Q Did you have a gun charge placed on you in
9 Manning, South Carolina?

10 A Yes, I did.

11 Q And how long ago was that?

12 A Maybe two years before.

13 Q Two years before the shooting?

14 A Yes, sir.

15 Q And this -- this charge you were -- were you
16 walking or were you riding? What happened that day?

17 A I was riding.

18 Q Were you alone in the car?

19 A No. I was riding with a friend of mine, a
20 young lady. We got pulled over by Clarendon County
21 police and they found a gun in the car.

22 Q And you -- you -- you accepted responsibility
23 for the gun?

24 A Yes, I did.

25 Q What was done with it?

1 **A** I got probation. I pleaded guilty and got
2 probation.

3 **Q** All right. After that, did you also have a
4 situation that occurred where -- here in Sumter County
5 some drug charges were placed against you?

6 **A** Yes, I did.

7 **Q** Did you plead guilty to those?

8 **A** Yes, I did.

9 **Q** Why was that?

10 **A** Because I was guilty of selling drugs..

11 **Q** And so you got a sentence for that as well?

12 **A** Yes, I did.

13 **Q** Now you've been charged today with Murder and
14 Assault and Battery with Intent to Kill. How did you
15 plead to those charges?

16 **A** Not guilty.

17 **Q** Why is that?

18 **A** Because I'm not guilty of murdering no one.

19 **Q** What about Assault and Battery with Intent to
20 Kill.

21 **A** I'm not guilty of Assault and Battery with
22 Intent to Kill on no one.

23 **Q** When you got to the house that night it was
24 after midnight what were you expecting to find there?

25 **A** Audja and Ms. Weathers.

1 Q And you would have expected them to both be
2 there?

3 A Yes.

4 Q And when you last talked to someone at the
5 house, who did you last talk to?

6 A Ms. Weathers.

7 Q What was the conversation about? What was --

8 A That it was all right for me to come over.

9 Q Did she tell you anything that day or that
10 night about somebody else being there?

11 A No, sir.

12 Q Did she ever tell you that she was going with
13 or had a boyfriend named William Blackwell --

14 A No, sir.

15 Q -- that lived there?

16 A No, sir.

17 Q So when you got there you walked in?

18 A No, I called before I got to the door.

19 Q All right. And told them what?

20 A That I was outside.

21 Q All right. Who opened the door?

22 A Ms. Weathers.

23 Q All right. And then did you go in?

24 A Yes, sir. I did.

25 Q All right. And was there anything unusual,

1 you believe, about the house at that time?

2 **A** No, sir.

3 **Q** Tell the Ladies and Gentlemen of the jury
4 about that living room. When you walk in the living
5 room at 15 or 20 minutes after midnight, there are a
6 lot of lights on? TV on?

7 **A** No, sir.

8 **Q** People running around, walking around?

9 **A** No, sir. It was kind of junkie. Ms.
10 Weathers was on the couch to the left and Audja was on
11 the couch to the right and they looked like they was
12 talking or whatever.

13 **Q** All right. So did you sit down and talk with
14 the two ladies?

15 **A** No. Soon as I came in, they stood up. I
16 asked Ms. Weathers was she ready. She was like hold
17 up for a minute and Audja was like go ahead and go in
18 the room and hurry up.

19 **Q** All right. So you saw Ms. Weathers --

20 **A** Yes, sir.

21 **Q** You saw Ms. Audja Blackwell and she knew you
22 were there.

23 **A** Yes, sir.

24 **Q** And she said to you all go ahead and do what
25 you're going to do or whatever, she said something,

1 y'all left the room?

2 A Yeah, she left and went into the room on the
3 left.

4 Q The room on the left, as you're looking at
5 the front of the house, would be the bedroom on the
6 left?

7 A Yes, sir.

8 Q Had you been in that room before?

9 A Yes, sir.

10 Q When you went in there, the testimony is that
11 you had sex with Ms. Weathers?

12 A Yes.

13 Q How long did you plan to stay there?

14 A No longer than 45 minutes or an hour.

15 Q All right. Did you take condoms with you?

16 A Yes, sir.

17 Q How many condoms?

18 A Two.

19 Q Did you intend to use both of them?

20 A Yes.

21 Q And how were you dressed at the time that you
22 -- after you got there for a few minutes? Did you
23 have your shoes on?

24 A I took everything off but my shirt.

25 Q All right. So you took your hoodie off?

- 1 A Yes, sir.
- 2 Q You took your pants off?
- 3 A Yes, sir.
- 4 Q Did you have underwear?
- 5 A Yes.
- 6 Q And you had shoes?
- 7 A Yes.
- 8 Q And all that stuff came off?
- 9 A Yes, sir.
- 10 Q How about this lady you were with, Ms.
- 11 Weathers?
-
- 12 A She took off everything but her shirt.
- 13 Q Y'all were on the bed?
- 14 A Yes, sir.
- 15 Q Now what happened -- how long before were you
- 16 there before you knew something was not right?
- 17 A Maybe about 20 minutes.
- 18 Q What made or what brought your attention to
- 19 the fact that something wasn't right?
- 20 A Because while we was having sex, there was a
- 21 knock at the door. And I heard -- the house was
- 22 quiet. I could hear Audja going to the door. She
- 23 said who is it. I didn't hear what the man at the
- 24 door said but whatever he said, Shemeikkico, was like,
- 25 oh, that my boyfriend. And by this time, we was

1 getting off the bed trying to find our stuff in the
2 dark. Audja let him in. And by that time, when
3 Shameikkico got to the door he been done bust in the
4 room and turn on the light.

5 Q He busted in the room that you were in?

6 A Yes, sir.

7 Q Did you hear him coming in the door?

8 A Yes, sir. I heard when the door opened and I
9 asked who was it and the door opened.

10 Q That's the door?

11 A Yes, sir.

12 Q Now the door to your bedroom. That would
13 have been the room you were in. Was it closed or open
14 when you were on the bed with Ms. Weathers?

15 A It was closed.

16 Q Were the lights on or off?

17 A Off.

18 Q What happened when the door opened? Did Ms.
19 Weathers open the door?

20 A No. She was about to get to the door and the
21 door came open..

22 Q Where were you?

23 A On the bed still trying to put on my pants.

24 Q All right. Did you have lights on in the
25 room at that time?

1 **A** Not until he turned them on.

2 **Q** He cut the lights on?

3 **A** Yes.

4 **Q** Do you know who this man is when the lights
5 come on?

6 **A** No, I didn't.

7 **Q** What do you -- what are you feeling,
8 thinking, what's going on with you at this that point?

9 **A** At this point in time, I'm just knowing she
10 just said her boyfriend. He let her out of the room
11 and just was like -- he was like what's up, what's

12 going on, like, he was looking at her. And he would
13 look at me. And he's like what's going on. So I try
14 to go like follow behind Ms. Weathers.

15 **A** He stepped in front of the doorway and
16 blocked the doorway. So I backed back up to the bed
17 and I was saying chill, chill. And he was like, fuck
18 that, fuck that. And he took off his coat. He took
19 off his coat and threw his coat on the floor. And he
20 reach with the right hand to his back pocket. And I
21 figured he was going to try to pull a gun, so I shot
22 him.

23 **Q** What did you have on at this point?

24 **A** Really I just had one foot in my pants, one
25 leg -- one leg in my pants.

1 Q Did you have your underwear on?

2 A No, sir.

3 Q Did you have your shoes on?

4 A No, sir.

5 Q What did Ms. Weathers have on?

6 A She ain't had on nothing but a t-shirt or a
7 shirt.

8 Q Were you still in the bedroom when the lights
9 came on and he came to the door?

10 A Yes.

11 Q All right. Did he knock at the door and say
12 can I come in or what y'all doing in there or anything
13 like that?

14 A He just came in the room.

15 Q How was he acting before he came in the room?

16 A He was acting like he was mad. He was mad.
17 He kept cursing. I told him to chill about three or
18 four times. I kept telling him to chill. He was like
19 Fuck that. He kept saying fuck that over and over
20 again.

21 Q When you saw him take off his jacket where
22 was he standing?

23 A In front of me like he done came in the room.

24 Q Tell me to stop when I get as close as he was
25 to you that night.

1 A About right there.

2 Q And so were you standing up?

3 A Yes, sir.

4 Q And he was standing up?

5 A Yes, sir.

6 Q And the lights was on in your room?

7 A Yes.

8 Q Was there any lights on in any place else as
9 far as you would tell? Was the hallway behind you
10 with lights on?

11 A I don't think so.

12 Q When he took the jacket off, what did he do
13 with it?

14 A He threw it on the floor. That would be
15 right here to --

16 Q To his left?

17 A Yes.

18 Q To your right?

19 A To my right.

20 Q Once he threw the jacket on the floor, what
21 happened at that point?

22 A He took his right hand and reached in his back
23 pocket like he was about to pull out a gun.

24 Q How did you feel at that time?

25 A I was scared.

1 Q Did you know you had the gun with you at that
2 point?

3 A Yes, sir.

4 Q Did you fire your weapon?

5 A Yes, sir.

6 Q Where did you fire your weapon?

7 A I just pointed it. I just fired.

8 Q All right.

9 A I don't know. I was scared. I just didn't
10 want him to shoot me.

11 Q All right. At some point, did he turn away
12 from you?

13 A Yes.

14 Q Do you know if the weapon fired again after
15 he turned away from you?

16 A Maybe he could have.

17 Q Did you count the number of shots that you
18 took that night?

19 A No, sir.

20 Q Do you know how many shots you took that
21 night?

22 A I didn't until I came here.

23 Q All right. When you left the room, did you
24 have a chance to follow him down the hallway shooting
25 at him?

1 **A** Yeah.

2 **Q** How do you know that?

3 **A** Because when he was running I -- when he ran
4 out the room, I ran behind him trying to leave the
5 house.

6 **Q** All right.

7 **A** I was trying to get out.

8 **Q** Where were you going when you left the
9 bedroom?

10 **A** I was going to the front door.

11 **Q** Did you follow him to his bedroom to a room
12 where he was going?

13 **A** No, sir.

14 **Q** Did you know that was a bedroom on the right
15 side of the house?

16 **A** Yes, sir.

17 **Q** When you left your bedroom where you had
18 been, where was Shameikkico Weathers?

19 **A** Last time I saw Shameikkico, she was standing
20 by the bathroom.

21 **Q** How about Audja?

22 **A** I never saw Audja.

23 **Q** Did you ever take a shot at Audja to harm her
24 or intend to kill her?

25 **A** No, sir, I didn't.

1 Q What was the reason you fired your weapon
2 that evening?

3 A Because I thought he was going to hurt me.

4 Q When you got a chance to get out of that room
5 to get to the front door, is that where you went?

6 A Yes.

7 Q And then when you got outside, did you have
8 on your shoes?

9 A No, sir.

10 Q Did you have on your underwear?

11 A No, sir.

12 Q Did you have on a condom?

13 A Yeah, I still had my condom on.

14 Q And you left the house and the premises at
15 that point running on foot?

16 A Yes, sir.

17 Q Did you take the gun with you?

18 A Yes, sir.

19 Q What did you do with the gun later on?

20 A I threw it under an abandoned house.

21 Q This would have been one o'clock from the
22 morning, two o'clock in the morning. What did you do
23 for the next hours after that?

24 A I was scared. I just went to a hotel room to
25 just try to get my mind -- get my mind together.

1 Q Why didn't you call your mom or your dad or
2 the officers or somebody?

3 A I was afraid. I didn't know if I had shot
4 him or not.

5 Q After you left the house, you didn't know
6 whether he had been hit or not?

7 A No, sir.

8 Q Why was that?

9 A Because it was dark. I just was trying to
10 get out the house.

11 Q If the man had let you out of the house when
12 you asked to go out of the house, would you have
13 reached for the gun?

14 A No, sir. I just would have left.

15 Q Did you have any bad blood with that man
16 before he came and opened the door to that bedroom
17 where you and Ms. Weathers were?

18 A I ain't had no beef with that man.

19 Q Did you have any kind of feeling that you
20 wanted to get him because he was dating Ms. Weathers
21 or something like that?

22 A No.

23 Q Could you see Ms. Weathers any time you
24 wanted to?

25 A Probably, for the money.

1 Q Could you see Ms. Audja any time you wanted
2 to?

3 A Yeah, for the money.

4 Q When you went in the house that night, did
5 you have any intent to harm this man or harm -- were
6 you taking the weapon with you so that you would be
7 ready for trouble?

8 A I took the weapon with me cause the
9 neighborhood I live in people break in your cars and
10 stuff. When I went over there, my whole plan was to
11 have sex with Ms. Weathers. That's the honest truth.
12 I ain't come to hurt nobody. I didn't know that man.
13 I just -- I know I had a girl at home. I just wanted
14 to have sex. I'm not proud of it but that's the
15 truth.

16 Q What did you do the next day after you -- I
17 guess you intended the night at the hotel. What
18 happened the next day?

19 A I talked to my mother and my father and told
20 them I wanted to turn myself in.

21 Q What did they do?

22 A They took me to the law enforcement downtown.
23 I turned myself in.

24 Q That would have been in March?

25 A Yes, sir.

1 Q You were arrested and charged?

2 A Yes, sir.

3 Q When did you find out that Mr. Blackwell was
4 actually deceased?

5 A Well, like the next day. Later on that day.

6 Q After you turned yourself in?

7 A Well, before. That's why I wanted to turn
8 myself in because I heard what happened.

9 Q I see. Your heard what happened before you
10 turned yourself in?

11 A Yeah.

12 Q As a result of that, you called your mom and
13 dad?

14 A Yes, sir.

15 Q They went with you to the police station?

16 A My father and my often uncle did..

17 Q All right. When was the last time you were
18 in that house on Patricia Drive before March 18, 2009?

19 A Maybe about two weeks before that.

20 Q Okay. Who did you see on that occasion?

21 A I seen Ms. Weathers.

22 Q When you saw Ms. Weathers on that occasion,
23 did you leave some money with her?

24 A Yes, I did.

25 Q Did you have to leave money with Audja?

1 **A** No, but Audja -- at the time when this
2 happened Audja asked for some money.

3 **Q** The time of the shooting?

4 **A** Yes, sir.

5 **Q** Had -- I think I've already asked this
6 question. You had never had any conversation with
7 this man, Mr. Blackwell?

8 **A** No.

9 **Q** Do you know how many -- I guess the officer
10 would say cartridges. How many bullets would that gun
11 hold that you had?

12 **A** About 15.

13 **Q** Do you think the gun was loaded fully that
14 night?

15 **A** Yes.

16 **Q** Did you load different kind of bullets that
17 night or whenever you loaded it the last time?

18 **A** No, sir. I didn't.

19 **Q** Do you remember how many shots you fired that
20 night?

21 **A** I don't remember.

22 **Q** Were you standing in one point in the bedroom
23 pointing the weapon the whole time or were you moving?

24 **A** I just stayed in one position.

25 **Q** All right. What caused you to leave that

1 position to try to get out the front door?

2 A He finally got away from blocking the door.

3 Q And that was your time to leave going out the
4 front door?

5 A Yes, sir.

6 Q Was there any other way for you to leave that
7 bedroom that you found yourself in that night?

8 A No. Not to my knowledge.

9 Q All right. The only door in and out of that
10 bedroom was the door he was standing in?

11 A Yes, sir.

12 Q The only door in and out of the living room
13 would have been the door you came in earlier?

14 A Yes, sir.

15 Q From the time you got to the house a few
16 minutes after midnight, what time do you think you
17 left the house? How long do you think you were in the
18 house that night from start to finish?

19 A Probably about 30 minutes, 25, 30 minutes.

20 Q During any of that 20 or 30 minutes, did you
21 at any time ever think I'm going to hurt somebody
22 tonight, I'm going to get this fellow who they say is
23 living here or whatever, anything like that?

24 A No, sir.

25 Q What was your plan that night from the time

1 you got there to the time you were going to try to
2 leave?

3 A I was going to hopefully have some fun having
4 sex to be honest.

5 Q What changed that that evening?

6 A Mr. Blackwell came home or came to the house.

7 Q When you saw the pictures at my office after
8 we talked about this case, were there a pair of white
9 tennis shoes left there in the middle of the floor?

10 A Talking about my white tennis shoes?

11 Q Yes.

12 A Yes, I left them there.

13 Q Those were your clothes?

14 A Yes, sir.

15 Q They were on the floor where you left them?

16 A Yes.

17 Q How about your underwear?

18 A It was mine.

19 Q How about your underwear? Was it left in the
20 bedroom?

21 A Yes, the boxers.

22 Q Why you didn't put those in on and leave with
23 those?

24 A I didn't have any time.

25 Q When you left the house that night, as far as

1 the front room was concerned, were the lights on in
2 the front room? Was it well lit?

3 **A** I don't recall. I just tried to get out
4 there fast as I could.

5 **Q** When you got to the front door, did you have
6 to open the front door?

7 **A** No. The front door was still open. The
8 screen door was shut.

9 **Q** The front door was open but the screen door
10 was shut?

11 **A** I think so.

12 **Q** So from the time Mr. Blackwell came in the
13 front door to the time you went out of the front
14 (inaudible)?

15 **A** Not to my knowledge.

16 **Q** From the time you heard Ms. Weathers say, oh,
17 that's my boyfriend to the time you went out the front
18 door how much time you think went by from the time he
19 came in to the time you left?

20 **A** About seven or eight seconds.

21 **Q** Quick?

22 **A** It happened fast. He was in the room fast.
23 I was moving around in the dark trying to find my
24 pants still.

25 **Q** Has anything like this ever happened to you

1 before?

2 **A** No, sir.

3 **Q** How did you feel when you left the house that
4 night?

5 **A** I felt bad. I was scared. I didn't never
6 had nothing like this happen to me before.

7 **Q** Is there anything else you want to tell the
8 Court?

9 **A** I'd like to apologize to the family. I
10 didn't mean for this to happen. I ain't had no
11 problems with your son. I ain't had no problems with
12 your brother.

13 **MR. FINNEY:** Thank you, Mr. Cook. Answer any
14 questions the solicitor may have.

15 **THE COURT:** Mr. Conner.

16 **CROSS-EXAMINATION**

17 **BY MR. CONNER:**

18 **Q** Okay, Mr. Cook. In addition to what you
19 talked about to your lawyer you've been convicted of
20 or pled guilty four times to four different instances
21 of selling crack cocaine and you entered that plea
22 back on September 17; is that right?

23 **A** Yes, sir. I did.

24 **Q** Of 2009.

25 **A** Yes, sir.

1 Q And you got a six-year sentence?

2 A Yes, sir. I do.

3 Q And you also at the same time pled guilty to
4 Distribution of Crack Cocaine within Proximity of a
5 School on two occasions; is that correct?

6 A Yes, sir.

7 Q You got ten years suspended to the service of
8 six?

9 A Yes, sir.

10 Q And at the same time, at the same time, you
11 didn't say anything to Mr. Finney about this, but you
12 pled guilty to possession of a stolen pistol, didn't
13 you?

14 A Yes, sir.

15 Q And how much time did you get for that?

16 A Talking about the incident in Manning?

17 Q No. I'm talking about the incident you pled
18 guilty to on September of -- 17th.

19 A Oh, yes. I pled guilty to that.

20 Q So you have had two pistol convictions in the
21 past then?

22 A Yes, sir.

23 Q One on -- one back in Manning a couple years
24 back?

25 A Yes, sir.

1 Q The one that -- when you were riding with the
2 girl?

3 A Yes, sir.

4 Q And you pled -- you got probation on that?

5 A Yes, sir. I did.

6 Q But you also pled to another one on September
7 17th of '09 for Possession of a Stolen Pistol; isn't
8 that right?

9 A Yes, sir.

10 Q So you're familiar with the pistol law,
11 aren't you?

12 A Yes, sir.

13 Q And you know that you're not supposed to be
14 just carrying a pistol around Willie nilly at your
15 pleasure. You don't have a permit to carry a pistol,
16 do you?

17 A No, sir.

18 Q You don't have a concealed weapon permit, do
19 you?

20 A No, sir.

21 Q And you know where you're supposed to keep
22 them, don't you?

23 A Yes, sir.

24 Q Where are you supposed to keep a pistol in
25 your automobile?

1 A I think in your glove compartment.

2 Q Uh-huh. And -- but you're not supposed to be
3 running up and down the street running to other
4 people's houses with pistols, are you?

5 A I don't think so, no.

6 Q You knew better than that.

7 A Yeah.

8 Q But you did it anyway because you were
9 looking for trouble, weren't you?

10 A No, sir.

11 Q You knew this Blackwell boy was living there
12 with his sister, Audja, didn't you?

13 A No, sir.

14 Q You knew that -- you called over there
15 several times that same day, didn't you?

16 A I called twice.

17 Q Called at least twice.

18 A Yes, sir.

19 Q And you went over there one time, didn't you?

20 A Yeah, because they called me to come over
21 there.

22 Q You came over there and she told you you
23 couldn't come inside because her boyfriend was there?

24 A I did not. She called me inside.

25 Q You didn't go over there just for a friendly

1 call, did you?

2 A No, sir.

3 Q And when you went over there that night after
4 -- you went after midnight, didn't you?

5 A Yes, sir.

6 Q You called and asked them was the way clear,
7 didn't you?

8 A No. They called me and --

9 Q Before you got to the door, you called again
10 and said is everything okay.

11 A The first they called me and told me I could
12 have came over. And I just called when I got to the
13 house and let them know that I was outside.

14 Q How tall are you?

15 A I think about 5'9.

16 Q How much do you weigh?

17 A About 220 -- I mean the 20 pounds.

18 Q About 220 pounds?

19 A Yeah.

20 Q So this other fellow is 5-foot-7, 170 pounds,
21 you outweighed him by 50 pounds?

22 A At the time of this incident, I wasn't as
23 big. I was incarcerated. I was locked up for some
24 months.

25 Q But you were bigger than he was, weren't you?

1 A I wasn't sure.

2 Q You're 5'10 and at least 215 to 220, right?

3 A No, I am. 5'9, 220.

4 Q You could have taken care of this little
5 shrimp fellow with no sweat, couldn't you?

6 A No, sir.

7 Q But you took a gun. That was your way of
8 settling things, wasn't it? That's been your way of
9 settling matters for a long time, hasn't it?

10 A No, sir.

11 Q Now these women didn't know that you came in
12 there with a gun, did they?

13 A It was the first time I brought a gun over
14 there.

15 Q Did you take it out, show it to them when you
16 went in and said all right for me to have any gun over
17 here?

18 A No, sir.

19 Q You had never taken a gun over there to their
20 house before?

21 A No, sir.

22 Q But you went prepared that night, didn't you?

23 A No, sir.

24 Q Because you knew that that boy was there and
25 that you might encounter him and you had trouble on

1 your mind, didn't you?

2 A I didn't know he was there.

3 Q You didn't just accidentally take a gun, did
4 you?

5 A I told you I didn't want to leave it in the
6 car.

7 Q You didn't want to leave it in the car. That
8 night you didn't go down to the police and say I'm
9 sorry or you didn't wait around there and let them
10 swab your hand, did you?

11 A I told you I was afraid.

12 Q You didn't even go home because you thought
13 they might come there looking for you, didn't you?

14 A No, sir.

15 Q You went to a hotel and checked in so you
16 could plan your strategy, didn't you?

17 A My strategy was to turn myself in.

18 Q By you didn't have any strategy at all at
19 first except run because you knew you had done wrong,
20 didn't you?

21 A I was assaulted there. I didn't approach
22 him.

23 Q You needed 24 hours to clear your mind so you
24 could plan your lie.

25 A Not a lie. No, sir.

1 Q And the gun was a 40 caliber, wasn't it?

2 A Yes, sir.

3 Q And you never saw a gun on William Blackwell,
4 did you?

5 A No, sir.

6 Q And all he did was pull off his coat?

7 A And --

8 MR. FINNEY: Excuse me, Your Honor. Let the
9 witness finish his answer please.

10 THE COURT: Finish.

11 THE WITNESS: He threw his coat on the floor

12 and he reached in his back pocket.

13 BY MR. CONNER:

14 Q You said he went with his right hand, didn't
15 you?

16 A Yes.

17 Q And he threw up his left hand because you
18 were pointing the gun at him like that. (Motioning.)
19 He did like that, didn't he? And the next thing he
20 did was he ran, didn't he? He ran out the door and
21 you just shot him in the back twice. You chased him
22 all the way down -- stand up there, please. He never
23 got very far in this door, did he?

24 A No, he came all the way in the room.

25 Q And when you shot him, he turned and ran out

1 this way and down along the wall all the way to this
2 door, didn't he?

3 A Yes.

4 Q And you shot every inch of the way, didn't
5 you?

6 A No, sir.

7 Q You don't even know how many times you shot
8 him, do you?

9 A No, sir.

10 Q But you just kept shooting and him running
11 and Audja ran behind him and you shot him, didn't you?

12 A I didn't see Audja.

13 Q She just got in the way, didn't she?

14 A I didn't see anyone around.

15 Q You shot at them until you got to the front
16 door. That's the last shot you made was right there
17 at the front door, don't you?

18 A I'm not sure.

19 Q I going to show you this exhibit here,
20 State's Exhibit number 12, and ask you to examine
21 that. That's the bed that you and Ms. Weathers had
22 sex on, isn't it?

23 A Yes.

24 Q That's it?

25 A Yes, sir.

1 Q That's the room where all the shooting
2 started, wasn't it?

3 A Yes, sir.

4 Q You -- you never saw a gun on Mr. Blackwell,
5 did you?

6 A I told you after he threw his coat down and
7 reached in the back pocket.

8 Q You saw him stick his hand behind him?

9 A Yes, sir.

10 Q But you never saw a gun, did you?

11 A No, sir. I thought he was. He was cussing

12 at me. He was mad.

13 Q Right over this, State's Exhibit number 12,
14 right over the bed is a big what?

15 A A window.

16 Q A big window, right? So there was a way out
17 of that room, wasn't there?

18 A He was already -- he was already on --

19 Q You had the gun. You were ready for him
20 wasn't you?

21 A No, sir.

22 Q You never told these people you were sorry or
23 apologized for anything like that until today, did
24 you, when you've got a jury there and you think that
25 you might be able to fool them?

1 A I never had any more contact with them.

2 Q The 40 caliber pistol is one of those
3 semi-automatic pistols, wasn't it?

4 A Yes.

5 Q It fires fast, doesn't it? All you've got to
6 do is keep pulling the trigger?

7 A I guess.

8 Q Tell us about that hollow point ammunition.
9 It spreads out and it is very lethal when it hits
10 something and just spreads out and is hard for --
11 makes it hard for the firearms man to identify,
12 doesn't it?

13 A To be honest, I don't know much about
14 bullets.

15 Q You carry one all the time though.

16 A No, sir.

17 Q You're never without your getup, are you?

18 A Sometimes I carry a gun. I done carried a
19 gun before.

20 Q You knew it was illegal for you to arm
21 yourself and go down the street and go in this woman's
22 house with a gun, didn't you?

23 A Yes, sir. I knew it was illegal to carry a
24 firearm.

25 Q You walked down there with it in your pocket.

1 **A** Yes, sir.

2 **Q** You knew that was illegal?

3 **A** Yes, sir.

4 **Q** But you were expecting trouble?

5 **A** No, sir.

6 **Q** And you were prepared. I have nothing
7 further.

8 **THE COURT:** Redirect?

9 **MR. FINNEY:** No questions, Your Honor. The
10 defense rests.

11 **THE COURT:** Thank you. The defendant may
12 step down.

13 **MR. FINNEY:** Your Honor, I do have some
14 motions.

15 **THE COURT:** Ladies and Gentlemen of the jury,
16 I'm going to send you back to the jury room while
17 we take up a few matters of law. Please do not
18 discuss anything about the case until you are
19 instructed to do so.

20 **(WHEREUPON, the jury exits the courtroom.)**

21 **THE COURT:** Mr. Finney.

22 **MR. FINNEY:** Thank you, Your Honor.

23 **THE COURT:** Does the State intend to put
24 rebuttal testimony up?

25 **MR. CONNER:** I don't anticipate any at this

1 time.

2 **THE COURT:** That would be all the evidence?

3 **MR. FINNEY:** Yes, sir. That's all the
4 evidence.

5 **THE COURT:** All right.

6 **MR. FINNEY:** Your Honor, I would renew my
7 motions that were made prior to the defense
8 presenting its case, especially with regard to
9 the finding on the directed verdict motion on the
10 Assault and Battery with Intent to Kill and
11 Murder and the possession of the weapon with --
12 during the commission of a violent crime. I also
13 would renew the motions that were made regarding
14 the characterization or the character issue and
15 prior record of my client.

16 At this point, Your Honor, we also would
17 request the Court direct a verdict as to all four
18 counts in the indictment feeling as a -- at the
19 conclusion of all the evidence that the State and
20 the defense have given to the Court that the
21 Court should direct a verdict of not guilty as to
22 each count.

23 **THE COURT:** Mr. Conner. Go through them one
24 by one. I will let you respond on each of them.

25 **MR. CONNER:** As to the Murder charge, he has

1 admitted he shot the fellow and he never saw a
2 gun. He has admitted he was illegally armed when
3 he entered the house and we submit there is ample
4 evidence to go to the jury on that. As to
5 Assault and Battery with Intent to Kill, he did
6 not intend to shoot Audja. However, her
7 testimony is that she was running, retreating
8 from him and she was shot in the hip. And I
9 think there is ample evidence to go to the jury
10 on that, as well as the possession of a stolen
11 weapon or Possession of a Firearm during the
12 Commission of a Violent Crime.

13 If only -- if only thing I -- I would say in
14 regards to the gun under 16 -- it says that it's
15 -- under 16-23-20 says it is unlawful for anyone
16 to carry about the person any handgun whether
17 concealed or not except as follows. And then it
18 says a person in his home or upon his real
19 property or a person who has the permission or
20 the owner or the person in legal possession or
21 the person in legal control of the home.

22 Well, he had permission to be in the home,
23 but he did not have permission to carry a gun in
24 there and when he walked down the street with the
25 gun, it's not like he went out and got armed in
26 self-defense thinking that he would have to

1 defend himself if he got in a dangerous situation
2 and went and got a gun to defend himself. He
3 went there with the gun.

4 **THE COURT:** Mr. Finney.

5 **MR. FINNEY:** Your Honor, I believe the
6 exception Mr. Conner concerns himself with does
7 show that if you're on the property -- it does
8 not say you have to have the consent of the owner
9 of the property to have the weapon.

10 **THE COURT:** Specifically do. I was the
11 author of that bill and that was one of the
12 issues that came up in legislation. And it was
13 specifically that you had to have the permission
14 of the owner to carry the weapon into the house.
15 So it's not that you had permission to be there,
16 but you had to have permission to have the
17 concealed weapon on you at the time.

18 **MR. FINNEY:** All right, sir. I just don't
19 think that is the reading of the statute and I
20 would defer to the Court's expertise in the
21 matter and let the objection --

22 **THE COURT:** Based on that, I'm going to
23 overrule your objection. I find that there is
24 sufficient evidence on all the charges for the
25 case to go to the jury. Following today's

1 hearing on -- the attorneys will have a charge
2 conference as to what we will be charging. And
3 then tomorrow morning at ten o'clock, I will
4 charge the jury and we will make the closing --
5 you may make your closing arguments. And I will
6 then charge the jury at that point in time. But
7 I am going to dismiss them for the afternoon.

8 **MR. FINNEY:** Thank you, Your Honor.

9 **THE COURT:** Let's bring the jury back in.

10 **(WHEREUPON, the jury enters the courtroom.)**

11 **THE COURT:** Ladies and Gentlemen, the State

12 has rested and the defense has rested.

13 Therefore, all the evidence that has been
14 presented in this case has now been presented to
15 you. We still have some other matters we have to
16 take up, so I am going to dismiss you for the
17 evening with instructions that you are to be back
18 here approximately quarter till 10:00 tomorrow
19 morning. 9:45.

20 Now because of all the evidence has been in,
21 it is very, very important that you not discuss
22 this case with anyone. Do not by any means look
23 at any newspaper tomorrow morning. Tonight when
24 you're home, do not look at any news reports and
25 just kind of take a night off from all types of

1 media and enjoy the world without all the things
2 that have come in. I'm going to dismiss you.
3 Thank you for your attention today. I'll see you
4 at -- right around quarter till 9:00 -- excuse me
5 -- quarter to 10:00 tomorrow morning. Thank you.

6 (WHEREUPON, the jury exits the courtroom.)

7 THE COURT: Thank you. Court is adjourned
8 until ten o'clock tomorrow morning.

9 MR. FINNEY: Charge conference?

10 THE COURT: Charge conference immediately.

11 MR. FINNEY: In your room?

12 THE COURT: Uh-huh.

13 MR. CONNER: We're going to have that in your
14 office.

15 THE COURT: Yes.

16 (WHEREUPON, the Court recessed for the day.)

P R O C E E D I N G S

(WHEREUPON, the Court resumed on the 21st day of April, 2010.)

THE COURT: Good morning, everyone.

MR. FINNEY: Your Honor, as a result of the charge conference last night, the defendant has requested three charges be given. I have marked them one, two and three and provided them to the solicitor. The first, Your Honor, is a self-defense means accidental shooting coming from the case of McCaskill is defendant's request to charge number one.

Of course, we would like to make all three of these requests to charge part of the record. Based on the McCaskill case and the evidence heard in this courtroom, we believe the jury ought to be charged that if the discharge of the gun was done by the defendant while acting in self-defense, then the -- he would be excused from any charges as a result of that. There is jury instructions that the Court will be giving as to what Murder is, what manslaughter is, what Assault and Battery with Intent to Kill is, but I think the jury needs to be instructed that just because there is a death. And a discharge of a

1 firearm does not mean that this is automatically
2 an unlawful act, that if he was found to be
3 acting lawfully they could and should excuse the
4 death when they find self-defense.

5 **THE COURT:** I think that's in my charge. I
6 think that's in the charge I have already rounded
7 up.

8 **MR. FINNEY:** Your Honor, I was looking at
9 page 12 and 13 and 14 of your handout to the
10 lawyers and I do not see where it says the
11 homicide is caused by a gun when the accused is
12 lawfully acting in self-defense.

13 **THE COURT:** I think in my self-defense charge
14 the defense has raised self-defense. Self-
15 defense is a complete defense and if established,
16 you must find the defendant not guilty. I don't
17 know what else you would ask for.

18 **MR. CONNER:** One problem with the defense
19 request number one is it talks about
20 unintentional acts of shooting and there is no
21 evidence in this case that there was an accident.
22 The defendant himself testified. He didn't say
23 it was accidental.

24 **THE COURT:** I picked up the gun and shot at
25 him.

1 **MR. FINNEY:** I wouldn't have an objection to
2 taking that language out, Your Honor, but I
3 thought that language was important because in
4 this case we have a second victim. And he
5 cannot, in my opinion, be found guilty of
6 shooting and hurting Ms. Audja if the -- if he
7 was acting in self-defense at the time he fired
8 the weapon and so this information to the jury
9 gives the defendant a --

10 **THE COURT:** I think that's a defense to that
11 as well because they're going to have to first
12 find the transferred intent. If they don't find
13 the transferred intent, then it basically does --

14 **MR. FINNEY:** Your Honor, I think the
15 McCaskill case, which is a Sumter County case,
16 does speak to the rights of the defendant to have
17 a jury consider that while acting under
18 self-defense -- you have laid out well, Your
19 Honor, the law of self-defense, but you have not
20 expressed it in terms of the actions that took
21 place in terms of the discharge of the gun and
22 the homicide. And what I'm asking the Court
23 under this authority to let them know that a
24 homicide, a death, caused by the discharge of a
25 gun is excused if the accused is acting lawfully

1 from self-defense.

2 **THE COURT:** And I'm satisfied with the charge
3 that I will give the jury.

4 **MR. FINNEY:** I would ask the Court to make
5 that a part of the record.

6 **THE COURT:** Absolutely.

7 **MR. FINNEY:** Number two, Your Honor, request
8 to charge is the transferred intent that the
9 Court talked about. In reviewing the transferred
10 intent language that the Court has given us, I am
11 strongly objecting on page 9 of the outline that
12 I have. It talks about transferred intent where
13 somebody, the defendant, trying to kill when it
14 says attempts to kill another person but by
15 mistake injures or kills a different person the
16 defendant still has the intent to kill. The
17 intent to kill is merely transferred.

18 I strongly object to that, Your Honor,
19 because I believe that the situation in the case
20 at bar is that the defendant is charged in the
21 indictment with a homicide, with a murder. And
22 if there was a second murder, then there could be
23 transferred intent on that issue. But if there
24 is a separate charge which there is in this
25 indictment of Assault and Battery with Intent to

1 Kill, to a different victim, Ms. Audja Blackwell,
2 then that charge and that evidence has to stand
3 on its own and the jury has to convict him on --
4 on the evidence, the weight of the evidence, as
5 to his intent to harm her.

6 If the State had not charged a separate
7 charge in the indictment, transferred intent
8 might be the proper authority here in my opinion,
9 Your Honor. I would ask the Court to consider
10 the language given in defendant's request to
11 charge number two where it says that the

12 Defendant is responsible for his felonious intent
13 if the -- merely transferring his intent from the
14 original object of the attempt to the person
15 killed. In other words, in my opinion, Your
16 Honor, the transferred intent would not work here
17 unless he was being charged with the death of Ms.
18 Audja --

19 **THE COURT:** No, then he would be looking at
20 two counts of murder and not one.

21 **MR. FINNEY:** Under that theory, it would be
22 the transferred intent, even though Ms. Audja was
23 sitting at a bar watching the TV. The fact he
24 killed her while he was trying to kill the man
25 next to her that would be the proper charge to

1 the jury. But where this case there is a charge
2 of murder and the jury has to weigh that evidence
3 and there is a separate count of Assault and
4 Battery with Intent to Kill, then the State has
5 taken it upon themselves to prove to this jury
6 the intent of the defendant to harm Ms. Audja and
7 the Court should not allow any transfer of any
8 intent under those circumstances.

9 **THE COURT:** Mr. Conner.

10 **MR. CONNER:** Your Honor, I think the proposed
11 transferred intent section is adequate. I would
12 -- four lines suggest that we might say the
13 person injured rather than -- since it is Assault
14 and Battery with Intent to Kill instead of a
15 person killed or injured. Could the Court say
16 that he killed rather than attempted to kill?

17 **MR. FINNEY:** It doesn't --

18 **THE COURT:** I mean, we're trying to craft
19 charges that apply to the facts of this case.
20 Not just -- not the defendant -- killed. I mean
21 the question here is not whether or not he killed
22 him. The question is whether there was legal
23 justification to do it.

24 **MR. FINNEY:** But Judge, the transferred
25 intent only speaks to Ms. Audja. And the

1 transferred intent only speaks to her if there is
2 an action by the defendant directed toward a
3 person and ended up hurting person. In this
4 case, the State has charged my client with
5 hurting and intending to hurt a person. And the
6 Court has heard testimony from the witness that
7 my client shot directly at her intentionally
8 trying to harm her. There is no transferred
9 intent from the -- Mr. Blackwell, the deceased
10 because Ms. Audja testified that she was the
11 victim and she was the target.

12 **THE COURT:** Who transferred intent? I think
13 is the only way to get to it.

14 Mr. Conner, I'll hear from you.

15 **MR. CONNER:** That is our contention, Your
16 Honor, that it is transferred intent. He
17 intended to kill this man but he shot her or he
18 intended to kill Blackwell but he shot his
19 sister.

20 **THE COURT:** Mr. Finney, I hear your argument.
21 I am satisfied that the charges we have in here
22 is sufficient to send the jury in their
23 deliberations.

24 **MR. FINNEY:** Your Honor, we submit request to
25 charge number two. We submit it as an indication

1 from the law that in this particular case, under
2 the circumstances as the indictment is written,
3 that the transferred intent would not be a proper
4 charge to the jury. And we ask the Court not to
5 charge transferred intent that's been handed to
6 us in your outline.

7 **THE COURT:** I note your objection.

8 **MR. FINNEY:** Then the third request to charge,
9 Your Honor, is the self-defense that I have
10 applied. I believe the Court has, in its
11 self-defense outline, included most of the -- the
12 law that I have requested on right to act on
13 appearances and the different circumstances, but
14 I would ask the Court to note that your charge
15 does not talk about -- it does talk about
16 (inaudible) and that was the important part that
17 we needed. So we submit number three, Your
18 Honor, and we think you have covered it in your
19 charge.

20 **THE COURT:** All right.

21 **MR. FINNEY:** Your Honor, we have requested
22 that you give a positive statement that the jury
23 may not find the defendant guilty of Possession
24 of a Weapon during a Violent Crime if they find
25 him not guilty of Murder, Voluntary Manslaughter,

1 or Assault and Battery with Intent to Kill. You
2 have told the jury that they have a right to
3 consider that charge if they find him guilty of
4 that, but I think the jury need to be instructed
5 that they may not find him guilty of that if they
6 do not find him guilty of Murder, Assault with
7 Intent to kill or the Voluntary Manslaughter.

8 **THE COURT:** I think my words was -- and to
9 find the defendant guilty of Possession of a
10 Weapon during the Commission of a Violent Crime,
11 you must first find the defendant guilty of
12 either committing a violent crime or attempting
13 to commit a violent crime, Murder, Voluntary
14 Manslaughter and Assault and Battery with Intent
15 to Kill with -- I think that is clear enough that
16 they know they have to find him guilty of one of
17 the three even to consider that.

18 **MR. FINNEY:** Your Honor, I do not have the
19 actual copy that your office has prepared but I
20 did have an objection to language. I was told
21 the inferred malice language has been removed in
22 both the Murder and the Assault and Battery with
23 Intent to Kill section.

24 **THE COURT:** Yes, sir. It has.

25 **MR. FINNEY:** And I will rely on the Court

1 based on that and go forward cause I do
2 specifically object to any language about the
3 inferred --

4 **THE COURT:** And you were correct under the
5 Belcher case and I have -- we have stricken that
6 from the proposed charge.

7 **MR. FINNEY:** All right, Your Honor.

8 **MR. CONNER:** May it please the Court -- are
9 you finished?

10 **MR. FINNEY:** I had one more point, Your
11 Honor. On the jury form your clerk showed me a
12 moment ago, on the second page, I wanted the
13 Court to consider the -- the Court has added a
14 paragraph five. The jury may consider
15 defendant's guilt on the charge of Unlawful
16 Carrying of a Handgun independently of the other
17 charges listed above and I thought the Court
18 might need to add a number 6 or 7 but I see where
19 you grouped those two together under five so --

20 **THE COURT:** We did it the way you wanted have
21 -- before the Assault and Battery with Intent to
22 Kill, the Murder and then they could -- either
23 Murder or Voluntary Manslaughter and then we go
24 into the charge of Possession of a Weapon during
25 the Commission of a Violent Crime. And then if

1 they find that it is not guilty --

2 **MR. FINNEY:** All right, sir. I understand.

3 **THE COURT:** I think it is clear enough.

4 Mr. Conner.

5 **MR. CONNER:** One thing, I was wondering is
6 the number one and number two which should have
7 some reference to which we're referring to.

8 **THE COURT:** That is a good one. We will add
9 that as to the charge of Assault and Battery with
10 Intent to Kill towards Audja Blackwell, we, the
11 jury, unanimously find as to the charge of Murder
12 of William Blackwell. That will be added to it.

13 **MR. FINNEY:** All right, sir.

14 **THE COURT:** Thank you. Anything else before
15 we bring the jury in?

16 **MR. FINNEY:** No, Your Honor.

17 **THE COURT:** All right. Let's bring the jury
18 in.

19 **(WHEREUPON, the jury enters the courtroom.)**

20 **THE COURT:** Good morning, Ladies and
21 Gentlemen. I hope you had a nice evening. I'm
22 sorry for the delay in getting in the courtroom
23 as we had some matters of law that we had to take
24 up. So, I'm going to ask you now. Did anybody
25 read the item this morning or the article

1 pertaining to this? (No response.)

2 Thank you. Ladies and Gentlemen, as I told
3 you yesterday, all the testimony has been
4 submitted in this case. We are at the point in
5 time where the attorneys will make what is known
6 as their closing arguments.

7 Are the attorneys ready to proceed?

8 **MR. FINNEY:** We are, Your Honor.

9 **MR. CONNER:** We are, Your Honor.

10 **THE COURT:** Mr. Conner.

11 **MR. CONNER:** We would waive opening argument.

12 **THE COURT:** Mr. Finney.

13 **MR. FINNEY:** May it please the Court, Your
14 Honor.

15 Good morning, Ladies and Gentlemen. You
16 heard on Monday morning the judge tell us that we
17 were here in a search for the truth. For the
18 last two days we have been digging to find the
19 truth.

20 The first thing I want to tell you this
21 morning is that we appreciate you, the jurors.
22 The Judge, Mr. Cook, his family, I'm sure, the
23 family of Mr. Blackwell, appreciate you serving.
24 These are not easy cases. If you don't believe
25 that, you can look at what handling these cases

1 has done to Mr. Conner's hair and to my hair.

2 It is hard to get up in the morning knowing
3 that you've got somebody's life, somebody's
4 future in your hands, but it is not hard when you
5 look at the case and you decide. This is a case
6 that we need to come into court and have the jury
7 here. Because the people on the jury are just
8 like the people sitting at this table and this
9 table and all in this courtroom. There is no
10 difference. We all come up together and we all
11 live together. Sometimes we don't do as good as

12 we want to. You heard that from some of these
13 ladies. You heard that from Mr. Cook. Sometimes
14 we do as best we can with what we've got to work
15 with. But all of you together know what have
16 happened in this case now.

17 When you got here Monday morning, I'm sure
18 you were a little fearful. You might not have
19 understood what was going to be expected of you.
20 But, Ladies and Gentlemen, you have something
21 that everybody your age and experience has
22 gotten, and it's called common sense. You are
23 not here to judge anybody, not Mr. Cook, not the
24 Blackwell family, not how the lawyers did or --
25 that's not what you're here today do.

26 The other good thing that the Judge is going

1 to give you in a few minutes is the law. The law
2 is like a light to help you with your common
3 sense find the truth. It is easy if you use the
4 law. If you use emotion, if you use speculation,
5 if you use suspicions, it's going to be a hard
6 job. But if you use the law and that
7 commonsense, it's going to be fine because in a
8 few hours, you're going to have to make a
9 decision.

10 Now the State has charged my client with
11 Murder in the case of Mr. Blackwell. Murder is
12 the intentional and unlawful killing of another
13 human being. The law is going to tell you -- the
14 judge is going to tell you what those words mean.
15 Every sentence that I tell you this morning in my
16 last statement to you has to do with intent. The
17 intent is what the law says you must look at.

18 The other important thing I want you to
19 consider this morning is the circumstances that
20 these people found themselves in cause if you
21 look at the circumstances and you look at the
22 intent, you may find that there is a failure to
23 prove a violation of law. Violation of law.
24 That's what the State says happened. A violation
25 of the law took place. A charge was made. But
26 Ladies and Gentlemen, that's just a charge. That

1 brings us to court. That brings you to court.

2 Then we really get down to the facts. We get
3 down to the facts of that little house on
4 Patricia Street at 12:30, one o'clock in the
5 morning. We get down to facts of these ladies,
6 how they were doing things. I'm not going to be
7 judging anybody because that's not my job. What
8 I want you to know is the circumstances. Smoking
9 marijuana all day, Ms. Audja and her brother.
10 Inviting fellows over to the house. Mr. Cook
11 being in that house before, having a good time

12 before, not knowing what was going to happen, not
13 being prepared. You're going to try -- you're
14 going to have another lawyer trying to tell you
15 my guy was preparing for trouble. There's no
16 facts to back that up. That is an opinion of a
17 lawyer who's trying to put on the best side of
18 his case.

19 Ladies and Gentlemen, stick to the facts.
20 When you begin something, ask yourself
21 immediately when he says that, what are the facts
22 to back that up? The fact is my client was over
23 there to see a girl. That's a fact. The fact is
24 he had been invited to be in that house. He was
25 -- he was legally given permission to be in that
26 house. It wasn't the best decision he made that

1 day. Neither were some of the decisions these
2 ladies made. And neither was the decision to cut
3 that light on and go in that room. His state of
4 mind, we've already heard what he had been doing
5 all day, what Miss Audja had been doing all day.
6 That's a circumstance. Take it into
7 consideration.

8 You have heard testimony that when Mr. Cook
9 got there to the house, Audja knew he was there.
10 He had come to see this other lady. They went in
11 the room to start what they were going to do.
12 Audja says she forgot about it. She has to let
13 this guy in the house although they testify that
14 he lives there. What is the facts that he lives
15 there? The fact is that when the officer asked
16 where Mr. Blackwell lived they told him Westwood
17 Drive in Manning. The fact is he had no key to
18 get in the house. The fact is he wasn't living
19 there. We don't know what his real situation
20 with this young lady is.

21 Why would Audja let this man in the house,
22 Mr. Cook, to sleep with Ms. Weathers? This man,
23 her brother, was involved with the same woman.
24 You've got to ask yourself what kind of situation
25 did they create for this young man. What is the
26 fact that you can show that they come up with in

1 evidence that he knew what he was getting in to?

2 None.

3 All he did was leave a friend's house, decide
4 he wasn't going to leave his gun in the car at
5 his friend's house. He was going to carry it
6 with him. He went over to the house. Called
7 said I'm here. They opened the door. Let him
8 in. He had expected to be there for an hour.
9 Within 15 minutes he was jumping up, trying to
10 put on his clothes in a dark room with a man he
11 had never met.

12 What is the situation you find yourself in
13 when you're in a dark room, you're not in your
14 house, you didn't expect it and here's a man
15 saying, oh, no, this is not the way I -- using
16 bad language I'm not going to use to the jury
17 right now. But you heard my client say what Mr.
18 Blackwell said to her. No, you're not leaving
19 this room. We're going to -- something's going
20 to happen right now. That's what my client faced.

21 Ladies and Gentlemen, the law of this case is
22 clear. If Mr. Cook thought he was in serious
23 danger of losing his life or being seriously
24 injured, he had a right to use self-defense.
25 That's a legal right. The Judge is going to tell
26 you that. If Mr. Blackwell had a gun when he

1 reached back in his back pocket and he could have
2 hurt my guy, my guy did not have to have a delay
3 He did not have to jump out of a window. He did
4 not have to wait to see the gun. The law is
5 clear on that. The Judge will tell you that.
6 You do not have to wait to get harmed to use
7 deadly force. That's the law.

8 Ladies and Gentlemen, the law also says that
9 in a situation under the circumstances that he
10 found himself in that evening in that room he had
11 the right to rely on appearances. How did it
12 appear to Jeron Cook at one o'clock in the
13 morning when this man was standing there cursing
14 at him, taking his jacket off, throwing it on the
15 floor and reaching in his back pocket? What was
16 it that Jeron Cook acted on, that he was going to
17 be hurt, that he was not going to be allowed to
18 leave that room or that house? So he fired the
19 weapon.

20 What are the facts? The facts are that four
21 of the five casings were found in the room that
22 Jeron was interrupted in. The front left
23 bedroom. Four of the five casings were in that
24 room. One casing was found in the living room
25 near the front door as he was leaving. He
26 doesn't remember how many times he fired cause he

1 wasn't in a state of mind of trying to remember.
2 He was in the state of mind of trying to protect
3 himself and get out of that house.

4 What did Audja do to help? Did she ever say,
5 no, William, don't do that? Never heard that.
6 What did Shameikkico say? No. William. Don't
7 do that. You never heard that. The only person
8 who was begging for peace and quiet was Jeron
9 Cook. And he couldn't get it, Ladies and
10 Gentlemen, and when he reached and got his pants
11 on and he felt his gun he said may I get out of
12 here now.

13 Ladies and Gentlemen, the shooting pattern
14 that you heard described by the police officer
15 was basically a random pattern. Remember now,
16 four of the shell casings are in this room that
17 he's standing in. But remember the deceased had
18 one shot at close range in the front. It had
19 stipling on it. The autopsy doctor told you that
20 means it was a close range shot and it was in the
21 front. His hand was up. It means, Ladies and
22 Gentlemen, that at the point that the first shot
23 was fire department my guy was close to this man.

24 He thought he was going to be hurt so he took
25 steps. The second shot -- we think it was the
26 second shot was in the back as the man turned. We

1 don't know if the shot was here at the doorway.
2 (Motioning.) We don't know if it was down the
3 hall. We don't know because there's no evidence,
4 no expert testimony. We know the man got shot in
5 the back, in the back, but we also know, Ladies
6 and Gentlemen, there was a shot in the bedroom
7 door here. They found a bullet on the floor in
8 front of the dresser.

9 We know there was a shot down the hallway
10 into a door that was closed. We know there was a
11 shot to this bedroom where it struck the door.
12 May be a shot going out the door where it the
13 door. These were not shots that were intended to
14 harm somebody. You have evidence that they were
15 scattered. They were shot by a man who was trying
16 to get away, not by a man who had malice in his
17 heart. Not by a man who was intending to kill
18 somebody. What he was doing was trying to get out
19 of danger. There's a difference. There's a
20 line.

21 The Judge is going to tell you that malice
22 means. It means evil. That man looked you in the
23 eye yesterday. He wasn't being evil in your
24 house. He was scared he said. He was caught off
25 guard. He wasn't expecting this. What are the
26 facts? The facts are he probably had more

1 bullets in that gun. The facts are those kind of
2 weapons carry 10 or 12 or 15 bullets. Five were
3 shot. None were found outside. One was found in
4 the living room. Every bullet was -- the casing
5 was found in the living room he was in and only
6 two hit Mr. Blackwell. One hit Ms. Audja. We
7 don't know which one. We don't know where she
8 was. She didn't even know when she was hit.

9 There was a lot of testimony about gunshot
10 residue. Mr. Conner is going to spend time
11 telling you all these people's hands were checked
12 and they didn't find anything.

13 Remember the facts. Who called the police?
14 We're not sure. One of the ladies. When did
15 they call? Not sure. A few minutes after the
16 shooting and then it took the police a few
17 minutes to get there. By the time the police
18 were there Ms. Audja was up off the couch, she
19 was off the couch, she says, with her child and
20 she was down the street in the van.

21 Ladies and Gentlemen, they've been sitting
22 around smoking marijuana all day. Why didn't the
23 police find not one little shred of evidence
24 about smoking? There was nothing in the living
25 room. Nothing. Nothing in the truck. I don't
26 know what happened. But it seems odd to me that

1 those are the facts. Nothing found in the house.

2 Ladies and Gentlemen, I told you a minute ago
3 that there was going to be two things. Look at
4 the circumstances. It's different when I know
5 you're sitting in an air-conditioned room in a
6 courthouse with security and lawyers and
7 regulations and rules. This is not what Mr. Cook
8 found that night in that room when the lights
9 came on and the door came open. When you're
10 standing there and you don't have your clothes on
11 and you weren't expecting anything and there's a
12 guy you never met before who's angry, it is a
13 different situation. Those are the circumstances
14 he found himself in that night.

15 What I do want you to look at is the intent.
16 Intent, Ladies and Gentlemen, the Judge is going
17 to charge you intent means intending the result
18 which actually occurs, not accidentally or
19 involuntary. Intent means intending the result
20 which actually occurs. That means if you got in
21 the car this morning to come to the Court and you
22 got here, then that was your intent. But if you
23 got in the car this morning and you had an
24 accident a block away that was not your intent.
25 That happened as a result of something else. It
26 happens as a result of not what Mr. Cook wanted

1 to happen that night which was for him to come,
2 spend an hour and go home. That was his intent.
3 But something happened. Something intervened and
4 changed that. And that, Ladies and Gentlemen, is
5 where you must find your verdict in this case.

6 This young man, even though you heard that he
7 has had some problems with the law before, had
8 never used a firearm against a person before.
9 That's important because that shows his intent.
10 He never tried to harm Audja Blackwell. If she
11 was shot as a result of this argument, because of
12 the self-defense, he is covered under that as
13 well. The Judge is going to tell you that there
14 is something called transferred intent that if
15 you try to shoot at somebody and you miss and you
16 hit somebody else you can find transferred
17 intent, but Ladies and Gentlemen, you don't have
18 to. If you find under the circumstances with the
19 intent that Mr. Cook had, which was too defend
20 himself and to get out of that house, you can
21 find that that shooting of Ms. Audja was
22 accidental. You've got to decide this morning
23 an Assault and Battery with Intent to Kill on
24 Audja Blackwell. That's what the State charged
25 Mr. Cook with.

26 Assault and Battery with Intent to Kill means

1 that if the bullet had not hit her in the
2 buttocks but in the heart, she would have died.
3 They would have charged him with Murder. Now
4 based on the case that you've heard, based on the
5 evidence that you've heard, based on the
6 circumstances you've heard, can you believe that
7 he intended to harm her? There's no evidence.

8 What he intended to do was get away from Mr.
9 Blackwell. She wasn't helping him. Ms. Weathers
10 wasn't helping him. He was the only one who could
11 get away and that's what he did. In the process,
12 she got shot somewhere around the way. We're not
13 even sure where. And Mr. Blackwell got shot.

14 Ladies and Gentlemen, consider all the facts
15 and circumstances. If you believe that my
16 client's reasonable belief was that he was in a
17 bad situation and he had only one way to get out,
18 then he had a right to use force to get away. He
19 had a right to fire the weapon. And he did. He
20 had a right to act on appearances. He did. There
21 was a -- you are going to be able to say -- and
22 the Judge will tell you -- that words accompanied
23 by hostile acts may, depending upon the
24 circumstances, establish self-defense. Words --
25 remember the words that Mr. Cook told you, Mr.
26 Blackwell was saying at the door when he asked to

1 go home when he asked to leave to the room and
2 Mr. Blackwell said, no, you're not leaving here,
3 no. He used some bad words, hostile words.
4 That's not enough. But hostile words
5 accompanied by hostile acts, the throwing off of
6 the jacket and the reaching off in the back
7 pocket, those are the movements, those are the
8 actions, that do, depending on the circumstances,
9 may establish self-defense.

10 You are to find the truth. The truth is
11 Jeron Cook didn't plan this. He didn't ask for
12 that this. He didn't want this. The truth is
13 Jeron Cook acted reasonably, not maybe what you
14 would have done. But under the law is a
15 reasonable standard, a person of ordinary care
16 and prudence. The Judge is going to tell you.
17 Not super man. Ordinary people, how would they
18 have acted in that room on that night under those
19 circumstances? If he acted reasonably, he's
20 entitled to a verdict of not guilty on the
21 shooting of Ms. Audja, Assault and Battery with
22 Intent to Kill, not guilty. On the murder of Mr.
23 Blackwell, not guilty by reason of the
24 self-defense.

25 There are two more charges you have to
26 consider. He's charged with possession of a

1 weapon during a violent crime. You cannot find
2 him guilty of that charge just because he had a
3 weapon. That's not what the law says. Possession
4 of a weapon during a violent crime. You have to
5 find him guilty of the violent crime first. If
6 you say, no, there wasn't a violent crime, this
7 man acted reasonably under the circumstances we
8 find that he had acted in self-defense, then that
9 charge is not guilty cause he did not commit a
10 violent crime if he was protecting himself. He
11 was trying to get out of the house.

12 The last charge you have is carrying a
13 pistol. You've heard him say he didn't want to
14 leave the pistol in the car, carried it in his
15 pocket, had it at the house, where he was
16 invited. You decide that case. Based on the
17 evidence you've heard you decide that case.
18 Those are the four charges.

19 The Judge under his wisdom under the law of
20 South Carolina has added a fifth charge. It is
21 called Voluntary Manslaughter. It is a lesser
22 included offense to murder. If, under the
23 circumstances and facts that you've heard for the
24 last two days, you don't think it is was murder,
25 you have a right to consider the lesser charge of
26 Voluntary Manslaughter. Mr. Cook, Voluntary

1 Manslaughter -- committed Voluntary Manslaughter
2 against Mr. Blackwell.

3 Voluntary Manslaughter is a high, serious
4 charge. It's less than Murder but it is a high,
5 serious charge. The Judge is going to let you
6 consider that. That's one of the things you have
7 to consider as you all talk among yourself.
8 Ladies and Gentlemen, it doesn't change the
9 facts. It doesn't change the circumstances.
10 Murder has malice aforethought. He had to think
11 about it. He had to want it. He had to have

12 evil in his heart. Voluntary Manslaughter is
13 where it kind of happens suddenly. Well, yes,
14 sir, ma'am, something happened suddenly, but it
15 wasn't that he decided he was going to suddenly
16 take this guy out or he didn't like this guy. He
17 decided he had no place to go. He wasn't -- had
18 to fire in self-defense.

19 Self-defense is a complete defense. It means
20 that if you decide together that this case bases
21 -- based on what you've heard is self-defense
22 then none of these other charges can be found
23 against him. None of these other charges can
24 stand. Self-defense is a complete defense to
25 these charges.

26 We think we have shown you the circumstances.

1 We think we have shown you the intent. I have
2 let every picture in. I have let every witness
3 testify. I have brought you Jeron Cook to say in
4 his own words what happened that night. I want
5 you to know everything that happened that night
6 cause it is important to this young man and his
7 future. It is important. It is important.

8 But most importantly, Ladies and Gentlemen,
9 that you decide this case on the facts because if
10 you do that you will find that he has proven his
11 defense, that he has shown you what happened.

12 The burden of proving self-defense is not on
13 the defendant, not on Mr. Finney, not on Jeron
14 Cook. We brought it to you. We put it on the
15 table. The Judge is going to tell you that the
16 state and Mr. Conner and his witnesses have to
17 show you that it is not a self-defense case.
18 There is no evidence that it's not a self-defense
19 case. Listen to the facts.

20 Remember the circumstances and remember the
21 intent that that young man had. It only took one
22 minute for the tide to change, for the mood to
23 swing, for the lights to come on and for the
24 weapon to be fired. I know a lot of things have
25 changed in the last year. Good things for this
26 family. Ms. Audja is now working. She's up on

1 her feet. I bet she's taking good care of that
2 little girl now.

3 This young man, his life has changed. He's
4 had to carry this charge around him for a year
5 and a month and a couple of days. He's opinion
6 waiting on you. He's been waiting on you to hear
7 the whole story because nobody heard the whole
8 story until this week. You need to look within
9 yourself but don't worry about how you feel.
10 Look at the facts. Jeron Cook is not guilty of
11 maliciously harming or killing or shooting

12 anyone. Jeron is guilty of only trying to
13 protect himself, trying to get home. Thank you.

14 **THE COURT:** Thank you, Mr. Finney.

15 Mr. Conner for the state.

16 **MR. CONNER:** Ladies and Gentlemen, I want to
17 thank you for your attention. It is very
18 difficult to be the second preacher on Sunday
19 morning and especially when you're following
20 somebody that's as expert as Mr. Finney. But
21 these are important matters, and you paid real
22 close attention to him, and I ask you pay real
23 close attention as we go through and finish here.

24 After I finish talking to you, the Judge will
25 tell you what the law is and I wouldn't

1 intentionally say anything that conflicts with
2 what he says. But he's the last authority. But
3 I'm going to talk about self-defense in a few
4 minutes and I wanted to kind of outline that for
5 you, or the elements of self-defense. There are
6 four of them as set out here and I'll -- I'll
7 discuss that with you in a minute.

8 First of all, I'd like to bring up a couple
9 of things here. One item that was admitted in
10 this case that has not been submitted to you yet
11 is this a brief description of the medical
12 records or -- it is the medical record from
13 Tuomey hospital in regards to Audja Blackwell.
14 And I say it's brief from that we didn't include
15 all the paper that comes along with it. But
16 there's a paragraph there that gives the
17 assessment of her injury. And quite frankly, it
18 says she was shot in the buttocks. And it
19 describes the path of the bullet and that it went
20 in and went out, passed through her buttocks.

21 Another thing I'd like to point out to you is
22 these photographs are from evidence. And these
23 are three different areas in the house that are
24 basically shown in the photos. One is the front
25 door living room area. The first few photos,
26 State's Exhibit 7 through 11 show that. And they

1 are all in order. And then 12 through 18 show
2 the left bedroom. And that's where the shooting
3 started. And then 19 through 28 show the last
4 bedroom where Mr. Blackwell fell dead. You might
5 want to refer to those. You will have all of
6 this evidence in your jury room for your
7 consideration to discuss if you need to.

8 One thing I think is important to reflect on
9 is the credibility of the witnesses from their
10 case. And Mr. Finney went to a lot of trouble to
11 discredit these ladies. And quite frankly, I

12 agree that they used bad judgement. But bad
13 judgment is not the same as shooting somebody.

14 The defendant's credibility is at issue in
15 this case. You know, he testified and it -- to
16 -- whether you buy into his argument of
17 self-defense depends to some extent on whether
18 you -- to a large extent, quite frankly, on
19 whether you believe his story and I think is
20 important, in a way, to kind of -- what kind of
21 trouble he's been in here.

22 These people come up here and they can tell a
23 story and put on a coat and tie or put on a nice
24 dress and you don't know them from Adam's house
25 cat. But when you learn something about their
26 record, then you know something about them. And

1 quite frankly, in 2009, just a few months back,
2 he pled guilty to Distribution of Crack Cocaine
3 on four different occasions and he also pled
4 guilty to Possession of Crack Cocaine within the
5 proximity of a school, two times. That's the
6 kind of person we're dealing with and that's the
7 kind of person you can ask yourself would you
8 believe a person that does that.

9 In addition to that, in 2009, just a few
10 months back, he pled guilty to possession of a
11 stolen pistol. And in his testimony, he admitted
12 that he had another case down in Clarendon County
13 where he was charged and convicted of possession
14 of a pistol. Of course he wants to soft pedal
15 it, you know. And he says I was with a woman and
16 he kind of insinuates that maybe the pistol
17 belonged to her but he took responsibility for it
18 and pled guilty and went to court and placed on
19 probation and went through all that.

20 Another little thing is sometimes little
21 things mean a lot. He wants to paint the picture
22 that he didn't know anything about this other
23 fellow being over there, this William Blackwell.
24 That he hadn't been told anything. Ms. Weathers
25 testified, and my recollection of it is that she
26 had several conversations with him that day and

1 told him that he couldn't come over there while
2 her boyfriend was there, there, that, and the
3 other. Anyway he said when he got to the door
4 that night he did -- he called. He didn't say I
5 went to the door and just knocked and they opened
6 the door and went in. He said I got to the door.
7 I called.

8 Why did he call? He called to see that
9 nobody was there before he went in. He knew that
10 guy was there and had been there all day. And he
11 had had conversations with them previously in the

12 day and he knew about William Blackwell. It's
13 just a little thing, but why would he go to the
14 door and call? It wasn't necessary to call. All
15 he had to do was knock on the door. They would
16 open the door and tell him the guy was gone. But
17 when he got there, he was cautious. He called.

18 He called for a reason. One reason is that
19 this story that needs -- these women told. You
20 know, they tell the story that law enforcement.
21 Evidence supports that they -- without -- you've
22 heard it, I think sufficiently at this time. But
23 they tell about how the shooting occurred in here
24 and went -- that William Blackwell proceeded down
25 this path here toward this bedroom door and along
26 the way that the defendant continued to fire at

1 him. Well, the -- you have -- will have the
2 pictures and you can see Blackwell's body laying
3 there in the door and every -- the law
4 enforcement officers testified about the
5 ammunition they found that -- and the -- the
6 cartridge casings in that bedroom and also they
7 found one right up here in this area.

8 (Motioning.)

9 From this living room of the -- the area with
10 the cartridge casings and those women said he
11 fired as he came out and went toward the door and
12 continued to fire. And there's at least two
13 rounds from this door here. And the man was shot
14 twice from the back and the -- the law didn't
15 know exactly what happened. They picked this
16 stuff up but then when they met with them and
17 they get this story, it all fits together.

18 Now let's talk about self-defense. Quite
19 frankly the law is that if you find this
20 defendant acted in self-defense then you have to
21 acquit him. You can't -- you can't convict him.
22 But I submit to you that he -- he doesn't qualify
23 for self-defense because the Judge is going to
24 tell you this, he's going to describe these four
25 elements. He's going to tell you that the
26 defendant has to be without fault in bringing on

1 the difficulty. I didn't write the whole thing
2 out here, but I just said without fault. He had
3 to be without fault in bringing on the
4 difficulty. I'm going to tell you this. He has
5 to meet each one of these elements so -- but the
6 first one he has to be without fault.

7 The second one if he's -- he has to be in
8 actual imminent danger. In other words, he's in
9 danger and he has to act quick. He has to be in
10 actual imminent danger or he has to believe that
11 he's in imminent danger. The third one is if his
12 defense is based on a belief of danger then it
13 must be a reasonable belief. And the fourth is
14 there's no other means of avoiding danger. You
15 can't just -- if you can avoid danger, if you can
16 get a -- avoid the problem, you have a duty under
17 the law unless you're in your own house. In your
18 own house, you don't have to retreat. If you're
19 somewhere else and you have the ability to avoid
20 it, you have to avoid it. And he has to qualify
21 for each one of those.

22 I want to talk about the different ones and
23 submit to you some reasons why I -- I contend
24 that he doesn't qualify for self-defense. First
25 of all, let's talk about actual danger. When
26 this -- Mr. Cook testified he testified that he

1 reached in his coat but he didn't say that he
2 ever saw a gun and I -- this is -- he saw no gun.
3 So I submit to you there's no actual imminent
4 danger.

5 He just started shooting. Talk about belief
6 of danger and whether it's a belief that's
7 reasonable too, cause he doesn't have to be -- he
8 can just believe he's in imminent danger but his
9 belief has to be reasonable. If a reasonable
10 person would have not acted or hesitated to act
11 under the circumstances, then he's not entitled
12 to self-defense. But there was no gun. He saw
13 no gun.

14 The GSR results indicate there was no gun.
15 Everything that -- the ammo collected, all of it
16 came from a 40 caliber pistol. And the defendant
17 said that's what he shot and the man from SLED
18 said every one of those cartridges they picked up
19 off the floor were fired by one gun. And he
20 examined them under a microscope and they were
21 all fired by one gun. And the bullets they
22 recovered were mangled. But he said they were
23 fired by that -- they were that kind of
24 ammunition, 40 caliber.

25 There was no gun found in the house. The
26 police were there. They're not stupid. They

1 were looking for stuff and they were looking for
2 guns and they didn't find any guns and they --
3 they took the woman's automobile or -- or van
4 because they wanted to look at that. And they
5 went down the next day and inspected it in the
6 daylight. They took -- hauled it down there in
7 the -- the public lockup.

8 Another thing, reason I say there was no
9 danger to this guy, no actual danger, is here
10 this guy is 220 pounds and the other fellow 170.
11 This fellow about 5-foot-9 or 10, the other
12 fellow 5-foot-7. Mr. Blackwell would have been
13 over-powered by this guy. He is a good bit
14 bigger. If he had used his fist on him he would
15 have over -- by that meaning Mr. Cook would have
16 over-powered Blackwell I would submit. He's a
17 good bit bigger fellow in other words. Blackwell
18 was not too big.

19 You know, if we had GSR on their hand showing
20 that he had -- were handling a pistol, gunshot
21 residue on the hand, if we had a pistol in the
22 home, if we had ammo on the floor that came from
23 some other gun other than the defendant's gun, if
24 we had some of that I think he'd have an argument
25 for -- or if he said he saw a gun. But he didn't
26 even say he thought he saw a gun. He said he

1 might have a gun. He might.

2 Here you are in somebody else's house and you
3 say I thought he might have a gun so I shot him.
4 There was no danger, no actual danger and no
5 reasonable belief. No reasonable belief that
6 Blackwell was armed.

7 Now let's talk about the -- he has to qualify
8 for every one of these. He has to be without
9 fault in bringing on the difficulty. He says the
10 reason he took the pistol with him is he lived
11 in a bad neighborhood and he thought somebody
12 might steal his pistol. Why couldn't he just
13 take -- if that was the case and he was -- had
14 the pistol in his vehicle, I believe, that's what
15 he said. He said there was a lot of break-ins of
16 vehicles in the neighborhood and he -- he thought
17 that somebody might break in and steal his
18 pistol. So why didn't he just take it inside and
19 leave it in his house? I submit to you that just
20 smells bad. That's fishy.

21 He could have done that but he didn't. He
22 took it with him down the street. He put it in
23 his pocket. And quite frankly, the South
24 Carolina law says you're not supposed to walk
25 around with a pistol in your pocket unless you
26 have one of these concealed weapons permits that

1 you have to jump through hoops to qualify to get
2 one and -- you can have a pistol in your home.
3 You can have is a pistol on your own property.
4 You can have a pistol in your own business. But
5 you can't just walk around in public with a
6 pistol in your pocket.

7 He knew that because when he was riding with
8 that woman down in Clarendon County and they
9 stopped and -- I don't know whether the pistol
10 was in the vehicle. But the pistol apparently
11 wasn't in a legal spot. He got charged. He knew

12 the law but he has no respect for the law.

13 He just stuck the pistol in his pocket and
14 took it down there. He had a reason for taking
15 it down there. That woman had told him her
16 boyfriend's been over here all day. Any
17 boyfriend's been here. He knew what he was
18 doing. He knew he was violating the law. He was
19 -- he was at fault, not without fault, in
20 bringing on the difficulty. You know he's had --
21 this is the third time he's had these pistols,
22 contact with pistols.

23 Mr. Finney said in his argument a while ago,
24 oh, he's never used a pistol before in a violent
25 manner, never shot somebody before. I don't know
26 whether he's ever shot anybody before. He's

1 never been convicted of shooting anybody before
2 that I know of. But he carries a pistol and he
3 carries it for a reason. And as a result of
4 that, Mr. Blackwell lost his life. He fails this
5 test. He fails this test. (Motioning.)

6 Now let's see. There's one more and I submit
7 he fails that. This last element, there's no
8 other means of avoiding danger. Sometimes people
9 call that the duty to retreat, but I think the
10 Judge will tell you in this language no other
11 means of avoiding the danger. Could he have
12 avoided the danger? One thing, in one of these
13 pictures, I believe, it is number 12, it's got a
14 bed there. And -- what you -- Audja Blackwell
15 testified there were two windows in that room.
16 And there's one of them shown in that picture.
17 It's right over the bed or the bed's right up
18 against the window there. You can see the
19 window. He could have gone out the window.

20 Now we don't know whether he had time enough
21 to do that. I think things did happen pretty
22 rapidly. I get the impression on what all the
23 witnesses say that it happened rapidly so maybe
24 he didn't have time to go out the window but
25 that's one possibility. He knew he was in
26 somebody else's house. He had taken a gun there

1 in preparation.

2 Now another way he could have avoided the
3 danger, he could have just stepped back and said
4 Mr. Blackwell, get out of my way, raise your hand
5 above your head, keep your hand in the clear and
6 if Blackwell didn't comply then he could -- he
7 would have used his weapon. But he didn't do
8 that. He said all he saw him do was take off his
9 coat. You're not going to stop and take off your
10 coat if you've got a pistol. You're going to get
11 that pistol first.

12 I submit to you that he went there for
13 trouble and he caused trouble and he could have
14 avoided the thing. Another thing in a fist fight
15 is he could have beat this guy. He doesn't
16 qualify for several reasons. I would submit to
17 you he fails the test. If you don't find --
18 maybe you found -- maybe you disagree with me.
19 Maybe you find that in one case maybe he does
20 pass that test but he has to pass them all in --
21 in other words, you have to find by a
22 preponderance of the evidence that he qualifies
23 for each and every one of them. And he doesn't.

24 Another thing I think is important is what
25 did the people do after it was over with and
26 whether they acted reasonably. Ms. Shameikkico

1 Weathers, what did the officer say about her when
2 he got there? She was sitting on the floor or
3 kneeling on the floor beside William Blackwell in
4 a state of shock. What can we find about Audja
5 Blackwell? Audja Blackwell had called 911 and
6 she had got in her van and started to leave and
7 got down the street about two blocks and the
8 police pulled up and she pulled over. She had
9 nothing with her except her kid and a bloody
10 seat. He took the vehicle. He put her in the EMS
11 vehicle, kept the child there until the family
12 picked the child up. They acted reasonably.

13 But what did this defendant say he did? He
14 went to a motel and camped out. I'll tell you as
15 far back as Adam and Eve when people have done
16 wrong, what do they do? They want to hide and
17 run. And that's what he did. He didn't come
18 forward and say I've done wrong or I was there or
19 anything. He came forward but he came forward
20 sometime later and not on the day of the
21 incident.

22 He said -- I believe he said this, that he
23 didn't even know anybody was -- didn't know that
24 anybody was dead or anybody was injured. But if
25 he didn't, why didn't he go home? Because he
26 knew the law would find him if he went home.

1 Those girls were going to tell who it was and
2 that they were going to go for him. But he said
3 he had to get his head clear. He knew he had
4 done wrong. That's why he went to the motel
5 instead of going home. And he knew somebody was
6 either dead or in bad shape. And he knew he shot
7 this guy and had shot him three times, twice from
8 the back.

9 Talk about avoiding the difficulty, when he
10 was running down this hall, somewhere along here,
11 you can see the blood on the wall from the

12 pictures. Look at this living room area and you
13 can see along that wall where there's blood. I
14 believe the officer called it scattered blood or
15 thrown off blood or something. Anyway, he went
16 along that wall headed toward this door and --
17 but while he was going, this defendant all he had
18 to do was run out the door. But instead of
19 avoiding the difficulty, he kept on shooting.
20 And one of those shots was chest high and the
21 woman -- the autopsy doctor said the chest shots
22 are what killed him.

23 The -- there's one that went through his arm
24 his left arm, went passed down and went into his
25 chest and that one she thought was fatal. And
26 the other one that she described as being fatal

1 was in -- on the backside back here. But he
2 could have avoided it if -- after he -- he just
3 kept on shooting. That's when he shot Audja
4 Blackwell and shot her in the rear end. He had
5 trouble on his mind.

6 The judge is going to tell you about the
7 charges and he's going to charge you with Murder.
8 as you already know, but Voluntary Manslaughter
9 -- and Mr. Finney talked to you about that so I
10 will briefly touch on that. Voluntary
11 Manslaughter is a lesser included offense of
12 Murder. Murder is a killing of another human
13 being with malice aforethought. Malice means an
14 evil intent or -- or a specific act to do
15 something to hurt somebody or inflict serious
16 bodily harm. Malice indicates hatred or ill-
17 will. I submit somebody that shoot somebody in
18 the back twice is exhibiting ill-will.

19 However, Voluntary Manslaughter is also an
20 intentional killing of another human being
21 without malice. So if you find that it is
22 without malice, he would not be found guilty of
23 murder but he could be found guilty of
24 voluntarily manslaughter.

25 It is an intentional act and there is no
26 question about it. He intended to do harm

1 because he intended to shoot this guy. He pulled
2 the trigger three times -- five times based on
3 the testimony. He could have pulled it more than
4 that, but overlooked the round there. You know
5 the officers said they went back a couple of days
6 afterwards and they found two more which the SLED
7 man said they were all fired by the same pistol.

8 Audja -- one of the charges of assault with
9 intent to kill of Audja Blackwell the only thing
10 that saved Audja Blackwell is bad aim. She was
11 shot from the buttocks and he probably intended
12 to shoot her brother at the time he was shooting
13 at her. I don't know. I'm not speculating on
14 that.

15 The Judge will tell you about South Carolina
16 pistol law, carrying an unlawful weapon. That's
17 one of the charges in the indictment. Of course,
18 the possession of a pistol during a violent crime
19 or possession of a firearm, any kind of firearm,
20 will qualify if the crime is violent. I tell you
21 this. Voluntary Manslaughter, Murder, and Assault
22 and Battery with Intent to Kill are all violent
23 crimes.

24 Ladies and Gentlemen, I thank you for your
25 attention. You've been very patient throughout
26 this case and we appreciate it. I submit to you

1 that your verdict should be guilty.

2 **THE COURT:** Thank you, Mr. Conner. Y'all
3 please remove that. Please secure the room. Let
4 them get out first. Thank you.

5 Ladies and Gentlemen, all of the evidence to
6 be presented to you in this case has now been
7 presented and the attorneys have made their
8 closing arguments. Now is the time of trial
9 where I will charge you with the law to be
10 applied in this case. The indictment charges the
11 defendant Jeron Cook with various charges and I
12 remind you the fact that he was arrested, charged
13 and indicted in this case is not evidence in this
14 case and it cannot be considered by you as
15 evidence of guilt nor does it create any
16 presumption or inference of guilt. These
17 indictments are simply the formal written
18 instruments which contain the charges made
19 against the defendant. They are the formal
20 documents which bring the case in to court.

21 The indictment in this case all charge four
22 different offenses against a defendant. The
23 charges are, under Count 1, is Assault and
24 Battery with Intent to Kill, count 2 is Murder,
25 Count 3 is Possession of a Firearm during the

1 Commission of a Violent Crime, and Count 4 is
2 Unlawful Carrying of a Handgun. As the attorneys
3 have already told you, I will also charge you
4 concerning Voluntary Manslaughter.

5 Now each count charges a separate and
6 distinct offense. You must decide each count
7 separately on the evidence and the law applicable
8 to it uninfluenced by your decision as to any
9 other count. The defendant may be convicted or
10 acquitted on any or all of the offenses that are
11 charged. You will be asked to bring a separate

12 verdict of guilty or not guilty for each count
13 from the indictment.

14 The defendant has pled not guilty to these
15 counts in the indictment and that plea puts the
16 burden on the State to prove the defendant
17 guilty. A person charged with committing a
18 criminal offense in South Carolina is never
19 required to prove their innocence. I charge you
20 that this is an important rule of law that a
21 defendant in a criminal trial, no matter how
22 serious the charge, may be always be presumed to
23 be innocent of the crime for which the indictment
24 was issued unless guilt has been proven by
25 evidence satisfying you of that guilt beyond a
26 reasonable doubt.

1 This presumption of innocence does not end
2 when you begin your deliberation but it
3 accompanies the defendant throughout the trial
4 until you reach a verdict based on evidence
5 satisfying you of that guilt beyond a reasonable
6 doubt. The presumption of innocence is like a
7 robe of righteousness placed about the shoulders
8 of the defendant which remain with the defendant
9 until it has been stripped from that defendant by
10 evidence satisfying you of the defendant's guilt
11 beyond a reasonable doubt.

12 The presumption of innocence is not a mere
13 legal theory. It is not just a legal phrase that
14 we use. It is a substantial right to which every
15 defendant is entitled unless you, the jury, are
16 satisfied, from the evidence, of the defendant's
17 guilt beyond a reasonable doubt. The question is
18 what is reasonable doubt.

19 A reasonable doubt is a kind of doubt that
20 would cause a person to hesitate to act. The
21 State has the burden of proving the defendant
22 guilty beyond a reasonable doubt. Some of you
23 may have served on juries of civil cases where
24 you were told it is only necessary to prove that
25 a fact is more likely true than not true such as
26 by the preponderance of the evidence.

1 In criminal cases, the State's burden of
2 burden of proof must be more powerful than that.
3 As I said, it is proof beyond a reasonable doubt.
4 Proof beyond a reasonable doubt is proof that
5 leaves you firmly convinced of the defendant's
6 guilt.

7 There are very few things in this world that
8 we know with absolute certainty. And in criminal
9 cases, the law does not require proof that
10 overcomes every possible doubt. If, based upon
11 your consideration of the evidence, you are

12 firmly convinced that the defendant is guilty of
13 the crimes charged, you must find the defendant
14 guilty. If, on the other hand, you think there
15 is a real possibility that the defendant is not
16 guilty, you must give the defendant the benefit
17 of the doubt and find him not guilty.

18 Now, I remind you that during this trial you
19 and I have had had certain duties to perform. As
20 the trial judge, it is my responsibility to
21 preside over this trial. And I also have the
22 duty to rule on the admissibility of evidence
23 offered during this trial. You are to consider
24 only the evidence before you. If there was any
25 testimony ordered stricken from the record then
26 this case during trial, you must disregard that

1 testimony. You are to consider only the
2 testimony which has been presented from this
3 witness stand, any exhibits that have been made a
4 part of the record or any stipulations of
5 counsel.

6 I have the additional duty, Ladies and
7 Gentlemen, to charge you the law applicable to
8 this case. As the presiding Judge, I am the sole
9 Judge of the law in this case. It is your duty
10 as jurors to accept and apply the law as I now
11 state it to you. If you already have any idea of
12 what the law is or what the law to be and it does
13 not agree with what I tell you the law is, you
14 must abandon this idea because you swore an oath
15 to accept the law and apply the law as I state it
16 to you.

17 In every case tried in this court before a
18 jury, the jury becomes the sole and exclusive
19 judge of the facts in this case. The trial Judge
20 cannot intimate, state any comment or make any
21 statements to a trial jury about the facts in a
22 case.

23 Since you are the jury, you are the sole
24 judges of the facts of this case and you are not
25 to infer from what I have said during the process
26 of this trial, any ruling upon the admissibility

1 of evidence or otherwise or anything that I say
2 now during the course of this instruction to you
3 that I have any opinion about the facts in this
4 case. The law does not allow me to have an
5 opinion about the facts in this case. This is a
6 matter solely for you the jury to determine. As
7 jurors, it is your duty to determine the value,
8 weight and truth of the evidence presented during
9 this trial.

10 Now, Ladies and Gentlemen, there are two
11 types of evidence which are generally presented
12 during a trial. There's direct evidence and
13 circumstantial evidence. Direct evidence is the
14 testimony of a person who claims to have actual
15 knowledge of a fact such as an eyewitness. It is
16 evidence which immediately establishes the fact
17 to be proved. Circumstantial evidence is proof
18 of a complaint of facts and circumstances
19 indicating the existence of a fact. It is
20 evidence which immediately establishes collateral
21 facts from which the main fact may be inferred.
22 Circumstantial evidence is based on inference and
23 not on personal knowledge or observation.

24 The law makes absolutely no distinction
25 between the weight or value to be given to either
26 direct or circumstantial evidence nor is a

1 greater degree of certainty required of
2 circumstantial evidence than of direct evidence.
3 You should weigh all of the evidence in this
4 case. After weighing all of the evidence, if you
5 are not convinced of the guilt of the defendant
6 beyond a reasonable doubt, you must find the
7 defendant not guilty.

8 Necessarily, you must determine the
9 credibility of witnesses who have testified in
10 this case. Credibility simply means
11 believability. It becomes your duty as jurors to
12 analyze and evaluate the evidence and determine
13 which evidence convinces you of its truth. In
14 determining the believability of a witness who
15 has testified in this case, you may believe one
16 witness over several witnesses or several
17 witnesses over one witness. You may believe a
18 part of the testimony of a witness and disbelieve
19 the remaining parts of the testimony of that same
20 witness. You may believe testimony of a witness
21 in its entirety or you may reject it in its
22 entirety. You may consider whether a witness has
23 exhibited to you any interest, bias, prejudice,
24 or other motive in this case. You may also
25 consider the appearance and manner in which the
26 witness -- the appearance and manner of a witness

1 while on the witness stand.

2 Now the rules of evidence ordinarily do not
3 permit witnesses to testify to opinions or
4 conclusions. An exception to this rule is for
5 witnesses we call expert witnesses, a witness who
6 by education and experience has become an expert
7 in some art, science, profession or calling may
8 state an opinion as to relevant and material
9 matters in which the witness is qualified to be
10 an expert and may also state the reason for the
11 opinion.

12 You should consider any expert opinion
13 received in evidence in this case and, like any
14 other evidence, give it the weight that you
15 believe it deserves. If you decide that the
16 opinion of an expert witness is not based upon
17 sufficient education or experience or you
18 conclude that the reasons given in support of the
19 opinions are not sound or that the opinion is
20 outweighed by other evidence, you may disregard
21 that opinion entirely. An expert witness'
22 testimony is to be given no greater weight than
23 that of other witnesses simply because the expert
24 is a witness. Further, you are not required to
25 accept an expert's opinion even though it is not
26 contradicted.

1 The defendant has been charged with Assault
2 and Battery with Intent to Kill. In order to
3 prove Assault and Battery with Intent to Kill,
4 the State must first prove beyond a reasonable
5 doubt that the defendant committed an unlawful
6 act of a violent nature to the person of another
7 with malice aforethought.

8 An assault occurs when a person unlawfully
9 attempts or offers to commit a violent injury
10 upon another person and had the present ability
11 to complete the attempted injury. An assault is
12 the intentional creation of a reasonable fear of
13 immediate bodily harm. It is not necessary that
14 the attempted injury or harm actually take place.
15 For example, if I walked up to you and when
16 you're within arm's reach draw back to hit you,
17 that is an assault.

18 A battery is the unlawful touching of another
19 person by a person who has committed the assault.
20 An unlawful touching can be caused by a part --
21 part of the accused or by an object the accused
22 puts in motion. A battery is the completion of
23 the assault by using the applied force to another
24 person, however slight, in a rude, angry or
25 resentful manner without legal justification for
26 doing so. Using the earlier example, if I carry

1 through the assault by hitting you, then it is a
2 battery.

3 Malice is hatred, ill-will, or hostility
4 towards another person. It is the intentional
5 doing of a wrongful act without just cause or
6 excuse and with an intent to impart an injury or
7 under circumstances that the law will infer an
8 evil intent. Malice aforethought does not
9 require that malice be present for any particular
10 time before the act is committed, but malice must
11 be present in the mind of the defendant just

12 before and at the time the act is committed.
13 Therefore, there must be a combination of the
14 previous evil intent and the act.

15 Malice aforethought may be expressed or
16 inferred. These terms expressed and inferred do
17 not mean different kinds of malice but merely the
18 manner in which malice may be shown to be
19 present, that is, either by direct evidence or by
20 an inference from the facts and the circumstances
21 which are proven.

22 Expressed malice is shown when a person
23 speaks word which express hatred or ill-will for
24 another person or when the person prepared
25 beforehand to do the act which was later
26 accomplished. For example, lying in wait for a

1 person or any other acts of preparation going to
2 show that the deed was within the defendant's
3 mind would be expressed malice. If facts are
4 proven beyond a reasonable doubt sufficient to
5 raise an inference of malice to your satisfaction
6 the inference would simply -- is an evidentiary
7 fact to be considered by you along with the other
8 evidence in this case and you may give it the
9 weight you decide it should receive.

10 A specific intent to kill is not an elements
11 of Assault and Battery with Intent to Kill, but
12 there must be a general intent to commit serious
13 bodily injury. Intent means intending the result
14 which actually occurs, not accidentally or
15 involuntarily. Intent may be shown by acts and
16 conduct of the defendant and other circumstances
17 from which you may naturally and reasonably infer
18 intent. Evidence of the character of the
19 assault, the type of assault used, the manner in
20 which it was used, the purpose to be accomplished
21 and the words or injuries may be considered in
22 determining the intent with which the assault was
23 committed. Intent may be inferred when it is
24 demonstrated that the defendant voluntarily and
25 willfully commits an act. The natural tendency
26 of which is to destroy another's life.

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1 If the defendant, with malice aforethought,
2 attempts to kill another person but by mistake
3 injures or kills a different person, the
4 defendant still has the intent to kill. The
5 intent to kill is merely transferred from the
6 original person the defendant attempted to kill,
7 or the actual person killed or injured. The
8 Defendant would be guilty of Assault and Battery
9 with Intent to Kill just as if he had attempted
10 -- if the attempt had resulted from the death or
11 the injury of the person the defendant attempted
12 to kill.

13 The defendant is charged with murder. The
14 State must prove beyond a reasonable doubt that
15 the defendant killed another person with malice
16 aforethought. Malice is hatred, ill-will and
17 hostility towards another person. It is the
18 intentional doing of a wrongful act without just
19 cause and with an intent to inflict an injury or
20 under certain circumstances -- that the law would
21 infer an evil intent.

22 Malice aforethought does not require malice
23 be present before any particular time before the
24 act is committed, but malice must exist in the
25 mind of the defendant just before and at the time
26 the act is committed. Therefore, there must be a

1 combination of the previous evil intent and the
2 act.

3 Malice aforethought may be expressed or
4 inferred. These terms expressed or inferred do
5 not mean different types of malice but merely the
6 manner in which the malice may be shown to be
7 present, that is, either by direct evidence or by
8 inference from the facts and circumstances which
9 are proven expressed malice is shown and a person
10 speaks words or expressed hatred or ill-will for
11 another person or when the person prepared
12 beforehand to do the act by which he later
13 accomplished.

14 As I said before, for example, lying in wait
15 for a person or other acts in preparation going
16 to show that the deed was within the defendant's
17 mind would be express malice. Malice may be
18 inferred from conduct showing a total disregard
19 for human life. Inferred malice may also rise --

20 **MR. FINNEY:** Your Honor, sir.

21 **THE COURT:** Yes, sir.

22 **MR. FINNEY:** That part --

23 **THE COURT:** Okay. Ladies and Gentlemen, if
24 you find that the state has failed to prove
25 beyond a reasonable doubt that the defendant

1 committed murder, you may consider whether the
2 State has proven beyond a reasonable doubt that
3 the defendant committed Voluntary Manslaughter.
4 To prove Voluntary Manslaughter, the State must
5 prove beyond a reasonable doubt the defendant
6 took the life of another from the sudden heat of
7 passion based on sufficient legal provocation.
8 Both heat of passion and sufficient legal --
9 legal provocation must be present at the time of
10 the killing to constitute Voluntary Manslaughter.

11 Sudden heat of passion may, for a time,
12 affect a person's self-control and temporarily
13 disturb a person's reason. The sudden heat of
14 passion must be the type that would make an
15 ordinary person unable to coolly reflect on his
16 actions and would produce an uncontrollable
17 impulse to do violence.

18 Sufficient legal provocation must be the type
19 that would make a person of ordinary reason and
20 caution become enraged and to lose control
21 temporarily. The provocation needed for
22 Voluntary Manslaughter must come from some act of
23 or related to the victim. Words alone, however
24 insulting, are not enough where death is caused
25 by the use of a deadly weapon. The words must be
26 accompanied by some overt threatening act which

1 could have produced the heat of passion.

2 The exercise of a legal right, no matter how
3 offensive it is to another, is never sufficient
4 legal provocation for Voluntary Manslaughter. If
5 the heat of passion has cooled or if there was
6 enough time between provocation and the heat of
7 the passion for a reasonable person to cool, the
8 killing would not be Voluntary Manslaughter.

9 In deciding whether to -- a reasonable person
10 would have had, if you have time to cool off, you
11 should consider all the circumstances surrounding
12 the killing. You may consider the nature of the
13 provocation, if any, the Defendant's mental and
14 physical state and the circumstances from
15 relationship between the parties.

16 The defendant has raised the defense of
17 self-defense. Self-defense is a complete defense
18 and -- if it is established, you must find the
19 defendant not guilty. The State has the burden
20 of disproving self-defense by proof beyond a
21 reasonable doubt. If you have a reasonable doubt
22 of the defendant's guilt after considering all of
23 the evidence including the evidence of
24 self-defense, then you must find the defendant
25 not guilty. If, on the other hand, you have no
26 reasonable doubt of the defendant's guilt after

1 considering all the evidence including the
2 evidence of self-defense, then you must find the
3 defendant guilty.

4 The following are required to establish
5 self-defense. First, the defendant must be
6 without fault in bringing on the difficulty. If
7 the defendant's conduct was the type which was
8 reasonably calculated to and did provoke a deadly
9 assault, the defendant would be -- would be at
10 fault in bringing on the difficulty and would not
11 be entitled to an acquittal based upon

12 self-defense. The second element of self-defense
13 is that the defendant was actually in imminent
14 danger or threat of serious bodily injury or that
15 the defendant actually believed he was imminent
16 danger of death or serious bodily injury. If the
17 defendant was actually in imminent danger, it
18 must be shown that the circumstances would have
19 warranted a person of ordinary firmness and
20 courage to bring about death or serious bodily
21 injury. If the defendant believed he was
22 imminent danger or death of serious bodily
23 injury, it must be shown that a reasonably
24 prudent person of ordinary firmness or courage
25 would have had the same belief.

26 In deciding whether the defendant acted --

1 actually was or believed he was in imminent
2 danger or death or serious bodily injury, you
3 should consider all the facts and the
4 circumstances surrounding the crime, including
5 the physical condition and characteristics of the
6 defendant and the victim. The defendant does not
7 have to show that he was actually in danger.. It
8 is enough that -- if the defendant believed he
9 was in imminent danger and a reasonably prudent
10 person of ordinary firmness and courage would
11 have had the same belief. The defendant has the
12 right to act on his beliefs, even though the
13 defendant's beliefs may have been mistaken. It
14 is for you to decide whether the defendant's fear
15 of imminent danger or death or serious bodily
16 injury was reasonable and would have been the
17 same of an ordinary person in the same situation.

18 Words accompanied by hostile acts may,
19 depending upon the circumstances, establish
20 self-defense. The relative size, age and weight
21 of the defendant and the victim may be considered
22 in deciding the apparent or actual need for force
23 and self-defense and the amount of force needed
24 and may be considered in deciding whether the
25 defendant's fear of death or bodily injury was
26 reasonable.

1 The final element of self-defense is the
2 defendant had no other probable way to avoid the
3 danger or -- of death or serious bodily injury
4 other than to act as a defendant did in this
5 particular circumstance. The defendant had no
6 duty to retreat if, by doing so, the danger of
7 being killed or suffering serious bodily injury
8 would increase. And then the lawful -- if the
9 defendant is a lawful guest in another's home, he
10 has no duty to retreat before using deadly force
11 in self-defense against an intruder. A lawful

12 guest is a person who enters the premises of
13 another, by either expressed or implied
14 invitation, however a guest, has a duty to
15 retreat where possible, if the attacker is the
16 owner or occupier of the property.

17 A person cannot be required to make an exact
18 calculation as to the degree or amount of force
19 which may be needed to avoid death or serious
20 bodily harm. Therefore, in self-defense the
21 defendant has if right to use the force needed to
22 avoid death or serious bodily injury. The force
23 used in self-defense does not have to be limited
24 to the degree or amount of force used by the
25 victim. The defendant has the right to use so
26 much -- use so much force as appeared to be

1 necessary for complete self-protection and in
2 which a person of ordinary reason and firmness
3 would have believed to be needed to bring about
4 death or serious bodily harm.

5 The defendant is charged with Possession of a
6 Weapon during the Commission of a Violent Crime.

7 If you find that the defendant is guilty of
8 Murder, Voluntary Manslaughter or Assault and
9 Battery with Intent to Kill, you may find the
10 defendant guilty of Possession of a Weapon during
11 the Commission of a Violent Crime. The State
12 must prove beyond a reasonable doubt that the
13 defendant was in possession of a firearm or
14 visibly displayed what appeared to be a firearm
15 during the accomplice of a violent crime. A
16 firearm means a machine gun, automatic rifle,
17 pistol, revolver or any weapon which is designed
18 or may readily be converted to expel a
19 projectile.

20 In order to find the defendant guilty of
21 Possession of a Weapon during the Commission of a
22 Violent Crime, you must first find the defendant
23 guilty of either committing a violent crime or
24 attempting to commit a violent crime. Murder,
25 Voluntary Manslaughter, and Assault and Battery
26 with Intent to Kill are violent crimes.

1 The defendant is charged with Unlawful
2 Carrying of a Handgun. The State must prove
3 beyond a reasonable doubt that the defendant
4 carried a handgun up about his person whether
5 concealed or not. A weapon is about the
6 defendant's person if it is readily accessible
7 and completely for immediate use. The pistol may
8 not be actually touching the person of the
9 defendant.

10 Ladies and Gentlemen, I have prepared a
11 verdict form for you to take into the jury room
12 and I'm going to go through it. The first
13 paragraph says as to the charge for Assault and
14 Battery with Intent to Kill Audja Blackwell, we,
15 the jury, unanimously find the defendant not
16 guilty or guilty. As to the charge of murder of
17 William Blackwell, we, the jury, unanimously find
18 the defendant not guilty or guilty. With an
19 annotation next to it that if you find the
20 defendant not guilty of murder, you will then
21 proceed to question 3. If you find the defendant
22 guilty of murder, you will then go to question 4.

23 Question 3 states that as to the Voluntary
24 Manslaughter of William Blackwell, we, the jury,
25 unanimously find the defendant not guilty or
26 guilty. And paragraph 4 if the jury find the

1 defendant guilty of any of the charges listed
2 above, you may consider whether the defendant is
3 guilty of -- as to the charge of Possession of a
4 Weapon during the Commission of a Violent Crime.
5 As to the -- then it will state as to the charge
6 Possession of a Weapon during the Commission of a
7 Violent Crime, we, the jury, would unanimously
8 find the defendant not guilty or guilty.

9 And finally, the jury may consider the
10 defendant's guilt on the charge of Unlawful
11 Carrying of a Handgun independently of the other
12 charges listed above and then it would state as
13 to the charge of Unlawful Carrying of a Handgun,
14 we, the jury, find the --unanimously find the
15 defendant not guilty or guilty. Now, Ladies and
16 Gentlemen, let me remind you that there is no
17 particular order in which guilty or not guilty is
18 stated. It is simply that one must come first.

19 Now, Ladies and Gentlemen, your verdict must
20 be a unanimous one. All 12 of you must agree on
21 the verdict. Your decision must not be based on
22 passion, prejudice, emotion, or any other
23 consideration not in evidence in this case.

24 Mr. Foreperson, it will be your -- when you
25 have completed your deliberations and reached a
26 verdict, you will then write the -- check the

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1 verdicts as I have stated and then you will sign
2 your name as foreperson. Then knock on the jury
3 room door and inform the bailiff that you have
4 reached a verdict. At that time, you will be
5 received back in to the courtroom for publication
6 of your verdict.

7 I ask that you now retire to the jury room
8 but do not begin your deliberations until you are
9 told to do so by the clerk or the bailiff cause
10 there are still some matters we need to take up
11 before you begin your deliberations. Thank you.

12 We need to separate the alternates from the
13 jury.

14 (WHEREUPON, the jury exits the courtroom.)

15 THE COURT: Arguments from counsel?

16 MR. CONNER: None from us, Your Honor.

17 THE COURT: Had a very timely objection.

18 MR. FINNEY: I appreciate the Court. No,
19 Your Honor. Everything is fine.

20 THE COURT: All right. Very well. Please if
21 y'all could gather up the evidence.

22 (WHEREUPON, deliberations begin at approximately
23 1:55 p.m.)

24 (WHEREUPON, Court's Exhibit 1 is marked for
25 identification purposes.)

1 **THE COURT:** The Court has received an inquiry
2 from the jury and I've had it marked as Court's
3 Exhibit 1. One is as to charge of Voluntary
4 Manslaughter, does it transfer to the assault and
5 battery charge. And two, as to the possession of
6 the weapon charge, does it apply to all three
7 charges. I think by looking at the order in
8 which they were written out we did the transfer
9 of intent and immediately before talking about
10 the murder charge. And I think their question is
11 does it apply to Voluntary Manslaughter as well.

12 I think what I'm going to do is I'm going to
13 bring them back out and probably recharge them
14 with transfer intent, murder and manslaughter and
15 as to the possession of weapon charge. Does it
16 apply to all three charges? I think the answer is
17 yes it does. The three charges that we've said
18 that both of these are in their closing
19 arguments. Do either of y'all have any objection
20 or suggestions on --

21 **MR. FINNEY:** Sir, I certainly respectfully
22 would ask the Court not to charge the transfer of
23 intent again because it was our initial
24 impression it wasn't the right situation to
25 charge it. I think it has led to doubt on the

1 part of the jury. I would like to have the
2 Court's transcript made a part of the record at
3 this time.

4 You are right, Your Honor, as far as I can
5 tell. My transcript was a little bit different
6 than yours. It was not the newest model but the
7 transferred intent on page nine was read right
8 before the murder which went on for a full two
9 pages and then you talked about Voluntary
10 Manslaughter on page 10 and then you went in to
11 the self-defense so --

12 **THE COURT:** What I may do would be to charge
13 the Voluntary Manslaughter and the transferred
14 intent.

15 Mr. Conner?

16 **MR. CONNER:** They asked the way I understand
17 the question they asked about transferred intent.

18 **THE COURT:** Yes, it says as to the charge of
19 Voluntary Manslaughter, does it transfer to the
20 Assault and Battery. The way I'm seeing this is
21 they may have thought that the transferred intent
22 applied to the murder. Transferred intent really
23 is the fact that shooting of one person and
24 another person gets hit so maybe I will charge
25 the transferred intent.

1 **MR. FINNEY:** The problem we're having, Your
2 Honor, the problem I'm having is that the
3 indictment has a separate offense for the assault
4 and battery as to --

5 **THE COURT:** Mr. Finney, I understand. I've
6 already ruled on it.

7 **MR. FINNEY:** I understand that, Your Honor,
8 but now we have a question for the jury on the
9 exact same issue we reserved in our objections
10 and that's why I'm making a plea to the Court
11 that the answer to the question is, if I
12 understand the question, can we transfer the
13 intent from the Voluntary Manslaughter to the
14 Assault. And the correct answer would be yes.
15 Transferred intent makes no difference whether
16 it's murder or Voluntary Manslaughter. If they
17 find the transferred intent take it to the
18 Assault and Battery with Intent to Kill. So the
19 correct answer is yes.

20 **MR. FINNEY:** And respectfully we would argue
21 that cause you're talking about different
22 defendants and different acts by -- excuse me.

23 **THE COURT:** Same defendant.

24 **MR. FINNEY:** Talking about different victims.

25 **THE COURT:** Right.

1 **MR. FINNEY:** And the charges for those
2 victims, even though you're talking about the
3 same defendant, we do not believe the transferred
4 intent applies in this situation.

5 **THE COURT:** The transferred intent would
6 apply for Murder or Voluntary Manslaughter. So
7 the correct answer would be yes. Mr. Conner.

8 **MR. CONNER:** I would think the safest way to
9 do is like you suggested at first is read --
10 reread the instructions to them.

11 **MR. FINNEY:** As a second --

12 **MR. CONNER:** If we get into any other way of
13 handling it, we start commenting on the case.

14 **MR. FINNEY:** My request would be if the Court
15 is not going to allow the -- the motion that I
16 just made is that it -- if the Court would
17 certainly state that the jury has to weigh each
18 charge against each victim separately.

19 **THE COURT:** No. They're different counts.

20 **MR. FINNEY:** And they would have to be
21 considered separately by the jury and that if
22 they --

23 **THE COURT:** I've already told them that.

24 **MR. FINNEY:** That's what I'm saying. The
25 transferred intent has them stuck now and --

1 **THE COURT:** See the transferred intent charge
2 says attempts to kill another person. It doesn't
3 say anything about malice aforethought or
4 anything like that so --

5 **MR. FINNEY:** I think my problem with the
6 transferred intent, Your Honor, besides what I
7 put on the record is if you look in the second
8 paragraph, it says if the defendant attempts to
9 kill another but by mistake injures or kills a
10 different person --

11 **THE COURT:** Right.

12 **MR. FINNEY:** -- and it seems like a different
13 standard is being used in the language. It
14 certainly shouldn't say if he attempts to kill
15 and then in the next paragraph says if he kills
16 another. And there's no language in the transfer
17 that talks about the right that a person may have
18 to defend themselves if -- if the defense of
19 self-defense is being used.

20 **THE COURT:** I think this is the valid charge
21 on this and what I'm going to do is I'm going to
22 recharge on transferred intent as it is here
23 cause it doesn't say whether it's murder or
24 manslaughter. I'm just going to charge the
25 transferred intent and then going to recharge on

1 the possession of a weapon charge that applies to
2 all three. I note your objection --

3 MR. FINNEY: You're going to tell them that
4 it may apply?

5 THE COURT: That's what I said before

6 MR. FINNEY: Yes, sir.

7 THE COURT: Just going to recharge what I
8 gave them before.

9 MR. FINNEY: That would be the possession of
10 a weapon charge?

11 THE COURT: I'm assuming this -- as to the
12 charge the possession of a weapon charge would
13 apply to all three charges.

14 MR. FINNEY: All right, sir. Would you
15 please look at your transcript, Judge, cause
16 there was a line that was supposed to be omitted
17 --

18 THE COURT: That line dealt with --

19 MR. FINNEY: In other words, the line on page
20 16 as I have it --

21 THE COURT: I don't have mine but -- the
22 defendant is charged with Possession of a Weapon
23 during the Commission of a Violent Crime. If you
24 find the defendant guilty of murder, Voluntary
25 Manslaughter or Assault and Battery with Intent

1 to Kill you may find the defendant guilty of
2 Possession of a Weapon during the Commission of a
3 Violent Crime. The State must prove beyond a
4 reasonable doubt that the defendant was in
5 possession of a firearm or visibly displayed what
6 appeared to be a firearm during the commission of
7 the crime. A firearm being a machine gun,
8 automatic rifle, revolver, pistol or any weapon
9 which will -- is designed to or may be converted
10 to expel a projectile.

11 In order to find the defendant guilty of
12 Possession of a Weapon during the Commission of a
13 Violent Crime, you must first find the defendant
14 guilty of either committing Assault and Battery
15 with Intent to Kill or Voluntary Manslaughter.

16 **MR. FINNEY:** I wanted to make sure that the
17 attempting to commit a violent crime was omitted
18 cause it was not omitted the first time.

19 **THE COURT:** Okay.

20 **MR. FINNEY:** It has been omitted?

21 **THE COURT:** I'm looking.

22 **THE COURT:** The paragraph with "in order to
23 find the defendant guilty".

24 **THE COURT:** In order to find the defendant
25 guilty of Possession of a Weapon during the

1 Commission of a Violent Crime, you must first
2 find the defendant guilty of either committing
3 the violent crime or attempting to commit --

4 **MR. FINNEY:** That part was supposed to be
5 omitted. He's not charged with attempted.

6 **THE COURT:** Yes, he is. No, he's not. Okay.
7 I will take that out.

8 **THE COURT:** Bring the jury back in.

9 **THE COURT:** Your Honor, may we look at the
10 note?

11 **THE COURT:** Yes.

12 **MR. FINNEY:** Has it been marked?

13 **THE COURT:** Yes, sir.

14 **MR. FINNEY:** All right, sir.

15 (WHEREUPON, there is pause.)

16 (WHEREUPON, the jury enters the courtroom.)

17 **THE BAILIFF:** We need the alternates?

18 **THE COURT:** No. We don't need the
19 alternates.

20 **THE COURT:** Mr. Foreman, we have received
21 your note and marked it as Exhibit number 1 and I
22 want to make sure I'm reading what it says, as to
23 the charge of Voluntary Manslaughter, does it
24 transfer to the Assault and Battery charge. And
25 then your second question, as to possession of

1 the Weapon charge, does it apply to all three
2 charges.

3 I am going to recharge you what I read you
4 concerning the transferred intent and the
5 Possession of the Weapon during the Commission of
6 a Violent Crime charges that were read earlier.
7 Transferred intent. If the defendant, with
8 malice aforethought, attempts to kill another
9 person but by mistake injures or kills a
10 different person, the defendant still has the
11 intent to kill. The intent to kill is merely
12 transferred from the original person the
13 defendant attempted to kill to the actual person
14 killed or injured. The defendant would be guilty
15 of Assault and Battery with Intent to Kill just
16 as if the attempt had resulted in the death or
17 injury of the person the defendant attempted to
18 kill.

19 Possession of the Weapon during the
20 Commission of a Violent Crime. The defendant is
21 charged with Possession of a Weapon during the
22 Commission of a Violent Crime if you find the
23 defendant guilty of Murder, Voluntary
24 Manslaughter or Assault and Battery with Intent
25 to Kill --

26 Mr. Manning, I have changed my position.

1 They don't need to be in here.

2 **THE BAILIFF:** Oh, okay.

3 **THE COURT:** I will start over completely.

4 The defendant is charged with Possession of a
5 Weapon during the Commission of a Violent Crime.

6 If you find the defendant guilty of Murder,
7 Voluntary Manslaughter or Assault and Battery
8 with Intent to Kill, you may find the defendant
9 guilty of Possession of a Weapon during the
10 Commission of a Violent Crime. The State must
11 prove beyond a reasonable doubt that the

12 defendant was in possession of a firearm or
13 visibly displayed what appeared to be a firearm
14 during the Commission of a violent crime. A
15 firearm means any machine gun, automatic rifle,
16 revolver, pistol or any weapon which will if
17 designed to or may be readily be converted to
18 expel a projectile.

19 In order to find the defendant guilty of
20 Possession of a weapon during the Commission of a
21 Violent Crime, you must first find the defendant
22 guilty of committing a violent crime. Murder,
23 Voluntary Manslaughter and Assault and Battery
24 with Intent to Kill are violent crimes.

25 All right, Ladies and Gentlemen. I am going

1 to return you to your jury room at this time
2 where you will resume your deliberations. Thank
3 you.

4 (WHEREUPON, the jury exits the courtroom.)

5 MR. FINNEY: May it please the Court. I
6 believe you said on the record when the jury came
7 in that I was protected but I --

8 THE COURT: Your prior objections are noted.

9 MR. FINNEY: Thank you, sir.

10 THE COURT: Court will be in recess until
11 further call of the jury.

12 (WHEREUPON, deliberation continues.)

13 (WHEREUPON, the Court resumes at approximately
14 2:10 p.m.)

15 THE COURT: It is my understanding the jury
16 has reached a unanimous verdict. Let me remind
17 the people who are in this courtroom, the juries
18 work hard to get a verdict and I'm not going to
19 tolerate any emotional outburst when the jury
20 verdict is read one way or the other. Are we
21 ready?

22 Please bring the jury in.

23 (WHEREUPON, the jury enters the courtroom.)

24 THE BAILIFF: All jurors are present.

25 THE COURT: Thank you. Mr. Foreman, it is my

1 understanding that the jury has reached a
2 unanimous decision in this case. Is that
3 correct?

4 **THE JUROR:** Yes, sir.

5 **THE COURT:** Please hand it to the bailiff.
6 Mr. Clerk please publish the verdict.

7 **THE CLERK:** State of South Carolina versus
8 Jeron Cook, indictment number 2009-GS-43-882, as
9 to the charge Assault and Battery with Intent to
10 Kill Audja Blackwell, we, the jury, unanimously
11 find the defendant not guilty. As to the charge
12 of murder of William Blackwell, we, the jury,
13 unanimously find the defendant not guilty. Count
14 3, as to the charge of Voluntary Manslaughter of
15 William Blackwell, we, the jury, unanimously find
16 the defendant guilty. Count 4, as to the charge
17 of Possession of a Weapon during the Commission
18 of a Violent Crime, we, the jury, unanimously
19 find the defendant guilty. Count 5, the jury may
20 consider -- excuse me -- as to the charge of
21 Unlawful Carrying of a Handgun, we, the jury,
22 unanimously find the defendant guilty. Signed,
23 Foreperson, John Johnson stated April 21st, 2010.
24 Is this your verdict? Please signify by
25 raising your right hand.

1 (WHEREUPON, each juror responds.)

2 THE COURT: Thank you. Does the State
3 request polling of the jury?

4 MR. CONNER: We do not, Your Honor.

5 THE COURT: Does the defense request polling
6 of the jury?

7 MR. FINNEY: No, Your Honor.

8 THE COURT: Then the verdict stands. Ladies
9 and Gentlemen of the jury, I'd like to take this
10 time to thank you for the work that you have put
11 into this case. It is never easy to hold the
12 life of a fellow human in your hands. You upheld
13 your oath as you said you would.

14 Now, as I have told you all along, you are
15 not to speak with anyone about this case. That
16 restriction has now been lifted. You may discuss
17 the case as you choose to do so and with who you
18 choose to do so.

19 You may stop the conversation at any time.
20 Ladies and Gentlemen, if somebody persists in
21 talking with you and you say I don't want to
22 speak to you anymore about it, please contact one
23 of the bailiffs and they will in turn contact me,
24 and I will make sure that that does not happen
25 anymore.

1 Now, Ladies and Gentlemen of the jury, I
2 intend to sentence the defendant at 3:30, so that
3 will give you some time. If you would like to
4 attend the sentencing, you are welcome to do so.

5 Ladies and Gentlemen, this also serves as
6 your service on a jury, so you do not have to
7 serve for the next three years after this week.
8 So there is a possibility we may be pulling some
9 other juries in other cases for this week, so I
10 will need for you to go directly to the other
11 courtroom where there is a possibility you may be
12 selected for another jury.

13 Ladies and Gentlemen, as I dismiss you,
14 again, I want to thank you for your service. You
15 have upheld your oath and I'd like to shake each
16 of your hand as you leave.

17 (WHEREUPON, the jury exits the courtroom.)

18 **THE COURT:** The Court will entertain any
19 post-trial motions at this time.

20 **MR. FINNEY:** Your Honor, I thought I heard
21 the Judge say you were going to impose sentence
22 at 3:30.

23 **THE COURT:** Yes.

24 **MR. FINNEY:** Could I have until then to --

25 **THE COURT:** That's what I was trying to give

1 your time to get your thoughts together as to
2 what you wanted to do.

3 **MR. FINNEY:** That's an hour from now?

4 **THE COURT:** Yes. That's an hour from now.

5 **MR. FINNEY:** If you'd give me an hour from
6 now, that will be fine. Could I have that time
7 from now to prepare those motions?

8 **THE COURT:** No. You'll have ten days.

9 **MR. FINNEY:** If I can --

10 **THE COURT:** I'd allow you to have that if
11 you'd like to -- during that time period, you may
12 do so.

13 **MR. FINNEY:** Let me just clarify, Your Honor.
14 As to the Assault and Battery with Intent to
15 Kill, it was not guilty. As to the Murder, it
16 was not guilty. As to the Voluntary
17 Manslaughter, it was guilty.

18 **THE COURT:** That is correct.

19 **MR. FINNEY:** As to the weapon possession
20 during a violent crime, it was guilty.

21 **THE COURT:** That's correct. And as to the
22 unlawful carrying of the handgun, it was guilty.

23 **MR. FINNEY:** Your Honor, at this time, on
24 behalf of Mr. Cook, I would move the court for a
25 renewal of the motions made during the trial. I

1 would ask the Court to reconsider the jury's
2 verdict on the Voluntary Manslaughter and the
3 Possession of a Weapon during the Commission of a
4 Violent Crime in as much as we made strong
5 objections to the charge by the court and that we
6 also feel like there were numerous motions made
7 that would leave the Court after hearing the
8 jury's verdict after finding no criminal intent
9 on the part of my client as to the assault and
10 battery case which was the other victim and as to
11 the deceased that the Court should entertain a

12 motion for reconsideration and grant a new trial
13 as to the manslaughter.

14 **THE COURT:** All right.

15 **MR. FINNEY:** And the position of a weapon
16 during --

17 **THE COURT:** Mr. Conner.

18 **MR. CONNER:** I think the jury properly
19 followed the instructions and found him not
20 guilty on the Assault and Battery with the Intent
21 to Kill cause transferred intent in connection
22 with the -- with the intent to kill somebody to
23 the murder charge and so I don't think he has,
24 at this point, a valid complaint.

25 **THE COURT:** Mr. Finney, if I remember

1 correctly, your major concern was the charge of
2 transferred intent. And quite frankly, the jury
3 did not find transferred intent. It is amazing
4 sometimes the collective wisdom that comes out of
5 a jury pool. They did not find transferred
6 intent and that's why they found him not guilty
7 as to the Charge of Assault and Battery with
8 Intent to Kill of Audja Blackwell so on that
9 particular one I'm going to deny your motion.

10 **MR. FINNEY:** Thank you, Your Honor.

11 **THE COURT:** All right. We will reconvene at
12 3:30 for sentencing. Thank you.

13 **MR. CONNER:** Do we need to move our stuff?

14 **THE COURT:** Yes, you need to move whatever's
15 in the jury room.

16 **MR. CONNER:** I'm talking about the things
17 here.

18 **THE COURT:** No. We are here on this trial.
19 This trial is not over with and I am not striking
20 another jury. This trial goes on.

21 (WHEREUPON, a short recess is taken.)

22 **THE COURT:** Would the defendant please stand.

23 Mr. Jeron Cook, you have been tried by a jury
24 of your peers. The jury listened to the evidence
25 and weighed the evidence. The jury has found you

Remarks

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1 guilty on the charges of Voluntary Manslaughter,
2 Possession of a Firearm during the Commission of
3 a Violent Crime and the Unlawful Carrying of a
4 Handgun. Would you or your attorney wish to make
5 any statements prior to my imposing the sentence?

6 **MR. FINNEY:** Yes, Your Honor, we would both
7 like to make a short statement.

8 **THE COURT:** Certainly, and any family
9 members.

10 **MR. FINNEY:** First, certainly Mr. Cook, Your
11 Honor, as he told the jury yesterday, is 27 years
12 of age, 28 now, 27 at the time of this incident,
13 never used a firearm on anybody, never had a
14 conviction of violence on his record before in
15 terms of anything active or aggressive behavior
16 on his part.

17 I think if you will honor him and his family,
18 his father will tell you in a moment that he has
19 been a good son and that he is a good individual.
20 He is a good father. Didn't graduate from high
21 school, but did complete most of the years of
22 school and worked.

23 We also know from what we've heard in this
24 courtroom that Jeron had made bad decisions for
25 several of the past years maybe going back three,

1 four, five years, not focusing on the gifts that
2 he had been given, not being attentive to taking
3 care of himself.

4 He did pick up a charge in Manning riding in
5 the car, firearms there. He picked up several
6 drug charges that were all pled out in November
7 and, of course, he picked up this shooting charge
8 in March of last year.

9 Always been a good client, Your Honor.
10 Always asked good questions, tried to say to me
11 and to the jury here, to this court, that he
12 realized he had put himself in a bad situation,
13 realized that he could have made better choices
14 about the people he hung around with and the
15 things he did. But on that particular night, at
16 that particular time, he acted and responded with
17 what he thought was a legal force to repel.

18 Obviously from their verdict, the jury
19 thought that there wasn't malice involved. The
20 jury thought that there was some probably
21 (inaudible) in terms of the shooting of Ms.
22 Blackwell and their verdict reflected that.

23 Your Honor, as an attorney who has handled a
24 lot of these cases, it is a sad thing for a young
25 man like this to have to face this, but it also
26 is an opportunity for him to learn and grow. As

Remarks

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1 I said to the jury this morning, this incident
2 has affected both families, Blackwell and Cook.
3 And it seems that the Blackwell family has
4 responded positively. The ladies are doing
5 different things, more positive things with their
6 lives now. This young man can do the same thing.

7 I would ask the Court not to impose a harsh
8 sentence. I feel that the jury has seen some
9 evidence of -- some evidence of his having to act
10 like this, his having to respond to the situation
11 he found himself in and not having acted out of

12 any kind of malice. I think the facts of the
13 case, Your Honor, as we showed in this courtroom
14 that the -- the shootings was, even though five
15 shells may have been fired, apparently besides
16 the two shells that were found in the victim
17 house, the first one being a close front gunshot,
18 the shooting in this case was pretty scattered.

19 I mean, you can say people were lucky. You
20 can say that. You can also say this young man
21 was not trying to hurt anybody but trying to get
22 out of the house as quickly as possible and I
23 think he hit at least two or three doors out of
24 the five shots. One of those shots may have hit
25 Ms. Blackwell. We don't know if Ms. Blackwell
26 was hit with a bullet that also hit her brother.

1 The third shot that went through Mr.
2 Blackwell's hip may have been the bullet that
3 also caused her buttocks injury. It hadn't been
4 determined. But squarely one or two of those
5 bullets were fired at doorways showing the random
6 act.

7 Your Honor, I would like for you to hear from
8 this young man. I would like for you to consider
9 giving him, in light of the fact that he felt
10 strongly about his case, wanted to have a jury
11 decide it, the jury decided to acquit him on two
12 of the most serious charges and only the lesser
13 included charge was the one the jury returned
14 back a verdict of guilty along with the
15 possession of the weapon.

16 I also ask the Court to consider he is
17 serving a six-year sentence now. He will be
18 eligible for max out on that sentence in 2012, I
19 believe. And after you sentence him today be
20 concurrent to that sentence. We understand that
21 you have the power to do that and we're asking
22 you to do that based on his overall circumstances
23 and situation.

24 **THE COURT:** Thank you.

25 Mr. Cook.

Remarks

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1 **THE DEFENDANT:** First of all, I want a minute
2 you to thank you for a chance to tell my side of
3 the story, and I would like to apologize for what
4 happened. I'm sorry it turned out this way, but
5 I would like to ask you to be as lenient as
6 possible so I could come on back to my family. I
7 realize that I made a mistake. I wish I could
8 take it back but I can't. I am sorry for what
9 happened. I just ask for your leniency.

10 **THE COURT:** Anyone else in his family like to
11 speak?

12 **MR. FINNEY:** Mr. Cook.

13 **THE COURT:** Good afternoon.

14 **SPEAKER:** How are you doing, Your Honor? My
15 name is Johnny Cook. I'm Jeron's father and I
16 would like to thank you for this opportunity to
17 say something to the Court. First of all, I
18 would like to address the Blackwell family, give
19 them my sorrow, my sympathy. I'm sorry that both
20 families have to meet under these circumstances.
21 No one is a winner and I am very sorry that you
22 lost your son cause a parent should never lose a
23 son. And under these circumstances, the way it
24 happened, it should not have happened and I am
25 very sorry.

1 My son is a good son. From what I have heard
2 in court this week shows me that he did not have
3 any malice or any intention of hurting anyone on
4 that occasion, but it happened. And our kids
5 makes mistakes. They are going to make mistakes.
6 We all have made mistakes and things like this
7 where parents are not teaching their kids or
8 talking to their kids or --

9 **THE COURT:** Cook, please address me and
10 not --

11 **SPEAKER:** What goes on, sir, is that these
12 thing's going to happen and it's tragic. Like I
13 said, no one is a winner. It hurt both deeply.
14 And what I ask you, Your Honor, is to be lenient
15 with my son. I wish I could bring her son back.
16 I can't. I'm sorry.

17 **THE COURT:** Thank you. Anyone else? You may
18 be seated.

19 Mr. Conner. The victim like to --

20 **MR. CONNER:** Yes.

21 **THE COURT:** -- like to make a statement as
22 well as any members of the victim's family?

23 **MR. CONNER:** I, first, ask you hear from Ms.
24 Theresa Blackwell. She is the mother of William
25 Blackwell and Audja Blackwell and she indicated

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1 she would like to speak too.

2 **SPEAKER:** I want to say that this last year
3 has been very hard on me and my family. What has
4 happened has happened. Nothing can bring my
5 child back but as a citizen I hope you give him
6 the max sentencing allowed. Keep him off the
7 street so no other mother would have to go
8 through what I've went through. Thank you.

9 **THE COURT:** Other members of the victim's
10 family?

11 **MR. CONNER:** Identify yourself please.

12 **SPEAKER:** My name is Shirl Epps. I am the
13 mother of William's son. My son was only one
14 when he lost his father. I mean, I hear they say
15 Jeron got three kids. William had two kids. My
16 son was only one. He will never have the chance
17 to get to know his daddy. My baby look a picture
18 of his daddy and he ask me, "Ma, where my daddy?"
19 Daddy's gone.

20 **MR. CONNER:** Your Honor, the convictions that
21 he's serving time now started on September 17,
22 2009. Apparently, that is the time he pled here
23 in Sumter County to the --

24 **THE COURT:** If you could give me a listing of
25 his entire criminal history.

1 **MR. CONNER:** He had this charge in Clarendon
2 County in 2007. Apparently his starting date on
3 probation was 10/12/2007, October 12, 2007. That
4 was for unlawful carrying of a weapon. He had
5 here in Sumter County in 2009 four counts of
6 Distribution of Crack or Cocaine base and first
7 -- was all treated as a first offense. He had no
8 prior drug record. Also, he had two counts of
9 Distribution of Crack Cocaine within Proximity of
10 a School.

11 He also had an unlawful weapon charge. That
12 offense occurred in 2007, but he pled guilty to
13 it. At the same time, he pled guilty to the drug
14 charge. The drug charge is really happened in
15 2006. That's when the sale -- but in 2009 is
16 when he pled guilty to them. And the unlawful
17 weapon, I think what happened is when they
18 arrested him on the drug charges they got -- the
19 pistol. And he was -- he also at the same time
20 had a Possession of a Stolen Pistol.

21 **THE COURT:** The same -- was it the same
22 pistol?

23 **MR. FINNEY:** It was, Your Honor.

24 **THE COURT:** The pistol he had illegally was
25 also the stolen pistol?

1 **MR. CONNER:** It was the same pistol. He has
2 had three offenses. He had one in Clarendon
3 County back in 2007 and then he had the one that
4 he pled guilty to in 2009 which was -- he pled
5 guilty to two counts involving a pistol but they
6 were -- it was the same pistol.

7 **THE COURT:** Just like in this case, he's got
8 two gun charges but the same gun.

9 **MR. CONNER:** That is correct. I think you
10 have heard everything throughout this case that
11 we have gotten, Your Honor.

12 **THE COURT:** Anything further from the
13 defense?

14 **MR. FINNEY:** No, Your Honor.

15 **THE COURT:** I'm going to retire to my
16 chambers for approximately 15 minutes and we will
17 reconvene at four o'clock.

18 (WHEREUPON, a short recess is taken.)

19 **THE COURT:** I have considered the statements
20 of the Defendant's family and I have considered
21 the statements of the victim's family and the
22 statements of the attorneys. This is the
23 defendant's third gun charge. At some point, his
24 carrying of a weapon despite his illegally doing
25 so, something like this was eventually going to

1 happen. The defendant has killed a fellow human
2 being who had done nothing to him. The
3 defendant's actions were bound to happen.

4 The defendant appears to come from a good
5 family. I don't dispute that. He was probably
6 not raised this way. But he chose to repeatedly,
7 and for the last several years, live a life of
8 crime. That life has consequences.

9 Under Indictment 2009-GS-43-882, Count 5,
10 unlawfully carrying of a pistol, it is the
11 sentence of the Court that Jeron Alondo Cook be
12 sentenced to the State Department of Corrections
13 for a period of five years. And to Count 4,
14 Possession of a Firearm during a Violent Crime,
15 the defendant is hereby sentenced to the State
16 Department of Corrections for a period of five
17 years. Those sentences shall run concurrently.

18 On the most serious charge, of Voluntary
19 Manslaughter, it is the sentence of the Court
20 that the defendant be committed to the State
21 Department of Corrections for a period of 22
22 years. This sentence shall run consecutive to
23 the two other. So the total amount of time that
24 he will have to serve is 27 years. That is the
25 order of the Court.

1 **MR. CONNER:** May it please the Court.

2 **THE COURT:** Yes, sir.

3 **MR. CONNER:** If Mr. Finney and I can approach
4 a minute.

5 **THE COURT:** I looked it up. I thought it was
6 five years. But if it is one year on the
7 carrying of a pistol, then he is sentenced to one
8 year to run concurrently with the five-year
9 sentence for Possession of a Weapon during a
10 Violent Crime. The net effect is no change. He
11 would still serve 27 years in jail. Thank you.

12 **(WHEREUPON, the proceeding is concluded.)**
13
14
15
16
17

CERTIFICATE

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1 I, the undersigned, Teresa B. Johnson, Official
2 Court Reporter for the Thirteenth Judicial Circuit of
3 the State of South Carolina, do hereby certify that
4 the foregoing is a true, accurate and complete
5 Transcript of Record to the best of my ability of all
6 the proceedings had and evidence introduced in the
7 trial of the captioned case, relative to appeal, in
8 the Court of General Sessions for Sumter, South
9 Carolina, on this 26th day of April, 2011.

10 I do further certify that I am neither of kin,
11 counsel nor interest to any party hereto.

12
13
14
15 

16 Teresa B. Johnson

17 Official Court Reporter
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STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

PLAINTIFF,

v.

JERON COOK,

DEFENDANT.

TRANSCRIPT OF JURY SELECTION
C/A #: 2009-GS-43-00882

April 19, 2010
Sumter County Courthouse
Sumter, South Carolina

BEFORE:

~~THE HONORABLE JEFFREY YOUNG, PRESIDING~~

APPEARANCES:

Harry C. Conner, Esquire
Assistant Solicitor for Sumter County

Mr. Jerry Finney, Esquire
Attorney for Defendant, Jeron Cook

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

(Certificate of Service

20

State vs. Jeron Cook Jury Selection

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1 The Court: Alright ladies and gentlemen as Mr. Bradley
2 has already told you, I'm Jeff Young and I'm a Circuit
3 Court judge, and we're about to begin a case of the
4 State of South Carolina versus Jeron Cook. Now, Mr.
5 Cook is charged with several counts in the indictment.
6 He's charged with Assault and Battery with Intent to
7 Kill, Murder, Possession of a Fire Arm During the
8 Commission of a Violent Crime and Unlawful Carrying of
9 a Handgun. Now, let me read the indictments for you.
10 Count one, Assault and Battery with Intent to Kill,
11 Jeron Cook did, in Sumter county, on or about March
12 18, 2009, violate the code of laws of the State of
13 South Carolina in that he, with malice aforethought,
14 committed an assault and battery upon one Asiaf
15 Blackwell(sic) by shooting Asiaf Blackwell with a
16 pistol in an attempt to kill the said Asiaf Blackwell.
17 Count two, murder. That Jeron Cook, did in Sumter
18 County, on or about March 18, 2009, erroneously,
19 willfully and with malice aforethought, either
20 expressed or implied, killed one William Blackwell by
21 means of shooting him with a pistol and that said
22 William Blackwell did die as a approximate result
23 thereof. Next count, Possession of a Firearm During
24 the Commission of a Violent Crime. That Jeron Cook
25 did, in Sumter County on or about March 18, 2009, was

State vs. Jeron Cook Jury Selection

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1 in possession of and did visibly display a firearm
2 during the commission of a violent crime in violation
3 of the code of laws of the State of South Carolina.
4 And the last count, Unlawful Carrying of a Handgun,
5 says that Jeron Cook, did in Sumter County, on or
6 about March 18, 2009, unlawfully carry about the
7 person did carry a pistol in violation of code of laws
8 for the State of South Carolina. Now, ladies and
9 gentlemen, the fact that Mr. Cook was charged,
10 arrested and indicted on these charges is in no way to
11 be inferred by you that he committed these crimes. He
12 has pled not guilty and therefore the burden is on the
13 State to prove his guilt beyond a reasonable doubt.
14 Now, ladies and gentlemen, there's a number of
15 questions that I need to ask you and I believe you're,
16 they're already under oath aren't they? They are
17 under oath.

18 Mr. Campbell: Yes sir.

19 The Court: Now, the reason that I'm going to ask you
20 these questions under oath is because this is such a
21 crucial stage in this trial. Just like a building
22 must have a firm foundation to protect the people who
23 live in it, so must a jury be strong as the basis for
24 a fair and impartial trial to the State as well as the
25 Defendant. Now your answers to these questions, will

State vs. Jeron Cook Jury Selection

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1 give the attorneys some insight in selecting the jury
2 that they believe is the best one for this case and
3 will help them again pick an unbiased juror. Listen
4 carefully to the questions that I ask and I thank you
5 for your complete and truthful answers when I ask the
6 questions. Now, has anyone ever been related by blood
7 or marriage to the Defendant Jeron Cook or to the
8 alleged victims, Mr. William Blackwell and Asiaf
9 Blackwell, I'm not saying that right, Asiaf Blackwell,
10 is anybody connected to the Defendant or to the
11 alleged victim? If so, please stand at this time.
12 Alright, no one is standing, thank you. Has anyone
13 ever had any close personal, or social relationship
14 with either the Defendant, Mr. Jeron Cook, Asiaf
15 Blackwell or William Blackwell? If so, please stand
16 at this time. Thank you. This is a list of possible
17 witnesses in this case and I'm going to go through it
18 so listen carefully. Mike Bean, Cindy Pierson, Asiaf
19 Blackwell, Dominique Weather, Lt. David Florence, Ray
20 McKessey, James Green, Jermaine Frierson, Janice E.
21 Ross, M.D., Ida Simmons, Doris McGee, Albert Harvin,
22 Justin Hill and Lt. Roger Carter and Mr. Don Cook. If
23 you know, or have any relationship with any of these
24 witnesses, please stand and inform us at this time.
25 Yes sir? State your number and name.

State vs. Jeron Cook Jury Selection

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1 Juror 35: Juror #35. My name is Joe Dupont and I'm a
2 neighbor of Mr. McGee.

3 The Court: Alright, would the fact that you are a
4 neighbor to Mr. McGee make it so that you couldn't be
5 fair and impartial to the State or the Defense in this
6 case?

7 Juror #35: No, sir.

8 The Court: Thank you sir. Is there anyone else? Yes
9 ma'am?

10 Juror: I have seen him before. I don't' know much about
11 him, but I have seen him before.

12 The Court: Would the fact that you have seen, who have
13 you seen?

14 Juror: The one in the pink.

15 The Court: That would be one of the witnesses?

16 Juror: The mother.

17 The Court: The fact that you've have seen the mother,
18 I guess that's the mother of Mr. Cook?

19 Juror No sir.

20 The Court: Who are you the mother of please ma'am?

21 Juror: The deceased mother and Asiaf.

22 The Court: She's the mother of, the fact that you have
23 seen the mother before make it so that you couldn't be
24 fair and impartial to the State or Defense in this
25 case?

State vs. Jeron Cook Jury Selection

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1 Juror #111: No, sir.

2 The Court: Is that a no?

3 Juror #111: Yes, sir.

4 The Court: Thank you. And what's your name again please
5 ma'am and juror number?

6 Juror #111: Juror 111, Ms. Powell.

7 The Court: Ladies and gentlemen, the attorneys who will
8 be trying this case are Mr. Harry Conner for the
9 Solicitor's office and Mr. Chip Finney for the
10 Defendant. Has any member of the jury panel ever been
11 represented by either of these attorneys involved in
12 this case or by their law firms? If so, please

13 stand. Thank you. Has anyone ever been related by
14 blood or marriage or have a personal relationship or
15 social relationship with either of the attorneys in
16 this matter? If so, please stand. Yes ma'am? State
17 your name and number.

18 Juror#4: Number 4, Virginia Ayers. My husband has Joey's
19 Auto Repair. He has worked on Mr. Finney's
20 cars.

21 The Court: Would the fact that your husband has worked
22 on Mr. Finney's cars make it so that you can't be fair
23 or impartial to the State or the Defense in this
24 case?

25 Juror#4: No sir, I wouldn't know Mr. Finney if he walked

State vs. Jeron Cook Jury Selection

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1 in the room.

2 The Court: Alright, thank you. Has any member of the
3 jury panel ...

4 Mr. Campbell: There's one more.

5 The Court: Yes, stand up please. What's your name and
6 number?

7 Juror: I don't remember my number.

8 The Court: Would the fact that you use to be Mr.
9 Finney's neighbor, would it make it so that you
10 couldn't be fair and impartial to the State on the
11 Defense in this case?

12 Juror: No sir, it would not.

13 The Court: Thank you. Thank you for your honesty. Has
14 any member of the jury panel formed or expressed an
15 opinion about any issue involved in this case? If so,
16 please stand. Alright, no one's standing, thank you.
17 Is there any member of the jury panel who is aware of
18 any bias or prejudice towards either the State or the
19 Defendant in this case? If so, please stand. Alright,
20 thank you. Is there any member of the jury panel who
21 is a member of the grand jury which issued the
22 indictment in this case? If so, please stand. Thank
23 you. Is there any member of the jury panel who is a
24 member or contributor to any group which has as its
25 primary concern the promotions of law enforcement or

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1 victim's rights? These groups would include, but are
2 not exclusively, Mother's Against Drunk Driver's,
3 Student's Against Drunk Driver's, or Citizens Against
4 Violent Crimes? If so, please stand. Thank you, no
5 one is standing. Does any member of the jury panel
6 know any reason whatsoever why he or she should not
7 serve as a juror in this case, with particular
8 emphasis being placed on your ability to be fair and
9 impartial to both the State and the Defendant? If so,
10 please stand. Thank you, no one's standing. Does the
11 State have any additional questions?

12 Mr. Conner: None at this time Your Honor.

13 The Court: Mr. Finney?

14 Mr. Finney: Your Honor, I submitted a list of questions.

15 The Court: Who'd you submit it to?

16 Mr. Finney: Right there on the book Your Honor. Excuse
17 me Your Honor, it's right here.

18 The Court: Okay, thank you sir. Mr. Conner, have you
19 seen these questions?

20 Mr. Conner: I have a copy of it.

21 The Court: Thank you. Alright the next question is,
22 does any member of the jury panel have a close family,
23 social, or business connection with any member of a
24 past or present of a law enforcement officer from the
25 State, Federal, County or City? Yes ma'am, please

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1 state your name and number.

2 Juror: My name is Pam Brunson and I'm not sure what my
3 number is. My daughter works for SLED.

4 The Court: Okay, would the fact that your daughter
5 works for SLED make it so that you couldn't be fair
6 and impartial to the State or the Defense in this
7 case?

8 Juror: No.

9 The Court: Alright, thank you ma'am. Yes ma'am?

10 Juror #87: I'm Cheryl Martin and I don't know what my
11 number is. My dad was a sheriff and my brother is one now.

12 The Court: Alright, would the fact that your dad was a
13 sheriff and your brother is a deputy sheriff make it
14 so that you can't be fair and impartial to the State
15 and Defense?

16 Juror #87: No.

17 The Court: Thank you.

18 Mr. Campbell: Number eighty-seven.

19 The Court: Next question. Has any member of the jury
20 panel or a member of your immediate family ever been
21 the victim of a violent crime? If so, please stand.
22 Yes sir, please state your name and number.

23 Juror #131: Larry Smith. I don't know my number.

24 The Court: Alright Mr. Smith.

25 Juror #131: My dad committed murder.

State vs. Jeron Cook Jury Selection

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1 The Court: Your dad committed murder?
2 Juror #131: Yeah, right.
3 The Court: Would the fact that your dad committed
4 murder make it so that you couldn't be fair and
5 impartial to the State or the Defense in this case?
6 Juror #131: No.
7 The Court: Thank you sir.
8 Mr. Campbell: Judge, that was number one thirty one.
9 The Court: Number one thirty one. Yes sir, state your
10 name and number.
11 Juror# 13: Eric Gordon, number 13. My father was murdered
12 in 2001.

13 The Court: Sir, would the fact that your father was
14 murdered in 2001 make it so that you couldn't be fair
15 or impartial to the State or Defense in this case?
16 Juror #13: No, Your Honor.
17 The Court: Thank you sir.
18 Mr. Campbell: Number thirteen.
19 The Court: Thirteen. Does any member of the jury panel
20 have any recollection of any radio, newspaper,
21 television or other media account with details of this
22 case or have you discussed the circumstances of this
23 case with anyone? If so, please stand. Okay, no one
24 is standing, thank you. Alright, that completes the
25 list of questions. Now, the clerk will go ahead and

State vs. Jeron Cook Jury Selection

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1 pull a list of the jurors. Ladies and gentlemen, what
2 will happen now, is a list will be generated out of
3 the computer, randomly selecting. Once your name is
4 called, if you could please come forward with all of
5 your personal items and the State will then have the
6 opportunity as to whether they would like to seat you
7 on the jury and then the Defense will also have the
8 opportunity to determine whether they would like to
9 have you on the jury. Now, ladies and gentlemen, what
10 strategy they're using to come up with the jury, I
11 don't know. They can strike you for any reason or no
12 reason, except they cannot strike you for, based upon
13 your race or your gender. If you are stricken, do not
14 take it personally. Again, they are just trying to
15 strike a jury that they believe will be most unbiased
16 jury that they could have and the fact that you don't
17 get selected should not be in no way taken by you
18 personally. All right. Are you all ready?

19 Mr. Finney: Your Honor, could we inquire about the
20 strikes?

21 The Court: Yes, come forth.

22 (Counsels approach bench)

23 The Court: Two alternates?

24 Mr. Conner: Yes, sir.

25 Mr. Finney: Yes, sir.

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1 Bailiff: If it please the Court, Your Honor?
2 The Court: Yes sir.
3 Bailiff: Ladies and gentlemen, when your name is called
4 please come to the bar, face the back of the
5 courtroom. Come either on your left through the
6 double gate or on your right, same gate, whichever is
7 most convenient. Juror #105, Keith Parker. What
8 sayeth the State?
9 Mr. Conner: Present Mr. Parker.
10 Bailiff: What sayeth the Defendant?
11 Mr. Finney: Please excuse the juror from this trial.
12 Bailiff: Have a seat back in the panel. You've been
13 excused from this trial please sir. Juror #116,
14 Beverly Rhodes. What sayeth the State?
15 Mr. Conner: Present the juror.
16 Bailiff: What sayeth the Defendant?
17 Mr. Finney: Please swear the juror.
18 Bailiff: Have a seat in the jury box please ma'am.
19 (Interruption from audience)
20 The Court: Let me see the attorneys.
21 (Counsels approach bench)
22 The Court: Ma'am. Step over here for me.
23 (Lady approaches sidebar)
24 The Court: The lady at the back just stated you know the
25 defendant. Do you know him?

State vs. Jeron Cook Jury Selection

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1 A: No, not by looking at him. I didn't know his name
2 when you called his name. Not that I remember.

3 The Court: Thank you. You may be seated. Let me remind
4 the people in this courtroom that you are not to speak out
5 loud. If you have a problem you contact one of the
6 bailiffs who will then contact me. If anybody who speaks
7 out again I'll sanction. Do you understand me? Thank you.

8 Bailiff: Juror #135, Thomas Squires. What sayeth the
9 State?

10 Mr. Conner: Please present the juror.

11 Bailiff: I didn't hear you Mr. Conner.

12 Mr. Conner: Present him.

13 Bailiff: Thank you. What sayeth the Defendant?

14 Mr. Finney: Please swear the juror.

15 Bailiff: Have a seat in the jury box please sir. Juror #
16 30, Melissa Conyers. What sayeth the State?

17 Mr. Conner: Please present the juror.

18 Bailiff: What sayeth the Defendant?

19 Mr. Finney: Please swear the juror.

20 Bailiff: Have a seat in the jury box please ma'am. Juror
21 #89, Melissa McBride. What sayeth the State?

22 Mr. Conner: Please present Ms. McBride.

23 Bailiff: What sayeth the Defendant?

24 Mr. Finney: Please swear the juror.

25 Bailiff: Have a seat in the jury box please ma'am. Juror

State vs. Jeron Cook Jury Selection

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1 #70, Carolyn Kight. What sayeth the State?

2 Mr. Conner: What number is this?

3 Bailiff: Number 70.

4 Mr. Conner: Thanks. Present Ms. Kight.

5 Bailiff: What sayeth the Defendant?

6 Mr. Finney: Please excuse the juror from this trial.

7 Bailiff: Have a seat back with the panel, you've been

8 excused from this trial please ma'am. Juror #99,

9 Betty Mouzon. What sayeth the State?

10 Mr. Conner: Present Ms. Mouzon.

11 Bailiff: What sayeth the Defendant?

12 Mr. Finney: Please swear the juror.

13 Bailiff: Have a seat in the jury box please ma'am. Juror

14 #141, Joshua Thompson. What sayeth the State?

15 Mr. Conner: Present Mr. Thompson.

16 Bailiff: What sayeth the Defendant?

17 Mr. Finney: Please swear the juror.

18 Bailiff: Have a seat in the jury box please sir. Juror

19 #97, Marion Moore. What sayeth the State?

20 Mr. Conner: Present Mr. Moore.

21 Bailiff: What sayeth the Defendant?

22 Mr. Finney: Please swear the juror.

23 Bailiff: Have a seat in the jury box please sir. Juror

24 #134, Robert Spencer. What sayeth the State?

25 Mr. Conner: Excuse him from this trial

State vs. Jeron Cook Jury Selection

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1. Bailiff: Have a seat back in the jury panel, you've been
2. excused from this trial please sir. Juror #48, Nicole
3. Hicks. What sayeth the State?

4. Mr Conner: Excuse this lady from this trial.

5. Bailiff: Have a seat back with the panel, you've been
6. excused from this trial please ma'am. Juror #8, Cory
7. Becker. What sayeth the State?

8. Mr. Conner: Present Mr. Becker.

9. Bailiff: What sayeth the Defendant?

10. Mr. Finney: Please swear this juror.

11. Bailiff: Have a seat in the jury box please sir. Juror
12. #47, John Godwin. What sayeth the State?

13. Mr. Conner: Excuse the gentleman from this trial.

14. Bailiff: Have a seat back in the panel, you've been
15. excused from this trial please sir. Juror #13, Eric
16. Borden. What sayeth the State?

17. Mr .Conner: Present Mr. Borden.

18. Bailiff: What sayeth the Defendant?

19. Mr. Finney: Please excuse the juror from this trial.

20. Bailiff: Have a seat back in the panel, you've been
21. excused from this trial please sir. Juror # 140, John
22. Thompson. What sayeth the State?

23. Mr. Conner: Present Mr. Thompson.

24. Bailiff: What sayeth the Defendant?

25. Mr. Finney: Please swear the juror.

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1 Bailiff: Have a seat in the jury box please sir. Juror
2 #87, Cheryl Martin. What sayeth the State?
3 Mr. Conner: Present Ms. Martin.
4 Bailiff: What sayeth the Defendant?
5 Mr. Finney: Please excuse the juror from this trial.
6 Bailiff: Have a seat back with the panel, you've been
7 excused from this trial please ma'am. Juror # 43,
8 Steve Floyd. What sayeth the State?
9 Mr. Conner: Present Mr. Floyd.
10 Bailiff: What sayeth the Defendant?
11 Mr. Finney: Please swear the juror.
12 Bailiff: Have a seat in the jury box please sir. Juror #
13 57, William Hicks, Jr. What sayeth the State?
14 Mr. Conner: Present Mr. Hicks.
15 Bailiff: What sayeth the Defendant?
16 Mr. Finney: Please swear the juror.
17 Bailiff: Have a seat in the jury box please sir. Juror #
18 62, Oneal Houck. What sayeth the State?
19 Mr. Conner: Present Mr. Houck.
20 Bailiff: What sayeth the Defendant?
21 Mr. Finney: Swear the juror please.
22 Bailiff: Have a seat in the jury box please sir. First
23 alternate, juror #63, Pamela Hudson. What sayeth the
24 State?
25 Mr. Conner: Present Ms. Hudson.

State vs. Jeron Cook Jury Selection

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1 Bailiff: What sayeth the Defendant?

2 Mr. Finney: Please excuse the juror from the trial.

3 Bailiff: Have a seat back in the panel, you've excused

4 from this trial please ma'am. Juror #111. Vashanda

5 Powell. What sayeth the State?

6 Mr. Conner: Present Ms. Powell.

7 Bailiff: What sayeth the Defendant?

8 Mr. Finney: Please excuse the juror from the trial.

9 Bailiff: Have a seat back in the jury panel, you've been

10 excused from this trial please sir. Ma'am., excuse me.

11 Juror #35, Gerald Duhon. What sayeth the State?

12 Mr. Conner: Present the juror.

13 Bailiff: What sayeth the Defendant?

14 Mr. Finney: Please swear the juror.

15 Bailiff: Have a seat in the jury box please sir. Second

16 alternate, juror #149, Valerie Wilkes. What sayeth

17 the State?

18 Mr. Conner: What number was that?

19 Bailiff: 149.

20 Mr. Conner: Present this juror.

21 Bailiff: What sayeth the Defendant?

22 Mr. Finney: Please swear the juror.

23 Bailiff: Have a seat in the jury box please ma'am.

24 The Court: Please call out the names of all jurors.

25 Bailiff: Ladies and gentlemen when I call your name please

CERTIFICATE

This is to certify that the hearing in the matter of State of South Carolina vs. Jeron Cook, consisting of Nineteen (19) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this ¹⁸25th day of August, 2011.

Melissa R. Singletary

Melissa R. Singletary
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: 3-5-2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JERON COOK,

APPELLANT

ANDERS BRIEF OF APPELLANT

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South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court reversibly erred by permitting Appellant's drug and firearm convictions to be used for impeachment pursuant to Rule 609, SCRE, where the court failed to fully articulate its rationale on the record under the five-factor balancing test?

STATEMENT OF THE CASE

Appellant Jeron Alondo Cook was indicted by the Sumter County Grand Jury on April 1, 2010, for murder, assault and battery with intent to kill (ABWIK), possession of a firearm during the commission of a violent crime (possession of a firearm), and unlawful carrying of a handgun. R. 443. His case proceeded to trial before the Honorable W. Jeffery Young and a jury from April 19 through 23, 2010. R. 1; R. 21. Appellant was represented by Ernest Finney, III (Counsel), while the State was represented by Harry Conner. R. 21.

The jury acquitted Appellant of ABWIK, but found him guilty of voluntary manslaughter, possession of a firearm, and unlawful carrying of a handgun. R. 425, ll. 7-23. The trial court sentenced Appellant concurrent terms of five years for possession of a firearm, and one year for unlawful carrying of a handgun. Appellant was also sentenced to a consecutive term of twenty-two years for voluntary manslaughter, for a total sentence of twenty-seven years incarceration. R. 440, ln. 9—R. 441, ln. 11.

ARGUMENT

The trial court reversibly erred by permitting Appellant's drug and firearm convictions to be used for impeachment pursuant to Rule 609, SCORE, where the court failed to fully articulate its rationale on the record under the five-factor balancing test.

The issue regarding admission of Appellant's prior record was discussed in an in camera hearing wherein Counsel moved to exclude Appellant's six prior drug convictions from 2009 (drug convictions) from cross-examination of Appellant. Specifically, Counsel argued the drug offenses were merely pending at the time of the shooting that led to the present charges and trial, and the drug offenses were resolved by a guilty plea only six months before Appellant's current trial. R. 295, ln. 17—R. 296, ln. 2. In response, the State asserted that the convictions could be used for impeachment when Appellant testifies at trial because "the fact that [Appellant] was convicted of them is admissible for impeachment." R. 296, ll. 4-9. The State further asserted it should be able to utilize Appellant's prior convictions for possession of a stolen pistol. R. 296, ll. 19-22.

The trial court permitted the drug convictions to be used for impeachment purposes. The court based its ruling upon the following rationale:

As to the . . . prior convictions of [Appellant], the Rules of Evidence infer that's what we're talking about, that could mean only at the time of trial. It doesn't matter when he committed the other acts. But if he had a conviction prior to trial, then it would come in provided with the five-factor test. I think it comes in. But based upon that, I am going to allow the convictions from 2009 to be used against [Appellant] if he takes the stand.

R. 298, ll. 9-18. Counsel then sought the court to reconsider based upon a weighing of the probative value of the convictions versus the prejudicial effect. R. 298, ln. 19—R. 299, ln. 3. However, the trial court determined the probative value outweighed the prejudicial effect to Appellant through the following reasoning:

I find the probative value outweighs the prejudicial because the time that you're looking at here is not the crime—or the one he's on trial for. It's when he testifies as to whether he gets up and—if I say he's a boy scout and he's never done anything wrong—the law is pretty clear under 609, I think, that the probative outweighs the prejudicial.

R. 299, ll. 4-12. Thus, the court permitted Appellant's drug convictions to be used against him for impeachment pursuant to Rule 609 of the South Carolina Rules of Evidence. Additionally, the trial court also stated that Appellant's prior stolen pistol charge "would certainly be admissible." R. 296, 23-24.

In pertinent part, Rule 609 provides as follows:

[E]vidence that an accused has been convicted of [a crime that is punishable by more than one year or death] shall be admitted if the court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused.

Rule 609(a)(1), SCRE. Additionally, "[o]ur Supreme Court has approved the five-factor analysis generally employed by the federal courts for weighing the probative value for impeachment of prior convictions against the prejudice to the accused." State v. Howard, 384 S.C. 212, 221, 682 S.E.2d 42, 47 (Ct. App. 2009). Specifically, the trial court should consider the following five factors, along with any additional relevant factors: (1) the impeachment value of the prior offense; (2) the point in time of the conviction and the witness's subsequent history; (3) the similarity between the prior offense and the charged offense; (4) the importance of the defendant's testimony; and (5) the centrality of the credibility issue. Id. (citing State v. Colf, 337 S.C. 622, 627, 525 S.E.2d 246, 248 (2000)).

"After the trial court conducts the balancing test, the judge must make a determination and articulate, *on the record*, the specific reasons for his ruling." State v.

Johnson, 363 S.C. 53, 59, 609 S.E.2d 520, 524 (2005) (citing Colf, 337 S.C. at 627, 525 S.E.2d at 248) (emphasis added); See also State v. Bryant, 369 S.C. 511, 516, 633 S.E.2d 152, 155 (2006). “An on-the-record finding that probative value outweighs the prejudicial effect is not merely an idle gesture. Such a finding assures that the Judge has at least taken into account the relevant considerations.” United States v. Preston, 608 F.2d 626, 629 (5th Cir. 1979); see also State v. Scriven, 339 S.C. 333, 341-42, 529 S.E.2d 71, 75-76 (2000).

In the case at bar, the trial court failed to conduct a proper analysis regarding the prejudicial effect of admission of Appellant’s prior convictions pursuant to the five-factor balance test announced in Colf. In fact, based on the record, the only factor possibly considered by the trial court was the point in time of the conviction and the Appellant’s subsequent history. Yet, even if this Court determines the trial court’s discussion of when Appellant was convicted in 2009 in relation to the present trial satisfies that specific Colf factor, there remains no on-the-record articulation of the impeachment value of the prior offenses, the similarity between the prior offenses and the charged offenses, the importance of the defendant’s testimony, or even the centrality of the credibility issue. Therefore, although the court clearly indicated it was aware of the five-factor test, it never articulated its specific reasons on the record regarding its weighing of those factors in ruling that the probative value of admitting Appellant’s prior convictions was not outweighed by the prejudicial effect. R. 298, ll. 9-18. Accordingly, the trial court abused its discretion, as its ruling was based upon an error of law. See, e.g., Howard, 384 S.C. at 220-21, 682 S.E.2d at 47.

Further, Appellant was prejudiced by the trial court's error. The impeachment value of Appellant's drug convictions was low: (1) as drug offenses, they did not impugn Appellant's honesty; and (2) they were in no way related to the present offenses. See, e.g., Bryant, 369 S.C. at 517, 633 S.E.2d at 155 ("Violations of narcotics laws are generally not probative of truthfulness.") (citing State v. Cheeseboro, 346 S.C. 526, 552 S.E.2d 300 (2001)). "Likewise, firearms violations also are not generally probative of truthfulness." Id. 369 S.C. at 517, 633 S.E.2d at 156. Also, there was an undeniable similarity between Appellant's prior firearm offenses and the charged firearm offenses for which he was on trial. Under these circumstances, the prejudice should have been readily apparent to the trial court. See, e.g., id. Yet, the court nonetheless ruled that Appellant's prior stolen pistol charge "would certainly be admissible." R. 296, 23-24.¹

Moreover, Appellant's testimony was critical to his defense. Without Appellant's testimony, Counsel would not have been able to establish either the defense of self-defense, or the lesser included offense of voluntary manslaughter. Thus, Appellant's

¹ Counsel's response to the trial court's discussion on this matter was, "Yes, sir." R. 296, ll. 23-24. Appellant asserts the matter is preserved, as the trial court pronounced judgment on the issue, and Counsel was precluded from attempting further argument on the issue due to Rules 18(a) and (b) of the South Carolina Rules of Criminal Procedure. However, if this Court does not deem the issue preserved pursuant to Rule 18, then the issue must nonetheless be raised on post-conviction relief. See Green v. State, 338 S.C. 428, 527 S.E.2d 98 (2000) (finding evidence supported the PCR court's ruling that counsel was ineffective for failing to argue that the prejudicial effect of petitioner's prior convictions outweighed their probative value); State v. Bryant, 369 S.C. 511, 633 S.E.2d 152 (2006) (holding evidence of defendant's prior firearms convictions were inadmissible for impeachment purposes, particularly in light of the offenses for which defendant was on trial—namely, murder and unlawful possession of a weapon by a convicted felon). Accordingly, this Court should reach the issue pursuant to Rule 18, SCRCrimP, and for reasons of judicial economy. Cf. State v. Vick, 384 S.C. 189, 202-03, 682 S.E.2d 275, 281 (Ct. App. 2009) (vacating concurrent sentence of kidnapping, when it was statutorily precluded, in the interest of judicial economy).

testimony was critical to his case. Also, because Appellant's defense relied heavily on his own testimony, Appellant's credibility was a central issue in the case. Further, the importance of credibility was heightened due to the conflicting versions of events leading up to and during the shooting itself that were given by Appellant and the only other two other witnesses who were present in the house the night of the shooting. Therefore, by admitting Appellant's prior gun and drug convictions, the court opened the door for highly prejudicial attacks on Appellant's credibility based on prior convictions that held a low probative value regarding the current charges.

Furthermore, the State fully took advantage of the trial court's error both on its cross-examination of Appellant, as well as in its closing argument. During cross-examination of Appellant, the State immediately and relentlessly questioned Appellant about his drug convictions *and* "two pistol convictions." R. 330, ln. 18—R. 333, ln. 10. The State further exploited the improper admission of Appellant's prior firearm convictions by using them in a manner suggesting it was propensity evidence. For example, at one point, the State questioned Appellant as follows:

But you took a gun. That was your way of settling things, wasn't it? That's been your way of settling matters for a long time, hasn't it?

R. 335, ll. 7-9; R. 340, ll. 8-17. Finally, the State referred to Appellant's gun and drug convictions in its closing argument to the jury, and did so in a manner linking them to Appellant's credibility:

These people come up here and they can tell a story and put on a coat and tie or put on a nice dress and you don't know them from Adam's house cat. But when you learn about their record, then you know something about them. And quite frankly, in 2009, just a few months back, [Appellant] pled guilty to Distribution of Crack Cocaine on four different

occasions and he also pled to Possession of Crack Cocaine within the proximity of a school, two times. That's the kind of person we're dealing with and that's the kind of person you can ask yourself would you believe a person that does that.

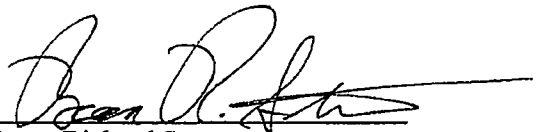
In addition to that, in 2009, just a few months back, he pled guilty to possession of a stolen pistol. And in his testimony, he admitted that he had another case down in Clarendon County where he was charged and convicted of possession of a pistol.

R. 377, ln. 22—R. 378, ln. 14. Accordingly, Appellant was prejudiced by the trial court's error.

CONCLUSION

Accordingly, Appellant Jeron Alondo Cook respectfully requests reversal of his convictions, and remand for a new trial. Alternatively, if this Court determines remand for a new trial is premature, then Appellant respectfully requests remand for a hearing to conduct the proper on-the-record Colf balancing test weighing the probative value and prejudicial impact of Appellant's prior convictions.

Respectfully submitted,


Breen Richard Stevens
Appellate Defender

ATTORNEY FOR APPELLANT

This 9th day of May, 2012.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JERON COOK,

APPELLANT

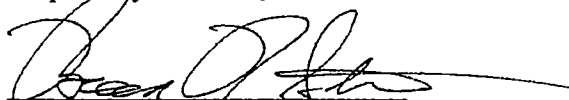
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Jeron Cook states:

1. He is an Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge William Jeffrey Young, which was held on April 21, 2010, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, he asks the Court to relieve him as counsel for Jeron Cook.

Respectfully submitted,



Breen Richard Stevens
Appellate Defender

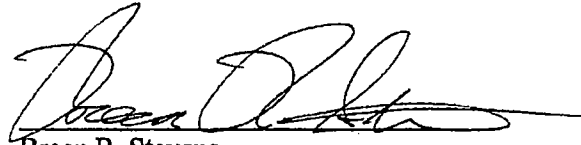
ATTORNEY FOR APPELLANT

This 11th day of May, 2012.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

May 11, 2012

A handwritten signature in black ink, appearing to read "Breen R. Stevens", written over a horizontal line.

Breen R. Stevens
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

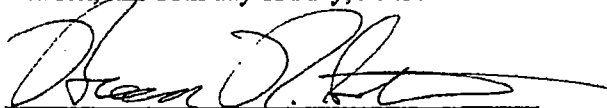
V.

JERON COOK,

APPELLANT

CERTIFICATE OF SERVICE

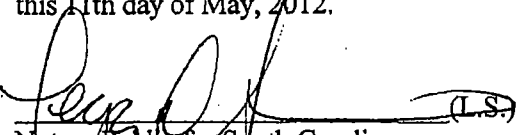
The undersigned attorney hereby certifies that a true copy of the Anders Brief of Appellant and Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and on Jeron Cook, #337103 at Lee Correctional Institution, this 11th day of May, 2012.



Breen Richard Stevens
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 11th day of May, 2012.


(L.S.)
Notary Public for South Carolina
My Commission Expires: December 4, 2017.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Jeron Cook, Appellant.

Appellate Case No. 2010-160526

Appeal From Sumter County
W. Jeffrey Young, Circuit Court Judge

Unpublished Opinion No. 2013-UP-349
Submitted August 1, 2013 – Filed September 4, 2013

APPEAL DISMISSED

Chief Appellate Defender Robert Michael Dudek,
Appellate Defender Breen Richard Stevens, and
Appellate Defender Benjamin John Tripp, all of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, and Deputy
Attorney General Salley W. Elliott, all of Columbia; and
Ernest Adolphus Finney, III, of Sumter, for Respondent.

PER CURIAM: Dismissed after review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.¹

APPEAL DISMISSED.

SHORT, WILLIAMS, and THOMAS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



CLOSING LETTER SENT
ON 9-11-13

Attorney initials BJT

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11829
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 20, 2013

The Honorable James C. Campbell
141 N Main St Rm 308
Sumter SC 29150-4965

REMITTITUR

Re: The State v. Cook, Jeron
Lower Court Case No. 2009GS4300882
Appellate Case No. 2010-160526

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Salley W. Elliott
Benjamin John Tripp

RECEIVED

SEP 20 2013

SC OFFICE OF
APPELLATE DEFENSE

FORM 5

STATE OF SOUTH CAROLINA

County of Sumter

2013 MAR 21 PM 3:10

IN THE COURT OF COMMON PLEAS

Jeron Alonzo Cook #237103
Full name and prison number (if any) of ApplicantJAMES D. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.2013-CP-43- 522

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correctional Institution Bishopville,
South Carolina 29010
2. Name and location of Court which imposed sentence General Sessions
Court, Sumter County, South Carolina 2950
3. Name(s) of co-defendant(s) (if any) NA
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) C/A 2009 - G5 - 43 - 0082
 - (b) Voluntary Manslaughter, Possession of a
Firearm, and Unlawful Carrying of a Handgun.

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 23, 2010
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Appellate Court
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. NA
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. NA
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. NA
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance Of Counsel.
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Counsel failed to investigate all
- (b) of the facts and circumstances
- (c) surrounding my case before trial.
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. Direct appeal in S.C. Appellant Court.
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. South Appellant Court, Columbia, S.C.
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. Don't Know.
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. Don't Know.
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. Don't Know.
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) ineffective assistance of counsel.
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? yes
 (b) your trial, if any? yes
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
yes

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. Ernest A. Finney, III, 110 South
Sumter Street, Sumter, South Carolina
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. All of 17 above.
 ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

A New Trial.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of LEE)

VERIFICATION

2013 MAR 21 PM 3:11
CLERK OF COURT
SUTTER COUNTY

I, Jeran Cook, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Jeran Cook

SWORN to and subscribed before me this 20
day of MARCH 2013.

Debra Jones (L.S.)
Notary Public

My Commission Expires: 11-4-2015

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

RECORDED
2013 MAR 21 PM 3:11
JAMES C. HIMPBELL
CLERK OF COURT
SUTTER COUNTY, S.C.

I, Joan Cook, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Joan Cook
Applicant

SWORN or affirmed to and subscribed before me this

20 day of March, 2013.

Debra Smith
Notary Public

My Commission Expires: 11-14-2015

RECORDED

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER 2013 AUG -1 AM 1:14) IN THE COURT OF COMMONS PLEAS
Jeron A. Cook, # 237103,)
JAMES C. CAMPBELL)
CLERK OF COURT)
SUMTER COUNTY, S.C.) 2013-CP-43-522

Applicant,)
v.)
State of South Carolina,)
Respondent)

**RETURN AND MOTION TO DISMISS
WITHOUT PREJUDICE**

The Respondent, making its Return and Motion to Dismiss the post-conviction relief application filed March 21, 2013 respectfully submits the following:

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. Applicant was true bill indicted at the September 2009 term of the Sumter County Grand Jury for Assault and Battery with intent to kill; Murder; Burglary, First Degree; Possession of Firearm During Commission of a Violent Crime (2009-GS-43-882). A fifth count of unlawful carrying of a pistol was directly presented. Ernest A. Finney, III, Esquire, represented the Applicant. Applicant proceeded to a jury trial before the Honorable W. Jeffrey Young. On April 21, 2010, Applicant was found guilty. Judge Young sentenced Applicant to confinement for a period of twenty two years for voluntary manslaughter to run consecutive to a one year sentence for unlawful carrying of a pistol and five year sentence for possession of a weapon during a violent crime.

The Applicant filed a timely Notice of Appeal with the South Carolina Court of Appeals on April 30, 2010. The matter is presently pending before the South Carolina Court of Appeals.

II.

Applicant filed an application for Post-Conviction Relief with the Williamsburg County Clerk of Court on March 21, 2013 citing several allegations from which relief has been requested. This matter is currently before the South Carolina Court of Appeals. Under Rule 227, SCACR, and S.C. Code Ann. 17-27-20(b) (1985), post-conviction relief is not available to the Applicant because his direct appeal is pending in the appellate courts. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Therefore, Respondent submits that this Application for post-conviction relief must be summarily dismissed without prejudice until such time as the direct appeal is resolved.

III.

The Respondent denies each allegation that is not expressly admitted, qualified or explained.

WHEREFORE, Respondent moves to dismiss the application without prejudice because of Applicant's pending appeal which is directly connected to his conviction and sentence.

Respectfully submitted,

ALAN WILSON
Attorney General

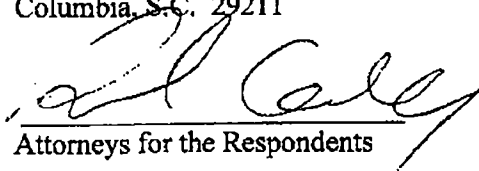
JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY ELLIOTT
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for the Respondents

July 31, 2013

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

JERON A. COOK, #337103,)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

RECORDED
2013 AUG 1 AM 1:14
IN THE COURT OF COMMON PLEAS
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Motion to Dismiss without Prejudice** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Jeron A. Cook, #337103
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010**

DATED this 31st day of July, 2013.



Caroline Kaiser, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT
2013 AUG -8 PM 1:32
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Jeron A. Cook, #237103

Applicant,

v.

State of South Carolina,

Respondent.

**ORDER OF DISMISSAL
WITHOUT PREJUDICE**

This matter comes before the Court by way of an application for post -conviction relief filed on March 21, 2013.

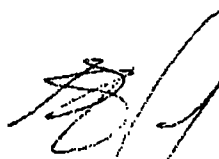
Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. Applicant was true bill indicted at the September 2009 term of the Sumter County Grand Jury for Assault and Battery with intent to kill; Murder; Burglary, First Degree; Possession of Firearm During Commission of a Violent Crime (2009-GS-43-882). A fifth count of unlawful carrying of a pistol was directly presented. Ernest A. Finney, III, Esquire, represented the Applicant. Applicant proceeded to a jury trial before the Honorable W. Jeffrey Young. On April 21, 2010, Applicant was found guilty. Judge Young sentenced Applicant to confinement for a period of twenty two years for voluntary manslaughter to run consecutive to a one year sentence for unlawful carrying of a pistol and five year sentence for possession of a weapon during a violent crime.

The Applicant filed a timely Notice of Appeal with the South Carolina Court of Appeals on April 30, 2010. The matter is presently pending before the South Carolina Court of Appeals.

In accordance with Rule 71.1(b), SCRCP, this Court finds that at the present time post - conviction relief is not available to the Applicant because the direct appeal is pending in the South Carolina Court of Appeals. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Therefore, this Court finds that this Application for post-conviction relief must be summarily dismissed without prejudice until such time as the direct appeal is resolved.

IT IS THEREFORE ORDERED that the Application filed on September 4, 2012, be denied and dismissed without prejudice.

AND IT IS SO ORDERED!



GEORGE C. JAMES, JR.
Chief Administrative Judge
Third Judicial Circuit

8/5, 2013
State, South Carolina.

FORM 5

RECORDED

STATE OF SOUTH CAROLINA

COUNTY OF

SUMTER

2014 APR - 3 12:00 PM COURT OF COMMON PLEAS

JAMES C. CAMPBELL

CLERK OF COURT

SUMTER COUNTY, S.C.

2014-CP-43-644JEROME ALONZO COOK, #337103
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correctional Institution, 950 W. 5th Street, Highway, Bishopville, South Carolina, 29010
2. Name and location of Court which imposed sentence Sumter County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2009-9543-00882; Voluntary Manslaughter
 - (b) 2009-9543-00882; Possession of a Weapon
 - (c) 2009-9543-00882; Unlawful Carrying of a Pistol
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) April 21, 2010; Twenty-two (22) years
 - (b) April 21, 2010; Five (5) years (consecutive)

Revised 3/2003

- (c) April 21, 2010; One (1) year (consecutive)
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (b) after a plea of not guilty ✓ (Trial by Jury)
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes, P. Dis.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. 2013-UP-00349 September 4, 2013
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 2013-UP-00349
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Denial of Effective Assistance of Counsel
 (b) Denial of Effective Assistance of Appellate Counsel
 (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Failure to conduct Investigation of Case Facts
 (b) Failure to Raise claims requested
 (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? No.
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
 (d) any other petitions, motions or applications in this or any other Court? No.

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. N/A
 ii. _____
 iii. _____
 iv. _____

(b) the name and location of the Court in which each was filed:

- i. N/A
 ii. _____
 iii. _____
 iv. _____

(c) the disposition thereof:

- i. N/A
 ii. _____
 iii. _____

~~/~~ (d) the date of each such disposition:

i. N/A

~~/~~ ii.

~~/~~ iii.

~~/~~ iv.

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

~~/~~ ii.

~~/~~ iii.

~~/~~ iv.

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No, they have not.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

~~/~~ ii.

~~/~~ iii.

(b) the proceedings in which each ground was raised:

i. N/A

~~/~~ ii.

~~/~~ iii.

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) (10)(a); First Collateral Attacks

(b) (10)(b); First Collateral Attacks

(c)

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? N/A
- (b) your trial, if any? Yes, I was.
- (c) your sentencing? Yes, I was.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes, I was.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
- Ernest Adolphus Pinner, III,
 - Robert M. Dodel, Brian R. Stevens, and
 - Benjamin J. Tripp, Post Office Box 11583, Columbia,
South Carolina 29211
- (b) the proceedings at which each such attorney represented you:
- Trial and Sentencing
 - South Carolina Court of Appeals

iii/ _____

19. State clearly the relief you seek in filing this application:

Convictions and Sentences Reversed/Remanded for New Trial

20. Are you now under sentence from any other court that you have not challenged?

No, I am not.

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

Jeron Alondo Cook, #337103

, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) ~~Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.~~

Jeron Cook
Applicant

SWORN or affirmed to and subscribed before me this
1 day of April, 2014.

Debra Sines
Notary Public

My Commission Expires: 11-4-2015

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Jeron Alondo Cook, #337103,

Applicant,

V.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

2014-CP-43-644

RETURN

The Respondent, making its Return to the application for post conviction relief (PCR) filed April 3, 2014, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was true bill indicted at the April 2010 term of the Sumter County Grand Jury for Assault and Battery with Intent to Kill, Murder, Burglary – First Degree, Possession of Firearm During Commission of a Violent Crime, Unlawful Carrying of a Handgun (2009-GS-43-882). Ernest Finney, Esquire represented Applicant. Applicant proceeded to a jury trial before the Honorable W. Jeffrey Young. On April 21, 2010, Applicant was found guilty. Judge Young sentenced Applicant to a twenty-two year term of imprisonment for Voluntary Manslaughter to run consecutively to a five year term of imprisonment for Possession of a Firearm During Violent Crime and a one year term of imprisonment for Unlawful Carrying of a Handgun.

A timely Notice of Appeal was filed and an Anders¹ brief was submitted on Applicant's behalf. The South Carolina Court of Appeals affirmed Applicant's conviction. State v. Jeron

¹ Anders v. California, 386 U.S. 738 (1967).

Cook, Op. No. 13-UP-349 (Ct. App. filed September 4, 2013). The Remittitur was issued on September 20, 2013.

Applicant filed his first Application for post conviction relief on March 21, 2013 (2012-CP-43-522). Respondent made its Return and Motion to Dismiss without Prejudice July 31, 2013. In an Order of Dismissal without Prejudice signed August 5, 2013 and filed August 8, 2013, the Honorable George C. James, Jr., denied and dismissed this application without prejudice until the Applicant's pending Appeal in the South Carolina Court of Appeals could reach its conclusion.

Attached herewith and incorporated herein are the records of the Sumter County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, appellate records, and the trial transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Failure to conduct investigation of case facts.
2. Ineffective Assistance of Appellate Counsel
 - a. Failure to raise claims requested.

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of

trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

A defendant is constitutionally entitled to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985). "However, appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523 (1990). Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

The Applicant must show that appellate counsel's performance was deficient and that he was prejudiced by the deficiency. Thrift, at 537; Gilchrist v. State, 364 S.C. 173, 612 S.E.2d 702 (2005); Anderson v. State, 354 S.C. 431, 581 S.E.2d 834 (2003). When a claim of ineffective assistance of counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of

effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

The Respondent contends that the Applicant's appellate attorney rendered effective assistance of counsel. However, this ground for relief may raise factual issues that are not conclusively refuted by the record. The Respondent requests an evidentiary hearing on this allegation.

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

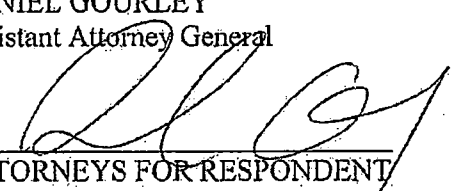
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

November 14, 2014.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
	)	
	)	2014-CP-43-644
	)	
JERON ALONDO COOK, #337103,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Tricia A. Blanchette, Esquire
 Law Office of Tricia A. Blanchette, LLC
 PO Box 12725
 Columbia, SC 29211

DATED this 14th day of November, 2014.


 Caroline Collins, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)
JERON A. COOK, 337103,)
Applicant,)
v.)
STATE OF SOUTH CAROLINA,)
Respondent,)
_____)

RECORDED
2014 NOV 25 PM 2:29
IN THE COURT OF COMMON PLEAS
DOCKET NO.: 2014-CP-43-0644
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

MOTION FOR DISCOVERY

COMES NOW Applicant, by and through his undersigned attorney, and requests that this Court enter an Order for Production of Discovery pursuant to S.C. Code Ann. §17-27-150(a) (2008).

This matter comes before the Court by way of an Application for Post Conviction Relief filed on April 3, 2014. The State submitted a Return on November 14, 2014. Tricia A. Blanchette, Esquire, was substituted in as counsel in place of F. Casey D. Cornwell, Esquire, by Order dated October 24, 2014, which was filed on November 10, 2014.

Applicant, through counsel, has requested a copy of trial counsel's file. To ensure that the file is received, Applicant would request that this Court find that trial counsel (Ernest A. Finney, III, Solicitor for the Third Judicial Circuit) shall turn over a complete copy of Applicant's file to undersigned counsel in a timely manner to aid in the preparation of Applicant's case for an evidentiary hearing. Applicant would also ask for the opportunity to issue subpoenas to the appropriate offices or agencies for the production of the following case documents pursuant to S.C. Code Ann. §17-27-150(a) (2008):

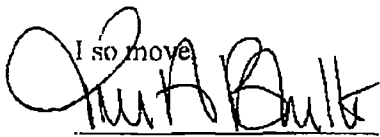
1. A complete copy of the State Law Enforcement Agency (SLED) file.

2. If trial counsel does not have a file containing the Rule 5, SCRCrimP, materials and complete case documents, a complete copy of Applicant's criminal file created by the Sumter County Solicitor's Office and/or law enforcement's file.
3. A complete copy of the trial exhibits.
4. Any records pertaining to Applicant's arraignment, so a transcript of the proceeding can be ordered.
5. A complete copy of the Coroner's file.
6. The opportunity to review the evidence held by the Sumter County Sheriff's Department.
7. Applicant's phone records and recordings from the Detention Center during February – April 2010.

The Applicant, through undersigned counsel, submits that the above listed documents and case materials are necessary for counsel and his retained private investigator to properly prepare his case and to present his claims. Furthermore, the Applicant, through counsel, submits that this request is not being made as a fishing expedition, but it is only being submitted to the Court due to the importance of the requested materials in Applicant obtaining "one full bite of the apple."

THEREFORE, based upon the foregoing the Applicant respectfully requests that this Court hold a hearing and/or enter an Order for Discovery, which requires trial counsel to turn over his file and allows counsel to issue subpoenas to the appropriate parties, for the above requested case materials that are necessary for the presentation of Applicant's case.

November 24, 2014
Columbia, SC

I so move

Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
Attorney for Applicant

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
2014 NOV 25 PM 2:25

Jeron A .Cook, #337103,

Applicant,

v.

State of South Carolina,

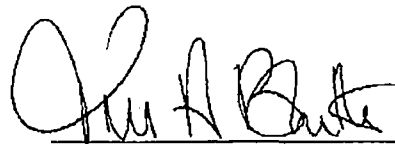
Respondent.

JAMES C. CAMPBELL 2014-CP-43-0644
CLERK OF COURT
SUMTER COUNTY, S.C.

CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, Attorney for Applicant, hereby certify that I placed in the mail this 24th day of November 2014, a copy of a Motion for Discovery, to Daniel Gourley of the Attorney General's Office, at:

Office of the Attorney General
Att: Daniel Gourley, Ast. AG
PO Box 11549
Columbia, SC 29211



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

November 24, 2014

1 State of South Carolina

2 County of Sumter

3

4

5

6

7

8 Jeron Cook,
Plaintiff

PCR HEARING MOTION
2014-CP-43-644

9

10 vs.

11 The State of South Carolina,
Defendants

April 13, 2015
Sumter, S.C.

12

13

14

15 Before the Honorable George C. James, Jr.

16 Judge.

17

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

19 Ms. Tricia A. Blanchette,
Attorney for Plaintiff

20

21 Mr. Daniel F. Gourley,
Attorney for the State

22

23

Margaret T. Sullivan,
Court Reporter

24

25

1 MS. BLANCHETTE: Thank Your Honor. May it
2 please the court, my name is Trisha Blanchette. I'm
3 here on behalf of Jeron Cook. The application in
4 this case was filed on April 3rd of 2014. I was
5 substituted in as counsel in the place of Casey
6 Cornwell by order dated October 24th 2014, which was
7 filed on November 10th of 2014. On November 25th of
8 2014, I filed a motion of discovery in this case.
9 It was actually scheduled during the December term
10 in front of Judge Maddox, but I came down with the
11 flu, and we all agreed that I should stay away from
12 the courthouse that term. So it was continued over
13 to this term.

14 In this case, Mr. Cook was represented at
15 his trial by Ernest Finney, III. The standing
16 solicitor for Sumter County. I had---

17 THE COURT: But he was represented before
18 Mr. Finney became solicitor.

19 MS. BLANCHETTE: Yes, he was defense
20 counsel. It was shortly before he became solicitor.
21 After taking over this case, I wrote a letter to
22 Solicitor Finney asking for a complete copy of his
23 defense file. And that was back in November of last
24 year. I had not received a response to that. And I
25 just recently at the beginning of this month, had

1 the opportunity to speak with Solicitor Finney. And
2 he had informed me that he had provided Mr. Cook a
3 complete copy of his file.

4 Mr. Cook gave me a copy of everything he
5 had received. And it does have a majority of what
6 one would expect to see, but it has a sled report
7 without any additional supporting documentation. So
8 I do know there is more to the file. When I asked
9 him about that during our conversation this month,
10 he asked me to specifically tell him what was
11 missing so he could go look for it, and obviously I
12 can't do it without seeing the whole file. I did
13 not get a clear answer from him if it would more
14 convenient to get his defense file, or if I could
15 just be provided a copy of the solicitor's file.

16 THE COURT: The solicitor's file?

17 MS. BLANCHETTE: Right. Because that's
18 one of the things that we had requested in our
19 motion for discovery is just to get a complete copy
20 of the solicitor's file and---

21 THE COURT: Rule 5---

22 MS. BLANCHETTE: Rule 5.

23 THE COURT: ---and Brady material.

24 MS. BLANCHETTE: Yes. That would have been
25 provided to defense counsel. And at this point he

1 indicated that his files were in storage and, you
2 know, being maintained by someone else at this
3 point. So I would make it the assumption based upon
4 my conversation that it would be easier just to get
5 the item number 2 listed on our motion, the Rule 5
6 from the solicitor's officer.

7 We've also asked for a complete copy of
8 the sled file, a complete copy of the trial
9 exhibits. One thing we're specifically trying to
10 find and Mr. Cook has been trying to find for quit a
11 while is, the recording and or the transcript from
12 the arraignment. I talked to Solicitor Finney a
13 little bit about, and he may be able to help me
14 further on that. Mr. Cook has written to several
15 people trying to find date, but I assume that's
16 something that I can work with the clerk's office on
17 as far as locating that.

18 THE COURT: What would be in arraignment?

19 MS. BLANCHETTE: At the arraignment,
20 Solicitor Finney actually got one of the charges
21 dismissed, and made a lengthy argument on the
22 remaining charges that Mr. Cook wanted to
23 incorporate as part of his PCR. So that's something
24 that he had asked me to try to locate.

25 THE COURT: Okay.

1 MS. BLANCHETTE: We also want a complete
2 copy of the coroner's file. In my experience, the
3 coroner's file often has had things that I do not
4 find in the solicitor's file, because they do keep
5 separate files. The opportunity to review evidence
6 held by the Sumter County Sheriff's Department.
7 That's only if we determine that an expert is needed
8 in this case. I don't want to just go look at the
9 evidence myself, but we want that opportunity if an
10 expert is retained. And then we are requesting his
11 phone records and the recordings of those phone
12 records from the detention center for a very
13 specific period, from April -- February to
14 April 2010. I understand that some detentions don't
15 keep those for very long, but it's just the
16 opportunity to request those. If they don't have
17 those, we'll make that part of the record. But
18 those are the items that we are seeking in this
19 case.

20 THE COURT: Mr. Gourley.

21 MR. GOURLEY: Your Honor, I don't have any
22 problem with that. Again with the solicitor's file
23 as to Rule 5 and Brady material, that would have
24 been turned over to defense counsel.

25 THE COURT: How about the rest of it?

1 MR. GOURLEY: Judge, I don't have any
2 objection to any of that.

3 THE COURT: Ms. Blanchette, you can send
4 me an order to that effect. Incorporate the
5 qualifications you put on your -- the scope of your
6 request. For example, the Rule 5 and Brady
7 restriction. And the -- and needing a copy of the
8 solicitor's file only if Mr. Finney's file is not
9 retrievable, or if it's still absent some documents.
10 As far as the transcript of the arraignment, if that
11 was back in 2010 or 11---

12 MS. BLANCHETTE: It would 2009, Your
13 Honor.

14 THE COURT: Court reporters only keep
15 those for five years. So just whatever you can
16 find.

17 MS. BLANCHETTE: Okay.

18 THE COURT: And I would assume that most
19 arraignments are just are presenting an indictment,
20 and having a formal entry of a not guilty plea. And
21 did I do the arraignment by chance? Because if I
22 did, I probably took notes.

23 MS. BLANCHETTE: Your Honor, I can look in
24 to that, and let you know when I prepare the order
25 to see.

1 THE COURT: But on arraignments the notes
2 aren't terribly extensive, unless it turns into a
3 motion to dismiss.

4 MS. BLANCHETTE: Right. And what I've
5 found so far is just using the online website for
6 the clerk's office, and I just wasn't able to narrow
7 it down. Mr. Cook has written a number of requests
8 and, you know, tried to contact the clerk's office.
9 I think it's probably just going to the clerk's
10 office and seeing what information that they have,
11 and following the trail. And that's not something
12 that I specifically need a court order for, but just
13 in case I ran into it, I wanted to make sure that
14 was included.

15 THE COURT: If you find out it was me, let
16 me know the date---

17 MS. BLANCHETTE: Okay.

18 THE COURT: ---the date, and I will look
19 in my folder for that week if I still have mine.

20 MS. BLANCHETTE: Thank you so much, Your
21 Honor.

22 ---End of Requested Transcript of Record--

23

24 C-E-R-T-I-F-I-C-A-T-E

25

1 I, Margaret T. Sullivan, Court Reporter, for
2 the Third Judicial Circuit of the State of South
3 Carolina, do hereby Certify that the foregoing is a
4 true, accurate and complete Transcript of Record of
5 the proceedings had and evidence introduced in
6 Common Pleas Nonjury Court, on April 25, 2015, in
7 Sumter County, Sumter, South Carolina.

8 I do further certify that I am neither kin,
9 counsel, nor interest to any party hereto.

10
11 6/6/17

Margaret T. Sullivan

12 DATE

COURT REPORTER

My Commission expires: 9/7/21

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF SUMTER	)	DOCKET NO.: 2014-CP-43-0644
JERON COOK, #337103,	)	
Applicant,	)	
v.	)	ORDER AUTHORIZING DISCOVERY
	)	IN POST CONVICTION RELIEF
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

This matter was before the court on April 13, 2015 for hearing of the applicant's Motion for Discovery. Tricia A. Blanchette, Esq., appeared for the applicant, and Daniel Gourley, Esq., appeared for the State.

Counsel for the applicant explained that she had requested a copy of Applicant's file from trial counsel Ernest A. Finney, III, who is now Solicitor for the Third Judicial Circuit, and had recently spoken with him about not receiving a copy of it in response to her request. She further explained that Solicitor Finney had informed her that he had previously provided a copy of the file to the applicant, but that documents she received from the applicant did not appear to be a complete copy of his file. She stated she did not have all the case materials needed to properly prepare this case for an evidentiary hearing. She also explained that she was asking for the opportunity to request a complete copy of the file maintained by SLED and the Sumter County Coroner's Office, a copy of the trial exhibits, a copy of phone records and /or recordings from the Sumter County Detention Center, and a copy of the Rule Five/Discovery materials from the Sumter County Solicitor's Office and the Sumter County Sheriff. She further explained that she wanted to obtain a transcript of the applicant's arraignment proceedings. Counsel stated that her requests were not being made as a fishing expedition but were necessary for her

and the applicant's retained private investigator to properly prepare for an evidentiary hearing. The State does not object to the applicant's motion.

Pursuant to S.C. Code Ann. §17-27-150(a), this court finds that the applicant's request should be granted to ensure that the applicant, through counsel, can properly prepare for an evidentiary hearing.

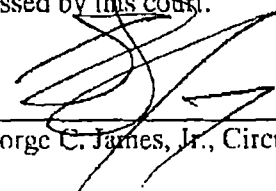
Therefore, the applicant shall be allowed to obtain through subpoena or other appropriate means, the following:

1. A complete copy of the discoverable and/or Rule 5 material from the State Law Enforcement Division (SLED) file.
2. A complete copy of the discoverable and/or Rule 5 materials from the applicant's criminal file maintained by the Sumter County Solicitor's Office and the Sumter County Sheriff.
3. The opportunity to review the evidence maintained by the Sumter County Sheriff.
4. A complete copy of the applicant's phone records and/or recordings (to be subsequently requested) from the Sumter County Detention Center for the dates of February to April 2010.
5. A complete copy of the Sumter County Coroner's file, to include photographs.
6. A complete copy of the trial exhibits.
7. The opportunity to get records pertaining to the applicant's arraignment to assist counsel in obtaining a transcript of the arraignment proceeding if such is available.

IT IS THEREFORE ORDERED:

1. That counsel for the applicant is permitted to serve a subpoena and/or submit a written request, along with a copy of this order, upon the above listed agencies or entities for the production of the above listed files
2. That any parties in receipt of a subpoena pursuant to this order may file and serve a timely objection, which will be addressed by this court.

April 27, 2015


George C. James, Jr., Circuit Judge

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Jeron Cook, #337103,)
Applicant,)

2014-CP-43-0644

v.)

CERTIFICATE OF SERVICE

State of South Carolina,)
Respondent.)

I, Tricia A. Blanchette, Attorney for Applicant, hereby certify that I placed in the mail this 1st day of May 2015, a copy of an Order Authorizing Discovery, to Daniel Gourley of the Attorney General's Office, at:

Office of the Attorney General
Att: Daniel Gourley, Ast. AG
PO Box 11549
Columbia, SC 29211



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

May 1, 2015

RECORDED
2015 MAY -4 PM 4:04
J. J. BLANCHETTE
CLERK OF COURT
SUMTER COUNTY, S.C.

State of South Carolina)
)
 County of Sumter)

In the Court of Common Pleas
 Third Judicial Circuit
 2014-CP-43-0644

Jeron Alondo Cook,)
)
 Applicant,)
)
 vs.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

Transcript of Record

March 16, 2016
 Sumter, South Carolina

B E F O R E:

The Honorable Brooks P. Goldsmith, Judge

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

Tricia A. Blanchette, Esquire
 Attorney for Applicant

Daniel F. Gourley, II, Esquire
 Attorney for Respondent

Maryann S. Nevers, CVR-M-CM
 Circuit Court Reporter

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
P-1	Affidavit of Teresa Ray-Lee		7
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