
The State of South Carolina

In the Supreme Court

PETITION FOR A WRIT OF CERTIORARI FROM SUMTER COUNTY
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2016-001481

MAURICE LIONEL ABRAMS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

APPENDIX
VOLUME I OF II
(Pages 1 – 534)

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ATTORNEY AT LAW
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Columbia, South Carolina 29201
(803) 386-1116
Attorney for Petitioner

Other Counsel of Record:
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S.C. ATTORNEY GENERAL'S OFFICE
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(803) 734-3737

Attorney for Respondent

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter
STATE VS.
Maurice Lionel Abrams

AKA:

Race: 2 Sex: M Age: 40

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder Count One

in violation of § 16-03-0010

of the S.C. Code of Laws, bearing CDR Code #

0116

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST: [Signature] (defendant's initials)

Manning, Glenn B

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of LIFE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Margaret Sullivan

SCCA/217 (03/2011)

Presiding Judge Howard P. KingJudge Code: 2107Sentence Date: 06-08-11

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATESumter
VS.

Maurice Lionel Abrams

AKA:

Race: 2

Sex: M

Age: 40

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED]

SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Burglary (After June 20, 1985) - First degree Court IV (Four)

in violation of § 16-11-0311

of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Manning, Glenn B

SC Bar# 3429

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of LIFE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: about one year counts.☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter
STATE VS.

Maurice Lionel Abrams

AKA:

Race: 2 Sex: M Age: 34

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

INDICTMENT/CASE#: 2010-GS-43-0885

A/W#: M193539

Date of Offense: 5/19/2009

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

in violation of § 16-11-0330(A)

of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Marling, Glenn B

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Counts One and Two. Four☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

745 / IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter
STATE VS.
Maurice Lionel Abrams

AKA:

Race: 2 Sex: M Age: 40

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death ☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Manning, Glenn B

SC Bar# [REDACTED]

Defendant

Attorney for Defendant

SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ [REDACTED]; provided that upon the service of days/months/years and/or payment

of \$ [REDACTED]; plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Counts One, Two & Three.☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ [REDACTED] plus 20% fee: \$ [REDACTED]

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

[REDACTED] days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. [REDACTED]

May serve W/E beginning [REDACTED]

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ [REDACTED] beginning [REDACTED]

\$ [REDACTED] paid to Public Defender Fund

Other: [REDACTED]

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

INDICTMENT FOR

Murder, Lynching 1st Degree, Armed Robbery, Burglary 1st Degree, Possession of Firearms during Commission of Violent Crimes, Accessory Before the Fact of Armed Robbery, Accessory Before the Fact of Murder, Accessory Before the Fact of Burglary 1st

At a Court of General Sessions, convened on July 22, 2010 the Grand Jurors of

SUMTER County present upon their oath:

CERTIFIED TRUE COPY
OF ORIGINAL FILE
Barbara Thayer
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

COUNT ONE ✓
MURDER

That Maurice Lionel Abrams, Tony Mitchell Lowery and Frederick O'Neal Owens did in Sumter County, on or about May 19, 2009, willfully, feloniously, and intentionally kill the victim, Markeith Ford, with malice aforethought, either express or implied, by means of shooting Markeith Ford with a firearm while executing an armed robbery, and the victim did die as a proximate result thereof on or about May 19, 2009 in Sumter County, in violation of Sections 16-03-0010 and 16-03-0020, S. C. Code of Laws, 1976, as amended.

COUNT TWO
LYNCHING - FIRST DEGREE

That Maurice Lionel Abrams, Tony Mitchell Lowery and Frederick O'Neal Owens, on or about May 19, 2009, did violate Sections 16-3-210 and 16-3-230 of the Code of Laws of South Carolina (1976), as amended, in that Maurice Lionel Abrams, Tony Mitchell Lowery and Frederick O'Neal Owens did assemble without color or authority of law for the premeditated purpose and the premeditated intent of committing an act of violence upon Markeith Ford who died as a result of the acts of violence.

COUNT THREE ✓
ARMED ROBBERY

That Maurice Lionel Abrams, Tony Mitchell Lowery and Frederick O'Neal Owens did in Sumter County on or about May 19, 2009, violate Section 16-11-330 of the Code of Laws of South Carolina (1976), as amended, while armed with a deadly weapon, to-wit: firearms, did feloniously take from Markeith Ford in the presence of Markeith Ford, by means of force or intimidation goods or monies of the said Markeith Ford, such goods or monies being described: cash money and car keys.

COUNT FOUR ✓
BURGLARY 1ST DEGREE

That Maurice Lionel Abrams, Tony Mitchell Lowery and Frederick O'Neal Owens did in Sumter County on or about May 19, 2009, enter the dwelling of Markeith Ford and Teresa Ford on West Newberry Avenue without consent in the nighttime and with the intent to commit a crime therein and while therein did possess and display firearms in violation of Section 16-11-311(A)(1)(a) and (3), South Carolina Code of Laws (1976), as amended.

P. Kelly Jackson

SOLICITOR

WITNESSES

Sumter County Sheriff

DOCKET NO. 2010-GS-43-0885

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2010

THE STATE

vs.

MAURICE LIONEL ABRAMS

TONY MITCHELL LOWERY

FREDERICK ONEAL OWENS

ARREST WARRANT NUMBER

M193537 ✓ M193536 ✓ M193553

M193539 ✓ M193540 ✓ M193556

M193538 ✓ M193541 ✓ M193555

ACTION OF GRAND JURY

True Bill

Leroy D. Thompson II
Foreperson of Grand Jury

Date: 7-22-10

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

Murder, Lynching 1st Degree, Armed Robbery, Burglary
1st Degree, Possession of Firearms during Commission
of Violent Crimes, Accessory Before the Fact of Armed
Robbery, Accessory Before the Fact of Murder,
Accessory Before the Fact of Burglary 1st

C. KELLY JACKSON, SOLICITOR

COUNT FIVE

POSSESSION OF FIREARMS DURING COMMISSION OF VIOLENT CRIMES

That Maurice Lionel Abrams and Tony Mitchell Lowery in Sumter County on or about May 19, 2009, were in possession of and did visibly display firearms during the commission of a violent crime as defined in Section 16-1-60, in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

COUNT SIX

ACCESSORY BEFORE THE FACT OF ARMED ROBBERY

That Frederick O'Neal Owens did in Sumter County on or about May 19, 2009, procure a felony to be committed, to-wit: armed robbery, by means of planning to and providing assistance to the within named defendants, Maurice Lionel Abrams and Tony Mitchell Lowery, for the felony of Armed Robbery of Markeith Ford, as prohibited by Section 16-1-40 of the Code of Laws of South Carolina (1976), as amended.

COUNT SEVEN

ACCESSORY BEFORE THE FACT OF MURDER

That Frederick O'Neal Owens did in Sumter County on or about May 19, 2009, procure a felony to be committed, to-wit: murder, by means of planning to and providing assistance to the within named defendants, Maurice Lionel Abrams and Tony Mitchell Lowery, for the felony of Murder, as prohibited by Section 16-1-40 of the Code of Laws of South Carolina (1976), as amended.

COUNT EIGHT

ACCESSORY BEFORE THE FACT OF BURGLARY 1ST DEGREE

That Frederick O'Neal Owens did in Sumter County on or about May 19, 2009, procure a felony to be committed, to-wit: burglary 1st degree, by means of planning to and providing assistance to the within named defendants, Maurice Lionel Abrams and Tony Mitchell Lowery, for the felony of Burglary 1st Degree of the home of Markeith Ford and Teresa Ford, as prohibited by Section 16-1-40 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

P. Kelly Jackson
SOLICITOR

ARREST WARRANT

M-193537

STATE OF SOUTH CAROLINA



County/



Municipality of

Sumter

THE STATE

against

Maurice Lionel Abrams

Address:

420 Cotton Rd

Sumter, SC 29153-8735

Phone:

SSN:

Sex: M

Race: B

Height: 6

Weight: 150

DL State: SC

DL #:

01621494

DOB:

Agency ORI #:

SC0430000

Prosecuting Agency:

Sumter County Sheriff

Prosecuting Officer:

D. E. Florence - 0238

Offense: Murder / Murder

Offense Code:

0116

Code/Ordinance Sec:

16-03-0010, 0020

This warrant is

CERTIFIED FOR SERVICE

in the



County/



Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant

on

Maurice L. Abrams
6-12-09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Sumter County General Sessions
141 N. Main St., Rm 308
Sumter, SC 29150

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/

Municipality of

Sumter

Personally appeared before me the affiant

D. E. Florence

being duly sworn deposes and says that

did within this county and state on or about

05/19/2009

State of South Carolina (or ordinance of



County/



Municipality of

Sumter

in the following particulars:

RECORDED
2009 JUN 16 PM 1:00
09053672
JAMES C. CARROLL
CLERK OF COURT
SUMTER COUNTY, S.C.

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on May 19, 2009 in the county of Sumter, one Maurice Lionel Abrams along with a co-defendant did with malice and
aforethought, cause the death of one Markeith Ford by entering the residence of #2 West Newberry Avenue unlawfully and did rob
the victim and during the course of the burglary and robbery the defendant did shoot and kill the victim. The co-defendant
identified the defendant as one of the suspects involved and gave law enforcement a written statement. Law enforcement will attest
to same.CERTIFIED TRUE COPY
OF ORIGINAL FILE

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/

Municipality of

Sumter

Affiant's Address

107 East Hampton Street

Sumter, SC 29150-

Affiant's Telephone

(803)436-2790

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/19/2009

defendant

Maurice Lionel Abrams

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/

Municipality of

Sumter

) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 06/08/2009

Signature of Issuing Judge

Lee Anna Tindal

Judge Code:

5769

Judge's Address

115 N. Harvin St.

Sumter, SC 29151-1428

Judge's Telephone

(803)436-2280

Issuing Court:



Magistrate



Municipal



Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ARREST WARRANT

M-193538

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Sumter

THE STATE

against

Maurice Lionel Abrams

Address:

Phone:

Sex: M Race: B Height: 6 Weight: 150

DL State: SC DL #: 101621494

DOB: Agency ORI #: SC0430000

Prosecuting Agency: Sumter County Sheriff

Prosecuting Officer: D. E. Florence - 0238

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Maurice L. Abrams
5-12-09

Sumter County Sheriff

RETURN WARRANT TO:

Sumter County General Sessions
141 N. Main St., Rm 308
Sumter, SC 29150

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Personally appeared before me the affiant D. E. Florence

being duly sworn deposes and says that defendant Maurice Lionel Abrams

did within this county and state on or about 05/19/2009

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE Burglary / Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 19, 2009 in the county of Sumter, one Maurice Lionel Abrams along with a co-defendant did, with malice and aforethought, cause the death of one Markeith Ford by entering the residence of #2 West Newberry Avenue unlawfully and did rob the victim and during the course of the burglary and robbery the defendant did shoot and kill the victim. The co-defendant identified the defendant as one of the suspects involved and gave law enforcement a written statement. Law enforcement will attest to same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Sumter

Affiant's Address 107 East Hampton Street

Sumter, SC 29150-

Affiant's Telephone (803)436-2790

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/19/2009

defendant Maurice Lionel Abrams

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Sumter

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 06/08/2009

Signature of Issuing Judge

Lee Anna Tindal

Judge Code: 5769

Judge's Address 115 N. Harvin St.

Sumter, SC 29151-1428

Judge's Telephone (803)436-2280

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

RECORDED

2009 JUN 16 PM 1:00

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.CERTIFIED TRUE COPY
OF ORIGINAL FILEBarbara Harper
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

ARREST WARRANT

M-193539

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Sumter

THE STATE
against

Maurice Lionel Abrams

Address:

420 Cotton Rd
Sumter, SC 29151-8259

Phone:

SSN:

Sex: M

Race: B

Height: 6

Weight: 150

DL State: SC

DL #:

DOB:

Agency ORI #:

SC0430000

Prosecuting Agency:

Sumter County Sheriff

Prosecuting Officer:

D. E. Florence - 0238

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code:

0139

Code/Ordinance Sec:

16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Maurice Lionel Abrams
6-12-09

Sumter County Sheriff

RETURN WARRANT TO:

Sumter County General Sessions
141 N. Main St., Rm 308
Sumter, SC 29150

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Sumter

Personally appeared before me the affiant

D. E. Florence

being duly sworn deposes and says that defendant

Maurice Lionel Abrams

did within this county and state on or about

05/19/2009

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Sumter

in the following particulars:

DESCRIPTION OF OFFENSE

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

CERTIFIED TRUE COPY

OF ORIGINAL FILE

Barbara Hanger

DEPUTY CLERK OF COURT

SUMTER COUNTY

SOUTH CAROLINA

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 19, 2009 in the county of Sumter, one Maurice Lionel Abrams along with a co-defendant did, with malice and aforethought, cause the death of one Markeith Ford by entering the residence of #2 West Newberry Avenue unlawfully and did rob the victim and during the course of the burglary and robbery the defendant did shoot and kill the victim. The co-defendant identified the defendant as one of the suspects involved and gave law enforcement a written statement. Law enforcement will attest to same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Sumter

Affiant's Address

107 East Hampton Street

Sumter, SC 29150-

Affiant's Telephone

(803)436-2790

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/19/2009

defendant

Maurice Lionel Abrams

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Sumter

) as set forth below:

DESCRIPTION OF OFFENSE:

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 06/08/2009

Signature of Issuing Judge

Lee Anna Tindal

Judge Code:

5769

Judge's Address

115 N. Harvin St.

Sumter, SC 29151-1428

Judge's Telephone

(803)436-2280

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 06/21/12
 OMCOMITA RELEASE DATE SCREEN C051123
 SCDC# > 346362 LOC: LEE
 ABRAMS, MAURICE LIONEL SCDC CLASSIFICATION... VIOLENT
 OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N
 SEXUAL PREDATOR...: NOT APP
 DNA STATUS...: COMPLETED
 GPS REQUIREMENT...: N
 PREA DECISION...:
 CURRENT SENTENCE: CONSECUTIVE SENTENCE ...:
 LIFE CURRENT SENT START DATE: 06/12/2009
 PROJECTED COMPLETION DATES
 MAXOUT DATE 99/99/9999 CURRENT EWC ..:
 YOA SIX YEAR DATE: CURRENT EEC ..:
 INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000

 TOTAL GT DAYS EARNED: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
 TOTAL EARNED WORK CREDITS ...: 000000 LABOR CREW DISQ REASON:
 TOTAL EDUCATION CREDITS: 000000 CATEGORY 4 OR 5 OFFENSE
 TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00
 TOTAL SERVICE TIME EARNED ...: 000000 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES
 4- 1 Sess-1 167.7.50.33 SCDC1062 3/11

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 06/21/12

C0511

ABRAMS, MAURICE LIONEL FBI # 878359LD6 SID# SC02003597 SCDC # 346362

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ... LEE CORR INST

DORM.....: ASU0157B

SECURITY/CUST.: 3 ADULT-STRAIGHT SENTENCE

RACE....:B SEX...:M

CURR INCARC SENT....:999 YRS 0 MOS 0 DYS

PROJ MAXOUT DATE: 99/99/9999

CENTRAL MONITORING.: YES

PROJ PAROLE DATE: 00/00/0000

SOCIAL SECURITY #...: [REDACTED]

EWC JOB...: NO CURRENT JOB

CURRENT PROGRAM...: NO CURRENT PROGRAM

EDUC PGM.: NO CURR EDUC PROGRAM

AGE...: [REDACTED] DATE OF BIRTH...: [REDACTED]

EWC LEVEL: 0 EEC LEVEL:

ASSIGNMENT...: LOCKED - UP

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE YRS MOS DYS COUNTY	SENTENCE START V/NV CATEGORY
BURGLARY-1ST DEGREE	999 99 999 SUMTER	6/12/20 9 V 4
ARMED ROBBERY	30 0 0 SUMTER	6/12/20 9 V 4
FIREARMS PROVISION	5 0 0 SUMTER	6/12/20 9 N 3
MURDER	999 99 999 SUMTER	6/12/20 9 V 5

PRIOR COMMITMENTS OVER 90 DAYS:

MISSING PRIORS DATA

DETAINEES (HOLD, WANTED, NOTIFY):

ASSLT & BATT W/INTNT KIL

WANTED

PRESIDING JUDGE

CATEG: 4

BURGLARY-1ST DEGREE

WANTED

PRESIDING JUDGE

CATEG: 4

NO DETAINEES

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

5/26/12 THROWING SUBSTANCE/OBJEC	CONVICTED	MAJOR
4/30/12 FIGHTING WITHOUT A WEAPO	DROPPED	OTHER
4/27/12 POSSESSION OF A WEAPON	CONVICTED	MAJOR
12/ 6/11 STRIKING AN EMPLOYEE WIT	CONVICTED	MAJOR STAFF
9/ 6/11 STRIKE I/M W/NO WEAPON	CONVICTED	MAJOR INMATE

NON-ASSAULTIVE DISCIPLINARIES:

5/26/12 REFUSING OR FAILING OBEY	CONVICTED	MAJOR
5/26/12 REFUSING OR FAILING OBEY		OTHER
5/20/12 EXHIBITIONISM AND PUBLIC	CONVICTED	MAJOR
5/ 9/12 EXHIBITIONISM AND PUBLIC	CONVICTED	MAJOR
4/27/12 POSS. OR/ATTEMPT TO POSS	CONVICTED	MAJOR
3/14/12 REFUSING OR FAILING OBEY		OTHER
12/28/11 EXHIBITIONISM AND PUBLIC	CONVICTED	MAJOR
12/ 6/11 REFUSING OR FAILING OBEY	CONVICTED	MAJOR
12/ 6/11 POSS. OR/ATTEMPT TO POSS	DROPPED	MAJOR
12/ 6/11 THREATENING TO INFLICT H	DROPPED	MAJOR

HISTORY OF MOVEMENTS:

1/27/12	LEE	INCARCERATED	RETURN FROM COURT
1/23/12	SUMTER CO	AUTH ABSENCE (AWL)	TO COURT
12/14/11	LEE	INCARCERATED	RETURN FROM COURT
12/14/11	SUMTER CO	AUTH ABSENCE (AWL)	TO COURT
10/25/11	LEE	INCARCERATED	ADMINISTRATIVE
6/ 9/11	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
*NO WORK ASSIGNMENTS *				

HISTORY OF EARNED EDUCATION CREDITS:

ABRAMS, MAURICE LIONEL FBI # 878359LD6 SID# SC02003597 SCDC # 346362 (CONTINU
EEC START END TERMINATION
DESCRIPTION DATE DATE REASON
NO SCHOOL ASSIGNMENTS
***** END OF REPORT *****

COUNTY OF Sumter
STATE VS.
Maurice Lionel Abrams

AKA:
Race: 2 Sex: M Age:
DOB: SS#:
Address: 4210 Cedar Road
City, State, Zip: Sumter, SC 29133
DL#: 121494 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010-GS-43-0885
A/W#: M193538
Date of Offense: 5/19/2009
S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST: *[Signature]* 3629

Manning, Glenn B SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of LIFE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Accont one of the courts.
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____
*Fine: _____

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk

Court Reporter: *Margaret Sullivan*

SCCA/217 (03/2011)

Presiding Judge *Glenn Manning*
Judge Code: 2107
Sentence Date: 06-08-11

COUNTY OF Sumter
STATE VS.
Maurice Lionel Abrams

AKA:

Race: 2 Sex: M Age: 34

DOB: SS#: 123456789

Address: 1234 Main Road

City, State, Zip: Sumter, SC 29166

DL#: 123456789 SID#: 123456789

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A)

of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)

☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury.

(defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation,

☐ Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

Marling, Glenn B

SC Bar# 3429

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,

☐ County Detention Center,

for a determinate term of

30

days/months/years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

provided that upon the service of

days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:

Counts One and Three.

☐ The Defendant is to be given credit for time served pursuant to S.C. Code

§ 24-13-40 to be calculated and applied

by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a fi

SPEC

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCJA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Jamie C. Campbell
Margaret Sullivan

Presiding Judge

Judge Code:

Sentence Date:

INDICTMENT/CASE#: 2010-GS-43-0885

A/W#: M193539

Date of Offense: 5/19/2009

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or

☐ PLEADS

write

each count

on

each

sentence

sheet

employment

weekly/monthly

er Fund

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date:

Gloria P. King
2107
06-08-11

COUNTY OF
STATE

Sumter

VS.

Maurice Lionel Abrams

IN THE COURT OF GENERAL SESSIONS

CERTIFIED TRUE COPY
OF ORIGINAL FILED

INDICTMENT/CASE#: 2010-GS-43-0885

AKA:

Race: 2

Sex: M

Age:

DOB:

SS#:

Address: 4210 Cotton Road

City, State, Zip: Sumter, SC 29163

DL#: 231621494

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

CLERK Date of Offense: 5/19/2009

SUMTER COUNTY § : 16-03-0010

SOUTH CAROLINA
CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010

of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)

☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense,

☐ Defendant Waives Presentment to Grand Jury.

(defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation,

☐ Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

Manning, Glenn B

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,

☐ County Detention Center,

for a determinate term of LIFE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____, plus costs and assessments as applicable*, the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

	\$	
	\$	
	\$	100.00
	\$	
	\$	
	\$	
	\$	
	\$	25.00
	\$	
	\$	
	\$	
	\$	5.00
	\$	3.90
	\$	133.90

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Margaret Sullivan

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2107

Sentence Date: 06-08-11

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Sumter

VS.

Maurice Lionel Abrams

AKA:

Race: 2

Sex: M

Age: 42

DOB: [REDACTED]

SS#: [REDACTED]

Address: 4210 Cedar Road

City, State, Zip: Sumter, SC 29153

DL#: 191623494

SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010-GS-43-0885

A/W#: M193539

Date of Offense: 5/19/2009

S.C. Code § 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

in violation of § 16-11-0330(A)

of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Marling, Glenn B

SC Bar# [REDACTED]

Defendant

Attorney for Defendant

SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ [REDACTED]; provided that upon the service of [REDACTED] days/months/years and/or payment

of \$ [REDACTED]; plus costs and assessments as applicable*; the balance is suspended with probation for [REDACTED] months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: counts one and three.☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ [REDACTED] plus 20% fee: \$ [REDACTED]

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
% to County (if paid in installments)	\$
TOTAL	\$

[REDACTED] days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. [REDACTED]

May serve W/E beginning [REDACTED]

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ [REDACTED] beginning [REDACTED]

\$ [REDACTED] paid to Public Defender Fund

Other: [REDACTED]

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

CCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

State of South Carolina)

County of Sumter)

The State of South Carolina
Plaintiffs

vs.

Transcript of Record
2009-GS-43-00885

Maurice Abrams,
Defendant

BEFORE THE HONORABLE Howard P. King, Judge.

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

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

Mr. Glenn B. Manning,
Assistant Solicitor for the State

Mr. Charles T. Brooks,
Attorney for Defendant

Margaret T. Sullivan,
Court Reporter

	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
1	jury qualified: 5				
2	jury impaneled 17				
	Teresa Ford				
3	by Mr. Meadors 26			48	
	by Mr. Brooks	38			
4	Motions: by Mr. Brooks 54				
	Jury sworn: 60				
5	Preliminary Remarks 60				
	Opening				
6	by Mr. Meadors 64				
	by Mr. Brooks 72				
7	Teresa Ford				
	by Mr. Meadors 76			140	
8	by Mr. Brooks	113			
	Juror 148				
9	Westley Gardner				
	by Mr. Manning 164				
10	Richard Washington				
	by Mr. Manning 167			185	
11	by Mr. Brooks	181			186
	Captain James Turner				
12	by Mr. Manning 186				
	by Mr. Brooks	197			
13	Officer Michael Bean				
	by Mr. Manning 200				
14	by Mr. Brooks	202			
	Frederick L. Owens				
15	5th Amendment Rights 205				
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16	by Mr. Brooks	251			
	Mr. Tony Lowery				
17	5th Amendment Rights 282				
	Tony Mitchell				
18	by Mr. Meadors 288				
	by Mr. Brooks	320			
19	James Atkinson				
	by Mr. Manning 356				
20	Vello Paavel				
	by Mr. Manning 358				
21	by Mr. Brooks	366			
	Susan Cromer				
22	by Mr. Manning 368			374	
	by Mr. Brooks	373			375
23	Special Agent John Roberts				
	by Mr. Meadors 377			390	
24	by Mr. Brooks	388			
	5th Amendment Rights of Maurice Abrams 394				
25	Juror information 398				

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1	Dr. Janice Ross				
2	by Mr. Meadors	407		418	
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3	Motions				
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4	Closing Statements				
	by Mr. Manning	442			
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6	Charge of the Court	468			
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	Motion by Mr. Brooks	503			
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	No.	Description	Id.	Ev.
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2	S-2	Photo	83	84
	S-3	Photo	83	84
3	S-4	Photo	83	84
	S-5	Photo	83	84
4	S-6	Photo	83	84
	S-7	Photo		102
5	S-8	Photo		102
	S-9	Photo		102
6	S-10			
	S-11	Photo		102
7	S-12	Photo		102
	S-13	Photo		102
8	S-14	Photo		102
	S-15	Photo		102
9	S-16	Red Jacket	108	
	S-17	Video		105
10	S-18	Statement of Teresa Ford	140	
	S-19	projectile/fragments	380/193	
11	S-20-23	photographs		200
	S-24	Copy of Return	204	
12	S-25	Jogging Suit		313
	S-26	Statement of Tony Lowery		
13	S-27	Statement of Tony Lowery		
	S-28	Photo Lineup		317
14	S-29	bullet fragment from autopsy		367
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1 MR. MEADORS: Your Honor, we would call
2 the State of South Carolina versus Maurice Lionel
3 Abrams. The defendant is at table with
4 Mr. Charles Brooks. This is Sumter County true
5 billed Indictment 2010-GS-43-0885, Your Honor. At
6 this time the State is proceeding Count, 1 murder.
7 Count 3, armed robbery. Court 4, burglary first.
8 Count 5, possession of a firearm during the
9 commission of a violent crime.

10 THE COURT: Hand up the indictment,
11 please.

12 Ladies and gentlemen of the jury, you have
13 heard the State announce they have called the case
14 of the State of South Carolina versus Maurice
15 Lionel Abrams charged in the bill of indictment in
16 this case with the crime of murder, armed robbery,
17 burglary in the first degree, possession of a
18 weapon during the commission of a violent crime.

19 I am going to -- what I am going to tell
20 you now, is not evidence in this case. It's
21 simply the allegations of the indictment. But I
22 tell you this so that you can determine if you
23 know anything about the case, or anything that
24 would prevent you from serving as a juror in this
25 matter.

1 The indictment charges in Count 1 that Mr.
2 Abrams along with two others did in Sumter County
3 on or about May 19th 2009, willfully, feloniously
4 and intentionally kill the victim, Markeith Ford,
5 with malice aforethought either expressed or
6 implied by means of shooting Markeith Ford with a
7 firearm while executing armed robbery; and that
8 the victim died as a result of this wound. That
9 was the charge of murder in Count 1.

10 The other count charges the defendant with
11 armed robbery; that on that day he and two others
12 did in Sumter County while armed with a deadly
13 weapon; specifically a firearm, feloniously take
14 from Markeith Ford in the presence of Markeith
15 Ford, cash, money and car keys. And that's the
16 charge of armed robbery. The next count is one of
17 burglary in the first degree charging that
18 Mr. Abrams did with two others on or about May
19 19th 2009, enter the dwelling of Markeith Ford and
20 Teresa Ford on West Newberry Avenue without
21 consent in the nighttime, with the intent to
22 commit a crime; and that they did display a
23 firearm. And that is a charge of burglary in the
24 first degree.

25 And finally, the final charge against

1 Mr. Abrams is that he and two others did on May
2 19th 2009, were in possession and did visibly
3 display a firearms while in the commission of a
4 violent crime. And that is a separate charge of
5 possession of a firearm during the commission of a
6 violent crime.

7 To these charges, Mr. Abrams has pled not
8 guilty and has asked for a jury trial. The
9 Defendant, Mr. Abrams, is represented by
10 Mr. Charles Brooks. Mr. Brooks, would you stand
11 and introduce yourself to the jury. And have the
12 defendant stand and face the jury please.

13 MR. BROOKS: My name is Charles Brooks.
14 This is my client Maurice Abrams.

15 THE COURT: Thank you. You may be seated.
16 Now, Ladies and gentlemen, before we select a
17 jury, I need to ask you some questions. If any of
18 these questions apply to you, please respond
19 accordingly. Is any member of jury panel related
20 by blood or connected by marriage to the
21 defendant, Maurice Abrams, if so please stand.

22 (Whereupon, no response.)

23 THE COURT: The following individuals may
24 appear as witnessed in this case, and I will tell
25 you that if the witnesses are present, I would

1 like for them stand and face the jury when their
2 name is called. They may not be present, but if
3 they are, if you would identify yourself by
4 standing when your name is called. Jim Atkinson
5 of the Sumter County Sheriff's Office.
6 Investigator Tommy Barron of the Sumter County
7 Sheriff's Office. Investigator Mike Bean of the
8 Sumter County Sheriff's Office. Tony M. Broom of
9 the State Law Enforcement Division or Sled.
10 Detective Robert Burnish, Candace Chandler,
11 Suzanne Cromer of Sled, Sergeant Rob Dennison,
12 Sheriff Anthony Dennis, Cissy Epperson, David
13 Florence of the Sumter County Sheriff's Office,
14 Detective William Floyd of the Sumter County
15 Sheriff's Office, Westley Floyd, Teresa Ford,
16 Investigator Westley Gardner of the Sumter County
17 Sheriff's Office. Celina Kinard of Sled. Sam
18 Lowery, Tony Mitchell Lowery, Sergeant Clarence
19 McMillan of the Sumter County Sheriff's Office.
20 Detective Robert Moyd, Lieutenant Rick Nelson.
21 Frederick O'Neil Owens, Vallo Paavel P-A-A-V-E-L
22 of Sled. Isaac Peterson, Harvey Lee Wickard.
23 John D. Roberts of Sled. Janice E. Ross, MD.
24 Captain Jamie Turner of the Sumter County
25 Sheriff's Office. Richard Washington, Alexander

1 Watson, Jr. Carolyn Wells, Stephen Witherspoon
2 and Terrance Lemon. In addition to, some other
3 names of possible witnesses in this case that you
4 need to know about would be, the others charged in
5 the indictment. And that would Tony Mitchell
6 Lowery, and Frederick O'Neil Owens.

7 Is any member of the jury panel connected
8 by marriage or related by blood to any of the
9 proposed witnesses, or any of those individuals?
10 If so, please stand.

11 (Whereupon, no response.)

12 THE COURT: Thank you. The State of South
13 Carolina is represented by Solicitor Ernest A.
14 Chip Finney, and Assistant Solicitors, John
15 Meadors and Glenn Manning. Is any member of the
16 of the jury panel represented now or been
17 represented in the last 10 years by any those
18 lawyers, or any member of the Third Circuit
19 Solicitor's Office? If so, please stand.

20 (Whereupon, no response.)

21 THE COURT: As you know, the defendant is
22 represented by Mr. Charles Brooks. Is any member
23 of the jury panel represented now or been
24 represented in the last 10 years by Mr. Charles
25 Brooks? If so, please stand. Yes, sir, tell me

1 your name, please, sir.

2 THE JUROR: I'm Joseph Montgomery.

3 THE COURT: Let me get my list.

4 THE CLERK: No. 101, Your Honor.

5 THE COURT: Mr. Montgomery, are you
6 currently represented by Mr. Brooks, or was it
7 sometime in the past?

8 THE JUROR: It was sometime in the past.

9 THE COURT: Has that matter been
10 concluded?

11 THE JUROR: Yes.

12 THE COURT: How long ago was that?

13 THE JUROR: About 4 years ago; 5 years
14 ago.

15 THE COURT: Mr. Montgomery, how about
16 coming up and let me ask you a couple of things.
17 Counsel, come up.

18 (Whereupon, the following takes place at
19 the bench out of the hearing of the jury.)

20 THE COURT: Was it a criminal matter or a
21 civil matter?

22 THE JUROR: It was criminal and civil.

23 THE COURT: And did you go -- in the
24 criminal matter was a trial involved?

25 THE JUROR: It was a guilty plea.

1 THE COURT: What was the charge?

2 THE JUROR: Failure to stop for a blue
3 light.

4 THE COURT: And has all of your business
5 relationship with Mr. Brooks been concluded at
6 this time?

7 THE JUROR: Yes.

8 THE COURT: Would the fact that Mr. Brooks
9 was your lawyer in this case, prevent you from
10 giving both the State and the Defense a fair and
11 impartial trial? Would the fact that you had this
12 previous business relationship with Mr. Brooks,
13 would that prevent you from giving the State and
14 Defense a fair and impartial trial?

15 THE JUROR: No, sir.

16 THE COURT: Would you be able to put that
17 aside and decide this case based upon what you
18 hear in this courtroom?

19 THE JUROR: Yes, sir.

20 THE COURT: And would do that?

21 THE JUROR: Yes, sir.

22 THE COURT: Thank you, sir. Is any member
23 of the jury panel close personal friends of any of
24 the parties, their lawyers, or any of the
25 witnesses whom I have read off to you? If so,

1 please stand.

2 THE CLERK: One standing, Judge.

3 THE COURT: Yes, sir. Your name.

4 THE JUROR: Joe Osborne.

5 THE COURT: Do you recall your number?

6 THE JUROR: 108.

7 THE CLERK: 81, I believe, Your Honor.

8 THE COURT: All right. Mr. Osborne, what

9 is your situation?

10 THE JUROR: Me and Clarence McMillan are

11 friends.

12 THE COURT: Who?

13 THE JUROR: Clarence McMillan.

14 THE CLERK: The sheriff's deputy, Clarence

15 McMillan, is a friend.

16 THE COURT: The sheriff's deputy whom I

17 named is one of the possible witnesses in this

18 case?

19 THE JUROR: Yes.

20 THE COURT: And you all are friends or

21 related or what?

22 THE JUROR: Friends.

23 THE COURT: Okay. Would the fact that he

24 may be a witness in this case, prevent you from

25 giving both the State and the Defense a fair and

1 impartial trial based on the evidence?

2 THE JUROR: No, it wouldn't.

3 THE COURT: Would you be able to put that
4 aside and decide this case based on the evidence
5 you hear in this courtroom?

6 THE JUROR: Yes, sir.

7 THE COURT: Would you do that?

8 THE JUROR: Yes, sir.

9 THE COURT: Thank you, sir. Does any
10 member of the jury panel know anything about the
11 facts of this case as I have briefly recited them
12 to you? If so, please stand.

13 THE CLERK: One standing, judge.

14 THE COURT: Mr. Johnson.

15 THE JUROR: Your Honor, if I may approach?

16 (Whereupon, juror approaches and confers
17 with judge.)

18 THE COURT: Yes, sir.

19 THE CLERK: No. 68.

20 THE COURT: What is your reason Mr.
21 Johnson?

22 THE JUROR: I represented Tony Lowery one
23 of the co-defendant's, in an automobile accident.
24 I was retained by Geico Insurance in Magistrate's
25 Court.

1 THE COURT: So he was a potential witness.

2 MR. MEADORS: He was charged.

3 THE JUROR: That matter was concluded. I
4 did meet with him at the jail, because apparently
5 he had just been arrested for this offense when I
6 was retained.

7 THE COURT: Just so this disclosure and
8 everybody knows what the situation is.
9 Mr. Johnson's wife is Martha Joe Smith, who was
10 formerly Judge James' law clerk when she first
11 came over here before she and Mr. Johnson were
12 married.

13 THE JUROR: Yes, sir, that's correct.

14 THE COURT: And could you put that aside
15 and give both sides a fair and impartial trial?

16 THE JUROR: Yes, sir.

17 THE COURT: And would you do that?

18 THE Juror: Yes, sir.

19 THE COURT: For your information, counsel,
20 that's juror -- the discussion on the record a few
21 minutes ago was Juror No. 68, Mr. Stephen Johnson.
22 Can each member of the jury panel give to the
23 State and the Defendant, Maurice Abrams, a fair
24 and impartial trial? If not, please stand.
25 Except for the reasons that have already been

1 disclosed to me, if any member of the jury panel
2 cannot give the State or the Defendant a fair and
3 impartial trial, please stand.

4 (Whereupon, no response.)

5 THE COURT: Other than what has already
6 been disclosed to me, does any member of the jury
7 panel know of any reason whatsoever why he or she
8 should not serve as a juror in this case? If so,
9 please stand.

10 (Whereupon, no response.)

11 THE COURT: Other additional questions on
12 behalf of -- well, one other thing. Let me ask
13 this. Is any member of the jury panel or a member
14 of your immediate family, as parents, spouse,
15 brother, sister or child, any member of the jury
16 panel or member of your immediate family ever been
17 the victim of a violent crime? That is a crime
18 against his or her person? If so, please stand.

19 Come up, please ma'am.

20 THE JUROR: 133 Ms. Blackstock.

21 THE COURT: Ms. Blackstock.

22 THE JUROR: My little brother got killed
23 in January of 2002.

24 THE COURT: As a result of a crime?

25 THE JUROR: Uh-huh. (Affirmative.) My

1 uncle shot him.

2 THE COURT: And that was your younger
3 brother?

4 THE JUROR: He was 12-years-old at the
5 time.

6 THE COURT: Was your uncle charged?

7 THE JUROR: Uh-huh. (Affirmative.)

8 THE COURT: And has that matter gone to
9 court, or is it still pending?

10 THE JUROR: He already served three years.

11 THE COURT: Is he in and out, or is he
12 still in prison?

13 THE JUROR: No, he is out.

14 THE COURT: Would that fact, Ms.
15 Blackstock, prevent you from giving both the State
16 and the Defendant in this case a fair and
17 impartial trial?

18 THE JUROR: Yes.

19 THE COURT: You think it would?

20 THE JUROR: Yes.

21 THE COURT: Thank you, ma'am. I will
22 excuse her for cause. Yes, sir.

23 THE JUROR: Conner Boswell.

24 THE COURT: Let me find you on this list.
25 No. 8.

1 THE JUROR: My brother was a victim of a
2 lynching charge. But he was -- he hasn't been to
3 court for that yet.

4 THE COURT: It is still pending?

5 THE JUROR: Yes, sir.

6 THE COURT: Would that prevent you from
7 giving both the defendant and the State in this
8 case a fair and impartial trial?

9 THE JUROR: No, sir.

10 THE COURT: You would be able to put that
11 aside and decide this case based on what you hear
12 in the courtroom?

13 THE JUROR: Yes, sir.

14 THE COURT: And would you do that?

15 THE JUROR: Yes, sir.

16 THE COURT: Thank you.

17 MR. BROOKS: Did I hear him say it was
18 pending?

19 THE COURT: Pending lynching charge. It's
20 not against him. His brother has a pending
21 lynching charge.

22 MR. BROOKS: But he's actually the
23 Defense; the brother is.

24 THE COURT: Yeah. Did you say your
25 brother was the victim?

1 THE JUROR: The victim.

2 THE COURT: Okay, he's the victim. Is any
3 member of the jury panel or member of your
4 immediate family, other than what has already been
5 disclosed to me, been the victim of a violent
6 crime? If so, please stand.

7 (Whereupon, no response.)

8 THE COURT: So the next question would be,
9 is any member of the jury panel or member of your
10 immediate family been charged with a violent
11 crime? If so, so please stand.

12 (Whereupon, no response.)

13 THE COURT: All right, thank you. Any
14 additional questions on behalf of the State, Mr.
15 Meadors?

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

17 THE COURT: On behalf of the Defense, Mr.
18 Brooks?

19 MR. BROOKS: No, sir, Judge.

20 THE COURT: Counsel, come up just a
21 moment, please.

22 (Whereupon, the attorneys confer with the
23 judge at the bench.)

24 THE COURT: Ladies and gentlemen, we are
25 now ready to select a jury in this case. And we

1 have the computer to do that for us. And it will
2 take just a minute for them to plug the names of
3 the qualified jurors into the computer. And we
4 will go forward with the jury selection process.
5 The procedure is when your name is called, come
6 forward. Face the back of the courtroom and the
7 attorneys will say either accept or excuse the
8 juror. And you will either have a seat in the
9 jury box or return to the courtroom. And we will
10 select two alternates.

11 THE CLERK: Members of the jury, when your
12 name is called, please use the double gate here on
13 your left or the single gate on your right; which
14 is more convenient. Stand in front of the bar,
15 and face back of the courtroom. And bring with
16 you any personal belongings that you may have.

17 THE CLERK: Juror No. 110 William Outler
18 (m-b) accepted. Juror No. 133 Gina Thornton (f-b)
19 accepted. Juror No. 101 Joseph Montgomery (m-w)
20 state struck. Jury No. 8 Cameron Braswell (m-w)
21 defense struck. Juror No. 127 Joseph Rogg (m-w)
22 accepted. Juror No. 144 Russell Thurmond, IV
23 (m-w) defense struck. Juror No. 38 George P.
24 Russ, III (m-b) accepted. Juror No. 122 Raven
25 Robertson (f-b) accepted. Juror No. 54 Arlene

1 Helton (f-b) accepted. Juror No. 45 Rashad Graham
2 (m-b) state struck. Juror No. 153 Taylor Welsh
3 (m-w) accepted. Juror No. 97 Myranetta McMillon.
4 (f-b). Juror No. 29 Ellarine Dawson (f-b)
5 accepted. Juror No. 139 James Summers (m-w)
6 defense struck. Jury No. 52 Valerie Hatfield
7 (f-w) accepted. Juror No. 61 Elizabeth Jackson
8 (f-w) defense struck. Juror No. 94 Stephen
9 McGowan (m-b) accepted. Juror No. 112 Vincent
10 Polnco (m-w). Alternate juror, Juror No. 19
11 Michael Busser (m-w) accepted. Alternate Juror
12 No. 2 Juror, No. 38 Arthur Ford (m-b) defense
13 struck. Juror No. 82 Terry Lowery (f-b) defense
14 struck. Juror No. 57 Lori Hodge (f-b).

15 THE CLERK: Any reason for cause from the
16 defendant?

17 MR. BROOKS: No, sir.

18 THE CLERK: Have a seat in the jury box,
19 please, ma'am.

20 THE COURT: Anything in regard to the
21 striking of the jury on behalf of the State, Mr.
22 Meadors? Mr. Manning?

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

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

1 THE COURT: On behalf of the Defense?

2 MR. BROOKS: No, sir.

3 THE COURT: Counsel, come up a minute and
4 we can talk about scheduling.

5 (Whereupon, attorneys and judge, confer a
6 the bench.)

7 THE COURT: Ladies and gentlemen, since it
8 is almost the lunch hour, we have decided that it
9 is best for us to recess until after lunch, and
10 actually start this trial after lunch. So I am
11 going to excuse you now and allow you to go and
12 get your lunch. I am going to have you go with
13 the bailiffs. They will show you the jury room
14 and will show you how to get back in to the back
15 part of the hall back here where you can get to
16 the jury room when you come back from lunch.

17 I would tell you that over the lunch
18 recess, you should not discuss this case with
19 anyone. You should not allow anyone to discuss it
20 with you. If anyone should approach or try to
21 talk to you about this case, get their name and
22 their description and report it to the bailiff and
23 I will deal with them. Also while you are away
24 from the courthouse, do not discuss the case with
25 anyone. I know that you do not know anything

1 about the case at this time except what I told you
2 the allegations of the indictment are. But it
3 would be improper for you to discuss this case
4 with anyone, family, friends or anyone else that
5 you might see when you are away from the
6 courthouse.

7 And the reason for this is pretty
8 apparent. You've got to decide the case based
9 upon on what you hear in this courtroom and not on
10 the basis of what you might hear from anyone else.
11 So do not discuss the case with anyone. Do not
12 allow anyone to discuss the case with you. And do
13 not discuss the case among yourselves when you are
14 reassembling in the jury room. Any discussion of
15 the matter among yourselves prior to the time that
16 I tell you it is appropriate to begin your
17 deliberations would be premature.

18 So any time that you are there in the jury
19 room prior to the time, prior to all of the
20 testimony and arguments having been made, and I
21 tell you to begin your deliberations, any other
22 discussion in the case among yourselves would be
23 premature. So when you are there gathering in the
24 jury room, you can talk to each other about
25 anything you want to; learn a little bit about

1 each other. Talk about family, friends, sports,
2 weather, children, grandchildren, anything at all.
3 But do not talk about this case until I tell you
4 it is appropriate for you to do so.

5 And of course these admonitions will apply
6 throughout the trial of this case both now and as
7 we go forward with this matter in the case in the
8 next day or two as this case goes forward. I
9 would also tell you that you should not read any
10 news stories or listen to any radio or television
11 broadcast regarding this matter. And do not do
12 any research about the case on your own. It would
13 be improper for you to do any research on the law
14 or the facts in this case, and that would include
15 the internet.

16 So do not try to find out anything about
17 this case. You have got to decide this case based
18 upon what you hear in this courtroom and not on
19 the basis of anything else that you may learn. So
20 with those admissions I am going to excuse you
21 now; allow you to go and get your lunch and ask
22 you to be back in your jury room please at 2:15.
23 And I will see you at that time. Thank you.
24 Have a nice lunch, and I will see you this
25 afternoon.

1 (Whereupon, at 12:58 p.m. jury goes to
2 lunch.)

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

5 THE COURT: Back on the record with regard
6 to the matter of the State versus Abrams. Are
7 there any motions or pretrial matters that need to
8 be addressed on behalf of the State at this time,
9 Mr. Manning or Mr. Meadors?

10 MR. MANNING: None, Your Honor.

11 THE COURT: Motions or anything that need
12 to be addressed on behalf of the Defense, Mr.
13 Brooks?

14 MR. BROOKS: Not at this time.

15 THE COURT: Well is there anything, well
16 pretrial, not at this time, I am not going to have
17 you come back after lunch and tell me you have got
18 some motion you want me to hear. I'll hear it now
19 if you have got some motion you want me to hear.

20 MR. BROOKS: Your Honor, it hinges on what
21 they do, Judge. In terms of the evidence that
22 they may present.

23 THE COURT: Well obviously, yeah, when we
24 get in to the trial. I'm talking about pretrial
25 matters. Have you got any motions or anything you

1 want me to hear before we go forward, like the
2 motion to suppress or anything of that nature?

3 MR. BROOKS: Not until they come up with
4 specific piece of evidence.

5 MR. MEADORS: Judge, maybe I can clarify.
6 One of the co-defendants gave a statement. That
7 is no longer an issue as far as Jackson v. Denno.
8 That's something we would have needed to address.
9 The only potential issue I could think of that one
10 of our first witnesses, Ms. Teresa Ford, was, the
11 victim was her brother. She was at the scene when
12 allegedly the Defendant Jackson (sic) shot and
13 killed him. She was there. She will be
14 testifying. I don't know if he is going to have a
15 motion about any identification. Just for the
16 record on her part. That's the only thing I can
17 see out there at this point.

18 THE COURT: Any Biggers issues?

19 MR. BROOKS: Yes. In regards to that
20 particular witness. And it really assumes based
21 on what they ask her.

22 THE COURT: Wait a minute one at a time.
23 Counsel, I can't unring the bell. I've got to
24 address it beforehand if it can be done. And, you
25 know, if they are going to ask her what she saw,

1 do you challenge her? Did she pick him out of a
2 lineup?

3 MR. MEADORS: No, sir.

4 THE COURT: Okay.

5 MR. MEADORS: Judge, there is video in a
6 store, El Cheapo's, that she viewed after giving
7 law enforcement a description. That description
8 of him was what was in the video at El Cheapo's.
9 She didn't view that; did not pick him out of a
10 lineup. She is here today. I don't know if she
11 can pick him out or not. We probably at some
12 point ought to have a hearing on that.

13 I would respectfully if I can get with
14 co-counsel, we might could do that briefly after
15 opening. We may not need to.

16 THE COURT: Well we will -- I want to do
17 it before the jury is sworn.

18 MR. MEADORS: Yes, sir.

19 THE COURT: And so I don't want to wait.
20 Let's be back at 2 o'clock, counsel, and we will
21 address that matter at that time. The jury is
22 coming in at 2:15. And so we will prepared to
23 address it at 2 o'clock. I want to do it before
24 the jury is sworn so we will know exactly where we
25 stand on that.

1 MR. MEADORS: Thank you, Your Honor.

2 THE COURT: Counsel, we will be in recess
3 on this matter until 2 o'clock.

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

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

7 THE COURT: Back on the record with regard
8 to the matter of the State versus Maurice Abrams.
9 Mr. Abrams is present with this attorney, Mr.
10 Brooks. I understand that there is an ID issue
11 that needs to be addressed. Mr. Meadors, I guess
12 we need to do this in an in camera hearing.

13 MR. MEADORS: May it please the court.

14 THE COURT: You may call your witness.

15 MR. MEADORS: The State we would call
16 Teresa Ford. And, Your Honor, just to save time,
17 she is walking a little slow. She is already one
18 of the witnesses.

19 THE COURT: Go ahead.

20 Teresa Ford, being
21 first duly sworn, testified as follows:

22 THE CLERK: Please state your full name
23 and spell your last name for the record.

24 A Teresa Amanda Ford. F-O-R-D.

25 Direct Examination by Mr. Meadors:

1 Q Good afternoon, Ms. Ford. Now so that His
2 Honor will know, you are suffering from an
3 illness; correct?

4 A Yes, sir.

5 Q Is that why your, I mean this is bad, and
6 kind of appear weak.

7 A Yes, sir.

8 Q And if you could speak for these purposes
9 here so His Honor can hear you. Okay, please,
10 ma'am.

11 A Okay. Is that better?

12 Q Yes, ma'am. I am going to ask you
13 specifically about the opportunity you had to see
14 an individual in your home on May 19th 2009.
15 Okay. That is all I am going to direct the
16 questions to right now.

17 A Yes sir.

18 Q And do you remember that day May 19th
19 2009?

20 A Yes, sir.

21 Q What was your address? Where were you
22 staying?

23 A 2 West Newberry Street.

24 Q West?

25 A 2 West Newberry.

Teresa Ford-direct by Meadors

1 Q 2 West Newberry. And do you remember that
2 evening?

3 A Yes, sir. It was Game 5 of the NBA
4 playoffs. It was LA and Denver playing.

5 Q LA and Denver?

6 A Yes, sir.

7 Q And do you remember what point in the
8 ballgame it was before this incident happened?

9 A It happened exactly at half time, because
10 the half time report logo came on. An It just
11 rolled around the television once.

12 Q You remember that; don't you?

13 A Yes.

14 Q And at some point during that process did
15 some folks come in to the house?

16 A Yes, two men entered my home.

17 Q Okay. Now who was in your home prior to
18 that?

19 A It was me, my brother, Markeith Ford, and
20 a friend of mine, a cousin-in law to be, Jimmy
21 Jenkins.

22 Q Markeith Ford, your brother, who is the
23 victim in this case.

24 A Yes, sir.

25 Q And Jimmy Jenkins.

Teresa Ford-direct by Meadors

1 A Yes, sir.

2 Q And Jimmy is your what?

3 A Cousin-in-law.

4 Q And can you tell the judge where were you
5 in your house?

6 A Okay, as you open my front door, there is
7 a little space there. And my brother had his fold
8 out chair there. A fishing chair; in which he was
9 sitting in.

10 Q Okay.

11 A Which was directly beside the couch. And
12 Jimmy was sitting on that end of the couch asleep.

13 Q Okay.

14 A Then I was on the farther end of the same
15 couch watching the game.

16 Q So feet from your brother. I mean, you
17 all weren't that far apart.

18 A No.

19 Q Tell the judge if you will, what was the
20 lighting like in there. What?

21 A The living room light was on. The
22 kitchen light was on, and the television light was
23 on.

24 Q But again this is in the evening. I don't
25 know if you said 10:30ish?

Teresa Ford-direct by Meadors

1 A Yes, around half time.

2 Q So, your testimony you could, to the
3 judge, you could see inside your house?

4 A Yes, sir.

5 Q Tell the judge what happened at around
6 half time roughly. What happened?

7 A My door opened, and this guy walked in.
8 At first, I believed he was my niece's boyfriend.
9 So I am waiting for my other brother to walk in
10 behind him. So when the other guy walks in, I
11 realized, I don't know these people. You know,
12 now I am looking around trying to figure out what
13 is going on.

14 And that's when this second person that
15 walked in who I know now as Tony Lowery said to my
16 brother, "I am going to tell you, don't fuck with
17 me." So I am looking at my brother and he is
18 looking at me. By this time the first man that
19 walked in, the Abrams man, he was standing like in
20 the kitchen. And my trailer is very small. So he
21 was kind of like standing in the kitchen and the
22 living room at the same time.

23 And he had his gun. And he just keep
24 telling me, "Turn around shorty. Stop fucking
25 looking at me. Turn around and look at the

Teresa Ford-direct by Meadors

1 television." For some reason I couldn't keep my
2 eyes off of him.

3 Q When he was saying, "Stop F'ing looking at
4 me," how far was he from you at this point?

5 A Maybe about from the judge to me.

6 Q Judge, she describes 3 or 4 feet it
7 appears to me for the record. Can you tell us
8 what this person was wearing?

9 A He had it seemed to be a red tee shirt
10 tied around his head and a red jacket on.

11 Q Can you describe him physically?

12 A Slender built fellow. Slender face.

13 Q What about the other individual you said
14 that came in there?

15 A He was a little bit more stocky. He
16 didn't spend much time in the house.

17 Q Okay.

18 A You know, he was kind of like more in and
19 out.

20 Q Okay. So again for the sequence for the
21 judge, they come in and they say, where is what?
22 What did they say when they come in?

23 A Well Tony Lowery now that I know his name
24 is, he told my brother, he said "I am going to
25 tell you right now, don't fuck with me." And he

Teresa Ford-direct by Meadors

1 was like, "What you got." And my brother had like
2 maybe to me it looked like \$80 in his pocket. And
3 he was like, "I'd like your car. I am going to
4 check your car. Where are your car keys at." So
5 my brother took two of his fingers and pulled his
6 pocket open, you know. And he was like there you
7 go, take them. So he gets the keys and exits the
8 house.

9 Q Could you see him actually take your
10 brother's keys?

11 A Yes.

12 Q Was this Mr. Lowery wearing anything on
13 his head?

14 A No.

15 Q So you had an unobstructed view of his
16 head?

17 A Yes.

18 Q But you said something was on, Mr., the
19 other individual. For these purposes, the slim
20 build. What was on his head?

21 A A red tee shirt seemed to be tied around
22 his head.

23 Q The individual you describe as Lowery goes
24 out. Does he come back?

25 A Not back into the house, no.

Teresa Ford-direct by Meadors

1 Q Where does he come back to?

2 A Sounds like to the door, from the way his
3 voice sounds to me when he's calling the other guy
4 out of the house. It sounds like he was maybe
5 right there on the steps or something.

6 Q While he's outside, you are in there with
7 this slim person you said is wearing a red jacket
8 and it looks a red shirt around his head. How
9 long were you in there with this person?

10 A At the time, maybe 7 or 8 minutes.

11 Q During that time period it was just the
12 two of you in there?

13 A No, my brother and Mr. Jenkins.

14 Q And I meant of the two people that came
15 in. That was a terrible question. It was just
16 you and this other uninvited guest, I should say.
17 Were you looking at him?

18 A Yes, I couldn't stop for some reason.

19 Q And he said, "Quit F'ing looking at me."

20 A "Stop F'ing looking at me." Like, "Shorty
21 turn around and look at the TV." And he kept
22 turning the gun like this on a regular basis. He
23 was like, "Shorty turn around and look at the TV."

24 Q Did you keep looking at it?

25 A You know, every now and then I would turn

Teresa Ford-direct by Meadors

1 to the television, but I would always pop back. I
2 just couldn't keep my eyes off of him.

3 Q When this other person comes back to the
4 trailer, tell the judge what happens.

5 A He said, "Moe, let's go."

6 Q He said, "Moe, let's go."

7 A "Moe let's go." And the boy is still left
8 in the house. And the Abrams fellow, he's like,
9 "Are you straight." He's like, "Yeah, I'm
10 straight. "Let's get the fuck out of here, let's
11 go. Moe let's go." So he's now backing his way
12 out of the house. So I'm looking at my brother.
13 And my brother is looking at me. And, you know,
14 it's kind of to the point where we're getting
15 ready to exhale. You know, what was that all
16 about. You know, I'm trying to figure out what is
17 going on.

18 And by the time I got the breath out of my
19 chest, there was a lot of blood coming down my
20 brother's forehead. And I realized he was shot.
21 And so at that point, I just about -- I lost it.
22 And---

23 Q Let me ask you this much. Who was the
24 person or what was person wearing that shot your
25 brother?

Teresa Ford-direct by Meadors

1 A A red tee shirt on his head and a red
2 jacket.

3 Q And was that the same person that had
4 said, "Quit F'ing looking at me?"

5 A Yes.

6 Q The same person you had been for 7 or 8
7 minutes looking at?

8 A Yes.

9 Q The same person in there with the light
10 on, inside. And the game, TV on, same person?

11 A Yes.

12 Q Now later on in this investigation, did
13 you have an occasion to look at a lineup involving
14 Tony Lowery?

15 A Yes.

16 Q For these purposes, Your Honor, Mr. Lowery
17 is cooperating; he is testifying. You picked
18 Mr. Lowery out of a lineup; is that correct?

19 A Yes, sir.

20 Q Did you ever have an occasion, or did you
21 remember whether or not you looked at a lineup
22 regarding Mr. Abrams?

23 A No, I didn't.

24 Q You did not. Did you describe to law
25 enforcement the two people that came in to your

Teresa Ford-direct by Meadors

1 house and what they were wearing?

2 A Yes, I did.

3 Q And this gentleman back here, who is he in
4 the blue shirt?

5 A My stepfather.

6 Q Did you also -- was he there when you were
7 giving a description?

8 A No, he wasn't. I told him at a later
9 date.

10 Q And as a result of that, does he work or
11 did he work or still works at the El Cheapo Store?

12 A At that time he was.

13 Q And at that night these two individuals
14 and your brother had been in that El Cheapo Store;
15 correct?

16 A Yes, sir.

17 Q And, Judge, I am trying to speed it up.
18 Long and short of it, did you have the opportunity
19 to view a video in that El Cheapo's?

20 A Yes, sir.

21 Q And did you pick out anybody in that El
22 Cheapo's video?

23 A Yes, sir. I picked out both of the people
24 that entered my home.

25 Q Okay. Was the person in there that had

Teresa Ford-direct by Meadors

1 the red jacket and shirt on?

2 A Yes, sir.

3 Q And was the other person in there now you
4 have described as Lowery?

5 A Yes, sir.

6 Q Why did you pick them out of that video?

7 A Because I remember them from entering my
8 home.

9 Q And was that from what they were wearing
10 when you saw them on that video?

11 A Yes. And facial. I mean, and body
12 build.

13 Q Okay. Body---

14 A I just saw them; yes.

15 Q Now other than that, have you seen the
16 defendant Abrams since then?

17 A Only maybe twice in court.

18 Q Okay. Now going back to the date of this
19 incident May 19th 2009, and the time you spent in
20 your home; and did he have a gun?

21 A Yes.

22 Q Was the gun pointed at you?

23 A Yes.

24 Q And based -- listen to me, please. Based
25 on the time in your house that you spent with this

Teresa Ford-direct by Meadors

1 slim built person, wearing a red jacket and a red
2 shirt on their head and their gun, do you think
3 that, can you identify that person?

4 A Yes, sir.

5 Q You can.

6 A Yes, sir.

7 Q Can you identify them based on what you
8 saw that night?

9 A Yes, sir.

10 Q And based on that, is that person in this
11 courtroom?

12 A Yes, sir.

13 Q And would you please tell the judge where
14 that person is?

15 A He is right there, the white tee shirt and
16 striped tie.

17 Q And this has been almost two years; has he
18 changed any?

19 A His skin brightened up a little.

20 Q His skin has brightened up a little?

21 A Yes.

22 Q Other than that, that's your testimony
23 that that is the same person that you saw shoot
24 your brother.

25 A Yes, I will never forget this face.

Teresa Ford-direct by Meadors

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

3 THE COURT: Yes, sir.

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

5 THE COURT: Cross Examination, Mr. Brooks?

6 Cross Examination By Mr. Brooks:

7 Q Ms. Ford, were you the one that called the
8 police?

9 A No, sir. We tried, but we couldn't get
10 the fellows....

11 Q Who called police?

12 A I am not exactly sure.

13 Q Do you remember the first person you
14 talked to with the police about this incident?

15 A Maybe at the hospital. Whenever there was
16 a cop that came to my house, but I can't remember
17 exactly what he talked. But the first time anyone
18 tried to get any description or anything from me
19 that I can remember, it was at the hospital.

20 Q Okay. So do you, and is that because you
21 had rode to the hospital with your brother?

22 A No, I didn't.

23 Q How did you get to the hospital?

24 A My sister-in-law and my brother.

25 Q Your sister-in-law and your brother?

Teresa Ford-cross by Brooks

1 A Uh-huh. (affirmative.)

2 Q Now and you remember talking with somebody
3 with law enforcement?

4 A At the hospital; yes. It was a uniformed
5 officer.

6 Q Do you remember what he asked?

7 A The details; no, sir.

8 Q How did you end up going to El Cheapo's?

9 A That happened at a later date; that didn't
10 happen that night.

11 Q It happened at a later date?

12 A Yes. I didn't go to El Cheapo's that
13 night. Everybody went to the hospital.

14 Q How long between the time that the
15 incident occurred, and you went to El Cheapo's to
16 look at the video?

17 A Maybe a day or two.

18 Q Maybe a day or two.

19 A Maybe a day or two.

20 Q Okay. Do you know what, the way I
21 understand it, your children's father works at El
22 Cheapo's.

23 A My stepfather.

24 Q Your stepfather.

25 A Used to work there; yes.

Teresa Ford-cross by Brooks

1 Q And then they took you, the police took
2 you there to look at the video?

3 A No. No, sir.

4 Q How did you get there to look at the
5 video?

6 A Because my stepfather had made a comment
7 that he would be after he listened to my story;
8 that these guys were in the store, you know,
9 earlier that same night when Mark was in there.

10 Q Okay, I am trying to understand. You
11 said you made, your stepfather made a comment.
12 What...

13 A We're talking, and you're trying to figure
14 out exactly what was going on; what happened.
15 And, you know, I was like the dude with the red
16 on. And the other dude he was like, you know,
17 those sound like the same guys that were in the
18 store when Mark was in there earlier.

19 Q Okay. And do you know if this was like
20 right before or several hours before this
21 incident?

22 A It was right before.

23 Q It was right before. That's your
24 understanding?

25 A My understanding. There's a time code on

Teresa Ford-cross by Brooks

1 it.

2 Q Okay. And the police gave you lineups to
3 look at.

4 A One.

5 Q They just gave you one?

6 A One.

7 Q You immediately picked out Mr. Lowery; is
8 that correct?

9 A Yes.

10 Q But you told them you could identify both
11 guys; is that correct?

12 A Oh, yes.

13 Q And you're saying they never gave you a
14 lineup; a second lineup; is that correct?

15 A That's correct.

16 Q Even though you told them you could
17 identify them?

18 A That's correct.

19 Q Do you recall when you were given this
20 lineup in relationship to when the incident took
21 place?

22 A No, sir.

23 Q Now this incident took place?

24 A Midnight.

25 Q And would it be fair to say that you

Teresa Ford-cross by Brooks

1 picked Mr. Lowery out of a lineup, June 5th?

2 A I don't know if it would have been that
3 long. I am not sure on the dates; maybe 3 or 4
4 days at the max. I don't know. It was just so
5 much going on. My brother was on life support.
6 We were back and forth to Columbia. So dates and
7 times are kind of---

8 Q Dates and times are a bit confusing; is
9 that right?

10 A Yes.

11 Q And as a matter of fact, it's fair to say
12 you probably didn't look at the video until after
13 June 1st 09, after your brother had passed away;
14 isn't that correct?

15 A No, we looked before.

16 Q You looked before.

17 A We looked beforehand.

18 Q Okay. And you didn't identify Mr. Lowery
19 until after your brother had passed away; isn't
20 that correct?

21 A No, I wouldn't say that. Because they put
22 out -- they put it out on the television. And he
23 turned himself in.

24 Q So you picked out Mr. Lowery after his
25 picture had been put upon on---

Teresa Ford-cross by Brooks

1 A No.

2 Q ---TV?

3 A No. After I picked him out, that's when
4 they released the picture and put it on
5 television.

6 Q And this is after---

7 A And then he turned himself in. And I
8 guess that's when he implicated Mr. Abrams. And
9 that's maybe why I didn't get the lineup.

10 Q Okay. And so you didn't know Mr. Abrams
11 before then?

12 A No.

13 Q But knew Mr. Lowery.

14 A No.

15 Q You didn't know Mr. Lowery either?

16 A No.

17 Q But you picked him out of a lineup.

18 A Yes.

19 Q And you picked him out of a lineup after
20 your brother had passed away?

21 A I don't believe he had passed away yet.
22 They kept him on life support for 11 days. I do
23 not believe; it was 11 days.

24 Q Your brother passed away on June 1st; is
25 that correct?

Teresa Ford-cross by Brooks

- 1 A (Witness nods in the affirmative.)
- 2 Q Is that the lineup with Tony Lowery in it?
- 3 A Yes, it is.
- 4 Q Isn't that your signature?
- 5 A Yes, it is.
- 6 Q And your handwriting?
- 7 THE COURT: Speak up, please.
- 8 A Yes.
- 9 Q And your handwriting signifying the date
- 10 of June 5th 2009; is that correct?
- 11 A You are right.
- 12 Q So you had told the police Tony Lowery was
- 13 the one that was there several days after your
- 14 brother had passed away. And it's fair to say
- 15 that's probably 2 to 3 weeks after the incident
- 16 took place; is that correct?
- 17 A Okay. But I also picked him -- he was
- 18 also picked out of the lineup from the store too,
- 19 also, before that.
- 20 Q Oh really?
- 21 A Yes, really. He was picked -- Tony Lowery
- 22 was picked out of a lineup?
- 23 A Yes. And I believe that was what was put
- 24 on the television.
- 25 Q And that was put on the television?

Teresa Ford-cross by Brooks

1 A Yes.

2 Q Was any---

3 MR. MEADORS: Your Honor, at this point,
4 this is about Maurice Abrams, not Mr. Lowery.

5 THE COURT: Yes, sir. I fail to see the
6 relevance. Let's get to the issue here. We are
7 talking about identification of the defendant in
8 this case.

9 MR. BROOKS: It's our position that---

10 THE COURT: I don't want arguments. I
11 want questions and answers regarding the Biggers
12 factual identification of this witness. I mean,
13 of this defendant.

14 Q When did you let somebody in law
15 enforcement know that you could identify
16 Mr. Abrams?

17 A From the beginning. I, you know, like we
18 said from the beginning, I will never forget his
19 face.

20 Q And you relayed this to law enforcement.

21 A I relayed that to anybody who would
22 listen; I would never forget his face.

23 Q You never had a chance to pick him out of
24 a photo lineup; is that correct?

25 A No.

Teresa Ford-cross by Brooks

1 Q And how many people in law enforcement did
2 you tell this to that you could pick out Mr.
3 Abrams?

4 A I am not sure.

5 Q Was it one or two? Was it three or four?

6 A I mean, if you're asking me to guess, I am
7 not sure. I can't give you a solid answer on
8 that. I'm just being as honest as I can.

9 Q Okay. When did you first tell anybody in
10 law enforcement that you could pick out Mr.
11 Abrams?

12 A Maybe that night. You know, it was that
13 night I told him that I would never forget this
14 face. He kept pointing his gun in my face,
15 telling me to turn around and look at the TV.
16 "Turn around shorty. Stop looking at me. Stop
17 fucking looking at me." He was standing in my
18 home talking to me; so I will never forget that.

19 Q And isn't -- well isn't today the first
20 time you identified my client, Mr. Abrams, as
21 being in your house that evening? This is
22 actually the first time.

23 A In the courtroom.

24 Q But, you---

25 A No, I have been saying from day one he was

Teresa Ford-cross by Brooks

1 the one that was in there.

2 Q But you never picked him out of photo
3 lineup. You never told the police. You didn't
4 know who he was; correct?

5 A Correct. I didn't know his name or
6 anything, but I knew his face.

7 Q And you never asked the police for a photo
8 lineup?

9 A No, I didn't.

10 Q And this is the first time two years
11 later, that you can say physically, this is -- Mr.
12 Abrams was the one that was there.

13 A No, sir. I've been saying it from day one
14 he was the one in my house.

15 Q Who did you tell that to?

16 A Anybody that would listen.

17 Q When did you tell it to law enforcement?

18 A Law enforcement, I mean, I guess, whatever
19 detectives that talked with me. I can't write
20 down the names for you; like you said, it has been
21 2 years.

22 MR. BROOKS: I beg the court's indulgence,
23 Your Honor.

24 THE COURT: Yes, sir. But let's move on.
25 This is an issue, Mr. Brooks, and it should have

Teresa Ford-cross by Brooks

1 been brought to the attention of the court long
2 before it. No, sir; move on. Let's go.

3 MR. BROOKS: Judge, can I for the
4 record---

5 THE COURT: Mr. Brooks. Any further
6 questions of this witness?

7 MR. BROOKS: No other questions, Judge.

8 THE COURT: Yes, Mr. Meadors.

9 Redirect Examination by Mr. Meadors:

10 Q Is that the person that shot your brother?

11 A Yes, it is.

12 MR. MEADORS: Nothing further.

13 THE COURT: Redirect?

14 MR. BROOKS: No questions.

15 THE COURT: Step down. Mr. Meadors, any
16 other issues that we need to take up?

17 MR. MEADORS: That's all.

18 THE COURT: Nothing else?

19 MR. MEADORS: Nothing else.

20 THE COURT: Mr. Brooks, any testimony that
21 you wish to present on this issue?

22 MR. BROOKS: No, sir.

23 THE COURT: Mr. Brooks, now I will hear
24 from you in regard to, I take it you are moving to
25 suppress something, but I don't know what.

Teresa Ford-redirect by Meadors

1 MR. BROOKS: We would move for the
2 court -- we would move to suppress the in Court
3 identification of Ms. Ford of my client.

4 THE COURT: On what grounds?

5 MR. BROOKS: On the grounds that her
6 identification here is unduly suggestive. It's
7 not been actually corroborated. And an improper
8 foundation laid.

9 THE COURT: All right, slow down. Unduly
10 suggestive. What else?

11 MR. BROOKS: Unduly suggestive, Judge, in
12 regards to her now coming in to court two years
13 later. The first chance in identifying my client
14 sitting at the table.

15 THE COURT: Well that wasn't what her
16 testimony was. Her testimony was she had seen him
17 twice in court since then. Between now and then.

18 MR. BROOKS: But she did not identify him.

19 THE COURT: I understand that. But I want
20 now under the Biggers factors, what are the things
21 that you claim under Biggers that makes this
22 identification inadmissible?

23 MR. BROOKS: Just what we stated, Judge.

24 THE COURT: Sir?

25 MR. BROOKS: Just what I stated on the

1 record.

2 THE COURT: Summarize it for me.

3 MR. BROOKS: That it was unduly suggestive
4 to come to court at this point and time, to
5 identify my client the first chance two years
6 later. That's what our position is.

7 THE COURT: So if I am stating what your
8 objection is, is that you move to suppress the in
9 court identification on the grounds that it was
10 unduly suggestive for this witness to come in to
11 court at this time and ID him.

12 MR. BROOKS: That's correct, Judge.

13 THE COURT: Mr. Meadors.

14 MR. MEADORS: Please the Court, Judge, I
15 believe the witness testified it was her
16 opportunity to view the defendant at the time.
17 Described the lighting; the distance between
18 herself and this individual. And described that
19 this individual had some type of shirt over their
20 head and a red jacket.

21 She said that she looked at the person.

22 She said the person said, "Quit F'ing looking at
23 me." And she still kept on looking at him.

24 Described him as slender build. The other person
25 is a bigger build. Said she could see. Said she

1 saw him fire the weapon. After that Judge, she
2 did look at the video. In fact, it's my
3 understanding from the testimony that that person
4 was wearing the same thing the shooter was. I
5 don't necessarily think she was trying to say she
6 could tell on that video that that person was
7 wearing the same type outfit that this person was.

8 Judge, then her testimony was, she was
9 shown a lineup of Lowery. Picked Lowery out.
10 Her testimony is, what she has told me, she was
11 not shown another lineup. Since then she has had
12 the opportunity to see him I think, in at least
13 two hearings. And then today was the first in
14 court opportunity. I asked her, I said, do you
15 think you can pick him out. If I have to do it,
16 she said, I could. I said y'all have to pick him
17 based on the time you saw him. That's what I
18 asked her. That was her testimony.

19 We think that the LB Biggers factor that
20 there wasn't anything unnecessarily suggestive
21 previous. There really wasn't a lineup per se.
22 There was a video. For law enforcement purposes,
23 I think we were trying to identify who these folks
24 were. I think their testimony is, I feel that she
25 wasn't picking him based on that video. She

1 wasn't picking him based off the two prior court
2 experiences. But was picking the defendant out as
3 the person with the gun the night her brother was
4 shot.

5 THE COURT: Okay. Reply, Mr. Brooks?

6 MR. BROOKS: Judge, a red tee shirt over
7 their head. We feel like she couldn't identify
8 him. And just was unduly suggestive. She really
9 couldn't identify him based on her testimony here,
10 with the red shirt over their head. We just don't
11 think that there is enough here.

12 THE COURT: Tell me what was suggestive.
13 That's where I guess I am losing out. What have
14 the -- what has been done to suggest that the
15 defendant in this case is the person that she saw?
16 What is suggestiveness? I don't quite, I am not
17 following you.

18 MR. BROOKS: One of the things that if my
19 memory serves me correct by the testimony, she was
20 talking about pictures being on the news. I don't
21 know if she's talking about my client or whether
22 she's actually talking about Mr. Lowery.

23 THE COURT: I thought it was very clear.
24 She said there was no pictures on the news of your
25 client until after. In fact, I don't think -- I

1 am not even sure she said there were ever any
2 pictures of your client on the news. There were
3 pictures of Mr. Lowery on the news. But that
4 wouldn't make -- that wouldn't affect.

5 MR. BROOKS: I understand, Judge. I was
6 just trying to -- some of what she has testified
7 was a bit confusing. Because a lot of my
8 questions went to, who did you talk to and when
9 did you talk to him. And before, she said she
10 really couldn't remember; things were confusing.

11 THE COURT: Well I agree with all that.
12 And that goes to her credibility. And you have a
13 right to ask that. But how does that make the
14 identification unduly suggestive? It may go to
15 credibility, but It doesn't have anything to do
16 with suggestiveness of the identification.

17 MR. BROOKS: Well our position it would be
18 considered. My client is the only one sitting at
19 the table. This is the first time she's
20 identified my client.

21 THE COURT: Okay. Counsel, we will take
22 10 minutes.

23 (Whereupon, the Court Breaks.)

24 THE COURT: We are back on the record in
25 the case of the State versus Maurice Abrams,

1 09-GS-43-885. The matter before the court is the
2 motion from the Defense to suppress the in-court
3 identification of the defendant by the witness
4 Ms. Ford as being unduly suggestive. The position
5 being that it was unduly suggestive for her to
6 come to court at this time and to point out the
7 defendant. The matters are controlled of course
8 by the U.S. States Supreme Court of Neal vs.
9 Biggers, 409 U.S., 188. There the U.S. Supreme
10 Court held in 1972, that the test is to determine
11 whether a substantial likelihood of
12 misidentification and evidence concerning the out
13 of court identification by the victim was
14 admissible.

15 And the court held that they are 5 factors
16 to be considered in evaluating the likelihood of
17 misidentification, because of suggestiveness of
18 the confrontation procedures for purposes of
19 determining admissibility of testimony concerning
20 out of court identification. These 5 factors
21 often referred to as the Biggers factors are
22 first, the opportunity of the witness to view the
23 criminal at the time of the crime. Second, the
24 witness' degree of attention. Third, the accuracy
25 of the witness' prior description of the criminal.

1 Fourth, level of certainty demonstrated by the
2 witness at the confrontation. And fifth, the
3 length of time between the crime and the
4 confrontation.

5 These factors has been adopted in South Carolina as
6 well. And whenever there is any question, the case of
7 the State versus Simons requires an in camera hearing to
8 determine the voluntariness -- or not the voluntariness;
9 to determine the suggestiveness of the identification.
10 There are other cases that have dealt with such things
11 as show up identification, but that's not the issue
12 here.

13 But in State versus Lewis, 580 S.E. 2nd
14 149, the Supreme Court held that in determining
15 the admissibility of out of court identification,
16 the court must first determine whether the
17 identification process was unduly suggestive. And
18 it next must determine whether the out of court
19 identification was nevertheless so reliable that
20 no substantial likelihood to misidentification
21 existed.

22 In this case, the witness Ms. Ford,
23 testified that she had very good opportunity to
24 view the crime at the time that the witness --
25 that the defendant was only 3 or 4 feet away from

1 her; that she looked at him. Even though he kept
2 telling her to look away. She looked at him, and
3 got a good view of him. She kept looking back at
4 him, even though he told her not to look any
5 further. But I would find that she had an
6 excellent opportunity to view the defendant at the
7 time. I would also find that her degree of
8 attention would heightened by the exigencies of
9 the circumstances surrounding the case. She was
10 aware that somebody was there pointing a gun at
11 them. And her degree of attention was very alert.

12 The third factor, the accuracy of the
13 witness' prior description of the defendant.
14 There is no record of a prior description. But
15 the description that she gave of the man in her
16 house matches the description of the individual in
17 this video. And I think that corroborates the
18 accuracy of her prior description. And, but most
19 important, and I think the fourth factor of
20 Biggers is the level of certainty demonstrated by
21 the witness at the confrontation. And she
22 testified that she was absolutely certain that
23 this is the man who was in her house.

24 The fifth factor of the length of time
25 between the crime and the confrontation. There

1 has been about 2 years since this crime has been
2 committed, but she has seen the defendant a couple
3 of times since then. And it's not like she had not
4 had any contact with him. And I find no evidence
5 whatsoever of any suggestiveness by any law
6 enforcement or anyone else that this was the
7 defendant, or that this defendant is the person
8 who committed the crime.

9 Therefore, it is the court's determination
10 that the identification process is not unduly
11 suggestive, and that the out of court
12 identification is so reliable that there is no
13 substantial likelihood of misidentification. And
14 therefore, the identification of Ms. Ford of this
15 defendant is admissible. Mr. Meadors, anything
16 else before we bring the jury in?

17 MR. MEADORS: I beg the court's
18 indulgence.

19 MR. MEADORS: No, sir.

20 THE COURT: Mr. Brooks?

21 MR. BROOKS: No, sir, judge.

22 THE COURT: Anything before the jury is
23 sworn?

24 MR. MEADORS: Can we approach, Judge, on a
25 small matter?

1 THE COURT: Yes.

2 (Whereupon, the attorneys confer with the
3 judge at the bench.)

4 THE COURT: Mr. Bailiff, bring the jury
5 please.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: Thank you, Ladies and
9 gentlemen. Thank you for your promptness in being
10 back here. And I do apologize for keeping you
11 waiting in the jury room. It is one of the things
12 I try very hard not to do, and that is to avoid
13 keeping jurors waiting unnecessarily in the jury
14 room. And when we broke before lunch, I fully
15 expected to start at 2:15 or the time I told you
16 to come back.

17 However, there was a legal issue that came
18 up that had to be addressed. It took a little
19 longer than I had expected. And that was the
20 reason we had you waiting in the jury room for the
21 45 minutes. But it was something that we had to
22 address, and that has now been taken care of. But
23 I do apologize for keeping you waiting in the
24 jury room during the period of time. And it was
25 absolutely necessary. It is not something that I

1 could have avoided.

2 Now there are couple of things that I want
3 to tell you before I have you sworn. We are now
4 ready to go forward with the trial of this case.
5 And I will tell you that later on in this case,
6 one of the 12 members of the principal jury will
7 be selected as the foreperson of the jury. I will
8 either select a foreperson or I will allow you to
9 select the person to be the foreperson of this
10 jury.

11 When that person is selected, he or she
12 should always sit at this first seat on the front
13 row here. This will be the foreperson's seat.
14 The rest of the seats in the jury box are not
15 reserved, and it does not matter what order you
16 come and go from the courtroom. I would simply
17 ask that you go all the way down so that it
18 wouldn't be a situation of crawling over one
19 another. But you do not have any reserved seats
20 in the jury box, except the seat where the
21 foreperson is sitting. Of course the alternates
22 should always sit in the seats where they are
23 seated in. One alternate here and one alternate
24 on the second row in the first seat up here. But
25 the rest of the seats are not reserved. And you

1 can sit in any of the seats in the jury box as we
2 go forward with this trial. Reserving the first
3 seat on the front row for the foreperson when that
4 foreperson is selected.

5 But we are now ready to go forward. And
6 the next order of business is for the clerk to
7 swear the jury panel for me, please.

8 (Whereupon, the jury is sworn.)

9 THE COURT: Ladies and gentlemen, I have
10 just a few opening comments that I want to tell
11 you in this case. I know all of you have seen
12 trials on television, but I think you are going to
13 find that it is a great deal different in real
14 life. But I do want to give you a little bit of
15 an outline in connection with this trial.

16 The defendant in this case has pled not
17 guilty to the charges against him. That plea of
18 not guilty places the burden of proof on the State
19 to prove the guilt of the defendant beyond a
20 reasonable doubt. A defendant does not have to
21 prove anything. It is up to the State and is a
22 requirement of the State that they prove the guilt
23 of the defendant beyond a reasonable doubt. A
24 defendant in a criminal case is presumed to be
25 innocent of the charges against him until the

1 State has proven those charges against him beyond
2 a reasonable doubt.

3 Now what is a reasonable doubt? And I
4 will give you more detailed instructions on that
5 later on. But a reasonable doubt is basically the
6 kind of doubt that would cause a reasonable person
7 to hesitate to act. The State does not have to
8 prove a defendant guilty beyond all doubt, but
9 beyond a reasonable doubt. And I will, as I say,
10 give you more detailed instructions on what a
11 reasonable doubt is at the end of this trial.

12 Now the State will first, the first order
13 of business in any trial of course is the matter
14 of opening statements. The defendant -- the State
15 will make an opening statement. And that is
16 basically an outline to tell you what the State
17 expects the evidence will show. The defendant may
18 if he wishes to make an opening statement, but he
19 doesn't have to. Because of that same reason that
20 I have just explained to you that a defendant does
21 not have to prove anything. It is up to the State
22 to prove the guilt of the defendant beyond a
23 reasonable doubt. But opening statements by the
24 State or the Defendant are not evidence in this
25 case. Neither are the questions of lawyers

1 evidence in this case. Or the objections of the
2 lawyers. None of those matters are evidence in
3 this case.

4 The evidence in this case will consist of
5 the testimony you hear from this witness stand;
6 As well as, any exhibits that may be introduced in
7 to evidence. You will then at the conclusion of
8 the state's case and the conclusion of all of the
9 testimony, the lawyers will then have an
10 opportunity to make what is called a closing
11 statement or summation to you. And that is simply
12 again, it is not evidence in the case, but it is
13 simply the lawyer's views of what they think the
14 evidence shows.

15 After they have concluded their summations
16 to you, I will then give you instructions on the
17 law, and you will then take those instructions
18 and apply that law to the facts as you may find
19 them to be and arrive at a verdict in this case.
20 But as jurors in this case, it is up to you to
21 determine what the facts are. It is up to me to
22 determine what the law is. And I will determine
23 what the law is and instruct you on what the law
24 is. But It is up you the jury to make a
25 determination as to what the facts are in this

1 case.

2 So it is incumbent upon you to pay strict
3 attention to the testimony. Listen to the
4 witness' testimony and to any exhibits that have
5 been introduced into evidence so that when you
6 retire to the jury room, you will have a good
7 understanding of the facts. Because you are the
8 one that is going to have to make a determination
9 as to what the facts are. Another factor that you
10 may have to weigh in determining this, is the
11 credibility of witnesses. Credibility is simply a
12 legalistic term which means believability. And it
13 will be up to you the jury, to determine which
14 witnesses to believe and which witnesses not to
15 believe. Or which testimony to believe and which
16 testimony not to believe. That is what the juries
17 in the cases do. They make a determination of the
18 facts and apply the law the court gives to them to
19 the facts that they determine in the case, and
20 that is how a verdict is reached.

21 So the first order of business to go
22 forward at this time is the matter of opening
23 statements. And for that purpose, I will
24 recognize Solicitor Meadors.

25 MR. MEADORS: Please the Court.

1 THE COURT: Yes, sir.

2 MR. MEADORS: "Quit fucking looking at
3 me." The words, the words Maurice Abrams screamed
4 at Teresa Ford moments before he put a bullet in
5 her brother's head, Markeith Ford. That's what
6 this case is about. The senseless, the senseless
7 killing, murder of Markeith Ford. Excuse me for
8 cussing.

9 May It Please the Court, Mr. Manning, Mr.
10 Brooks, Ladies and gentlemen of the jury, my name
11 is John Meadors. I am an Assistant Solicitor here
12 in Sumter County. The Third Judicial Circuit,
13 along with Mr. Glen Manning who will be trying
14 this case. We have the honor and the pleasure of
15 working for the elected solicitor, Solicitor
16 Finney. Ernest Finney, III, Chip Finney. And we
17 are here on behalf of Solicitor Finney
18 representing the people of the State of South
19 Carolina; to the people of Sumter against the
20 defendant, Maurice Abrams.

21 Ladies and gentlemen, this isn't a
22 complicated case. You are not going to be here
23 two weeks on end as you see in some cases. But it
24 is an important case. And it is an important case
25 to the defendant, Mr. Abrams. And it is an

1 important case to Teresa Ford and her family. It
2 is an important case to the State and Sumter
3 County. He has been charged with several crimes
4 as His Honor told you. The first is murder. And
5 what I am briefly going to do now, Ladies and
6 gentlemen, this is called opening statements. And
7 His Honor said we don't need to take long up here.
8 And I don't. But it's to give you a brief
9 overview of what we think the facts will be, what
10 we believe the evidence will be as it comes from
11 this witness stand. And briefly touch on the law.
12 His Honor has already done that.

13 But the Sumter County grand jury has
14 charged the defendant Mr. Abrams with several
15 counts. Several charges. And it's being brought
16 before you here today to decide. As Your Honor
17 said, the defendant is presumed innocent. He is
18 presumed innocent. It's a beautiful concept. And
19 he's presumed innocent unless and until the State
20 proves him guilty. And you all know what it is;
21 the judge said beyond a reasonable doubt. Beyond
22 a doubt that would cause reasonable people to
23 hesitate to act.

24 And how do we do that? We do that by
25 calling your witnesses. And you judge the

1 credibility or believability and then you all
2 decide the truth. What is murder. You all know
3 it. You can say exactly what it is. Murder is
4 the unlawful killing of another human being. It's
5 the intentional killing of another living,
6 breathing human being with malice aforethought.
7 That malice, that word just sounds bad; doesn't
8 it? Malice is a meanness, an evilness, a
9 wickedness, a spitefulness one person shows to
10 another.

11 It can be express, I am going to kill you.
12 Or in certain circumstances depending on the facts
13 it is permissible to infer it. In this case,
14 depending on the evidence you may be able to infer
15 it by the use of a deadly weapon; the victim
16 sitting in a chair and shot in the head. Malice.
17 So the State must prove to you that on May 19th
18 2009, the defendant did shoot and kill Markeith
19 Ford, a living, breathing human being with malice
20 aforethought; and that he died as a proximate
21 result thereof.

22 You will actually see that he was in the
23 hospital 11 days. And then died 11 days later.
24 We will have a pathologist get up and explain the
25 cause of death. But that's the first charge, the

1 defendant Maurice Abrams is charged with murder.
2 The second is armed robbery. Taking and carrying
3 away from the person or the presence of another,
4 the goods of that person while armed with a deadly
5 weapon. Armed robbery, you know what it is.

6 What's the other charge? Burglary first.
7 Entering someone's house without consent with the
8 intent to commit a crime. Burglary first can be
9 because it is at nighttime or it can be because
10 the person is armed with deadly weapon. Both of
11 which we believe the evidence will show in this
12 case.

13 And finally, the final charge against the
14 defendant is possession of a firearm during the
15 commission of violent offense. That's kind of
16 self explanatory. Ladies and gentlemen, there are
17 several, several types of evidence I am going to
18 briefly suggest to you that you will hear. One of
19 them is direct evidence as His Honor said. And
20 that's evidence that when the witness takes the
21 stand, then they will tell you -- they tell you
22 what they experienced with one of their senses.
23 And then they convey it to you all. I heard it.
24 Directed it. I smelled it. I tasted it: I
25 touched it. And here's what it was. That's

1 direct evidence.

2 Some other evidence you might hear as
3 circumstantial evidence. Proof of this fact and
4 this fact, leads to the conclusion of this fact.
5 You went to bed last night. There wasn't snow on
6 the ground, it snowed. Circumstantial evidence.
7 Documented evidence, pictures. Some forensic
8 reports from the South Carolina Law Enforcement
9 Division. You will see all those types of
10 evidence.

11 One other particular type of evidence you
12 are going to see in this case is co-conspirator
13 evidence. Two other people were charged with
14 this. His Honor read out the names on the witness
15 list. Frederick Owens and a Tony Lowery.
16 Co-conspirator testimony. They are allowed to
17 come in and testify what they heard and saw that
18 was in the act of in furtherance of a conspiracy.
19 You will hear from them. You will be able to
20 evaluate it. You will be able to decide if they
21 are telling the truth and what they saw. You are
22 going to hear that type of evidence,
23 co-conspirator evidence.

24 Ladies and gentlemen, what happened. Very
25 briefly, back on May 19th 2009, I believe the

1 evidence will show that Maurice Abrams, Tony
2 Lowery, Frederick Owens, and another individual,
3 that may or may not get named in this trial. I
4 don't know; had decided and a decision was made
5 that they were either going to with all due
6 respect to the family; they may have been going to
7 get some drugs or money from the victim. You are
8 going to hear the testimony. At some point it was
9 decided and we believe the evidence will show, he
10 is a fellow that doesn't have a gun. Let's don't
11 pay him anything, let's just take it; we believe
12 the evidence will show.

13 So on May 19th 2009, these three
14 individuals, and maybe four, go to No. 2 West
15 Newberry Avenue here in Sumter. They will tell
16 you they were watching the Lakers ball game. She
17 is going to tell you about that; what she saw.
18 She is going to be the first witness. I want you
19 all to listen. Evaluate her when she testifies.
20 She said she is in there with Jimmy Jenkins, her
21 uncle. And with the late Markeith Ford, her
22 brother. Sitting right beside her. Half time in
23 the Lakers game. They come in.

24 At first she doesn't even realize what is
25 going on. Thinks she might know them; I believe

1 she will say. And then all of a sudden one of the
2 folks says: Where is the money. And uses the N
3 word. Where is the money, I know you got it.
4 Takes the keys out of Markeith Ford's hands. Goes
5 outside and starts searching for something. Money
6 or something. And I believe then Ms. Ford's
7 testimony will be that she is inside; with a
8 slender person with an orange jacket and a shirt
9 around his head. And she is looking at him. He
10 is looking at her. Her brother is there. Her
11 uncle is passed over on the couch, I think she
12 will say.

13 And then he says those words, "Quit F'ing
14 looking at me." She looks back and forth. She
15 looks back and forth. At some point we think the
16 evidence will show, one of these two folks comes
17 back to the door, back to this house right where
18 Markeith Ford is. Right where Teresa is. And
19 then they say, " We got it, Moe. We got it Moe,
20 let's go." Remember that. The evidence will
21 show, "We got it, Moe, let's go." Whatever they
22 were doing, it was over. And so they left.

23 We believe the evidence will show, and you
24 will hear from several witnesses that Moe, Maurice
25 Abrams for some reason, took it one more step that

1 ended the life of Markeith Ford. That's what this
2 case is about. The senseless killing of Markeith
3 Ford. His Honor touched on it, and I will close
4 with this. We all have our roles here, Mr.
5 Brooks, the solicitor, myself. His Honor is the
6 judge of the law. He is the law. But with all
7 due respect to His Honor, you all are the more
8 important players here. It's like you have a,
9 speaking of basketball team. This is our office.
10 Every week in and week out, we have a most
11 valuable player. And that's you all. And you all
12 determine what the outcome of the game is. But
13 it's no game. It's nothing more serious. And
14 that's the way it should be.

15 You come in. You bring your common sense.
16 You look and evaluate the witnesses, and you,
17 Ladies and gentlemen, decide what the truth is.
18 And we respectfully submit that when you've heard
19 the evidence in this case and you listen to the
20 witnesses, the truth will be, and your verdict
21 will be that on May 19th 2009, Maurice Abrams took
22 the life of Markeith Ford for no reason at all.
23 Thank you.

24 THE COURT: Mr Brooks, does the defendant
25 care to make an opening statement?

1 MR. BROOKS: Yes, sir.

2 THE COURT: You may.

3 MR. BROOKS: The reason why we have the
4 system that we have set up is for the defendant.
5 In this case, my client, Maurice Abrams is sitting
6 there, he is presumed innocent. We want to make
7 sure you keep that in mind. There will be a lot
8 of things asked about here over the next couple of
9 days. But I am sure being good sound folks that
10 you are, you will keep an open mind and listen to
11 these things. And to think back on what Solicitor
12 Meadors talked about, you will sit down and you
13 evaluate the people that get up on this stand and
14 testify before you here today and tomorrow and on
15 Wednesday. And really keep an open mind and
16 listen to what they have to say.

17 Now with that in mind, I heard Solicitor
18 Meadors talk about basketball and who's the MVP.
19 Well I want to take you to another game; that is,
20 football. And one of the things I want to point
21 out to you is, my client is presumed innocent.
22 We, it's not our job to score. We don't have to
23 prove anything to anybody. That's what my client
24 has; being a citizen here in this country and in
25 this State.

1 And what I mean by a game of football is,
2 the Solicitor's Office can't just get the ball
3 across the 50 yards. They have got to get the
4 ball in the end zone. And they have to prove this
5 case. You are going to hear from these witnesses,
6 and Solicitor Meadors just talked to you about.
7 Like I said, you are going to hear certain
8 problems, certain issues come up that will
9 question whether or not you should believe it or
10 not. Okay. Keep in mind that we will go along
11 with the state's ability to see if they can get
12 the ball into the end zone. It's not enough to
13 get the ball across the 50.

14 This isn't a public opinion poll, get out
15 of Afghanistan, get out of Iraq. This is a very
16 serious matter where the State comes in here and
17 must prove their case beyond a reasonable doubt.
18 What do we mean by reasonable doubt? Think about
19 it. If you want to think about it from a merit
20 standpoint, you have got to be at 95, 96,
21 97 percentile. It can't be, well, I think he
22 might have been. Should have been. I would like
23 to get more. If you get that type of situation
24 based on the law, and the judge will tell you that
25 my client is presumed innocent. Bear in mind that

1 this is just an open ground of a trial that you
2 have the opportunity to hear.

3 And I am sure you guys are bubbling up
4 with enthusiasm about listening to all this.
5 Because I am sure there are probably a whole bunch
6 of other places you would rather be. But you get
7 the opportunity to sit and listen to a trial; that
8 you will go home after it is all said and done and
9 tell the folks about your experience of being on
10 this trial. And I know you probably think I am
11 crazy, but this is the opportunity as Mr. Meadors
12 did say, you are the MPV's, because it really
13 matters. And really cutting to the chase what it
14 is going to boil down to, do you believe what
15 these people in the State will bring up. If you
16 believe what they have got to say about my client.
17 Do you believe them. When push comes to shove, do
18 you believe them despite the issues that will come
19 out when you get up on the stand.

20 Mr. Meadors didn't tell you all these
21 things. You will get a chance to listen to them.
22 I am sure you heard before, things that are
23 necessary for a goal. And sometimes everything is
24 not really what it appears to be. So keep that
25 with an open mind. And keep in mind that my

1 client Maurice doesn't have to prove anything. He
2 doesn't have to prove anything at all. We don't
3 have to prove any law. They have to prove the law
4 not past the 50, not past 25. They have to get
5 the ball in the end zone to prove their case
6 beyond a reasonable doubt. Anything shorter than
7 that you must resolve in favor of Maurice if you
8 follow the law as the judge will instruct you. I
9 am confident that after a couple of days of
10 testimony that the Solicitor's Office will
11 present, and maybe some testimony we may present;
12 we don't have to, but we may choose to. But after
13 all of that testimony is the heard, and all the
14 things you have seen here today, you will find the
15 State if they don't get the ball in the end zone,
16 if they don't prove their case as a result, you
17 will come back with one verdict, not guilty.

18 And so I would ask you to sit back and
19 relax, keep an open mind and listen to this
20 testimony that you are going to hear. Stories
21 abound, you will hear the law. And I think that
22 as I've said at the very end, you will resolve
23 this matter in favor of my client. Thank you.

24 THE COURT: Mr. Meadors, you may call your
25 first witness.

1 MR. MEADORS: The state would call Teresa
2 Ford.

3 Teresa Ford, Being first duly
4 sworn, testified as follows:

5 THE CLERK: State your full name and spell
6 your last for the record.

7 A Teresa Ford. F-O-R-D.

8 DIRECT EXAMINATION By Mr. Meadors:

9 Q Good afternoon, Ms. Ford.

10 A Good afternoon.

11 Q I want you to tell the jury a little bit
12 about you. How old are you?

13 A I am 38-years-old. I graduated from
14 Sumter High in 1991, with an the academic diploma.
15 I was accepted to the College of Charleston on a
16 Business Administration. I got a degree in
17 Computer Science. But I ran in to life; got
18 pregnant, and decided to follow my studies here.
19 I went to USC Sumter for a year and a half. Had
20 another baby, so had to work; which I was employed
21 by Carolina Golden Products for 6 years. Moved on
22 from different jobs. I picked up a trade as a
23 house painter.

24 Q Let me ask you before you did that, did
25 you go to -- you went to USC Sumter?

1 A Yes, sir.

2 Q For how long?

3 A A year and a half.

4 Q What did you major in then when you were
5 there?

6 A Business Administration, minor in Computer
7 Science.

8 Q And after that, what did you do?

9 A Worked at Carolina Golden Products.

10 Q What did you do there?

11 A Started off as a grader, which was to
12 check the quality of the birds, you know, making
13 sure everything was USDA graded. Or if they had
14 flaws or anything on them. After doing that for
15 awhile, I advanced to a scaling job where I would
16 take the weight of different types of meat that
17 has been cooked, you know, and cut up for
18 different purposes.

19 After doing that, I became a lead scaler
20 where to my job was simply just to do my
21 supervisor's paperwork, and order different
22 supplies as needed.

23 Q You kind of moved up.

24 A Moved up the ladder, yes.

25 Q What happened? What did you do after

1 that?

2 A After that, for a while I worked at
3 Federal Mogul, which is a power trans system, and
4 I became a senior machine operator.

5 Q Did you ever work at the Sumter Item?

6 A Yes.

7 Q When was that?

8 A That was later on.

9 Q Okay. I apologize. Keep going, I am
10 sorry.

11 A After I worked at Federal Mogul for a
12 while, I opened my own business. And I wanted --
13 I ran the Lafayette Quick Shop for about 2 years.
14 After that, became employed at the Sumter Daily
15 Item.

16 Q What did you do at the Daily Item?

17 A I started off as just an installer.

18 Q Circulation or?

19 A Yes; I was working in distribution where I
20 was just, you know, add sales paper to the paper,
21 is the easiest way to say it. And for about a
22 year I was running the department. I was the lead
23 person in distribution, where I ran a machine part
24 in there that inserted the sales papers into the
25 newspapers. And separated routes; papers to go to

1 this place and that place.

2 Q Okay. And what about, you already said
3 you have your own painting company or you painted?

4 A Yes, I have painted on and off for like 15
5 years.

6 Q And how many children do you have?

7 A I have three boys.

8 Q Now without any victim impact evidence,
9 and I'm not trying to do that to the court. But
10 very briefly you appear to be in a state where you
11 aren't feeling well.

12 A That's right.

13 Q Now did that come on after this incident?

14 A Yes, it did.

15 Q Not related to this incident at all.

16 A No.

17 Q But have some sort of illness, and that is
18 why you -- your condition here today.

19 A Yes.

20 Q And I am sorry. You have cancer; correct?

21 A Yes.

22 Q Now let's go back to May of 2009.

23 Specifically this incident we are all here about
24 today, May 19th. Okay. What were you doing? Not
25 that night yet, but in the life what were you

1 doing then?

2 A I'm getting ready for the play off games.

3 Q Were you working then?

4 A I was painting.

5 Q And you were a basketball player.

6 A Die hard Lakers fan; yes.

7 Q And is that one thing that helped you to
8 remember this time period too, let's say.

9 A Yes.

10 Q So on May 19th 2009, who was playing?

11 A L. A. Lakers and Denver Nuggets, Game 5.

12 Q Who was leading going in to the game?

13 A It was tied up. This was a pivotal game.

14 Q And do you remember at what -- how far the
15 game had progressed before this incident happened?

16 A It was just down in half time. And Fisher
17 got a 3-point shot. That gave us 1 point lead
18 going in to half time.

19 Q And you remember that.

20 A I remember that; yes. Big game.

21 Q And where are we?

22 A Home.

23 Q I am sorry. And where is home?

24 A 2 West Newberry Street.

25 Q 2 West Newberry Street. Here in Sumter

1 County.

2 A Yes, sir.

3 Q Can you tell the ladies and gentlemen of
4 this jury who all was that; this is your house?

5 A Yes.

6 Q Who lived there before this incident?
7 That time period, who was staying at your house?

8 A Me and my three sons.

9 Q And what ages were they?

10 A 18, 17, 16.

11 Q Now this night half time for the Lakers
12 game, who was at your house, if anybody?

13 A At this time, half time, my oldest son was
14 there. He was leaving. Another acquaintance that
15 I recall, Goody, he was walking out the door the
16 same time my son did.

17 Q And I am sorry, who?

18 A Goody, somebody that's in and out. And
19 Jimmy Jenkins. And I was waiting on my brother to
20 get there.

21 Q Who is Jimmy Jenkins?

22 A My cousin-in-law.

23 Q But does he live with, did he leave with
24 you then all the time, or was he just visiting,
25 watching the game?

1 A Watching the game.

2 Q And you said your brother. Who was your
3 brother; is your brother?

4 A Markeith Ford.

5 Q And was he watching the game that night?

6 A I was waiting on him to get there. He was
7 not there yet.

8 Q He got there; correct?

9 A Yes. And could you describe to the jury
10 your place specifically, like you are watching the
11 game right now? Tell us where you where. Where
12 Mr. Jenkins was. Where your brother ended up
13 sitting.

14 A Well if this would be the end of my couch,
15 my brother's chair would be here. As a fisher, he
16 would tote around his chair; a fisherman's chair.
17 He would sit here. Jimmy would be sitting in this
18 corner. And I would be about right here, excuse
19 me, on my corner of the couch. And that's how we
20 were lined up. The television was in front of us
21 watching the game.

22 MR. MEADORS: Your Honor, and I beg your
23 indulgence. We will have these premarked for
24 tomorrow. I apologize, if I could just have one
25 second.

1 THE COURT: I understand. That's fine.
2 Go ahead. It is likely that there will be
3 physical items, documents, photos or whatever
4 offered into evidence in this case. If that
5 happens, the lawyers may ask to be allowed to
6 publish those exhibits to you. And publish is
7 simply a legalistic term meaning to show you those
8 exhibits. And I will more than likely grant the
9 lawyers the right to show you those exhibits while
10 you are sitting in the jury box. And to pass them
11 around while you are in the jury box.

12 Do not be concerned that you do not have
13 as long to look at the exhibits as you would like
14 to when you are sitting there in the jury box.
15 Anything that is admitted into evidence will go
16 with you to the jury room when you retire to
17 deliberate your verdict. So you will have ample
18 opportunity to study the exhibits for as long as
19 you might like.

20 (State's 2-5 premarked for ID only.)

21 Q Ms. Ford, May it please the Court.

22 THE COURT: Yes, sir.

23 Q I am just going to ask you to look at
24 State's 2, 3, 4 and 5. Just if you will let the
25 court know, do you recognize them? And do they

1 relate to this? That's all for right now. That's
2 No. 2. That's in with this. Does it relate to
3 this? Does it relate to what we are talking
4 about? Do you recognize it?

5 A Yes.

6 Q Does it now accurately reflect it? And
7 that's 2? You said yes?

8 A Yes.

9 Q What about 3?

10 A Yes.

11 Q 4?

12 A Yes.

13 Q And 5?

14 A Yes.

15 THE COURT: Are they being offered in to
16 evidence, Mr. Meadors?

17 MR. MEADORS: Your Honor, State's 2, 3, 4
18 and 5, I believe without objection.

19 THE COURT: Any objection?

20 MR. BROOKS: No.

21 THE COURT: Admitted into evidence as
22 State's No. 2, 3, 4 and 5 without objection.

23 MR. MEADORS: May I approach?

24 THE COURT: Yes, sir.

25 Q The couch, now I am going to show you

1 State's Exhibit No. 2. Is that the couch you
2 described?

3 A Yes.

4 Q Can you show the jury where you were
5 sitting on the State's Exhibit?

6 A Here.

7 Q And Mr. Jimmy Jenkins, where was he?

8 A Here.

9 Q And your brother.

10 A Here, he in the corner in his chair.

11 Q That blue there at the corner chair;
12 correct?

13 A Yes.

14 Q And how close is that, looking down at the
15 bottom of the State's Exhibit 2, can you actually
16 see how close the chair is to the couch?

17 A Yes.

18 Q And is it just right there?

19 A Yes. It's a very small trailer.

20 Q There may be a different view, I don't
21 know. State's No. 4, is that also a view of the
22 couch?

23 A Yes.

24 Q And that's showing the chair?

25 A Yes.

1 Q And again, your brother, please point to
2 where your brother was sitting?

3 A Right here.

4 Q And did you and your brother arrive before
5 all this stuff happened?

6 A Yes, he did.

7 Q And I am going to show you what's marked
8 as State's Exhibit No. 3. Specifically where the
9 tag is, do you recognize that?

10 A That's the front door of my house.

11 Q The front door of your house.

12 A Yes.

13 Q Can you see the chair through the front
14 door?

15 A Yes, it's right there.

16 Q And actually if you go back to No. 4, is
17 the front door too?

18 A Yes.

19 MR. MEADORS: Your Honor, can I hand this
20 to the jury?

21 THE COURT: Yes, sir. Can you pass those
22 around.

23 Q And is State's No. 5 is just kind of a
24 closer up picture of that chair?

25 A Yes, it is.

1 Q When your brother gets to your residence,
2 did you know he was coming?

3 A Yes.

4 Q Did he plan to come and watch the game?

5 A Yes.

6 Q And when he got there, how long was it
7 before the incident happened?

8 A Between 3 and 4 minutes.

9 Q Was that his chair?

10 A Yes.

11 Q Is that where he sat?

12 A Yes.

13 Q Everybody -- everybody has got a chair?

14 A Yes.

15 Q That was his chair.

16 A His personal chair. He toted it around in
17 the trunk of his car with him.

18 Q It was his personal chair.

19 A Yes.

20 Q He gets there. You said it is half time?

21 A He gets there -- he hits the pre-half
22 time.

23 Q Okay. So it's you, your brother and
24 Mr. Jenkins?

25 A Uh-huh. (Affirmative.)

1 Q Describe Mr. Jenkins' condition if you can
2 remember to the ladies and gentlemen of the jury.

3 A He is out of it.

4 Q And what do you mean by that?

5 A Asleep. Intoxicated. In another place.

6 Q Just out.

7 A He's just out of it.

8 Q And had you, I don't mean any disrespect
9 by this, but had you had anything to drink?

10 A Yes, sir.

11 Q Okay.

12 A I had maybe two Heinekens.

13 Q Two Heinekens.

14 A Yes, sir.

15 Q And when your brother got there, did he
16 have any?

17 A The first one is still in a chair. It is
18 still sitting in the holder.

19 Q Still in the holder.

20 A Yes. They should be able to see it.

21 Q You are pretty excited about the game.

22 A Yes.

23 Q Your brother is now there. Jimmy Jenkins
24 is passed out on the couch.

25 A Uh-huh. (affirmative.)

1 Q Tell these ladies and gentlemen what
2 happens next, if anything.

3 A That's when Fisher hits the 3-point shot,
4 and sends it in to half time. And half time flips
5 around on the TV. That's when these people walk
6 into the house. And so I am thinking it is
7 Terrance and my brother slim walking in. And, you
8 know, he's always talking about the start,
9 because, you know, they don't want the Lakers to
10 win. But after the first person walks in, which I
11 know now is Mr. Abrams.

12 Q You just described the other person.

13 A Well the other person walked in. The
14 second person walked in, it's not my brother. And
15 so now I am paying attention like, "Who are these
16 people."

17 Q So when the first person came in, you
18 thought it was someone you knew?

19 A I thought it was somebody I knew.

20 Q And why did you think they were there?

21 A Because of the game. You know, it was a
22 big time. In basketball, we tend to make it as a
23 big thing around my way.

24 Q Would it be unusual for people to, friends
25 or whoever, just to come in and start watching the

1 game?

2 A No.

3 Q Kind of an open door?

4 A Yeah, it was, you know, something that we
5 did. That was our past time.

6 Q How long before you realized that this
7 person was not who you thought it was?

8 A As soon as the second person walked in.
9 And it made me start paying attention. I don't
10 know these people. You know, now me and my
11 brother were looking at each other like, you know.
12 And that's when Mr. Lowery said, "I am going to
13 tell you now, don't fuck with me."

14 He is standing directly behind my brother.
15 And, you know, because he is calm about it.
16 Nobody raises their voices. It was never loud.
17 It was just as calm as could be. And, you know,
18 try to give them what they want so they could
19 leave.

20 So he was like, "Man, gave me your money."
21 And my brother had maybe like \$8 on him. So he
22 gave them that. And he was like: "Man that's not
23 all you got. This is not all you got. I like
24 your car, I am going to take your car." So my
25 brother pulled his pocket, and he said, "There are

1 the keys right there. Get them." So Mr. Lowery
2 takes the keys out. And he goes out the door.

3 Q And did you see that?

4 A I saw that.

5 Q And how close where you to that? I mean
6 are you still sitting on the couch?

7 A Still sitting on the couch.

8 Q Your brother still in his chair?

9 A Yes. It was a straight line. Straight
10 line. Straight back.

11 Q What happens next, Teresa?

12 A That's when Mr. Lowery goes outside. And,
13 you know, the defendant, is sitting there and he
14 telling me: "Stop fucking looking at him. You
15 know, "Stop fucking looking at me. Stop looking
16 at me." But for some reason I couldn't keep my
17 eyes off of him. You know, I would try. You
18 know, I would turn around for a few minutes. And
19 then, you know, all of a sudden, it was like I had
20 to look back. You know, he was just pointing the
21 gun. "Stop fucking looking at me. Stop fucking
22 looking at me."

23 Q And I am not going to interrupt you much
24 more. But where was the person who had the gun on
25 you and said, "Stop F'ing looking at me," where

1 was he in relation to you on the couch?

2 A I was standing right here. And my eyes
3 reached right here at the end of this counter.

4 Q And you are sitting where?

5 A Here. But it's not that high. It looks
6 higher on that picture, but...

7 Q Your Honor, that was State's Exhibit No. 2
8 we were referring to. Here is State's No. 4.
9 Does that show a clearer picture of that?

10 A You can see where it starts hanging there.
11 You can see through there.

12 Q So he was standing there?

13 A He was standing right up there where the
14 kitchen part.

15 Q Now your brother is still in the chair?

16 A Yes.

17 Q Jenkins is still passed out.

18 A Yes. And my brother is looking at me
19 like, just calm down. Just calm down. I am not
20 saying anything at this time. And, you know,
21 after a couple of minutes we hear, "Moe, let's go.
22 Let's go."

23 Q Say that one more time.

24 A After a couple of minutes, we hear, "Moe,
25 let's go. Let's go." And the person that is

1 still in the house said, "Are you straight." He
2 was like, "Yeah, let's get the fuck out of here."
3 And He was like, "Are you sure you are straight."
4 He was like, "Yeah, let's go. Let's get the fuck
5 out of here."

6 Q Now who was saying, "Are you sure you are
7 straight, let's get the fuck out of here?"

8 A Well, Lowery was saying, "Moe, let's go.
9 Let's get the F out of here." The person still
10 inside the house, "Are you sure you are straight."

11 Q The one who had pointed the gun at you?

12 A Yes. And he started backing his way out
13 of the house. So me and my brother, it was like a
14 time we could just like, you know, we exhaled.
15 You know, like now it is over. You know, no
16 matter what they got, you know, they are leaving
17 now. So I figured out what happened. And it's
18 like, (witness makes sound) and I look, and it's
19 just a line of blood coming down my brother's
20 forehead. His eyes rolled back in his head. And
21 I just lose it. I just started screaming. Like,
22 "You're shot." I fall at his feet.

23 And he actually, you know, he picks me up.
24 And shakes me back to reality. And he was like,
25 "Sister I know. Markeith shoot me." "He shot you

1 in the fucking head. He shot you in the head."
2 He was like, "I know." He said, "Just call 911,
3 sister. Just call 911." And that's when he
4 pushed me to the side and ran down the hall to my
5 bedroom where he collapsed, and he never regained
6 consciousness.

7 And I am just screaming, and I'm beating
8 on Jimmy and trying to get him awake because he is
9 still asleep during this time. And I guess people
10 heard me everywhere. And people come running from
11 next door; my sister's house. They are coming
12 from around the corner. It was just total
13 pandemonium. I don't know. I just saw the blood
14 and freaked out.

15 Q Did you remember -- did you hear the shot?

16 A I didn't hear the shot.

17 Q Did you go in to shock, or were you
18 just---

19 A I am not sure. I can't say for sure. I
20 didn't hear a shot.

21 Q Now let me ask you. The person that was
22 pointing the gun at you and saying, "Don't look at
23 me," was that the last person out of the house?

24 A The last person out of the house holding
25 the gun.

1 Q That was my next question. Did that
2 person have a gun?

3 A Yes, he did.

4 Q Do you remember what kind? Can you
5 describe it?

6 A It was what I would call a, "Dirty Harry
7 Gun." It was like a dull gray gun. Like a dull
8 gray gun. It didn't have any shine to it. It was
9 hard steal gray. The barrel was real long.

10 Q And is that the person that shot your
11 brother?

12 A That's the person that shot my brother.

13 Q Now can you tell the ladies and gentlemen
14 of the jury, you have shown them pictures of the
15 couch and the chair. Describe the inside, as far
16 as the lighting. How well lit was it?

17 A There is a ceiling fan in the living room.
18 It has a light on it. And then it has wall lights
19 on it. It has a light that is always on. And the
20 kitchen light was on. Those three lights was on.
21 And it's a small trailer. So the light was very
22 good in there. The television was on.

23 Q The TV was on.

24 A Yes, we were watching the game.

25 Q Tell these ladies and gentlemen of this

1 jury, the person that came in, that stayed with
2 you the whole time. The person you said that shot
3 your brother, can you describe him right now to
4 the jury?

5 A Yes.

6 Q Will you, please?

7 A Yes, he was a small framed person. He had
8 a narrow face. His eyes were like that cheeky
9 looking, you know. And he reminded me so much of
10 my niece's boyfriend, Terrance.

11 Q Do you know his last night? Terrance's
12 last name?

13 A Not off hand, I don't.

14 Q And---

15 A Maybe some of my family members do, I
16 don't.

17 Q Describe what he was wearing.

18 A A red tee shirt tied around his head, and
19 a red jacket.

20 Q And the tee shirt was covering his head?

21 A His head, yes. Not his face, his head.

22 Q But there was a shirt around his head
23 though.

24 A Yes.

25 Q And what was the other person, you said

1 that he went inside or came to the door or
2 whatever that other person did. What was he
3 wearing?

4 A For some reason I was focused on his face
5 completely. Because he stood behind my brothers'
6 chair mostly. It was just like it was some kind
7 of sweatsuit. But I can't give you details. Like
8 I can give you the Lowery boy, because of the
9 other person that was in the house, because he
10 just stood out in the kitchen.

11 Q But this other person you've testified as
12 Lowery now, he didn't have anything on his face?

13 A No

14 Q So you had a clear view of his face.

15 A Yes.

16 Q Did he shoot your brother?

17 A No, he didn't. He was outside. He never
18 reentered.

19 Q Is that the one you testified that
20 actually said, "Come on let's go? Let's get out
21 of here?"

22 A "Moe, let's go. Let's get the fuck out of
23 here."

24 Q So based on his actions, he didn't have
25 any intent on killing your brother.

1 A No.

2 Q Now you said you kind of lost it. No
3 disrespect after that. Your brother has been
4 shot; I understand that. What did you do -- what
5 do you remember next?

6 A Screaming. Falling at my brother's feet.
7 You know, just trying to talk to him; trying to
8 keep him here with me, you know. Just trying to
9 make sure he didn't slip away.

10 Q I have got to ask you a few more
11 questions, Ms. Ford, are you okay? As best as you
12 can remember, I beg the court's indulgence.
13 Teresa.

14 A Yes. Yes, sir.

15 Q As best you can remember, how long were
16 you or was the person that you said shot your
17 brother, how long was he in your house? What was
18 the opportunity you had to see him there, and be
19 with him in the house?

20 A The whole entire time, maybe 7 or 8
21 minutes.

22 Q And when he was saying, "Don't F'ing look
23 at me," were you looking at him?

24 A Yes.

25 Q Did you give law enforcement a description

1 of the individuals in the house?

2 A Yes.

3 Q Did you tell them what they were wearing?

4 A Yes.

5 Q This gentleman back here, can you tell me
6 who this is back here?

7 A My stepfather, Richard Washington.

8 Q I beg the court's indulgence. Did you
9 have an occasion to go to the hospital? You went
10 to the hospital yourself, Ms. Ford?

11 A Sir?

12 Q Did you go to the hospital yourself?

13 A No, I went with my brother Quintez, and
14 his wife, Yolanda.

15 Q And that is what hospital?

16 A Tuomey.

17 Q And did you go shortly after this incident
18 you described?

19 A Yes.

20 Q And did you see Richard there?
21 Mr. Washington there?

22 A Yes, sir. He was -- I saw him at my house
23 first. But later I saw him at the hospital too.

24 Q I apologize, I not trying to be
25 difficult. But at some point you saw him and

1 talked with him; correct?

2 A Yes, sir.

3 Q And without going in to it, did you tell
4 him a description, and what the people were
5 wearing?

6 A Yes, sir.

7 Q And where did he work at that time?

8 A The El Cheapo on Lafayette.

9 Q And what was his job there?

10 A He was a stocker.

11 Q I am sorry?

12 A He was a stocker. He was just -- he kept
13 the shelves and stuff up. He cleaned up.

14 Q And did you, you conveyed to him or he
15 learned what the individuals in the trailer were
16 wearing?

17 A Yes, sir.

18 Q As a result of that, did you at some point
19 later look at the video at El Cheapo's?

20 A Yes, sir.

21 Q And were you able to pick out anybody at
22 in the video that appeared to be wearing the same
23 outfit that you had seen the individuals that came
24 in your house; specifically, the individual that
25 shot your brother was wearing?

1 A Yes, sir.

2 Q Did you tell law enforcement that?

3 A Yes, sir.

4 MR. MEADORS: I beg the court's
5 indulgence.

6 THE COURT: Yes, sir. That's fine.
7 Ms. Ford, would you like to take a break?

8 A Yes, sir, please.

9 THE COURT: Let's take a 10-minute recess
10 at this time, and we will come back to it; and
11 give the witness a chance to compose herself.
12 Ladies and gentlemen, I am going to send you to
13 your jury room for just a few minutes. Do not
14 discuss the case among yourselves. You can talk
15 about anything, but don't talk about this case.
16 And we will be ready to go forward in just a few
17 minutes. Thank you. And please go to the jury
18 room.

19 (Whereupon, the following takes place
20 outside the presence of the jury.)

21 (Whereupon, the court takes a short
22 recess.)

23 THE COURT: Solicitor, let me know when we
24 can go forward.

25 (State's Exhibits 6 through 15 admitted

1 into evidence.)

2 MR. MEADORS: We are marking exhibits,
3 Your Honor. But as far as this witness, we are
4 ready to go.

5 THE COURT: Go ahead and do that; that
6 will be fine.

7 (State Exhibit Nos. 6-17 admitted into
8 evidence.)

9 MR. MEADORS: I appreciate your patience.

10 THE COURT: Okay. We are back on the
11 record with the regard to the matter of the State
12 of South Carolina versus Maurice Lionel Abrams, in
13 2010-GS-43-885. Mr. Abrams is present in court
14 with his counsel, Mr. Brooks. And the State is
15 present and represented by Mr. Meadors and Mr.
16 Manning.

17 Ms. Ford, I understand this is an
18 emotional matter for you; as well as, you have
19 some physical health matters, so I want you to
20 feel like that if at any time you need to take a
21 further break, or you are having difficulties and
22 you can't carry on, you just let me know, and I
23 will be glad to take care of your needs as best I
24 can. But, of course, the State does have the
25 right to continue to present your testimony, and

1 the Defense is going to have a right to ask you
2 some questions and cross examine you.

3 So if you feel you cannot carry on or you
4 are too emotionally distraught, you let me know
5 and I will take another break. You understand?

6 A Yes, sir.

7 THE COURT: Mr. Meadors.

8 MR. MEADORS: Thank you.

9 THE CLERK: Are you ready for the jury,
10 Judge?

11 THE COURT: Yes.

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

14 THE COURT: Thank you very much, Ladies
15 and gentlemen. And thank you for your patience.
16 And we are now ready to go forward with the
17 continued direct examination of this witness by
18 the State. Mr. Meadors.

19 MR. MEADORS: May it please the court.

20 Q Ms. Ford.

21 A Yes, sir.

22 Q I believe when we left off, we were
23 talking about a video from El Cheapo's; correct?

24 A Yes, sir.

25 Q I may be wrong but in my mind, that's

1 where we were. And I want to show you what has
2 been marked as State's Exhibit No. 7; 6 and
3 State's 7. Do you recognize those?

4 A Yes, sir.

5 Q Do they relate to your testimony?

6 A Yes, sir.

7 MR. MEADORS: Your Honor, we would now
8 offer 6 and 7 without objection.

9 THE COURT: No objection, Mr. Brooks?

10 MR. BROOKS: No.

11 THE COURT: State's 6 and 7 is admitted in
12 to evidence without objection.

13 Q Now you had given a description earlier of
14 a person that shot your brother; correct?

15 A Yes, sir.

16 Q And looking at State's Exhibit No. 7, is
17 that the person or the -- is the clothing or the
18 person you described previously, is that the
19 person in No. 7?

20 A Yes, sir.

21 Q You described the red jacket; correct?

22 A Yes, sir.

23 Q And a shirt on his head?

24 A Yes, sir.

25 Q Is that the same outfit?

1 A Yes, sir.

2 Q Is there any doubt in your mind?

3 A No, sir.

4 Q Did you tell law enforcement that then?

5 A Yes, sir.

6 Q And State's Exhibit No. 6, you said you
7 recognize that. Who is the other individual
8 depicted in State's Exhibit No. 6? Did you see
9 that person prior to looking at this video?

10 A Yes, sir.

11 Q Where had you seen that person?

12 A My home.

13 MR. MEADORS: Your Honor, at this point, I
14 talked with Mr. Brooks. There is a video. I am
15 not going to show all of it. But there are just a
16 couple of spots which show two individuals. And
17 it is State's Exhibit No. 17. I believe without
18 objection?

19 THE COURT: Any objection, Mr. Brooks?

20 MR. BROOKS: No, objection.

21 THE COURT: State's No. 17 admitted into
22 evidence without objection. And you may publish
23 the video.

24 (Video marked State's Exhibit No. 17
25 admitted into evidence.)

1 MR. MEADORS: Thank you, Your Honor.

2 (Whereupon, Playing video to the jury.)

3 Q Were those the individuals that you
4 testified previously were in your home?

5 A Yes, sir.

6 Q Is that the same folks that you just said
7 were in 6 and 7?

8 A Yes, sir.

9 Q State's 6 and 7. Is there any doubt in
10 your mind that's what they were wearing? Those
11 are the same clothes the folks that were in your
12 house were wearing?

13 A Yes, sir.

14 Q Does it appear to you one is following the
15 other one?

16 A It appears to me that they are together.

17 MR. BROOKS: I object, Your Honor,
18 speculation.

19 THE COURT: I sustain the objection. I
20 think the video speaks for itself.

21 Q Stop right there please. Okay. I
22 apologize. Can you go back to it? Can you stop
23 it right there? Thank you. Are these the same
24 two individuals you saw that came into the store?

25 A Yes, sir.

1 Q Who is this? Excuse me.

2 A My stepfather, Richard Washington.

3 Q That fellow right there. That's who?

4 A Richard Washington, my stepfather.

5 Q And is that the gentleman right back here?

6 A Yes, sir.

7 Q And this is the El Cheapo's he worked at

8 that time; correct?

9 A Yes, sir.

10 Q Keep going. I just have one more short

11 segment.

12 THE COURT: That's fine.

13 Q Can you stop that there. Is that your

14 brother?

15 A Yes, sir.

16 Q That's Richard?

17 A Yes, sir.

18 Q I think that's all we have of this video

19 at this time, Your Honor.

20 THE COURT: All right.

21 MR. MEADORS: Thank you, investigator.

22 Q May I approach?

23 THE COURT: Yes, sir.

24 Q I am showing you what is marked as State's

25 Exhibit No. 16. Do you recognize this?

1 A It's the jacket he was wearing.

2 THE COURT: Speak up, please.

3 A It looks like the red jacket he was
4 wearing.

5 Q And at first you say it could be.

6 A Yes, sir.

7 Q But it appears to be similar; correct?

8 A Yes.

9 MR. MEADORS: Your Honor, at this time, we
10 would offer State's Exhibit No. 16 for
11 identification only.

12 THE COURT: If it's marked for
13 identification only, I don't need to do anything.

14 MR. MEADORS: Correct.

15 Q I am going to have to ask you a few more
16 questions, okay. Do you remember being shown a
17 lineup by one of police officers involving
18 Mr. Lowery?

19 A Uh-huh. (Affirmative.)

20 THE COURT: Yes.

21 Q Just say yes, please, ma'am. And do you
22 remember being presented with a group of pictures?

23 A Yes, sir.

24 Q And this was -- was this after you had
25 given a description of Mr. Lowery?

1 A Yes, sir.

2 Q And did they try to suggest; they being
3 the police officers, who to pick out?

4 A No, sir.

5 Q They didn't show you something and put
6 their finger on it and say who did it or anything.

7 A No, sir.

8 Q And did you have an opportunity to look at
9 a lineup involving Mr. Lowery and pick him out?
10 He's not on trial here today. Did you look at a
11 lineup of Mr. Lowery and pick him out? And you
12 were picking him out as what?

13 A One of the men that came into my house.

14 Q And did you sign on here that you picked
15 out Mr. Lowery?

16 A Yes, sir.

17 Q And whose name is that?

18 A Teresa Ford.

19 Q And what date is that?

20 A 6/5/09 at 11:00 a.m.

21 Q Was he one of the individuals in your
22 house?

23 A Yes, he was.

24 Q Was he the one that said, "Moe, let's go?"

25 A Yes, he was.

1 Q And this is Moe? Had you ever heard that?
2 Did you know either one of these folks before that
3 night?

4 A No, sir.

5 Q Ever?

6 A No, sir.

7 Q Did you know a Moe?

8 A No, sir.

9 MR. MEADORS: Your Honor, the more I think
10 about it, I am going to offer State's 16. She
11 said it appears to be or could be. I am going to
12 offer it.

13 THE COURT: Any objection?

14 MR. BROOKS: Yes, sir, Your Honor.

15 THE COURT: Come on up.

16 (Whereupon, the attorneys approach the
17 bench and confer with judge.)

18 THE COURT: Objection to State's No. 16 as
19 stated to the court at the bench, was on the
20 grounds of relevance. Rule 401 of the South
21 Carolina Rules of Evidence, that rule provides
22 that relevant evidence means evidence having any
23 tendency to make the existence of the fact as a
24 consequence to the determination of the action
25 more probably or less probably than it would be

1 without this evidence.

2 Based upon the video which is already in
3 evidence and the testimony of this witness
4 concerning what he was wearing, I believe that the
5 evidence is relevant and the objection is
6 overruled.

7 MR. MEADORS: I have just got a couple
8 more questions?

9 Q You said you were in your house with
10 specifically the person with the gun; that had the
11 gun on you saying, "Don't look at me," for how
12 long?

13 A 7 to 8 minutes.

14 Q And did you look at that person?

15 A Yes, sir.

16 Q Teresa, did you look at that person?

17 A Yes, sir.

18 Q And could you see the person?

19 A Yes, sir.

20 Q And you described what the person was
21 wearing?

22 A Yes, sir.

23 Q You described his build to law
24 enforcement?

25 A Yes, sir.)

1 Q Based on the time you spent in your house
2 that night, your house, and considering the
3 lighting and the opportunity you had, and the
4 time you spent with that person, is the person who
5 had the gun, if you would listen to me please,
6 ma'am. The person who had the gun and pointed it
7 at you and said, "Don't F'ing look at me." Is the
8 person who came in to your house, uninvited, is
9 the person who when told, "We got it, Moe, let's
10 go." And is the person who then shot your
11 brother in the head; is that person in this
12 courtroom?

13 A Yes, he is.

14 Q And if you can then, would you please
15 point that person out to the jury?

16 A Mr. Maurice Abrams.

17 MR. MEADORS: We would like the record to
18 reflect she has pointed to the defendant, Maurice
19 Abrams, Your Honor.

20 THE COURT: The record will so reflect.

21 Q Has the person changed in any way?

22 A His skin got lighter.

23 MR. MEADORS: Ms. Ford, thank you.

24 THE COURT: Cross examination, Mr. Brooks?

25 Cross Examination by Mr. Brooks:

1 Q Ms. Ford, you indicated this was on
2 May 19th 2009; is that correct?

3 A Yes, sir.

4 Q And one of the ways that helps you
5 remember is that you are a big Lakers fan; is that
6 correct?

7 A Yes, sir.

8 Q And the Lakers were playing Denver in Game
9 5; is that correct?

10 A Yes, sir.

11 Q A pivotal game when the series was tied
12 up, two games a piece.

13 A Yes, sir.

14 Q That's one of the things that Solicitor
15 Meadors had asked you questions on; that was a way
16 to help you remember it because of the Lakers
17 game; you being a big fan of them; is that right?

18 A Yes, sir.

19 Q And this was half time?

20 A Uh-huh. (Affirmative.)

21 Q Is that correct?

22 A Yes, sir.

23 Q Now being that it was half time and Game
24 5; nevertheless, because you are big Lakers fan.
25 Game 5 was playing Los Angeles; is that correct?

1 The Lakers had the home court.

2 A Just give me a minute here to pull it up
3 in my mind.

4 Q And let me help you out. Kobe Bryant and
5 the Lakers, they had the home court advantage.

6 A Yes, sir, we did.

7 Q You said we did. You are a big Lakers
8 fan?

9 A Yes, sir.

10 Q And being that they had the home court,
11 the games were played in Los Angeles; isn't that
12 correct?

13 A Yes, sir.

14 Q Typically since the games were played in
15 Los Angeles, Los Angeles is 3 hours behind East
16 Coast time. Is it fair to say the game probably
17 started around 7:00 o'clock, Pacific standard
18 time, and which would have been 10:00 o'clock our
19 time; Isn't that correct?

20 A Yes. But sometimes when we have play off
21 games, they start at different times. Like right
22 now with what is going on with Dallas and Miami,
23 the games start at 8 no matter where they are
24 played.

25 Q Okay. But sometimes they are starting at

1 9; isn't that correct.

2 A Sometimes.

3 Q Okay. So you don't know exactly what time
4 the game started though?

5 A I am going to say around with eight. I am
6 going to run with the eight, because it was half
7 time, and it was right at 10. Somewhere between
8 9:30 and 10; somewhere right in that area.

9 Q Okay.

10 A So I am going to have to go with 8 o'clock
11 starting with the game.

12 Q Okay. Now if the game started at 8
13 o'clock, the game would have been over at 10:30;
14 isn't that correct?

15 A No.

16 Q Basketball game, in the playoffs now.
17 It's going to last more than 2 and a half hours?

18 A Yes.

19 Q So at 10:30.

20 A Sometime 3 hours later.

21 Q So, okay. I want to make sure I hear what
22 you are saying. So you are saying that that game
23 started at 8 o'clock and at 10:30 it was half
24 time.

25 A 9:30.

1 Q I am sorry?

2 A 9:30 something till 10.

3 Q Okay. But you had indicated to the police
4 that all of this; these individuals came to your
5 house around half time. And you approximated that
6 to be about 10:30; isn't that correct?

7 A I don't remember that. I remember saying
8 around 9 something. You can look back in the
9 records. I believe it was like 9:30. Nine, 9:30
10 something.

11 Q I mean you had the opportunity to talk to
12 law enforcement, and put together a written
13 statement; isn't that correct?

14 A Yes.

15 MR. BROOKS: May I approach the witness,
16 Judge?

17 THE COURT: Yes, sir.

18 Q Wouldn't that be your statement? You can
19 take a few minutes and take a look at it.

20 A It has 10:30, I see it.

21 Q So it was actually 10:30 when these
22 individuals came to your house; is that correct?

23 A It would be half time. The game would be
24 over with at about 12:30, something to one.

25 Q Something to one?

1 A Uh-huh. (Affirmative.)

2 Q Now you also told -- you also testified
3 earlier that you had two Heineken's; is that
4 correct?

5 A Yes.

6 Q And you didn't -- that's not in your
7 statement about you having a drink; is that
8 correct?

9 A It may or may not be.

10 Q I tell you what. In that statement, does
11 it indicate anywhere on that statement that you
12 handwrote about you having any drinks that
13 evening?

14 A No.

15 Q Okay. Now that statement that you gave to
16 law enforcement, the date on that statement is
17 June 5th 2009; is that correct?

18 A Yes.

19 Q That would have been the same time that
20 you had told the police about Tony Lowery in this
21 photo lineup; is that correct?

22 A Yes.

23 Q That you signed saying Tony Lowery?

24 A Yes.

25 Q And that was -- and when you gave your

1 statement everything was fresh in your head; is
2 that correct?

3 A As fresh as It could be, yes.

4 Q Okay. Now in that statement you don't say
5 anything about having anything to drink. About
6 you having anything to drink; is that correct?

7 A Not in that statement there, no.

8 Q Is there any other statement that you had
9 told the police about having anything to drink?

10 A Maybe not handwritten. Maybe I said it.
11 I probably said it to a couple of them. Maybe I
12 didn't handwrite it in a statement. I don't hide
13 the fact that before I got sick, I was starting to
14 drink. So I know when I would have said that.

15 Q I am sorry, can you repeat that?

16 A I didn't never hid the fact that I was a
17 Heineken drinker. So I know I would have repeated
18 that. I would have told somebody that.

19 Q Okay. But you didn't put it in writing
20 when you put this statement together.

21 A No, it's not in that statement; no, sir.

22 Q And this is a statement as you looked at,
23 is a statement that's in your handwriting?

24 A Yes, it is.

25 Q Okay. A statement that you gave to

1 Detective Florence; is that correct?

2 A Yes. That's what it says; yes, sir.

3 Q Now you said you may have given statements
4 to other people; is that correct?

5 A It is possible.

6 Q Is it fair to say that you don't remember?

7 A It's fair to say it's possible. I can't,
8 I'm not -- it's possible. I mean you are talking
9 about my world has just been turned upside down.
10 I know it's possible.

11 Q Okay.

12 A I know what matters. What did -- I know
13 what I said. I know what I saw. I know the
14 important stuff.

15 Q Okay. One of things that you had
16 testified to is your oldest son, would that be
17 Devon?

18 A Devante.

19 Q Devante; that he had left the house; is
20 that correct?

21 A Exactly.

22 Q And it was shortly after he left the house
23 that these two men that you described to the jury
24 came in; is that correct?

25 A That's true.

1 Q And you indicated that the tall guy in the
2 red, he had what you would consider to be a Dirty
3 Harry type weapon; is that correct?

4 A Yes.

5 Q And it was a -- can you describe that
6 weapon again?

7 A It was a long dull steal gun with a long
8 barrel. It was a revolver. It had a real long
9 barrel on it. And it was like a dull steal. It
10 wasn't that shiny steal, but like a dull steal.

11 Q So it's fair to say when you referenced it
12 as a Dirty Harry, it is Dirty Harry, it had a
13 long barrel; is that correct?

14 A Yes.

15 Q And you said when your brother was shot,
16 you feel at his feet; is that correct?

17 A Yes.

18 Q And he picked you up?

19 A Yes.

20 Q And then he went down the hall where he
21 collapsed?

22 A Yes.

23 Q Do you know what the dimensions of your
24 trailer is?

25 A What do you mean, the size of it? No.

1 Q Yes, ma'am, you don't?

2 A No.

3 Q Do you -- and it's your testimony that
4 your brother picked you up, and then he went down
5 the hall where he collapsed; is that correct?

6 A Uh-huh. (affirmative.)

7 THE COURT: Yes.

8 A Yes, sir.

9 Q You were -- were you working that day as a
10 painter?

11 A Not on that day.

12 Q I am sorry?

13 A No, I didn't work that day, sir.

14 Q So you were pretty much off that whole
15 day?

16 A Yes, sir.

17 Q Were you home that entire day?

18 A I wouldn't exactly say I was home the
19 entire time. I may have been in and out. But I
20 couldn't tell you exactly where I might would have
21 been. But I can't say for sure if I was home the
22 entire day.

23 Q And Captain Turner was the one that showed
24 you the video that was just played here for the
25 jury?

1 A Yes. He is first the officer I went
2 through the video with.

3 Q Okay. And he was the -- and did you give
4 a statement to him?

5 A I am pretty sure I did.

6 Q And you gave a statement to Captain Turner
7 that was oral. It wasn't in writing; is that
8 correct?

9 A I am not sure.

10 Q And you gave a statement a Detective
11 Florence that which is in writing; which is the
12 June 5th 2009, statement?

13 A Yes, sir. If you have it there.

14 Q Which is a, this statement that you gave
15 to law enforcement; that's the accurate statement
16 of what took place to the best your memory, on
17 that particular day, May 19th; is that correct?

18 A If that's what you have written there;
19 yes, sir.

20 Q Well you wrote the statement; isn't that
21 correct?

22 A Yes, sir.

23 Q Okay. And that's when you gave the
24 identification of Mr. Lowery; is that correct? In
25 the photo lineup which is---

1 A Everything that is dated on the 5th. This
2 happened on the 19th. I talked to police officers
3 and gave them statements. I don't know, I can't
4 say for sure If I wrote everything down way before
5 the 5th. That's what I am trying to get at. It
6 was just hard to get everything pinned down,
7 because we were back and forth from Richland and
8 everything.

9 Q Okay. Now on this one June 5th 2009, that
10 actually reflects when you were able to pick out
11 Tony---

12 A Yes.

13 Q ---Lowery's photo lineup.

14 A The same time I did the statement.

15 Q Now the same time you did the statement
16 and the photo lineup, you didn't do a photo lineup
17 of Mr. Abrams; did you?

18 A No, I never did a photo lineup.

19 Q And even after that you never did a photo
20 lineup with Mr. Abrams; is that correct?

21 A No, because from my understanding, his
22 partners turned him in. I didn't need to do a
23 photo lineup.

24 Q Is that what the police told you?

25 A No, that's from my understanding from what

1 I get; conduct, you know.

2 Q That's the understanding you had.

3 A My understanding.

4 Q And you went back to the police and gave
5 additional statements after that?

6 A What do you mean additional statements?
7 Any time they came and asked me a question, I
8 tried to answer it. Now if you are asking me to
9 pinpoint an exact date and everything, I can't do
10 that. But if you could bring me something that my
11 name is signed on it and dated, I can't -- I am
12 not going to lie about it.

13 Q Okay. Well I mean, June 5th 2009, that
14 was pretty close in time when this incident took
15 place; isn't that correct?

16 A Because everything happened on May 19th;
17 yes.

18 Q Okay. And June 5th 2009, are you saying
19 to the best of your knowledge that's the only time
20 you have given a written statement about this
21 account; is that correct?

22 A I don't know, there could be another one
23 out there somewhere.

24 Q Okay. If there is, it would be in the
25 possession of the police; is that correct?

1 A Yes.

2 Q To the best of your knowledge.

3 A To the best of my knowledge.

4 Q And do you recall how many other law
5 enforcements officers you talked to? According to
6 the statement, you talked to Detective Florence.
7 And you also mentioned in the statement that you
8 had talked to Captain Turner; is that correct?

9 A Yes.

10 Q And did you talk to any other law
11 enforcement and give statements about what took
12 place that night?

13 A I can't be sure.

14 Q You never gave any identification to law
15 enforcement about my client until today; isn't
16 that correct?

17 A The only identification I gave about your
18 client before today, was the bond hearing that
19 received at the jail house; where they had to be
20 escorting me. Where I had to be escorted out,
21 because I couldn't take it because I was shaking
22 and everything. And he looked at me and he said,
23 "Shorty, you got the wrong one." And I told him,
24 "I will never forget your face."

25 Q Okay.

1 A "Every time I close my eyes, I see your
2 face." So I will never forget that face.

3 Q And did you ever tell -- you never told
4 law enforcement that; did you?

5 A I told them -- you know, I always tell
6 them I will never forget what he looks like. I
7 told him I will never forget what he looks like.

8 Q And is there any -- that's not in any of
9 your statements here.

10 A Well I understand, but he heard me.

11 Q But this is the statement you gave to law
12 enforcement in your handwriting; isn't that
13 correct?

14 A Yes.

15 Q And nothing of what you just said about
16 identifying my client is in that statement.

17 A Well maybe it's not the only statement.
18 Maybe if you pull up that court record that you
19 have at the jail house for his bond hearing, I am
20 quite sure it is in there, because I had to be
21 escorted out.

22 Q But this is the statement that you gave to
23 law enforcement. And in that statement it also
24 says that this is true and correct; isn't it?

25 A But this -- it may not be---

1 Q It may not be complete.

2 A This might not have anything in it. I
3 mean, but it's the truth. I not am lying in this.

4 Q So are you saying that that statement that
5 you gave to law enforcement is not totally
6 truthful and accurate?

7 A You don't always write down every single
8 thing that happens. But what I can tell you is,
9 when I lay my head down at night and I close your
10 eyes, I see your client's face.

11 Q Okay.

12 A I mean that is something that is not going
13 to go anywhere.

14 Q And I hate to belabor the point, but
15 that's not in the statement that you gave shortly
16 after the indictment.

17 A It's not in the statement.

18 Q And this is not something that Captain
19 Turner wrote or Detective Florence. This is
20 your---

21 A It is something I wrote, yes.

22 Q It's your handwriting?

23 A Yes.

24 Q And shortly after that in your
25 handwriting, you picked out Tony Lowery; is that

1 correct?

2 A Yes.

3 Q And around that same time, you don't pick
4 out my client; do you?

5 A They did not show me your client.

6 Q But you don't pick out my client; do you?

7 A No, because they don't show me your
8 client.

9 Q Okay. So you're saying the police didn't
10 give you anything to show...

11 A They did not show me your client.

12 Q But you told them you could ID him; is
13 that correct?

14 A Yes, I did.

15 Q Because based on what you said, you go to
16 sleep every night and you see his face.

17 A Exactly.

18 Q So when you went to sleep on June 5th and
19 June 6th 2009, you still saw his face.

20 A When I go -- when I went to bed last
21 night, I saw his face.

22 Q And you've told the police that; is that
23 correct?

24 A Exactly. I see his face. I'm never going
25 to forget what he looks like.

1 Q Okay. And it just so happened that you
2 forgot to put that.

3 A I just didn't write it down.

4 Q Okay. And you testified that you told
5 your stepfather, Richard Washington, a description
6 of the guys; is that correct?

7 A Uh-huh. (Affirmative.)

8 THE COURT: Yes.

9 A Yes, sir.

10 Q But now that's not actually correct now;
11 is it?

12 A Yes, sir.

13 Q Are you sure?

14 A Yes, I am sure.

15 Q Now---

16 A I didn't write that statement to -- for my
17 father.

18 Q But in this statement, don't you write
19 that Captain Turner showed you the video, and not
20 your father?

21 A Both me and Captain Turner went through
22 the video with us also. But me and my father and
23 the people who owned the store; we all went
24 through that video.

25 Q But now your father and the people in the

1 store, I mean, that's not in your statement
2 either. It just talks about Captain Turner
3 showing you the statement; is that correct?

4 A It's still there.

5 Q So that's what the statement has. But
6 that's different than what you have testified here
7 today.

8 A I mean.....

9 MR. MEADORS: Your Honor, I am going to
10 object to that.

11 THE COURT: Yes, sir. I think that, you
12 know, don't argue with her. You can, she -- the
13 answer is what it is, and the jury can draw their
14 conclusions. Clarify if you have a particular
15 question you want to ask.

16 Q Well I will go ahead and ask the question
17 again.

18 THE COURT: Ask the question again.

19 Q Ms. Ford.

20 A Yes, sir.

21 Q You testified here today that your
22 stepfather, Richard Washington showed you the
23 video; is that correct?

24 A He was supposed -- the people of the store
25 had said we could go through the video. We went

1 through a video and everything. Then we got
2 Captain Turner down there.

3 THE COURT: Wait just a minute. The
4 limited question that he asked you was: Didn't
5 you testify earlier that your father showed you
6 the video, that is as far as you need to go with
7 the answer. Isn't that what you are looking for,
8 Mr. Brooks?

9 MR. BROOKS: That's correct.

10 THE COURT: Okay. Answer that question.

11 A No.

12 Q I am sorry?

13 A No.

14 Q You didn't say earlier---

15 A He didn't show me the video.

16 Q So are you saying that what you said
17 earlier is not necessarily true?

18 A I said maybe I said earlier that we went
19 through the video together.

20 Q Did your stepfather show you a video?

21 MR. MEADORS: Your Honor, I thought she
22 just said no.

23 THE COURT: This is cross examination.
24 Answer the question.

25 A No, we went through the video together.

1 But as far as showing me, no. He's -- what I
2 remember from talking to my stepfather he said
3 indeed he saw those same two guys in the store
4 that night when Mark was in there. He saw the
5 same two guys. We both went around the counter
6 and looked at the video.

7 Q Now that's different than what you told
8 Detective Florence on June 5th 2009; isn't that
9 correct?

10 A Yes, if that's what is written there.

11 Q Do you want to look at your statement
12 again?

13 A No, I don't want to look at statement
14 again. What I am saying is, everything is, I am
15 not confused, but it is so much going on that it's
16 kind of hard to keep all the ducks in one row. Do
17 you understand what I am saying?

18 Q I understand. But now on that night of
19 May 19th 2009, you testified earlier that you had
20 at least two Heinekens; is that correct?

21 A Yes, sir.

22 Q That you recall?

23 A Yes, sir.

24 Q Okay. And that you recall the timing of
25 this event came about during the Game 5, half-time

1 between the Lakers and Denver.

2 A Yes, sir.

3 Q Which is played in Los Angeles?

4 A Yes, sir.

5 Q Now are you sure about the time being
6 around 8 o'clock? Like the way they are starting
7 finals now, I think that was kind of the way you
8 kept track of it.

9 THE COURT: Let's don't plow old ground
10 now. You have already been through this in the
11 first. You are going back over your cross
12 examination.

13 MR. BROOKS: I am going back as it relates
14 to her answers to certain questions about time and
15 place and when these events happened. And now I
16 am going back in relationship---

17 THE COURT: Go ahead. I will give you
18 some leeway, but we are not going to start over
19 with the cross examination. This is where you
20 started from. Go ahead. If it is something new
21 that you haven't already asked her about, that is
22 fine, Mr. Brooks. I want you to have as much
23 leeway as you need. But you are going back now to
24 something you asked her when you first started
25 cross examination.

1 MR. BROOKS: That's true, Judge. But now
2 she's answered in a particular way in regards to
3 being shown the video versus putting it in her
4 statement.

5 THE COURT: Go ahead. We will see where
6 it is going.

7 A Would you ask your question again?

8 Q Okay. What I asked was, you had testified
9 that you had at least two Heinekens on that night;
10 is that correct?

11 A Yes, sir.

12 Q And this was half time of Lakers game,
13 Game 5, played in Los Angeles.

14 A Yes, sir.

15 Q And you said the incident occurred around
16 10:30.

17 A Yes, sir.

18 Q And you testified that the game had
19 started around eight; is that correct?

20 A Yes, sir.

21 Q When did -- when did Devante ever come
22 back in to the house?

23 A After I was screaming and everything, he
24 came back. When everybody else ran, he came back
25 over.

1 Q Okay. So when you started screaming, he
2 immediately came back into the house? Devante?

3 A I wouldn't say immediately. There were so
4 many people around. I cannot remember who got
5 there first. I don't know if it was one of my
6 other son's or it was my sister or my nephew or my
7 brother. Maybe it was my brother-in-law who got
8 around there first. All I know is, I was
9 screaming at the top of my lungs. It could have
10 been my brother Terrell. Because for some
11 reason---

12 Q Your brother who?

13 THE COURT: Wait a minute. Let her finish
14 the answer.

15 MR. BROOKS: I just need to hear the name
16 of her brother, Judge. I am sorry.

17 A It could have been my brother Terrell who
18 was out there first. You know, he was the first
19 person I called. For some reason, I was able to
20 call his number. I am not sure who got there
21 first.

22 Q You were able to call your brother.
23 What's his name?

24 A Tell. We call him, "Tell."

25 Q "Tell." You called him as in hollered out

1 to him, or called him on the phone?

2 A Cell phone. That's the only number I
3 could dial for some reason. The only number that
4 would work in my head.

5 Q You're not sure when Devante came back in,
6 but you are pretty sure that he had left the house
7 shortly before the two guys came in?

8 A Yes, he---

9 THE COURT: Wait until he finishes his
10 question. Go ahead, Mr. Brooks.

11 Q You are sure that he had left the house
12 shortly before the two individuals came in; is
13 that correct?

14 A Yes.

15 Q Do you recall how long Markeith had been
16 there prior to the two individuals that got in to
17 the house?

18 A It was only a few minutes.

19 Q It was only a few minutes?

20 A Yes. Three to five at the most.

21 Q And you also testified you never heard a
22 shot; is that correct?

23 A I never heard a shot.

24 Q Your cousin-in-law, Jimmy Jenkins, he was
25 passed out on the couch.

1 A Yes, sir.

2 Q Solicitor Meadors had asked you some
3 questions about the lighting in your house. And
4 you said the kitchen light was on. The TV was on;
5 is that correct?

6 A Yes.

7 Q And you said that the doorway, the
8 individuals that had come in, that would have been
9 the kitchen door?

10 A That's the front door.

11 Q That's the front door?

12 A Yes, sir.

13 Q And the kitchen is actually side by side,
14 adjacent to the front door.

15 A Yes. The kitchen door, we use the kitchen
16 door and the living room door. They are one in
17 the same.

18 Q Okay. And you are saying that the
19 gentleman in the red stood in the kitchen?

20 A Yes, sir.

21 Q While Mr. Lowery stood behind your
22 brother; is that correct?

23 A Yes, sir.

24 Q And when he stood behind your brother, he
25 stood between your brother and the doorway; is

1 that correct?

2 A Yes, sir.

3 Q Did you all have a -- from the outside of
4 the trailer, is there an outside light adjacent to
5 the doorway?

6 A It is an outside light in the yard, but It
7 wasn't on.

8 Q Okay. So that wasn't on at all?

9 A No.

10 Q Do you recall why it wasn't on? Was it
11 just broken or was it just?

12 A No light bulb in it.

13 Q Light bulb not in it. You testified
14 earlier that you had a distinct clear view of
15 Lowery; is that correct?

16 A Yes.

17 Q And that's why you were able to pick him
18 out of a lineup?

19 A Yes.

20 Q After this incident, you went to Tuomey
21 Hospital; is that correct?

22 A Yes, sir.

23 Q Because that's where your brother was
24 transported to?

25 A Yes, sir.

1 Q So is that where you encountered the first
2 law enforcement officer? Were you told what
3 happened?

4 A There was some at my home, but I was
5 talking. How much time they were there, I am not
6 even sure.

7 Q Because everything was just happening so
8 fast?

9 A Yes.

10 Q When you said earlier that you thought
11 when the two guys were coming in, initially you
12 thought it was Terrance and your brother Slim; is
13 that correct?

14 A Yes, sir.

15 Q What Slim's real name?

16 A We call him Tell.

17 Q That's Tell. He just goes by different
18 names; Slim and Tell?

19 A Yes.

20 Q Now you testified earlier when Mr. Meadors
21 asked you, you didn't know Mr. Lowery, and you
22 definitely didn't know Mr. Abrams before this
23 date; is that correct?

24 A No, sir.

25 Q Was Terrance and Tell, were they supposed

1 to come over that night, or they just? Go ahead.

2 A Yeah, I mean, there is no telling.

3 Basketball night. There is no telling who is
4 coming by.

5 Q So there is really no telling who may stop
6 by. Sometimes they come?

7 A Sometimes they don't.

8 Q You don't know what time they may come?
9 They just know---

10 A Exactly.

11 Q Was your place the kind of the place to
12 come hang out?

13 A If the Lakers are playing, yes.

14 Q Okay. And everybody could I guess, have a
15 drink, sit down, relax, watch the game; is that
16 correct?

17 A That's right.

18 MR. BROOKS: No other questions, Judge.

19 THE COURT: Redirect?

20 MR. MEADORS: Very brief.

21 (Statement of Terrance Ford marked as State's
22 Exhibit No. 18 for ID only.)

23 Redirect Examination by Mr. Meadors:

24 Q Ms. Ford, I am going to show you what is
25 marked as State's 18 for ID only. That is the

1 statement that Mr. Brooks was just asking you
2 about. Is that your signature there?

3 A Yes, sir.

4 Q And the date is 6/5/09/. And all the
5 background information, social security number,
6 phone, your occupation, you provided all that on
7 that day. Very briefly. And did you put it here
8 about the basketball game and it is 10:30?

9 A Yes.

10 Q Did you put it here about your son
11 leaving?

12 A Yes.

13 Q Did you put it here about two males coming
14 in and one of them saying, "Don't F with me.
15 Where is the money."

16 A Yes.

17 Q The light skinned male saying that;
18 correct?

19 A Yes, sir.

20 Q Did you put in here about that person
21 going outside and then searched the car?

22 A Yes, sir.

23 Q Did you put in your statement about the
24 car keys, and your brother giving it to them, and
25 the \$80 taken from him?

1 A Yes.

2 Q And that was June 5th of 09.

3 A Yes.

4 Q And that the tall male as he was exiting
5 the house, shot your brother. Did you put that in
6 there?

7 A Yes.

8 Q Did you put in here that you picked both
9 men in off that video as the ones involved in the
10 shooting?

11 A Yes.

12 Q Did you add in here about the amount of
13 money it was that he took?

14 A Yes, sir.

15 Q What was it?

16 A \$80.

17 Q Did your brother get shot on May 19th 09?

18 A Yes, sir.

19 Q Is there any doubt about that?

20 A No, sir.

21 Q Do you know what time the half time of the
22 ballgame was for sure?

23 A I could be off by the minutes, but I know
24 it was half time.

25 Q Is the person that shot your brother in

1 the basis of what anyone else might say. So it
2 would improper to discuss the case with them.

3 Simply forget about the matter over the
4 evening recess. Get some rest and come back
5 refreshed in the morning to hear the remaining
6 testimony in this case. And do not do any
7 research about this case in any matter whatsoever
8 over the evening recess or at any time. And do
9 not go on the computer, or do any kind of computer
10 research or any other type; listen to any other
11 type of news stories. If there is anything in the
12 newspaper about it, about this matter, just simply
13 put that aside and do not read the news accounts.

14 With all due respect to my friends in the
15 news media, sometimes the matters that they report
16 are not exactly what happened in court, and you
17 have got to base this matter on what you heard
18 here in the courtroom. Finally what I am going to
19 do is ask you to be back in the morning at 9:15.
20 And while you are in the jury room between 9:15
21 and 9:30, I want you to, the 12 members of the
22 principal jury to elect one of the members, one of
23 the 12 of you to be the foreperson of this jury.
24 And the alternate should not participate in that
25 decision as to who the foreperson is going to be,

1 but the 12 of you should select a foreperson among
2 yourselves. Advise the bailiff to who that is
3 going to be, and then when you come in that
4 foreperson would sit in the first seat on the
5 front row.

6 So with those admonitions then, I am going
7 to excuse you now and ask you to -- and allow you
8 to go to your homes and families. Have a pleasant
9 evening and I see you tomorrow.

10 (Whereupon at 5:09 p.m. jury is
11 dismissed.)

12 THE COURT: Mr. Manning, this is just a
13 matter of personal preference. And I know some of
14 the lawyers know that I prefer the lawyers not to
15 stand when the jury enters and exits the
16 courtroom. Everybody keep your seats when the
17 jury enters and exits the courtroom. Mr. Manning,
18 or, Mr. Meadors, anything before we adjourn? I
19 want to wait a few minutes before I adjourn the
20 court to allow the jury to clear the area. But if
21 there is anything we need to put on the record, we
22 will do so. How about any exhibits that can be
23 marked or anything of that nature? If we can take
24 care of that this afternoon.

25 MR. MEADORS: Yes, sir. We will hang

1 around here. And the investigator said---

2 THE COURT: Get all those if you can. And
3 be here a little bit early in the morning. I have
4 got the jury coming in at 9:15. But I don't --
5 but I want to start at 9:30. But I want to be
6 ready to start with them at 9:30. So let's get in
7 here and start at 9:15 and with the jury at 9:30.
8 Let's do that, and also mark any exhibits we might
9 have.

10 MR. MEADORS: Yes, sir.

11 THE COURT: Anything, Mr. Brooks, before
12 we recess for the evening? Let's wait just a few
13 minutes then and give the jury an opportunity to
14 clear the area. Give them a couple of minutes to
15 get down the elevator and down the steps and be on
16 their way. The jurors have clearly gone. And we
17 will be in recess until 9:15 tomorrow morning.

18 (Whereupon, the trial commences on Tuesday, June
19 7th 2011, at 9:15 a.m.)

20 (Whereupon, the following takes place outside
21 the presence of the jury.)

22 THE COURT: Have the defendant brought
23 back in please. Good morning everyone. We are
24 back on the record with regard to the State versus
25 Maurice Lionel Abrams. Case No. 2010-GS-43-0885.

1 The defendant is present in court with his
2 attorney Mr. Brooks. The State is present and
3 represented by Mr. Manning and Mr Meadors.

4 I want to go on record at this time, with regard
5 to the matter that has been brought to the attention of
6 the court, and the court shared with both counsel in
7 this matter, both the State and the Defense. When Juror
8 No. 29, Ms. Dawson reported this morning, she advised
9 the bailiff that she had recognized yesterday afternoon,
10 after the jury was drawn and sworn, the defendant's
11 mother. And at that point Mr. Bradley simply told her,
12 thanked her for bringing that to his attention. And
13 told her to go into the jury room and not say anything
14 to anybody.

15 I then had a chambers conference with the
16 attorneys involved, and we discussed the matter.
17 And decided further inquiry into the nature of the
18 relationship and friendship if appropriate. And
19 asked Ms. Dawson to come in and she did. At which
20 time, she advised us that she recognized
21 Ms. McFadden, Catherine McFadden, sitting in the
22 courtroom, but had not since there were different
23 names, nothing registered or anything until she
24 saw her in the courtroom.

25 In an inquiry of how she knew her, she

1 responded that her counsel correct me on this if I
2 am wrong; that her son was married to Ms. Dawson's
3 sister. Isn't that the understanding?

4 MR. BROOKS: I think it was Ms. McFadden's
5 sister. My client's mother.

6 THE COURT: Ms. Dawson's son is married to
7 Ms. McFadden's sister.

8 MR. BROOKS: That Ms. McFadden is my
9 client's mother.

10 THE COURT: And Ms. McFadden is Mr. Abrams
11 mother. Also in her, in our discussion with her,
12 she indicated that she had thought about this
13 matter over the evening recess, when she saw that
14 yesterday; saw Ms. McFadden yesterday, and prayed
15 about it last night. After conferring with
16 counsel, I think the concern with the State was
17 that the family relationship and that it would
18 cause a problem. Is that right, Mr. Meadors? I
19 will let you put your position on the record.

20 MR. MEADORS: I want to thank the juror
21 for coming forward. I don't think it is
22 intentional. But she did come forward and said
23 she had prayed about it before she came forward.
24 Obviously we would have exercised a strike. The
25 family relationship, being in marriage where she

1 was related to the defendant's family, we did
2 think -- we respectfully ask Your Honor to excuse
3 her for cause because of that marital
4 relationship. More than just knowing somebody,
5 which I think is a little bit different here. It
6 was a direct relationship through marriage.

7 And she just didn't realize after Your
8 Honor specifically asked her that question. So we
9 think inadvertently, she didn't answer Your
10 Honor's questions. So that's why we would move to
11 strike her.

12 THE COURT: And your position, Mr. Brooks?

13 MR. BROOKS: Our position is, we would
14 respectfully object based on the inquiry of that
15 perspective or particular juror. She indicated
16 she could sit and be fair and impartial and
17 unbiased. And I think to use her words: "She had
18 prayed on it." Still had felt she could be fair
19 and impartial. And not to mention she had been
20 represented by Your Honor. So I am sure she could
21 be fair and totally impartial. So we would
22 respectfully object to the State's position.

23 THE COURT: All right, you are correct.
24 And she did say in chambers when asked specific
25 questions if that would prevent her from giving a

1 fair and impartial trial. She indicated that it
2 would not. And she did ask me if I had formerly
3 practiced with Mr. Art Bahnmuller and I told her
4 that I had for 30 years. And she said that I had
5 represented her. And I of course don't remember
6 that either. But in any event, that is immaterial
7 to the discussion at hand.

8 However, I have decided that if the
9 purpose of the trial of course, is for them to be,
10 not only fair, but have all the indigencies of no
11 impropriety and no appearance of impropriety. I
12 think was completely no intent to deceive. I
13 think it was completely innocent on her part. in
14 fact, I admire the juror for coming forward and
15 telling us this. This is the kind of information
16 we need. It is also the kind of information that
17 though that had the State known this prior to the
18 striking of the jury, they would have exercised
19 their preemptory strikes. Which they still had
20 some preemptory strikes. And I think in all
21 fairness, mandates and due process mandates that
22 for both the State and the Defendant that the
23 juror be replaced with an alternate; which is the
24 purpose of drawing alternates.

25 And so over the objection of the Defense,

1 I am going to replace this juror with an
2 alternate. And it's my view, the purpose or the
3 way of doing that, we drew two alternates. But
4 under the rule, the replacement alternate which
5 was drawn by lot and not in the order in which
6 they were drawn. And so what I would simply ask,
7 Mr. Bradley, if you want to put both numbers in a
8 cup or something. And we will take them up and
9 draw one and replace them with the alternate. The
10 replacement juror will No. 19 Mr. Busser. Is that
11 a man, let me see.

12 THE CLERK: Yes, sir.

13 THE COURT: If you would ask Ms. Dawson to
14 come in please.

15 (Whereupon, Ms. Dawson comes into the
16 courtroom.)

17 THE COURT: Ms. Dawson, again I want to
18 thank you for bringing that matter to our
19 attention. And we needed to address this matter
20 now in the courtroom on the record. I know you
21 came in and talked with the lawyers in the office
22 with me a few minutes ago. I do want to thank you
23 for your consciousness in bringing this matter to
24 our attention; the fact that you recognized the
25 defendant's mother after you were seated on the

1 jury. And we certainly do appreciate your doing
2 that. That is so exactly what a conscientious
3 juror is supposed to do. And we certainly do
4 thank you for you that. And we also appreciate
5 your candid discussion with us in chambers;
6 telling us what the relationship was. And also
7 the statements by you that you had prayed about
8 this matter, but that also it would not cause you
9 any problems in sitting on the case and making a
10 fair objective.

11 However after weighing all the options
12 our purpose here is a completely fair and
13 objective trial for everyone. And so I don't want
14 to put you in a position or cause you any
15 problems. And also for the purpose of avoiding
16 the appearance of any kind of problem; that it
17 would be appropriate for me to excuse you from any
18 further service on this case. And that we
19 substitute the alternate, which is what we draw
20 alternates for. So I am going to excuse you from
21 any further service on this case. With our
22 thanks.

23 And again I say, I know there was no
24 malice. And in any intention on your part to hide
25 anything. And in fact, I appreciate your bringing

1 it to our attention. This is exactly what our
2 purpose of drawing alternates for. And you have
3 exercised your citizenship responsibilities in a
4 most responsible manner. And I appreciate that.
5 And so I am going to excuse you and substitute the
6 alternate. And if you will stay in touch with
7 Mr. Bradley. Or they will tell when to call in,
8 or whether you are going to need to come back up
9 here any more this week.

10 As far as this case is concerned, you are
11 excused.

12 THE CLERK: Judge, if she could call in
13 after 11 this morning for further instructions.

14 THE COURT: All right, if you will call
15 that number that you have after 11 o'clock this
16 morning. That is about in an hour. And you may
17 want to get her juror badge.

18 THE CLERK: Yes, sir.

19 THE COURT: But anyhow, if you will call
20 that number. And we thank you very much, Ms.
21 Dawson. Is there anything else before we bring
22 the jury in and proceed with the morning session,
23 Mr. Meadors?

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

1 THE COURT: Yes, you did want to put
2 something on the record, Mr. Brooks, regarding the
3 Motion to Suppress the in court identification.
4 And exactly what the background on that was. And
5 you are certainly welcome to do that at this time.

6 MR. BROOKS: Yes, sir. My client is
7 obviously concerned about it. It was just to let
8 the court know part of our objection dealt with
9 the fact that it was really nothing in discovery
10 about Ms. Ford being able to positively identify
11 him. There is no photo lineup. There was no
12 mention of her saying Maurice Abrams. The only
13 thing that was in the discovery was, she had seen
14 the alleged guys on the video that was obviously
15 shown yesterday. And that was basically part of
16 our objection, because they only became aware that
17 she could do an in court identification shortly
18 before us having a hearing after coming back from
19 lunch. And that was made apparently by the
20 solicitor, solicitor Meadors in the case.

21 THE COURT: Just a couple of questions so
22 the record will be complete; she was disclosed to
23 you as a potential witness before yesterday.

24 MR. BROOKS: She was disclosed as a
25 potential witness. But as far as being able to

1 identify my client, that was only made apparent to
2 me shortly before.

3 THE COURT: I understand that. But then
4 having gotten the discovery at some point and time
5 before yesterday, was any attempt made by the
6 Defense to contact this witness? And you have the
7 right to contact the witness just like anybody
8 else does. Contact the witness and talk with her
9 and discover exactly what she did know.

10 MR. BROOKS: Did we know about her?

11 THE COURT: Yeah, you knew about her.

12 MR. BROOKS: I knew there was a Teresa
13 Ford. I knew she was going to pick them out of
14 the video based on all the discussions I had with
15 the Solicitor's Office.

16 THE COURT: My statement though, you are
17 talking, the reason what I asking is, first of
18 all, you said there was nothing in discovery.
19 Well it wouldn't have been anything in the
20 solicitor's file because there was no photo lineup
21 or anything like that.

22 When you get the names of the potential
23 witnesses in a case, and Defense gets the names of
24 the potential witnesses in the case, there is
25 nothing to preclude the Defense, you or your

1 investigator or whoever it is, from interviewing
2 any and all witnesses in the case to find out
3 exactly what they know.

4 MR. BROOKS: That's correct.

5 THE COURT: And you could have done that
6 in this case.

7 MR. BROOKS: That's correct. But of
8 course we didn't see any need to do that, Judge.

9 THE COURT: Well as a potential witness
10 though you could have. I mean she was there for
11 you to talk to.

12 MR. BROOKS: But considering the fact that
13 it's one of the situations where I don't think
14 there would have been a whole lot---

15 THE COURT: Okay.

16 MR. BROOKS: ---of talking to her.

17 MR. MEADORS: Very briefly, Your Honor, in
18 the discovery, there was a May 20th, the day after
19 this incident, she actually gave a description of
20 the two individuals to Officer Nelson, who may
21 testify later.

22 In addition to that, she did say in her
23 statement, the two gentlemen on the video, were
24 the folks that came in and robbed him and one of
25 them killed him. So those -- and that was there.

1 As far as the in Court ID, I wouldn't have known
2 she would have done that until she got in court
3 and saw him. This is the first time I have been
4 with her and the defendant. I asked her if she
5 could at the break. And she said she could. And
6 obviously that could not have been included in the
7 discovery beyond that.

8 THE COURT: You had the statement at
9 whatever point and time the discovery per se, that
10 whatever point and time discovery was furnished to
11 you; is that correct?

12 MR. BROOKS: About what Mr. Meadors said
13 about the video?

14 THE COURT: Well what Ms. Ford stated.
15 You have her statement.

16 MR. BROOKS: Oh, yes, I have her
17 statement.

18 THE COURT: So you knew what her statement
19 said at the time, several days before or a month
20 before. I don't want -- what's the date of
21 furnishing the discovery?

22 MR. MEADORS: The furnishing of the
23 discovery, I am not sure of the exact date. But
24 she gave her first description, May 20th, the day
25 after.

1 THE COURT: I understand that. But my
2 question is when did Mr. Brooks get a copy of her
3 statement that contained that information?

4 MR. MEADORS: Judge, I will look at that.
5 He's had it for a good while.

6 MR. BROOKS: And I'll say, Judge, that I
7 will admit, I think the statement I used when I
8 was in cross, I had that statement for awhile.

9 THE COURT: Okay.

10 MR. BROOKS: And my point was, there was
11 nothing in there about being able to positively
12 identify Mr. Abrams.

13 THE COURT: I understand.

14 MR. BROOKS: It indicated, I saw the guy
15 on the video dressed in this carb or dressed in
16 that carb.

17 THE COURT: And these were the guys that
18 went in my house is stated also.

19 MR. BROOKS: That's in the statement;
20 that's correct. But I wanted to just to clarify
21 for the record, Judge, I want to make sure my
22 objection is preserved.

23 THE COURT: It is. And it's preserved.
24 But I want to make the record even better
25 preserved is that at some point and time,

1 Mr. Meadors, I want a copy of that statement given
2 to the Court Reporter and made Court's Exhibit
3 No. 1. And also it would contain a copy of the
4 transmittal of when that statement was given to
5 counsel.

6 MR. MEADORS: And, Your Honor, that's why
7 we have Neal v. Biggers here for the in Court ID.

8 THE COURT: That's correct. Okay. I
9 think we are clear. And your position is
10 protected, Mr. Brooks. For your records, The
11 bailiff has advised me that the jury has indicated
12 they have elected Mr. Russ Juror No. 128 as the
13 foreperson of the jury. You may bring the jury.

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

16 THE COURT: Ladies and gentlemen, I want
17 to thank you for your patience. We are again a
18 little bit late getting started. But I think you
19 know the reason for some of the things. And we
20 had a few other things that we had to take care
21 of, but we feel that we are prepared to go
22 forward.

23 I do thank you for your patience. And
24 there are a couple of things I want to tell you.
25 First of all, I have been advised that the jury

1 has elected Mr. Russ, Juror No. 128, as the
2 foreman of this jury. So you will serve as
3 foreman Mr. Russ. And if you will be seated right
4 where you are seated, and that will be your seat
5 for the remainder of the trial. I would also tell
6 you that it came to our attention through the very
7 conscientious thoughts of and efforts of one of
8 your jurors that yesterday she recognized a
9 relative of one of the parties in this case.
10 After discussing it with counsel, I decided that
11 it was best not to put that juror in the position
12 of having to make a decision because of the
13 relationship that she had with the party that she
14 had recognized. She did exactly what she was
15 supposed to do. She brought it to our attention.
16 And we appreciated that. And was a very
17 conscientious lady. And I do appreciate her
18 bringing it to our attention, but we thought and
19 the court felt and ruled, that it would be best
20 for the overall fairness of this trial as well,
21 not to put her in an uncomfortable position; that
22 she be excused. And that is our purpose in
23 drawing an alternate.
24 So I excused her from any further service
25 on this case; not by any intention to deceive or

1 anything else that she did. It's one of those
2 things where she did not recognize this person
3 until she was sitting in the jury box, and she saw
4 the person sitting in the courtroom. And the
5 names were different from any other names of
6 witnesses that I read off, so she had no way of
7 knowing this person had any tie with the case
8 whatsoever. So she did exactly as she was
9 supposed to, and I appreciate her honesty and her
10 consciousness, conscientiousness on this.

11 And so as a result, I excused her. And
12 then we went through the procedure for replacing
13 that juror. That was Ms. Dawson; and replacing
14 that juror with the alternate. And the procedure
15 for that is that we do have one more alternate.
16 The alternate is selected at random; not according
17 to the way that they were selected. So the two
18 names of the two alternates were then put in to a
19 container and one name was drawn. And as a result
20 of that, Mr., Juror No. 19, Mr. Busser, was
21 selected and is now a member of this jury and is
22 no longer an alternate. And he is seated with the
23 jury. And the alternate, you are to remain as the
24 alternate in this case. And this will be your
25 seat throughout the trial.

1 Now having said that, having explained to
2 you where we are, I need to ask each of you now if
3 over the evening recess, if anyone has tried to
4 contact you or make any contact with you about
5 this case in any manner whatsoever. I need to
6 know about that now.

7 (Whereupon, No Response.)

8 THE COURT: There is no response, and that
9 is good. The next thing I would need to ask you
10 is if anyone has read any news stories or listened
11 to any broadcast media reports about this case
12 over the evening recess. And if they have, I
13 would need to know about that now.

14 (Whereupon, no response.)

15 THE COURT: And again, a negative response
16 and that is good. All right with that then, we
17 are ready to resume testimony. And the State is
18 still presenting their case. And, Mr. Meadors,
19 you may call your next witness.

20 MR. MANNING: May it please the court,
21 Wesley Gardner.

22 WESLEY GARDNER, after being duly sworn,
23 testified as follows:

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

1 A Wesley Gardner. G-A-R-D-N-E-R.

2 Direct Examination by Mr. Manning:

3 Q Good morning, Mr. Gardner.

4 A Good morning.

5 Q Tell us what is your position with the
6 Sumter County Sheriff's Department.

7 A I am an investigator with the Sumter
8 County Sheriff's Office.

9 Q And how long have you worked there?

10 A I have been there for 29 years. I have
11 been an investigator for 23 years.

12 Q And would you tell us a little something
13 about your job?

14 A What we normally do is investigate all
15 types of crimes: Murders, robberies, anything
16 that we get.

17 Q Were you on routine patrol on the May 19th
18 2009?

19 A Yes, sir, I was. I was the on call
20 investigator.

21 Q Okay. Did you receive a call that night?

22 A Yes, sir. I received a call from dispatch
23 to respond to Newberry Street.

24 Q Approximately what time was that?

25 A It was approximately -- I arrived at the

Westley Gardner-direct by Manning

1 scene at approximately 10:47 p.m.

2 Q 10:47 p.m.?

3 A That's correct.

4 Q And you got the call how long before that
5 time?

6 A Probably maybe about 30 minutes prior to
7 that.

8 Q And when you arrived at the scene, would
9 you describe to us what was going on, and was the
10 crime scene secured? And if not, what did you do
11 to ensure that it was secured?

12 A When I got to the scene, there were a
13 couple other patrol officers there as first
14 responders. And they had already roped off the
15 scene with crime scene tape.

16 Q Who were some of the officers there when
17 you got there?

18 A When I got there, there was Deputy Floyd
19 was there. Sergeant Dennis Moye and Officer
20 Deputy Nelson.

21 Q Would you explain to the jury exactly what
22 you mean, "Securing the crime scene?"

23 A What the first responders do is when they
24 get to the crime scene, they would rope off the
25 crime scene with what they call crime scene tape,

Westley Gardner-direct by Manning

1 that yellow looking tape. They would rope that
2 off. And anybody that goes in to that crime
3 scene, we've got a crime scene log which is
4 documented with anybody that goes inside that
5 crime scene.

6 Q Now from your records and your
7 investigation, once the crime scene is secured,
8 can anybody unauthorized go into that crime scene?

9 A No.

10 MR. MANNING: Your Honor, I have no
11 further questions of this witness.

12 THE COURT: Cross examination, Mr. Brooks?

13 MR. BROOKS: No questions.

14 THE COURT: Thank you, Investigator
15 Gardner, you may step down.

16 MR. MANNING: Richard Washington.

17 MR. BROOKS: Can we approach?

18 THE COURT: Come up, counsel.

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

21 Richard Washington, after being duly sworn,
22 testified as follows:

23 THE CLERK: State your full name and spell
24 your last name for the record.

25 A I am Richard Washington.

Westley Gardner-direct by Manning

1 THE CLERK: Spell your last name.

2 A W-A-S-H-I-N-G-T-O-N.

3 THE CLERK: Thank you.

4 Direct Examination by Mr. Manning:

5 Q State your hame for the record.

6 A Richard Washington.

7 Q Mr. Washington, where do you work now?

8 A I am employed at Florence Concrete.

9 Q How long have you worked there?

10 A Approximately 14, 15 years.

11 Q 14 years. And do you live here in Sumter
12 County?

13 A Yes, sir.

14 Q And were you -- are you related to the
15 deceased, Markeith Ford?

16 A That's my stepson.

17 Q Your stepson. And you're married to his
18 mother; is that correct?

19 A That's right.

20 Q On the night of the incident May 19th
21 2009, where were you when you received a call? Or
22 did you receive a call?

23 A Well I was in the store, and we were going
24 to -- closing up. And I went to drop -- or we was
25 at the store. And about the time I got off around

Richard Washington-direct by Manning

1 11:35, we received a call. And about 11:35 we
2 received a call. And I was like, "What," I mean I
3 just talked to him. And we jumped in the car and
4 we went to Teresa's house. And they be done left
5 there, and we went straight to the hospital.

6 Q And when you got to hospital, who did you
7 have a conversation with?

8 A It was so much going on. And when I got
9 to Teresa's and I asked her what was going on.
10 And she would say, "Well, Pops, somebody shot
11 Mark." And so when she went to describe them, I
12 said, these fellows were in the store.

13 Q She gave a description. What kind of
14 description did she give you?

15 A She gave me a description that the guy had
16 a red shirt on with the shirt tied around his
17 head.

18 Q But how were they dressed though?
19 Describe how the other guy was dressed?

20 A Lowery was dressed, he just had a red suit
21 kind of thing on, where, you know, nothing was
22 over his face or nothing.

23 Q During that period of time when you were
24 in the store, you worked at that store; is that
25 correct?

Richard Washington-direct by Manning

- 1 A That's right.
- 2 Q Is that El Cheapo?
- 3 A That's right.
- 4 Q Is that the one that is on Lafayette?
- 5 A That's right.
- 6 Q And how long had you worked at that store?
- 7 A Probably a year, year and a half.
- 8 Q A year and a half. And what were your
- 9 hours at that store?
- 10 A I used to go in around about 6:30 to
- 11 7:00 o'clock. And close at 10 o'clock.
- 12 Q Okay, 10:00 to closing.
- 13 A Yes, sir.
- 14 Q Now had you ever seen either one of those
- 15 persons at that store before?
- 16 A No.
- 17 Q You never had.
- 18 A No.
- 19 Q And you have worked there for about a year
- 20 and a half you said?
- 21 A That's right.
- 22 Q And based upon 6:30 to closing. It's what
- 23 10 o'clock, 10:30?
- 24 A 10:00 o'clock.
- 25 Q And you never saw either one of those guys

Richard Washington-direct by Manning

1 before.

2 A No.

3 Q Now when Ms. Ford told you, gave you a
4 description of those fellows, that's when you
5 recall that you saw them in that store that night.

6 A That's right.

7 Q Your Honor, can we show the video for a
8 second?

9 THE COURT: Go ahead.

10 MR. MANNING: Your Honor, we are waiting
11 on Mr. Mim's password. I can go on to something
12 else.

13 THE COURT: Yes, sir. It ought to be
14 taken care of. Go ahead.

15 Q Mr. Washington, what is your basic duties
16 at this store?

17 A Stocking and cleaning up and stuff like
18 that.

19 Q You said stocking?

20 A Yes.

21 Q Did you go in and out of the store that
22 night?

23 A I go in and out store every night I be
24 there. Because you are taking out trash items,
25 you know, and doing odds and ends.

Richard Washington-direct by Manning

1 Q When you first saw these -- did these two
2 individuals enter the store together that night?

3 A Yes, sir.

4 Q They did? And what did you think when you
5 first saw them?

6 A Well---

7 MR. BROOKS: Objection, Your Honor.
8 Speculation.

9 THE COURT: You can tell him not what he
10 thought, but what did he do as a result of what he
11 observed.

12 A Okay. Plain and simple, you see a guy
13 walk in the store with a red shirt tied around his
14 head; it's obviously you are going to be robbed;
15 right? I mean wouldn't you think like that?

16 THE COURT: No, sir. That's -- you can't
17 ask questions, just answer the questions.

18 Q Now let me ask you this here. Did you
19 have a conversation with either one of those
20 fellows while they were in the store?

21 A I didn't have no conversation with them,
22 no.

23 Q Did anyone of them ask you anything while
24 you were in the store?

25 A Yes.

Richard Washington-direct by Manning

1 Q Okay. Which one was that?

2 A The larger fellow. The one that didn't
3 have nothing on. He asked did I see where the guy
4 with the shirt went to. And I said he went out of
5 the store.

6 Q He went out of the store. And during that
7 time, was your stepson in and out of store as
8 well?

9 A Exactly.

10 Q Did you ever see your stepson and either
11 one of these folks have any type of conversation?

12 A No, my stepson didn't even know them.

13 MR. MANNING: Your Honor.

14 THE COURT: Proceed.

15 (Whereupon, the playing of the video.)

16 Q Is this the video from the store?

17 A That's right.

18 Q Now who is this man walking right there?

19 A That's my stepson, Markeith Ford.

20 Q That's Markeith Ford. And do you
21 recognize those two persons there?

22 A That's the two that came in the store.
23 That's Lowery right there in the windbreaker.

24 Q Does this video have a time line on it? A
25 time frame.

Richard Washington-direct by Manning

- 1 A What do you mean by that?
- 2 Q Does it tell us what time it is on the
- 3 stamp?
- 4 A Yes, sir. Right there.
- 5 Q 20:53. That's the time of this thing?
- 6 A That's right.
- 7 Q So the two defendants; is that correct?
- 8 They went in the store at 20:53. Is that the
- 9 first time you saw them in the store that night?
- 10 A That's correct.
- 11 Q Now who is this standing right there?
- 12 A That's Markeith Ford.
- 13 Q It's the same time, May 19th?
- 14 A Yes, sir.
- 15 Q The same night the incident happened; is
- 16 that correct?
- 17 A That's correct.
- 18 Q Now is that one of the fellows who was at
- 19 the store that night? In the red? Is that one of
- 20 the fellows that went in the store that night that
- 21 is standing there?
- 22 A That's spots him right there where he was
- 23 leaving. Because when he left, him and Lowery was
- 24 not together. And then Lowery came back in the
- 25 store and asked did I see him leave.

Richard Washington-direct by Manning

1 Q Now that man there to the left with the
2 short shirt on, back to us, who is that?

3 A Markeith Ford.

4 Q Going back in the store. And that's what
5 time? 20:55. Now who is this gentleman right
6 here with the blue shirt on?

7 A That is me going to take the trash out
8 right there.

9 Q That is you coming out of the store going
10 to the trash can?

11 A That's right.

12 Q So you were in the store when they first
13 went in, the two together; is that correct?

14 A Yes, sir.

15 Q Now the fellow that just went in the store
16 from the left side, he has on a red jacket that
17 had a hood on it. That was not the same person.
18 Or was it?

19 A No.

20 Q A different person?

21 A That's right.

22 Q I think this. Who is that right here, Mr.
23 Washington?

24 A I mean that's, I guess where Lowery is
25 looking for the other fellow right there.

Richard Washington-direct by Manning

1 MR. BROOKS: Objection, Your Honor. He
2 doesn't know.

3 THE COURT: Just ask -- the answer will be
4 stricken. Ask the question again, Mr. Manning.

5 Q Is this one of the fellows that went in
6 the store?

7 THE COURT: No, no. That's not the
8 question you asked him. The question was who.

9 Q Do you recognize the fellow here?

10 A That is Lowery right there.

11 Q And that's 26:53. Is this one of the
12 persons who fit the description of how Ms. Ford
13 described him, and how he was dressed that night
14 at the hospital?

15 A That's correct.

16 Q And who is this gentleman right here in
17 the blue?

18 A That is me right there.

19 Q That is you?

20 A That's correct.

21 Q If you're looking this way here, was there
22 any surveillance cameras showing the outside of
23 the store or the rear of the store?

24 A Well this one goes on the side of it. But
25 it don't go all the way, because it is dark on

Richard Washington-direct by Manning

1 that end. They have different points.

2 Q Are people known to park on this back
3 side?

4 A That's the front of the store.

5 Q Now all of that is the outside of the
6 store; is that correct?

7 A That's correct.

8 Q Now is this the interior of the store
9 here?

10 A Correct; that's the inside.

11 Q Who is right here in the blue?

12 A That's me dumping the water out of the
13 soda thing.

14 Q And this gentleman standing over there to
15 the far left, who is that?

16 A That is Markeith.

17 Q Markeith Ford. At any point and time that
18 night would it show on whether there or not
19 Markeith Ford talked to either one of those two
20 guys in the red?

21 A No, sir.

22 Q Now is it a fair and accurate statement
23 for you to say that -- you basically know
24 everybody that does come in and out of the store;
25 is that correct?

Richard Washington-direct by Manning

1 A Pretty much. The majority of them is in
2 the hood, you know what I am saying? You know,
3 like been in the store.

4 Q But you have never seen either one of
5 those two fellows that, before that night; is that
6 correct?

7 A No, sir.

8 Q You never see them at all?

9 A No, sir.

10 Q Now at any point and time while you were
11 in the store, did you ever see any of those
12 fellows purchase anything?

13 A No, sir.

14 Q Now you identified this person as being
15 one of the ones who went in the store together?

16 A At that point when they walked in the
17 store, he went straight to the bathroom.

18 Q To left is the bathroom where he is going?

19 A That's right.

20 Q Now who is this fellow right here? Do you
21 recognize that fellow there with the burgundy and
22 black suit on?

23 A That's Lowery.

24 Q So you got an opportunity to see, have a
25 good look at how they were dressed. And how they

Richard Washington-direct by Manning

1 were passing back and forth in the store; is that
2 correct?

3 A Correct.

4 Q And is that you right there with the blue
5 shirt on?

6 A That's right.

7 Q Now that's one of the fellows that's
8 dressed in red that passed by you; is that
9 correct?

10 A Correct. They came out the bathroom going
11 out of the door.

12 Q I noticed you turned and looked at that
13 person as he passed by you?

14 A That's correct.

15 Q This other guy in the burgundy, and it
16 looks like burgundy or red and black. It looks
17 like a jogging suit; is that correct?

18 A That's right.

19 Q So there -- that's you just passed by him
20 right there just then?

21 A That's correct.

22 Q You got a good look at him?

23 A That's correct.

24 Q Now who is this standing right here?

25 A That's Markeith.

Richard Washington-direct by Manning

1 Q Markeith Ford. All of this is happening
2 on the same night that Markeith was injured; is
3 that correct?

4 A That's correct. That happened before,
5 before Teresa had called him on the phone to go
6 and watch the game.

7 Q Who is standing in the corner up there?
8 Do you recognize that person?

9 A That's Lowery.

10 Q He's still at the store. Is that you in
11 the blue, Mr. Washington?

12 A That's where I am going back down the
13 counter.

14 Q Based on your experience in working at the
15 store, is it unusual for people to come in the
16 store and stand around for a length of time
17 without buying anything at all?

18 A No.

19 Q Is this one of the fellows right here that
20 came in there with a tee shirt tied around his
21 head?

22 A No, sir, that is not him.

23 Q Now describe, did that appear to be a hood
24 on his head to you?

25 A That's right. There is something like a

Richard Washington-direct by Manning

1 hoody cord right there.

2 Q And that hood is tied to the jacket; is
3 that correct?

4 A That's correct.

5 Q Now that has writing on the back. Is that
6 writing on the back of that jacket?

7 A That's correct.

8 Q So that's not the same fellow that came in
9 with the two guys together?

10 A No, sir. This guy came in after the one
11 with the red; he was done left. The one that had
12 the shirt tied around his head.

13 Q So there is no question in your mind that
14 this fellow that you called Lowery and the other
15 guy with the tee shirt that was tied around his
16 head in the red jacket, those two guys were
17 together.

18 A No, see because that guy at the counter
19 with Lowery is still standing right there.

20 Q Now which of those fellows came up and
21 asked you something?

22 A Lowery.

23 Q Lowery? Is that him standing over in the
24 far right corner?

25 A Right, standing in the corner.

Richard Washington-direct by Manning

1 Q After that night, did you ever see either
2 one of these persons come in that store again?

3 A No, sir.

4 Q So the only time you ever recall seeing
5 these persons was that night and that night only.

6 A That night, and only at that store.

7 Q And how long did you work at this store
8 after May 19th 2009?

9 A For probably I think I did maybe 4 or 5
10 months after that.

11 Q How long?

12 A 4 or 5 months after that.

13 Q 4 or 5 months following that. So that
14 would have been September, October, November.
15 Somewhere along in there.

16 A Somewhere along.

17 Q You never saw either one of them in the
18 store again.

19 A No, sir.

20 Q And had never seen them in the store
21 before that night?

22 A No, sir.

23 MR. MANNING: Your Honor, I have no
24 further questions of this witness.

25 THE COURT: Cross examination, Mr. Brooks.

Richard Washington-direct by Manning

1 Cross Examination by Mr. Brooks:

2 Q Mr. Washington.

3 A Yes, sir.

4 Q On that video, that's about 5, all of
5 those events that the solicitor had you look at,
6 that talks about individuals in the store
7 approximately 5 to 10 minutes before 9 o'clock
8 that night; is that correct?

9 A Well that video, I am not quite sure on
10 the time, but when I goes in, I just do what I
11 have to do.

12 Q So you -- so you are telling this court
13 that you are not sure about the time.

14 A The time is on the video.

15 Q Okay.

16 A Okay. And that is correct.

17 Q Okay. So the time on the video is
18 accurate.

19 A That's correct.

20 Q And that shows about 20:53 until about
21 20:57; isn't that correct?

22 A Correct.

23 Q And that would be, as you know it, it
24 would be 8:53 to 8:57?

25 A I guess it could be about some time, you

Richard Washington-cross by Brooks

1 know, or whatever.

2 Q Okay. Now you earlier testified that
3 these individuals were in the store around 10
4 o'clock?

5 A No, sir. I didn't testify being a time in
6 the store. I said the store closed at
7 10:00 o'clock.

8 Q Okay. So the store closed at
9 10:00 o'clock. But the time on the video that's
10 accurate?

11 A That's correct.

12 Q Okay. And you indicated you had never
13 seen these individuals before; is that correct?

14 A That's correct.

15 Q Now Solicitor Manning had you describe the
16 gentleman with a red outfit on that had some
17 writing on the back of that; is that correct?

18 A Correct.

19 Q Who is that individual?

20 A Well I don't know. It was somebody in the
21 hood. It was the individual who had the shirt
22 tied around his head.

23 Q But that individual that had the red
24 jacket on with the writing on the back, you didn't
25 know who that was either; is that correct?

Richard Washington-cross by Brooks

1 A No, sir.

2 Q Okay. And just to clarify that person
3 with the red jacket with the writing on the back,
4 that person was in the store at the same time as
5 the person you characterize as Lowery; is that
6 correct?

7 A That's correct.

8 Q And throughout this entire time on, these
9 individuals don't talk to you at all; is that
10 correct?

11 A No, they don't. Lowery asked him
12 questions when the other guy left out the store.
13 And when I was returning the box behind the
14 counter, I was coming from behind the counter,
15 Lowery asked me where did the guy with the red
16 shirt tied around his head. And I said he went
17 out the door.

18 Q Okay.

19 A And then at the time he left.

20 Q Now the other individual with the red
21 jacket and the writing on the back, he had black
22 pants on it too; is that correct?

23 A Correct.

24 Q And that's also a gentleman that you
25 didn't know who he was either; is that correct?

Richard Washington-cross by Brooks

1 A Correct.

2 Q And he was in the store at the same time
3 as the person you identified as Lowery with the
4 purple and black windbreaker; is that correct?

5 A Correct.

6 MR. BROOKS: No other questions.

7 THE COURT: Redirect?

8 MR. MANNING: Just a couple of questions.

9 Redirect Examination by Mr. Manning:

10 Q As best you can recall, what time did
11 Markeith Ford leave that night, as best you can
12 recall?

13 A The best I can recall, Mark left around
14 maybe around 9 or something close to 10.

15 Q Okay. When he left.

16 A That's right.

17 Q Okay. One other question. The fellow in
18 the red hood, did he make a purchase?

19 A Correct.

20 Q Did the fellow who had the red tied around
21 his head, did he make a purchase?

22 A No, sir.

23 Q Did the other fellow make a purchase who
24 he was with?

25 A No, sir.

Richard Washington-redirect by Manning

1 MR. MANNING: Your Honor, I have no
2 further questions.

3 THE COURT: Recross.

4 Recross Examination by Mr. Brooks:

5 Q In your position, are you cashier?

6 A Excuse me?

7 Q Are you the cashier?

8 A No, sir.

9 MR. BROOKS: No other questions.

10 MR. MANNING: We would call Captain James
11 Turner.

12 Captain James Turner, being
13 first duly sworn, testified as follows:

14 Direct Examination by Mr. Manning:

15 Q Mr. Turner, are you a resident of Sumter
16 County?

17 A I am.

18 Q And what is your position in Sumter
19 County?

20 A I am the Captain of the Criminal
21 Investigation Division of the Sumter County
22 Sheriff's Office.

23 Q And how long have you been in law
24 enforcement?

25 A 21 years.

Captain Turner-direct by Manning

1 Q 21 years. And would you tell us a little
2 bit about your background, and what jobs you have
3 had over the years.

4 A In full, over all?

5 Q Law Enforcement.

6 A Okay. I started out on patrol when I
7 first got there. And went in to the traffic
8 division in 1995. And I was transferred into
9 investigation's division. And worked along with
10 investigations; primarily, worked violent crimes
11 most of my career; which is, robberies, murders,
12 death. I did a lot of death investigations, you
13 know. And in 2006, I was promoted captain over
14 the Criminal Investigations Division.

15 I also during that time frame, I did
16 extensive training in forensics and violent crime
17 investigations. And there was another
18 investigator whose primary duties were crime
19 scenes. But when he was off, I did crime scenes.
20 I also did the crime scenes when he was. We
21 helped each other depending on the type of scene.
22 So that's what I did.

23 Q Do you ever -- have you during the course
24 of your law enforcement career, have you scuba
25 dived and do stuff like that?

Captain Turner-direct by Manning

1 A Yes, sir.

2 Q Tell us a little bit about that.

3 A I am certified -- I'm actually a certified
4 scuba diver. A dive master is the person who
5 supervisors over divers. I am also certified as a
6 aquatics investigator and scuba diver. I have to
7 do investigations to obtain something that is in
8 the water.

9 Q Now were you on patrol the night of
10 working, whatever you want to call it, the night
11 of May 19th 2009?

12 A I was actually commander on call at that
13 time. The regular crime scene person was at a
14 school out of town, and I had to be back the next
15 morning to help. And I told him that we had one
16 -- we had two at the time. One was sick; went
17 home sick that day. And the other one was out of
18 town at school. So I told him that I would take
19 care of it. Something I was planning on call, I
20 would take care of the crime scene if something
21 that came up if needed.

22 Q So you got a call that you were responding
23 to the crime scene.

24 A Well, I would have gotten the call as the
25 commander, because it was a homicide. I would

Captain Turner-direct by Manning

1 have gotten a call regardless as the commander. I
2 also responded as the commander, and also did the
3 crime scene unit.

4 Q When you arrived at the crime scene, was
5 that crime scene secured?

6 A It was.

7 Q And did you talk to Officer Gardner?

8 A I did.

9 Q Okay. And how long was he there before
10 you left? If you know.

11 A Investigator Gardner stayed with me until
12 I finished. What we do -- or what I do is, I talk
13 to the investigators on the scene; trying to get
14 to get an overview of what had happened. And we
15 do a walk through of the scene. And what I am
16 trying to do during the walk through is get him to
17 show me what he knows, or have observed or any
18 evidence that they have identified. And also try
19 to get a path, per say, that a path that I can
20 work the crime scene where I don't disturb any
21 evidence that may be in the crime scene; such as,
22 this crime scene was outside and outside.

23 Outside being possible footprints in the
24 dirt or evidence that might have been discarded or
25 dropped. So we do a walk through. This crime

Captain Turner-direct by Manning

1 scene involved two residences. The one behind the
2 other one is the main crime scene, which was where
3 Mr. Ford was shot. And then a projectile exited
4 through the wall of that residence, and hit a
5 residence behind it breaking the glass.

6 Q As a result of your walk through and your
7 investigation, did you have the opportunity to
8 take still photographs?

9 A I did.

10 Q Okay, I am going to show you, may I
11 approach the witness, Your Honor?

12 THE COURT: Yes, sir.

13 Q I am going to show you several photographs
14 where they are identified on the back. Just tell
15 us what each one of these -- did you take these
16 photographs yourself?

17 A That's correct. I did.

18 Q You did. Would you one by one, identify
19 each one of them and tell us exactly what that
20 represents?

21 THE COURT: Are they in evidence? Are you
22 offering them in evidence? Have they been agreed
23 to? I mean, let's cut out some of the formalities
24 of this if we can. Have you shown them to---

25 MR. MANNING: Yes, I have. He had no

Captain Turner-direct by Manning

1 objection.

2 MR. BROOKS: Which ones?

3 THE COURT: Let him look at the --
4 identify them, and let's put them in to evidence.
5 And then we can go through them, one by one. What
6 are they, Mr. Manning?

7 MR. MANNING: I have Exhibit 8.

8 THE COURT: Go ahead, what else?

9 MR. MANNING: Exhibit 13.

10 THE COURT: All right.

11 MR MANNING: 14, 12, 11, 10, 9 and 15.

12 THE COURT: State's Exhibits, 8, 13, 14,
13 12, 11, 10, 9 and 15 admitted in to evidence
14 without objection. Proceed.

15 MR. MANNING: Your Honor, can I have the
16 witness come stand here to show; publish them in
17 front of the jury?

18 THE COURT: Yes, sir. Step down, Mr.
19 Turner. You will have to keep your voice up
20 Mr. Turner, because you are away from the
21 microphone.

22 A The picture here, these pictures, the two
23 pictures here represent Mr. Ford's vehicle.

24 THE COURT: Identify them.

25 Q What exhibits? What is the number?

Captain Turner-direct by Manning

1 A 8.

2 Q Exhibit 8.

3 A It is two pictures of Mr. Ford's vehicle
4 showing the passenger side of the vehicle and the
5 front. Exhibit 9 is just two pictures. It's just
6 a picture of Mr. Ford's vehicle. Exhibit No. 10
7 is a photograph of what appears to be a projectile
8 hole; an exit hole from the residence at No. 2
9 Newberry Street. And the ruler, scaled ruler,
10 shows 6-foot 5 inches or approximately 6 foot 5
11 inches from the ground where the bullet comes out
12 and travels across another 50 feet.

13 Q Officer, could you explain to us how that
14 bullet went through the wall?

15 A This is a picture. This is where the
16 bullet entered the wall. This is the upper edge
17 that shows the approximate size of the hole. So
18 we have something we want to compare. We can
19 compare it by using the same ruler. It's just a
20 scale with a bullet hole. It's from inside the
21 house. This is the same picture, but a close up.
22 But a flash in the wall compares the two.

23 The bullet apparently was shot into the
24 house. Passed through the wall, and exited the
25 wall. State's Exhibit No. 14 shows where the

Captain Turner-direct by Manning

1 bullet went past the residence next door. And
2 approximately 2 foot, 4 inches from this area
3 right here where the bullet impacted some glass,
4 which is a sliding glass door. You can tell that
5 if you look, the lines are radiating out from the
6 impact. When you break glass, at the point of
7 impact, the glass breaks out. That's how you can
8 tell the possible location where it hit.

9 This is looking, if I am standing where
10 the bullet exited the wall, this is the glass
11 broken approximately 50-foot away. This is a just
12 a picture shown to scale.

13 THE COURT: Exhibit what number?

14 A Exhibit No. 15. Showing the same picture.
15 Approximate location where the bullet strikes the
16 glass. This is broken glass on the floor.
17 Exhibit No. 12 actually shows the broken glass.
18 The first picture, which is a picture of broken
19 glass. Right here is the alleged projectile. And
20 the next picture close up picture with a mark.
21 And that's just so I can identify what it is. And
22 right here is the projectile; the lead projectile,
23 which I recovered and turned in to evidence.

24 Q What if anything did you retrieve from the
25 crime scene?

Captain Turner-direct by Manning

1 A The only items of evidence that I found on
2 that night was the projectile in the house next
3 door. And there was two cell phones where
4 Mr. Ford was sitting at. And I recovered both of
5 those cell phones and turned them in to evidence.

6 Q Okay. I beg the court's indulgence. I
7 will show you State's Exhibit No. 19. Can you
8 tell us what that is? Let me show you this here.
9 Can you identify that?

10 A This is an evidence card that I filled out
11 in reference to what ended up being Item 2, which
12 was a lead bullet fragment that I recovered from
13 the crime scene on that night.

14 Q Now is that the frame that you collected
15 there?

16 A This is not the packaging that I put it
17 in. I am assuming that sled, and my packet is
18 inside. I am not certain without opening it up
19 and looking at it, if it's the same; we are
20 talking about the same.

21 Q You can open it.

22 A Yes, sir.

23 Q Is at that the fragment that you
24 collected?

25 A Yes.

Captain Turner-direct by Manning

1 Q Is that the one that came from the house
2 next door?

3 A It come from the house next door.

4 Q That's shown in one of the exhibits.

5 THE COURT: Is this in evidence? You
6 haven't moved it into evidence, and he's
7 testifying to it. Any objection, Mr. Brooks?

8 MR. BROOKS: I don't have any objection
9 once he moves it in to evidence.

10 THE COURT: You don't have any objection
11 to what?

12 MR. BROOKS: I don't have any objection.
13 But I don't think he has moved it in to evidence.

14 THE COURT: I know he hasn't. That's why
15 I stopped him. That's why I am asking you.

16 MR. BROOKS: I don't have any objection to
17 it being admitted into evidence.

18 THE COURT: Admitted into as State's
19 Exhibit No. 19. Mr. Manning, you can't testify to
20 something that is not in evidence.

21 Q When you retrieved that, you returned it
22 into the evidence room?

23 A I turned it in, we have a cabinet located
24 in the criminal investigation division, and it has
25 a key. And we package it; basically seal it up.

Captain Turner-direct by Manning

1 And then we apply, put it in the report. And the
2 evidence card with it. And then the evidence
3 custodian or technician comes by and picks up the
4 evidence.

5 Q Was that a complete bullet?

6 A No, sir. It appears to be half a bullet.

7 Q Do you have any idea what happened to the
8 other half?

9 A Yes, I have an idea. It was -- there was
10 another half of another lead bullet recovered at
11 autopsy.

12 Q Okay. So based on what you found, that
13 was not the full bullet. It was just a portion of
14 it; is that correct?

15 A Yes, sir. That appears to be half a
16 bullet.

17 Q And that based on your investigation,
18 would that have been the same fragment that went
19 into the wall and into the next door neighbor's
20 house?

21 A Yes, sir.

22 Q And that's what you retrieved?

23 A Yes, sir.

24 MR. MANNING: Your Honor, I have no
25 further questions of this witness.

Captain Turner-direct by Manning

1 THE COURT: Cross examination, Mr. Brooks?

2 MR. BROOKS: I beg the court's indulgence.

3 THE COURT: Yes, sir.

4 Cross examination by Mr. Brooks:

5 Q Captain Turner, the only thing you
6 recovered from the crime scene is that bullet that
7 Solicitor Manning was questioning you about.

8 A Yes, sir.

9 Q And that's pretty much what all you
10 recovered from as a part of this investigation; is
11 that correct?

12 A Yes, sir.

13 MR. BROOKS: No other questions.

14 THE COURT: Redirect?

15 MR. MANNING: Ladies and gentlemen, you
16 have been in the courtroom for a little over an
17 hour now. We have been in here for longer than
18 that. I think it is appropriate that we take our
19 morning break at this time. And we are going to
20 do that for about 10 or 12 minutes. I am going to
21 ask you to go to your jury room. Relax, do not
22 discuss the case among yourselves. But get some
23 refreshments, and we will bring you back in the
24 courtroom in 10 or 12 minutes and we will be ready
25 to resume. Thank you, you may go with the

Captain Turner-cross by Brooks

1 bailiff.

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

4 THE COURT: Counsel, what I want to do with the
5 exhibits is, I don't want them just marked. I want the
6 things that the parties have agreed on as in evidence.
7 If they are in evidence, no further authentication is
8 necessary. And if you got an exhibit and one side or
9 the other does not agree on, it should be marked for
10 identification, and I will rule on it at that point.
11 But what I want to know is what is already in evidence
12 and is agreed upon, without this business of going back
13 and forth and opening it and showing it back and forth.
14 That all ought to be done ahead of time, and out of the
15 presence of the jury.

16 So any exhibits that you have got, give
17 them to the other side. And if they agreed on
18 them and marked with a number, I will admit them
19 in to evidence at that time. If you disagree or
20 it's an objection to them, they will be marked for
21 identification. And I will deal with the
22 identification issue or the matter at the time
23 that they are offered. But they have got to be in
24 evidence before they can be testified to. We will
25 take a 10-minute recess.

1 (Whereupon, the court takes a recess.)

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

4 THE COURT: We are back on the record in
5 the State of South Carolina versus Maurice Abrams.
6 He is present in court with his counsel,
7 Mr. Brooks. We need the solicitors. I need Mr.
8 Meadors and Mr. Manning.

9 MR. MEADORS: I apologize.

10 THE COURT: Are you ready to proceed,
11 Mr. Brooks?

12 MR. BROOKS: Yes, sir.

13 THE COURT: Bring the jury in.

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

16 THE COURT: Thank you very much, Ladies
17 and gentlemen. And thank you for waiting a few
18 more minutes. We did take a little bit longer
19 break than I had anticipated. We had some
20 matters that we had to deal with. And we are now
21 ready to go forward. The State may continue to
22 present their case to you. Mr. Meadors.

23 MR. MANNING: Mike Bean.

24 Michael C. Bean, after being duly
25 sworn, testified as follows.

1 THE CLERK: Please state your full name,
2 and spell your last name for the record.

3 A Michael D. Bean. B-E-A-N.

4 Direct Examination by Mr. Manning:

5 Q Officer Bean, you are with the Sumter
6 County Sheriff's Department?

7 A Correct.

8 Q And how long have you been in law
9 enforcement?

10 A Approximately 7 years.

11 Q 7 years. And back on 6/12 of last -- of
12 2009, did you have the opportunity; first of all,
13 these have been marked as exhibits without
14 objection.

15 THE COURT: Let's go ahead and get that on
16 record right now. We have got some exhibits that
17 have been agreed to. What are those numbers, Ms.
18 Sullivan?

19 THE REPORTER: 20 to 23.

20 THE COURT: State's Exhibit Nos. 20
21 through 23 are in evidence.

22 (Photographs marked State's Exhibit Nos.
23 20-23 in evidence.)

24 Q I show you Exhibit 23. Would you identify
25 that for us?

Officer Michael Bean-direct by Manning

1 A That's a South Carolina Department of
2 Motor Vehicles registration card for an 84 Chevy
3 Caprice registered to Mr. Maurice Abrams.

4 Q Maurice Abrams. I show you Exhibit No.
5 22. Will you tell us what this is?

6 A That's the Caprice that's referred to in
7 that registration there; that belongs to
8 Mr. Maurice Abrams.

9 Q I'll show you Exhibit No. 21. What is
10 that?

11 A That's the same vehicle as was sitting at
12 the Sumter County Sheriff's Office impound lot.

13 Q Okay. I'll show you Exhibit No. 20, would
14 you tell us what that is, and describe to us what
15 you see in that picture.

16 A That's the same vehicle at the impound
17 yard that night. I had to process the vehicle.
18 And I did a search on it. When I opened the back,
19 there was a red coat.

20 Q And would you explain to us what -- can I
21 get you to come down and step in front of the jury
22 real quick. And show them what you are talking
23 about; what's in that photograph.

24 A This is the rear passenger seat on the
25 driver's side. And when you open the door, there

Officer Michael Bean-direct by Manning

1 is a coat, a red coat. It was in the vehicle when
2 they brought it in. There was also a tee shirt of
3 some type in the vehicle at the same time.

4 Q And this vehicle and the contents belong
5 to Maurice Abrams; is that your understanding?

6 A That's my understanding.

7 Q That's what you got based on the search
8 warrant.

9 A Right, that's correct.

10 Q That was put on your return; is that
11 correct?

12 A Correct.

13 MR. MANNING: Your Honor, I have no
14 further questions of this witness.

15 THE COURT: Mr. Brooks.

16 Cross Examination by Mr. Brooks:

17 Q Mr. Bean, you took those pictures; is that
18 correct.

19 A Yes, sir.

20 Q When did you take those pictures?

21 A The same day.

22 Q What day was that?

23 A They were processed? That was the 12th.
24 6/12/09.

25 Q 6/12/09.

Officer Michael Bean-cross by Brooks

1 A Yes, sir.

2 Q And you took them immediately after the
3 vehicle was brought in to the police; is that
4 correct?

5 A I believe it was the next morning.

6 Q So the police got the vehicle around
7 6/11/09?

8 A If I recall correctly.

9 Q And you took the pictures on 6/12.

10 A Yes.

11 Q And as far as you know, this incident
12 occurred on May 19th.

13 A I couldn't tell you: I don't know.

14 Q Okay. And in that photo, can I have that
15 photo back? Thank you. This is the photo you
16 took with the red jacket in the floor of the rear
17 passenger seat behind the driver's side; is that
18 correct?

19 A Yes.

20 Q And you took that picture. And was a part
21 of your return that you submitted in, as a part of
22 the search warrant, the red jacket? And the other
23 thing that you also found was a black tee shirt;
24 is that correct?

25 A Yes.

Officer Michael Bean-cross by Brooks

1 Q A black tee shirt; right?

2 A I believe it was black; yes, sir.

3 MR. BROOKS: No other questions.

4 THE COURT: Redirect?

5 MR. MANNING: May I approach the witness?

6 THE COURT: Yes, sir.

7 MR. MANNING: Can I just mark this for

8 identification only? State's 24 for ID.

9 (Copy of Return marked State's Exhibit No.

10 24 for id. only.)

11 Q I am showing you what is marked for

12 identification Mr. Brooks asked you what all did

13 you retrieve from the car. You said a black tee

14 shirt. Is that a copy of the return right there?

15 A Yes, sir.

16 Q Would you tell us what is on it?

17 A As far as the items or in reference to the

18 tee shirt? Item 3 is one black, I think says

19 black with a tee shirt.

20 Q And what else?

21 A And there is one red jacket. Item 2.

22 Q Is this the same stuff, the same material

23 that was taken from the vehicle; is that correct?

24 A Correct.

25 Q I have no further questions, Your Honor.

Officer Michael Bean-cross by Brooks

1 THE COURT: Recross?

2 MR. BROOKS: No, sir.

3 MR. MEADORS: Can we approach?

4 THE COURT: Yes.

5 (Whereupon, the attorneys approach and
6 confer with the judge.)

7 MR. MEADORS: Frederick O'Neil Owens.

8 THE COURT: Ladies and gentlemen, I have
9 got to take up a matter of law. I have to send
10 you to the jury room. It won't take very long.
11 We will be ready to go in just a few minutes.
12 This is a matter of law that I must take up at
13 this time. Please go with the bailiff.

14 (Whereupon, the following takes place
15 outside the presence of the jury.)

16 THE COURT: Swear the witness, please.

17 Frederick O'Neil Owens, after being duly
18 sworn, testified as follows:

19 THE COURT: You are Frederick O'Neil
20 Owens, is that correct?

21 A Yes, sir.

22 THE COURT: Mr. Owens, you have been
23 called as a witness in this case with regards to
24 Mr. Maurice Lionel Abrams. I have a copy of the
25 indictment where you were indicated along with

1 Mr. Abrams in connection with some of the charges
2 that he is also charged with. And I need to
3 advise you now that you are being called as a
4 witness for the State. But you have a 5th
5 Amendment protection against self-incrimination.
6 The 5th Amendment to the Constitution of the
7 United States and a similar counterpart provision
8 of the constitution of the State of South Carolina
9 provides that you cannot be required to provide
10 evidence or testimony against yourself.

11 And to the extent that the questions that
12 are presented to you today implicate you or in
13 any way involve you in these crimes, you would
14 have this right of privilege against
15 self-incrimination. I want you to understand that
16 when you testify in this matter that you waive or
17 give up your privileges against self-incrimination
18 and your rights under the 5th Amendment. And that
19 you will not be able to take the 5th Amendment as
20 an answer to any question, and refuse to answer
21 the question. And that you must answer every
22 question, and answer it truthfully. Do you
23 understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And has Mr. Britton talked to

1 you about your waiver of your constitutional
2 privilege against self-incrimination if you
3 testify?

4 THE DEFENDANT: This is the first I heard,
5 sir.

6 THE COURT: Sir?

7 THE DEFENDANT: This is the first I heard,
8 sir.

9 THE COURT: This first is the time you
10 heard this?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Well do you have any questions
13 you want to ask me about it?

14 THE DEFENDANT: No, sir.

15 THE COURT: But you understand that by
16 testifying you are waiving your privileges under
17 the 5th Amendment, you will have to answer the
18 questions, and have to answer them truthfully. Do
19 you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And are you willing to do
22 that?

23 THE DEFENDANT: I am not sure, sir.

24 THE COURT: You are not going to do that?

25 THE DEFENDANT: Yes.

1 THE COURT: Are you willing to take the
2 stand and answer the questions and answer them
3 truthfully and waive your constitutional privilege
4 against self-incrimination?

5 THE DEFENDANT: No, sir.

6 THE COURT: You are not willing to, is
7 that right?

8 THE DEFENDANT: No, sir.

9 MR. BRITTON: Your Honor, can I have a
10 minute with him?

11 THE COURT: Yes, sir.

12 THE COURT: Remain seated. Let the record
13 reflect in my questions to Mr. Owens, Mr. Britton,
14 basically had the opportunity to confer. The
15 court gave them an opportunity to talk for a few
16 minutes. And they are back before the court at
17 this time.

18 Mr. Owens, have you had a chance to talk
19 to Mr. Britton now about your 5th Amendment
20 rights?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand your 5th
23 Amendment rights?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you wish to waive those

1 rights and testify in this matter?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that if you
4 waive those rights and take the stand in this
5 matter, you will have to answer the questions put
6 to you, and answer those questions truthfully, do
7 you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Are you willing to do that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right, thank you. Have a
12 seat right back there until we get the jury in,
13 and you can call him as a witness, Mr. Meadors.
14 Bring the jury in.

15 (Whereupon, the following takes place
16 within the presence of the jury.)

17 THE COURT: Thank you very much for your
18 patience, Ladies and Gentlemen. We are ready to
19 go forward. Mr. Meadors, you may call your next
20 witness.

21 MR. MEADORS: Frederick Owens.

22 THE COURT: Mr. Owens, come around.

23 FREDERICK O'NEIL OWENS, after being duly
24 sworn, testified as follows:

25 THE CLERK: State your full name and spell

1 your last name for the record.

2 A Frederick O'Neil Owens. O-W-E-N-S.

3 Direct Examination by Mr. Meadors:

4 Q Good afternoon, Mr. Owens.

5 A Good afternoon.

6 Q We will start off, sir, if you will just

7 let this jury know a little bit about you, okay.

8 Please. First of all, where are you from?

9 A From Sumter, South Carolina.

10 Q Were you born here?

11 A Yes, sir.

12 Q Raised here?

13 A Yes, sir.

14 Q Please tell them where you went to

15 elementary school.

16 A I went Lamira Elementary School.

17 Q What did you do after that? Where did you

18 go to middle school?

19 A I went to Bates Middle School.

20 Q And did you go to high school?

21 A Yes, sir, I graduated from Sumter High

22 School. Early.

23 Q What year?

24 A 2000.

25 Q Did you say early?

Frederick O'Neil Owens-direct by Meadors

1 A Yes, sir.

2 Q What did you do after high school?

3 A I graduated early and went in to the
4 United States Marine Corps.

5 Q And how long were you in the Marine Corps?

6 A I was in for 4 years.

7 Q And what was your home base?

8 A Camp Le Jeune, North Carolina.

9 Q Where else? Just where did you go in the
10 military? Tell them where you went.

11 A I went to Spain, France, Africa. I went
12 all over the world.

13 Q Iraq?

14 A Yes, sir.

15 Q Turkey?

16 A Yes, sir.

17 Q And at some point did you, after the
18 4 years in the Marines, what did you do after
19 that?

20 A I went to the University of South
21 Carolina.

22 Q What campus?

23 A The Columbia campus, sir.

24 Q Where did you -- did you stay on campus or
25 did you live off campus?

Frederick O'Neil Owens-direct by Meadors

- 1 A I lived off campus.
- 2 Q Where did you live?
- 3 A I lived in Windmill Apartments.
- 4 Q And what year was this, Mr. Owens?
- 5 A I guess it was 2005, 2006. I think.
- 6 2005, 2006.
- 7 Q What were you majoring in? What was your
- 8 degree you were working towards?
- 9 A Business.
- 10 Q And how long were you at USC, the Columbia
- 11 campus?
- 12 A I was there for about a year.
- 13 Q I am sorry. How long were you there?
- 14 A About a year.
- 15 Q Did you live anywhere else besides
- 16 Windmill?
- 17 A I moved to an apartment called Riverbanks
- 18 Apartments.
- 19 Q And how long were you there?
- 20 A About 6 months.
- 21 Q You had a girlfriend during this time?
- 22 A Yes, sir.
- 23 Q Was she staying with you some?
- 24 A She had an apartment she stayed in. She
- 25 was more at my apartment than hers. Yeah, she

Frederick O'Neil Owens-direct by Meadors

1 stayed there.

2 Q At some point did you work for Columbia
3 Freight lines?

4 A Yes. That was 2006, 2007.

5 Q What did you do there?

6 A I was a driver at first. The first two
7 weeks. And I kind of learned the system pretty
8 fast and they moved me to counter sales.

9 Q What's McCall's janitorial? Did you ever
10 work there?

11 A Yes, sir. I was a warehouse -- I worked at
12 the warehouse at McCall's.

13 Q And what did you do there?

14 A It's a heating and air conditioning
15 company. I received parts. I inventoried. I had
16 got -- I have to get orders together for clients
17 for the heating and air conditioning business in
18 Sumter.

19 Q How long did you do that?

20 A I was there maybe 2 and a half months, 3
21 months.

22 Q And just for my purposes, when did you
23 come back from Columbia? When did you come back
24 to Sumter from Columbia?

25 A I came back here in 2007.

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1 Q Did you ever -- and when you came back
2 here in 2007, you were working at the place you
3 just told us about?

4 A Yes, sir.

5 Q Did you ever leave South Carolina prior to
6 that? Prior to this incident? After that, prior
7 to this incident.

8 A Yes, sir. I lived in Kansas City,
9 Missouri in 2008 to 2009.

10 Q Why did you go there?

11 A My girlfriend's sister just moved there,
12 and they were living in a bad neighborhood. They
13 wanted a male to be in the house with just the
14 women. And myself and my girlfriend and my
15 daughter went to live with them. And we stayed
16 for maybe 2 months, 3 months and we got our own
17 place. And we stayed---

18 Q In Missouri.

19 A In Missouri. Kansas City, Missouri. And
20 we moved back here in March of 2009.

21 Q So March of 2009, you came back home.

22 A Yes, sir.

23 Q And when you came back to Sumter where did
24 you go?

25 A I lived with my mom.

Frederick O'Neil Owens-direct by Meadors

1 Q And here in Sumter.

2 A Yes, sir.

3 Q Did your girlfriend come back with you?

4 A Yes, sir.

5 Q Tell the ladies and gentlemen what kind of
6 work were you doing when you came back here?

7 A I came back in 2009. I really didn't have
8 a job. I was trying to find a job. I mean, I
9 sold weed.

10 Q You sold weed?

11 A Yes, sir. I sold marijuana.

12 Q That's marijuana?

13 A Yes, sir.

14 Q Did you have any occupation?

15 A No, sir, not at that time.

16 Q I think you may have told me you might
17 have been getting some money from somebody in the
18 family or something?

19 A My stepfather he helped me out. And, you
20 know, whenever I needed money, he gave me money.

21 Q And did you have a job interview at UTI?
22 And what is UTI?

23 A It's a place down in Camden. It's a
24 plant. I had to job interview for that Monday.
25 Friday, prior -- Friday before I got arrested, I

Frederick O'Neil Owens-direct by Meadors

1 found out I had a job interview. I had the
2 interview. I got arrested that Friday. I had a
3 job interview that Monday.

4 Q So you were back in Sumter March of 2009?

5 A Yes, sir.

6 Q Let me start off asking you, do you know
7 a Tony Lowery?

8 A Yes, sir.

9 Q Tell these ladies and gentlemen of this
10 jury how you know Tony Lowery.

11 A I know Tony Lowery through his brother,
12 Marcus Montgomery. Me and Marcus was in the same
13 grade together. I met Tony through his brother.

14 Q And I have something in here about
15 Charlotte. Did he come from Charlotte?

16 A No, that's his brother Marcus lives in
17 Charlotte.

18 Q Now lives in Charlotte.

19 A Yes, sir.

20 Q Prior to March of 09, when was the last
21 time before March of 09, or let me strike that.
22 Before May of 09, when was the last time you had
23 seen Tony Lowery prior that?

24 A I haven't seen Tony Lowery I maybe after
25 high school, 2004, 2003, something like that.

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1 Q And then you saw him again when?

2 A I saw him again in April. I think I
3 saw -- yeah, I saw him April of 09.

4 Q And where was that?

5 A I saw him at the Young's Market. He was
6 over near my mom's house up in Crosswell.

7 Q And but you all talked then.

8 A Yes, sir.

9 Q And that had been the first time you had
10 seen each other in awhile.

11 A Yes, sir.

12 Q But you recognized him, he recognized you.

13 A Yes, sir.

14 Q Did y'all say let's get together some
15 time?

16 A Yes, sir.

17 Q Did you talk about any marijuana?

18 A He asked me if I knew anybody that had any
19 weed and stuff like that.

20 Q After that day, and you said that was
21 April of 09?

22 A Yes, sir.

23 Q Prior to the incident we are all here
24 about on May 19th 2009, did you see or talk on the
25 phone or have any interaction with Tony Lowery?

Frederick O'Neil Owens-direct by Meadors

1 A I'd seen Tony probably again April. Some
2 time in April at club Sebastians.

3 Q And after that before this incident date,
4 did you see him?

5 A After?

6 Q Between Sebastian and May 19th?

7 A No, sir.

8 Q Did you all talk on the phone?

9 A No, sir.

10 Q Well tell me about, you remember when all
11 this happened?

12 A Yes, sir.

13 Q And were you working on May 19th?

14 A No, sir.

15 Q You still living with your mom?

16 A Yes, sir.

17 Q Your girlfriend?

18 A She moved to Charleston. She got her job
19 back, there's a bank -- it's a telemarketer
20 company called OCI. She was living back in
21 Charleston.

22 Q So can you tell these folks, Mr. Owens,
23 Frederick, Fred, May 19th. Do you remember what
24 you did that day?

25 A Yes, sir.

Frederick O'Neil Owens-direct by Meadors

1 Q Look at them and tell, please.

2 A On May 19th, I was at my grandmother's
3 house. Tony called me.

4 Q That's Tony Lowery?

5 A Tony Lowery called me looking for, he
6 said, did I know anybody that was selling powder
7 or weed. I told that I didn't know anybody, but I
8 walking to my home boy's house. And I said that I
9 will ask him. And he said, he's on Lafayette.
10 He'll come over there. So I give him directions
11 to the house and he came over there.

12 Q And what street was that on?

13 A On Harrison Street.

14 Q And so Tony meets you at your home boy's
15 house on Harrison.

16 A Yes, sir.

17 Q What happened next?

18 A My home boy Tero calls. He said that he
19 had just purchased some powder weed from Mark.
20 And he said he would call Mark to see if Mark had
21 it. Mark said that---

22 Q Do you know who Mark was?

23 A Yes, sir. I have known Mark all my life.
24 He was cool with my brother when my brother used
25 to sell weed for him.

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1 Q Who is your brother?
2 A Kevin Owens.
3 Q So Mark, then you're saying that's
4 Markeith Ford.
5 A Yes, sir.
6 Q Was cool with your brother.
7 A Yes, sir.
8 Q And you have known Markeith Ford your
9 whole life.
10 A Yes, sir.
11 Q So you've known the family your whole
12 life.
13 A Yes, sir.
14 Q Okay. So take me back. So Mr. Lowery is
15 inquiring about getting a pound. Tell us what
16 happens after that. Or inquiring about getting
17 some marijuana. I'm sorry. Go ahead.
18 A Tero calls him. Calls Mark on the speaker
19 phone. And he asked Mark did he have any. And
20 Mark said yeah, he wanted to know who wanted the
21 weed. Tero tells him that it's Tony Lowery. And
22 Mark said he knew him; to give him his number,
23 because he had some things he had to do. And he
24 said just tell him to call him.
25 So he gave -- he gave Tony -- Tero gave

Frederick O'Neil Owens-direct by Meadors

1 Tony Mark's number. And we sat around the house
2 we rolled a blunt.

3 Q And again, what street is this house on?

4 A On Harrison Street.

5 Q And you rolled a blunt?

6 A Yes, sir.

7 Q What's a blunt?

8 A It's a marijuana inside a cigar.

9 Q Okay. And it's you, Larry, Tero.

10 A Yes, sir.

11 Q What happened next?

12 A Oh, Abrams is there also. Because he came
13 in his car.

14 Q What kind of car did he come in?

15 A A blue Chevy Caprice.

16 Q And had -- how did he get in the picture?

17 A He -- Tony rode with him over there.

18 Q So Tony Lowery rode with Abrams in his
19 Chevrolet Caprice over there?

20 A Yes, sir.

21 Q And had you ever seen Abrams before?

22 A No, sir. That was the first time I had
23 ever seen him.

24 Q Didn't know him.

25 A Didn't know him.

Frederick O'Neil Owens-direct by Meadors

1 Q Never had an interaction with him.
2 A No, sir.
3 Q You get there now, so It's Abrams,
4 Lowery, Owens and Tero.
5 A Yes, sir.
6 Q And you're at Harrison.
7 A Yes, sir.
8 Q What time of day is it roughly?
9 A It's like first dark.
10 Q What does that mean?
11 A Probably around -- probably like around 7,
12 7 to 8 o'clock, because the sun is going down.
13 Q What if anything do all of you do after
14 that?
15 A Abrams gets a phone call from his cousin
16 saying that he had to go pick up some money from
17 Gates. Or he had to go by Gates.
18 Q What is Gates?
19 A It's a gas station off of Lafayette.
20 We -- he asked---
21 Q Do you know who that cousin is?
22 A No, I didn't know him. But when we got
23 there, I knew his name. Because I got out of the
24 car, and asked him if he had a cigarette. And he
25 gave me a cigarette. And when he was getting it,

Frederick O'Neil Owens-direct by Meadors

1 Abrams was standing at the car talking to him.

2 And he gave him some money. We left from the Gate

3 Station and came back past the...

4 Q Now let me stop you there please, sir.

5 I'm sorry. You said you, "We left." What car

6 were you in?

7 A The Chevy Caprice.

8 Q And who is driving?

9 A Abrams is driving.

10 Q And who is in the front -- well who is in

11 the passenger seat?

12 A Tony Lowery is the passenger seat.

13 Q Front passenger seat. And who was in the

14 back behind the driver?

15 A Tero is behind him.

16 Q And who is in the other seat behind the

17 back?

18 A I was behind Lowery.

19 Q And you described the -- I will get back

20 to that in a minute. You're leaving Gates,

21 correct?

22 A Correct.

23 Q Mr. Abrams had gotten something from whom?

24 A A guy named Steve. I don't know his last

25 name.

Frederick O'Neil Owens-direct by Meadors

1 Q And do you know what he got from him?
2 A He got some money from him.
3 Q Did you know what that money was going to
4 be used for?

5 A I guess it was for the powder.

6 MR. BROOKS: Objection, Your Honor.
7 Unless he knows.

8 THE COURT: You can't speculate.
9 Objection is sustained.

10 Q Do you know of your own knowledge, or did
11 you all talk about what it was going to be used
12 for?

13 A No, sir.

14 Q So at this point, the four of you there,
15 what was your intent and your understanding of
16 where you all were going?

17 A My understanding was, we were going to go
18 back to Tero's house and wait for Mark to call, or
19 wait for him -- for Mark to call him back to pick
20 up the weed.

21 Q Wait for Mark to call who back?

22 A Tony.

23 Q Okay. And did you go back to Harrison?

24 A Yes, we went to Harrison.

25 Q You're back at Harrison now the four of

Frederick O'Neil Owens-direct by Meadors

1 you, correct?

2 A Yes, sir.

3 Q This is Tero's house.

4 A Correct.

5 Q What happens next?

6 A Tony and Tero went outside, and they came
7 back in, and he said Mark told him to bring Tony
8 over to his house.

9 MR. BROOKS: Objection, Your Honor,
10 hearsay.

11 MR. MEADORS: Your Honor, it's
12 co-conspirator, Mr. Lowery. And they are involved
13 in this together. So it's an exception to the
14 hearsay.

15 THE COURT: Wait just a minute. All
16 right, you are the basis of the objection is the
17 statement is from a co-conspirator?

18 MR. MEADORS: Yes, sir.

19 THE COURT: What do you say to that,
20 Mr. Brooks?

21 MR. BROOKS: My objection is, if these are
22 statements by this other person, he can come in
23 and testify as far as the witness said. He's on
24 the the state's witness list.

25 THE COURT: Come up.

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1 (Whereupon, the attorneys approach the
2 bench and confer with judge.)

3 THE COURT: The objection is overruled.

4 Q You are at Harrison Street. I think you
5 said Lowery goes outside with Tero?

6 A Yes, sir.

7 Q Come back inside and what did Lowery say?

8 A Lowery said that Tero said to Mark, get
9 some from Mark. And Mark said to bring Tony over
10 to his house to pick up the weed. He was at his
11 sister's house.

12 Q Bring Tony over to his sister's house to
13 pick up the weed?

14 A Yes, sir.

15 Q And after that, what did you do? What did
16 all four of you do?

17 A We all got in the car, and over to his
18 sister's house, and kind of parked in the field
19 across -- well across from his sister's house.

20 Q At some point prior to that, did you go to
21 El Cheapo's?

22 A Yes, sir. On the way back from going to
23 the store, Jake's, we were passing by and Tero
24 said, well there is Mark's car right there. And I
25 can go ask Mark about the weed. You can probably

Frederick O'Neil Owens-direct by Meadors

1 get the weed from him now.

2 Q So that's -- I apologize. So after you
3 went to Gates and before you went back to
4 Harrison, did you go by El Cheapo's?

5 A Yes, sir.

6 Q And tell us what happened there. Why did
7 you pull in?

8 A They was going there to ask Mark if they
9 could buy the weed from him at the store.

10 Q And what did you do?

11 A Myself and Tero, well we was like standing
12 outside the car smoking. And Tony and Abrams went
13 inside the store.

14 Q And where were you parked? And I am going
15 to show you that in a minute. But where were you
16 parked at El Cheapo's?

17 A They was like kind of parked on the back
18 side of the store.

19 Q You said they, because you weren't
20 driving?

21 A No, sir.

22 Q Did you get out of the car?

23 A To smoke. Yeah, we was standing outside
24 to smoke a cigarette.

25 Q Did you ever go inside?

Frederick O'Neil Owens-direct by Meadors

- 1 A No, sir.
- 2 Q Do you know whether or not they made
3 contact with Ford then?
- 4 A They went in the store, and Tony comes
5 back to the car. And Tony said that, the dude
6 said he don't know anything about selling weed.
7 Tony said he would call him.
- 8 Q So that was Tony saying what Markeith Ford
9 said, but he don't know him.
- 10 A Yes, sir.
- 11 Q That who should call him?
- 12 A He told him to tell Tero to call him.
- 13 Q Had Tero gone in the store?
- 14 A No, he didn't go in the store. He was
15 standing outside the car. We were smoking a
16 cigarette.
- 17 Q And did you see Markeith Ford that night?
- 18 A No, sir. I just saw his car at the store.
19 I didn't see him.
- 20 Q What happened after you left El Cheapo's?
- 21 A We left El Cheapo's. I went to Harrison
22 Street. And that's when we got back over there,
23 Tony and Tero went outside. And they came back
24 in. And Tero said that Mark said to bring Tony
25 over to his sister's house. We left from there,

Frederick O'Neil Owens-direct by Meadors

1 and went to his sister's house. And we parked
2 across the street from the house. And when we got
3 to the house, Tony, Tero and Abrams got out of the
4 car. Tony kind of walked up to the other car with
5 Tero. And they was like standing on the back side
6 of the car. And I was still sitting in the car.
7 I was smoking. And they went across the street to
8 the house.

9 Tero kind of like stood like on kind of
10 the side. Like not on the side of the house, but
11 like, you know, kind of where the step and door is
12 at. He was just standing there. And Tony and
13 Maurice went in the house. And they just like
14 walked in the house.

15 Q And you're in the car?

16 A Yes, sir.

17 Q And how far are you from the house?

18 A From about here to where that door is at.
19 The wood is at right back there. Directly across
20 the street.

21 Q Had you been there before?

22 A No, sir. That's the first time I have
23 been there.

24 Q But you knew Markeith Ford.

25 A Yes, sir.

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1 Q You knew Teresa Ford.

2 A Yes, sir.

3 Q Why didn't you go in?

4 A I was sitting in the car, smoking. I just
5 thought that they was just like going to pick up
6 the weed.

7 Q At some point in the ride over there, was
8 there some discussion about there being a robbery?

9 A No, sir.

10 Q Did you think there might be a robbery.

11 A In a way, because prior to leaving the
12 house---

13 MR. BROOKS: Your Honor, I would object.

14 THE COURT: It's objective opinion. What
15 he was thinking is, you can't testify to that.

16 Objection is sustained.

17 MR. MEADORS: I apologize, Judge.

18 Q Did you hear anything from these
19 co-conspirators regarding a robbery, or potential
20 robbery?

21 A Tero said that, he came back in the house
22 with Tony. He said that you don't have to pay for
23 it. You can just take it from him, because he
24 don't carry a gun.

25 Q You don't have to pay for it, you can just

Frederick O'Neil Owens-direct by Meadors

1 take it from him.

2 A Yes, sir.

3 Q What would you call that?

4 A I'd call that, they were planning to take
5 it from him by force, or whatever. They was
6 planning on taking it from him.

7 Q So according to your testimony, a deal
8 had been made to go pick up some marijuana?

9 A Yes, sir.

10 Q That conversation had occurred about why
11 you got to pay him, if he doesn't have a gun just
12 take it. Right?

13 A Yes, sir.

14 Q Then you head over there.

15 A Yes, sir.

16 Q So you at least knew that conversation had
17 taken place.

18 A Yes, sir. I didn't think that he was
19 going to -- I thought, you know, he was hanging
20 around when he said that, because he knows Marcus
21 well. He knows the families well.

22 Q Who does?

23 A Tero.

24 Q So you and Tero knew the family.

25 A Yes, sir.

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1 Q Did, to your knowledge, did Lowery or
2 Abrams know the family?

3 A No, sir.

4 Q So does Abrams leave the car?

5 A When they get to the house?

6 Q Yes, sir. I'm sorry.

7 A Yes, sir.

8 Q And does Abrams go inside?

9 A Yes, sir.

10 Q And Abrams knew them, or did not know
11 them?

12 A He did not know him.

13 Q And what happened after that?

14 A They went in the house. About maybe, 5
15 seconds or so, I see Lowery comes back out of the
16 house. And he, I guess, just unlock the door,
17 because the lights flash in the car. And I see
18 like Lowery like going to the car. And then
19 Lowery runs back to the step. Then I hear a
20 gunshot. And then Tero and all of them run back
21 to the car.

22 Q Let me ask you, what car did Lowery run
23 to?

24 A They ran back to the Chevy Caprice, Abrams
25 car.

Frederick O'Neil Owens-direct by Meadors

1 Q When you say, they ran back. Who are you
2 referring to as they?

3 A Tony Lowery, Abrams and Tero.

4 Q Prior to the shot, okay, who ran back to
5 the other car?

6 A Tony Lowery.

7 Q And at that point, where was Abrams?

8 A Abrams is still in the house.

9 Q And after your testimony Lowery went to
10 the car, who if anybody went back to the house?
11 Prior to the shot.

12 A Prior to the shot?

13 Q Yes.

14 A Tony Lowery went back to the -- he kind of
15 like got to the steps, and that's when the shot
16 went off.

17 Q And you heard it?

18 A Yes, sir.

19 Q Where was Tero at this point?

20 A Tero was like standing like kind of on the
21 side of the trailer.

22 Q What happened after the shot?

23 A They all ran and jumped back in the car.

24 And when they got in the car, Tero was like, "Did
25 you shoot him." He was, like, he was talking to

Frederick O'Neil Owens-direct by Meadors

1 Abrams. And Abrams was like, Yeah." And he was
2 like, what did you shoot him for. And he was
3 like, "Because the mother fucker looked at me
4 funny."
5 Q "Because the mother fucker looked at me
6 funny."
7 A Yes, sir.
8 Q And did you hear that from Abrams?
9 A Yes, sir.
10 Q Any doubt in your mind?
11 A Yes, sir.
12 Q Is there any doubt in your mind?
13 A No, sir.
14 Q Was it your plan to kill Markeith Ford?
15 A No, sir. I just thought they was going
16 over there to pick up the weed from him.
17 Q And your testimony is, it wasn't your plan
18 to rob him.
19 A No, sir.
20 Q All right, you're back in the---
21 A Yes, sir.
22 Q Which car did you all get back in?
23 A The Chevy Caprice.
24 Q And where did you -- or what happened
25 after that?

Frederick O'Neil Owens-direct by Meadors

1 A They went -- we went back to Tero's house
2 on Harrison Street. They all came in the house,
3 and they were like sitting at the table, like
4 dividing up like weed and money. And Abrams --
5 well Tony had -- Tony had like sat down and he had
6 like his gun in his back. He pulled it and sat it
7 on his lap. He had like a black gun. And he sat
8 it on his lap. And Abrams goes, "Here is your gun
9 back." And hands the gun back to Tero.

10 Q And what kind of gun did Abrams have?

11 A It was a 357 long nosed revolver.

12 Q And Mr. Frederick O'Neil Owens, you had
13 just been somewhere where you said you thought you
14 were buying weed. And somebody is dead now.

15 A Yes, sir.

16 Q Somebody is dead. You are back at
17 Harrison Street. What -- I mean, what's going on?
18 What were you feeling like?

19 A I just really felt like I just want to get
20 away from them, because it was like, I felt like,
21 you know, I was caught in the middle of somebody
22 that I knew. And that knows my family. Knows me
23 well. And that, you know, would have done
24 anything for me. And it's like, I just didn't
25 want to be around them. And it's like, I was like

Frederick O'Neil Owens-direct by Meadors

1 kind of scared. I didn't want to say nothing. I
2 just didn't want to get involved in it, but I was
3 already involved, because I was there.

4 Q You were already involved because you were
5 there. What was taken?

6 A They took some weed and some money.

7 Q Weed and money?

8 A Yes, sir.

9 Q And do you know how much money?

10 A No, sir.

11 Q Tell these folks now, did you get any of
12 that weed and money?

13 A Tero after Abrams and Lowery, they left
14 and whenever. And Tero was like, "Well man, I
15 don't smoke weed. Whatever." He was like, "You
16 can get this out of the house. But I don't even
17 smoke." And he gave me like an ounce of weed.

18 Q How much money did you get?

19 A None.

20 Q You didn't get any money?

21 A No, sir.

22 Q You got an ounce of weed?

23 A Yes, sir.

24 Q What happened to the rest of the weed or
25 money?

Frederick O'Neil Owens-direct by Meadors

1 A It was divided between Tony Lowery and
2 Abrams and Tero.

3 Q Did you, I mean, did you all sit down like
4 dividing up poker? I mean did you watch everybody
5 divide it up?

6 A Yes, sir.

7 Q Was it done there a Harrison Street?

8 A Yes, sir.

9 Q How was it decided who got what?

10 A It was just like, you know, Tero was like
11 counting out the money. And like counting out the
12 ounces of weed. And it was like just, you know,
13 kind of like, here is one for you. Like one for
14 you. One for you. Type of thing.

15 Q Was anybody else there?

16 A No.

17 Q What was Abrams wearing?

18 A He was wearing a red shirt, and a red tee
19 shirt around his head.

20 Q And what was Lowery wearing?

21 A He had on like kind of like a jogging
22 suit.

23 Q I'm sorry.

24 A Like a jogging suit.

25 Q How about Tero?

Frederick O'Neil Owens-direct by Meadors

1 A He had a black shirt. A black shirt, and
2 some jeans. Some black jeans.
3 Q What is Tero's name?
4 A Terrance Lemon.
5 Q Now, did you -- you knew the Fords,
6 correct?
7 A Yes, sir.
8 Q Did you ever call them, and tell them what
9 happened after that?
10 A No, no, sir.
11 Q I know you got charged. You got your
12 attorney Mr. Britton here, correct?
13 A Yes, sir.
14 Q But did you ever call them and say this
15 happened?
16 A No, sir.
17 Q That was your limited role; that you were
18 involved? Did you tell them anything?
19 A No, sir.
20 Q Why not?
21 A Because, I didn't want them to feel like,
22 because they knew me, and I thought I had
23 something to do with it. When all I did was go by
24 with them and thought they was buying some weed
25 from Mark.

Frederick O'Neil Owens-direct by Meadors

1 Q And the reason you didn't go in the house
2 was why?

3 A I was sitting in the car smoking a blunt,
4 and I thought that they were just going to buy the
5 weed from him.

6 Q Did you want Markeith Ford to be dead?

7 A No, sir.

8 Q Was it your plan when you left there, for
9 him to die?

10 A No, sir.

11 Q For him to be shot?

12 A No, sir.

13 Q Did you have a gun?

14 A No, sir.

15 Q But when you arrived over there, you knew
16 the other two folks had a gun?

17 A No. I just knew that Tero had a gun,
18 because he usually keeps his gun -- he usually
19 puts his gun like when he leaves the house, he
20 usually puts his gun back in the cabinet. And I
21 didn't see him put his gun back in there. So I
22 figured he still had a gun on him.

23 Q You said you went by El Cheapo's?

24 A Yes, sir.

25 Q And you parked where? I know you weren't

Frederick O'Neil Owens-direct by Meadors

1 driving, I apologize. The car was parked where?

2 A It was like parked on like the back side
3 of the store.

4 Q And I haven't had a chance to show you
5 this, have I?

6 A No, sir.

7 Q You've described what Abrams was wearing.
8 I think a red shirt, and a red shirt around the
9 head, is that correct?

10 A Yes, sir.

11 Q Do see that in this video?

12 A Yes, sir.

13 Q And that's the individual right there?

14 A Yes, sir.

15 Q And will you let it go just a little bit
16 please, Tom. I'm sorry. Stop right there. Is
17 that, do you recognize that person behind him?

18 A Yes, sir. That's what Tony Lowery was
19 wearing that night.

20 Q And this was the same clothes they were
21 wearing that night?

22 A Yes, sir.

23 Q And look at this jury here. Are you sure
24 about that?

25 A Yes, sir.

Frederick O'Neil Owens-direct by Meadors

1 Q I'm sorry.

2 A I'm 100 percent that is them.

3 Q And when they were in this store right on
4 8:53:43 on May 19th 2009, were you in the car that
5 had just come there.

6 A Yes, sir.

7 Q Any question about that?

8 A No, sir.

9 Q Who else was in the car?

10 A Tero.

11 Q You don't know who that fellow is, do you?

12 A No, sir.

13 Q That's all. I am going to show you what's
14 marked State's Exhibit 4. Had you ever been to
15 Teresa Ford's house before?

16 A No, sir. That was the first time I had
17 been there.

18 Q Who knew to get over there?

19 A Tero.

20 Q Tero knew how to get over there? And if I
21 showed you State's Exhibit No. 3, you said it was
22 a knife. Do you recognize that?

23 A Yes, sir.

24 Q Why is that?

25 A That is the front door of her house and

Frederick O'Neil Owens-direct by Meadors

- 1 steps.
- 2 Q And could you see the front door and steps
- 3 from where you were in your car?
- 4 A Yes, sir.
- 5 Q I am going to show you what's entered as
- 6 State's Exhibit No. 22 Can I approach again,
- 7 Judge. I'm sorry for asking.
- 8 THE COURT: Yes, sir.
- 9 A Yes, sir.
- 10 Q Do you recognize that?
- 11 A Yeah, that's Maurice Abrams car.
- 12 Q And is this the car you were in on May
- 13 19th?
- 14 A Yes, sir. A blue Chevy Caprice.
- 15 Q Now there is a jacket, a red jacket back
- 16 here in the back of State's 20. Do you know
- 17 anything about that jacket?
- 18 A No, sir.
- 19 Q You know a fellow is dead, and you are
- 20 back. And you got some weed. What do you do
- 21 next?
- 22 A I caught a ride and I go home.
- 23 Q And you were subsequently arrested,
- 24 correct?
- 25 A Yes, sir.

Frederick O'Neil Owens-direct by Meadors

- 1 Q And subsequently arrested in your house?
- 2 A Yes, sir.
- 3 Q In your attic?
- 4 A Yes, sir.
- 5 Q Were you scared?
- 6 A Yes, sir.
- 7 Q I beg the court's indulgence.
- 8 THE COURT: Yes, sir.
- 9 Q In 2006, did you plead guilty to assault
- 10 and battery of a high and aggravated nature?
- 11 A Yes, sir.
- 12 Q And received a probationary sentence?
- 13 A Yes, sir.
- 14 Q Now up -- how long had you known
- 15 Mr. Abrams?
- 16 A I just met him that night, sir.
- 17 Q You'd never met him before.
- 18 A No, sir.
- 19 Q Never hung out with him?
- 20 A No, sir.
- 21 Q Had you ever been in that car before?
- 22 A The Chevy Caprice, sir?
- 23 Q Yes, sir.
- 24 A The first time was that night, sir.
- 25 Q And Mr. Tero, or you call Tell, I think.

Frederick O'Neil Owens-direct by Meadors

1 But did Tero know Abrams?
2 A I don't think so, sir.
3 Q So Mr. Lowery knew Abrams.
4 A Yes, sir.
5 Q And Harrison -- Harrison was a place where
6 Tero, and what would you call it?
7 A You call it a trap house. It's where
8 somebody sells drugs out of.
9 Q A trap house.
10 A Yes, sir.
11 Q When Abrams gets to Harrison Street, do
12 you all talk? Just in general, is their talking
13 going on?
14 A No, just they weren't really talking.
15 Just like dividing up the weed and money between
16 them.
17 Q And I mean prior to that, Mr. Owens. When
18 you first see them, do you spend some time
19 together at Harrison's, correct?
20 A Yes, sir. We like smoked a blunt
21 together.
22 Q You what now?
23 A We were smoking weed together.
24 Q And I don't mean anything in particular,
25 but just conversating back and forth in general?

Frederick O'Neil Owens-direct by Meadors

- 1 A No.
- 2 Q But you were there together.
- 3 A Yes, sir.
- 4 Q And you then get in this car and you go to
- 5 Gate, correct?
- 6 A Yes, sir.
- 7 Q El Cheapo's.
- 8 A Yes, sir.
- 9 Q And you are spending time with him at this
- 10 point and Lowery and Tero, correct?
- 11 A Yes, sir.
- 12 Q And then back to Harrison, correct?
- 13 A Yes, sir.
- 14 Q And you're all in Harrison together,
- 15 right?
- 16 A Yes, sir.
- 17 Q And he's right there with you; isn't he?
- 18 Abrams Lowery?
- 19 A Yes, sir.
- 20 Q And then you go to Teresa Ford's house,
- 21 correct?
- 22 A Yes, sir.
- 23 Q And your testimony is Mr. Abrams goes to
- 24 the door?
- 25 A Yes, sir.

Frederick O'Neil Owens-direct by Meadors

- 1 Q Then comes back to the car, correct?
- 2 A Yes, sir.
- 3 Q All that time you spent with Abrams,
4 Lowery and Tero, correct?
- 5 A Yes, sir.
- 6 Q Did you have a chance during all that, to
7 smoke a blunt or going to the store, robbing him,
8 to look at him?
- 9 A Yes, sir.
- 10 Q Do you know who he is?
- 11 A Yes, sir.
- 12 Q And your testimony earlier, he's the
13 person that said he shot him, because he looked at
14 him funny?
- 15 A He said, "The mother fucker looked at me
16 funny."
- 17 Q And is the person that came to Harrison
18 Street to Gate's, to El Cheapo's, back to Harrison
19 Street, and then over to Teresa Ford's house, is
20 the person in here that went up to the door? Is
21 the person in here you said Lowery went back to
22 the door, and a moment after, the shot fired. And
23 the person came back to the car. And the person
24 that just said what you said, is that person in
25 the courtroom?

Frederick O'Neil Owens-direct by Meadors

1 A Yes, sir.

2 Q Would you point him out? Look at these
3 ladies and gentlemen, and then point him out,
4 please, for us.

5 A He's right there.

6 MR. MEADORS: I'd like the record to
7 reflect he's picked out the defendant Mr. Abrams.

8 THE COURT: The record will so reflect.

9 Q And that's -- now you haven't known me all
10 that long, have you?

11 A No, sir.

12 Q And I've met with your attorney over there
13 Mr. Britton. Is that your attorney over there
14 Mr. Britton?

15 A Yes, sir.

16 Q And Mr. Britton and I and you met maybe a
17 week or so ago and met this morning, correct?

18 A Yes, sir.

19 Q And I talked to you about this case,
20 didn't I?

21 A Yes, sir.

22 Q And I talked to you, didn't I?

23 A Yes, sir.

24 Q And did I ask for your cooperation in this
25 case?

Frederick O'Neil Owens-direct by Meadors

1 A Yes, sir.

2 Q In exchange to that, did I agree to offer
3 a plea to you to accessory after the fact of armed
4 robbery?

5 A Yes, sir.

6 Q 0 to 15?

7 A Yes, sir.

8 Q Have you complied and testified truthfully
9 and testified here today? Came forward today and
10 told these folks what you did and I would allow
11 you, the Solicitor would allow you to enter a plea
12 to accessory after the fact of armed robbery.

13 A Yes, sir.

14 Q That's your understanding.

15 A Yes, sir.

16 Q That's 0 to 15, correct?

17 A Yes, sir.

18 Q And you spent some time in jail.

19 A Yes, sir.

20 Q Couple of years?

21 A Two years, sir.

22 Q You're out on bond now.

23 A Yes, sir.

24 Q In talking to your lawyer Mr. Britton, you
25 are going to ask for a cap of 5 years; is what you

Frederick O'Neil Owens-direct by Meadors

1 are going to ask for, correct?

2 A Yes, sir.

3 Q Laying it all out. That's what it is,
4 right?

5 A Yes, sir.

6 Q And it's your understanding that in
7 exchange for that, these charges will be
8 dismissed, correct? The other charges will be
9 dismissed?

10 A Yes, sir.

11 Q Did you know Markeith Ford?

12 A Yes, sir.

13 Q Did you know him well?

14 A Yes, sir.

15 Q You know his family?

16 A Yes, sir.

17 Q Did you plan on robbing him?

18 A No, sir.

19 Q Did you want Teresa's brother to be dead?

20 A No, sir.

21 Q Did you shoot him?

22 A No, sir.

23 Q Did you want him shot?

24 A No, sir.

25 Q Do you wish he was still here breathing?

Frederick O'Neil Owens-direct by Meadors

1 A Yes, sir.

2 Q Is it easy for you to testify today?

3 A No, sir, because Mark is gone. And he
4 always looked out for me. The only reason why I
5 am here today, because I don't want him -- I don't
6 want his killer to be back on the street, and his
7 family not, you know, having some closure with
8 this situation.

9 Q Because you really don't want to testify,
10 do you?

11 A No, sir.

12 Q I mean you don't really don't want to
13 testify, do you?

14 A No, sir.

15 Q But you did testify.

16 A Yes, sir.

17 MR. MEADORS: Thank you. Oh, Judge, I do
18 have one last.

19 THE COURT: Go ahead.

20 MR. MEADORS: I'm sorry.

21 THE COURT: It's all right. No problem.

22 MR. MEADORS That's okay. That's all
23 right. Thank you.

24 THE COURT: Cross examination, Mr. Brooks?

25 Cross Examination by Mr. Brooks:

Frederick O'Neil Owens-direct by Meadors

1 Q How old are you Fred?

2 A 29, sir.

3 Q You served 4 years in the Marine Corps,
4 and you've also gone to USC Columbia; is that
5 correct?

6 A Yes, sir.

7 Q And you sound like a very reasonably
8 articulate young man. I'm sure you did pretty
9 well in school; is that correct?

10 A Not really. I wasn't -- kind of like I
11 don't know, it was like the first time being at a
12 big university. I don't know, was partying;
13 having fun, and trying to join a fraternity.

14 Q Now Mr. Meadors asked you about testifying
15 here today. I believe he asked you, but you
16 didn't want to testify; is that correct?

17 A Yes, sir.

18 Q But you -- I mean you've testified and
19 accused people of murder before; isn't that
20 correct?

21 A Yes, sir.

22 Q And one of them was a guy named Raheem
23 Carter; isn't that correct?

24 A Yes, sir.

25 Q He came---

Frederick O'Neil Owens-cross by Brooks

1 MR. MEADORS: Your Honor, I am going to
2 object to any relevance of this whatever.

3 THE COURT: I'm probably going to give you
4 a little leeway, but come up here and let me find
5 out what the relevance is.

6 (Whereupon, the attorneys approach and confer
7 with judge.)

8 Q How long have you known Tony Lowery?

9 A Maybe 6 or 7 years now.

10 Q He's the only Tony Lowery you know, isn't
11 that correct?

12 A Well I knew Tony Lowery through his
13 brother. I don't know like, you know, I don't him
14 too well. But I know him through his brother.

15 Q So you've had a prior affiliation with
16 Tony through his brother. And that's been for
17 years; is that correct?

18 A Yes, sir.

19 Q And out of the four people in that car,
20 counting you, the only person that you didn't have
21 any knowledge of, any contact with, never knew
22 before this night was my client, right?

23 A Yes, sir.

24 Q Okay. Now and you said, and I believe you
25 testified earlier that Tero is the one that handed

Frederick O'Neil Owens-cross by Brooks

1 the gun to Maurice; is that correct?

2 A I am not sure, sir. Abrams had to stand
3 at the back side of the car. I didn't see who --
4 It was Tero's gun, so I'm assuming that it was
5 Tero that gave him the gun. But I didn't see who
6 handed the gun.

7 Q It was Tero's gun. Okay. I believe you
8 testified that after the incident Tero had --
9 Abrams had given the gun back to Tero.

10 A Yes, sir. He said here is your gun back,
11 and he gave him back the gun.

12 Q And you said it was a 357?

13 A Yes, sir.

14 Q And you're pretty sure of that being a
15 357?

16 A Yes, sir.

17 Q Because you had seen Tero's gun before; is
18 that right?

19 A Yes, sir.

20 Q And now you testified that you knew
21 Markeith and you knew Teresa and you knew their
22 house. I mean you knew where they lived. You
23 hadn't gone in the house.

24 A No, I never knew where they lived. That
25 is the first time. I thought that she lived on

Frederick O'Neil Owens-cross by Brooks

1 the South side. I didn't know she had lived
2 there. Tero knew where she lived at.

3 Q So Tero knew where to go. You were just
4 along for the ride.

5 A Yes, sir.

6 Q Now you testified earlier that Mr. Abrams
7 had gotten some money from his cousin at the
8 Gate's apartment; is that correct?

9 A At a Gate's station.

10 Q At the Gate station. So he had met with
11 his cousin and had gotten some money?

12 A Yes, sir.

13 Q Did you have any money that night?

14 A I had a couple of dollars on me that
15 night. I had a little money on me.

16 Q And you didn't have any weed that night.

17 A Yes, sir.

18 Q Prior to the incident.

19 A Yes, I had some weed.

20 Q You did have some weed. How much weed did
21 you have?

22 A Probably like a quarter.

23 Q Okay. Is that what you -- had you smoked
24 a quarter?

25 A No, I had that. I was just smoking out of

Frederick O'Neil Owens-cross by Brooks

1 the quarter.

2 Q Okay. That was the only weed that you
3 had?

4 A Yes, sir.

5 Q Prior to the incident with Markeith---

6 A Yes, sir.

7 Q ---and Teresa?

8 A Yes, sir.

9 Q Now you also stated that your brother
10 sold dope for Markeith; is that correct?

11 A Yes, sir.

12 Q And your brother is Kevin Owens.

13 A Yes, sir.

14 Q Is he older or younger?

15 A Older.

16 Q And how did you know he sold dope for
17 Markeith?

18 A Mark used to come by the house and like
19 drop off weed for him. Which meant that my
20 brother, he was selling weed for him.

21 Q So that's how you knew that Markeith was
22 selling dope.

23 A No. I mean everybody knew Mark sold weed.

24 Q But I mean was at least your prior
25 knowledge of him selling dope is through your

Frederick O'Neil Owens-cross by Brooks

1 brother?

2 A No, I've seen people buy weed from Mark
3 before.

4 Q Before your brother got involved with it?

5 A Yes, sir.

6 Q You testified that there was no discussion
7 about a robbery?

8 A No, sir. The only thing that was said was
9 when Tony and Tero came back in the house, Tero
10 said, you don't have to buy from him, Just take it
11 from him. That's the only thing.

12 Q Now you got arrested for this incident on
13 about June 8th 2009; is that correct?

14 A Yes, sir.

15 Q You told law enforcement that you didn't
16 know Tony Lowery, and you didn't know Maurice
17 Abrams at all; isn't that correct?

18 A Yes, sir.

19 Q And you told them that you didn't have any
20 involvement in any way, shape or form in this
21 incident; isn't that correct?

22 A Yes, sir.

23 Q And now you're coming to court today and
24 you're telling this jury a different story than
25 what you told law enforcement; is that correct?

Frederick O'Neil Owens-cross by Brooks

- 1 A Yes, sir.
- 2 Q Now Mr. Meadors asked you, and he came out
3 plain and he said you are laying it on the line,
4 right?
- 5 A Yes, sir.
- 6 Q Now when you were arrested, what were you
7 charged with?
- 8 A Armed robbery and burglary first.
- 9 Q Okay. And Mr. Meadors has asked you that
10 your expectation is to get a deal for accessory to
11 armed robbery; is that correct?
- 12 A Yes, sir.
- 13 Q 0 to 15?
- 14 A Yes, sir.
- 15 Q Ask for a cap of 5. You would ask for a
16 cap. Not him, you would ask for a cap of 5.
- 17 A Yes, sir.
- 18 Q And you have been in jail 2 years?
- 19 A Yes, sir.
- 20 Q On some serious charges?
- 21 A Yes, sir.
- 22 Q And how long have you been out?
- 23 A About maybe 3 weeks.
- 24 Q And you like being out, don't you?
- 25 A Yes, sir.

Frederick O'Neil Owens-cross by Brooks

- 1 Q And you're praying really hard that you
2 don't go back to jail. Isn't that correct?
- 3 A That's all we can do is pray.
- 4 Q But and instead of praying, you are
5 hopeful not to go back; isn't that correct?
- 6 A I put my trust in God. No hope.
- 7 Q No hope. Just whatever happens.
- 8 A It's faith.
- 9 Q What's that?
- 10 A It's faith in God.
- 11 Q You didn't go through Markeith's car to
12 get any dope that night?
- 13 A No, sir.
- 14 Q You didn't do anything to benefit out of
15 the fruits of the alleged crime; is that right?
- 16 A No, sir.
- 17 Q Except for Tero giving you an ounce.
- 18 A Yes, sir.
- 19 Q That's it?
- 20 A That's it.
- 21 Q And you were totally oblivious. You
22 didn't know this was going to happen. It was
23 never your intent; is that correct?
- 24 A Yes, sir.
- 25 Q And that's something different than what

Frederick O'Neil Owens-cross by Brooks

1 you told law enforcement back in June of 09.

2 A Yes, sir. The reason why I told law
3 enforcement that, because I didn't want to get
4 involved. I didn't want to be a part of it. And
5 I didn't want to say anything, you know, to, you
6 know---

7 Q You didn't want to say anything to get you
8 in trouble, right?

9 A I didn't want to say anything to, you
10 know, let, you know, anybody know that I know what
11 happened.

12 Q You didn't want to say anything to get you
13 in trouble; isn't that correct?

14 A No, sir.

15 Q You just said you didn't want to -- you
16 didn't want to tell them anything to get you
17 involved; is that correct?

18 A Yes, sir.

19 Q Well isn't that the same thing as you
20 didn't want to say anything to get you in trouble?

21 A No, sir, because I am in trouble now.

22 Q Well---

23 A Of course I didn't say anything.

24 Q Back in June of 09, you didn't want to get
25 in trouble.

Frederick O'Neil Owens-cross by Brooks

1 A I think if I would have said something
2 back in June of 09, then I wouldn't be -- I
3 wouldn't have been charged with the most serious
4 offenses I am charged with now.

5 Q And you have the expectation by
6 cooperating here today, that you would not have
7 that anymore; is that correct?

8 A Yes, sir.

9 Q You didn't get any money out of the deal?

10 A No, sir.

11 Q As a matter of fact, when they arrested
12 you, you did not turn yourself in. You would be
13 hiding in the attic; is that correct?

14 A I wasn't hiding, sir. Me and my brother,
15 when my mom was not at home, it was like the
16 police were riding across Crosswell; by me
17 standing outside smoking. And we like just go up
18 in the attic. And she don't like us smoking in
19 the house. And we kind of like keep the smell
20 down in the attic up there. The scent. That's
21 why I was up there. I didn't even know like, I
22 just thought when I heard my sister, "Don't
23 shoot," whatever. I came -- I was coming down. I
24 was like, you know, trying to find out what was
25 going on. It was something in the kitchen, and I

Frederick O'Neil Owens-cross by Brooks

1 was coming down.

2 Q And the brother that you mentioned, that's
3 Kevin?

4 A Yes, sir.

5 Q The same one that you told us sold dope
6 for Markeith.

7 A Yes, sir.

8 Q To your knowledge, Kevin was not charged
9 in any way, shape or form involved in this
10 incident; is that correct?

11 A Yes, sir.

12 Q And nor is Tero; is that correct?

13 A Yes, sir.

14 Q Even though, what you are telling this
15 court here today is Tero supposedly would have
16 given the gun to Mr. Abrams. Or at least from
17 what you know, got the gun back from Mr. Abrams.

18 A Yes, sir.

19 Q And told everybody to -- this is where to
20 go to find Markeith to get the dope; is that
21 correct?

22 A Yes, sir.

23 Q And he is not charged. And he's a long
24 time friend of yours; is that correct?

25 A Nah, I wouldn't say friend. I would say

Frederick O'Neil Owens-cross by Brooks

- 1 associate, yes.
- 2 Q Associate. You've known him longer; is
- 3 that correct?
- 4 A Yes, sir.
- 5 Q How old is Tero?
- 6 A I think he's about -- I am not sure. I
- 7 think he's like maybe a couple of years younger
- 8 than me.
- 9 Q And you know where he lives, correct?
- 10 A I don't know where he lives.
- 11 Q If you need to find him you know where he
- 12 i is that correct?
- 13 A Yes.
- 14 Q And the story, I mean, you -- Solicitor
- 15 Meadors indicated you had talked to him last week.
- 16 And of course you had talked to him maybe
- 17 yesterday about what you are telling the court
- 18 here today. You told him where Mr. Lemon is; is
- 19 that correct?
- 20 A No, sir.
- 21 Q So you told him where they could find
- 22 Mr. Lemon; is that correct?
- 23 A No, sir. I think I told Mr. Conner when
- 24 Mr. Conner was handling the case.
- 25 Q That would have been another solicitor.

Frederick O'Neil Owens-cross by Brooks

1 A Yes, sir.

2 Q About where Mr. Lemon could be found; is
3 that correct? To the best of your knowledge.

4 A Yes, sir.

5 Q And Mr. Lemon's involvement in this?

6 A Yes, sir.

7 Q To this date, do you know if Mr. Lemon has
8 been arrested?

9 A No, sir.

10 Q And when Mr. Lemon is talking to about
11 this video, you indicated that Mr. Abrams has a
12 shirt around his head; is that correct?

13 A Yes, sir.

14 Q And he has a red jacket on; is that
15 correct?

16 A A red tee shirt.

17 Q So it's not a red jacket. It's a tee
18 shirt.

19 A Yes, sir.

20 Q So he wasn't wearing a jacket.

21 A No, sir.

22 Q Only Lowery is wearing a jacket of purple
23 combination with black. He's wearing a jacket.

24 A Yes, sir.

25 Q But Mr. Abrams, as you said earlier, you

Frederick O'Neil Owens-cross by Brooks

1 were 100 percent certain. Is that the best way to
2 characterize it?

3 A Yes, sir.

4 Q That Mr. Abrams had on a red shirt, and a
5 red shirt over his head.

6 A Yes, sir.

7 Q Two red shirts.

8 A Yes, sir.

9 Q And blue jeans.

10 A What did you say, sir?

11 Q Was he wearing blue jeans?

12 A I am not sure what color jeans he was
13 wearing. I know it was dark colored jeans. I am
14 not sure what color they were.

15 Q And based on what you told this jury; is
16 that, is that Mr. Abrams and the person you say is
17 Mr. Abrams and Mr. Lowery, they go into the store.
18 And they go in the store together.

19 A Yes, sir.

20 Q Okay. And you say that the purpose of
21 going to the store together is to go and talk to
22 Markeith; is that correct?

23 A Yes, sir.

24 Q About getting some weed; is that correct?

25 A Yes, sir.

Frederick O'Neil Owens-cross by Brooks

1 Q And Solicitor Meadors asked you, you don't
2 know the fellow in the blue.

3 A No, sir.

4 Q And based on what you remember that night,
5 they both came out together. Is that correct?

6 A Abrams came out first. And Tony came out
7 a little bit after him.

8 Q And you came out, and you come out to the
9 car. And Mr. Lowery says based on what you
10 testified: "We're going to catch up with them and
11 get the dope," is that correct?

12 A Yes, sir.

13 Q With Markeith.

14 A No, Lowery said that -- Lowery said to
15 Tero, he was like, "Dude said he don't know me.
16 He ain't going to sell me weed." He told you to
17 call him.

18 Q Told Tero to call Markeith not you call
19 Markeith.

20 A Right. Tero was talking.

21 Q You're just overhearing a conversation.

22 A Yes, sir.

23 Q And Tero eventually called Markeith?

24 A Well I assume he gave his -- when he came
25 back, when he got to his house, he came back in.

Frederick O'Neil Owens-cross by Brooks

1 When him and Lowery came back in the house, he
2 said Mark said to bring him over to his house to
3 pick up the weed. This was about picking up the
4 weed.

5 Q Now Mr. Lowery came back out to the car.
6 You were at the car; is that correct?

7 A Yes, sir.

8 Q Standing out smoking a blunt.

9 A Well no, that was at the store you're
10 talking about, sir?

11 Q When Mr. Lowery comes in. When Mr. Lowery
12 comes back out to the car---

13 MR. MEADORS: Judge, can he clarify where
14 he is talking about?

15 THE COURT: If he doesn't understand the
16 question, he can ask him about it. Go ahead and
17 rephrase your question.

18 Q They go in to El Cheapo's.

19 A Yes, sir.

20 Q Mr. Lowery eventually comes out of El
21 Cheapo's.

22 A Yes, sir.

23 Q While he is in there, you are standing
24 outside of the car in the parking lot smoking a
25 blunt.

Frederick O'Neil Owens-cross by Brooks

1 A No, I was smoking a cigarette, not a
2 blunt.

3 Q Okay. Cigarette.

4 A Yes, sir.

5 Q With Tero.

6 A Yes, sir.

7 Q Waiting on them.

8 A Yes, sir.

9 Q Mr. Lowery comes back to the car, correct?

10 A Yes, sir.

11 Q And he says, "The dude won't sell to me.

12 He needs you to make the call.

13 A He said, "Dude said he don't know. He

14 said for you to call him."

15 Q Talking to Tero.

16 A Yes, sir.

17 Q You're standing right there.

18 A Yes, sir.

19 Q Tero, you were with Tero the entire time;

20 is that correct?

21 A Yes, sir.

22 Q Between the time of Tony Lowery making

23 that statement until the time you go to Teresa

24 Ford's house. Is that correct?

25 A Yes, sir.

Frederick O'Neil Owens-cross by Brooks

1 Q And so you heard Tero make the call,
2 right?

3 A I didn't hear him make the call. I mean,
4 I assumed that he made the call, because when he
5 came over to Harrison Street, he came back in the
6 house. And he said that he talked to Mark, and
7 Mark said to bring Tony over to his house.

8 Q Okay. So I mean if Tero was always in
9 your presence, and from that time frame after Tony
10 Lowery tells him he is not going to make the sell.

11 A Right.

12 Q You would have heard the call.

13 A He -- they went outside. Him and Tony
14 went outside. When they came back in the house,
15 I wasn't there when they went outside. They went
16 outside the house when we went at Harrison. They
17 came back in the house and said that Mark said to
18 call his phone.

19 Q So there was a point and time when Tero
20 was not in your presence.

21 A Yes, sir.

22 Q Okay. So during that particular time,
23 you stayed in the car. Tero and Tony Lowery go
24 into the house to make the call.

25 A No, I was in the house. Tero and Tony

Frederick O'Neil Owens-cross by Brooks

1 went outside the house.

2 Q Okay. Did everybody go in the house
3 first, and then those two guys go out? I am
4 trying to follow you.

5 A We all came back in the house together,
6 and then they went outside the house.

7 Q And Mr. Abrams stayed in with you.

8 A Yeah, Abrams was sitting on the couch.

9 Q He was sitting on the couch. And you were
10 standing -- were you sitting on the couch,
11 standing or sitting?

12 A I was standing in the kitchen.

13 Q Standing in the kitchen. Tero and Lowery
14 go outside.

15 A Yes, sir.

16 Q So at that moment and time, you didn't
17 know what they were doing, because they went
18 outside.

19 A No, sir.

20 Q A few seconds later they come back in.

21 A Yes, sir.

22 Q And then Tero says, "Let's go."

23 A He says, "Mark told me." He was like,
24 "Mark told me to bring Tony to his sister's
25 house."

Frederick O'Neil Owens-cross by Brooks

1 Q Okay. And then everybody got together and
2 they get in the car and go over there; is that
3 correct?

4 A Yes, sir.

5 Q Now when you got to Teresa's house, you
6 saw people coming out of her house, isn't that
7 correct?

8 A No, sir, I didn't see anybody coming out
9 of the house.

10 Q You didn't see nobody come out of the
11 house at all?

12 A No, sir.

13 Q You could clearly see the doorway to her
14 house; is that correct?

15 A Yes, sir.

16 Q I mean it was well lit; is that correct?

17 A The street is well lit. Yeah, the street
18 is well lit.

19 Q It was lit enough where you could tell---

20 A If somebody came out of the house.

21 Q Somebody came out of the house.

22 A Yes, sir.

23 Q When you all got there.

24 A Yes, sir.

25 Q And while everybody is still in the car,

Frederick O'Neil Owens-cross by Brooks

- 1 you could clearly see to the doorway.
- 2 A Yes, sir.
- 3 Q And nobody came out of the house.
- 4 A I didn't see no one come out of the house,
- 5 no.
- 6 Q And it's your testimony that while all of
- 7 this, at this juncture of time, it was Tony
- 8 Lowery, Mr. Lemon, Tero and Mr. Abrams go up to
- 9 the door. Mr. Lemon stays outside?
- 10 A Yes, sir.
- 11 Q Mr. Lowery and Mr. Abrams goes in.
- 12 A Yes, sir.
- 13 Q Is that?
- 14 A Yes, sir.
- 15 Q And meanwhile, you are just sitting in the
- 16 car.
- 17 A Yes, sir, I was sitting in the car.
- 18 Q And what were you doing sitting in the
- 19 car?
- 20 A I was sitting there smoking a blunt.
- 21 Q Now you're smoking a blunt?
- 22 A Yeah.
- 23 Q So you had finished a cigarette, and had
- 24 started smoking a blunt.
- 25 A That was at the El Cheapo that I was

Frederick O'Neil Owens-cross by Brooks

1 smoking a cigarette.

2 Q But now you are smoking a blunt while they
3 went in the house to get the weed.

4 A Yes, sir.

5 Q But now you didn't have the weed at first.

6 A No, I had the weed. I told you I had like
7 a quarter. Like a quarter of weed.

8 Q You had weed already.

9 A Yes, sir.

10 Q Did Tero have any weed before getting to
11 Teresa's house? To your knowledge.

12 A Not to my knowledge.

13 Q And Tony Lowery, that was the whole reason
14 why he was trying to catch Markeith was to get
15 weed.

16 A Yes, sir.

17 Q The amount of weed that you had, was it
18 enough to share with Tony?

19 A To smoke, yes.

20 Q Did you offer it to Tony instead of going
21 to Markeith's house?

22 A Well he was, the weed that I had, he was
23 trying to buy a pound of weed from him. I had
24 like 7 grams. He was looking for a large quantity
25 of weed.

Frederick O'Neil Owens-cross by Brooks

1 Q Oh, okay. So I guess the understanding
2 that Markeith had more to get; is that correct?

3 A He had -- he had the weed that Tony was
4 looking for. Well from what Tero said, Mark said
5 he had the weed for him.

6 Q He had the amount that Tony was looking
7 for, not the quarter that you had.

8 A Right.

9 THE COURT: Counsel, approach just a
10 moment, please.

11 (Whereupon, the attorney's approach the
12 bench and confer with judge.

13 Q You know Markeith Ford fairly well.

14 A Yes.

15 Q And you knew Teresa Ford fairly well.

16 A Yes, sir.

17 Q And Teresa has a son name Devon Ford or
18 Devante Ford?

19 A I think so. I know her son, Pete. I know
20 Pete more than I know her other son. But yeah,
21 I'm sure -- yeah, she has a son named Devon.

22 Q But you didn't see him that night; is that
23 correct?

24 A No, sir.

25 Q You didn't see Pete or Devon that night.

Frederick O'Neil Owens-cross by Brooks

1 A No, sir.

2 MR. BROOKS: I beg the court's indulgence,

3 Your Honor.

4 THE COURT: Yes, sir.

5 Q Do you recall how much marijuana you

6 smoked that night before and after?

7 A I think that was like the second -- I

8 think it was like the second blunt I had that

9 night.

10 Q The second blunt?

11 A Yeah.

12 Q And as you said, a blunt is, what is a

13 blunt again?

14 A A cigar. A cigar. A weed inside of a

15 cigar.

16 Q And you had two?

17 A Yeah, that was the second one I had.

18 Q And you had those before going to Teresa's

19 house.

20 A Well I had one like when I was sitting in

21 the car.

22 Q One sitting in the car.

23 A Yes, sir.

24 Q And you -- and so during that night, you

25 had had two prior to going to Teresa's house; is

Frederick O'Neil Owens-cross by Brooks

1 that correct?

2 A I had one prior.

3 Q You had one prior.

4 A Yes, sir.

5 Q And then you got the other one out.

6 A Yes, sir. Well no, not after. When I
7 was sitting in the car that was the second blunt I
8 was smoking when they went to the house.

9 Q Okay. So you, I am just trying, you
10 smoked one in the car while they were going in the
11 house.

12 A I was smoking. I just don't -- I was
13 smoking that one blunt, yes, sir. The second
14 blunt I was sitting there smoking, yes, sir.

15 Q And when did you smoke the first one?

16 A We was at the house when they first came
17 over there.

18 Q Okay, when everybody came over to -- whose
19 house was this?

20 A Tero's house.

21 Q When everybody got together. When
22 everybody got together at first.

23 A Yes, sir.

24 Q Okay. You had smoked a blunt then.

25 A Yes, sir.

Frederick O'Neil Owens-cross by Brooks

1 Q Then you smoked a cigarette at the gas
2 station.
3 A Yes, sir.
4 Q And then you smoked a blunt at Teresa's
5 house.
6 A Correct.
7 Q While outside in the car.
8 A Yes, sir.
9 Q And after that you didn't smoke any more
10 after the incident.
11 A No, sir.
12 Q Nor drink anything.
13 A No, sir.
14 MR. BROOKS: No other questions.
15 THE COURT: Anything further from this
16 witness?
17 MR. MEADORS: Nothing from the State.
18 Thank you, Judge.
19 THE COURT: Thank you, sir. You may step
20 town. Is it the State's desire to have this
21 witness excused?
22 MR. MEADORS: Yes, sir. We have no --
23 Yes, sir, at this time.
24 THE COURT: Any objection?
25 MR. BROOKS: No objection.

Frederick O'Neil Owens-cross by Brooks

1 THE COURT: The witness is excused. Thank
2 you for coming. Ladies and gentlemen of the jury,
3 we have reached the lunch hour. And we are going
4 to recess at this time. And I am going to allow
5 you to go get your lunch. And I ask you to be
6 back in your jury room please, at 2:30. That
7 gives us about an hour and a half. Over the lunch
8 recess do not discuss the case with anyone. Do
9 not allow anyone to discuss the case with you.
10 And if anyone should try to discuss it with you,
11 get their name and their description and report it
12 to me when you return to the courthouse. But
13 other than that, we will take a lunch recess at
14 this time. Please be back your jury room at 2:30.
15 Thank you very much.

16 (Where At 1:03 p.m. jury goes to lunch.)

17 THE COURT: If the court personnel will be
18 back at 2 o'clock. Thank you, we will be in
19 recess until that time.

20 (Whereupon, the court breaks for lunch.)

21 THE COURT: We are back on the record in
22 the case of Maurice Abrams in case number
23 2010-GS-43-885. Mr. Abrams is present with his
24 counsel. The State is present and represented by
25 Mr. Meadors, the Solicitor Mr. Finney, and

1 Assistant Solicitor Mr. Manning.

2 At a bench conference I understand there
3 are some problems or a problem that has to be
4 dealt with. Probably not on the record but the
5 State needs some additional time in connection
6 with the matter. And I am willing to give them
7 that additional time. So what I propose to do is
8 to bring the jury back this afternoon -- back in
9 now, and excuse them for the rest of the
10 afternoon; have them report at 9:30 in the
11 morning. And we will go forward with the matter
12 at that time.

13 And it is my understanding, Mr. Meadors,
14 that the State anticipates that they could close
15 or finish their case tomorrow, using that
16 scenario.

17 MR. MEADORS: Yes, sir.

18 THE COURT: Correct?

19 MR. MEADORS: Yes, sir.

20 THE COURT: Anything you want to put on
21 the record in that regard, Mr. Brooks?

22 MR. BROOKS: No, sir.

23 THE COURT: Mr. Bailiff, if you will bring
24 the jury in for me, please.

25 (Whereupon, the following takes place

1 within the presence of the jury.)

2 THE COURT: Ladies and gentlemen of the
3 jury, I want to thank you for your promptness in
4 being back here. And I am going to have to
5 apologize to you. We are not going to be able to
6 go forward at this time this afternoon.

7 Certain issues have arisen that are going
8 to require some attention of both the court and
9 the counsel in this matter. And rather than
10 keeping you waiting in your jury room while we
11 attend to all those matters, I thought it would be
12 better if we get all those things cleared up and
13 be ready to go promptly tomorrow morning. I
14 couldn't keep you waiting in the jury room while
15 we took care of all that. But I know you have got
16 things to do rather than twiddle your thumbs in
17 the jury room.

18 So I am going to go ahead and excuse you
19 for the rest of the afternoon, and allow you to
20 come back in the morning, please, at 9:30. And
21 we will have all these issues and matters resolved
22 and be ready to go forward at that time. So I am
23 doing it because I don't want to keep you waiting
24 in the jury room. I think this is the most
25 expeditious use of the court's time. I do

1 apologize for making you come back to tell you
2 that, but we did not know that until just a few
3 minutes ago.

4 So I am going to excuse you for the rest
5 of the afternoon. Please be back in the jury room
6 tomorrow morning at 9:30. I will see you at that
7 time. Have a pleasant evening.

8 (Whereupon, at 2:46 p.m. jury is
9 dismissed.)

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

12 THE COURT: All right, Mr. Meadors, any
13 objection of handling the matter of those
14 instructions to the jury?

15 MR. MEADORS: No, sir. Thank you, judge.

16 THE COURT: Any objection, Mr. Brooks?

17 MR. BROOKS: No, sir.

18 THE COURT: Let me go on the record. I
19 have been handed by the Solicitor's Office, a copy
20 of several documents, which I am going to make as
21 a court's exhibit that I alluded to earlier; this
22 is a certificate of mailing with the Rule 5
23 disclosure matters that were mailed on October
24 15th 2010, from the Solicitor's Office to
25 Mr. Brooks.

1 They also include the return signed by
2 then Assistant Solicitor Mr. Conner, of what was
3 furnished. And as well as a copy of the statement
4 of Ms. Teresa Ford that was furnished at that
5 time. I want this marked as Court's Exhibit
6 No. 1, and made a part of the record. And it is
7 in response to the issue of when the matter of the
8 identity. When the witness Teresa Ford disclosed
9 or the Defense should have known that she could be
10 an ID witness. That's really what it deals with.
11 And the objections and all are taken care of in
12 the record. But this is what her statement was at
13 the time. And it's pretty well conceded that up
14 until that time, other than that, there is no
15 further documents that would have given any notice
16 of her being able to identify the defendant.

17 Now with regard to this last issue, and I
18 assume, I think, Mr. Meadors, that this is in
19 connection with Mr. Lowery, which the State had
20 proposed to call as a witness in this case. And I
21 think in order to save time, and Mr. Hastie, for
22 your protection it might be a good idea for me to
23 come and talk with him about his 5th Amendment
24 rights. And let's do that on the record right
25 now. If you will bring him in.

1 (Whereupon, Mr. Lowery is brought into the
2 courtroom.)

3 THE COURT: Mr. Lowery, this is Mr.
4 Tony -- you are Mr. Tony Mitchell Lowery; is that
5 correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Lowery, you are a
8 defendant in the case in Indictment No.
9 2010-GS-43-858 along with Maurice Lionel Abrams,
10 and Frederick O'Neil Owens. And you are a named
11 Defendant in Count 1, alleging that you were
12 involved with the murder or killing of Markeith
13 Ford on or about May 19th 2009.

14 Also you are also a co-defendant in Count
15 2, which is a charge of lynching on May 19th 2009.
16 A charge in Count 3, of armed robbery on May 19th
17 2009, alleging that you took from the presence of
18 Markeith Ford by means of force or intimidation
19 while armed with a firearm, cash, money and car
20 keys. And Count 4, is burglary in the first
21 degree alleging that you and those two
22 individuals, Maurice Lionel Abrams and Frederick
23 O'Neil Owens, did on West Liberty Street without
24 consent and in the nighttime, enter the dwelling
25 of Markeith Ford with intent to commit a crime,

1 and that's the charge of burglary first.

2 And Count 5, charges that you did during
3 that time on May 19th 2009, along with Maurice
4 Lionel Abrams and Tony Mitchell -- no, you aren't
5 charged. You are not charged in Count 5. So you
6 are charged in the first four counts. Is that
7 your understanding, Mr. Hastie?

8 MR. HASTIE: You said West Liberty Street?

9 THE COURT: West Newberry Street.

10 MR. HASTIE: Yes, sir.

11 THE COURT: The four charges that he is
12 involved in, that's Count 1 with murder. Count 2,
13 for lynching. Count 3 for the robbery. And Count
14 4 for the burglary. But he is not charged with
15 possession of -- yeah, he is. Charged with
16 possession of a weapon during the commission of a
17 violent crime as well. You understand those
18 charges that are against you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now I have been advised that
21 the State may call you as a witness in this case.
22 And I need to advise you that as a Defendant in
23 this case, you have certain constitutional rights.
24 You have the right under the 5th Amendment to the
25 Constitution of the United States not to present

1 testimony of evidence that would be incriminating
2 to yourself. And you could refuse or decline to
3 answer questions under the 5th Amendment because
4 of the possibility of incrimination of yourself.

5 However, the State has indicated you may
6 wish to testify understanding your constitutional
7 rights and your privileges against
8 self-incrimination. But I want you to understand
9 that if you are called to testify, you will waive
10 your constitutional rights against self
11 incrimination and will not be able to take refuge
12 or privilege under the 5th Amendment. Do you
13 understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You will have to answer the
16 questions and answer them truthfully. Do you
17 understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you have any questions
20 that you would like to ask me about your 5th
21 Amendments rights, or ask Mr. Hastie about your
22 5th Amendment rights?

23 THE DEFENDANT: No, sir.

24 THE COURT: I just want to make sure that
25 you understood those. And at the time that you

1 are called as a witness, if you are called as a
2 witness, that will be the time to tell me that
3 the -- your lawyer has advised the State that you
4 plan to testify in this matter, and plan to answer
5 the questions and testify truthfully. Do you
6 understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Thank you.

9 MR. MEADORS: Thank you.

10 THE COURT: Counsel, I think that that
11 will conclude the matters that we have for this
12 afternoon. So we will await until in the morning.
13 Let's do plan to be here just to make sure we can
14 take of everything at 9 o'clock in the morning so
15 we will know exactly where we stand with this
16 witness and be able to get all that on the record
17 before the jury gets back here at 9:30.

18 MR. FINNEY: Thank Your Honor.

19 THE COURT: We will be in recess until
20 9 o'clock tomorrow morning.

21 MR. MEADORS: Thank you, Judge.

22 (Whereupon, the trial commences on
23 Wednesday, June 8, 2011 at 9 o'clock a.m.)

24 THE COURT: Bring the defendant out. We
25 are back on the record in the case of the State

1 vs. Maurice Lionel Abrams. Case number
2 2010-GS-43-885. Mr. Abrams is present with his
3 attorney Mr. Brooks. The State is present and
4 represented by Solicitor Finney and Assistant
5 Solicitor John Meadors. Anything before we bring
6 the jury in, Mr. Meadors?

7 MR. MEADORS: Your Honor, the Solicitor
8 Finney informs me there might be a jury issue?

9 THE COURT: Sir? No, at this time.

10 MR. FINNEY: He was just reminding you of
11 the note that was left on your desk.

12 THE COURT: I am aware of that.

13 MR. FINNEY: Okay.

14 THE COURT: And I am going to deal with
15 that.

16 MR. MEADORS: Other than that, no, sir.
17 Judge, our next witness was transported separately
18 for security reasons.

19 THE COURT: I understand.

20 MR. MEADORS: And he should be here, if
21 not now.

22 THE COURT: Is he here?

23 THE OFFICER: He's here.

24 MR. MEADORS: He's here and just changed
25 clothes.

1 THE COURT: Bring him on out, and have him
2 have a seat over here. So when they call him as a
3 witness he can come right up. Anything, Mr.
4 Brooks, before we bring the jury in?

5 MR. BROOKS: No, sir.

6 THE COURT: Bring the jury in, please.

7 (Whereupon, the following takes place
8 within the presence of the jury.)

9 THE COURT: Good morning, ladies and
10 gentlemen, thank you for your promptness in being
11 here this morning. And we are now permitted to go
12 forward. I think the issues we had yesterday
13 afternoon have been resolved. We are now ready to
14 go forward.

15 I will ask you now as I did yesterday, if
16 anyone on the panel or anyone on the jury have
17 read any news stories or heard broadcast media
18 reports about this case over the evening recess, I
19 would need to know about it now. Please so
20 indicate by raising your hand.

21 (Whereupon, no response.)

22 THE COURT: I would also ask you if anyone
23 has approached you or tried to talk with you about
24 this case in any manner whatsoever over the
25 evening recess, either here in the courthouse, in

1 the parking lot, at your home, in the store, or
2 anywhere else either yesterday afternoon or this
3 morning or last evening. Or anyone at all, has
4 approached you and spoken to you about the case in
5 any manner whatsoever, I would need to know about
6 it now.

7 (Whereupon, no response.)

8 THE COURT: Negative response, and that is
9 good. Thank you. Mr. Meadors.

10 MR. MEADORS: Please the Court.

11 THE COURT: Yes.

12 MR. MEADORS: The State would call Tony
13 Lowery.

14 THE COURT: Yes, come around please.

15 Tony Mitchell Lowery, Being
16 first duly sworn, testified as follows:

17 THE CLERK: Please state your full name
18 and spell your last for the record.

19 A Tony Mitchell Lowery. L-O-W-E-R-Y.

20 Direct Examination by Mr. Meadors:

21 Q Good morning.

22 A Good morning.

23 Q On May 19th 2009, who shot Markeith Ford?

24 A My co-defendant Maurice Abrams.

25 Q Your co-defendant Maurice Abrams?

Tony Lowery-direct by Meadors

1 A Yes, sir.

2 Q How far were you from him when he shot
3 Markeith Ford?

4 A Probably about 6 feet.

5 Q Did you see it happen?

6 A Yes, sir.

7 Q Did you want it to happen?

8 A No, sir.

9 Q Is Mr. Abrams in the courtroom?

10 A Yes, sir.

11 Q Would you point him out for the jury?

12 A (Whereupon, witness points out defendant.)

13 MR. MEADORS: We would like the record to
14 reflect he has pointed to the defendant Maurice
15 Abrams, Your Honor.

16 THE COURT: The record will so reflect.

17 Q Mr. Lowery, how did you get to the
18 residence of Ms. Ford as we now know? Whose car
19 were you in?

20 A Maurice Abrams' car.

21 Q What kind of car was it?

22 A A blue Chevrolet Caprice.

23 Q Who was driving?

24 A Maurice Abrams.

25 Q Who else was in the car?

Tony Lowery-direct by Meadors

1 A Freddie Owens, myself, and Terrance Lemon.
2 Q Did you plan on killing Markeith Ford?
3 A No, sir.
4 Q Where were you in the Caprice prior to
5 getting to Ms. Ford's? Where were you sitting?
6 A In the front seat beside the driver.
7 Q And who was in the back seat?
8 A Freddie Owens and Terrance Lemon.
9 Q We have all seen the video. Is this you
10 in the video? Who is that with you in the video?
11 A Maurice Abrams.
12 Q And what was he wearing?
13 A The clothes I vaguely remember. But I
14 distinctly remember a red tee shirt tied around
15 his head.
16 Q A red tee shirt tied around his head. And
17 you remember that?
18 A Yes, sir.
19 Q And is that the two of you in the video in
20 that store?
21 A Yes, sir.
22 Q And who else if anybody, was in the --
23 what car did you drive to get to that El Cheapo's
24 in?
25 A Maurice Abrams.

Tony Lowery-direct by Meadors

1 Q And who else was in the car at El

2 Cheapo's? Who all went to El Cheapo's?

3 A Maurice Abrams, me, Tony Lowery, myself

4 and Frederick Owens and Terrance Lemon.

5 Q And did Frederick Owens and Mr. Lemon go

6 in to El Cheapo's?

7 A No, sir, they stayed in the car.

8 Q So the only two folks that went in were

9 who out of that car?

10 A Me and Maurice Abrams.

11 Q How do you know Mr. Abrams?

12 A I met him through his cousin, Steve

13 Witherspoon.

14 Q And what relationship is Mr. Witherspoon

15 to Abrams, first, second, third?

16 A I believe first or second.

17 Q Okay. And that's how you met the

18 defendant Maurice Abrams.

19 A Yes, sir.

20 Q Got to know him. And your relationship to

21 Mr. Witherspoon is what?

22 A We work at different churches.

23 Q And how long have you known the defendant,

24 Maurice Abrams, after you got to know him through

25 Steve Witherspoon?

Tony Lowery-direct by Meadors

- 1 A About a year, a year and a half.
- 2 Q And during that year, year and a half, did
- 3 you all spend some fair amount of time together?
- 4 A Not much.
- 5 Q Would you see him a lot?
- 6 A I see him.
- 7 Q And when I say, spend a lot of time
- 8 together, let me rephrase that. Would you see him
- 9 lot during that time period?
- 10 A Yes, sir.
- 11 Q And where would you see him?
- 12 A Mostly they would come to the church
- 13 wherever me and Steve was working at. And If I
- 14 was at Steve's house, he would come over and stay
- 15 a little while and leave.
- 16 Q So is it fair to say at this time period
- 17 you know him, you were seeing him every week?
- 18 A Every week or every other week.
- 19 Q Over a year's span.
- 20 A Yes, sir.
- 21 Q So you know him?
- 22 A Yes, sir.
- 23 Q And I guess back to my other question, let
- 24 me ask you this way. Do you socialize or go out
- 25 with him a lot?

Tony Lowery-direct by Meadors

1 A No, sir.

2 Q Now how do you know Fred -- Frederick
3 Owens? Fred Owens?

4 A I met Freddie Owens through my first
5 cousin.

6 Q What is your first cousin's name?

7 A Marcus Montgomery.

8 Q Marcus Montgomery?

9 A Yes, sir.

10 Q When was that?

11 A It was over 5 years back at a funeral for
12 a classmate of theirs, and I was there.

13 Q So where were you living then?

14 A Charlotte, North Carolina.

15 Q So you came down for the funeral?

16 A Yes, sir.

17 Q And that's where you meet Fred Owens?

18 A Yes, sir.

19 Q After that, did you have an occasion to
20 see him in 2009?

21 A Yes, sir.

22 Q I am sorry, that's a bad question. Prior
23 to this incident, when had you seen him, if ever?

24 A Prior to the incident, I saw him one night
25 at the Huddle House with my cousin Marcus when he

Tony Lowery-direct by Meadors

1 came home. It was a holiday. And we ran into
2 him, and we started talking. We found out we
3 lived in the same neighborhood, and exchanged
4 numbers to keep in touch.

5 Q And how many times had you seen Frederick
6 Owens, Mr. Lowery, prior to this incident? You
7 saw him then. Did you see him again prior to
8 this incident?

9 A No, sir.

10 Q You all exchanged numbers?

11 A We did.

12 MR. MEADORS: I beg the court's
13 indulgence.

14 THE COURT: Yes, sir.

15 Q I am going to show you this video in a
16 minute. But while they are getting it up, had you
17 been to this El Cheapo's before?

18 A A few times before, but not while it was
19 El Cheapo's.

20 Q So what was it before that?

21 A It was called Leed's Grocery.

22 (Whereupon, showing video to witness and
23 jury.

24 Q Can you see from there?

25 A Yes, sir.

Tony Lowery-direct by Meadors

1 Q Okay. Do you recognize that as the front
2 of El Cheapo's?

3 A Yes, sir.

4 Q Do you know that person right there that
5 came out in the shorts right there? In the short
6 sleeved shirt? Excuse me, Your Honor.

7 A Now.

8 Q Did you then?

9 A No, sir.

10 Q That's the victim Markeith ford?

11 A Yes, sir.

12 Q Please continue. So your testimony, you
13 didn't even know him.

14 A No, sir.

15 Q Stop it, please, sir. Now this individual
16 right here.

17 A That's me.

18 Q This individual right here is who?

19 A Maurice Abrams.

20 Q Is there any doubt in your mind about
21 that?

22 A No, sir.

23 Q And from what you testified, this is what,
24 on the top of his head?

25 A A red tee shirt.

Tony Lowery-direct by Meadors

1 Q And is that the same tee shirt he was
2 wearing when you saw him shoot Markeith Ford?

3 A Yes, sir.

4 Q Is that the same tee shirt he was wearing
5 when you saw him shoot Markeith Ford?

6 A Yes, sir.

7 Q How do you describe what he is wearing
8 here? What is that on his body?

9 A A red long sleeved shirt.

10 Q A red long sleeved shirt?

11 A Yes, sir.

12 Q And is that what he was wearing that
13 night?

14 A Yes, sir.

15 Q Keep going, please. Can you go to the
16 inside please now investigator? While he is doing
17 that, why were you going to El Cheapo's or Leed's
18 grocery; however you want to?

19 A Stephen Witherspoon was supposed to pick a
20 friend up. And we went back to the grocery store
21 after we picked Terrance Lemon up.

22 Q And where did you pick Terrance Lemon up?

23 A Harrison Street.

24 Q Had you been to Harrison Street before?

25 A No, sir.

Tony Lowery-direct by Meadors

1 Q Is that where everybody got together in
2 the car?
3 A Yes, sir.
4 Q Before you mentioned---
5 A Yes, ma'am.
6 Q ---Mr. Owens?
7 A Yes, sir.
8 Q You knew Mr. Lowery?
9 A Yes, sir.
10 Q Mr. Lemon?
11 A Yes, sir.
12 Q And the defendant?
13 A Yes, sir.
14 Q 20:53 that's military time. Are you
15 familiar with that?
16 A Yes, sir.
17 Q Do you know that as 8:53?
18 A Yes, sir.
19 Q Now is that -- who is that person right
20 there that went on the inside of the store?
21 A That's Maurice Abrams.
22 Q And again, please, stop. That's you?
23 A Yes, sir.
24 Q And where were you going, Mr. Lowery?
25 A To the restroom.

Tony Lowery-direct by Meadors

1 Q Please continue. So close to 9 o'clock,
2 8:53, you and the Defendant, Maurice Abrams, are
3 together, correct?

4 A Yes, sir.

5 Q And was it your testimony earlier that Mr.
6 Owens and Mr. Lemon were driving the car?

7 A Yes, sir.

8 Q And whose car was it?

9 A Maurice Abrams car.

10 Q We just have one more, Your Honor, then I
11 will be through.

12 THE COURT: Okay.

13 Q This is another angle. But it's your
14 testimony that's Mr. who going in?

15 A Mr. Abrams in front.

16 Q And you behind him.

17 A Yes, sir.

18 Q Did you know this fellow right here then?
19 This gentlemen?

20 A No, sir.

21 MR. MEADORS: Thank you. That's all I
22 have. Thank you, Your Honor.

23 Q And if you said it during that, where were
24 you all -- where were the four of you coming from?

25 A We was coming from Harrison Street at that

Tony Lowery-direct by Meadors

1 time.

2 Q And where were you going?

3 A At that time, we were supposed to go and
4 just pick up Freddie Owens' friend Terrance Lemon.
5 I had no recollection of where else we were
6 supposed to go.

7 Q You had no recollection of where else you
8 were supposed to go?

9 A No.

10 Q And have you been involved in something
11 like this before?

12 A Never.

13 Q You'd known Fred Owens for awhile. You
14 saw him that spring, correct?

15 A Correct.

16 Q You know Mr. Abrams through
17 Mr. Witherspoon.

18 A Yes, sir.

19 Q This other person you mentioned,
20 Mr. Lemon, how do you know him?

21 A I never knew him.

22 Q You never knew him before this.

23 A Yes, sir.

24 Q Where are you from, Mr. Lowery?

25 A I was born in Fayetteville, North Carolina,

Tony Lowery-direct by Meadors

1 but raised here in Sumter.

2 Q Where did you go to school?

3 A I went to school Alice Drive Middle
4 School. One year at Sumter High. And then the
5 rest Furman. I graduated from Lakewood.

6 Q What did you do after that?

7 A Multiple things. Worked with my father.
8 Went to technical school. Went to Job Corps for
9 awhile to learn a trade.

10 Q When did you go to Job Corps? What year?

11 A 2002.

12 Q What did you do after that?

13 A I came home. Worked multiple jobs. Moved
14 to Charlotte. Job industry went down here, and
15 moved to Charlotte.

16 Q That was around 2006, right?

17 A Correct.

18 Q And what did you do after that?

19 A I got married. It didn't work out. I
20 came back home to help my grandmother.

21 Q And at the time of this incident, which
22 was May 19th, or let's just say in May of 2009,
23 what were you doing?

24 A On and off when my grandmother needed me
25 to work for her; when my father needed me to work

Tony Lowery-direct by Meadors

1 for him back and forth.

2 Q Your father is Mr. Sam Lowery.

3 A Correct.

4 Q Now when this incident, your picture was
5 on the news, wasn't it?

6 A Yes, sir.

7 Q As a matter of fact, that video was shown
8 on the news? Is that fair to say?

9 A Yes, sir.

10 Q And your father identified you, correct?

11 A Correct.

12 Q And as a result of that, you went to the
13 police, correct?

14 A Yes, sir.

15 Q Your father and then you, correct?

16 A Yes, sir.

17 Q Now tell these folks, Mr. Lowery, you said
18 you'd never been involved in anything like this
19 before. You were in the car with these folks,
20 correct?

21 A Yes, sir.

22 Q You went over to Teresa Ford's house?

23 A Yes.

24 Q Now did you know Teresa Ford?

25 A No, sir. I knew the name.

Tony Lowery-direct by Meadors

1 Q Have you been a coach or a teacher?

2 A It dawned on me after the incident, that
3 I knew his name from my freshman year at Sumter
4 High. He played football.

5 Q So that's when you realized who he was?

6 A Yes, sir.

7 Q When all four of you were heading over
8 there, what was the purpose? Why were going over
9 there?

10 A I never asked. I was just riding.

11 Q So your testimony is, you didn't know why
12 they were going over there?

13 A No, sir.

14 Q And you got together with all four of them
15 at Harrison Street. All four of you all unite at
16 Harrison?

17 A The fourth man came to Harrison.

18 Q And that's the better way. I mean,
19 everybody is together at Harrison?

20 A Yes, sir.

21 Q And from Harrison Street, and what is
22 Harrison Street? What is that? Had you been
23 there before?

24 A No, sir, never.

25 Q Well what is it?

Tony Lowery-direct by Meadors

1 A Harrison Street was the residence where
2 Terrance Lemon lived.

3 Q And you had never been there you said.

4 A No.

5 Q From Harrison Street, where did the four
6 of you go?

7 A To the El Cheapo's.

8 Q And at some point after that, did you go
9 to Teresa Ford's?

10 A Yes.

11 Q You'd never been there before.

12 A Never.

13 Q And tell these folks, you are at Teresa
14 Ford's house. You said right off the bat, you
15 saw; maybe known him for a year or plus, shoot
16 him. Tell them what you saw.

17 A As we was arriving at Teresa Ford's house,
18 it was passing. Owens yells: "You are passing
19 the house." So we pulled in a field.

20 Q Start it again. You said, Owens, who
21 said? I couldn't hear you.

22 A Owens.

23 Q Okay.

24 A As he was approaching Teresa Ford's house,
25 he said, "You passed it," to Maurice Abrams. He

Tony Lowery-direct by Meadors

1 slowed down and pulled in a field.

2 Q Go ahead.

3 A And looked at me. Mr. Abrams looks at me,
4 and said I will be back. I have to do something.
5 I still didn't ask. At that time, Mr. Abrams,
6 Mr. Lemon and Mr. Owens exit the car. After about
7 30 seconds maybe, I turned and looked out the back
8 window. That's when I seen Mr. Owens get Mr.
9 Abrams' revolver. And Mr. Lemon pulled a handgun
10 out of his waist. And I turned around and I
11 breathed hard. And I am like: "Oh, my God."
12 All kind of thoughts race through my mind. I get
13 out. I said maybe if I talk to them, they will
14 stop. I don't know. I am not thinking. I get
15 out. I run up to the house. On the way going to
16 the house, I see the entry of the trailer by just
17 opening the door, walking in.

18 And I am coming up, as I see an object
19 come out the door. And I am like looking, and
20 Owens picks it up. As he picked it up, I realize
21 it must be some keys, because he goes directly to
22 the passenger side. Opens the door, and goes in
23 the car. I get a little closer, Lemon comes out
24 of the door. He asked me what am I doing. He
25 used profanity, but I don't know if I can use that

Tony Lowery-direct by Meadors

1 word in court.

2 Q I have done it. So if it happened you do
3 it. Go ahead.

4 A Well he just said not really hard
5 profanity: "What the hell are you doing." And I
6 asked, "What the hell am I doing. What are you
7 doing." I said you all got me involved in this
8 man, you all need to straighten this out. You all
9 need to stop.

10 So he kind of brushes me off. And so I
11 turned towards Abrams, and I walked to the bottom
12 of the stairway. And I said, "Moe, Let's go."
13 Because that's what we always call him. "Moe." I
14 said, "Moe, let's go. Don't do this man." At
15 that time Owens yells, "I got it." I hear, "I got
16 it." And I turned back to him again and a shot
17 was fired.

18 Q Could you see Teresa Ford?

19 A I could see her from the bottom of the
20 steps where I was standing.

21 Q Could she see you?

22 A Yes, sir.

23 Q Anything blocking y'all's view?

24 A Nothing.

25 Q I am going to show you what is marked as

Tony Lowery-direct by Meadors

1 State's Exhibit 4. Do you recognize? Excuse me,
2 I apologize, Judge. Can I approach?

3 THE COURT: You don't need to request.

4 Yes.

5 Q State's Exhibit No. 4, do you recognize
6 that?

7 A Yes, sir.

8 Q You just testified that you knew when you
9 were coming over there, and I don't mean this bad.
10 But I mean, y'all weren't going to church or
11 anything. I mean you were going somewhere. You
12 knew something was up, didn't you, Mr. Lowery?

13 A Not really. I am used to just getting in
14 the car with people that I know, and just riding.
15 I do it multiple times with Mr. Witherspoon and
16 other people that I know. Or figure that I know.
17 Mr. Abrams a little bit. I never figured anything
18 like this would go on.

19 Q Going back to No. 4, and you testified you
20 were at the door. Where was Mr. Ford sitting when
21 you were -- when you were there at the door?

22 A He was sitting in a fold out chair like
23 you have at a baseball game, right in front of the
24 door. Right in the doorway.

25 Q So that was my next question. When you

Tony Lowery-direct by Meadors

1 looked at State's Exhibit No. 4 with the chair, is
2 it where it is, or was it different when you saw
3 it?

4 A It was different from that position.

5 Q Was it in the doorway?

6 A It was a little closer to the doorway.

7 Q And show the folks where were you standing
8 when you said, "Moe, let's go."

9 A There is three steps right here at the
10 doorway, and I was at the bottom of the step.

11 Q Where was Mr. Ford?

12 A Mr. Ford was in his chair, but he was a
13 little closer.

14 Q And where was the defendant, Maurice
15 Abrams?

16 A Right beside him.

17 Q And Ms. Ford?

18 A The door was open a little more and she
19 was standing back further this way.

20 Q And you saw him shoot Markeith Ford.

21 A Yes, sir.

22 Q He being Maurice Abrams?

23 A Yes, sir.

24 Q And was the same hat on his head? The
25 same shirt on his head then?

Tony Lowery-direct by Meadors

1 A Yes, sir.

2 Q This is State's 21, do you recognize that?

3 A Yes, sir.

4 Q Is that the car you were in?

5 A Yes, sir, it is.

6 Q Did it have rims on it the night of May

7 19th 2009?

8 A No, sir. Plain factory rims that came

9 with the car.

10 Q Do you know when these rims were put on?

11 A It had to be 2 days later when I saw the

12 rims on the car.

13 Q Where did you see him 2 days later?

14 A At his place where he lived at Spanish

15 Garden Apartments.

16 Q Whose place?

17 A Maurice -- well I think it was his

18 mother's place.

19 Q Why were you there 2 days later?

20 A I was with Witherspoon again. We were at

21 the church working on a concert we had.

22 Q Could you slow down a little bit, please,

23 I am sorry.

24 A I was with Steve Witherspoon at the church

25 again. We had a concert coming up in Charleston.

Tony Lowery-direct by Meadors

1 And he got a phone call from Abrams to come over.

2 And---

3 Q As a result of that phone call, where did
4 you go?

5 A Spanish Garden Apartment.

6 Q And was the defendant Maurice Abrams
7 there?

8 A Yes.

9 Q And what transpired there?

10 A I stayed in the car. Witherspoon went in
11 for about 20 minutes.

12 Q What happened after that?

13 A They came out. They were talking. I saw
14 the rims on the car. And he lifted up the trunk
15 and had some stuff in there. It was like, I got
16 to get rid of this.

17 Q Say it again, get rid of what?

18 A Marijuana.

19 Q Marijuana?

20 A Yes.

21 Q What was taken from the trailer?

22 A Obviously it had to be some money, and a
23 pretty good portion of marijuana.

24 Q Okay. And you say obviously, I mean, you
25 know there was, don't you? I mean there was some

Tony Lowery-direct by Meadors

1 marijuana and money taken from Markeith. And then
2 he was executed. He was executed.

3 A And they find, I believe Owens found some
4 in the car.

5 Q And that marijuana and money, no matter
6 what your role was there, you know that was taken
7 from that house, correct?

8 A Yes, sir.

9 Q I mean you know that. And where was it
10 put in the car after it was taken from Markeith
11 Ford? I mean where was it in the Caprice?

12 A At that time, it was in the front.

13 Q And were you sitting in the front?

14 A Leaving the house, no, sir.

15 Q Where were you sitting?

16 A The back seat.

17 Q So you know that property, money -- at
18 least money, and or drugs was taken without
19 permission and consent from Markeith Ford,
20 correct?

21 A Yes, sir.

22 Q And you all left with it. No doubt about
23 that.

24 A Yes, sir.

25 Q And you knew that was wrong?

Tony Lowery-direct by Meadors

1 A Yes, sir.

2 Q You didn't want him dead, correct? I
3 mean, you didn't want him dead.

4 A No, sir.

5 Q You know he was robbed.

6 A (Witness nods in the affirmative.)

7 Q And did you then tell the police?

8 A No, sir.

9 Q Why not?

10 A I panicked. I've never been around
11 anything like that. I panicked. And all I could
12 think of was, I am going down with these fellows
13 for something they did.

14 Q Well you were there. And you did know
15 there was robbery even under the best case
16 scenario, correct?

17 A Yes, sir.

18 Q And after your daddy, your father said:
19 "That's my son."

20 A Yes, sir.

21 Q Which I am sure had to be difficult.
22 That's when you went in, correct?

23 A He saw the video, and I still -- I was not
24 around. I saw the video where I was, and I called
25 him. Well actually I called my cousin who is in

Tony Lowery-direct by Meadors

1 the military, and I said, "Come get me. I am
2 going to turn myself."

3 Q Your father did the right thing
4 identifying you, correct?

5 A Yes.

6 Q And as a result of that, is how you came
7 in touch with law enforcement. Correct, after
8 that?

9 A I never spoke with him when I, you know,
10 he rode up with my cousin and picked me up.

11 Q And I was trying not to lead. And then
12 you went with him down to meet Sheriff Dennis.

13 A Yes, sir.

14 Q And you gave law enforcement two
15 statements, correct?

16 A Yes, sir.

17 Q And I am not allowed at this point to go
18 through. But the first statement you left out
19 Fred Owens, and the second statement you put him
20 in. Is that fair to say?

21 A Yes, sir.

22 MR. MEADORS: Judge, just give me 30
23 seconds.

24 THE COURT: Yes, sir.

25 MR. MEADORS: Your Honor, the State would

Tony Lowery-direct by Meadors

1 offer Exhibit No. 25 a jogging suit that Mr.

2 Lowery was wearing.

3 THE COURT: State's Exhibit No. 25, is

4 admitted in to evidence without objection.

5 (Jogging suit marked State's Exhibit No.

6 25 into evidence.)

7 Q Is this the suit you were wearing that
8 night?

9 A Yes, sir.

10 Q Is this the suit that's on that video?

11 A Yes, sir.

12 Q Is this the suit that your father brought
13 to law enforcement?

14 A Yes, sir.

15 Q You had never been this deep in water
16 before.

17 A Sir?

18 Q Have you ever been this deep in water
19 before?

20 A No, sir.

21 Q It's deep, isn't it?

22 A Yes, sir.

23 Q Now State's 3 you said somebody went and
24 looked at a car. And I think -- how close was the
25 car, I believe you said Owens went and checked it;

Tony Lowery-direct by Meadors

1 to the front of the house where Markeith was
2 sitting, where you saw Teresa to the front steps.
3 How far was that? Are you following me?

4 A Yes, sir.

5 Q Please tell me then.

6 A About 8, 9 feet.

7 Q So looking at State's 3. I think you've
8 already testified that's the front door, correct?

9 A Yes.

10 Q Is that the car?

11 A Yes, sir.

12 Q So what does that appear to be?

13 A 8.

14 Q 8 or 9 feet? Where were you when saw
15 this?

16 A When I saw it?

17 Q Yes, sir.

18 A Them entering the car?

19 Q Yes, sir.

20 A I was approaching the house.

21 Q And that's when in your testimony, you
22 went up and said, "Moe, let's go."

23 A Yes, sir.

24 Q What went through your mind when you saw
25 Maurice Abrams put a bullet in Markeith Ford's

Tony Lowery-direct by Meadors

1 head?

2 A I froze. I thought about my son. I
3 thought about different little things flashed
4 through my mind, but I was frozen. I couldn't
5 really move. It's not easy to see a human life
6 taken. I really, that was just it.

7 Q What, did you ever ask him why, and did he
8 say why he shot him?

9 A Later on we were around each other. When
10 I really panicked to find it, it was like, I want
11 to leave, you know, just get away. And we had a
12 discussion. I was like, "Why did you do it. Why
13 did you take that man's life right there." I
14 guess it is a macho thing with him. He says, "I
15 smelled blood."

16 Q I smelled blood?

17 A "I smelled blood. I just I had to do it."

18 Q Do you remember when that conversation
19 took place?

20 A It was I believe, two days after the
21 incident before we left his apartment, Spanish
22 Gardens.

23 Q After you had given two statements to the
24 police, I guess for -- put these for
25 identification. I am going to show you what has

Tony Lowery-direct by Meadors

1 been marked for State's Exhibit No. 26 and 27 for
2 ID only. Is that your name there Tony Lowery?

3 A Yes, sir.

4 Q Is that date June 7th?

5 A Yes, sir.

6 Q And is that your name, Tony Lowery?

7 A Yes, sir.

8 Q Is that June 8th?

9 A Yes, sir.

10 Q At some point, did you pick out Mr. Abrams
11 from a lineup that you were shown by the police?

12 A Yes, sir.

13 Q When they showed you that lineup, did they
14 suggest to you who to pick out?

15 A No, sir.

16 Q Did they say, "Tony pick out this person?"

17 A No, sir.

18 Q Did they put their finger on someone and
19 say, "Pick out the person who did the shooting?"

20 A No, sir.

21 Q You knew who did the shooting, correct?

22 A Yes, sir.

23 Q And did you sign that it was Maurice
24 Abrams, and did you pick him out of a lineup?

25 A Yes, sir.

Tony Lowery-direct by Meadors

1 MR. MEADORS: And, judge, as soon I find
2 that, I am about finished. Your Honor, without
3 objection, State's 28.

4 THE COURT: State's No. 28, admitted into
5 evidence without objection. Is that correct,
6 Mr. Brooks?

7 MR. BROOKS: Correct.

8 (Photo lineup marked State's Exhibit No.
9 28 into evidence.)

10 Q You just said you picked out the Defendant
11 Tony Lowery on June 7th. Well you didn't say the
12 date. You said you picked out Tony Lowery. Is
13 that what you were telling the jury about?

14 A You mean Maurice Abrams?

15 Q Did I say -- did you pick out Maurice
16 Abrams?

17 A Yes.

18 Q And is that who I was just asking you
19 about?

20 A Yes.

21 Q Is that your signature there?

22 A Yes.

23 Q What is the date on it?

24 A June 7th. 6/7/09.

25 Q And What's the time?

Tony Lowery-direct by Meadors

- 1 A 6:25. p.m.
- 2 Q Did anybody make you sign that?
- 3 A No, sir.
- 4 Q Please tell us why you picked out No. 2 on
- 5 this lineup, Mr. Lowery?
- 6 A Because that is Maurice Abrams.
- 7 Q You picked him out as what?
- 8 A The person who shot Markeith Ford.
- 9 Q Did you assist law enforcement in locating
- 10 Mr. Owens?
- 11 A Yes, sir.
- 12 Q Now, Mr. Lowery, is your attorney in here?
- 13 A Yes, sir.
- 14 Q Would you please point him out?
- 15 A Calvin Hastie.
- 16 Q He has been your attorney since these
- 17 proceedings began?
- 18 A Yes, sir.
- 19 Q And I started talking with you a week or
- 20 so ago, correct?
- 21 A Yes, sir.
- 22 Q A week? Two weeks?
- 23 A Yes, sir.
- 24 Q And you have been charged in this,
- 25 correct?

Tony Lowery-direct by Meadors

1 A Yes.

2 Q Murder, armed robbery?

3 A Yes, sir.

4 Q Burglary.

5 A Yes, sir.

6 Q Possession of a firearm during the
7 commission of a violent crime, correct?

8 A Yes, sir.

9 Q As a result of what you are doing now,
10 have we agreed to offer you accessory after the
11 fact of armed robbery?

12 A Yes, sir.

13 Q 0 to 15?

14 A Yes, sir.

15 Q And that was our choice, correct?

16 A Yes, sir.

17 Q And you got to tell these folks. Did you
18 shoot Markeith Ford?

19 A No, sir.

20 Q Did you see Markeith Ford with a gun?

21 A No, sir.

22 Q No, sir. And did Fred Owens shoot
23 Markeith Ford?

24 A No, sir.

25 Q Did Tony Lowery shoot Markeith Ford?

Tony Lowery-direct by Meadors

- 1 A No, sir.
- 2 Q Who shot Markeith Ford?
- 3 A Maurice Abrams.
- 4 Q You knew there was a robbery, right? When
- 5 the police -- you got in the car, right? I mean
- 6 when you left after it was over, you knew the
- 7 stuff was in there.
- 8 A Yes, sir.
- 9 Q The money, the drugs?
- 10 A Yes, sir.
- 11 Q Had knowledge of it, and you left and you
- 12 didn't tell the police, right?
- 13 A No, sir.
- 14 Q Do you wish Markeith Ford was still here?
- 15 A I do.
- 16 MR. MEADORS: That's all. Thank you.
- 17 THE COURT: Cross examination, Mr. Brooks?
- 18 Cross Examination by Mr. Brooks:
- 19 Q Tony, are you scared?
- 20 A Oh, yeah.
- 21 Q What's that?
- 22 A Yes, sir.
- 23 Q How old are you?
- 24 A 32.
- 25 Q 32?

Tony Lowery-cross by Brooks

1 A Yes.

2 Q I believe Solicitor Meadors had asked you,
3 have you been involved in anything like this; is
4 that correct?

5 A Correct.

6 Q You were just along for the ride; is that
7 right?

8 A Yes, sir.

9 Q You testified earlier that when you all
10 got to Teresa's house, Mr. Owens, Mr. Abrams and
11 Mr. Lemon exited the vehicle?

12 A Yes.

13 Q And you said you saw Mr. Lemon -- no, you
14 said Mr. Owens gave him the revolver; is that
15 correct?

16 A Yes, sir.

17 Q So Mr. Owens, based on what you're telling
18 us today, Mr. Owens was really involved in the
19 whole planning of the robbery; is that correct?

20 A Yes, sir.

21 Q But you didn't have anything to do with
22 it?

23 A No.

24 Q And you didn't tell Fred Owens about your
25 wanting to get some dope; is that correct?

Tony Lowery-cross by Brooks

1 A Correct.

2 Q You didn't tell him anything about that?

3 A No, sir.

4 Q You didn't go into the store in El

5 Cheapo's and approach Markeith about buying some

6 dope; is that right?

7 A Right.

8 Q That was all Fred's idea.

9 A Yes, sir.

10 Q Fred was pretty much the master mind from

11 what you're saying. Is that a yes?

12 A Yes.

13 Q Now there's also a gentleman named

14 Terrance Lemon.

15 A Yes.

16 Q Now as far as you know, only three people

17 got charged with murder, armed robbery, burglary.

18 But what you are telling us today is that it was

19 at least 4 people.

20 A Yes, sir.

21 Q Terrance Lemon has no charges.

22 A Right.

23 Q And we know Terrance Lemon is also known

24 by Tero; is that right?

25 A Right.

Tony Lowery-cross by Brooks

1 Q Now you have known Tero for a long time;
2 is that right?

3 A No, sir.

4 Q How long have you known Tero?

5 A I've never meet him before.

6 Q You never meet Terrance Lemon before a day
7 in your life.

8 A Never.

9 Q Until that day. You testified you had
10 some personal interaction with Maurice. You
11 wasn't close to Maurice, but you knew of him
12 through his cousin Steve. Is that correct?

13 A Yes.

14 Q You and Steve were pretty tight.

15 A Yes.

16 Q Okay. And based on what you told law
17 enforcement is that the day you met Maurice, you
18 met up with Maurice through Steve.

19 A Yes.

20 Q Is that correct?

21 A Yes, sir.

22 Q Okay. When you met up with Steve, you
23 never told Steve about wanting to buy any dope; is
24 that correct?

25 A Right.

Tony Lowery-cross by Brooks

1 Q You just met up with him; is that right?

2 A Right.

3 Q Now one of the things you told law
4 enforcement back on June 7th, was about meeting up
5 with Fred and helping put some internet service on
6 his house?

7 A Computer.

8 Q I mean on his computer.

9 A Right.

10 Q Net 0, as a matter of fact; is that right?

11 A Yes.

12 Q And you said that in your first statement.
13 Which was June 7th; is that right?

14 A Uh-huh. (affirmative.)

15 Q And that's a statement when you and your
16 dad went in. Where your dad took you, you know,
17 carried you down to law enforcement and you turned
18 yourself in; is that correct?

19 A Yes, sir.

20 Q And that's when you told them on June 7th,
21 what actually happened. And you signed saying
22 this is what actually happened on June 7th; isn't
23 that correct?

24 A Yes, sir.

25 Q And in that statement you gave that to

Tony Lowery-cross by Brooks

1 them, telling them that this is the truth; is that
2 right?

3 A Yes, sir.

4 Q Now and on June 7th, you gave them -- what
5 you told them was this is the truth of what
6 happened that night; is that right?

7 A Yes, sir.

8 Q On June 8th, you come back again giving
9 them another statement, telling them this is
10 actually what happened on that night. Which is a
11 bit different than what happened and what I said
12 earlier; isn't that correct?

13 A Yes, sir.

14 Q Okay. So now you've got two -- you told
15 law enforcement two different stories; isn't that
16 correct?

17 A Correct.

18 Q Okay. On two different dates.

19 A Yes, sir.

20 Q Now you also testified that when you were
21 standing, you were standing in the door; is that
22 correct? In Teresa's house.

23 A Not at the door, at the bottom of the
24 step.

25 Q At the bottom -- so you never went in the

Tony Lowery-cross by Brooks

1 house.

2 A Never went in the house.

3 Q You never set foot in the house at all.

4 A No.

5 Q Who set foot in the house? Who are you

6 telling this jury set foot in the house besides

7 Maurice?

8 A Terrance Lemon.

9 Q Terrance Lemon set foot in the house. He

10 didn't stay outside.

11 A No.

12 Q Fred Owens went to the car.

13 A Correct.

14 Q Markeith's car.

15 A Correct.

16 Q Pulled out the dope.

17 A Right.

18 Q Pulled out the money.

19 A Right.

20 Q You just sat at the bottom of the step, an

21 innocent bystander. Right?

22 A Yes, sir.

23 Q Watching everything go on.

24 A Not watching. I was trying to get them to

25 stop.

Tony Lowery-cross by Brooks

1 Q You were trying to get them to stop.

2 A Yes.

3 Q Maurice, Terrance and Fred.

4 A Uh-huh (affirmative.)

5 Q What did you do to tell them to stop?

6 A That's all I did was walk there and say,
7 "Moe, let's go." I said, "Don't do this. Let's
8 go."

9 Q So you told Moe, "Don't do this." What
10 did you tell Terrance to do to stop?

11 A I didn't tell him. I was figuring if one
12 of them is in the house to stop and come on out.
13 Then they would stop.

14 Q So you figured, all of this went through
15 your head. But you figured, okay, If I can
16 get -- If I can convince Maurice to stop, then
17 Terrance will stop and Fred will stop. That's
18 what went through your head; is that correct?

19 A Correct.

20 Q And you thought all of that out while you
21 were sitting at the bottom or standing at the
22 bottom of the step.

23 A I thought mostly on the way to the place.
24 From the car to the residence.

25 Q You thought about that from the car to the

Tony Lowery-cross by Brooks

1 residence.

2 A Yes.

3 Q The blue Caprice that you will were in.

4 A Yes.

5 Q Now how far away was the car to the bottom
6 of the step? I believe you said about 8 or 9
7 feet?

8 A Yeah, that was the victim's car.

9 Q That was the victim's car. So how far was
10 the Caprice where you all were in the car, taking
11 you'll to get to the bottom of the step?

12 A About 50 or 60 yards.

13 Q 50 or 60 yards. Okay a 50 or 60-yard
14 walk, is where you started to think, what's going
15 on. This ain't right. I mean that was going
16 through your head. Something ain't right; am I
17 right?

18 A Right.

19 Q It was, "Something ain't right. Something
20 ain't right." And then during that journey, you
21 got to the bottom of the step and you said, okay,
22 I can stop all this if I can tell Moe, if I can
23 concentrate on Moe, tell Moe, let's stop.

24 A Yes.

25 Q But you didn't say anything to Terrance

Tony Lowery-cross by Brooks

1 who went in the house.

2 A No.

3 Q Terrance went in the house first. Or

4 Maurice went in the house first?

5 A Abrams was first. Terrance was second.

6 Q Maurice went in the house first, based on

7 what you are telling us. Terrance went in the

8 house second. You didn't go in the house at all.

9 A No.

10 Q You stayed at the bottom of the step.

11 A Yes.

12 Q Fred never went to the house.

13 A Right.

14 Q He stayed in Markeith's (sic) car.

15 A Right.

16 Q Was the car locked?

17 A It had to be, he got the keys.

18 Q Because he had the keys. So Fred and them

19 went in. Who got the keys?

20 A They threw the keys out.

21 Q They threw the keys out. But who got the

22 keys? Who threw the keys out?

23 A I never saw who threw the keys out. If

24 they came out the door, Fred bent down and picked

25 them up.

Tony Lowery-cross by Brooks

1 Q So you never saw who got the keys.

2 A No.

3 Q You never saw how keys came outside.

4 A No.

5 Q You never saw how the keys came out of
6 Markeith's pocket. You never saw whether they
7 came out of Markeith's pocket on his own. Or
8 whether somebody reached into Markeith's pocket
9 and got them.

10 A Correct.

11 Q The only thing you saw was these keys on
12 the ground right in front of you. Isn't that
13 correct?

14 A I was on the way to the house at the time.

15 Q You were on the way to the house. Wait a
16 minute. You never -- based on what you are
17 saying; is that, Terrance and Maurice were way
18 ahead of you and went into the house. And you
19 just finally strolled up to the bottom of the
20 steps. But before you got to the bottom of the
21 steps, the keys were tossed outside the house.
22 You didn't see how the keys came outside the
23 house, but you saw the keys on the ground, because
24 you were strolling up to the bottom of the step.

25 A I never said I saw the keys on the ground.

Tony Lowery-cross by Brooks

1 I saw Fred Owens go pick them up; go to the car,
2 unlock the car door and go in.

3 Q You saw him pick up an object.

4 A Yes.

5 Q What object did they pick up?

6 A They had the keys.

7 Q They had the keys. So the keys did hit
8 the ground. Who picked up the keys?

9 A Owens.

10 Q So Owens was ahead of you.

11 A Yes.

12 Q Okay. So Owens was ahead of you. Owens
13 was in close proximity to the bottom of the step;
14 is that right?

15 A At first he was.

16 Q At first he was. So Owens got the keys.
17 You didn't get the keys. Owens got the keys and
18 went straight to the car.

19 A Yes.

20 Q And opened the car. You didn't say
21 anything to Fred like, "Hey, Fred, we shouldn't do
22 this, man. Let's stop this." You didn't say any
23 of that; is that right?

24 A Right.

25 Q And you said you could see Maurice and

Tony Lowery-cross by Brooks

1 Terrance inside the house; is that right?

2 A Yes.

3 Q You didn't say anything to Terrance.

4 Terrance is behind the door, behind Markeith; is
5 that correct?

6 A Not at that time he was -- I'm approaching
7 the house, he was outside. He came back outside.
8 That's when he asked me, what the hell was I
9 doing. And I asked him, what the hell was they
10 doing.

11 Q Terrance.

12 A Correct.

13 Q Okay. But on the way in to the house,
14 Terrance went in the house.

15 A Yes.

16 Q Now but you could see what was going on in
17 the house.

18 A When we were walking up there.

19 Q When you were walking up, you could see
20 where everybody was positioned; is that correct?

21 A Yes.

22 Q Now Terrance was between Markeith and the
23 door; isn't that correct? Inside the house.

24 A Yes.

25 Q Now based on what you are telling this

Tony Lowery-cross by Brooks

1 court, Maurice would have been in the kitchen;
2 isn't that correct?

3 A He was standing on the side. I couldn't
4 see whether it was the kitchen or not. It was
5 inside of the threshold.

6 Q Inside of threshold inside the house.

7 A Yes.

8 Q Where you could clearly see everybody and
9 where they were positioned in the house; is that
10 correct? Is that a yes?

11 A Yes.

12 Q And you could hear what was going on;
13 isn't that correct?

14 A Yes if I get close, I could hear.

15 Q And you hear. And you could hear them
16 basically tell Markeith, we are going to take this
17 stuff. Is that right?

18 A I never heard that.

19 Q You never heard that. You heard them say,
20 "Give us the keys," right?

21 A Yes.

22 Q But now you heard something, because you
23 knew something bad was going down, right?

24 A Correct.

25 Q So you had to hear something in order to

Tony Lowery-cross by Brooks

- 1 know that something bad was going down.
- 2 A No.
- 3 Q Oh, you just had that feeling?
- 4 A It doesn't take a rocket Scientist when
- 5 you see guns passed to know what is going on.
- 6 Q How many guns did you see passed?
- 7 A Two.
- 8 Q Now you testified that there was one gun
- 9 passed from Fred.
- 10 A One gun was passed. And I saw two guns.
- 11 I saw Lemon pull a gun. So that makes two guns.
- 12 Q So Terrance pulled a gun; is that correct?
- 13 A Correct.
- 14 Q What kind of gun did Terrance have?
- 15 A It was black.
- 16 Q Was it a 9 millimeter?
- 17 A It wouldn't be a 9 millimeter. It could
- 18 be a 380 weapon.
- 19 Q Now you told law enforcement what kind of
- 20 gun he had; is that right?
- 21 A Yes.
- 22 Q What kind of gun did you tell law
- 23 enforcement back in June of 09?
- 24 A I said it appeared to be a high point 380.
- 25 Q Okay. Did you also tell them a 9

Tony Lowery-cross by Brooks

1 millimeter was passed too?

2 A No, I didn't.

3 Q You didn't? Did you make reference that a
4 the 9 millimeter looked like a high point in your
5 statement to law enforcement?

6 A I said it appeared to be like a high point
7 380.

8 Q And you also told them the other guy had a
9 9 millimeter; that you saw the other guy have a
10 9 millimeter. You did tell law enforcement that;
11 isn't that right?

12 A Correct, I did.

13 MR. BROOKS: May I approach the witness,
14 judge?

15 THE COURT: Yes, sir.

16 Q And this is one of your statements that
17 you gave to law enforcement; isn't that correct?

18 A Yes, sir.

19 Q Okay. In this particular sentence---

20 THE COURT: No, you can't read it. You
21 can ask him -- do it the right way if you are
22 going to use the statement for impeachment
23 purposes. You can't read the statement.

24 Q This is your statement.

25 A Yes, sir.

Tony Lowery-cross by Brooks

1 Q Okay. Can you read that sentence?

2 THE COURT: Not out loud. He can read it
3 to himself, and then you can ask him about it.

4 A Which one?

5 Q Where it starts, can I tell him which word
6 it starts with, Judge?

7 A I see.

8 Q Okay. You see.

9 A Yes, sir.

10 Q So after reading that statement, you did
11 tell law enforcement the other guy had a
12 9-millimeter.

13 A Yes, sir.

14 Q Now the other guy you were talking about
15 was Terrance; is that correct?

16 A Yes, sir.

17 Q So that does help bring back your memory.
18 You told them you saw a 357; is that correct?

19 A Yes, sir.

20 Q And you told them the other guy had a
21 9 millimeter.

22 A Right.

23 Q And the other guy would have been Terrance
24 Lemon.

25 A Yes.

Tony Lowery-cross by Brooks

1 Q And Terrance was inside the house; is that
2 correct?

3 A Yes, sir.

4 Q And were at the bottom of the step.

5 A Yes.

6 Q That night you never went looking for any
7 drugs; is that correct?

8 A Correct.

9 Q You were just hanging out after helping
10 Fred to get the internet on his computer; is that
11 correct.

12 A We never did.

13 Q That was the intent, but you never got a
14 chance to do it.

15 A Yes, sir.

16 Q So and because you didn't have a ride, you
17 ended up as a result of your knowledge of knowing
18 about Steve, you ended up with Maurice; is that
19 correct?

20 A Yes.

21 Q Because you needed a ride.

22 A I didn't need it. Fred needed a ride.

23 Q And you were hanging out with Fred.

24 A At that moment.

25 Q And you decided to tag along.

Tony Lowery-cross by Brooks

- 1 A Yes, sir.
- 2 Q When you all got to the store, El
- 3 Cheapo's, formerly known as Leeds Grocery, you
- 4 went in there to go use the restroom.
- 5 A Yes, sir.
- 6 Q And you told this jury based on this video
- 7 that Maurice had on red, and he went in first; is
- 8 that correct?
- 9 A Yes, sir.
- 10 Q And he went to the restroom. And you
- 11 didn't talk to anybody in the store.
- 12 A Yeah, I spoke to my friend going in.
- 13 Q You spoke to your friend just, "Hey, how
- 14 are you doing thing," right?
- 15 A Yes.
- 16 Q And you stayed in a little while, and
- 17 Maurice came out; is that correct?
- 18 A Right.
- 19 Q But you all were still together. Is that
- 20 a yes?
- 21 A Yes, sir.
- 22 Q Was Steve with you all during this time?
- 23 A He was outside.
- 24 Q Steve was outside?
- 25 A Waiting on his friend.

Tony Lowery-cross by Brooks

1 Q Waiting on his friend. You also told us
2 the person you spoke to; that would be the
3 nickname butt-butt. Is that---

4 A Correct.

5 Q ---the person you saw? Now you testified
6 you went in the store and came out. And then you
7 all got in the car and then you all went to
8 Harrison Street. Is that correct?

9 A We left the store.

10 Q You went back to Harrison Street?

11 A No, we took Moore to go back to those
12 streets, and we ended up there.

13 Q When did you all get Terrance?

14 A Before.

15 Q You got Terrance before going to the
16 store.

17 A Yes.

18 Q He lived on Harrison.

19 A Yes.

20 Q And you are riding with him in the car.
21 And while you are riding with him in the car, from
22 Terrance's house to the store, there is nothing
23 about discussed about any robbery; is that
24 correct?

25 A No.

Tony Lowery-cross by Brooks

1 Q It's just no discussion about getting any
2 drugs; is that correct?

3 A No.

4 Q No discussion at all. And you could
5 clearly hear what everybody was saying to one
6 another; is that correct?

7 A Yes.

8 Q Because you were sitting in the front
9 passenger seat. Fred, from what you're telling
10 us, Fred wasn't talking about no drugs.

11 A Right.

12 Q Maurice wasn't talking about no drugs,
13 no money. Nothing like that was discussed.

14 A No.

15 Q Just mild chit chat.

16 A Listening to music.

17 Q Just listening to some music.

18 A And all I could hear was, "Turn this way.
19 Turn that way."

20 Q Turn the radio. Turn this up.

21 A Owens was telling him which way to go.

22 Q Oh, okay. Owens was giving directions?

23 A Yes.

24 Q And you didn't know where you all were
25 going after you left the store.

Tony Lowery-cross by Brooks

- 1 A No.
- 2 Q You had no idea?
- 3 A No.
- 4 Q You were just along for the ride.
- 5 A Yes.
- 6 Q And you said that after you saw guns being
7 exchanged after they got out of the vehicle and
8 then got back in the vehicle. And then got out of
9 the vehicle again to go up to the house; is that
10 correct?
- 11 A Repeat that.
- 12 Q When you said you saw them exit the
13 vehicle.
- 14 A Uh-huh. (affirmative.)
- 15 Q And that's when you saw Fred give Maurice
16 a gun.
- 17 A Yes.
- 18 Q And you saw Terrance pull his gun; a
19 9 millimeter.
- 20 A Yes.
- 21 Q They got back in the car, or they went
22 straight to the house?
- 23 A They went straight to the house.
- 24 Q As you saw them going straight to the
25 house, that's when you decided to get out of the

Tony Lowery-cross by Brooks

1 car; is that correct?

2 A Yes.

3 Q And as you were saying, you were

4 processing through your head, something bad is

5 about to happen, right?

6 A Right.

7 Q Nobody said anything, but you just knew

8 something bad was about to happen.

9 A Right.

10 Q You figured a 50-60 yard walk once you got

11 there, If I can get Moe, I can stop all this.

12 A Yes.

13 Q But you were closest to Fred. You didn't

14 say anything to Fred.

15 A No.

16 Q And you knew Terrance. Terrance was

17 closest to you, once you had gotten to the bottom

18 of the step. And he was inside the house between

19 the door and Markeith. You didn't say anything to

20 Terrance. Terrance come back out and said, "What

21 the hell are you doing?"

22 A Yes.

23 Q And then that's when you said, "What the

24 hell are you doing." You're getting me into

25 something. Is that -- that's what you're telling

Tony Lowery-cross by Brooks

1 us as far as how these whole chain of events had
2 taken place?

3 A Yes.

4 Q Now then you walked away, and you went
5 back to Fred who was getting the stuff out of
6 Markeith's car (sic); is that correct?

7 A No, I never went to Fred.

8 Q You never moved because you were frozen.

9 A No, I was frozen after the shots.

10 Q You were frozen after the shot?

11 A I walked from the gate area where Lemon
12 was standing to the bottom of the stairs.

13 Q Okay. You walked from the gate where
14 Lemon was standing to the bottom of the stairs.

15 A Correct.

16 Q And you say the gate. Is this the gate
17 outside in the yard?

18 A Yes.

19 Q And so Terrance is the one that went in
20 the house, and then came back out of the house?

21 A Yes.

22 Q And then Terrance went back in the house
23 again; is that correct?

24 A Never. Once he exited the house, no one
25 else went back in the house.

Tony Lowery-cross by Brooks

1 Q Okay. And when you heard the shot and you
2 were frozen.

3 A Yes.

4 Q And didn't know what to do. You panicked.

5 A Yes.

6 Q And you just stood there; is that correct?

7 A Yes, sir.

8 Q And now you didn't just stand there,
9 because you weren't there when the EMS people got
10 there. Is that right?

11 A Oh, no.

12 Q Okay. So you didn't stay frozen.

13 A I stayed frozen for a little amount of
14 time.

15 Q A little amount of time.

16 A Yes.

17 Q So then you started to figure out what was
18 going on. And you figured out the best thing for
19 you to do is to get out of there; isn't that
20 correct?

21 A Right.

22 Q So you jumped back in the car.

23 A Yes.

24 Q With everybody else.

25 A Yes.

Tony Lowery-cross by Brooks

1 Q Who was involved in this murder, armed
2 robbery and burglary; is that correct?

3 A Yes.

4 Q Because you panicked. Because you had
5 frozen. You didn't know what to do.

6 A Yes.

7 Q And now Solicitor Meadors has indicated---

8 MR. MEADORS: Your Honor, I am going to
9 object to any comments or expressions by Defense
10 counsel.

11 THE COURT: Any what, sir?

12 MR. MEADORS: Any expressions or comments.
13 I thought I heard something about I did not like.

14 THE COURT: Go ahead.

15 Q Now Solicitor Meadors has said that you
16 know that you are charged with murder, armed
17 robbery and burglary.

18 A Yes, sir.

19 Q And now Solicitor Meadors has indicated to
20 you or during questioning and you answered, all
21 that is going to go away, and you reduced to
22 accessory after the fact; is that correct?

23 A Yes.

24 Q Okay. 0 to 15; is that correct?

25 A Yes, sir.

Tony Lowery-cross by Brooks

1 Q So you are hoping to benefit from being
2 here today; is that correct?

3 A Yes, sir.

4 Q You were with them when they divided up
5 the dope and money?

6 A No, sir.

7 Q You weren't with them then?

8 A No, sir.

9 Q So you didn't get anything out of that,
10 did you?

11 A No, sir.

12 Q You ended up going home.

13 A Yes, sir.

14 Q You ended up going home after the incident
15 took place. But after you had also gotten back in
16 the car with them; is that correct?

17 A Yes.

18 Q They took you home?

19 A No.

20 Q They took you back to their place.

21 A No.

22 Q Where did they take you, Tony?

23 A You know, when we were further down the
24 road after we left the house, I called a friend by
25 the name of Steve Witherspoon on the cell phone.

Tony Lowery-cross by Brooks

1 Q You got down the street. And your sense
2 kicks in. I'm getting out of this; is that right?
3 A Yes, sir.
4 Q You got out of the car.
5 A Yes, sir.
6 Q And you called Steve.
7 A Yes, sir.
8 Q Steve took you home.
9 A Yes, sir.
10 Q In your statement you mentioned, well you
11 made reference to a light skinned one. Who is the
12 light skinned one, Terrance?
13 A Yes, sir.
14 Q Terrance is light skinned guy? Is that a
15 yes?
16 A Yes.
17 Q A light skinned guy with a 9 millimeter.
18 A Yes.
19 Q You said on direct which would have been
20 when Mr. Meadors was questioning you, that we call
21 Maurice, Moe; is that correct?
22 A Yes?
23 Q Who is we?
24 A Me and Steve Witherspoon and his two
25 brothers. Everybody I know that knows him, calls

Tony Lowery-cross by Brooks

1 him Moe.

2 Q Now when you first talked to the police
3 June 7th, you don't mention Maurice. You just say
4 Moe; is that correct?

5 A That's correct.

6 Q And then the next time you give a
7 different statement you don't say Moe, you say
8 Maurice; is that right?

9 A Correct.

10 Q And in that statement that's when you talk
11 about Fred being involved; is that correct?

12 A Yes, sir.

13 Q And Terrance Lemon being involved; is that
14 correct?

15 A Yes.

16 MR. BROOKS: I beg the court's indulgence,
17 Your Honor.

18 THE COURT: Yes, sir.

19 MR. BROOKS: No other questions judge.

20 THE COURT: Any further questions,
21 Mr. Meadors?

22 MR. MEADORS: No, sir, judge.

23 THE COURT: Thank you, sir. You may step
24 down. Ladies and gentlemen, it's about
25 mid-morning now. And it is appropriate time to

Tony Lowery-cross by Brooks

1 take our mid-morning break. And we are going to
2 do that at this time. And allow you to go to your
3 jury room for about 10 or 15 minutes while we
4 relax. I will tell you now as I did and have told
5 you every time, it is still premature for you
6 begin any discussion in this case about this case,
7 among yourselves.

8 You still have not heard all the testimony
9 or all the matters that you will hear in
10 connection with this. So it would be improper to
11 discuss this case among yourselves. Talk about
12 anything you want to talk about, sports, weather,
13 children, grandchildren, and we will send for you
14 very shortly. I do notice that a couple of you
15 have sweaters. And If I put those around you, I
16 apologize to you if you are cold. I would say
17 that I have been over my 15 plus years in this
18 position.

19 I have been in I think 42 of 46
20 courthouses in this State. And some of them have
21 multiple courtrooms. And I have found that there
22 are only two temperatures in the courtroom, too
23 hot or too cold. It doesn't matter where you go.
24 But that is something we try to control, and we
25 will try to control it right now. Thank you, you

Tony Lowery-cross by Brooks

1 may go with the bailiff and we will send for you
2 very shortly.

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

5 THE COURT: Mr. Hastie, and security, if
6 you would like to take control of the witness.
7 Counsel, let's take a 5 minute restroom break and
8 then I would like to see counsel in chambers. Be
9 prepared to start back at 11:15.

10 (Whereupon, the court takes a recess.)

11 THE COURT: We are back on the record in
12 The State of South Carolina versus Maurice Abrams
13 09-GS-43-885. Mr. Abrams is present with his
14 counsel Mr. Brooks. And the State is present and
15 represented by Mr. Manning and Mr. Meadors. Are
16 you ready to go forward, Mr. Solicitors?

17 MR. MANNING: Yes, Your Honor.

18 THE COURT: Anything before I bring the
19 jury in, Mr. Brooks?

20 MR. BROOKS: No, sir.

21 THE COURT: Bring the jury in please.

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

24 THE COURT: Mr. Solicitor, you may call
25 your next witness.

Tony Lowery-cross by Brooks

1 MR. MANNING: Cindy Pierson, please.

2 Cindy Pierson, being first duly
3 sworn, testified as follows:

4 THE CLERK: Please state your full name
5 and spell your last name for the record.

6 A Cindy C. Pierson. P-I-E-R-S-O-N.

7 Q Ms. Pierson, how are you this morning?

8 A Fine, sir.

9 Q On May of 2009, by whom were you employed?

10 A Sumter County Sheriff's Office.

11 Q And what position or capacity were you
12 employed?

13 A I was evidence technician.

14 Q And as, tell us exactly what you did.

15 A I would go to certain crime scenes or
16 autopsies and take evidence. And at that time, I
17 would take it back and log it in to the computer.
18 If it needed to be transported to sled, I
19 transported it to sled. And an officer picked it
20 up from sled.

21 Q Now at that time were you a, what we
22 consider custodian of evidence?

23 A Yes, sir.

24 Q Now in order for someone to look at the
25 evidence they would have to go through you; is

Cindy Pierson-direct by Manning

1 that correct?

2 A That's correct.

3 Q And you had a key to the evidence room,
4 and kept it locked under key at all times.

5 A Yes, I did.

6 Q Let me ask you this here. Back in the
7 latter part of May of 09, did you have an
8 opportunity to collect some evidence that related
9 to the Markeith Ford killing?

10 A I did.

11 Q Okay. Did at any point and time, did
12 Captain Turner turn in some evidence to you?

13 A He did.

14 Q Would you tell us what that was, and what
15 date it was?

16 A Captain Turner turned in a lead bullet
17 fragment. He received it 5/20 of 09. And I
18 actually received it on 6/2/09.

19 Q That was a bullet fragment?

20 A Yes, sir.

21 Q And what happened to that bullet fragment
22 once you got it?

23 A That bullet fragment was taken out of the
24 evidence locker. At that point, I took it back to
25 my office. I logged it in to the computer, and

Cindy Pierson-direct by Manning

1 then I stored it in our evidence room. And then I
2 took it to sled on -- no, excuse me, Jim Atkinson
3 took that to sled.

4 Q Let me ask you this here. Did you also
5 receive a burgundy and black jumpsuit?

6 A Yes, I did.

7 Q And what date was that received on?

8 A I received that on 6/16/09.

9 Q And who turned that in to you?

10 A Captain Turner, no, excuse me, Lieutenant
11 Florence turned it in. And I need to correct
12 myself. I actually received it on 6/8 of 09.

13 Q And was that taken to sled?

14 A It was taken to sled on 6/16 of 09.

15 Q Okay, who carried it? Who transported it?

16 A I did.

17 Q And was there also a red jacket collected
18 by the crime scene folk as well? As a result of a
19 search warrant?

20 A Yes, sir.

21 Q And what date was that turned in to
22 evidence?

23 A That was turned in on 6/12/09.

24 Q 6/12/09. Did you also receive an autopsy
25 packet from Dr. Janice Ross from Newberry?

Cindy Pierson-direct by Manning

1 A Yes, I did.

2 Q And what date did you receive that?

3 A June 3rd of 2009.

4 Q And as a result of that, what did you do
5 with it?

6 A I also transported that to sled on June
7 3rd of 2009.

8 Q Did that include an autopsy bullet?

9 A Yes, it did.

10 Q And you took that to sled.

11 A Yes, sir.

12 Q Now did you ever get any of information
13 back from sled?

14 A Yes, sir. We get the copies after --
15 excuse me, after they have analyzed, the copies of
16 the report goes to the investigator.

17 Q Can you tell us when you received the
18 bullet back? The results from the bullet back.

19 A The results, I can't tell you when we
20 received them back now. The actual bullet back
21 was sent back---

22 Q When did you receive the bullet back?

23 A That was sent back on 6/16/09.

24 Q Okay. And when did you receive the
25 burgundy and black jogging suit back?

Cindy Pierson-direct by Manning

1 A September 1st of 09.

2 Q When did you receive the red jacket back?

3 Or do you have that?

4 A Do you have an item number on that?

5 Q I don't have that. I think Mr. Atkinson

6 may have transported that.

7 THE COURT: You can't testify to that.

8 Q If you don't have that, that's fine.

9 A Okay.

10 Q So from the autopsy, the burgundy jacket,

11 the bullet fragment, as well as, a red jacket.

12 You have all that. All that was logged in; is

13 that correct?

14 A That's correct.

15 MR. MANNING: Your Honor, I have no

16 further questions of this witness.

17 THE COURT: Cross Examination, Mr. Brooks?

18 MR. BROOKS: No, sir.

19 THE COURT: Thank you, you may step down.

20 MS. PIERSON: May I be excused?

21 THE COURT: Would you like to have this

22 witness excused, Mr. Manning?

23 MR. MANNING: Yes, she is.

24 THE COURT: Any objection?

25 MR. BROOKS: No, Your Honor.

Cindy Pierson-direct by Manning

1 THE COURT: You are excused. Thank you
2 for coming. You may call your next witness.

3 MR. MANNING: Jim Atkinson.

4 Jim Atkinson, being first
5 duly sworn, testified as follows:

6 THE CLERK: State your full name and spell your
7 last name for the record.

8 A James Atkinson. A-T-K-I-N-S-O-N.

9 Direct Examination by Mr. Manning

10 Q Mr. Atkinson, in what position are you
11 employed in?

12 A Right now I am evidence custodian. I took
13 over for Cindy Pierson after she left.

14 Q Okay. Did you have the opportunity to
15 view a -- take a bullet fragment to sled?

16 A Yes, I did.

17 Q And could you tell us when that bullet
18 fragment was collected?

19 A It came in to evidence on 6/2/09. I took
20 it to sled 3/29/11.

21 Q Let me ask you this now, how long have you
22 been in this position?

23 A Since September of last year.

24 Q So did you replace Ms. Pierson?

25 A Yes, sir.

James Atkinson-direct by Manning

1 Q Okay. Now you kept all of this evidence
2 under lock and key; is that correct?

3 A Yes, sir, I do.

4 Q If somebody comes and looks at it, they
5 have to go through you.

6 A Yes, sir.

7 Q Now let me ask you this, when did you
8 receive the bullet fragment back from sled?

9 A The fragment came back 5/26/11.

10 Q Okay. Did you have the opportunity to
11 take a red jacket to sled?

12 A Yes, sir, I did.

13 Q And when was that red jacket put in to
14 evidence?

15 A It was put in to evidence on 6/12/09.

16 Q And when did you carry it to sled?

17 A 5/11/11.

18 Q Now where is that exhibit? Where is that
19 jacket now?

20 A It's in evidence now.

21 MR. MANNING: Okay, it's in evidence.

22 Your Honor, I have no further questions of this
23 witness.

24 THE COURT: Mr. Brooks.

25 MR. BROOKS: No questions.

James Atkinson-direct by Manning

1 THE COURT: Thank you, sir. You can step down.
2 Call your next witness.

3 MR. MANNING: Your Honor, I would call
4 Vello Paavel.

5 Vello Paavel, being first
6 duly sworn, testified as follows:

7 THE CLERK: Please state your full name,
8 and spell your last name for the record.

9 A My name is Vello Paavel. That's spelled
10 V-E-L-L-O, P-A-A-V-E-L.

11 Direct Examination by Mr. Manning:

12 MR. MANNING: Your Honor, we are just
13 going to mark this for identification only.

14 THE COURT: All right.

15 Q Mr. Paavel, would tell us a little bit
16 about your background and where you work?

17 A Currently, sir, I am retired. But at the
18 time of this particular case, I was working for
19 the South Carolina Law Enforcement Division, which
20 is commonly known as sled. In particular, I
21 worked in the forensic services laboratory in the
22 firearm's department; where I was firearm and tool
23 mark examiner and supervisor of the department at
24 that time.

25 Q Okay. Will you give us a little bit about

Vello Paavel-direct by Manning

1 your academic background.

2 A Yes, sir. I attended the University of
3 South Carolina. I graduated from there with a
4 bachelor of Science degree. I majored in
5 Chemistry. When I went to work in law
6 enforcement, I first started at the Columbia
7 Police Department, then went to the Richland
8 County Sheriff's Department. Then in 1987, I
9 went to work at sled in the firearms department.
10 When I first started in that department, the
11 firearm's department also was responsible for
12 latent prints and crime scene. So I received
13 training in crime scene processing, latent prints,
14 photography and some firearms identification and
15 tool mark identification. What I had to do is
16 attend schools where they showed me how firearms
17 worked, how to repair them, and how to identify
18 problems with the firearms.

19 I also had an opportunity to do study and
20 reading at sled on the field and discipline of
21 firearm and tool mark identification. I was
22 allowed to assist court qualified examiners in
23 processing or working cases. And finally after
24 completing my training successfully, I was allowed
25 to work cases on my own and testify in court.

Vello Paavel-direct by Manning

1 Q As a result of that, would you give us
2 some appreciation of how many cases you have
3 testified in over the years?

4 A Yes, sir. I have testified in
5 approximately 310 cases in State and Federal court
6 in the area of firearm and tool mark
7 identification giving expert testimony.

8 Q Now during the course of your
9 investigation or study in this particular case,
10 how many times have you had the opportunity to do
11 this type of examination?

12 A Are you asking how many times I have done
13 this type of examination?

14 Q Yes.

15 A Probably thousands of times in the course
16 of my 23 years that I was at sled.

17 Q So you feel very comfortable, and the
18 result that you reached as a result of your
19 examination in this case.

20 A Yes, sir.

21 MR. MANNING: Your Honor, I'm moving to
22 qualify him as an expert.

23 THE COURT: Voir dire with regard to
24 qualifications, Mr. Brooks?

25 MR. BROOKS: No, sir, Your Honor.

Vello Paavel-direct by Manning

1 THE COURT: The Court then will find that
2 this witness is a qualified expert in the field of
3 forensics and firearm examination, and tool marks.
4 Ladies and gentlemen of the jury, let me tell you
5 what that means. Ordinarily, a person who has
6 testified as an expert is limited to those things
7 in his testimony which are rationally based on the
8 perception of the witness; that is, or within the
9 5 senses or helpful to a clear understanding of
10 the witness' testimony or to the determination of
11 a fact in issue, and do not require special
12 knowledge, skill, experience or training.
13 However, a witness who is qualified as an expert,
14 and I have qualified this witness as an expert.
15 He is allowed to testify to an opinion of
16 scientific, technical or other specialized
17 knowledge that will assist the triers of fact.
18 And that's you in this case; to understand the
19 evidence, or to determine a fact in issue.

20 So the basic difference between a
21 non-expert witness and an expert witness is an
22 expert witness is allowed to give an opinion based
23 on his experience, training, education. And a
24 non-expert witness is not allowed to give an
25 opinion. And I have qualified this witness as an

Vello Paavel-direct by Manning

1 expert in his field, and he will be allowed to
2 testify, including giving his opinion or
3 conclusion. All right, Mr. Manning.

4 MR. MANNING: Thank you, Your Honor.

5 Q Mr. -- I hand you up this for
6 identification on 9/29. Would you please tell us
7 if that is the same fragment that you examined,
8 and when did you examine that?

9 A May I open this container? Do we have a
10 pair of scissors or something to open this with?
11 I recognize this container. It has my initials on
12 it. It has the date that I sealed it. It has the
13 sled case number on it. So this is the container
14 the fragment was in; one of the containers. Bear
15 with me a moment, sir. I am just trying to make
16 sure. I haven't seen this fragment in 2 years.
17 Let me make sure it has all the markings on it.

18 A Yes, sir. This is the fragment that I
19 examined in reference to this case.

20 Q Do you happen to know where that fragment
21 came from?

22 A The containers indicated that they came
23 from autopsy. And it indicated it came from the
24 head. And further information on the container,
25 says, It says, "Bullet from head, Markeith Ford."

Vello Paavel-direct by Manning

1 And then it has a case number and a date. And the
2 case number is actually the autopsy number and
3 then it says Sumter.

4 Q Would you please tell us what type of
5 examination you did, and what to conclude as a
6 result of that examination?

7 A Yes, sir. Normally in a situation where I
8 receive a bullet or a bullet fragment, and that's
9 all I receive, what I try to do is determine what
10 caliber that bullet or bullet fragment was. And
11 look for any markings on it that were left by the
12 inside of the barrel. I look for any of the
13 characteristics of the fragment as a result of the
14 manufacturer. Meaning were there any sort of
15 grooves or cannelures placed on the bullet by the
16 manufacturer. I also look for the shape of the
17 base of the bullet, or any other features that I
18 can use so I can try to determine what caliber the
19 bullet, and potentially what type of firearm it
20 came from.

21 In this particular case, the fragment was
22 very small, and it's very damaged. As a result of
23 this, I cannot positively tell what caliber the
24 bullet was that this fragment came from. It is
25 certainly a 22 or larger caliber lead bullet that

Vello Paavel-direct by Manning

1 the fragment came from. There are no markings on
2 this fragment that I can tell what type of firearm
3 this fragment came from. Or there are any --
4 excuse me. There are no markings on the bullet
5 that will help me to identify this fragment with
6 a particular firearm. So in essence, it's
7 unsuitable for identification. I cannot determine
8 its caliber with certainty. And I cannot
9 determine the class characteristics which would
10 allow me to tell what type of firearm it came from
11 due to the amount of damage and the size of the
12 fragment.

13 Q Doctor, I mean, Mr. Paavel, could you
14 please tell us if you know, assuming for the sake
15 of this conversation only, that that bullet slip
16 and there was another fragment, were you able to
17 look at both fragments, would you be able to make
18 a determination as to whether it came from a
19 larger caliber than a 22?

20 A Yes, sir, that could be. Depending on the
21 condition of the other fragment, you may be able
22 to tell whether or not this particular fragment
23 was a part of a particular bullet. Or you can
24 have it just generally say that it could have been
25 part of a bullet depending again on the amount of

Vello Paavel-direct by Manning

1 damage and the amount of markings or physical
2 characteristics of the other fragment. You may
3 potentially be able to tell with certainty that it
4 was a part of, or you may only be able to tell it
5 could be part of a 38 bullet.

6 MR. MANNING: I beg the court's
7 indulgence.

8 Q Could you please tell me, what date did
9 you receive that into your office?

10 A Yes, sir. Let me, I did not talk about
11 that. Do you want to know when I actually
12 received it?

13 Q That's correct.

14 A I took custody of this item on June 3rd of
15 2009. And then on June the 8th of 2009, I
16 returned it to the login clerk, the forensic
17 technician, Pat Brooks.

18 Q Can you give a more specific time as to
19 when you did your examination? Just in that
20 period of time.

21 A As a matter of the actual examination,
22 according to my notes, I started examination on
23 June 3rd, and I completed the examination on June
24 the 3rd.

25 Q How long did it take you to do that

Vello Paavel-direct by Manning

1 examination?

2 A I don't recall definitely, but it was
3 probably a day. Generally, doing the examination,
4 doing all the documentation, having the results
5 reviewed and generating the report.

6 MR. MANNING: Thank you. I no further
7 question of this witness.

8 THE COURT: Cross examination, Mr. Brooks?

9 Cross Examination by Mr. Brooks:

10 Q Agent Paavel, how are you?

11 A Fine, how are you?

12 Q Just to be clear, you cannot determine
13 what firearm fired this projectile.

14 A That's correct.

15 Q And no firearm was ever submitted to you
16 in reference to this case for you to run any tests
17 or examination; is that correct?

18 A That is correct. I did not receive any
19 firearms on this case.

20 MR. BROOKS: Okay. No other questions.

21 THE COURT: Anything further, Mr. Manning?

22 MR. MANNING: No, sir, not at all.

23 THE COURT: Thank you, sir. You may step
24 down. Would you like to have the witness excused,
25 Mr. Manning?

Vello Paavel-cross by Brooks

1 MR. MANNING: Yes.

2 THE COURT: You are excused, thank you,
3 sir. Mr. Manning, you may call your next witness.

4 MR. MANNING: Susan Cromer. Your Honor, I
5 would like to move to introduce this in to
6 evidence.

7 THE COURT: What is it?

8 MR. MANNING: It is what Mr. Paavel just
9 testified to.

10 THE COURT: What is the number on it, Mr.
11 Manning?

12 MR. MANNING: 29.

13 THE COURT: 29?

14 MR. MANNING: Yes, sir.

15 THE COURT: Any objection?

16 MR. BROOKS: That's fine.

17 THE COURT: Admitted into evidence.

18 State's No. 29 that was previously marked for ID
19 only without objection.

20 (Bullet fragment marked State's Exhibit
21 No. 29.)

22 Suzanne Cromer, Being first
23 duly sworn, testified as follows:

24 THE CLERK: State your full name and spell
25 your last name for the record.

Vello Paavel-cross by Brooks

1 A My name is Suzanne Cromer. C-R-O-M-E-R.

2 Q Ms. Cromer, by whom are you employed?

3 A I am employed with the South Carolina Law
4 Enforcement Division commonly referred to as sled.

5 Q In what capacity?

6 A I work in the firearm's department as a
7 firearm and tool mark examiner.

8 Q And how long have you worked there?

9 A I've worked at sled 12 and a half years.
10 I have been in my current position a little over
11 11.

12 Q Would you also tell us; give us the
13 benefit of your professional training and
14 background.

15 A Yes, sir. I received a bachelor's degree
16 from Clemson University. I did some graduate work
17 at the University of South Carolina in criminal
18 justice. I completed sled's in-house training
19 program, which is a 3-year intense study program;
20 more than an apprenticeship, if you will. Where I
21 studying under 5 court qualified firearm's
22 examiners.

23 We take written tests, oral tests,
24 practical exercises. I take classes through the
25 association of firearm and tool mark examiners,

Vello Paavel-cross by Brooks

1 which I am a member of. I have attended two of
2 their annual conferences. They get together
3 yearly to discuss our field. I have also taken
4 seminars through them, barrel making and ethics in
5 firearms identification.

6 I have taken seminars through the South
7 Carolina Chapter of International Association and
8 Identification. I have taken courses through the
9 Bureau of Alcohol, Tobacco and Firearms. Commonly
10 referred to as the ATF on serial number
11 restoration, and the integrated ballistics
12 identification system.

13 Q Could you please tell us if you have ever
14 testified in court before?

15 A Yes, sir, I have.

16 Q Could you give us an appreciation of how
17 many times you think you may have done that?

18 A Approximately 50 times.

19 Q 150 times. And which court, State as well
20 as Federal court?

21 A Approximately 50 times in Federal and
22 State court.

23 Q Let me ask you this now. I here what has
24 been marked for identification purposes only,
25 Exhibit 19. Can you identify that?

Vello Paavel-cross by Brooks

1 A Yes, sir. This is the item I examined.
2 It is still in my sealed container with my
3 initials and my seal date.

4 Q And where did you receive that from?

5 A I received this from, it was submitted to
6 the sled lab by Sumter County Sheriff's
7 Department.

8 MR. MANNING: Your Honor, we would move to
9 qualify as an expert.

10 THE COURT: In what field?

11 MR. MANNING: Firearms.

12 THE COURT: Sir?

13 MR. MANNING: Firearms.

14 THE COURT: Firearms. What?

15 MR. MANNING: Firearms for testing of
16 fragments, bullets and things of that sort.

17 THE COURT: As a firearm's examiner?

18 MR. MANNING: Yes.

19 THE COURT: Any objection, Mr. Brooks?

20 MR. BROOKS: No objection.

21 THE COURT: The witness will be qualified
22 as an expert in the field of firearm's
23 examination.

24 Q You may proceed.

25 A Yes, sir. I received this from Sumter

Vello Paavel-cross by Brooks

1 County Sheriff's Department. It came into the
2 lab, and I received it from our evidence login
3 department.

4 Q And after receiving that, what did you do
5 with that particular fragment? And by the way,
6 what is that? Tell us what it is.

7 A It is a fired lead approximately, 38
8 caliber bullet.

9 Q And what did you do to examine that?

10 A What I do is, I pull it out. I measure
11 it. I weigh it. And then I do a microscopic
12 examination. I put it on my comparison microscope
13 to look at the riffling marks. Riffling is what
14 is left in the gun barrel, or put in a gun barrel
15 by the manufacturer to put rotary motion on the
16 bullet. Very similar to a quarterback throwing a
17 football. He wants to get in to a tight spiral so
18 that they are more accurately towards the target.
19 That's what the premise is behind the riffling as
20 put in the gun barrel.

21 So I am going to put it on my comparison
22 microscope and look at those riffling marks. From
23 those general riffling and characteristics, I can
24 sometimes give an investigator a list of possible
25 firearms that could have fired this bullet.

Vello Paavel-cross by Brooks

1 Q And what day did you examine that?

2 A I started my examination on March 31st of
3 2011.

4 Q March 31st 2011. And when did your
5 receive that?

6 A I took this particular bullet into my
7 custody on March 31st of 2011.

8 Q And how long if you can gave us an
9 appreciation, would it take you to do an
10 examination?

11 A I did not fully complete my examination
12 until April 20th of 2011.

13 Q How long did it take you to do the
14 examination? The actual microscopic work.

15 A Yes, probably a couple of hours.

16 Q As a result of that, were you able to
17 determine or have an appreciation of what caliber
18 may have fired that particular fragment?

19 A Yes, sir. Like I said, this bullet was
20 consistent with being a 38 special. A 38 special;
21 which can also be fired in a 357 magnum firearms.

22 MR. MANNING: I beg the court's
23 indulgence. No further questions of this witness.

24 THE COURT: Cross examination, Mr.---

25 MR. MANNING: One other. We would like to

Vello Paavel-cross by Brooks

1 move this into evidence, Your Honor. It was
2 identified earlier.

3 THE COURT: No. 19 being offered into
4 evidence, Mr. Brooks. It was marked for
5 identification only. Any objection?

6 MR. BROOKS: No objection.

7 THE COURT: All right. Will be admitted
8 into evidence as State's Exhibit No. 19 without
9 objection. Mr. Brooks.

10 Cross Examination by Mr. Brooks:

11 Q Ms. Cromer, you work as the, one of the
12 firearm's examiners at sled at the present moment;
13 is that right?

14 A Yes; firearm's identification.

15 Q And when did you work on this particular
16 projectile?

17 A March 31st 2011.

18 Q March 31st of 2011?

19 A Yes, sir.

20 Q That would be approximately, two months
21 ago?

22 A That's correct.

23 Q And this date involved May of 2009.

24 A The incident report was listed as 6/1 of
25 2009.

Susan Cromer-cross by Brooks

1 Q And it's your testimony that, well opinion
2 that this is a 38 caliber bullet?

3 A Yes, it is.

4 Q It could have been fired from a 357
5 magnum.

6 A It could have been fired from a 38 special
7 or a 357 magnum.

8 Q A 357 magnum, that's considered a big gun;
9 isn't that correct?

10 A I can be, yes.

11 Q You said it can be.

12 A Well it's not as large as a like 45 auto,
13 but it's relatively.

14 Q Relatively a big gun.

15 A Yes.

16 MR. BROOKS: I beg the court's indulgence.

17 THE COURT: Yes, sir.

18 MR. BROOKS: No other questions, judge.

19 THE COURT: Anything further?

20 MR. MANNING: Yes, Your Honor.

21 Redirect Examination by Mr. Manning:

22 Q You said that could have been fired by a
23 38 or 357 magnum; is that correct?

24 A That's correct. That's the caliber.

25 Q Would that have been shot by an automatic

Susan Cromer-cross by Brooks

1 or revolver?

2 A Usually a 38 special or 357 magnum is a
3 revolver caliber.

4 Q Does that mean it revolves around; is that
5 correct?

6 A That's correct. A revolver is usually
7 what we call a cylinder. If you ever seen any of
8 the cowboy movies, it has a cylinder that rotates
9 around a single firing mechanism.

10 Q A 357, I think you said in answer to Mr.
11 Brooks, his question, "A big gun."

12 A Well you can have a 357 magnum as the
13 same size as a 38 special firearm. It's just a
14 cartridge that's loaded with a little bit more
15 power, to make it more powerful. And it's a
16 little longer than the 38 special.

17 MR. MANNING: Your Honor, I no further
18 questions.

19 THE COURT: Mr. Brooks.

20 Recross Examination by Mr. Brooks:

21 Q Ms. Cromer, you said that it's usually a
22 revolver, and it can be an automatic; is that
23 correct?

24 A I've never presently seen a 357 or a 38
25 special automatic.

Susan Cromer-cross by Brooks

1 Q And to use your own vernacular, you said
2 usually.

3 A Well there can be Derringer's that are 38
4 special or 357 magnum caliber.

5 Q Which is automatic.

6 A No, a Derringer is a hinged frame firearm.

7 MR. BROOKS: Thank you.

8 THE COURT: Thank you, ma'am. You may
9 step down. Would you like to have the witness
10 excused?

11 MR. MANNING: Yes, Your Honor.

12 THE COURT: Any objection?

13 MR. BROOKS: No objection.

14 THE COURT: You are excused. Thank you
15 for coming. You may call your next witness.

16 MR. MEADORS: Your Honor, we would call
17 Special Agent John Roberts.

18 THE COURT: Mr. Roberts.

19 Special Agent John Roberts,
20 Being first duly sworn, testified as follows:

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

23 A John Roberts. R-O-B-E-R-T-S.

24 Direct Examination by Mr. Meadors:

25 Q Good afternoon.

Susan Cromer-cross by Brooks

1 A Good afternoon.

2 Q And it's special agent?

3 A Yes, sir.

4 Q Agent, could please tell the Ladies and
5 gentlemen of this jury, about your background,
6 your training and your experience. And
7 especially; in particular, your experience in the
8 field of expertise I have asked you to testify to
9 about today.

10 A Yes, sir. I'm a forensic scientist with
11 the State Law Enforcement Division, more commonly
12 call sled. I work in the trace evidence
13 department. Trace evidence is the analysis of
14 evidence that you can't see with your naked eye.
15 We do paint, fiber, glass, explosives, gunshot
16 residue, arson, paint dye packs and duct tape
17 analysis in my unit. The analysis that I am most
18 concerned with is gunshot residue analysis. I
19 have a bachelor degree in Chemistry from Texas A &
20 M Corpus Christi. And I have been through the
21 in-house training program at sled, in gunshot
22 residue analysis, bullet hole analysis, arson
23 analysis. And I am currently doing an explosive
24 analysis.

25 Q What is a gunshot residue?

Special Agent Roberts-direct by Meadors

1 A Gunshot residue is the term that we give
2 to the particles that are ejected out of a firearm
3 that is fired. Mainly particles from the primer.
4 The primer is the silver disk on the back of the
5 cartridge case. It ignites the main powder
6 charge, and forces the bullet down the barrel; out
7 the muzzle and towards the target.

8 The primer has in it three metals that we
9 are concerned with. And they are lead, barium
10 and antimony. Those metals come out in the form
11 of a cloud or balloon, out of the muzzle end of
12 the weapon and out of any cracks or holes that
13 might be in the weapon. Or the trigger has a hole
14 in it leading up into the mechanism of the
15 firearm. If it's a revolver, there is a gap
16 between the cylinder and the barrel. And this
17 material can also be ejected out of that.

18 What happens is, the material lands on
19 someone's hands. Usually the person firing. It
20 can also land on anybody who is near the weapon
21 when it goes off. We have kits that are issued to
22 different agencies across the State, and they take
23 those kits and submit them to sled. And analyze
24 those kits in the presence of the metals that are
25 in the primer.

Special Agent Roberts-direct by Meadors

1 Q How many times have you been offered and
2 accepted as an expert in the field of trace
3 evidence and gunshot residue in courts of record
4 in this State before?

5 A Yes, sir, I have.

6 Q About how many times?

7 A 44 times.

8 MR. MEADORS: Your Honor, at this time we
9 would offer Special Agent John Roberts as an
10 expert in the field of trace evidence and gunshot
11 residue.

12 THE COURT: Any voir dire with regard to
13 qualified, Mr. Brooks?

14 MR. BROOKS: No, sir, Your Honor.

15 THE COURT: The court will qualify
16 Mr. Roberts as an expert in the field of trace
17 evidence and gunshot residue. Ladies and
18 gentlemen, you will recall, of course, that I
19 told you that the witness is qualified as an
20 expert by education, experience or training and is
21 allowed to give an opinion. And I am qualifying
22 this witness as an expert in the field of trace
23 evidence and gunshot residue.

24 Okay, Mr. Meadors.

25 Q Special agent, what can you get gunshot

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1 residue off of? Can you get it off of skin?

2 A Yes, sir.

3 Q Is there any type of length of time when
4 you can't get it off skin? Or could you explain
5 that to the jury.

6 A Yes, sir. Our protocol at sled is, there
7 has to be less than 6 hours between the time of a
8 suspected shooting and the time that the gunshot
9 residue kit is collected. What we found is, that
10 after six hours, materials are not there anymore,
11 or they're a quantity such that can't detect them.

12 Q These materials are absorbed by your skin.
13 If you are breathing and walking around and
14 touching things, first of all, they're going to be
15 absorbed. And second of all, if you start
16 touching stuff, this material is going to be
17 transferred to the stuff that you touch. On a
18 deceased person; however, the material remains
19 indefinitely. So if someone is shot dead, and the
20 gunshot residue kit isn't collected until the
21 next day, that's not an issue with us because the
22 person is not breathing. They're not perspiring,
23 they're not moving around. And so the material
24 will remain until it is removed.

25 Q That's because the body is dead in that

Special Agent Roberts-direct by Meadors

1 case; correct?

2 A Yes, sir, that's correct.

3 Q And if a person was shot and didn't die
4 until 11 days later and was in a hospital, you
5 clearly wouldn't be able to check for that,
6 correct?

7 A No, sir, I wouldn't expect to find
8 anything.

9 Q Other than the skin, can you, and you may
10 have testified to it, check items of clothing to
11 see if gunshot residue is present?

12 A Yes, sir.

13 Q Or any of the particles?

14 A What happens is, the gunshot residue not
15 only gets on your hands, but it can get on
16 clothing as well. And it will remain on the
17 clothing until the clothing is washed. So we pull
18 the gunshot residue off of clothing also.

19 Q And in that regard, I am going to show you
20 what is marked State's 30. And I believe it is
21 your Supplemental Report, Item 8. I ask you, look
22 at State's 30, and tell me if you recognize that.
23 And did you have an opportunity to examine what is
24 marked as State's 30, or any clothes related to
25 that?

Special Agent Roberts-direct by Meadors

1 A Yes, sir. What's been marked as State's
2 Exhibit No. 30, is my Item 8.1; 8.1 is a Sub-item
3 of Item 8. Item 8 was submitted to me as a black
4 and red jogging suit. That had one long sleeved
5 jacket and a pair of sweatpants. What this is, is
6 the particle lifts that I took off those items of
7 clothing. What happens is, I can't -- I don't
8 have any instrument that I can just stick the
9 clothing in, and run the clothing for gunshot
10 residue. I have to take particle lifts, which are
11 aluminum disks with sticky tape on them. And I
12 have to dab where I think the gunshot residue
13 would be. And it's in the obvious areas. It's in
14 the areas where the close -- where the firearm
15 might be if someone were shooting the gun.

16 And so what happens is, we take lifts from
17 the backs and fronts of the cuffs of long sleeved
18 jackets. In this case the long sleeved jacket. I
19 took off the right front cuff, the right back
20 cuff. Left front cuff, the left back cuff.

21 And then I take if off the forearms as
22 well, because those are the areas closest to where
23 a gun would be if someone were shooting.

24 Q And if you weren't shooting a gun, but if
25 you were in a close proximity of someone shooting

Special Agent Roberts-direct by Meadors

1 a gun, would potentially gunshot residue land on
2 that person or that garment that was near?

3 A Yes, sir. What we found is basically a 4
4 to 6, or 4 to 8 feet is about as far away as you
5 can be and still get the residue on you.

6 Especially if you are, say, in front of the weapon
7 when it goes off. You can be about 8 feet away
8 before you stop getting gunshot residue on you.

9 Q So the residue is coming out of the gun;
10 correct?

11 A Yes, sir.

12 Q And there is testimony if you are in 4 to
13 8 feet of that, it can get on your clothing.

14 A Yes, sir, it could.

15 Q Of course, you have to factor in
16 conditions, environment and all that; correct?

17 A Yes, sir. Correct.

18 Q Common sense stuff. And is this the item,
19 Your Honor, it's State's 25, I believe. Is this
20 the item that you examined for gunshot residue?

21 A Yes, it is.

22 Q What are you looking for right there?

23 A My initials.

24 Q Okay. And why do you do that?

25 A On pieces of clothing that get submitted,

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1 whenever I look at it and do any kind of analysis
2 on it, I would mark it with my initials so I know
3 I looked at that. In addition, I think the box
4 probably has my name all over it. And the seal
5 would probably have my initials on it. And I can
6 take it and show them to you.

7 Q And is that so you can come in here today
8 and tell these folks this is what I examined?

9 A Yes, sir. And it does. And it also has a
10 piece of paper inside the box that I have spread
11 out on the table to put the clothing on. Want to
12 put the clothing on here at the table. Analyze or
13 sample as best you can on something clear.

14 Q You examined Item 25.

15 A State's 25, yes, sir. Item 5. Yes, sir.

16 Q State's Exhibit No. 25. And then I think
17 you described how you did that. What if anything
18 were your results?

19 A On the sweatsuit, or black and red jogging
20 suit, I found round lead particles on the jacket.
21 Round lead particles are one of the components
22 that we see in gunshot residue.

23 Q And you found them on the jacket.

24 A Yes, sir.

25 Q And that's one of the particles in gunshot

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1 residue.

2 A Yes, sir, that's correct.

3 Q So assuming with your background, your
4 expertise, and after reviewing these items, if I
5 was in 4 to 8 feet of a gun that you fired.

6 A Yes, sir.

7 Q Was wearing this jogging suit, in your
8 opinion, would that gunshot residue have landed on
9 this suit?

10 A Yes, sir.

11 Q Now did you also have an occasion to
12 examine what I have marked State's Exhibit No. 31
13 right now, another jacket in this case?

14 A Yes, sir. It was my item, Item 10 for me.
15 It was a red jacket. It had these other particle
16 lifts.

17 Q And that's State's Exhibit No. 16, Your
18 Honor.

19 A The red; yes, these particle lifts are
20 your Item, your State's 32. And the red jacket
21 you said Item 16.

22 Q For these purposes and this record, Your
23 Honor, 16.

24 THE COURT: Okay.

25 Q Did you have an occasion to, and I see up

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1 here, John GR in the top.

2 A Yes, sir. That's my initials.

3 Q Does that show you did it?

4 A Yes, sir.

5 Q And explain the procedure you did on that
6 also, please.

7 A On the jacket I did the same thing that I
8 did with sweatsuit. I took particle lifts from
9 the cuts and forearms of the sleeves.

10 Q And what were your results if any, of that
11 examination, special agent?

12 A On that, I also found round lead particles
13 on the jacket.

14 Q What does that mean?

15 A Round lead particles are one of the
16 components we see in gunshot residue. It could
17 have been near a gun when it went off, or it could
18 have been on the body of someone shooting the
19 firearm.

20 Q Now you said it earlier, but if it shot
21 somebody, and you didn't arrest me until after 6
22 hours.

23 A Yes, sir.

24 Q Would you test my hands?

25 A I wouldn't. However, you could have your

Special Agent Roberts-direct by Meadors

1 hands tested, but the kit would not be analyzed at
2 sled.

3 Q And a day later would you?

4 A No, sir.

5 Q 2 days? 3 days?

6 A No, sir.

7 Q And is a lot of that, you said it
8 evaporates. But can people just wash their hands
9 too?

10 A Yes, sir. That's the easiest way to get
11 it off is to just wash your hands.

12 Q So after 6 hours, sled's policy is, you
13 don't test.

14 A That's correct.

15 MR. MEADORS: I beg the court's
16 indulgence.

17 THE COURT: Yes, sir.

18 Q With the residue on the jogging suit,
19 State's 25, could that be consistent with coming
20 from a revolver?

21 A It could be.

22 Q Special agent, that's all I have. Thank
23 you for being here.

24 A You are welcome.

25 THE COURT: Mr. Brooks.

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1 Cross Examination by Mr. Brooks:

2 Q Special Agent Roberts.

3 A Yes, sir.

4 Q Piggyback on Mr. Meadors questions, it
5 could be automatic too; isn't that correct?

6 A It could be.

7 Q You don't know what kind of weapon could
8 have caused these gun particle residue; is that
9 correct?

10 A No, sir. It could be a revolver,
11 automatic, shotgun, rifle.

12 Q And you don't -- in that effect, you don't
13 know when that could have occurred; do you?

14 A No, sir, I do not.

15 Q The only thing you can say is, you looked
16 at some clothing and based on your experience and
17 expertise, you can determine that there is gun
18 particle residue on it; is that correct?

19 A Mostly. I'd look at the clothing and
20 it's -- it would be there regardless of whether I
21 was an expert or not it's there.

22 Q I mean the only thing your experience and
23 expertise can tell is, is it's there.

24 A Yes, sir.

25 Q It's present. They can't tell you when it

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1 was put there.

2 A No, sir.

3 Q And they can't tell you whether or not the
4 person having the blue -- the burgundy and black
5 jogging suit fired a weapon and some particles got
6 on the red jacket or vice versa; is that correct?

7 A That's right.

8 Q So you can't say the person having the red
9 jacket fired the weapon and some particles got on
10 the burgundy and black jogging suit.

11 A No, sir. I can only say that those
12 particles were there when I examined testimony of
13 it.

14 Q Now let me ask you this. In your
15 experience and expertise as the gunshot residue,
16 if there is a door, one person standing outside,
17 and one person standing inside, and there is a
18 door and shots are fired inside, would that
19 gunpowder residue go through the door on to the
20 person on the outside?

21 A The residue may not. But if the bullet
22 itself goes through, it can shed the copper jacket
23 if it has a jacket. Or it can just fragment
24 itself and produce lead particles that can be on
25 the person outside.

Special Agent John Roberts-cross Brooks

1 Q But that would take -- it would take the
2 bullet to get through the door as well.

3 A It would. Now if you shot gunshot residue
4 out of the firearm, it would not go through the
5 door.

6 Q So what I am saying is, if the bullet
7 didn't pass through the door to the outside, then
8 there is no way the gunshot residue would get on
9 to the outside.

10 A I wouldn't say there is no way. There is,
11 it's like anything in life, there is a
12 possibility. But more than likely it would not.

13 MR. BROOKS: No other questions.

14 MR. MEADORS: Very briefly redirect.

15 THE COURT: Yes, sir.

16 Redirect Examination by Mr. Meadors:

17 Q You have never been to this scene of this
18 incident; have you?

19 A No, sir.

20 Q And, Your Honor, if I can approach. I am
21 going to show you what is State's Exhibit No. 3.
22 If an individual is standing in this step area and
23 shots are fired in here, can gunshot residue get
24 on the person that was looking in the trailer from
25 the stairs? If shots are fired here and, Mr.

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1 Roberts, if a shot is fired in the entrance of
2 this doorway, an individual is standing here in
3 this area, could gunshot residue get on them?

4 A The person who is shooting into the house,
5 or at the house?

6 Q A person who is shooting a victim here, a
7 witness is standing right here.

8 A If gunshot residue got on this -- if they
9 are on the same side of the door, or in the gap of
10 the door that is open; yes, there could be gunshot
11 residue on it.

12 MR. MEADORS: I beg the court's
13 indulgence.

14 Q Can gunshot residue be transferred to --
15 garment to garment---

16 A Yes.

17 Q ---for gunshot residue? Like if something
18 could it be transferred that way too?

19 A Yes, sir.

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

21 THE COURT: Anything further, Mr. Brooks?

22 MR. BROOKS: No other questions.

23 THE COURT: Thank you, sir, you can step
24 down. Would you like to have the witness excused,
25 Mr. Meadors.

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1 MR. MEADORS: Yes, sir. Thank you very
2 much.

3 THE COURT: You are excused, thank you for
4 coming.

5 MR. MEADORS: Can we approach?

6 THE COURT: Yes, sir.

7 MR. MEADORS: And, Your Honor, before you
8 leave, if I neglected, I thought I offered these
9 into evidence. If I didn't, I certainly would at
10 this point. I believe without objection.

11 THE COURT: Any objection to these
12 exhibits; that this witness testified to?

13 MR. BROOKS: No objection.

14 THE COURT: Admitted into evidence without
15 objection.

16 (Whereupon, gunshot residue kits marked
17 State's Exhibit No. 30 and 31 into evidence.)

18 THE COURT: Ladies and gentlemen, I have
19 just been informed by counsel that the next
20 witness is a witness that is coming from out of
21 town, and will not be here for awhile. And we do
22 have a few matters of law that we need to take up
23 at this time. And we are going to do that. And
24 so I am going to go ahead and allow you to go and
25 get your lunch at this time. And ask you to be in

1 your jury room, please, at 2:15.

2 So over the lunch recess, do not discuss
3 the case with anyone. Do not allow anyone to
4 discuss the case with you. If anyone should
5 approach you or try to discuss the case with you
6 in any manner whatsoever, report it to the
7 bailiffs when we come back. And we will be ready
8 to go forward at 2:15.

9 (Whereupon, the jury is dismissed for
10 lunch.)

11 Counsel, come up for just a moment.
12 Counsel, after we conclude that matter, we will
13 come back in to the courtroom. And I want to give
14 5th Amendment rights on the record to the
15 defendant before we break for lunch, Mr. Brooks.
16 So we are going to take a recess here in a few
17 minutes. And we will start in just about 10
18 minutes after that.

19 MR. MEADORS: Your Honor, if it please the
20 court. Before you do that, without objection, and
21 it was my fault, I thought it was in, State's
22 Exhibit No. 1 without objection. It just hasn't
23 been officially moved in.

24 THE COURT: Yes, sir. Any objection,
25 Mr. Brooks?

1 MR. BROOKS: No objection.

2 (Photo lineup marked State's Exhibit No. 1 into
3 evidence.)

4 (Whereupon, the court takes a short
5 recess.)

6 THE COURT: We are back on the record in
7 regard to the case of the State versus Maurice
8 Abrams. Mr. Abrams is present in court with his
9 counsel Mr. Brooks. We have taken care of the
10 matters temporarily that I needed to address with
11 the attorneys. We will take it up again right
12 after lunch at 2 o'clock.

13 In the meantime, so that we can be ready
14 to go forward with whatever we need to do, after
15 the State has advised me or the State has advised
16 me that they have one more witness after which
17 they will close. And in order to save as much
18 time as possible, I want to talk with the
19 Defendant Mr. Abrams, for a few minutes about his
20 5th Amendment rights.

21 Mr. Abrams, you may be called as a witness
22 to testify on your own behalf. I now advise you
23 that you have right to invoke the protections
24 given to you by the 5th Amendment to the
25 constitution of the United States, and a similar

1 counterpart provision of the Constitution of the
2 State of South Carolina.

3 The 5th Amendment to the Constitution of
4 the United States provides in part, that no person
5 shall be compelled in any criminal case to be a
6 witness against himself. This provision of the
7 constitutional law means that you cannot be
8 compelled or required to testify in this case.
9 This is a right and a privilege which the law
10 extends to you. It is a personal privilege, and
11 no one can waive this right except you. You have
12 the right not to testify, but also have the right
13 to testify.

14 The court will grant you the right to
15 consult with your lawyer before you make a
16 decision. If you elect not to testify, your
17 failure to testify cannot be used by the State as
18 an inference of guilt. And your failure to
19 testify cannot be considered by the jury in it's
20 deliberations. And I will so instruct the jury.
21 If you elect to testify and waive the privileges
22 extended to you by the 5th Amendment to the
23 Constitution of the United States, I advise you
24 now that you would then assume the role of a
25 witness in this case. And you would then waive or

1 give up your constitutional privilege against
2 self-incrimination. This means that if you
3 voluntarily take the witness stand and testify,
4 you will subject yourself to the same rules that
5 govern other witnesses in this case. And you may
6 be examined or cross examined on any relevant
7 issues in this case. And you may be impeached to
8 the same extent as other witnesses, all of which
9 are subject to the rules of law and the rules of
10 evidence.

11 I further advise you that if you elect to
12 take the witness stand and testify, that this
13 decision on your part must be made freely,
14 voluntarily, intelligently and with knowledge of
15 the protections given to you by the constitution,
16 and with knowledge of the consequences of your
17 election to testify. Now I am not going to
18 require that you give me a decision at this time
19 as whether you do or do not wish to testify in
20 this case. I am going to give you an opportunity
21 over the lunch recess to discuss it with your
22 attorney.

23 But I would ask you now, do you have any
24 questions about what I have explained to about
25 your 5th Amendment rights?

1 THE DEFENDANT: No, sir.

2 THE COURT: And do you understand what I
3 have explained to you about your 5th Amendment
4 rights?

5 THE DEFENDANT: Yes.

6 THE COURT: With that then, I will allow
7 you to consult with your lawyer and we will have
8 you make a decision which will be put on the
9 record after the lunch recess. Thank you.
10 Anything before we recess for lunch on behalf of
11 the State, Mr. Meadors?

12 MR. MEADORS: Yes, sir. If we can
13 approach. I just want to show these and seeing
14 them, and if just Your Honor could contemplate
15 maybe over lunch hour.

16 THE COURT: Go ahead and have that marked
17 in to evidence. What number is it, Ms. Sullivan?

18 COURT REPORTER: 32.

19 MR. MEADORS: Thank you.

20 (Photograph marked State's Exhibit No. 32
21 into evidence.)

22 (Whereupon, court breaks for lunch at
23 12:44 p.m.)

24 THE COURT: We back on the record in the
25 case of the State versus Maurice Abrams. The

1 State is present and represented by the Assistant
2 Solicitors, Mr. Meadors and Mr. Manning. And
3 Mr. Brooks for the Defendant Mr. Abrams. What I
4 think we need to take up in the matter we had an
5 in chambers about, the juror of Raven Robertson.
6 I think that needs to be put on the record so that
7 it will be clear.

8 Any objection to my bringing her in and asking her
9 the same things that I asked in chambers, Mr. Meadors?

10 MR. MEADORS: No, sir.

11 THE COURT: Mr. Brooks?

12 MR. BROOKS: No, sir.

13 THE COURT: Okay, bring Ms. Robertson in. If
14 you will stand right there, Ms. Robertson, and thank
15 you. I want to first of all want to thank you for
16 discussing the matter with me before lunch in chambers.
17 The law requires that I also conduct a semi-inquiry on
18 the record. And this way we have to got to take it down
19 so that we will have it on the record.

20 But I want you to understand that no one is
21 accusing you of anything. Or alleging or contending
22 that you did anything wrong whatsoever. But it's just a
23 matter that the record has to be clear, you understand?

24 MS. ROBERTSON: Yes.

25 THE COURT: And in that connection, it is my job

1 of course, to ensure that both sides receive a fair and
2 impartial trial. And the record has to accurately
3 reflect everything that has gone on with this case. And
4 that's why I have to put this on the record. It has to
5 be on the record. Now the words that I had reported to
6 the court, was that yesterday afternoon, it was
7 observed, one of the spectators, one or more of the
8 spectators were present in court, had some contact with
9 you around 2:30 or three o'clock in the library parking
10 lot; is that right?

11 MS. ROBERTSON: Yes, sir.

12 THE COURT: Tell me who it was, and what was
13 said.

14 MS. ROBERTSON: My brother and he said, "Hey,
15 Sis."

16 THE COURT: He said what?

17 MS. ROBERTSON: Hey, Sis.

18 THE COURT: Hey, Sis. Okay, now is your brother
19 in court now?

20 MS. ROBERTSON: Uh-huh. (Affirmative.)

21 THE COURT: And which one is he?

22 MS. ROBERTSON: The one sitting right beside
23 Raymond Black.

24 THE COURT: Sitting beside Raymond Black. He's
25 got on a 30 shirt.

1 MS. ROBERTSON: Yes.

2 THE COURT: And all he said was, hey, sis. Was
3 there any discussion about this matter?

4 MS. ROBERTSON: No.

5 THE COURT: Did you ask him what are you doing
6 here? Or did you just ask him what are you doing here?

7 MS. ROBERTSON: I asked him who is he related
8 to. And he said he was related; said he and the
9 defendant; they were cousins.

10 THE COURT: Why did you ask him who he was
11 related to, because you had seen him sitting in the
12 courtroom?

13 MS. ROBERTSON: Yes.

14 THE COURT: Okay. And you asked him what he was
15 doing here?

16 MS. ROBERTSON: Yes.

17 THE COURT: He said he was with the Defendant.
18 And what did he say, they were cousins?

19 MS. ROBERTSON: Yes; they were fifth cousins.

20 THE COURT: Fifth cousins.

21 MS. ROBERTSON: Right.

22 THE COURT: Tell me about your relationship with
23 your brother. Is it close? Or do you all see each
24 other?

25 MS. ROBERTSON: We barely even talk.

1 THE COURT: You barely talk. Okay, is he older
2 than you are?

3 MS. ROBERTSON: Yes, sir.

4 THE COURT: A good bit older?

5 MS. ROBERTSON: Yes.

6 THE COURT: How much older?

7 MS. ROBERTSON: I don't know.

8 THE COURT: How old are you?

9 MS. ROBERTSON: I just turned 20.

10 THE COURT: You just turned 20. Okay. Was
11 there any discussion or anything at all said about this
12 case?

13 MS. ROBERTSON: No, sir.

14 THE COURT: Now would the fact that he was here
15 and sitting in this courtroom, influence you in any
16 manner whatsoever as far as your decision is concerned?

17 MS. ROBERTSON: No, sir.

18 THE COURT: Would you be able to put that aside
19 based on the fact that he spoke to you, and decide this
20 case based on the evidence you hear in this courtroom?

21 MS. ROBERTSON: Yes.

22 THE COURT: Would you be able to put that
23 relationship aside and decide this case solely on the
24 evidence that you heard in this courtroom?

25 MS. ROBERTSON: Yes, sir.

1 THE COURT: And do you feel in any way
2 intimidated or pressured in any way, by any of the
3 witnesses or anybody else in this case?

4 MS. ROBERTSON: No, sir.

5 THE COURT: And would you put all those factors
6 aside and decide this case in a fair and impartial
7 manner?

8 MS. ROBERTSON: Yes, sir.

9 THE COURT: And do you know of any reason
10 whatsoever, why you should not continue to serve as a
11 juror in this case?

12 MS. ROBERTSON: No, sir.

13 THE COURT: All right, those are the
14 matters that I need to get on the record. Now let
15 me ask you, when you go back to your jury room,
16 the jurors are going to want to know what I was
17 talking to you about. And you just tell them that
18 I was asking you about your responsibility.

19 MS. ROBERTSON: Okay.

20 THE COURT: That's all you need to say. Okay.

21 (Whereupon, Ms. Robertson returns to the jury
22 room.)

23 THE COURT: Mr. Meadors.

24 MR. MEADORS: Judge, It just concerns the State
25 somewhat, after Your Honor has instructed numerous times

1 that everyone in the courtroom not have any contact with
2 jurors and vice versa. That concern is just the
3 contact. Even that amount does concern the State.
4 Other than that, I don't know when the last contact she
5 had with her brother was.

6 THE COURT: Well my question is, are there any
7 motions?

8 MR. MEADORS: Your Honor, we would ask that she
9 be stricken for cause. We have another alternate.
10 Someone behind counsel who is related to the defendant,
11 who made contact with the jury; the juror quite simply
12 put it, we ask that she be stricken for cause. We ask
13 that she be removed and an alternate put in her place.

14 THE COURT: Mr. Brooks.

15 MR. BROOKS: Judge, we would respectfully oppose
16 the defendant's motion. Based on the fact that he
17 questioned the juror about her bias, impartiality,
18 relationship. And no discussion about the case. And
19 contact was not initiated by her. Anything that we
20 discussed in chambers, would be overheard in a
21 conversation. She answered the same questions that you
22 asked. And then you basically asked those same
23 questions basically here again. She answered and said
24 this would not effect. And we feel that that is the
25 reason for the jury to remain sanctioned.

1 MR. MEADORS: Judge, I guess, but a relative of
2 the defendant made contact with a juror. And it is also
3 a relative of the juror and relative of the defendant.
4 A family relations made contact with the jury.

5 THE COURT: But not about the case.

6 MR. MEADORS: No, sir.

7 THE COURT: But she testified, you know, that
8 she was out there on the street. And her brother walked
9 by and he said: "Hi, Sis." And for her not to respond.
10 And so the defendant walked away. And I can't say that
11 the contact -- there is nothing in the record to
12 indicate that the contact was intentional or malicious.
13 It definitely wasn't executed by the juror. Or
14 instigated by the juror. And there is nothing to say
15 that the spectator contact was continued in any fashion
16 other than just greeting.

17 I don't believe there is any evidence in the
18 record, especially in view of the juror's responses to
19 my questions, to disqualify this juror. The motion of
20 the State is denied. Next matter, Mr. Brooks, is that
21 we need to determine and go back to the 5th Amendment
22 questions. Mr. Abrams, let me ask you to stand please.

23 THE COURT: Mr. Abrams, before lunch, I
24 advised you of your rights under the 5th
25 Amendment. Have you had an opportunity to discuss

1 those 5th Amendment rights with your lawyer?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Speak up, I have got to hear
4 you and this lady here has got to hear you.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you understood your
7 discussions with your lawyer?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you have any questions
10 of either Mr. Brooks or me, as to anything about
11 your 5th Amendment rights?

12 THE DEFENDANT: No, sir.

13 THE COURT: Have you understood your
14 discussions with Mr. Brooks?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And have you made a decision
17 as to whether you do or do not wish to testify in
18 this case?

19 THE DEFENDANT: Basically---

20 THE COURT: Wait just a minute. The
21 question was, have you made a decision as to
22 whether you do or do not wish to testify? And
23 that question just requires a yes or no answer.

24 THE DEFENDANT: No, sir.

25 THE COURT: You have not made a decision?

1 MR. BROOKS: No, sir. The State hasn't
2 rested yet, Judge.

3 THE COURT: Oh, okay. That's right.
4 Okay. Well we will wait to take care of that. I
5 was going to go ahead. I thought maybe we could
6 do it. But we will take care of that after the
7 State rests. Okay. Anything, Mr. Brooks -- I
8 mean anything before we bring the jury in?

9 MR. MEADORS: No, sir.

10 THE COURT: Mr. Brooks?

11 THE COURT: Bring the jury in.

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

14 THE COURT: Thank you, Ladies and
15 gentlemen. And we are now ready to proceed. And
16 the State has the right to continue presenting
17 whatever evidence and testimony to you that they
18 wish to present. Mr. Meadors.

19 MR. MEADORS: May it please the Court.

20 THE COURT: Yes, sir.

21 MR. MEADORS: Dr. Janice Ross.

22 THE COURT: Come around, Dr. Ross.

23 Dr. Janice Ross, being
24 first duly sworn, testified as follows:

25 THE CLERK: State your full name and spell

1 your last.

2 A Dr. Janice E. Ross. R-O-S-S.

3 Direct Examination by Mr. Meadors:

4 Q Good afternoon, Dr. Ross.

5 A Good afternoon.

6 Q Doctor, will you please tell me a little
7 bit about Dr. Janice Ross specifically. Where are
8 you from, your background, your education, your
9 training. And in particular, your training in the
10 field of expertise that we have asked you to
11 testify about here today.

12 A Yes, sir. I grew up in Columbia. I went
13 to A. C. Flora high school. And the University of
14 South Carolina where I got my bachelor's degree in
15 Biology. I got my MD from upstate medical center
16 in Syracuse, New York; where I also did my
17 training in Pathology. Pathology is as opposed to
18 surgery or pediatrics, it is a speciality in
19 medicine where we learn how to identify tumors and
20 diagnose diseases using the microscope and using
21 the laboratory work.

22 We are also trained to do an autopsy. I
23 further did training in Forensic Pathology. The
24 word forensic means legal. So you in Forensic
25 Pathology, you use your Pathology knowledge in

Dr. Janice Ross-direct by Meadors

1 legal matters; such as, homicides, suicides,
2 accidents and rapes. And I am board certified in
3 all three of those areas -- in the three areas of
4 Pathology including Forensic Pathology.

5 Q Pathology, If you were asked to examine a
6 part of some organ to see if there was a disease,
7 would that be the Pathology?

8 A Yes.

9 Q How long have you been doing this?

10 A 34 years.

11 Q And have you been offered as an expert in
12 court of records of this State before in Forensic
13 Pathology?

14 A Yes.

15 Q And have you been accepted as such?

16 A Yes.

17 Q How much times?

18 A Over 60 times.

19 Q How many autopsies have you done?

20 A Over 5,000.

21 MR. MEADORS: Your Honor, at this time we
22 would offer Dr. Janice Ross as expert in the field
23 of Forensic Pathology.

24 THE COURT: Any voir dire?

25 MR. BROOKS: No, sir.

Dr. Janice Ross-direct by Meadors

1 THE COURT: The court will qualify Dr.
2 Ross as an expert in the field of Forensic
3 Pathology. Ladies and gentlemen, you will recall,
4 of course, I told you earlier that an expert
5 witness has the right to testify to an opinion as
6 to opposed to not just a straight fact witness.
7 And this witness has been qualified as an expert.

8 MR. MEADORS: Thank you.

9 Q Where is your office, Dr. Ross?

10 A Newberry, South Carolina. I do autopsies
11 at Newberry County Memorial Hospital.

12 Q In the morgue?

13 A In the morgue, yes.

14 Q And you have been with Newberry for how
15 long?

16 A 11 years.

17 Q In an idea or a perfect world, how would
18 you like to see a body after a homicide or a
19 criminal event?

20 A They are brought to us in a body bag.
21 Sometimes sealed; sometimes not. Then we open the
22 body bag and we like to have everything in place.
23 The clothing is still in place. And kind of
24 medical apparatus is still present.

25 We take pictures and inventory everything

Dr. Janice Ross-direct by Meadors

1 on the body. We take everything off the body, and
2 then take pictures of the nude body and look for
3 evidence of injury and patterns of injury.

4 Q In a perfect world you would like to get
5 it from the crime scene to the morgue; right?

6 A Correct.

7 Q That doesn't always happen?

8 A Correct.

9 Q And in this case, are you aware it was 11
10 days after the injury before you were able to
11 examine the body of Markeith Ford?

12 A Yes.

13 Q And at that time he had been in the
14 hospital; correct?

15 A Correct.

16 Q And specifically, did you have an occasion
17 to examine the body of one Markeith Ford?

18 A Yes, I did.

19 Q And that took place where?

20 A At Newberry County Hospital in the morgue.

21 Q Can you tell these Ladies and gentlemen
22 what you did. Kind of walk-through, and how you
23 did your autopsy, please.

24 A Yes. As I say, we examined the external
25 body. Take pictures and photographs. We had some

Dr. Janice Ross-direct by Meadors

1 medical records to look at to give us an idea of
2 what was going on. And we found some injuries on
3 the head consistent with a gunshot wound.

4 Q Can you describe, and are you, and we see
5 it on TV. But are you dictating or making notes
6 contemporaneously as you are doing the autopsy or
7 your examination?

8 A Yes. We are taking notes during the
9 autopsy and the photographs. And then, and
10 diagrams. And then I dictate it afterwards.

11 Q And you described a gunshot wound to the
12 head.

13 A Yes.

14 Q And if you -- could you be more specific
15 and describe that to the jury, please.

16 A Yes. There is an entrance wound. It was
17 a round wound. Towards the front of the head on
18 the top of the head, but to the left of the
19 middle. And there was an exit wound over on the
20 right side. Just to the right of midline. So it
21 was going from left to right. We took an x-ray
22 and it showed a piece of metal from the bullet
23 still in the head on the right side inside the
24 skull. Towards the middle of the brain.

25 Q And you photographed the body.

Dr. Janice Ross-direct by Meadors

1 A Yes.

2 Q Do x-rays of the head.

3 A Yes.

4 Q What did you do specifically with the
5 head? Did you get that fragment that was there?

6 A Yes.

7 Q I want to show you what is marked State's
8 29 already in evidence, and ask if you recognize
9 that, please.

10 A Yes. This is the bullet fragment we
11 retrieved from Markeith Ford's brain tissue at the
12 time of autopsy.

13 Q And did you then turn that back over to
14 law enforcement who kept it, and brought it in
15 here?

16 A Yes, sir.

17 Q Did you or were you able to examine the
18 rest of his body?

19 A Yes.

20 Q Anything remarkable about that?

21 A Well he had some enlargement of the heart,
22 but no evidence of acute heart failure.

23 Q Now with the court's permission, I am
24 going to ask the doctor to step down briefly,
25 judge?

Dr. Janice Ross-direct by Meadors

1 THE COURT: Yes.

2 (Whereupon, the witness steps down from
3 the witness stand, judge.)

4 Q Doctor, I'm going to -- can you show on
5 me, assume that the person who received that
6 bullet, Mr. Markeith Ford was sitting there.

7 A Yes, sir.

8 Q Can you take that as a hypothetical?

9 A Yes.

10 Q Can you show the jury based on your
11 examination of Mr. Ford; and specifically, his
12 head, where the entrance and exit wound were on
13 his head?

14 A Yes, the bullets go straight. So if he
15 was shot on his left side, the bullet went in
16 right at the top, here on the left. Part of it
17 came out on the right side. And it went fairly
18 straight across. A little bit maybe upward. So a
19 large part of the bullet went out, and kept going.
20 But a fragment of lead went inside the skull and
21 lacerated the brain.

22 Q So a part -- there is an exit where the
23 bullet keeps going.

24 A Yes.

25 Q And how would you describe that path?

Dr. Janice Ross-direct by Meadors

- 1 A Left to right. Slightly upward.
- 2 Q Came in this way; went out that way.
- 3 A Correct.
- 4 Q And the other part of the bullet fragment
- 5 was where?
- 6 A Well it went in the skull and it hit the
- 7 inside of skull rim. It was called, rimmed around
- 8 a little bit. And was found in the brain tissue
- 9 right inside the right middle of the brain.
- 10 Q Stay up here one second now. Just a
- 11 couple of more; specifically, State's 32, which
- 12 has been admitted into evidence. Could you come
- 13 in front of the jury and specifically show, is
- 14 this the head of Mr. Ford?
- 15 A Yes. It's a photograph taken at the
- 16 autopsy.
- 17 Q Where would the entrance wound be?
- 18 A The entrance wound is here. You see the
- 19 midline was right about here. The entrance wound
- 20 is here. And the exit wound is here. Of course
- 21 it's been 9 days or 19 days. So some of it is
- 22 healed. It is partially scarred.
- 23 Q Entrance and exit.
- 24 A Correct.
- 25 Q Now this is what appears to be darker

Dr. Janice Ross-direct by Meadors

1 areas around the entrance. Do you have an opinion
2 based on the examination of his body and just your
3 training and every day experience and common
4 sense, what if anything that could be?

5 A It could be, I am not positive. It could
6 evidence of stippling. When a bullet comes out of
7 a gun so that it's burning powder. And that is
8 burning powder. And that hits the skin if it's
9 close enough. If that powder only goes a couple
10 of feet depending.

11 Q From the point of the gun.

12 A Correct.

13 Q And so---

14 A And so if it hits the skin, if it's close
15 enough, if the powder hits the skin, it leaves
16 little burn marks scar. I can't say for sure
17 it's -- that is what that is.

18 Q And if you had had Mr. Ford's body the
19 day after or the day of this, you might have been
20 able to testify.

21 A That's correct.

22 Q So it was 11 days or so after the shooting
23 before you had the opportunity to view his body?

24 A Yes.

25 MR. MEADORS: Thank you.

Dr. Janice Ross-direct by Meadors

1 (Whereupon, the witness resumes the witness
2 stand.)

3 Q As a part of your Forensic Pathology
4 expertise, you also gather, or do you, I
5 apologize, also gather body fluids and other
6 specimens from the body of the person you are
7 dissecting. Given an autopsy to.

8 A Yes.

9 Q And to get right to it, the toxicology was
10 negative on Mr. Ford?

11 A Yes.

12 Q So he did not -- he was negative for any
13 substance; correct? Illegal substance?

14 A Correct.

15 Q Alcohol.

16 A Correct. And therapeutic substances.

17 Q Doctor, I think I just have one final
18 question. Based on your experience, your
19 training, your actual examination of Markeith
20 Ford's body, do you have an opinion to a
21 reasonable degree of medical certainty of probable
22 cause of death of Markeith Ford?

23 A Yes.

24 Q Would you look at these ladies and
25 gentlemen of the jury and tell them?

Dr. Janice Ross-direct by Meadors

1 A The laceration of the brain due to the
2 gunshot wound to the head.

3 MR. MEADORS: I beg the court's
4 indulgence. Thank you. That's all.

5 THE COURT: Cross Examination?

6 Cross Examination by Mr. Brooks:

7 Q In viewing Mr. Ford's body, do you feel
8 that he was shot at close range?

9 A No, I did not make that conclusion of
10 range because of the healing process. And so I
11 can't tell -- say for sure if it's intermediate
12 range, which would put it between about 2 feet to
13 a foot of the body or if it was a distance wound.

14 Q So you can't tell how far away the shot
15 would have been fired.

16 A Not at the time that I saw him; no.

17 Q And you couldn't really tell how powerful
18 the weapon was that fired the shot; could you?

19 A I don't know how you measure. It's hard
20 to measure power from just the wound unless it's a
21 very high powered rifle.

22 Q But just to be fair about what you
23 observed, I mean the skull was still in tact;
24 isn't that correct?

25 A The skull was fractured. There was a

Dr. Janice Ross-cross by Brooks

1 hole in the skull, because part of the bullet
2 fractured the skull. And part of the bullet
3 fragmented off, and went into the skull. Into the
4 brain.

5 Q And what -- did you measure the hole, the
6 entrance wound?

7 A Yes, but it was at kind of at an angle.
8 It doesn't verify caliber.

9 MR. BROOKS: Thank you.

10 THE COURT: Anything further?

11 MR. MEADORS: Just briefly.

12 Redirect Examination by Mr. Meadors:

13 Q You really don't know which way a person's
14 head would have been after he had been shot, do
15 you?

16 A No, I do not.

17 Q And you did measure the bullet holes;
18 right?

19 A The skin holes, yes. See if we have. The
20 entrance wound measured .35 by .25. There was
21 some healing there.

22 Q And finally, you didn't find any of what
23 you would call defensive type wounds on the
24 defendant; did you?

25 A No, sir.

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

2 THE COURT: Any further recross,
3 Mr. Brooks?

4 MR. BROOKS: No, sir.

5 THE COURT: Thank you, Dr. Ross, you may
6 step down. Would you like to have the witness
7 excused?

8 MR. MEADORS: We request it.

9 THE COURT: Any objection?

10 MR. BROOKS: No objection.

11 THE COURT: You are excused. Thank you
12 for coming.

13 MR. MEADORS: I beg the court's
14 indulgence.

15 MR. MANNING: Your Honor, May it Please
16 the Court, the State of South Carolina rests at
17 this time.

18 THE COURT: Ladies and gentlemen of the
19 jury, you have heard the State of South Carolina
20 has rested at this time. And there are certain
21 matters of law which I now need to take up with
22 the attorneys involved in this matter. I have to
23 do this on the record and outside of your
24 presence. And I am going to do that at this time.
25 It will not take very long, but we will send for

1 you in about, probably not more than 10 minutes.

2 And we will be ready to go forward at that time.

3 However it is still premature for you to
4 begin any discussion of this case at this time.

5 You have not heard everything that you would hear
6 in connection with it. But any discussion of this
7 case at this time, would be premature on you part.

8 If you would, go to your jury room. Relax
9 just a few matters while I take care of these
10 matters of law. But do not discuss the case among
11 yourselves. Thank you.

12 (Whereupon, the following takes place
13 outside the presence of the jury.)

14 THE COURT: Mr. Brooks, are there any
15 motions on behalf of the defendant?

16 MR. BROOKS: Yes, Your Honor. We would
17 respectfully ask the court for a directed verdict.
18 Our basic position, Judge, just for the record; is
19 that, we feel the State has not put up sufficient
20 evidence to establish the murder, the armed
21 robbery, the burglary first. We just want to make
22 sure we put the motion on the record.

23 THE COURT: It's not necessary to protect
24 your position, Mr. Brooks. But I understand and
25 under Rule 19 of the Rules of Criminal Procedure,

1 the rules do provide that on motion of the
2 defendant, the court shall direct in the
3 defendant's favor of any offense charged in the
4 indictment after the evidence from either side is
5 closed if there is a failure of competent evidence
6 tending to prove the charge of the indictment.

7 I think I heard you say to make a motion
8 for directed verdict with regard to murder. I'm
9 assuming you are making it in regard to all
10 charges.

11 MR. BROOKS: I'm sorry, Judge. I said
12 murder, armed robbery and burglary.

13 THE COURT: All right.

14 MR. BROOKS: I want to make sure it is
15 clear.

16 THE COURT: The use of the word common, in
17 the Rule 19 is unfortunate because it applies to
18 believability. That is not the test. And the
19 provisions of the criminal rules that the task
20 force which I chaired and presented to the
21 Supreme Court, that word is omitted. But the case
22 law is clear, as is the rule; that in ruling on
23 the motion, the trial judge should consider only
24 the existence or nonexistence of the evidence and
25 not its weight. It is up the jury to determine

1 the weight or believability or credibility of the
2 evidence. And there is definitely evidence in the
3 record in this case of a murder. There is
4 evidence of an armed robbery. And there is
5 evidence of a burglary in the first degree; as
6 well as, all three of them having been committed
7 while the defendant is alleged to have been in
8 possession -- to have in his possession a
9 firearm.

10 So it's my ruling that there is a evidence
11 in the record, which would preclude the court from
12 granting a motion for a directed verdict. And the
13 motion is denied. Now, Mr. Brooks, I am prepared
14 to hear from your client with regard to whether or
15 not he wishes to testify in this matter in regards
16 to 5th Amendment.

17 MR. BROOKS: One moment, Judge.

18 THE COURT: All right. Is he prepared to
19 address the court regarding his right; his 5th
20 Amendment rights?

21 MR. BROOKS: Yes, sir, Judge.

22 THE COURT: Mr. Abrams, if you would stand
23 please. Have you had a chance to talk with your
24 lawyer about your 5th Amendment rights, and
25 whether you should or should not testify in this

1 case?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you made a decision in
4 that regard?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And what is that decision?

7 THE DEFENDANT: No, sir.

8 THE COURT: You do not wish to testify?

9 THE DEFENDANT: Yes, that's what I am
10 saying.

11 THE COURT: I want to make sure I
12 understand you. What is your decision, do you
13 wish to testify or not?

14 THE DEFENDANT: No, I am not testifying.

15 THE COURT: You do not. You do not wish
16 to testify; is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Is that decision on your part
19 made freely and voluntarily?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Thank you, sir. Mr. Brooks,
22 the court would find that the defendant after
23 having been advised of his constitutional rights
24 by both the court and his attorney, has made a
25 free, voluntary, intelligent and knowing decision

1 to exercise that right given to him under the
2 constitution, and has elected not to testify.
3 And the court will respect that decision.

4 Mr. Brooks, does the Defense propose to
5 present any further testimony or evidence in this
6 matter?

7 MR. BROOKS: No, sir.

8 THE COURT: So the Defense rests as well.

9 MR. BROOKS: That's correct.

10 THE COURT: Counsel, then let's talk about
11 closing arguments for just a moment. We spoke
12 about this in chambers a few minutes ago, or maybe
13 before lunch. I understand Mr. Meadors, and
14 Mr. Manning, that each of you would like to make a
15 closing argument on behalf of the State. Is that
16 correct?

17 MR. MANNING: Yes, Your Honor. If it
18 please the court, we would split the closing
19 argument between Mr. Meadors and myself.

20 THE COURT: Well what do you propose,
21 Mr. Manning? That Mr. Meadors will what, open?
22 Or do you want to split? Or waive opening
23 altogether on the law and split the closing
24 argument?

25 MR. MANNING: Mr. Meadors will open on the

1 law.

2 MR. MEADORS: Your Honor, I think we
3 discussed, we are going to have to split the
4 closing. And I will spend a little time on the
5 law at that point. But also delve into a little
6 of the facts in this case.

7 THE COURT: So what you are proposing,
8 Mr. Meadors, as I understand it, is to waive the
9 opening on the law, but to split your closing
10 argument where you can talk about the law or the
11 facts.

12 MR. MEADORS: Yes, sir.

13 THE COURT: Any problem with that, Mr.
14 Brooks?

15 MR. BROOKS: However they want to do it.

16 THE COURT: All right.

17 MR. BROOKS: I know I get the last word,
18 and I get to double whatever time you add both of
19 them of together.

20 THE COURT: You will go first. And I give
21 both sides 30 minutes. Now all the lawyers, 30
22 minutes. You will have 30 minutes, Mr. Brooks.
23 Mr. Meadors and Mr. Manning will have a half hour
24 between you. You all can split it any way you
25 want to. But that would be the closing argument.

1 And Mr. Brooks will make the initial argument. We
2 will take 5 minutes and be prepared to go.

3 Well before I get there, any special
4 requests for charge?

5 MR. BROOKS: Do I need to say I make the
6 initial argument.

7 THE COURT: Oh, that's right. You didn't
8 present. Okay.

9 MR. BROOKS: No, sir.

10 THE COURT: They will present the closing
11 arguments, each of them. And you get to close.
12 That's correct.

13 MR. MEADORS: Judge, I do have a case, and
14 I know Your Honor knows the last year and a half
15 about inference of malice from the use of a deadly
16 weapon. I read that case, and there is no
17 evidence and at all of self defense or any.

18 THE COURT: That's right. It's only
19 applies if there is evidence of self defense.

20 MR. MEADORS: So you will be charging
21 inference from use of a deadly weapon?

22 THE COURT: That's what I was getting
23 ready to talk about the charges.

24 MR. MEADORS: I'm sorry.

25 THE COURT: What's your position on that,

1 Mr. Brooks? My understanding of that case, I was
2 in the 11th circuit with Judge Keesley; is that,
3 the inference of malice is not charged or not a
4 part of the law anymore when there is evidence of
5 self defense. But unless there is some evidence
6 of self defense, the inference of malice from the
7 use of a deadly weapon is still a part of our law.

8 MR. BROOKS: That would be my assessment
9 as well.

10 THE COURT: You don't disagree with that.
11 I will charge then, consent, and then I will see
12 if you all have any special request to charge. I
13 will charge my general felony charge which
14 includes presumption of innocence, burden of
15 proof, reasonable doubt. My reasonable doubt
16 charge goes a little bit further than the
17 hesitation to act. And if any of you are familiar
18 with this, that is a charge that was developed by
19 Judge Baxley that I have used on a number of
20 occasions. And credibility.

21 I'll also charge murder, armed robbery,
22 burglary first, possession of a firearm. Direct
23 and circumstantial evidence, expert witnesses, and
24 the defendant's right not to testify. The verdict
25 forms as I see it, are four separate verdict

1 forms. And it seems like to me that it is not
2 guilty or guilty on each charge. I don't see any
3 lesser included offenses, Mr. Meadors. Do you
4 disagree with that?

5 MR. MEADORS: No, sir.

6 THE COURT: Do you disagree with that?

7 MR. BROOKS: No, sir.

8 THE COURT: Any other special request to
9 charge?

10 MR. MEADORS: Not from the State.

11 MR. BROOKS: None from the Defense.

12 THE COURT: Let's take 5 minutes and be
13 ready to start at 10 minutes till 2.

14 (Whereupon, the court takes a short
15 recess.)

16 THE COURT: We are back on the record in
17 the case of the State versus Maurice Abrams in
18 Case No. 2010-43-885. Mr. Abrams is present in
19 the court with his counsel Mr. Brooks. The State
20 is present and represented by the solicitor, and
21 the Assistant Solicitors Manning and Meadors.

22 Anything before we bring the jury in on
23 behalf of the State?

24 MR. MEADORS: No, sir.

25 THE COURT: On behalf of the Defense?

1 MR. BROOKS: No, sir.

2 THE COURT: Bring the jury in, please. I
3 am going to call on you and let you rest on the
4 record.

5 (Whereupon, the following takes place
6 within the presence of the jury.)

7 THE COURT: Thank you very much. Thank
8 you, Ladies and gentlemen, for your patience. And
9 we are now ready to go forward. As I told you
10 before the break, the State has presented all the
11 evidence that they will present to you at this
12 time. And now the Defense has the right to
13 present any evidence that he wishes to present.
14 Mr. Brooks.

15 MR. BROOKS: At this time, Judge, the
16 Defense rests.

17 THE COURT: You have heard that the
18 Defense has now rested in this case. Now that
19 means that you have heard all of the testimony and
20 evidence in this case. And there are only two
21 things that remain to be done; those are, the
22 arguments of counsel and the instructions on the
23 law by the court. I will tell you now that the
24 arguments of counsel are not evidence in this
25 case. They are simply the lawyer's views of what

1 they think the evidence shows.

2 You will decide this case based upon the
3 evidence you have heard from this witness stand,
4 and from the witnesses and from any exhibits that
5 have been introduced into evidence. But the
6 lawyers do have the right, and not only the right,
7 but the duty on behalf of their clients to address
8 you now and to give you their views of what they
9 think the facts show, or what the evidence shows.

10 When they have concluded their closing
11 arguments or closing summations to you, I will
12 then instruct you on the law of South Carolina as
13 it applies to the issues in this case. And then
14 you will take and apply that law to the facts as
15 you may find those facts to be and arrive at a
16 verdict.

17 You will hear first from the State of
18 South Carolina. I believe Mr. Manning and Mr.
19 Meadors are both going go address you, and then
20 you will hear from Defense counsel Mr. Brooks,
21 after which I will you the closing argument; I
22 will give you the closing instructions. Mr.
23 Manning. Mr. Meadors.

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

25 THE COURT: Yes, sir.

1 MR. MEADORS: Solicitor Finney,
2 Mr. Manning, Mr. Brooks, Mr. Foreman and Ladies
3 and gentlemen of the jury, thank you all for being
4 hear this week. Thank you. I told you at the
5 start of the trial, that It wouldn't be a long and
6 necessarily complicated trial, but that it was
7 important. Important to the defendant; important
8 to Markeith Ford and his family. So on behalf of
9 Solicitor Finney, Teresa Ford and her family and
10 Markeith, thank you for being here. And thank you
11 for listening. I am not a jury watcher. I
12 haven't been sitting up here and looking at you
13 all and see how you react. But every now and then
14 I have looked over, and I know you are listening.
15 I know you are listening. And that's all we can
16 ask. I have got a few minutes to talk to you and
17 I just ask that you please listen. We are to
18 argue the facts and the reasonable inferences from
19 those facts.

20 First of all, the judge is going to talk
21 to you and has to talk about my burden. The same
22 burden that is on every State prosecutor in this
23 land. Beyond a reasonable doubt evidence. That's
24 it. Is's not beyond all doubt. You might as well
25 close the courthouse down. But it's beyond a

1 reasonable doubt. Beyond a doubt that's makes
2 reasonable folks hesitate to ask. In my 24 years,
3 sometimes I realize that sometimes if there are
4 questions, they are just questions. You know a
5 question is not a reasonable doubt.

6 You came in here as jurors, took that
7 oath. Took the oath to listen to the evidence and
8 try to find the truth. And that's all we can ask.
9 It's sort of like lady justice with the blindfold
10 on; you're listening to the evidence and deciding
11 what the truth is. You will pull it down every
12 now and then to look at the demeanor of the
13 witnesses. But that's what you are here for; not
14 to find reasonable doubt; not to convict; to find
15 the truth. The truth.

16 I don't have time to go through all the
17 elements of the crime. His Honor is going to do
18 that. But this about the killing, the murder, the
19 execution of Markeith Ford. The robbery, the
20 burglary, the possession of the weapon, that's
21 there too. But this trial, this focus, and I want
22 you to stay focused, because respectfully, I think
23 Defense counsel is going to take you away from the
24 issue in this issue; is who killed Markeith Ford.

25 And what evidence do we have on that?

1 That's the issue. Stay focused on the ball, like
2 a football game. Watch where the ball goes.
3 Stay focused. Malice, meanness, evilness,
4 spitefulness, there is nobody in this county,
5 nobody who would say this killing is not
6 malicious. This is a malicious, needless,
7 senseless killing. It's murder. It's malice.
8 It's written all over. It's on the head of
9 Markeith Ford. That's malice. Look back there if
10 you want to touch it.

11 Your Honor is also going to charge you on
12 credibility; believability of witnesses. And I
13 believe His Honor will say, you can believe all of
14 what the witness says or a part of what a witness
15 says. That's up to you. The law says that. And
16 if there are some inconsistencies here, some
17 consistencies there, that doesn't mean you don't
18 have to believe all of them. That's what the law
19 says. It's a real life, isn't it, when you talk
20 to people. Nothing is ever perfect. Nothing is
21 ever the same. And it's when it is perfect and
22 when it is the same, and everything is tied
23 together, that's when you work. Are there some
24 inconsistencies here? Sure; there are
25 inconsistencies some between what Owens said he

1 did, and what Lowery said he did prior to the
2 shooting. No question about it.

3 We laid everything out on the table.
4 Everything. But, folks, who shot Markeith Ford?
5 Who shot Markeith Ford? And I want to tell you
6 something. This case is about choices, choices.
7 My dad gave me a book when I was little that's
8 called, "Your Greatest Power." "Your Greatest
9 Power." And your greatest power is your power to
10 choose. We chose, we chose, Solicitor Finney, to
11 offer these two co-defendants. We chose to make
12 them an offer, a plea agreement. We chose to do
13 that; to get the shooter, Markeith Ford, our
14 choice. We made that choice. You all looked at
15 them to evaluate them. Who is the shooter? You
16 are going to make your choice in just a little
17 bit.

18 What's consistent in this case? What's
19 the issue about? Let's look at this. They're all
20 four at Harrison. I don't know exactly how they
21 got there. Where they been up and all. They are
22 all four at Harrison. That's not in dispute.
23 They're all four at Cheapo's. El Cheapo's or
24 Lee's Grocery or whatever it is. That's not in
25 dispute. Two folks went in. That's not in

1 dispute. Evidence is, if the defendant went in,
2 and Lowery went in. That's not in dispute.

3 Two folks stayed outside in the Caprice.
4 That's not in dispute. Is Lemon in the car? Is
5 Owens in the car? Were they trying to arrange a
6 drug deal out there, I don't know. Not
7 unreasonable If I don't know. But we got all four
8 there. That's pretty consistent on the big thing.
9 And then guess what? We got all four in West
10 Newberry. That's not in dispute. All four in his
11 Caprice. That's not in dispute. All four.

12 We got two going in to Newberry. That's
13 not in dispute. You got two stayed out in the
14 car. That's not in dispute. Now what's in
15 dispute, who went in and who didn't. That's in
16 dispute. That's not a reasonable doubt as far as
17 who Markeith Ford. Or who shot Markeith Ford.
18 Because the one thing, it's almost, you sit here,
19 "Gosh, I am worried about." But I'm not; it's
20 almost, it's real life. Who shot Markeith Ford.
21 He did, Moe. Who shot Markeith Ford? Moe did,
22 Maurice did. Fred picks him out. Lowery picks
23 him out. They tell you that. That's been
24 consistent on. They tried to minimize their
25 conduct a little bit. Was Mr. Lowery way over his

1 head, he's drowning. Drowning. Did he do a
2 little more than he said? Could have.

3 Mr. Owens do a little more than he said?
4 Could have. But did they shoot and kill and
5 execute Markeith Ford? No, ma'am; no, sir. What
6 is it when they testified to it. Watch it to the
7 emotion of Lowery saying, I've never seen a man
8 die in front of me. That's real. That's what you
9 judge somebody's credibility on. Should they have
10 been there? No. Should they have taken part in
11 it? No. Did they do more than they said?
12 Probably.

13 Are they looking 0 to 15; which the judge
14 is going to decide what they get. Yes, ma'am.
15 Yes, sir. Choices. Choices. That's what this
16 case is about. They chose to go with him. They
17 are going to have to pay for that.

18 They chose to go with him. And Mr. Lemon,
19 the world, that investigation is going on. That's
20 going on. That's a matter for another day. But
21 it's going on. Choices. They get to 2 West
22 Westberry, (sic) and I figured out based on the
23 evidence, the defendant lives in the moment. He
24 lives in the moment. Choices. He got the money.
25 He got the dope, all due respect for him, "You got

1 it. You got it. Moe, come on." Whether Lowery
2 is inside or comes back out and says it, or exits
3 and says it, "Come on man." Either way you want
4 to do it. "Come on," he didn't want him dead.
5 And he kills him.

6 He's in control. He's the judge. He's
7 the jury. He's the executioner. It sure wasn't
8 Markeith Ford. He made the choice to do that. He
9 made the choice. And who have I forgotten? Who
10 have I forgotten? Teresa. Teresa. Teresa comes
11 in here. Teresa comes in. Think about the lives,
12 his actions. They are watching a Laker's ball
13 game. I don't care what time it started. You see
14 her. You see how she reacted, and what she knew
15 about that game. They're watching the Laker's
16 game; sitting there. Are they perfect? No. I
17 mean, who's perfect in this world. They're
18 watching a Laker's game.

19 And he comes in the Defendant, with Lowery
20 following him. And the other two outside. I
21 don't care. He came in. The issue who shot him,
22 he came in. They are sitting there. He takes
23 control of the situation. Acts in the moment.
24 Now the rest of the -- the rest of it is the same.
25 Not exactly, but keys were taken. Somebody

1 looked in that car. "We got it. Come on let's
2 go. We got it." We got it, what we came for.
3 There's no Markeith. Why we are here today.
4 "Moe, come on." Bam. That's his choice in the
5 moment.

6 And, Ladies and gentlemen, why? Why? You
7 know you look through these pictures. Why? Why,
8 what's the reason. "The mother fucker looked at
9 me." Living in the moment. Spanish Garden where
10 Lowery sees him two days later. Why did you kill
11 him. You had what you came for. We got this.
12 Why did you kill him. "I smelled blood. I
13 smelled blood. I smelled blood." The
14 co-defendants case. Did they try to lessen their
15 culpability to testify? Yes, ma'am; yes, sir.
16 Were they both there? Yes, ma'am; yes, sir. Did
17 they admit under oath the crime 0 to 15? Yes,
18 ma'am; Yes, sir. They will have to face their day
19 in court for sure. But today is his day in
20 court. His day in court for his actions. For
21 whatever reason he felt called to do it that day.

22 Now briefly in the few minutes that I have
23 left, the video I am not going to show it to you
24 now. Who's leading? Who's leading? Who is
25 always following? Who is the leader? Mr. Lowery

1 is following. Going in and out; in and out.
2 Owens and Lemon are in the car. They got them
3 together an hour or hour and a half before the
4 incident happened. Got them together.
5 Harrison's -- El Cheapo's. Some point later, 2
6 West Newberry. Wish they had a film of all of it.
7 That's not real -- that's not realistic.

8 He's standing behind him. As I said, with
9 his thing on. And heard the pathologist and
10 Roberts, Special Agent Roberts. He is sitting
11 right there. And I've never seen a man shot
12 before. There are particles on him. Did it come
13 from that? I submit to you it did. That's good
14 evidence. That's good evidence.

15 The gunshot residue. He gets, Lowery gets
16 a gun from the defendant. That's the
17 corroboration. There's another red jacket in
18 there that's got gunshot residue. And I don't
19 know if someone told you or not tell you. I don't
20 know. In his car he's got gunshot residue; it
21 ain't good. The description Teresa gives. That
22 shirt around his head. That's in there. Mr.
23 Owens said he had it on. He had it on. Mr.
24 Lowery, he had that on.

25 Teresa is that what he had on when she

1 gave that description. And then next day going to
2 the hospital gives a statement. The tall one with
3 the red hat. Looks over there and says, that's
4 them. Picks out Lowery from the lineup. Lowery
5 because of his father, with his father's help,
6 comes in and picks out Abrams. Well it isn't
7 fitting together. It doesn't. And Owens decides
8 he is going to come in and he is going to tell you
9 what he saw; that Markeith Ford was killed by
10 Maurice Abrams.

11 Ladies and gentlemen, I have a few minutes
12 left. I wish I had all day. It comes now time to
13 exercise your greatest power. And you know what I
14 actually thought just a minute ago, the defensive
15 wounds, he didn't have a chance to fight back. I
16 don't think there is any question about it. He's
17 sitting down. He's shot in the head. Goes out of
18 the trailer into the next trailer.

19 He's not a threat. Go on and let us go.
20 Don't ruin our lives; your life, Tony's life,
21 Fred's life, Lemon's life. Think of the lives
22 that were effected by that one needless, senseless
23 shot. Ladies and gentlemen, it is time for
24 justice here and now. The facts cry out for it.
25 The evidence cries out for it. I tell you one

1 thing, he left what he could. Markeith left you a
2 picture of his head. It showed he was shot in his
3 head. And left you that little fragment. So you
4 will have that there. When you go up there and
5 touch and feel malice. That's what it feels like.
6 Rub across that picture right there. You will see
7 malice; shot in the head. Stippling was 11 days
8 later. But he could have told you the next day,
9 that's a close gunshot.

10 When you go to exercise your greatest
11 power, consider the evidence: Three eye
12 witnesses. And I went the way and I won't say it
13 all, "Quit F'ing looking at me. Quit F'ing
14 looking at me." But she didn't. And she came in
15 here and told you all, he shot my brother.

16 Fred Owens, "He shot him." Tony Lowery,
17 "He shot him." Up to that point, it may be a
18 little different. But up to that point it is the
19 same one shooter. One shot in the head. Maurice
20 Abrams.

21 Please use your common sense. Realize in
22 the world nothing is perfect. Evaluate the
23 evidence. Weigh the evidence; talk about it, feel
24 it. Put on the clothes. But when you get
25 through, I respectfully, respectfully ask that you

1 consider that May 19th 2009, May 19th 2009,
2 Markeith Ford was watching a ballgame; watching a
3 ballgame with his sister. Two men came in. Two
4 were outside. And one the killer, shot him in the
5 head; took his money and gun and left.

6 And it's time for you to exercise your
7 greatest choice, and that's a choice of guilty.
8 Thank you.

9 THE COURT: Mr. Manning.

10 MR. MANNING: Yes, Your Honor.

11 Mr. Meadors, Mr. Brooks, Ladies and gentlemen,
12 this case is not simple. No case is simple. But
13 what about every case is whether you believe the
14 evidence or whether you believe the testimony or
15 not.

16 One thing about the American system,
17 Judicial system; is that, we are judged by our
18 peers. And in this instance, you are our peers.
19 And the judge will instruct you at the appropriate
20 time, you can believe part of what a witness says;
21 all of what a witness says, or none of what a
22 witness says. That part of this judicial
23 aspiration is at the hands of you. That is within
24 your purview and yours only. No one else.

25 Now let's go back a little over 2 years

1 ago, May 19th 2009. Based on the testimony, the
2 NBA playoff was on. Teresa Ford testified before
3 you. Her brother Markeith Ford, and another
4 individual, Jimmy Jenkins were in the house
5 watching the game. Jimmy was asleep on the couch.
6 That was approximately 10 something in the
7 evening. But let's back up a little bit before
8 that time. At approximately 8 something in the
9 evening, we saw based on the evidence, the video.
10 We saw the Defendant and Tony Lowery go into the
11 store known as El Cheapo's.

12 Now, according to the video, that occurred
13 on when they went in to the store at 8:52 in the
14 evening. Who else did we see in the store. We
15 saw Richard Washington, the stepdad who also
16 worked in the store; who also testified in this
17 case.

18 He described how the individuals looked.
19 He said I thought they were coming to rob, because
20 he had never seen anybody come in there dressed
21 like that with a wrap around their head; their
22 face all covered up. And he said, "I kept
23 watching them, because I wasn't sure." Another
24 thing he said, I had never seen those folk in that
25 store before. Never seen them before. Also he

1 had never seen them in the store May 19th 2009.

2 Now one thing the judge will tell you, you
3 don't throw your common sense out the window when
4 you sit on a jury. And based on the testimony and
5 the evidence that has been presented to you in
6 this case, why did those individuals go in that
7 store? Did they go to buy anything? Based on the
8 video, no. Based on the testimony of
9 Mr. Washington who said he knew never saw them
10 purchase anything. Why did they go in the store?

11 If you look at the video you cannot see
12 where they had any interaction at all with the
13 victim, Markeith Ford. None. Isn't it ironic
14 that about an hour later, they show up at
15 Markeith's sister's house where they are watching
16 a game, and Markeith is sitting down. The
17 question becomes why did they go there. Why did
18 they go there. Well based on the testimony, they
19 went there to rob, steal, whatever you want to
20 call it. But whatever they did, it was against
21 the law whatever it was. Now it's up to you to
22 decide what they did. It's your choice. That's
23 your purview. But I will submit to you Ladies and
24 gentlemen, there is nothing in evidence in the
25 testimony or otherwise, that would suggest to you

1 that Markeith Ford knew the defendant. Nothing.

2 Teresa testified that she had not seen
3 either one of them before. She's the eye witness.
4 She saw both of them. She testified to you that
5 she did not know either one of them. At first she
6 thought she knew one of them, but when she looked
7 it wasn't the person she thought it was.

8 Why did they go there? Now you have heard
9 the various summaries of why they have gone, what
10 happened and all that. But you had Tony Lowery.
11 You had Teresa Ford. And you have Frederick
12 Owens. What did all three of those individuals
13 have in common? What was their testimony in
14 common? What was it? Maurice Abrams shot
15 Markeith Ford. And as a result of that, what
16 happened to Markeith Ford? Dr. Ross testified
17 that he died as a result of a gunshot wound. Who
18 shot him? Who killed him?

19 I am sure Your Honor will instruct you
20 that killing is against the law. That's what this
21 is all about. All we operate within the purview
22 of the law or outside of it. That's what this
23 case is all about. Is it legal or illegal.
24 That's it. But in order for you to reach that
25 point, you must decide that this defendant

1 committed the crime. You must decide that. And
2 that is your decision. No one else's .

3 All of the evidence that you see that has
4 been introduced in court including the video, will
5 be made available to you in the jury room when you
6 deliberate. And Your Honor will advise you of
7 that. But let's think about it. Here's a young
8 man sitting in the house, watching the NBA game.
9 Having a good time, enjoying life. Who would have
10 known an hour and a half later, he would have a
11 gunshot wound to his head. Who would have known
12 that?

13 You saw him walk around the store on the
14 video. Full of life. And all of a sudden, with
15 a blink of an eye, he is gone. He's gone. Why?
16 Why? They had what they wanted. "We got it.
17 Moe, we got it." That wasn't good enough. Wasn't
18 good enough. Why? Did he tell you why? Why?
19 Why? Why?

20 THE COURT: Time, Mr. Manning. Finish up.

21 MR. MANNING: Ladies and gentlemen, the
22 judge tell you, what I say is not evidence. Only
23 what has been presented to you through the
24 witnesses and the evidence in this case. Thank
25 you, Your Honor.

1 THE COURT: Mr. Brooks.

2 MR. BROOKS: Ladies and gentlemen of the
3 jury, I want to thank you guys for being diligent
4 and attentive throughout this trial. And as you
5 recall, I asked you at the very beginning to keep
6 an open mind; to listen, everybody to listen to,
7 listen not only to what they say, but watch what
8 they do. And look at them and also look at who
9 has something to gain by testifying.

10 Now I am going to took a few minutes and
11 basically rehash or review some of the testimony
12 you guys heard in the last of couple of days. And
13 basically go back through each particular witness.
14 I will start off with Mr. Ford. Obviously, she is
15 upset. Her brother is no longer here. But I have
16 issues with her testimony.

17 And I think if you listen to it, you will
18 probably find some too. She says some things
19 that she says her son had immediately left the
20 house. But there is nobody else that talks about
21 that son. And that son is not here. And that
22 particular son is Devon Ford. You never saw
23 Devon. Where is he? You also have her testify
24 that her brother got shot in the head. But he
25 picks her up as she falls to the floor. And he

1 walks on down the hallway and collapses.

2 She testified that she also had something
3 to drink that night. Now obviously she is not in
4 the best of health. She did testify that she had
5 been inebriated. And I want you for whatever it
6 is worth, kept that in mind that perhaps when she
7 is sitting up and saying it's my client, Maurice,
8 there is nobody else sitting at the table but
9 Maurice.

10 It would be a total shock for her to come
11 up here and say, it ain't him. Who else is she
12 going to say, but that it's Maurice; the person
13 sitting at the table. Now some of the other
14 things that we talked about and you heard them say
15 is, and you heard her say in regards to what
16 happened. It was talking about, it's a very big
17 gun. Well, you know, pathologist, a gunshot
18 residue person, they couldn't really tell what
19 kind of caliber weapon he's got.

20 So we've got issues there. We talked
21 about her stating this to the police. She's never
22 in two years, picked my client out of any type of
23 photo lineup. In two years. And you've got to
24 think, well why is that? In two years, you've got
25 a person that's killed. She's testified that she

1 sees my client's face every night before she goes
2 to sleep. But in two years it's never been
3 documented in any way, shape or form that she was
4 able to say that Maurice was in the house. And
5 this is two years. She said Lowery was there.
6 Okay. But she never said in two years that
7 Maurice Abrams was in my house.

8 And over two years after the incident, she
9 comes in to court the first time, and said it was
10 Maurice Abrams. Of course she is going to say
11 Maurice. Who else is she going to say? She ain't
12 going to say it's me. She's not going to say it
13 was my investigator Mr. Webb sitting over there.
14 She's going to say it was him. Folks, keep in
15 mind, she was inebriated. Inebriated means she
16 had something to drink. Call it what it is. It's
17 a common sense; had something to drink. And you
18 listen to that, that comes in their story.

19 Now with that being said, you start
20 looking at the two gentlemen who testified, Mr.
21 Owens and Mr. Lowery. Both of those individuals
22 are charged with murder, armed robbery and
23 burglary. Now they are charged with accessory
24 after the fact, 0 to 15. Mr. Meadors has
25 indicated, they have got a whole lot to gain. A

1 lot to gain. And let's take each one of them.
2 Let's look at Mr. Owens. You heard Mr. Owens
3 testify here that I said, "You are hoping, you are
4 praying to stay out of jail. I am going to leave
5 it up to God."

6 I submit to you the State made a deal with
7 the devil. Fred Owens said, oh, I was just along
8 for the ride. I didn't know what was going on. I
9 just told Lowery, he wanted a pound; to go talk to
10 Markeith about getting the dope. Fred says that
11 he told the police two years ago, I don't know
12 anything about what happened. I don't know
13 Maurice Abrams. I don't know Tony Lowery. I
14 don't know anybody.

15 I asked Fred, I said Fred, the police,
16 they had to go get you and pull you out of the
17 attic. You were hiding in the attic. Oh, no, I
18 wasn't hiding in the attic. I wasn't actually
19 coming down. Me and my brother, we were up there
20 smoking some weed. And I was coming down when the
21 police came and got me. Well let me tell you how
22 Fred. After the police arrest Fred, Fred finds
23 out, "Man, I am charged with murder, burglary
24 first, armed robbery." I am charged with some
25 serious stuff, in getting some dope. What am I

1 going to do. What am I going to do. I got it.
2 I am going to blame it on Markeith. I don't know
3 him that well. Make a deal with the State on a
4 murder case. Armed robbery, burglary first, they
5 give me 0 to 15. I can even ask for a cap of 5.
6 I am out of jail now.

7 It's been a few weeks, I don't want to go
8 back. That's what I'll do. That's exactly what I
9 will do. And he came in here clean, calm,
10 collected. Put on a front about, "Oh, I am scared
11 to testify." And you heard me asking him, you
12 have been in court and testified in a murder case
13 before. Oh, yeah, oh, yeah. And, Ladies and
14 gentlemen, you didn't know that, because he didn't
15 tell you that. So all of that stuff about Fred
16 being scared, oh, Fred is playing them. Fred is
17 playing them.

18 And that brings me to the next guy, which
19 is Mr. Lowery. So of course Mr. Lowery, and you
20 remember what I asked him, he said Fred was the
21 nice one. Fred is the one if you believe the
22 part of what Mr. Lowery is saying, he gave the gun
23 to Maurice. And old Terrance, Terrance had a 9
24 millimeter and they go in. But I was, you know,
25 it was 50, 60 yards of house, and I stayed

1 outside. I didn't go inside.

2 Well now Teresa, going back to her, she
3 said Lowery is in the house. Well, you know,
4 there is somebody missing. But you don't hear the
5 State talk about this. And there's Terrance
6 Lemon. He has a gun. Where is he. One of the
7 State does and law enforcement sometimes does is,
8 they get what you call this tunnel vision. All I
9 see is you. I don't see the other stuff on the
10 side. I don't see everything else. And all I
11 want to do is get the stuff that keeps the scope
12 narrow right on you.

13 Terrance Lemon, I don't want you all to
14 think about that. Terrance Lemon according to
15 Tony Lowery had a 9 millimeter. Some of the
16 State's witnesses, critical witnesses, release
17 gunshot residue, pathologist, they don't know what
18 caliber weapon made what. All talk about a bullet
19 here, a bullet there. A fragment here. You don't
20 know what bullet from what gun did what. They
21 don't tell you any of that. And Mr. Meadors will
22 talk about, keep your eyes on the ball. Keep
23 focus. Keep focus. Keep focus like Fred.

24 I had a blunt before. I was smoking a
25 cigarette at the store. I was smoking a blunt in

1 the car when they were going in. Fred, did you
2 get any of the proceeds from the robbery? You
3 know, the dope, the pound of marijuana, the money.
4 Oh, no. I didn't get none of that. I didn't want
5 to be involved. I didn't want to get in no
6 trouble. No, no, no, no.

7 Mr. Lowery, Tony. He said, oh, Fred did
8 this. Fred did that. This is a problem. And Mr.
9 Lowery, and this is what I mean by the State
10 wanting just to focus on that television, is Mr.
11 Lowery's stuff right here. Right here. It's got
12 gunshot residue on it. Well what does that mean?
13 Probably means he was inside of the house. And it
14 might be, he had the gun. And it might be he did
15 the shooting. Because of course the witnesses
16 won't have anything to gain; such as, the sled
17 people, the pathologist. They don't know what
18 weapon what fired where. Who did what. And what
19 you got when you started listening to witnesses is
20 you got people with guns and dope, and all this
21 going on that night. But now Tony says that,
22 yeah, it was Maurice. It was Maurice. If
23 Mr. Lowery was so scared, why would he go to where
24 he knows my client lived two days later, if he is
25 so afraid of his life by my client, or afraid that

1 he is involved in law enforcement.

2 If I am riding down with somebody, and
3 they go out and they do something cruel, oh, you
4 can best reassure; I don't know you. I don't want
5 to know you. And if I see you, I'm going in the
6 opposite direction. I sure enough ain't going to
7 your house two days later. Makes no sense.

8 Here again, the State wants you to keep
9 that focus. Just keep that tunnel vision just on
10 what they are saying. Ladies and gentlemen, it's
11 not your job to fill in the gap; to fill in the
12 holes of the state's case to make what I call the
13 leap of faith. They want you to make a leap of
14 faith on a deal that they made with the devil.
15 They want you to make that leap of faith. Where
16 are all these other people? Where's Devon Ford
17 that Teresa Ford was talking about. Where is he?
18 Where is Terrance Lemon? We heard the officer,
19 you have four people. You have four people. Fred
20 said it was four. Terrance said he had -- we can
21 take it. Tony Lowery oh, yeah, Terrance had a
22 9 millimeter. He had it in his gun. He had the
23 weapon. He took the gun.
24 Fred says Terrance gave the gun to
25 Maurice. A gun to Maurice. But Terrance had a

1 9 millimeter. Tony said Terrance got the
2 9 millimeter. What did Terrance say? It ain't
3 your job to make their case. It's your job to
4 evaluate this case. As I told you in the
5 beginning, you don't have to come up here and
6 prove anything. My client has what is considered
7 a very sacred right. And that's the right to sit
8 right there in that chair, and not say anything.

9 And the judge will instruct you, you are
10 not to hold it against him. Because we don't have
11 to prove anything. They got to get the ball. As
12 Mr. Meadors talked about staying focused on the
13 ball and all that. They got to get the ball in
14 the end zone. And what they want you to do is to
15 stay focused with them, that tunnel vision with
16 them, and go with what they have given you and
17 forget about all these other problems in the case.
18 Forget all these other problems with Teresa Ford's
19 account of what happened. Forget about all these
20 issues about what Tony says. Forget about all
21 these other issues with what Fred says. Deals
22 that were made. Things that they can get good
23 things for to come up here and put this stuff on
24 that boy sitting over there. Murder, armed
25 robbery, burglary first down to 0 to 15. A deal

1 with the devil. And let's keep the jury focused
2 right on that. I got it. If you are going to
3 believe Fred, Tony is looking for a pound of
4 marijuana. If you believe Tony, Fred is the
5 master mind.

6 You can believe Terrance. He ain't even
7 here. They can't find him. But, Ladies and
8 gentlemen, what I am saying is, it's not your job
9 to fill in the gaps in the case. A gentleman died
10 here, but it's their job to bring the case in here
11 and put it in here without any reasonable doubt.
12 And the judge will instruct you. And they haven't
13 done it. And have they done it; called a spade a
14 spade. They ain't done it. They want you to
15 believe these guys. Because that's what it really
16 boiled down to. You saw the other witnesses.
17 Captain Turner, Westley Gardner, Mike Bean,
18 Dr. Ross, Mr. Paavel. Mr. Paavel said he didn't
19 know in all his years and experience in 23 years
20 of doing all this, he couldn't tell you what
21 caliber it was.

22 It just so happened 2 months ago when they
23 sent a test to Ms. Cromer, now she can tell you a
24 little bit more about where this bullet came from
25 after the second test two years later. Then you

1 got, Special Agent Roberts. Mr. Roberts, who
2 comes in and tells you all this stuff about
3 gunshot residue. But you don't know whether the
4 residue went from this man's shirt or this man's
5 jacket or this man's shirt or this man's jacket.
6 Or vice versa.

7 They can't tell you if my client was
8 wearing any of them clothes. They can't tell you
9 that. But we hope and we pray that you will
10 stay in our tunnel and convict that boy sitting
11 over at that table. We hope and pray that you
12 won't be focused on the deals that we made. And
13 you will go, you will follow the path. You will
14 fill in those holes that we set out; that we got
15 in our case; that you will fill in the holes. And
16 we won't stay focused on that. We just hope you
17 stay focused on what we present to you. Never
18 mind these questions with our case. Never mind
19 these questions with our investigation. Never
20 mind two years later we got this girl to come in
21 here and say yeah, it was him. Never mind we got
22 Fred Owens smoking blunts and coming up with
23 stories and getting deals. Never mind we got
24 Mr. Lowery who is hoping to get a pound of
25 marijuana if you believe what Mr. Owens said. Or

1 you believe Mr. Lowery who is scared and never
2 been involved in this; yet he is going to see my
3 client two days later. It might not have been on
4 his own, but it don't have to be on his own. And
5 I know if somebody has done something wrong, and
6 killed somebody and I am afraid of them, I ain't
7 going to be 50 feet near them. I don't care who I
8 am riding with. I am riding in somebody's else
9 car, and I said, where are you going. I am going
10 over here to see Maurice. Shot. I have got to
11 get out of this car right now. I'm out of here.
12 I'm going. Stop. As a matter of fact, you don't
13 even have to stop your car, I am jumping out right
14 now.

15 Let me tell you that, we don't want you to
16 look at that. We want you as the State of South
17 Carolina, we want you to stay focused on what we
18 are selling on our deal with the devil; that we
19 made, that we are not trying to sell you. And the
20 deal as to what we are selling is at this point,
21 is the one they did. That's what they're selling.
22 And I know after you to listen to this stuff and
23 you look back at this stuff, when you look at that
24 video, he's supposed to have a shirt around his
25 head. He's going to have a red jacket. And he

1 goes to the restroom.

2 When you look at that video, you don't
3 even see if you believe that the man in the red is
4 my client first off. You don't even see the man
5 in red talk to Mr. Lowery. You don't see that.
6 See that's why I said, when you start looking at
7 these things and looking at this video, you don't
8 see that. You don't see that. He goes to the
9 restroom, leaves, goes out. That's assuming it's
10 my client. The State is telling you, oh, it's my
11 client. He doesn't talk this loud. Lowery is in
12 there talking. He is one with the gunshot
13 residue. He says he never sets foot in the house.
14 How are you going to get gunshot residue if he
15 ain't set foot in the house.

16 Do they have something to gain. Sure.
17 Does Mr. Owens have something to gain? You better
18 believe it. Does he have something to gain or
19 whenever the State sells this. Sure does, 0 to
20 15. I can ask him to count to 5. Calm me down.
21 I can come and sell this story.

22 Ladies and gentlemen, don't buy what the
23 State is selling. Don't buy what the State is
24 selling. Fulfill your duty as jurors and look at
25 the evidence and follow the law. You ain't going

1 to buy what they are trying to sell. You ain't
2 going to buy it. As a matter of fact, you are
3 going to stamp reject, and send it back. Two
4 years, critical witness, no photo identification
5 of my client by Ms. Ford. And send it two years
6 later.

7 Mr. Owens, smooth polished cat that smoked
8 blunts. Says his brother sells dope to Markeith.
9 Says he wasn't hiding in the attic. He was up
10 there smoking. He didn't want his mama -- he
11 ain't want his mama to smell the smoke in the
12 house. Mr. Lowery, I ain't going in the house
13 with gunshot residue on my jacket. I just froze.
14 I ain't know what was going on. I was just along
15 for the ride.

16 Fred Owens, I can sell it. I'm just along
17 for the ride. Both of them selling something.
18 They sold it to the State. Now the State wants
19 you to buy it too. And I submit to you when you
20 really look at why are they selling, trying to
21 sell, you are going to say, uh-uh. Ain't no way;
22 ain't no how. You got to do better. You got to
23 do better. You got to do better than that.

24 Now, I am just slowing down, and let you
25 guys have this case, and the judge will give you

1 the instructions. And I am sure and competent
2 that you guys will follow the law. But as I said
3 before in the beginning, don't buy this junk the
4 State is trying to sell. Thank you.

5 THE COURT: Ladies and gentlemen, if you
6 will give me your attention. You have followed
7 very patiently and listened very attentively to
8 the presentation of the evidence in this case, and
9 also to the able arguments which have been made by
10 the Solicitors, Mr. Meadors and Mr. Manning on
11 behalf of the State and Mr. Brooks on behalf of
12 the Defendant. And I thank you for that.

13 It now becomes the duty of the trial judge
14 under the constitution of this State to charge and
15 instruct you on the law applicable to this case.
16 And it is your duty as jurors to accept and apply
17 the law as the court will now state it to you.
18 And as jurors, it is your exclusive duty to decide
19 all the issues of facts in this case. For that
20 purpose to determine the effect, the value, the
21 weight and the truth of the evidence.

22 Both the State and the Defendant have the
23 right to expect that you will conscientiously
24 consider and evaluate the evidence and apply the
25 law in the case thereto, to the end that both the

1 State of South Carolina and the Defendant will
2 receive a fair and impartial trial.

3 Now when I use the word the defendant, I
4 refer of course to Mr. Maurice Abrams. The State
5 of South Carolina by the Bill of indictment,
6 charges the defendant with four different
7 offenses. The indictment reads in part as follows
8 in Count 1, that Maurice Lionel Abrams and others,
9 Mr. Tony Mitchell Lowery and Frederick O'Neil
10 Owens, did in Sumter County on or about May 19th
11 of 2009, feloniously, willfully and intentionally
12 kill the victim, Markeith Ford, while armed with a
13 firearm, and while executing an armed robbery.
14 And that the defendant died as a result of those
15 injuries. That is the count for murder.

16 And the next count for which Mr. Abrams is
17 charged; is that, he and Mr. Lowery and Mr. Owens
18 did in Sumter County on that same date on or about
19 May 19th 2009, violate South Carolina law; in
20 that, while armed with a deadly weapon;
21 specifically; a firearm, that they did take by
22 means of force or intimidation, money or goods of
23 Mr. Ford. And that is the charge of armed
24 robbery.

25 The next count for which the defendant

1 Mr. Abrams is charged, it charges that Mr. Abrams
2 along with Mr. Lowery and Mr. Owens did in Sumter
3 County enter the dwelling of Markeith Ford and
4 Teresa Ford on West Newberry Avenue without
5 consent in the nighttime, with the intent to
6 commit a crime. And they did display a firearm
7 while doing so, and that is a charge of burglary
8 in the first degree.

9 And finally he is charged with the final
10 count that he and Mr. Lowery are charged with
11 being in possession of visibly displaying a
12 firearm during the commission of a violent crime,
13 and is charged with the crime of possession of a
14 firearm during the commission of a violent crime.
15 To these charges, and to this indictment, the
16 defendant has entered a plea of not guilty. This
17 plea by the defendant of not guilty places the
18 burden of proof on the State to prove by evidence,
19 the guilt of the Defendant beyond a reasonable
20 doubt before you can find the defendant guilty.

21 The defendant Mr. Abrams, is presumed in
22 the law innocent of the charge contained in the
23 indictment. It is a cardinal and fundamental rule
24 of evidence that a defendant irrespective of the
25 enormity of the charges against him will always be

1 presumed innocent of the crime for which he is
2 indicted, unless and until the guilt of the
3 defendant has been proven by evidence which
4 satisfies you the jury of the guilt of the
5 defendant beyond a reasonable doubt.

6 The presumption of innocence is not a mere
7 legal theory. It is not just a legal phrase. The
8 presumption of innocence is a substantial right to
9 which every defendant is entitled. Our Supreme
10 Court has declared that the presumption of
11 innocence is like a robe of righteousness placed
12 about the shoulders of this defendant and it
13 remains with him and assigns to him that class,
14 the innocence, until that presumptive robe of
15 righteousness is stripped by -- stripped from his
16 person by evidence satisfying you the jury of the
17 guilt of the defendant beyond a reasonable doubt.

18 The presumption of innocence accompanies
19 the defendant from the time of his arraignment and
20 appearance in this court, and continues with the
21 defendant after you retire to your jury room to
22 deliberate your verdict. The presumption of
23 innocence continues in existence to the benefit of
24 the defendant until you the jury reach the
25 conclusion that the State has proven the guilt of

1 the Defendant beyond a reasonable doubt.

2 Now the State is not required to prove the guilt of
3 the Defendant beyond all doubt or beyond every doubt,
4 but beyond a reasonable doubt. What is a reasonable
5 doubt. It is not an imaginary or fanciful doubt or a
6 weak doubt, it is a substantial doubt. It is a doubt
7 which the words imply. A doubt for which you can give
8 or assign a reason based on the testimony and evidence
9 in the case. A reasonable doubt is not any sort of a
10 doubt. You and I know from every day life experiences
11 that you may have a sort of a doubt about any matter
12 that arises no matter how trivial it may be, or how
13 serious it may be. A reasonable doubt is a doubt which
14 makes an honest, sincere, conscientious juror in search
15 of the truth, hesitate to act.

16 Proof beyond a reasonable doubt is prove
17 which leaves you firmly convinced of the
18 defendant's guilt. If you have a doubt for which
19 you can give or assign a reason as to the guilt of
20 the defendant, then he is entitled to a verdict of
21 not guilty. On the other hand, if you do not have
22 a reasonable doubt or a doubt for which you can
23 give or assign a reason as to the guilt of the
24 defendant, then the state is entitled to a verdict
25 of guilty.

1 Reasonable doubt may arise from evidence
2 which is in the case, or from the lack of evidence
3 in the case. You the jury must make the
4 determination of whether or not reasonable doubt
5 exists as to the guilt of this defendant. The
6 very fact however that the jury engages in a full
7 and free discussion of the issues or guilt or
8 non-guilt in the case, the normal conversational
9 ebb and flow on these issues does not
10 automatically mean that reasonable doubt exists in
11 this case or any in other case.

12 Now I charge you that the defendant is
13 entitled to every reasonable doubt arising in the
14 whole case. If upon any issue of fact essential
15 to a conviction and a verdict of guilty you have a
16 reasonable doubt as to how that issue should be
17 resolved, it would be your duty to resolve that
18 doubt in favor of the defendant. A defendant,
19 Ladies and gentlemen, is not required to prove his
20 innocence, but the State is required by law to
21 prove every essential element of the offense
22 charged against the defendant by evidence which
23 satisfies you the jury of the guilt of the
24 defendant beyond a reasonable doubt before you can
25 convict the defendant and find him guilty.

1 If then upon the whole case you have a
2 reasonable doubt as to the guilt or innocence of
3 the defendant he is entitled to that reasonable
4 doubt and would be entitled to an acquittal and a
5 verdict of not guilty. But on the other hand, if
6 upon the whole case you find the State has proven
7 by evidence which satisfies you the jury of the
8 guilt of the defendant beyond a reasonable doubt,
9 then in such circumstances it would equally be
10 your duty to convict the defendant and find him
11 guilty.

12 Now I instruct you that the indictment in
13 this case which I have in my hand, is not evidence
14 and cannot be considered by the jury as evidence
15 in this case. It is simply the formal written
16 instrument which contains the charges against the
17 defendant and it serves as a document by which
18 this matter can be brought in to court. During
19 this trial each of us, you and I have certain
20 duties to perform. As the trial judge, it is my
21 responsibility to preside over the trial of this
22 case. And I also have the duty to rule upon or
23 pass upon the admissibility of evidence offered
24 during the progress of this trial.

25 You are to consider only the competent

1 evidence before you. You are to disregard and
2 disabuse from your mind in this case any testimony
3 ordered stricken from the record if there be any.
4 You are to consider only the testimony which has
5 been presented from the witness stand together
6 with any exhibits admitted into the record and any
7 stipulations of counsel. I have the additional
8 duty to charge you with the applicable law. As
9 the presiding judge, I am the sole judge of the
10 law. And is your duty to accept and apply the law
11 as I now state it to you. If you have a
12 preconceived idea as to what the law is or what
13 the law ought to be and it does not agree with
14 what I tell you the law is, you are obligated
15 under your oath to abandon this preconception on
16 your part, because you are sworn to accept the law
17 precisely as I state it to you.

18 In every case tried in this court before a
19 jury, the jury becomes the sole and exclusive
20 judge of the facts. You the jury are the judge of
21 the facts in this case. The court is the judge of
22 the law. The constitution of this State has
23 declared that the trial judge shall not intimate,
24 state comment upon, or make any statement to a
25 trial jury about the facts of the case.

1 Since you are the sole judges of the
2 facts, you are not to infer from anything that I
3 have said during the process of the trial in
4 ruling upon the admissibility of evidence or
5 otherwise, that I have an opinion about the facts
6 in this case. I do not. The law does not permit
7 me to have an opinion. This is a matter solely
8 for the jury to determine. As jurors then, it is
9 your duty to determine as I have stated to you,
10 the effect, the value, the weight and the truth of
11 the evidence presented during the course of this
12 trial.

13 Necessarily then, you must assess the
14 credibility of the witnesses who have testified.
15 Credibility is simply a legalistic term meaning
16 believability. It becomes your duty to analyze
17 and evaluate the evidence and to determine that
18 evidence which convinces you of its truth. And I
19 would charge you that in determining the question
20 of credibility or believability of the witnesses,
21 you may believe one witness as against several
22 witnesses or several witnesses as against one
23 witness.

24 You may believe a part of the testimony of
25 a witness and reject the remaining part of the

1 testimony of that same witness. You may believe
2 the testimony of a witness in its entity or reject
3 the testimony of a witness in its entirety. You
4 may consider whether any witness has exhibited any
5 interest, any bias or any prejudice in the case.
6 And you may consider the demeanor of the witness;
7 that is, the appearance of the witness from the
8 witness stand. And you may consider the
9 opportunity for knowledge concerning those things
10 about which the witness testified. These
11 considerations you do not exercise arbitrarily,
12 but if in your good judgment there is sound reason
13 in the record for so doing. Because your
14 objective, Ladies and gentlemen, is to find the
15 truth whether it comes from one or more witnesses.
16 And in doing so, in exercising your mental
17 processes and in determining what you consider to
18 be true, the law simply requires that you exercise
19 your good judgment and your common sense, your
20 sense of logic and reason and your experiences in
21 life. You then apply these attributes of ability
22 to the evidence, and determine what you consider
23 to be truthful evidence. And to these true state
24 of facts as determined by you the jury, you take
25 and apply the law as I now state it to you, and

1 thus arrive at a true verdict in this case.

2 Now as I told you, the defendant is
3 charged with four separate offenses, and I am
4 going to define these offenses for you. First of
5 all, the defendant is charged in the indictment
6 with the crime of murder. What is murder? Murder
7 is defined as the willful, felonious killing of a
8 human being by a human being with malice
9 aforethought. That malice being either express or
10 implied. Section 16-3-10 of the Code of law of
11 South Carolina provides murder is the killing of
12 any person with malice aforethought either express
13 or implied.

14 The State must proof a beyond a reasonable
15 doubt that the Defendant killed another person
16 with malice aforethought. The presence of malice
17 is a required element of murder. Malice is
18 defined as being hatred or ill will. Malice in
19 its legal sense, does not necessarily import ill
20 will toward the individual injured, but signifies
21 rather a general, malignant recklessness of the
22 lives and safety of others. Or a condition of the
23 mind which shows a heart regardless of social duty
24 and fatally bent on mischief.

25 Malice is the wrongful intent to injure

1 another person. It indicates a wicked or
2 depraved spirit intent on doing wrong. Malice in
3 its legal term implies wickedness and excluding
4 just cause or excuse. Malice may be either
5 express or implied. The word express -- the words
6 express or implied add nothing to the meaning of
7 the word malice. They do not imply different
8 kinds of malice, but merely the manner in which
9 the only kind known to the law may be shown to
10 exist; that is, either positive evidence or by
11 inference.

12 Express malice is where there is a
13 deliberate intention to unlawfully take the life
14 of another. Implied malice is when circumstances
15 demonstrate a wanton or reckless disregard for
16 human life or a reasonably prudent man would have
17 known that according to common experience, there
18 was a plain and strong likelihood that death would
19 follow the contemplated act. Now the law says
20 that when one intentionally kills another with a
21 deadly weapon, there is an implication of malice,
22 or the implication of malice may arise. If facts
23 are proven beyond a reasonable doubt sufficient to
24 raise an inference of malice or to your
25 satisfaction, this inference would be simply an

1 evidentiary fact to be taken into consideration by
2 you the jury along with other evidence in this
3 case, and you may give it such weight as you
4 determine it should receive.

5 A deadly weapon is any article, instrument
6 or substance which is likely to cause death or
7 great bodily harm. Whether an instrument or
8 object is used as a deadly weapon depends on the
9 facts and circumstances of each case. Now
10 although malice must be aforethought, there is a
11 requirement that it must exist for any appreciable
12 length of time before the commission of the act.
13 It may be conceived at the very moment the act
14 occurred. It must be a combination of the evil
15 intent and the act producing the result.

16 Now the second charge against the
17 defendant is that of armed robbery. In section
18 16-3 -- 11-330 of the Code of Laws of South
19 Carolina provides that armed robbery is defined as
20 robbery committed while armed with a pistol, dirk,
21 slingshot, metal knuckles, razor or other deadly
22 weapon.

23 To convict the defendant of armed robbery,
24 the State must prove the Defendant first committed
25 a robbery. And second while armed with a pistol,

1 dirk, slingshot, metal knuckles, razor or other
2 deadly weapon. Now what is robbery. Robbery is
3 larceny from the person or immediate presence or
4 another by violence, intimidation or by putting
5 such person in fear. A thing is in the presence
6 of a person in respect to robbery which is so
7 within his reach, inspection, observation or
8 control that he could not overcome by violence or
9 prevented by fear, retain the possession of it.

10 Robbery is basically larceny compounded or
11 aggravated by intimidation or force used in the
12 taking of the property from the person or presence
13 of another. Larceny is the felonious taking and
14 carrying away of the goods of another against the
15 owner's will or without his consent with the
16 intent to appropriate them to one's own use, and
17 to permanently deprive the owner of possession of
18 his property. There are five elements of
19 larceny.

20 First, a taking. Second, that the act of
21 carrying the property away. This is called
22 asportation. Third, the personal property of
23 another. Fourth, without his consent or against
24 his will. And fifth, with the intent to steal.
25 Now in addition to the elements of larceny, the

1 crime of robbery requires two additional elements.
2 These are; that the property must be taken from
3 the person or immediate presence of another, and
4 the taking must be accompanied by fear,
5 intimidation, or by putting that person in fear.

6 This violence must be actual, personal
7 violence or the threat of it. The degree of force
8 is immaterial as long as such force is actually
9 sufficient to overcome the victim's resistance.
10 The violence or intimidation must either precede
11 or be contemporaneous with the taking. Finally,
12 to constitute armed robbery, the State must show
13 the additional element that the robbery was
14 committed while armed with a pistol, dirk,
15 slingshot, metal knuckles, razor or other deadly
16 weapon.

17 Now the third offense that the defendant
18 is charged with, is that of burglary in the first
19 degree. In there the South Carolina law says
20 under section 16-11-311 (a) that a person is
21 guilty of burglary in the first degree if that
22 person enters a dwelling without consent with the
23 intent to commit a crime in the dwelling; when in
24 effecting the entry or while in the dwelling or
25 immediate flight, he or another participant in the

1 crime is armed with a deadly weapon or explosive,
2 or causes physical injury to a person who is not a
3 participant in the crime or uses or threatens to
4 use a dangerous instrument or displays what
5 appears to be a knife, pistol, revolver, rifle,
6 shotgun or other firearm.

7 Another aggravating circumstance is that
8 the entering occurred or happened during the
9 nighttime. So what are the elements of first
10 degree burglary. First, is entry into a dwelling.
11 The State must show that there was an entering;
12 that is, the defendant actually went inside the
13 dwelling or some part of it. No force need to be
14 used to gain entry. Literally entry is the act of
15 going in to the place. But the word has a broad
16 significance in the law of burglary, because entry
17 must be accomplished or may be accomplished by
18 merely putting in portions of the body into the
19 dwelling. The place entered must be a dwelling.
20 In respect to burglary Section 16-11-10 of the
21 South Carolina law defines dwelling house as any
22 house, apartment, outhouse, building, or other
23 structure which sleeps a proprietor, tenant,
24 watchman, clerk or other person in the house.

25 The second element is without consent.

1 The entry must have been without consent. Enters
2 a dwelling without consent is to enter without the
3 consent of the person in lawful possession. And
4 the third element is with the intent to commit a
5 crime in the dwelling. There must have been an
6 attempt to commit a crime, any crime, a felony or
7 misdemeanor whether or not the crime was actually
8 committed.

9 The mere entry into a dwelling without
10 consent is not sufficient to commit first degree
11 burglary. There must have been an intent to
12 commit the crime once inside. Now what does
13 criminal intent mean. Criminal intent is a state
14 of mind which operates jointly with an act of
15 omission or commission. Criminal intent is a
16 mental state, a conscious wrongdoing. Criminal
17 intent includes those consequences which first,
18 represents the very purpose for which an act is
19 done. Or second, are known to be substantially
20 certain to result regardless of one's desire.

21 Intent may be shown by acts or conduct of
22 the defendant and other circumstances from which
23 you may naturally and reasonably infer intent.
24 Now there must be the presence of an aggravating
25 circumstance. If you find the defendant entered

1 the dwelling without consent with the intent to
2 commit the crime, you must then find the presence
3 of at least one of the following aggravating
4 circumstances in order to convict a person of
5 first degree burglary.

6 These are, that while entering or while in
7 the dwelling or fleeing the same, a participant
8 was armed with a deadly weapon or explosive. Two,
9 or two, it doesn't have to be all of these. It is
10 either or. Or causes physical injury to a person
11 who is not a participant in a crime. Or uses or
12 threatens to use a dangerous instrument. Or
13 displays what appears to be a knife, pistol,
14 revolver, rifle, shotgun, shooting gun or other
15 firearm. Or that the person entered the dwelling
16 for the purposes of a burglary in the nighttime.

17 Now, as I said, the State does not have to
18 prove all of the aggravating circumstances, but
19 only one aggravating circumstance.

20 Now, Ladies and gentlemen, there are
21 generally two types of evidence which are
22 presented in a case, these are direct and
23 circumstantial evidence. Direct evidence is the
24 testimony of a person who asserts or claims to
25 have actual knowledge of a fact; such as, an eye

1 witness. Circumstantial evidence is proof of a
2 chain of facts and circumstances indicating the
3 existence of a fact. The law makes absolutely no
4 distinction between the weight or value to be
5 given to either direct or circumstantial evidence.
6 Nor is a greater degree of certainty required of
7 circumstantial evidence than of direct evidence.
8 You should weigh all of the evidence in this case.
9 And after weighing all of the evidence if you are
10 not convinced of the guilt of the defendant
11 beyond a reasonable doubt, you would find the
12 defendant not guilty.

13 On the other hand, if after weighing all
14 of the evidence, you are convinced of the guilt of
15 the defendant beyond a reasonable doubt, you would
16 find the defendant guilty.

17 Now there has also been testimony in this
18 case by what has been characterized as an expert
19 witness. Although lay witnesses are limited to
20 testifying about facts within their knowledge and
21 are allowed to give opinions. Certain witnesses
22 who by their training, education or experience,
23 are considered experts in a particular field, may
24 give an opinion based upon the facts of the matter
25 from their conclusion. These opinions constitute

1 evidence to be considered by you in connection
2 with all the other evidence and testimony in this
3 case, and you may consider the expert's opinion
4 just as you do all other evidence, and give it
5 such weight as you deem it deserves.

6 Now, Ladies and gentlemen, I want to tell
7 you now that the defendant in this case has not
8 testified. This is his constitutional right. It
9 is not a circumstance which you can take into
10 consideration or even allow to enter into your
11 discussions in the jury room. Under the
12 constitution of the State of South Carolina and
13 the United States Constitution, it is the
14 defendant's constitutional right not to testify.
15 The burden of proof is upon the State of South
16 Carolina to establish the guilt of the defendant,
17 by competent evidence beyond a reasonable doubt.

18 The fact that the defendant did not take
19 the witness stand and testify in his own behalf
20 does not create any inference against him. You
21 must not consider that fact or let it weigh in
22 your decision in the slightest degree, nor could
23 this fact enter into the discussions or
24 deliberations in the jury room.

25 Now, Ladies and gentlemen, I have about

1 finished my instructions to you. But I will tell
2 you do not serve on the jury to reward our friends
3 or punish your enemies. Obviously such a
4 perverted system of justice would be improper.
5 You have been selected by both the State and the
6 Defendant as fair and impartial jurors. It is
7 your duty then by your joint deliberations to
8 determine the truth in this case. Giving to this
9 Defendant and to the State -- or giving to the
10 defendant the benefit of each and every reasonable
11 doubt on each and every issue, and then to the
12 facts as you determine to be the truth, you then
13 take and apply the law which has been given to you
14 by this court, and thus arrive at a verdict which
15 does speak the truth. Because the word verdict,
16 Ladies and gentlemen, has a Latin derivative which
17 comes from the Latin word veredicto, which means
18 to speak the truth or truth saying. And when you
19 have accomplished these responsibilities, you will
20 have satisfied your oath as jurors, and you will
21 have discharged your duty to this court.

22 Now I will tell you that you are to
23 consider each charge in this case, and consider
24 each one separately as to whether the State has
25 proven the guilt of the Defendant on each charge

1 beyond a reasonable doubt. And I will tell you
2 that as to each charge that if you find the State
3 has failed to prove the guilt of the defendant
4 beyond a reasonable doubt, your verdict will be
5 two words; not guilty. If the State has proven
6 the guilt of the defendant beyond a reasonable
7 doubt your verdict would be one word, guilty.

8 The verdict that you render in this case
9 must be the verdict of each and every juror. It
10 must be your unanimous verdict. All 12 jurors
11 must agree on a verdict that you authorize the
12 foreperson to write. Now, Mr. Foreman, I have
13 prepared on a piece of paper the possible verdicts
14 in this case. And I will tell you before I go
15 over this with you, that the order in which I have
16 put the possible verdicts on this form has
17 absolutely no significance whatsoever. You should
18 not infer that I have any opinion as to what your
19 verdict should be because of the order of the
20 possible verdicts written on this piece of paper.
21 Obviously when I put something down on paper, I
22 have got to put something first and put something
23 second. But that is a matter that is totally up
24 to you, and totally up for your responsibility.
25 And you should not infer that I have any opinion

1 as to what your verdict should be. I do not. The
2 law does not allow me to have an opinion.

3 But what I have put across each one of
4 them is identical except for the charge. But the
5 verdict form, State of South Carolina, County of
6 Sumter, the State versus Maurice Lionel Abrams,
7 defendant, and the court name, and the formalities
8 of the number. And here on this charge, verdict,
9 as to the charge of murder, we the jury
10 unanimously find the defendant either not guilty
11 or guilty. You would simply put a check mark or
12 an x by which ever one is your verdict. Select
13 one, and then sign it down here Mr. Foreman. And
14 date it. And then move to the next charge.

15 And then the next charge is the same thing
16 with regard to the charge of armed robbery. And
17 as to the charge of armed robbery, we the jury
18 would unanimously find the defendant not guilty or
19 guilty. Again, sign down here and date it, and
20 we will return you to the courtroom.

21 The third verdict form as to the charge of
22 burglary in the first degree, we the jury, as to
23 the charge of burglary in the first degree, we the
24 jury unanimously find the defendant not guilty or
25 guilty. Sign it and date it. And move to the

1 final charge; which is as to charge of possession
2 of a weapon during the commission of a violent
3 crime. And I need to give you a little better
4 definition on that. I failed to do that. But
5 again, that would not guilty or guilty.

6 And let me tell you what that charge and
7 how that is actually defined. Section 16-23-490
8 of the South Carolina code provides that if a
9 person is in possession of a firearm or visibly
10 displays what appears to be a firearm during the
11 commission of a violent crime, then he is guilty
12 of that crime of possession of a firearm during
13 the commission of a violent crime. A firearm is
14 defined as any machine gun, automatic rifle,
15 pistol or any weapon which will or is designed to
16 or may be readily converted to expel a projectile.
17 Section 16-1 of South Carolina Code of laws
18 provides that murder, armed robbery and burglary
19 in the first degree are defined as violent crimes.

20 Now I have been over the verdict form with
21 you, and you now will have those; will be brought
22 to you in the jury room. I would also tell you
23 that the exhibits will brought to you in the jury
24 room. We will not bring the video to the jury
25 room. But if you would like to see the video, if

1 you will notify the bailiffs; or any part of the
2 video, let us know what part of the video you
3 would like to see. And, Mr. Foreman, notify the
4 bailiff who will be at the door, and we can make
5 arrangements for that to be viewed.

6 But I won't just turn that equipment over
7 to you. But we will make it available to you if
8 you wish to see the video in more detail. But
9 otherwise, all the rest of the exhibits will be
10 taken with you to the jury room. And I am going
11 to have you go to the jury room. I am going to
12 ask that you not begin your deliberations just
13 yet. The law requires that I take up certain
14 matters with the attorneys in this case. It is
15 not necessary that I bring you back into the
16 courtroom for additional instructions.

17 The bailiff will bring you the verdict
18 forms. He will also bring you the exhibits, and
19 they will tell you to begin your deliberations.
20 The bailiff will be stationed outside the jury
21 room door for security while you are in your
22 deliberations. And when you have reached a
23 verdict, simply knock on the door and we will
24 return you to the courtroom as quickly as
25 possible.

1 Now with the exception of the alternate, I
2 am going to ask the 12 of you if you will go to
3 the jury room at this time. But please do not
4 begin your deliberations just yet. Thank you.
5 You may go with Mr. Bradley.

6 (Whereupon, the following takes place
7 outside the presence of the jury.)

8 THE COURT: Any additions or exceptions,
9 Mr. Meadors?

10 MR. MEADORS: Nothing from the State.
11 Thank you.

12 THE COURT: Mr. Brooks?

13 MR. BROOKS: Nothing from us.

14 THE COURT: Mr. Bradley, here are the four
15 verdict forms. And if you will gather up the
16 exhibits, I think they have already checked them
17 and they are ready to go to the jury room. If you
18 will gather up those exhibits and let you get
19 those.

20 (Whereupon, the following takes place
21 outside the presence of the jury.)

22 (Whereupon, the alternate is excused.)

23 (Whereupon, at 4:24 p.m. jury
24 deliberates.)

25 (Whereupon, at 4:43 p.m. a note from the

1 jury.)

2 THE COURT: We are back on the record in
3 the case of the State versus Maurice Abrams. I
4 have received a note from the foreman of the jury.
5 Actually it's a two-part note. The first is
6 clarification on the definition of burglary in the
7 first degree signed by him. And the second, is
8 clarification of the armed robbery signed by the
9 foreman. And we are going to give the note to the
10 Court Reporter and have her mark it Court's
11 Exhibit No. 2, and give it back to me. And I will
12 recharge, and try to speak more slowly and more
13 clearly the definitions of burglary first and
14 armed robbery.

15 I will recharge them with the definitions
16 and elements of armed robbery and burglary in the
17 first degree. Bring the jury in, please, Mr.
18 Bradley.

19 (Whereupon, the following takes place
20 within the presence of the jury.)

21 THE COURT: Thank you. And thank you,
22 Ladies and gentlemen. And, Mr. Foreman, I have
23 your inquiries and the two questions regarding the
24 clarification and definition of burglary in the
25 first degree, and the clarification of armed

1 robbery. I am going to take them in the reverse
2 order. And I will try to define these for you,
3 and maybe speak a little more slowly, and maybe
4 elaborate slightly in the descriptions or
5 definitions that I gave you a few moments ago.

6 First, armed robbery. Section 16-11-330
7 of the code of laws provides that armed robbery is
8 defined as robbery committed while armed with a
9 pistol, dirk, slingshot, metal knuckles, razor or
10 other deadly weapon or while alleging either by
11 actions or words that he was armed while using a
12 representation of a deadly weapon or any object
13 which a person present during the commission of
14 the robbery reasonably believed to be a deadly
15 weapon.

16 Now that's the exact language out of a
17 statute. To convict a defendant of armed robbery,
18 the State must prove the defendant first committed
19 the robbery. Secondly, while armed with a deadly
20 weapon. Or third, while representing that he was
21 armed with a deadly weapon.

22 So we first have to look at what is
23 robbery. Robbery is larceny from the person or
24 immediate presence of another by violence,
25 intimidation or by putting such person in fear. A

1 thing is in the presence of a person in respect to
2 robbery which is so within his reach, inspection,
3 observation or control that he could if not
4 overcome by violence or prevented by fear, retain
5 his possession. Robbery is basically a larceny
6 compounded by aggravating or by intimidation or
7 force used in the taking of the property from the
8 person or in the presence of another.

9 Now you will note that the definition of
10 robbery uses another legal term, larceny. Larceny
11 is the felonious taking and carrying away of the
12 goods of another against the owner's will or
13 without consent with the intent to appropriate
14 them to one's own use and permanently deprive the
15 owner of possession of the property. There are
16 five elements which the State must establish
17 beyond a reasonable doubt to prove larceny. Each
18 of these elements must be present to make out the
19 crime of armed robbery.

20 The elements of larceny are a taking.
21 Second, the act of carrying the property away.
22 That's what we call lawyers call asportation.
23 Asportation is the actual carrying it away.
24 Third, of the property of another. Four, without
25 the consent or against the will of the owner. And

1 fifth, with the intent to steal. The asportation
2 or taking away of stolen property is an
3 indispensable element of larceny, and can be
4 established by the slightest removal of the
5 property with felonious intent. The defendant
6 must intend to permanently deprive the owner of
7 possession by converting the property to his own
8 use.

9 Now in addition to these elements of
10 larceny, the crime of robbery requires two
11 additional elements. These are, the property must
12 be taken from the person or the immediate presence
13 of another. And the taking must be accompanied by
14 violence, intimidation or by putting another
15 person in fear. Now addition to that, to
16 constitute armed robbery, the State must show the
17 additional element that the robbery was committed
18 while armed with a deadly weapon.

19 So if you will look at it this way, I
20 think this will be the best way to describe it.
21 First of all, to be guilty of armed robbery, there
22 must first a larceny. A larceny has 5 elements;
23 that is, the taking, carrying away of the property
24 of another without the consent or against the will
25 of the other, with an intent to steal.

1 Now that would be, an example, would be if
2 a person went into a store say, and simply picked
3 up a candy bar. That would be larceny. It would
4 be taking and carrying away the property, of the
5 personal property of another without the consent
6 of the owner and with intent to steal. For that
7 to become robbery, there has to be two additional
8 elements. They must be from the immediate person
9 of another or immediate presence of another under
10 that person's control. And it must be
11 accomplished by violence intimidation or fear.

12 So then if the robbery takes place; that
13 is, if something is taken from the person of
14 another person, a watch say, then it becomes
15 robbery. To become armed robbery, another element
16 has to be added to what would be common law
17 robbery, and that is, the presence of a deadly
18 weapon. If the deadly weapon comes in then you
19 have the armed robbery. So those are the
20 elements. First, the larceny with five elements.
21 And then two additional elements of robbery. And
22 then for the armed robbery, the third additional
23 element of a deadly weapon.

24 Now with regard to burglary in the first
25 degree. The South Carolina Code provides in

1 Section 16-11-311 (a) a person is guilty of
2 burglary in the first degree if the person enters
3 the dwelling without consent and with the intent
4 to commit a crime in the dwelling and either one,
5 while effecting entry or while in the dwelling is
6 armed with a deadly weapon or explosive. Or,
7 causes physical injury to a person who is not a
8 participant in the crime. Or uses or threatens to
9 use a dangerous instrument or displays what is or
10 appears to be a knife, pistol, revolver, rifle,
11 shotgun, or other firearm. Or the entering or
12 remaining occurs in the nighttime.

13 So if any one of those five elements is
14 present when effecting the entry into the
15 dwelling, then that is first degree burglary. And
16 of course, entry into a dwelling the court must
17 show -- I mean the State must show there was an
18 entering into it; that is, the defendant actually
19 went inside the dwelling or some part thereof.
20 Entry is not confined to the intrusion of the
21 whole body. The slightest entry is sufficient.
22 And it may consist of an insertion of any part of
23 the body or any instrument under the defendant's
24 control.

25 An entry may be accomplished for example,

1 by the insertion of a hand, finger, foot or other
2 implement; such as, hook or bow. No force need to
3 be gained -- to be used to gain entry. Literally
4 entry is the act of going into the place. But the
5 word has a broader significance in the law of
6 burglary. Or entry may be accomplished by merely
7 putting a portion of the body into the dwelling,
8 or by putting something into the dwelling that is
9 from the outside.

10 Now the place entered must be a dwelling.
11 I think everybody pretty well understands what a
12 dwelling is. Section 16-11-10 of the Code of Laws
13 of South Carolina defines a dwelling as any house,
14 outhouse, apartment, erection shed, or box in
15 which there sleeps a proprietor, tenant, watchman,
16 clerk, laborer or a person lodges there with a
17 view to the protection of the property.

18 The next element of course is without
19 consent. The entry must be without consent.
20 Meaning, and that simply means without the consent
21 of the person in lawful possession. In addition
22 to the normal meaning of entry without consent,
23 the phrase also included entering by using
24 deception, trick or misrepresentation to gain
25 consent. Third, is with the intent to commit a

1 crime. There must be the intent to commit a
2 crime, any crime, a felony or misdemeanor whether
3 or not the crime was actually committed. The mere
4 entry into a dwelling without consent is not
5 sufficient for first degree burglary, and there
6 must have been an intent to commit a crime once
7 inside.

8 Furthermore, it is not sufficient that the
9 intent to commit a crime is formulated after
10 entry. To convict the defendant of first degree
11 burglary, you must find that at the time he
12 entered the dwelling, the defendant intended to
13 commit a crime therein. And that the defendant's
14 actions after he entered the dwelling can be
15 evidence used to determine if he had intent to
16 commit the crime at the time of entry.

17 Proof of intent necessarily rests on
18 inference and conduct. It does not matter that
19 the intended crime was completed. Where the
20 intent exists at the time of the entering it is no
21 defense that the intent was abandoned after the
22 entry. Because the entering completes the crime
23 of burglary.

24 Criminal intent is a state of mind which
25 operates jointly with an act or omission in the

1 commission of a crime. Criminal intent is mental
2 state of a conscious wrongdoing. Criminal intent
3 includes those consequences which represents the
4 very purpose for which an act is done or known to
5 substantially certain to result regardless of
6 one's desire. Intent may be shown by acts and
7 conduct of the defendant and other circumstances
8 from which you may naturally and reasonably infer
9 intent.

10 And then for burglary in the first degree
11 there must be the presence of an aggravating
12 circumstance. If you find the defendant entered a
13 dwelling without consent with the intent to commit
14 a crime, you must find the presence of at least
15 one of the following aggravating circumstances in
16 order to convict him of first degree burglary.
17 Only one of the circumstances is needed in order
18 for a conviction. The aggravating circumstances
19 are one, the accused was armed with a deadly
20 weapon or explosive or, causes physical injury to
21 any person who is not a participant in a crime.
22 Or uses or threatens to use a dangerous
23 instrument. Or displays what appears to be a
24 knife, pistol, revolver, rifle or deadly weapon.
25 Or the entering or remaining occurs in the

1 nighttime.

2 So if any one of those aggravating
3 circumstances is present and you find the other
4 elements regarding entry and without consent, that
5 would be what makes it a burglary in the first
6 degree. I hope that helps. And having given you
7 those instructions, I am going to release you and
8 let you go back to your jury room and resume your
9 deliberations. Thank you.

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

12 THE COURT: Any additions or exceptions,
13 Mr. Meadors?

14 MR. MEADORS: No, sir.

15 THE COURT: Mr. Brooks?

16 MR. BROOKS: No, sir.

17 THE COURT: Madam Court Reporter, here is
18 the -- you have already got that marked. We will
19 be at ease until we hear from the jury.

20 (Whereupon, at 5 o'clock jury commences
21 deliberations.)

22 (Whereupon, at 5:30 the jury reaches a
23 verdict.)

24 THE COURT: I am advised that the jury has
25 reached a verdict in this case. There are several

1 statements that I want to make before I bring the
2 jury in. Obviously at this point nobody knows
3 what the jury's verdict is. I want to caution
4 everyone as to any kind of outburst of emotion or
5 any reaction to the jury verdict when it is
6 published. This would be applicable to all of the
7 court personnel. And also all of the spectators
8 whether you be here with the victim's family or
9 the defendant's family. If there is anyone in the
10 courtroom, anyone at all in the courtroom who
11 thinks that they cannot sit quietly when the
12 verdict is published, I would ask that you leave
13 now.

14 The second thing is that after the jury's
15 verdict is published, and I have excused the jury,
16 I plan to have everyone remain in the courtroom
17 for a period of time until you are excused. That
18 means no one is to leave. And when I do excuse
19 the jury, Mr. Scott, what I would like to do is
20 have the deputies escort the jurors. I mean I
21 don't want to wait until they just clear the
22 building, I want them escorted to the parking lot,
23 and make sure they are in their cars and away from
24 the building before I will excuse anybody from
25 court even if it takes 10 minutes. Okay.

1 Anything else before the jury is -- before the
2 jury is brought back in, Mr. Meadors?

3 MR. MEADORS: No, sir.

4 THE COURT: Mr. Brooks?

5 MR. BROOKS: No, sir.

6 THE COURT: Bring the jury in please.

7 (Whereupon, the following takes place
8 within the presence of the jury.)

9 THE COURT: Thank you, Mr. Bradley.
10 Mr. Foreman, have you reached a verdict?

11 THE FOREMAN: Yes, Your Honor.

12 THE COURT: In all cases?

13 THE FOREMAN: Yes, Your Honor.

14 THE COURT: And is your verdict unanimous?

15 THE FOREMAN: Yes, Your Honor.

16 THE COURT: Would you pass it to the
17 bailiff please. From the standpoint of the form,
18 the verdict appears to be correct. Mr. Brooks,
19 would you and your client stand please. Mr.
20 Bradley, you may publish the verdict.

21 THE CLERK: Thank you, Your Honor. For
22 the State of South Carolina, County of Sumter, in
23 the Court of General Sessions Docket No. 2010-
24 GS-43-0885. The State of South Carolina versus
25 Maurice Lionel Abrams, defendant. As to Count 1,

1 as the charge of murder, we the jury unanimously
2 find the defendant, guilty. Count 2, as to the
3 charge of armed robbery, we the jury unanimously
4 find the defendant, guilty. As to the charge of
5 burglary in the first degree, we the jury
6 unanimously find the defendant, guilty. As to the
7 charge of possession of a firearm during the
8 commission of a violent crime, we the jury
9 unanimously find the defendant, guilty. Signed
10 George P. Russ, III, foreperson. Dated June 8th
11 2011. Ladies and Gentlemen, if this is your
12 verdict so say you all by raising your right hand,
13 please. Thank you.

14 THE COURT: Thank you, Mr. Brooks. You
15 may be seated. Anything before the jury is
16 excused, Mr. Brooks?

17 MR. BROOKS: We would ask the jury be
18 polled, Your Honor.

19 THE COURT: Mr. Clerk.

20 THE CLERK: Ladies and gentlemen, as I
21 call your name, please stand and answer my two
22 questions. Juror No. 110 William Atlett, is this
23 your verdict and still your verdict?

24 THE JUROR: Yes, sir.

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

1 Juror No. 143 Gina Thornton, is this your verdict
2 and still your verdict?

3 THE JUROR: Yes, sir.

4 THE CLERK: Thank you. Juror No. 127
5 Joseph Rogue, Jr. Is this your verdict and still
6 your verdict?

7 THE JUROR: Yes, sir.

8 THE CLERK: Thank you, sir. Jury No. 128
9 George Russ, III. Is this your verdict, and still
10 your verdict?

11 THE JUROR: Yes, sir.

12 THE CLERK: Juror No. 122 Raven Robertson,
13 is this your and verdict and still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Thank you. Juror No. 54
16 Arlene Helton, is this your verdict and still your
17 verdict?

18 THE JUROR: Yes, sir.

19 THE CLERK: Thank you. Juror No. 153,
20 Taylor Welch, is this your verdict and still your
21 verdict?

22 THE JUROR: Yes, sir.

23 THE CLERK: Thank you. Juror No. 97
24 Myranetta McMillan, is this your verdict and still
25 your verdict?

1 THE JUROR: Yes.

2 THE CLERK: Thank you. Juror No. 52
3 Valerie Hatfield, is this your verdict and still
4 your verdict?

5 THE JUROR: Yes, sir.

6 THE CLERK: Thank you. 94 Steven McGowan,
7 is this your verdict and still your verdict?

8 THE JUROR: Yes, sir.

9 THE CLERK: Juror No. 112 Vincent Valanka,
10 is this your verdict and still your verdict?

11 THE JUROR: Yes, sir.

12 THE CLERK: Juror No. 19, Michael Buser,
13 is this your verdict and still your verdict?

14 THE JUROR: Yes, sir.

15 THE CLERK: Thank you, sir. Your Honor,
16 the jury has been polled and the verdict stands.

17 THE COURT: Anything before the jury is
18 excused now, Mr. Brooks?

19 MR. BROOKS: That's it.

20 THE COURT: Ladies and gentlemen, I am
21 going to excuse you from now from further service
22 on this case. And I will tell you that in my
23 view, the jury's role in the fact finding process
24 is so important that the trial jury should not
25 comment on the verdict of the jury even after a

1 jury has returned a verdict in the case. And I
2 make it a practice never to comment on the verdict
3 of the jury. Because it is the jury's
4 responsibility to make a determination of the
5 facts.

6 I will tell you there was evidence in the
7 record by which you could have reached the
8 decision that you did. In just a few minutes, I
9 am going to excuse you from any further service on
10 this case. And I will tell you that once you have
11 been excused as a juror, there is nothing illegal
12 about your talking with anybody about your service
13 on this case. This is nothing illegal about
14 anyone talking to you about your service. It is a
15 practice of which I strongly disapprove and I
16 strongly discourage, but it is not illegal.

17 But if you do not wish to discuss the case
18 with anyone, if anyone approaches you or wants to
19 talk to you about this case, or wants to talk to
20 you about your verdict in this case and you do not
21 wish to talk with them and they continue to harass
22 you after you tell them that you do not wish to
23 discuss it with them, you let the court personnel
24 know and I will deal with them. But it's your
25 option. It's up to you as to whether you wish to

1 discuss it with anybody or don't wish to discuss
2 it with anybody. As I say, it's a practice I
3 don't approve of, but it is not illegal and they
4 have a right to contact who they want to. I hope
5 that nobody will. But it's up to you whether you
6 do or do not wish to talk to them about the case.

7 I am going to excuse you now with thanks
8 for your attentiveness in this case. I do thank
9 you for your conscientiousness and the way you
10 have applied yourself to your duties in this case.
11 You are now excused. Thank you for your service.

12 (Whereupon, the jury is excused.)

13 THE COURT: Mr. Brooks, are there any
14 motions?

15 MR. BROOKS: I would ask the court to set
16 aside the verdict in this particular matter based
17 on the same thing we put on the record. At the
18 conclusion of the state's case, we feel like the
19 evidence is not sufficient to warrant this
20 particular verdict. We simply ask the court to
21 set that aside.

22 THE COURT: The motion is made for a
23 directed verdict by Rule 19 of the South Carolina
24 Rules of Criminal Procedure. The test that the
25 court has to use is not whether -- not the weight

1 of the evidence; to determine the amount of weight
2 or credibility that is to be given, to determine
3 whether there is evidence in the record. It is
4 the existence or non-existence of the evidence.
5 And there is no question in my mind that there was
6 evidence in the record by which the jury could
7 reach the determination that they reached.

8 And my job is not to weigh or determine
9 credibility of the evidence and therefore the
10 motion is respectfully denied.

11 MR. BROOKS: Again, Your Honor, I want to
12 make sure I also put on there, basically mentioned
13 I covered, in regards to Ms. Ford's testimony and
14 identification; that I had objected to initially.
15 I want to make sure that that's part of my motion.
16 So that's what we covered on the record.

17 THE COURT: I think we did. I understand,
18 and it's my, I reaffirm my previous ruling. I
19 ruled on it at the time. I gave it consideration
20 at the time. And I think that that decision is
21 the correct decision. And I will also
22 respectfully deny whatever motion you are making
23 in connection with that.

24 Mr. Meadors, sentencing sheets. And also,
25 if you will come up, I will be glad to hear from

1 the State and from the representatives of the
2 victim's family. I am not going to hear from
3 everybody, but I will be glad to hear from several
4 of them.

5 MR. FINNEY: May we approach?

6 THE COURT: Sure.

7 (Whereupon, the following takes place at a
8 bench conference.)

9 THE COURT: While the Assistant Solicitor
10 is completing the documentation, we will bring the
11 victims up here, and let me hear from those. And
12 speak on behalf of the victim. I will call you
13 around a little. The bench conference was to the
14 effect that one of the victim's or the victim's
15 family, Teresa Ford, who obviously testified in
16 this case, was ill this afternoon and not able to
17 be here. And there was a request made that
18 perhaps we could delay sentencing until in the
19 morning so that she could be here. However,
20 because of the commitment I made to another judge
21 to free one of counsel to be in that judge's court
22 tomorrow, I cannot delay this matter until
23 tomorrow.

24 I will say for the record Ms. Ford
25 testified. I can pretty well -- I have a pretty

1 good idea of what her feelings are and what her
2 situation is, is the sister of the victim in this
3 case. And I am not doing this in order to prevent
4 her from being her, but I have heard from her.
5 And will hear from other members of the family on
6 her behalf, Mr. Meadors, if you would like to
7 present some of them.

8 MR. MEADORS: If it pleases, Your Honor.

9 THE COURT: Yes, sir.

10 MR. MEADORS: This is Ms. Jacqueline Byrd,
11 an aunt, I believe. I think that she is going to
12 speak for the whole family. But before she --
13 I've just had a few brief comments. She's going
14 to be the spokesman for the family, Your Honor.

15 THE COURT: Do you want to speak first, or
16 do you want me to hear from her?

17 MR. MEADORS: Hear from her, I'm sorry.

18 THE COURT: Yes, ma'am. Your name again,
19 please, ma'am.

20 MS. BYRD: My name is Jacqueline Byrd,
21 Your Honor. I am coming to talk to you today with
22 a heavy heart. No matter how much has passed, or
23 how much time you give Mr. Abrams, he's going to
24 never know the treasure he took from my oldest
25 sister. Markeith was a special child. He didn't

1 get in no trouble. He was raised by a single
2 parent. And he proved everybody wrong; that being
3 raised by a single parent you can make something
4 out of yourself. You don't have to do things out
5 there like this.

6 And they will never know what they took.
7 Only thing he did is sit and talk to Markeith;
8 Markeith would have given him everything he
9 wanted. He didn't have to kill him.

10 THE COURT: Thank you, ma'am, for being
11 here. I appreciate you addressing the court.

12 MS. BYRD: I'm fine. I'm fine. I just
13 want to see justice today.

14 THE COURT: Address your comments to me.

15 MS. BYRD: Thank you, sir.

16 MR. MEADORS: Your Honor, if the rest of
17 the family members would like to publicly address
18 the court at this point.

19 THE COURT: Anything else from any of the
20 victims? I am going to try to cut them off. I
21 just don't -- I am not going to hear everybody.

22 MR. MEADORS: Your Honor, they are hear to
23 support all these. Obviously, we have gotten to
24 know them in the course of preparation of this.
25 They loved him, and wish he was still here. And I

1 know that they do, as well as we do, thank the
2 jury for their verdict.

3 Judge, the other comments I have now, I
4 think the facts speak for themselves. I just
5 think this was a senseless, needless killing. And
6 he should still be here. And I think that's all
7 we have to add. Solicitor Finney, Mr. Manning, I
8 don't know if they want to add anything, Your
9 Honor.

10 THE COURT: Anything you would like to
11 add, Mr. Solicitor?

12 MR. FINNEY: Judge, we just appreciate law
13 enforcement's keeping us up to date, and working
14 this case. This wasn't an easy case to work. We
15 also appreciate the way the family has supported
16 us, and been patient through the transition from
17 one administration to the next administration.
18 I'd be glad to see that the jury found our case
19 was solid, and that we got the result we wanted.
20 Thank you.

21 THE COURT: All right. Thank you.

22 MR. MEADORS: Thank you very much.

23 THE COURT: Mr. Brooks, you and Mr. Abrams
24 come around please. And I'll be glad to hear from
25 you with regard to anything in mitigation. Or

1 anybody you would like to present in the way of
2 mitigation.

3 MR. BROOKS: Judge, I was asking for his
4 mother. I know she wants to say something. This
5 is his mother, Catherine McFadden. She indicates
6 she wants to address the court.

7 THE COURT: All right. Let's have him
8 move over just a little bit, and let her, Mr.
9 Scott, get in between them. Yes, ma'am. I will
10 be glad to hear from you, Ms. McFadden.

11 MS. MCFADDEN: Excuse me?

12 THE COURT: I will be glad to hear from
13 you. Go ahead.

14 MS. MCFADDEN: Well I want to say that I
15 am sorry for the deceased family. I am sorry for
16 their loss. And I am asking for mercy for my
17 child. I told him to turn himself in.

18 THE COURT: Speak up a the little bit.

19 MS. BYRD: I have told him to turn himself
20 in for this here, and to have mercy for my child
21 on sentencing. He never been in trouble before.

22 THE COURT: Thank you. Mr. Brooks, I will
23 be glad to hear from you. Of course, Mr. Abrams
24 has the right to address the court. Keep in mind
25 that anything he says is on the record and in

1 court, and could effect his appeal. Yes, sir.

2 THE DEFENDANT: Yes. I was never asked by
3 my lawyer, I mean, we never had adequate time to
4 prepare for this trial. And I mean, I had nothing
5 to do with this crime. Nothing.

6 THE COURT: Okay, thank you, sir. And I
7 don't whether you have got any concerns with your
8 lawyer. There is a procedure for that.

9 THE DEFENDANT: He never asked me. He
10 never asked me that question. I would have said
11 no.

12 THE COURT: Well I say if you have got any
13 matters that you are unhappy with your lawyer,
14 there is a procedure for addressing that after
15 today.

16 THE COURT: Mr. Brooks.

17 MR. BROOKS: May it please the court,
18 Judge, obviously we disagree with the jury's
19 verdict. Obviously we respect it as part of being
20 in this court system. Sometimes things, jurors
21 rule your way, and sometimes jurors don't rule
22 your way. This is one of those occasions where
23 the jury didn't see things the way we thought they
24 should see those things. But we respect that.

25 Bear in mind, my client is a young fellow,

1 22 years of age. He has been sitting in jail
2 since May, June of last year. While I know what
3 the statutory penalties are, judge, this guy is,
4 his mother has indicated he has never been in
5 trouble before. He is turned himself in. And
6 obviously he does stand by his innocence. But
7 obviously respects the verdict of the jury. But
8 it as it may, judge, we would just ask you to have
9 as much leniency as possible for this young man.

10 THE COURT: Thank you, sir. All right,
11 that's all you wish to present on behalf of the
12 State -- I mean the Defense?

13 MR. BROOKS: Yes, sir.

14 THE COURT: Let me get the sentencing
15 sheets from the State. Again the same
16 admonitions is addressed to all the people in the
17 courtroom, spectators and victim's family,
18 defendant's family and everyone else. I am going
19 to pronounce sentence in this case in a few
20 minutes. And I want it understood that I will not
21 tolerate any kinds of outbursts or emotion or
22 anything else when I do impose sentence. If there
23 is anyone who thinks that they cannot sit silently
24 when the sentence is imposed, then I would ask
25 that you leave now.

1 The court has heard the evidence in this
2 case, and I am frankly shocked by the evidence
3 that I have heard over the last two days. This
4 does appear to me to have been a very senseless
5 killing. Very senseless crime all the way. But
6 the murder and the burglary and the armed robbery,
7 absolutely senseless. And that it was almost an
8 execution style of a killing.

9 I think it is my duty to impose a sentence
10 that reflects the seriousness and severity of this
11 crime or these crimes. Those that have been
12 around me before, Mr. Abrams, have heard me say
13 that sentencing is the most difficult thing that
14 we judges have to do. And in 15 years, I have
15 never gotten comfortable with sentencing. And as
16 Justice Littlejohn a very noted former Circuit
17 Court judge, and later the Justice of the Supreme
18 Court noted in his book, that he used to shutter
19 that a few words that me might utter would have
20 such a profound impact on a person's life. And I
21 feel the same way.

22 But it is my duty, a duty imposed on me by
23 the State of South Carolina, to impose the
24 sentence in this case that I think is justified by
25 the crime that was committed. And I am going to

1 do that. I do not do this lightly; I do not do it
2 ill advisedly. But I just feel like that this an
3 absolute senseless crime that deserves the most
4 severe punishment that I can impose.

5 The Sentence of the Court on the murder
6 charge is, the defendant is committed the State
7 Department of Corrections for the term of his
8 natural life.

9 The Sentence on the burglary charge which
10 is Count 3, this defendant is committed to the
11 State Department of Corrections for a term of his
12 natural life. And it is consecutive to Count 1.
13 The sentence on the armed robbery, the defendant
14 is committed to the Department of Corrections for
15 a term of 30 years. And it is consecutive to
16 Count 1 and 3. And the sentence on possession of
17 a weapon during the commission of a violent crime
18 is 5 years. And it is consecutive to Counts 1, 2
19 and 3. A total of two consecutive life sentences
20 plus 35 years. All right, the hearing is
21 adjourned.

22 In the way of the spectators or anyone
23 else that is here, I do not know of anybody that
24 was involved in this situation. And I am not
25 going to assume that anyone was involved. But I

1 do want to admonish anybody here in the courtroom
2 that if there are any repercussions to any victims
3 or family members or anything else as a result of
4 the trial or to jurors or anything of that nature,
5 they will be dealt with in the most severe manner.

6 It came to the court's attention earlier
7 in this trial on Monday night I think it was, that
8 there were some shots fired in one of the
9 neighborhoods. No one was hurt or anything. And
10 I can't say anyone had nothing to do with this
11 trial or the defendant's family or anyone else was
12 involved. But I want to caution everyone, if I
13 learn of something like that, and the police
14 learn of something like that, and it is brought
15 before me, it will be dealt with in a most severe
16 manner. Because I consider it very serious,
17 because the jury has done their job as they saw
18 it. And I would expect that the jury's decision
19 would be respected. Having said that, we will be
20 adjourned until 9:30 tomorrow morning.

21 -----End of Requested Transcript of Record-----

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of General Sessions on June 6-8, 2011, Sumter County, Sumter, South Carolina.

I do further that I am neither kin, counsel nor interest to any party hereto.

12/3/11
DATE

Margaret T. Sullivan

COURT REPORTER

My Commission expires: 9/7/2021