

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTWON PIERRE BAKER,

APPELLANT

APPELLATE CASE NO. 2017-001089

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 35 (DEFENDANT'S STATEMENT ON DVD)**

Cris Truluck - Recross examination
by Mr. Bailey

1 Q No. Okay. That, that was just my question.

2 So, you don't, you don't take your -- you don't take
3 your, your firearm out when you say does it look like mine
4 or---

5 A No, sir.

6 Q Okay. I mean I know you're not just, you know,
7 whipping it out, you know.

8 A No.

9 Q All right. Would, would you mind standing up again one
10 more time?

11 A (Witness complies.)

12 Q I know you probably feel like you're doing a fashion
13 show and turning today.

14 A I might take this off.

15 Q Oh, sure. Hey, that's great.

16 A I'm glad to help.

17 Q Okay. So, let's see.

18 So, the handle on your semiautomatic has kind of a
19 square-ish rectangle shape much like this one here.

20 Is that right?

21 A Yes, sir.

22 Q Okay. And I know, I know there are a lot of -- I know
23 they're a lot of different types of revolvers. I think
24 there's certainly lengths. Of course, the cylinder being
25 the main thing but revolving handle -- revolver handles

Cris Truluck - Recross examination
by Mr. Bailey

1 typically have kind of a, kind of a curvature, kind of a
2 classic look?

3 They don't look as blackish and modern, do they?

4 A No, there is a -- you can distinguish between them if
5 you know weapons.

6 Q Sure.

7 A If you're in the heat of a moment, a shooting's
8 occurring, I really don't expect you to zero in and be able
9 to tell me exactly what kind of weapon it is.

10 Q Right.

11 A I know---

12 Q But I mean you asked the question because it's an
13 important question, right?

14 A Yes.

15 Q Okay.

16 A Yes.

17 Q And I believe you heard Investigator Metz say earlier
18 there are, there are two kinds of handguns, right?

19 A That's correct.

20 Q There are revolvers and there are semiautomatics and
21 they are different?

22 A Yes.

23 Q You think it would be a little better for your case if
24 this revolver kind of -- I mean this semiautomatic---

25 SOLICITOR CATHCART: Objection, Your Honor.

Cris Truluck - Recross examination
by Mr. Bailey

1 Q ---became a revolver?

2 SOLICITOR CATHCART: Objection, Your Honor. I'd like
3 to put it on the---

4 THE COURT: Mr. Bailey, I would sustain that objection.

5 MR. BAILEY: All right.

6 THE COURT: It's not his case.

7 MR. BAILEY: I, I---

8 THE COURT: He may be the investigator but the case is
9 brought by the State of South Carolina.

10 MR. BAILEY: Yes, Your Honor. That's right. Sorry.

11 Do you think it would be better for the State of South
12 Carolina---

13 SOLICITOR CATHCART: Objection, Your Honor.

14 THE COURT: No, sir, and it doesn't matter what he
15 thinks. It ends up mattering what that jury thinks.

16 MR. BAILEY: Yes, Your Honor.

17 THE COURT: That's, that's, that's argumentative.

18 MR. BAILEY: Yes, sir. Thank you. Withdrawn.

19 Thank you very much, investigator.

20 THE COURT: Thank you. Thank you very much,
21 Investigator Truluck.

22 THE WITNESS: Thank you, sir.

23 THE COURT: All right. Solicitor.

24 SOLICITOR CATHCART: Your Honor, at this time, the
25 State rests.

1 THE COURT: State rests?

2 SOLICITOR CATHCART: Yes, sir.

3 THE COURT: All right. Thank you. Thank you very
4 much.

5 All right. Mr. Foreman, ladies and gentlemen of the
6 jury, we're gonna take a brief recess.

7 As you've heard, the State has now rested. That's all
8 the evidence and testimony you will hear from the State in
9 its case in chief. We'll probably take about a 25 to
10 30-minute recess. They're certain matters I must take up at
11 this time outside of your presence.

12 Please recall my instructions. Do not discuss this
13 case during this brief recess. Thank you very much.

14 You may now go to your jury room.

15 (WHEREUPON, the following takes place outside the
16 presence of the jury.)

17 THE COURT: All right. Court will be in recess for 15
18 minutes.

19 Thank you.

20 SOLICITOR CATHCART: Thank you, Your Honor.

21 SOLICITOR POTTS: Thank you, Your Honor.

22 (WHEREUPON, a short recess was taken at this time.)

23 MR. BAILEY: Your Honor, I -- Ms. Kuchar, Ms. Kuchar
24 is -- we're just waiting on her. I, I'm sure she'll---

25 THE COURT: Of course.

1 MR. BAILEY: If I could, if I could just have -- I know
2 we're gonna do the mid-trial motions and just kind of, for
3 scheduling, can I tell you where we were?

4 We have Ms. Carmen Tucker, who's the Sled toxicologist
5 who we're trying to work around to, to be in touch with us
6 because she had training this morning and then I guess we'll
7 talk about Mr. Baker's rights, et cetera, if you want to
8 speak with him about that, Your Honor.

9 THE COURT: All right. Then can you share with me, and
10 you don't have to if you don't want to, the substance of the
11 witnesses -- not Mr. Baker.

12 MR. BAILEY: Oh, sure, yes, sir.

13 THE COURT: The witness---

14 MR. BAILEY: Yes, Your Honor.

15 It should be hopefully very brief. We are calling Ms.
16 Tucker, who's SLED's toxicologist, to testify that, that Mr.
17 Geter had metabolites left over from cocaine use and
18 that's -- that is it.

19 SOLICITOR CATHCART: And, Your Honor, I would ask that
20 be excluded as it's irrelevant to this case.

21 THE COURT: Well, let me, let me ask you whether --
22 cocaine's got a half-life and---

23 MR. BAILEY: Yes, sir.

24 THE COURT: ---and what is the metabolites?
25 Explain that to me.

1 MR. BAILEY: Well, Your Honor, I'm fine if you want
2 to -- we -- I mean I'm sure Ms. Tucker can talk about that.
3 It's not -- there is not apparent cocaine in his system.
4 So, my understanding is that metabolites could be from
5 cocaine used five to ten hours before. I don't have my
6 notes on Ms. Tucker. I, I, I -- Ms. Kuchar is, is the, is
7 the lawyer that I put in charge of toxicology. So, I'm, I'm
8 blaming my delegation.

9 But my understanding, you know -- so, we're not
10 asking -- you know, we're, we're fine with her pointing out
11 that there is apparent cocaine in his system, they're
12 metabolites.

13 Your Honor, this relates -- this will relate back to
14 our defense and, and part of what we -- what I'm -- what we
15 will be getting into behavior. They've already -- the State
16 has already talked about Mr. Geter's size and demeanor and
17 all these types of things and I, I -- we think this is
18 relevant, sir.

19 SOLICITOR CATHCART: It's -- all she can testify to is
20 that he may have had cocaine five to ten hours before this
21 incident occurred before he died when this man shot him.
22 That's irrelevant. This use of cocaine that she can not say
23 that he was under the influence of cocaine, which she's not
24 gonna be able to say because these are metabolites, .77 of a
25 metabolite of cocaine. The man died within 30 minutes of

1 being shot. She will not be able to testify that he was
2 under the influence of cocaine at this time.

3 If -- there is absolutely no testimony whatsoever that
4 Mr. Geter was acting erratically, and unless, unless they
5 put something on the stand that says or something upfront,
6 which I obviously don't see any need to do, but I think they
7 need to if they want her to testify as to intoxication five
8 to ten hours beforehand.

9 MR. BAILEY: Your Honor, I think it's, I think it's, I
10 think it's highly relevant and I don't know why the State --
11 if -- I don't understand what -- the State has a problem
12 with it.

13 I, I think -- they, they have said -- they have made
14 many comments about his age, about his behavior, his
15 demeanor, what his hospitality was, what a sweet little old
16 man he is, and I don't doubt he's -- he was a -- the
17 deceased was a sweet little old man. Your Honor, I think
18 they have talked, every witness of theirs they have put up,
19 has talked about interactions between Mr. Baker and
20 Mr. Geter, and I think that this, this is relevant to our
21 case about any interactions between Mr. Baker and Mr. Geter.

22 And---

23 THE COURT: Okay.

24 MR. BAILEY: So, I think -- this, this will take five
25 minutes. I think it's relevant, Your Honor.

1 SOLICITOR CATHCART: It's only relevant as to smear the
2 name of Willie Geter. That's the only reason they want to
3 put it in. Just like they wanted to put in that Mr. Minger
4 has used crack in the past or is a known crack user. It's
5 not relevant to the facts of this case. It's only relevant
6 to demean the victim's name---

7 MR. BAILEY: It's---

8 SOLICITOR CATHCART: ---in this case.

9 MR. BAILEY: It's relevant, Your Honor, and I don't
10 have to disclose my entire defense to Mr. Cathcart.

11 THE COURT: No, you don't. And I -- when I asked you
12 the question, I said you don't have to answer it.

13 MR. BAILEY: Oh, I'm sorry, yes, sir.

14 SOLICITOR CATHCART: Certainly -- I guess I should
15 couch it, it's not relevant at this time. She's gonna be
16 the first witness without anybody else I've seen, something
17 other than that, all she's saying is that Mr. Geter may be
18 a -- somebody that's used cocaine ten hours before this
19 incident occurred and what all the person used.

20 THE COURT: Well, what's -- the next dot to be
21 connected is that Mr. Kilo might have delivered it?

22 SOLICITOR CATHCART: And, again, I don't know. Mr. --
23 if defense counsel is gonna say that, that Mr., that Kilo or
24 Mr. Baker delivered cocaine to him, he watched him smoke
25 cocaine, there's a fight over cocaine, this is all that's

1 represented, I don't know.

2 THE COURT: I'll hear it outside the presence of the
3 jury.

4 SOLICITOR CATHCART: Okay.

5 MR. BAILEY: All right. Thank you, sir.

6 THE COURT: All right. And you -- let's see. Do we
7 need to wait on Ms. Kuchar for---

8 MR. BAILEY: I guess not, Your Honor.

9 THE COURT: ---directed verdict motion or---

10 MR. BAILEY: I was -- she was gonna do it. I don't
11 know---

12 THE COURT: That's fine.

13 MR. BAILEY: I don't know what happened to her.

14 THE COURT: That's fine. I thought -- I wasn't
15 tracking. I thought you were gonna do Ms.---

16 MR. BAILEY: She is doing both of them. So, if I, if
17 I---

18 MR. COMISH: Your Honor, I'll run down to our office
19 right now and see if she's in there.

20 MR. BAILEY: I -- Your Honor, if -- and excuse me if,
21 if I'm kind of moving things around. If you would like to
22 inform Mr. Baker of his rights about should he want to take
23 the stand, that sort of thing as we typically do---

24 THE COURT: I would prefer waiting until I've ruled.

25 MR. BAILEY: That is, that is fine, Your Honor, yes,

1 sir.

2 THE COURT: If I have to.

3 MR. BAILEY: Yes, sir.

4 THE COURT: You know what I mean?

5 MR. BAILEY: Yes, sir.

6 THE COURT: If I didn't have to --.

7 MR. BAILEY: Yes, sir.

8 (Pause.)

9 THE COURT: All right. Any motions on behalf of the
10 State?

11 SOLICITOR CATHCART: As to or resting as to --?

12 THE COURT: Just at the close of the State's evidence.

13 SOLICITOR CATHCART: No motions as to the close of the
14 State's evidence, Your Honor.

15 THE COURT: On behalf of the defense?

16 MR. BAILEY: Yes, Your Honor. Ms. Kuchar's gonna make
17 our argument.

18 THE COURT: All right. Ms. Kuchar.

19 MS. KUCHAR: Thank you, and I did actually write
20 something. So --

21 THE COURT: Yes, ma'am.

22 MS. KUCHAR: May I approach?

23 THE COURT: Yes, ma'am.

24 MS. KUCHAR: Your Honor, I would make a motion for a
25 directed verdict on the charge of murder.

1 As we all know, an essential element of murder is a
2 finding of the malice. The, the case, Tate against State,
3 351 SC 418, defines malice as the wrongful intent to injure
4 another and indicates wicked or depraved spirit intent on
5 doing wrong. It is the doing of a wrongful act
6 intentionally and without just cause or excuse.

7 In order to get past a motion for directed verdict, the
8 State must produce some evidence that could lead a jury to
9 find, beyond reasonable doubt, that there was malice in this
10 case. And, from that definition, in order to find malice,
11 there must be some evidence to exclude just cause or excuse.
12 I believe that, under the law of South Carolina, excuse
13 includes mitigation, which would be provocation and the heat
14 of passion.

15 I think sometimes, in South Carolina, I don't believe
16 we use imperfect self-defense but I think we use that to
17 mean that, in certain cases where someone is charged with
18 murder, and there is the excuse of passion, an argument, a
19 struggle, that entitles someone to a charge of voluntary
20 manslaughter because that would act as an excuse,
21 mitigation. self-defense would be just cause.

22 No witness that the State has produced has actually saw
23 Mr. Baker shoot Willie Geter. I believe all of the eye
24 witnesses who were on the scene up until or who are -- who
25 were there the longest, the most they saw was one shot into

1 the ground. All the witnesses who were there that day and
2 who were there the longest heard an argument or saw a
3 struggle. I believe all the witnesses corroborate the fact
4 that Mr. Geter grabs Mr. Baker's keys out of Mr. Baker's
5 car, and I think all, all of the evidence corroborates the
6 fact that this is when the argument escalated.

7 This also came in about the same period of time. There
8 was no -- there is no period of silence or stopping between
9 the, between the gunshots. Because all the -- all the
10 witnesses heard a struggle, heard an argument admit that
11 Mr. Geter took the -- took Mr. Baker's keys out of
12 Mr. Baker's car. I don't believe any evidence has been
13 presented that would exclude the excuse of provocation and
14 heat of passion.

15 If there is no evidence to exclude the, to exclude this
16 excuse, there can be no finding of malice, and because there
17 is no evidence, I don't think the jury need consider whether
18 there was malice because there is no evidence to support a
19 finding of malice.

20 For that reason, we would ask that you grant our motion
21 for directed verdict on the charge of murder.

22 Oh, and, and we also renew all of our previous
23 objections.

24 THE COURT: Thank you.

25 Solicitor.

1 SOLICITOR CATHCART: Please the Court, Your Honor.

2 In light most favorable to the State, the evidence that
3 was presented so far is that there was not a struggle. The
4 evidence that was presented is that Mr. Baker took out a
5 pistol because there was a argument or a disagreement as to
6 payment for \$35 for work that was done on Mr. Baker's car.

7 The only thing that Mr. Geter had in his hands was the
8 keys cause he was asking for payment and his cell phone is
9 the only testimony before -- that has been off that stand.

10 Nobody said there was a struggle. No one heard a
11 struggle. The defendant -- the testimony from that stand is
12 that two separate people watched that man fire a gun at
13 Mr. Geter's feet, and then, at that point, they fled, one,
14 to call the police and, one, to get out of there and did not
15 get -- and did not see, because of that, the two final
16 shots. One in the leg and one in the back of a 64-year old
17 man.

18 My office has shown this case basically, from the facts
19 of the case, the fact that he shot an unarmed man, that he,
20 after a first warning shot, shot him down in the back. I
21 believe, in the light most favorable to the State, we have
22 met our burden and the state looks forward to the trial, to
23 the verdict.

24 THE COURT: Thank you, solicitor.

25 Anything further, Ms. Kuchar?

1 MS. KUCHAR: Your Honor, I would just say Lessie Brown
2 did testify that she heard raised voices. She heard an
3 argument. So, I don't really recall any witness saying that
4 there was no arguments at all, and, and I think that they,
5 in fact, they all agree on that point.

6 THE COURT: Thank you.

7 All right. Your motion for a directed verdict, when
8 the state fails to produce direct or substantial
9 circumstantial evidence that the defendant committed a
10 particular crime, the defendant is entitled to a directed
11 verdict citing State versus Odems, O-D-E-M-S, 395 SC 582.

12 Parenthetically, in cases where the State has failed to
13 present evidence of an offense charged, a criminal defendant
14 is entitled to a directed verdict. Further, when the State
15 relies exclusively on circumstantial evidence, and a motion
16 for directed verdict is made, the trial judge is concerned
17 only with the existence or nonexistence of the evidence and
18 not of its weight, citing State versus Cherry, 361 SC 594.

19 The trial judge should refuse to grant should -- excuse
20 me. The trial judge should not refuse to grant a directed
21 verdict motion to evidence that merely raises a suspicion
22 that the accused is guilty. Suspicion implies a belief or
23 pointing to the guilt based upon the facts and circumstances
24 which do not amount to proof. However, a trial judge is
25 required to find that the evidence -- however, a trial judge

1 is not required to find that the evidence infers guilt to
2 the exclusion of any other reasonable hypothesis.

3 At this state, I look at the motion in the light most
4 favorable to the -- the evidence in the light most favorable
5 to the nonmoving party. As far as malice is concerned, of
6 course, it may be expressed or inferred or implied. It may
7 be inferred from all the surrounding totality of the facts
8 and circumstances and may be proven by evidence which is
9 based on inference.

10 I think the testimony of Mr. Minger and Ms. Brown is
11 supporting it. I, I heard no testimony about a struggle.
12 The testimony in the record before the Court is that the
13 victim was on his own property. One -- at one point in his
14 front yard, at one point in his backyard where he's known to
15 be a mechanic and works on individual's cars. And, in fact,
16 was working on Mr. Mingers and/on Mr. Baker's.

17 The testimony is further that at least, on the last
18 time Mr. Baker came to the Fiske Street residence, he was
19 armed. He came on Mr., on Bo's property armed with a deadly
20 weapon. I am not inferring malice from the use of a deadly
21 weapon. However, there were words exchanged. I heard no
22 testimony about any struggle between the victim and the
23 defendant.

24 The two witnesses that did eye the event prior to the
25 time to the deadly round was Mr. Brown and Mr. Minger. Ms.

1 Brown related the argument. She further related the attempt
2 by the victim to call 9-1-1 of which he was unsuccessful
3 because of, perhaps, his cell phone having dropped in
4 transmission fluid. Mr. Mentor, Mentor (sic), after the
5 ground shot, he fled the scene in that regard. Not only was
6 Bo, Mr. Bo shot once, but twice, the second round in the
7 back in damaging the vena cava and causing internal bleeding
8 to such an extent. Because of a gentleman in the age and
9 condition that he was in, he could not survive although
10 possibly a younger person could.

11 So, I think there's clearly a substantial evidence,
12 substantial first, first -- circumstantial evidence for
13 which I would respectfully deny the motion for directed
14 verdict, and most of my quotation was from the Supreme Court
15 decision in State versus Pearson, P-E-A-R-S-O-N.

16 All right. Any other motions, Mr. Bailey?

17 MR. BAILEY: No, Your Honor. Just to renew our
18 previous objections. Just for the record, they are our
19 Biggers hearing regarding the ID of Tracea Vereen's photo
20 lineup, the Deno hearing regarding the video, and the, the
21 statement and, you know, that line of testimony and
22 Mr. Truluck's testimony as to Mr. Baker's statement of, you
23 know, our assertion -- our assertion that he had invoked his
24 right to counsel, and I think there was an objection to
25 the -- I think I objected to Mr. Cathcart said that Ms.}

1 Brown shot him and it wasn't in evidence or shot the Bo
2 that -- I was just trying to preserve the record, Your
3 Honor.

4 THE COURT: I didn't think you objected to that. I
5 thought, I thought you---

6 SOLICITOR CATHCART: You objected to that?

7 MR. BAILEY: Oh, I'm sorry. It must of been Mr.
8 Comish.

9 THE COURT: Comish and I thought I actually squared it
10 up.

11 MR. COMISH: Your Honor, what Mr.---

12 THE COURT: ---when you said--

13 MR. COMISH: ---Bailey was referring to was during
14 Tracea's testimony. During her cross-examination, I'd asked
15 if her and her mother had discussed the case in the
16 intervening time. She said yes, and then, on redirect,
17 Mr. Cathcart brought out that she had a phone call with her
18 mother at which point her mother said Antwon Brown, excuse
19 me, Antwon shot her -- Mr. Brown. I'm sorry, Your Honor.
20 These names are -- Antwon shot Mr. Geter and I objected at
21 that point and you overruled me. So, that was the specific
22 objection.

23 THE COURT: And I, I overruled it.

24 Let me hear from you, solicitor. I'm sorry.

25 SOLICITOR CATHCART: Your Honor, I recall what he's

1 talking about now. This was -- he asked Tracea Vereen if
2 she had spoken to her mother about what occurred, and, at
3 that point, opening up the door, I asked, at that point,
4 what did she talk -- what did y'all talk about and that was
5 that evening and what she said happened to her husband.

6 MR. COMISH: And I don't believe that opened the door.
7 I wasn't eliciting any direct testimony. I was eliciting
8 the fact that she and her mother discussed what happened.

9 I don't think that this doorway allows in, not only
10 hearsay, but speculation through that hearsay. So, he's got
11 to overcome several problems to even talk about a doorway.
12 So, I don't think that the, the doorway, you're able to
13 throw it all by the Rules of Evidence even if there is a
14 doorway.

15 So, the basis of my objection was, not only the
16 hearsay, but it was -- clearly was after the event. That
17 was clearly a testimonial statement offered for the truth of
18 the matter asserted and B, she had no direct knowledge of
19 who shot Bo Geter per her own testimony.

20 So, for those two reasons, hearsay and speculation,
21 that was the basis of my objection. And, again, Your Honor,
22 we're only making the record here. I'm not asking you to
23 undo the---

24 THE COURT: What has been done.

25 MR. COMISH: Exactly, Your Honor.

1 THE COURT: well, I recall parts of what y'all are
2 saying but I also recall one reason -- one of the reasons I
3 overruled your, overruled your objection is because the
4 shot, has been testimony, that he shot Mr. Geter and that
5 was in the record.

6 MR. COMISH: Yes, sir.

7 THE COURT: So, my, my thoughts were the lawyer has a
8 right to answer any question for which there is a reasonable
9 basis for asking that question in the record or he has a
10 reasonable belief that testimony would be admissible as to
11 that.

12 So, at any rate, I would reaffirm my trial rulings.

13 MR. COMISH: Thank you, Your Honor.

14 THE COURT: All right. Come around please,
15 Mr., Mr. Baker. Come around to the microphone please, sir.

16 (WHEREUPON, the defendant complies.)

17 THE COURT: Madam Clerk, would you place Mr. Baker
18 under oath?

19 THE CLERK: Yes, Your Honor.

20 (WHEREUPON, the defendant was place under oath at this
21 time.)

22 THE COURT: Mr. Baker, tell me your full name please.

23 THE DEFENDANT: Antwon Pierre Baker.

24 THE COURT: Okay. And how old are you?

25 THE DEFENDANT: Thirty-seven.

1 THE COURT: How much education do you have?

2 THE DEFENDANT: Tenth grade.

3 THE COURT: I need to go over some things with you. I
4 do this with everyone who is on trial, and I need your
5 responses to be under oath. That's why I had the clerk
6 administer you -- your oath.

7 You understand?

8 THE DEFENDANT: Yes, sir, Your Honor.

9 THE COURT: We've reached the stage of the trial where
10 the State has rested and your side, the defense, now has the
11 opportunity to present evidence for you -- for the jury to
12 consider. In fact, I believe there is already two items
13 marked in evidence and two items marked for ID purposes
14 only.

15 Do you understand where we're at in the trial?

16 THE DEFENDANT: Yes.

17 THE COURT: In that regard, you may call witnesses to
18 testify on your behalf, and if you choose to testify
19 yourself, you may do so.

20 Do you understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: No one can force you to testify. You have
23 an absolute right to remain silent. And if you choose not
24 to testify, I will tell this jury that they can not hold
25 your silence against you in anyway. I will tell them they

1 are not to even discuss the fact that you do not testify in
2 the jury room at all.

3 Do you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Does Mr. Baker have any prior criminal
6 history that would subject him to impeachment under Rule
7 609?

8 MR. BAILEY: Your Honor, there is a, and I'm sure Mr.
9 Cathcart has it right in front of him, there is a 2008
10 conviction for the then misdemeanor assault and battery of a
11 high and aggravated nature, the old zero to ten year assault
12 and battery of a high and aggravated nature. I believe it
13 was from a 2006 incident, and, and it was a 2008 conviction
14 and I certainly yield to the State on those exact dates if I
15 have them wrong.

16 Your Honor, I believe that that is close enough in the
17 type of offense because it involves, you know, a conflict,
18 conflict with somebody. I believe that it's more
19 prejudicial than probative. So, I would ask that, that be
20 kept out. I don't -- it's not any indicator of dishonesty
21 and it, it was a misdemeanor, you know, at the time, which I
22 know the rule says it's completely up to the Court, more
23 prejudicial than probative.

24 I know it, I know it says ten years or a crime that's a
25 year or more. I know you'll know better than me. But I, I

1 kind of feel like the spirit of that law is a misdemeanor
2 and this is technically an aggravated assault misdemeanor,
3 the old ABHAN.

4 So, I, I -- that's our position. We would ask that
5 they not bring that up, Your Honor, and not -- that that not
6 be used to impeach him for those reasons, sir.

7 THE COURT: Thank you. Thank you, Mr. Bailey.
8 Solicitor.

9 SOLICITOR CATHCART: Your Honor, it is -- looks like
10 custody status date started in 2009. However, he got
11 sentenced to three years. However, it's not the State's
12 position this is a crime of moral turpitude. We're not
13 intending to go into his prior assault charge unless, for
14 some reason, and along with that assault charge is a
15 distribution of crack cocaine charge that went with it,
16 unless, in some part of his testimony, he brings that up.

17 THE COURT: So, you, you're not intending on going into
18 any prior---

19 SOLICITOR CATHCART: No, sir.

20 THE COURT: ---criminal---

21 SOLICITOR CATHCART: Not as to---

22 THE COURT: ---convictions unless, if he were to
23 testify or some other witness were perhaps, it might would
24 be such that you could use it?

25 SOLICITOR CATHCART: Yes, sir.

1 THE COURT: Okay. All right. Does that, that answer
2 the question, Mr. Bailey?

3 MR. BAILEY: I, I think -- I'm not entirely sure. I
4 mean we don't plan on him getting involved to whether he has
5 a peaceful disposition or character evidence issue, Your
6 Honor.

7 THE COURT: I, I -- well, I think the solicitor's
8 saying as far as upfront trying to use it, he's not going
9 to.

10 And, solicitor, if you get -- if something comes up and
11 you think it may be admissible, just take it up outside the
12 presence of the jury.

13 SOLICITOR CATHCART: Absolutely, Your Honor. I'm not
14 going to leap before I call it first.

15 THE COURT: All right.

16 MR. BAILEY: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 MR. BAILEY: I apologize.

19 THE COURT: Mr., Mr. Baker, the decision about whether
20 you testify or not is your decision to make and yours alone.
21 I expect that you have conferred with your attorneys or with
22 others whose opinion you value on important decisions but
23 the decision about whether you testify or not is your call
24 to make. Your decision to make.

25 Do you understand?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Has anyone exercised any undue influence
3 over you to get you to choose to testify or not to testify?

4 THE DEFENDANT: No. No, sir.

5 THE COURT: Today, are you under the influence of any
6 alcohol, drugs, or medication, or anything that negatively
7 affects your thinking ability?

8 THE DEFENDANT: No, sir.

9 THE COURT: Do you suffer from any physical or mental
10 problems that negatively affect your thinking today?

11 THE DEFENDANT: No, sir.

12 THE COURT: Whatever decision you have made about
13 whether to testify or not to testify, is it your decision
14 and made of your own free will and accord?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions you'd like to ask
17 me about your decision to testify or not testify?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you made your decision?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you need anymore time to talk with your
22 lawyers about your decision?

23 THE DEFENDANT: No, sir.

24 THE COURT: Whatever decision you have made, your
25 decision is made of your own free will and accord?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And what is your decision?

3 THE DEFENDANT: I will testify.

4 THE COURT: You will testify?

5 THE DEFENDANT: (Nods affirmatively.)

6 THE COURT: All right. And that's your decision made
7 of your own free will and accord knowingly and voluntarily?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Thank you. Thank you very
10 much, Mr. Baker. You may return to your seat.

11 (WHEREUPON, the defendant complies.)

12 MR. BAILEY: Thank you, Your Honor.

13 THE COURT: What about---

14 MR. BAILEY: Sir?

15 THE COURT: What about the other testimony?

16 You want to call that witness and let's deal with that
17 in camera?

18 MR. BAILEY: Yes, sir, the defense would like to---

19 THE COURT: If you still intend to call that witness.

20 MR. BAILEY: Yes, sir, I'm sorry. We intend to call
21 Carmen Tucker, who is a toxicologist for SLED. I, I was
22 getting the impression that you wanted to proffer her
23 testimony at that time?

24 THE COURT: Yes, sir, I want to hear it outside the
25 presence of the jury?

1 MR. BAILEY: Okay. Yes, sir. Well, State would call
2 for purposes of the proffer -- I'm sorry. Defense. Thank
3 you. I don't know why -- I wish the State would call Ms.
4 Tucker.

5 The defense would like to call Carmen Tucker for a
6 proffer of her testimony that we would like to submit in
7 part of our case, Your Honor.

8 THE COURT: All right. Is she present?

9 MR. BAILEY: She's right here.

10 THE COURT: All right.

11 CARMEN TUCKER, being first duly
12 sworn, testified as follows:

13 THE CLERK: Please have a seat.

14 (Witness complies.)

15 THE CLERK: State your full name for the record.

16 THE WITNESS: Carmen Janine Tucker.

17 DIRECT EXAMINATION

18 BY MS. KUCHAR:

19 Q Ms. Tucker, where are you employed?

20 A The South Carolina Law Enforcement Division.

21 SOLICITOR POTTS: Excuses me?

22 Q And---

23 SOLICITOR POTTS: Excuse me, Ms. Kuchar.

24 For the purposes of this hearing, Your Honor, we'll
25 stipulate that she is an expert in forensic toxicology.

Carmen Tucker - Direct examination
by Ms. Kuchar

1 MS. KUCHAR: Okay.

2 THE COURT: All right. Thank you, sir.

3 Q Did you come to examine a blood sample in this case?

4 A I did.

5 Q And tell me where, where you got that blood sample?

6 A The -- where I got the blood sample?

7 Q (Nods affirmatively.)

8 A We have technicians in our laboratory who go down and
9 get that -- those samples from our log-in department where
10 the officers submitted from agencies around the state
11 bringing their evidence and logging it in.

12 Q And, and do you know who this blood belonged to?

13 A Yes, I do.

14 Q Who was that?

15 A Let me look at my report to make sure I don't get the
16 name wrong.

17 Q Sure.

18 A This particular sample that I tested belonged to Willie
19 L. Geter.

20 Q And when was the blood taken from Mr. Geter?

21 Was he alive when---

22 A As far as I know, it was a submitted -- the blood that
23 I tested was submitted as admission blood, which typically
24 means they have been sent to the hospital and it was taken
25 in -- during the time they were still alive.

Carmen Tucker - Direct examination
by Ms. Kuchar

1 Q Okay. So, the blood came from the hospital --

2 A Yes.

3 Q -- when he was at the hospital.

4 And tell me how you tested the blood?

5 A Okay. In this instance, the first thing that we do is
6 do an alcohol test in this case, which was negative. And
7 then we do an initial drug screen, which covers compounds
8 and classes of compounds that are typically abused. In this
9 case, we got a positive screen for cocaine. And then we
10 went further to do a quantitative analysis to see how much
11 of that we're looking at. What's the quantitative value in
12 the blood?

13 And, in this case, we have Benzocetamine or BE for
14 short, it's how we refer to it, which is the inactive
15 metabolite of apparent drug cocaine at .77 mgs per liter.

16 Q Okay. And tell me a little bit about the halflife of
17 cocaine and what that means.

18 A Okay. The halflife of cocaine is around .7 to 1.5
19 hours and what that means is, in a single administration of
20 cocaine, it takes .7 to 1.5 hours for half of that drug to
21 metabolize in the body.

22 Q Okay.

23 A Okay.

24 Q And metabolize, that means the body processing it?

25 A That's the body's way of say converting the drug to a

Carmen Tucker - Direct examination
by Ms. Kuchar

1 form that it can excrete to get rid of. Like it does that
2 with all things in your -- that you consume. Particularly
3 poisons or drugs. It converts it so that it can get rid of
4 it. And, in this case, if -- it takes around six to seven
5 of those half lives for that dose, that single dose, to be
6 undetectable by us.

7 Q Got you.

8 A Okay. So, it's -- you're looking at -- if, if you say
9 okay, let's say it takes seven half lives, you're looking at
10 4.9 to 10.5 hours for a single administration of cocaine,
11 the parent drug, to be undetectable in blood.

12 Q Okay. So, if someone -- if you were to test someone --
13 someone's blood .7 to 1.5 hours after they had used cocaine,
14 you would find both active cocaine and cocaine metabolites?

15 A Cocaine immediately starts metabolizing in the blood
16 like immediately. So, you will start to see BE show up as
17 well.

18 Q Got you.

19 So, so, when, when it's one halflife, you're gonna see
20 active cocaine and metabolites?

21 A Correct.

22 Q And then once you reach that 4.9 to 10.5 hours, that's
23 six or seven halflives?

24 A Six -- yeah, six. Well, that's, that's actually just
25 taking seven halflives, using the high end of it---

Carmen Tucker - Direct examination
by Ms. Kuchar

- 1 Q Got you.
- 2 A ---and multiplying it times the halflife range.
- 3 Q Got you. Okay.
- 4 A Just say, okay, 4.9, if it takes seven halflives for us
- 5 not to be able to detect it anymore, the parent drug, then
- 6 4.9 to 10.5 hours later, after it -- a single
- 7 administration, you should not be able to detect the
- 8 cocaine.
- 9 Q But would, would you find -- so, you would not find
- 10 active---
- 11 A Correct.
- 12 Q ---parent cocaine?
- 13 You would find---
- 14 A BE.
- 15 Q Okay. So, you would find the metabolite.
- 16 So, when, when someone has just metabolites, cocaine
- 17 metabolites in their blood, kind of extrapolating from that,
- 18 the earliest that someone could of used cocaine was maybe a
- 19 little less than five hours before?
- 20 A Potentially, yes.
- 21 Q Okay.
- 22 A Now, you have to look at the fact too now that, that BE
- 23 has a longer halflife than cocaine. So, it's gonna stick
- 24 around. It has a halflife that averages about six hours.
- 25 Q Okay.

Carmen Tucker - Direct examination
by Ms. Kuchar

1 A So, it may not necessarily have been five hours or 10.5
2 hours that they consumed the cocaine. It could of been even
3 longer.

4 Q Right.

5 So, the early end would be five hours---

6 A Around five hours.

7 Q ---before and then the late end would be what, 11, 12?

8 A Yes. Well, it can be even longer than that.

9 Q Okay. Okay. Okay.

10 A And this is all based off of a range of studies that
11 were done. So, it could vary from person to person as well
12 and this is all based on a single administration. You're
13 not talking about piggybacking doses.

14 Q Okay. How would piggybacking doses affect---

15 A Chronic use. You're taking a dose and you've taken a
16 dose and you're saying -- like you're, you're not just
17 taking one dose and then you go the rest of your life with
18 nothing.

19 Q Right.

20 A You're continuing to use.

21 Q Uh-huh. (Affirmative).

22 A So, this is all based off of a single administration.

23 Q Okay.

24 A One dose.

25 Q How, how would chronic use change?

Carmen Tucker - Direct examination
by Ms. Kuchar

1 A Chronic use, if you -- you know, you're still gonna
2 have metabolites -- the metabolism is still gonna play out,
3 okay, but you can still see BE for a longer period of time.
4 You may even see cocaine not for longer than what's
5 represented here. But, like I said, if you have a chronic
6 use of it---

7 Q Okay.

8 A You see what I'm saying?

9 Q I do. Okay.

10 All right. I don't have any further questions.

11 THE COURT: Thank you. Thank you, Ms. Kuchar.

12 Solicitor.

13 SOLICITOR POTTS: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY SOLICITOR POTTS:

16 Q Is it Doctor Tucker or is it just---

17 A Just Carmen.

18 Q Carmen.

19 Okay. Okay. So, make sure I got all this straight.

20 What -- and this is some questions they didn't ask you.

21 I just need to go ahead and get this on the record.

22 What time does your records illustrate that the blood
23 sample was taken at the hospital?

24 Is that on the stuff you have?

25 A Yes, according to my records, which came directly from

Carmen Tucker - Cross-examination
by Solicitor Potts

1 the incident report, a copy of the incident report that was
2 given to us --

3 Q Yeah.

4 A -- the arrival at the hospital, see admission, blood
5 draw, is at 19:30.

6 Q 19:30.

7 Okay. So, if this incident occurred around
8 approximately seven o'clock, that'd be about a half hour
9 after the incident?

10 A So -- okay. So, 19:30 --?

11 Q Yes, sorry.

12 A I got to do math now.

13 Q If it happened to happen about 19:00---

14 A So, that's like 7:30 that the, that that---

15 Q Right.

16 A ---blood would have been drawn.

17 Q Right. Right.

18 A Okay.

19 Q And what is -- so, when you take a dose of cocaine and

20 I -- correct me if I'm using the wrong terminology here.

21 what is the length of time that you would be considered
22 under the influence before that dose -- is it as long as the
23 active cocaine is in the system?

24 A Depending on the level of the active cocaine in the
25 system.

Carmen Tucker - Cross-examination
by Solicitor Potts

1 Q So, you could have a low level of cocaine and even then
2 not be intoxicated?

3 A Not necessarily not intoxicated.

4 Q Okay. Okay. Correct me---

5 A Because, at low levels of cocaine, you have different
6 affects --

7 Q Right.

8 A -- then you do at high levels.

9 Okay?

10 Q Okay. So, based upon the metabolites we have in this
11 case --

12 A Uh-huh. (Affirmative).

13 Q -- right, what information can you tell me about the
14 amount of cocaine in, in this, this individual's system an
15 hour before?

16 A An hour before the blood draw?

17 Q Yes.

18 A I couldn't tell you that there was cocaine for sure.

19 Q What about two hours before?

20 A I could not tell you that.

21 Q Four hours before?

22 A I could not tell you that because the halflife of BE---

23 Q Is so long?

24 A ---is, is longer than cocaine and it may not have
25 happened five, ten hours before.

Carmen Tucker - Cross-examination
by Solicitor Potts

1 Q Could it have happened 24-hours before?

2 A Okay. So, halflife of BE---

3 Q Uh-huh. (Affirmative).

4 A -- is an average six hours.

5 Q Right.

6 A Okay. If you say six and seven halflives for that BE
7 to be out of the system, you're talking about 36 to 42
8 hours.

9 Q Okay. So, so, a day and a half to almost two days you
10 could have this in your system --

11 A Yes.

12 Q -- when you last took cocaine?

13 That -- would that be an accurate statement?

14 A Yes.

15 Q Okay. Now, this result of .77, is that a particularly
16 high result or where does that result rate in like the whole
17 grand scheme of cocaine, of BE results?

18 A I would not hazard a guess on that.

19 Q Okay.

20 A We don't deal in those numbers for BE because BE is an
21 inactive metabolite and there's no way to know how long --
22 when the last of the cocaine was in the system.

23 Q Right.

24 So, that number, to you, is almost worthless because it
25 doesn't really have any reference?

Carmen Tucker - Cross-examination
by Solicitor Potts

1 A Exactly.

2 Q So, all you can really say is that it exists, not that
3 it has any value whatsoever?

4 A The only value it has is it tells me that, at some
5 point, this person consumed, consumed cocaine.

6 Q But up to two days ago basically?

7 A Possibly.

8 Q Yeah.

9 Okay. And just so I'm completely clear, there was no
10 level of BE in the system that you would say is considered
11 to be impairing?

12 A Okay. BE is not impairing. It's an inactive
13 metabolite.

14 Q Completely---

15 A Completely inactive.

16 Q ---benign?

17 Is that a fair way to call it?

18 A Benign in the sense that it doesn't cause any type of
19 reactions that you would see typically with cocaine.

20 SOLICITOR POTTS: Okay. Beg the Court's indulgence.

21 (Pause.)

22 SOLICITOR POTTS: Thank you. No further questions.

23 THE COURT: Anything in redirect, Ms. Kuchar?

24 MS. KUCHAR: No, Your Honor.

25 THE COURT: Thank you. Thank you very much. You may

1 step down.

2 THE WITNESS: Okay.

3 THE COURT: All right. Solicitor, you have an
4 objection to this testimony?

5 SOLICITOR CATHCART: I do, Your Honor.

6 The testimony from this expert basically indicated that
7 she can not testify that he had an intoxicated level of
8 cocaine in his system up to almost two days before this
9 incident occurred. The only reason that they would be
10 asking to put this evidence into -- before this jury is to
11 sully the name of the victim. It is not relevant as to his
12 condition but she can definitely say he was not under the
13 influence of cocaine when he was shot.

14 THE COURT: Thank you. Thank you, solicitor.

15 SOLICITOR CATHCART: Yes, sir.

16 Ms. Kuchar.

17 MS. KUCHAR: Thank you, Your Honor.

18 And we, we are not seeking to introduce this evidence
19 in order to show that he was intoxicated at the time of the
20 shooting. I believe that it is relevant that Mr. Geter may
21 have been a long term cocaine user or at least a cocaine
22 user.

23 First of all, in, in the video that we watched,
24 Investigator Truluck describes the neighborhood that this
25 occurred in at the biggest dope hole in the area. If you

1 weren't buying or selling, you were smoking. So, you know,
2 that's, that's been put into evidence. And, you know,
3 Mr. Baker has been referred to at every occasion as Kilo.
4 That's been put out there many, many, many times. I don't
5 think it even needs explanation to give an implication.

6 Because that evidence is already in, I think that that
7 does open the door for us to give some context as to, as to
8 what was going on that day. I think it also gives context
9 to the struggle, Your Honor.

10 The State has given evidence that Mr. Geter wanted to
11 be paid. I think that we, we will show and there is already
12 evidence to show that Mr. Baker had already paid some money.
13 Mr. Geter had just paid his landlord in full, and for
14 someone with a cocaine habit, he was very much in need of
15 more money. That would help to explain why the money was
16 such a large issue.

17 So, I, I do think it's relevant. It's also something
18 that was the -- tested by the State. It, it was in
19 Mr. Geter's system. Again, I'm not seeking to say that he
20 was under the influence of cocaine, that, you know, that
21 caused him to be the aggressor. I just think that, because
22 it was, because it was tested, because it was in his system,
23 it helps to provide context and I don't think that's
24 improper for us to simply put in that evidence.

25 THE COURT: Thank you. Thank you very much.

1 The evidence is not admissible. The opinion of the
2 detective, the nickname of the defendant, although credible
3 perhaps, valid perhaps, is not foundation for evidence to be
4 admitted.

5 Given the testimony of our forensic toxicologist, Ms.
6 Tucker, is that, is that right, Ms. Tucker?

7 I apologize, Ms. Tucker, if I've mispronounced your
8 name.

9 THE WITNESS: That's okay.

10 THE COURT: It's running in my mind, at least.

11 But given credibility to it, quite frankly, there's
12 nothing in the record as to what cocaine does to you.
13 Nothing whatsoever in the record. And to quote the
14 Honorable Justice Sotomayor, judges rule on the record.
15 Saying he may be under the influence of cocaine, nobody
16 presented to the Court, A, what that does to you whatsoever.
17 Even if I make the assumption that it does things to you
18 which may heighten your emotional state, may heighten your
19 emotional state over money or anything like that, and
20 nobody's testified to anything that there was any odd,
21 unusual, bizarre, intoxicating behavior on Mr. Geter's part.

22 So, his wife of 15 years didn't testify to it. Ms.
23 Vereen, whatever distance she, she may have seen him, didn't
24 testify to.

25 Actually, the testimony, I take it, is that he was to

1 perform work on Mr. Mentor's (sic) vehicle and Mr. Baker's
2 vehicle. So, if I, if I then assume that cocaine was in his
3 system, he obviously was able to perform mechanic work if he
4 were under the influence of cocaine. It's a dot. It's a
5 dot that he had cocaine in his system but, but that dot
6 doesn't connect to any of the facts in this case, and,
7 therefore, not admissible. And I make that under 401 and I
8 don't even address the 403 issue.

9 All right. Anything before we bring in our jury,
10 Mr. Bailey?

11 MR. BAILEY: No, Your Honor, not at this time. I guess
12 we probably need to renew our request to just -- I'm -- my
13 wife is working for the Court of Appeals. So, she always is
14 hounding me to preserve the record. So, I apologize if I,
15 if I annoy anybody. With just, just that we, I guess, a
16 standing renewal of the request and I'll do it again to
17 keep -- that's all, Your Honor.

18 THE COURT: You don't annoy, Mr. Bailey. There may be
19 others in this courtroom who annoy me but I'm not one of
20 them.

21 MR. BAILEY: Thank you, sir.

22 THE COURT: And I've told you, anytime you don't
23 know -- what defense lawyers in the State do to preserve the
24 record, I told you that, except preserve the record. You
25 preserve the record by preserving the record.

1 MR. BAILEY: Yes, sir.

2 Well, we're fine with the jury coming in now. The only
3 other witness we have -- we anticipate calling is, is
4 Mr. Baker.

5 THE COURT: All right.

6 MR. BAILEY: So, if you, if you want to proceed with
7 that now, Your Honor.

8 SOLICITOR CATHCART: My issue is to sequestration in
9 case this, for some reason, she becomes relevant.

10 MR. BAILEY: Okay.

11 THE COURT: Who?

12 SOLICITOR CATHCART: Sequestration as to this witness,
13 for some reason Ms. Tucker becomes relevant later, I just
14 ask that she be sequestered.

15 THE COURT: I'll, I'll---

16 SOLICITOR CATHCART: Oh, I'm sorry. He did say that.

17 THE COURT: I'll, I'll -- I typically ruled that at
18 first.

19 SOLICITOR CATHCART: I apologize.

20 THE COURT: They can, they can have an opinion---

21 SOLICITOR CATHCART: Yes, sir.

22 THE COURT: ---unless they hear something different,
23 change their opinion, still cross-examine them --

24 SOLICITOR CATHCART: You said that and I forgot and I
25 apologize.

1 THE COURT: -- or keep the same opinion. That's
2 typically what I do, Mr., Mr. -- so, and I don't know
3 what---

4 MR. BAILEY: I suspect, Your Honor, I would expect that
5 Ms. Tucker would probably rather go home at this point.

6 THE COURT: I'm not saying she has to.

7 MR. BAILEY: No, Your Honor.

8 THE COURT: I'm not---

9 MR. BAILEY: I would, and I'll just say on the record,
10 we would have no -- I would ask that her just remain on call
11 unless she becomes relevant at some point. But, at this
12 point, we certainly -- we understand the Court's ruling.
13 So, I, I certainly -- I would like her generally released
14 with leave to call her later maybe.

15 THE COURT: Of course. I mean---

16 SOLICITOR CATHCART: That's okay with us.

17 MR. BAILEY: Sure. Whatever.

18 THE COURT: I'm saying you can always get her back if
19 need be.

20 You want to finish testimony today, Mr. Bailey,
21 solicitor?

22 MR. BAILEY: What was that, sir?

23 THE COURT: You want to finish testimony today?
24 What do y'all want to do?

25 MR. BAILEY: If I could consult with my client, I think

1 we're okay. Let me just see.

2 (Pause.)

3 MR. BAILEY: Your Honor, we're ready to go today if,
4 if, if, if the Court is ready to hear Mr. Baker's testimony
5 today. We would ask the Court to consider letting him take
6 his ankle braces off so that he can walk to the stand, you
7 know, just like other witnesses have done. I think he's
8 been pretty behaved.

9 THE COURT: I won't do that.

10 MR. BAILEY: Okay. Okay.

11 THE COURT: I would allow him to already be seated in
12 the witness stand.

13 MR. BAILEY: Okay. All right. Yes, sir. Well, I
14 think we will be -- we're, we're ready to proceed, Your
15 Honor, when you're ready, sir.

16 THE COURT: Tell me, tell me how long you think it's
17 gonna take for his direct. I'll run it by the jury so to
18 speak.

19 MR. BAILEY: Sure. Sure. I would expect his direct to
20 be 40, 45 minutes. I like to err, I like to err on the long
21 side just to be safe. Maybe, Maybe 30, 30 to 45.

22 THE COURT: I think I prefer doing that tomorrow.

23 SOLICITOR CATHCART: That's fine.

24 THE COURT: I, I would just ask the jury that -- do you
25 object if I tell them that or---

1 MR. BAILEY: Tell them --?

2 THE COURT: Do you object if I tell them that one more
3 witness will be testifying in the morning that's about an
4 hour or so?

5 MR. BAILEY: No, sir.

6 THE COURT: And then go from there?

7 MR. BAILEY: Sounds great, Your Honor.

8 THE COURT: And I, I don't know. I haven't had any
9 contact about child care and stuff like that. We'll just
10 have to find out.

11 Okay?

12 MR. BAILEY: Yes, Your Honor.

13 THE COURT: Thank you. Thank you for being with us,
14 Ms. Tucker.

15 THE WITNESS: Thank you.

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE BAILIFF: The jury is seated, Your Honor.

19 THE COURT: All right. Thank you. Thank you very
20 much, Mr. Bailiff.

21 welcome back, ladies and gentlemen. Again, I apologize
22 for the delay. I had certain matters I had to address and
23 then I was trying to see where we were at administratively.

24 As you recall, the State has rested. You've heard all
25 the evidence, all the testimony you're going to hear from

1 the State in its case in chief.

2 The defendant now has the opportunity to present
3 evidence and testimony in his own behalf if he chooses to do
4 so. Please remember, as I told you previously, the criminal
5 defendant, in South Carolina, regardless of the seriousness
6 of whatever the charge may be, is never required to prove
7 himself or herself innocent. A criminal defendant is
8 always, always presumed to be innocent.

9 I have addressed this with the attorneys outside of
10 your presence and Mr. Baker is going to testify. He is
11 going to testify.

12 Given the hour, given the fact that he has been, has
13 been in the, as y'all have been also, in the courtroom all
14 day although partially y'all may of been locked in your jury
15 room part of that day I must admit, I'm going to take our
16 recess for the day. Start back at 9:30 in the morning.
17 That should be our one final witness.

18 That -- in the spirit of complete transparency, there
19 is issues in the law where the State can present reply
20 testimony. It is focused and brief if they choose to do so.
21 If reply testimony comes in the law, what comes next?

22 Surreply.

23 So, they could be other evidence that could be
24 presented. I just don't want to lose all my credibility
25 with y'all and say wait a minute. He said you could just do

1 this and just do that. I want you to understand the
2 procedure that may follow.

3 But given the hour, I think I would not be fulfilling
4 my responsibility if I have had the parties go forward with
5 the witness today and had y'all, after a very long day, have
6 to, not have to, but listen to that and, and not be -- not
7 that y'all are not fresh. I don't mean that at all but
8 not -- I wouldn't be as fresh as I should be.

9 Okay. Do not read, watch, listen to anything. Don't
10 talk with anyone about the case. Remember to keep an open
11 mind. Do not do any independent investigation or
12 investigation on this case. Please be back promptly at 9:30
13 in the morning. By the way, we started pretty close on time
14 this morning. It was about 9:32, 9:33, something like that.
15 I was gonna blame it on her but she said I could not. But
16 we did pretty good. We'll do that -- I'm gonna aim for that
17 in the morning.

18 Okay. Y'all have a pleasant evening. Thank you.
19 Thank you very much.

20 (WHEREUPON, the following takes place outside the
21 presence of the jury.)

22 THE COURT: Any objection to anything I told the jury,
23 Mr. Bailey?

24 MR. BAILEY: No, Your Honor.

25 THE COURT: Solicitor.

1 SOLICITOR CATHCART: No, sir.

2 THE COURT: All right. We'll start promptly at 9:30.
3 If you have any charges or requests, bring them to my
4 office.

5 SOLICITOR CATHCART: The only thing I would be
6 requesting, and we can talk about this later, we'll ask for
7 State v. Darby. State v. Darby for reasonable doubt. Proof
8 beyond a reasonable doubt means you're firmly convinced of
9 the defendant's guilt.

10 THE COURT: Yeah, I, I charge -- I guess Darby refers
11 to---

12 SOLICITOR CATHCART: Yes, sir.

13 THE COURT: Nebraska versus Victor or whatever it is.

14 SOLICITOR CATHCART: Yes, sir.

15 THE COURT: I charge both of them.

16 MR. BAILEY: Your Honor, I think we'll probably just
17 have a couple -- a few standard ones. There's one that was
18 used recently for eye witness testimony. I recall -- I
19 would like to---

20 THE COURT: Sure.

21 MR. BAILEY: Yes, sir.

22 THE COURT: Just whatever y'all want, just give them to
23 me in the morning.

24 MR. BAILEY: All right.

25 SOLICITOR CATHCART: Yes, sir.

1 THE COURT: Okay.

2 SOLICITOR CATHCART: Yes, sir, one other thing will be
3 malice and -- but we'll give them to you---

4 THE COURT: What?

5 SOLICITOR CATHCART: We'll have them to you in the
6 morning.

7 THE COURT: Okay. All right. Thank you, solicitor.

8 MR. BAILEY: Thank you, Your Honor.

9 THE COURT: Thank all y'all.

10

11 (WHEREUPON, Court was in recess for the evening.)

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1 April 27th, 2017

2
3 THE COURT: Good morning.

4 Mr. Bailey?

5 MR. BAILEY: Good morning. We are ready to go. We're,
6 we're -- Ms. Kuchar is coming up with our proposed
7 instructions, Your Honor, but we don't have to wait for her
8 specifically. We just wanted to have them ready earlier
9 rather than later.

10 SOLICITOR CATHCART: Your Honor, may I approach also?
11 I've just got a couple things for request to charge.
12 I've already presented them to defense counsel.

13 THE COURT: All right.

14 SOLICITOR POTTS: Your Honor, there is just one issue
15 we need to take up before the jury gets in here.

16 State's Exhibit No. 35 has a post-it on it with my name
17 on it, and the person who helped us redact the video, his
18 number on it. I would like to remove that post-it from the
19 State's 35 if that's okay with the Court.

20 SOLICITOR CATHCART: I just didn't see it when I put it
21 into evidence.

22 SOLICITOR POTTS: We can keep it on there I guess
23 till---

24 MR. BAILEY: Your Honor, we would just ask that Mr.
25 Potts cell phone number be attached also.

1 THE COURT: It could be in the museum, you never know
2 but, of course---

3 MR. BAILEY: No objection, Your Honor.

4 THE COURT: And there was -- I don't know. It might be
5 State's 20, a statement of Ms. Vereen. It's got a couple
6 lines underlined. We got it marked like that and it is -- I
7 think it's the original.

8 SOLICITOR CATHCART: It was---

9 THE COURT: I don't know if y'all want to do anything
10 about it or not. I don't -- it was not an original, Your
11 Honor. It was is---

12 MR. BAILEY: I want to say---

13 SOLICITOR CATHCART: It was a copy -- I believe it's a
14 clocked copy. That's why it was underlined and I left it
15 there when I went to go ask her about the case but I'll -- I
16 don't believe we've admitted it in evidence.

17 SOLICITOR POTTS: We did not put it in evidence.

18 SOLICITOR CATHCART: It was just for identification
19 only as to her statement at that time. It's not---

20 THE COURT: Just used in pretrial?

21 SOLICITOR CATHCART: Yes, sir.

22 THE COURT: Okay.

23 SOLICITOR CATHCART: That was the statement you
24 asked---

25 THE COURT: Oh, all right.

1 MR. BAILEY: Yeah, I mean, I mean we'll look over it
2 before it goes back in. I think -- I'm sure you guys have
3 it.

4 (Pause.)

5 THE COURT: Do y'all have Ms. Kuchar down there doing
6 y'all's work?

7 MR. COMISH: Yes, sir, we call that efficiency.

8 MR. BAILEY: She was nice enough to volunteer on that
9 stuff while we were speaking with Mr. Baker.

10 THE COURT: Sure.

11 MR. BAILEY: And I suspect it might be a superior work
12 product as well, Your Honor.

13 THE COURT: I have no comment.

14 MR. BAILEY: Your Honor, could Mr. Cathcart and I
15 approach real quick, sir?

16 THE COURT: Sure.

17 (WHEREUPON, a bench conference was held at this time.)

18 THE COURT: I'm gonna step out. Let me know when
19 you're ready.

20 MR. BAILEY: Yes, sir, we'll be ready to start in a few
21 minutes when you're ready.

22 THE COURT: Yes, sir. Thank you.

23 (WHEREUPON, a short recess was taken at this time.)

24 THE COURT: All right. Anything before we bring in our
25 jury from the state, solicitor?

1 SOLICITOR CATHCART: Nothing from the State, Your
2 Honor, although I'm, I'm sure Mr. Bailey is gonna mention
3 this. We agreed yesterday to have the defendant already go
4 into the witness box before we come up here---

5 THE COURT: Sure.

6 SOLICITOR CATHCART: ---so the chains can be---

7 THE COURT: Thank you. Thank you for reminding me of
8 that---

9 SOLICITOR CATHCART: Yes, sir.

10 THE COURT: ---solicitor.

11 Anything else from the defense?

12 MR. BAILEY: Not, not from -- not at this time, Your
13 Honor.

14 THE COURT: All right. If you'd come around please,
15 Mr., Mr. Baker, and, Madam Clerk, you can place him under
16 oath after the jury gets in here---

17 THE CLERK: Yes, sir.

18 THE COURT: ---from the witness stand as you will.

19 He's gonna have to, he's gonna have to be sworn in in
20 front of the jury.

21 MR. BAILEY: Okay. All right.

22 THE COURT: All right. Anything further, Mr. Bailey?

23 MR. BAILEY: No, sir, sometimes I can't tell if you're
24 saying Bailey or bailiff.

25 THE COURT: Sir?

1 MR. BAILEY: Nothing. I just thought you said bailiff
2 instead of my last name.

3 THE COURT: I always change it.

4 MR. BAILEY: Yes, sir.

5 THE COURT: Make sure you're listening.

6 MR. BAILEY: Yes, sir.

7 THE COURT: All right. My sheriff is gonna stay over
8 there.

9 All right. I'm gonna allow it. You can do it on the
10 record.

11 MR. BAILEY: You're -- wait. You're gonna allow---

12 THE COURT: The sheriff to stay over there.

13 MR. BAILEY: Yes, sir, I would object, Your Honor.

14 Just note for the record. As much as I do like the
15 particular deputy, former Canadian hockey player, I, I would
16 prefer him not to be right in-between the jury or sort of
17 in-between the two for obvious prejudicial reasons, Your
18 Honor.

19 THE COURT: I understand. Thank you.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Thank you. Thank you very much,
24 Mr. Bailiff.

25 Good morning.

1 (WHEREUPON, the jurors respond good morning.)

2 THE COURT: Hope y'all had a pleasant evening.

3 As you recall, the State has rested. The defense now
4 has the opportunity to present evidence and testimony if the
5 defense chooses to do so. And, again, a criminal defendant,
6 in South Carolina, is never required to prove himself or
7 herself innocent. A criminal defendant is always presumed
8 to be innocent. However, they may present evidence and
9 testimony if they choose to do so.

10 I would ask you, again, as I know you will, to please
11 give the parties your complete and undivided attention. I
12 would like the back-door locked during the presentation of
13 the testimony by the defense and the cross-examination by
14 the State.

15 With that being said, Madam Clerk, would you swear
16 Mr. Baker for me.

17 THE CLERK: Yes, Your Honor.

18 ANTWON BAKER, being first duly
19 sworn, testified as follows:

20 THE CLERK: Okay. Please state your full name for the
21 record.

22 THE COURT: Ladies and gentlemen, as far as the sheriff
23 being placed there, that is my habit and custom. That has
24 nothing to do whatsoever with, with Mr. Baker or anything of
25 that nature. I always have a sheriff placed in that

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1 position in this proceeding.

2 All right. Mr. Bailey.

3 MR. BAILEY: Thank you, Your Honor.

4 The defense calls Antwon Baker to the stand.

5 THE COURT: All right.

6 DIRECT EXAMINATION

7 BY MR. BAILEY:

8 Q Antwon, could you state your full name for the record
9 again one more time?

10 A Antwon Pierre Baker.

11 Q How are doing today, Mr. Baker?

12 A I'm, I'm all right.

13 Q Are you a little bit, a little bit nervous?

14 A Very.

15 Q Okay. And that's understandable. That's
16 understandable.

17 Antwon, I want you to introduce yourself to the jury.

18 How old are you?

19 A I'm 37 years old.

20 Q And where are you from originally?

21 A I'm originally from Buffalo, New York.

22 Q That is quite a dramatic climate difference.

23 A Yes, it is. It is.

24 Q Do you, you miss all that snow?

25 A At times, you know, but I, I love the South. This is

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by Mr. Bailey

1 my home now.

2 Q And how long have you lived in Columbia?

3 A Since '98.

4 Q Okay. And what brought you down here?

5 A My mom -- my grandfather had passed and he had left my
6 mom's house and his land and I came down to help her keep
7 it, you know, keep it up and pay bills.

8 Q So, you came down with your mom?

9 A Yes.

10 Q Okay. Are you married?

11 A Yes.

12 Q Okay. What's your wife's name?

13 A Peggy.

14 Q Is she here today?

15 A Yes.

16 Q Okay. So, you can -- I'll, I'll allow you to gesture
17 at her if you want to.

18 A Hey, baby.

19 Q And how long have you and Peggy been married?

20 A For six years.

21 Q Six years.

22 And how did you meet your wife?

23 A I met her at the Best Buy on, on Two Notch Road. I was
24 returning a, a computer for my sister and I happened to see
25 her and we been together ever since. Seven months later we

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by Mr. Bailey

1 married.

2 Q Do you have any other family here in Columbia?

3 A No. But my mom -- but she's not in the best of health.
4 She really can't sit no more than 30 minutes and can't stand
5 longer either.

6 Q Okay. Antwon, I want to talk about your work
7 background a little bit.

8 where did you -- where did you work last?

9 A well, I been doing construction lately, you know,
10 before this happened and -- but before that, I was working
11 at, at Buck Enterprise. I was a machine operator installing
12 line. What I was doing before this, I was installing
13 heating and air ventilation system units. That's my trade.

14 Q Got you.

15 THE COURT: Speak up for us just a little bit please---

16 THE WITNESS: Yes, sir.

17 THE COURT: ---Mr. Baker.

18 THE WITNESS: Yes, sir.

19 THE COURT: Use that microphone. Thank you.

20 THE WITNESS: Yes, sir.

21 Q And you can move your microphone a little bit if you
22 need to.

23 A Okay.

24 Q So, I'm sorry. I don't know if I heard you say this.
25 Did you say you worked at Buck's Enterprise for a

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by Mr. Bailey

1 while?

2 A Yes, sir.

3 Q Catalytic converters?

4 A Yeah, make catalytic converter parts or whatever that
5 goes inside mufflers.

6 Q Okay. And what were you doing for work in, in June of
7 2015?

8 A I was installing heating and air ventilation system
9 units but I also was cutting -- with lawn. I had a little
10 lawn service going on. I was trying to take off.

11 Q You -- when you say take off, were you trying to --
12 this is your---

13 A I was starting, I was starting my own lawn service
14 business and I got a -- I had got a brand new riding lawn
15 mower. I got a total of three of them, a trailer, a blower,
16 two weed eaters, and I still got a -- the brand new bag from
17 Sears for my brand new riding lawn mower cause that's in the
18 back of my Ford Explorer right now that they have
19 confiscated.

20 Q Okay.

21 A It's still been, been in there for two years.

22 Q So, you bought a lot -- you bought a lot of gear?

23 A Yes.

24 Q And, and some of it's brand new?

25 A Spanking new. Brand new.

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1 Q Was.

2 It's still in your car to this day?

3 A Yes.

4 Q which I, I guess the police have now?

5 A Yes.

6 Q Okay. What automobile were you gonna use in this new
7 landscaping venture?

8 A My Explorer, Ford Explorer.

9 Q Okay. And was there anything you were gonna have done
10 to your Explorer?

11 A Well, it was a lot of things I was gonna have done but,
12 for this incident here, I had the lug nuts changed and the
13 studs changed. Ten of them on the front all the way around.

14 Q Okay. Well, I'm just gonna back you up there.

15 So, so, you were gonna have some work done on the
16 Explorer.

17 Is that right?

18 A Yes, sir.

19 Q And do you remember June 19th, 2015?

20 A Yes.

21 Q Okay. Was that the day you were attempting to have
22 work done on your automobile?

23 A Yes.

24 Q Okay. Can you, can you start out and tell us about
25 that day?

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1 A That day, I had stopped by McKinley Minger's house and
2 he wasn't there. So, I had rode by another house where I
3 know he'd be and he was outside in the yard, and I asked him
4 if he know a good, a good mechanic shop, you know, that I go
5 ahead and get me out the way real quick cause I was suppose
6 to go take the trash at my mom's house. She lives in the
7 country and I pretty much do everything for her.

8 So, anyway, he had took me to four or five different
9 places and they couldn't get to it in time. I was -- I had
10 to go there -- to my mom's house by seven o'clock to the
11 dumpster before they closed.

12 Q Okay. And I want to back you up. There's nothing
13 wrong with what you're saying. I just want to make sure
14 that everybody understands.

15 Mr. Mankey was gonna come with you, right?

16 Is that correct?

17 A Yes.

18 Q Okay. And why was Mr. Mankey gonna come with you to
19 have your car repaired?

20 A Well, he was, he was gonna take me to a mechanic shop.
21 He had took me to four or five different shops and it was
22 hot that day. So, I wanted to, you know, sit in the AC and,
23 anyway, the mechanic shops, they wasn't -- they couldn't get
24 to it in time. So, he kept asking me to go to Fiske
25 Street to Bo, Mr. Bo, and I, I didn't want to go over there

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by Mr. Bailey

1 because of the area, you know, but Bo, he's a good mechanic
2 and I liked (sic) Bo. I liked him but, anyway, we went over
3 there to Bo's house.

4 Q Was, was Mr. Mankey following you in his car?

5 A Yes, sir. Yes, sir.

6 Q Okay. And so, you went a few places before you went to
7 Mr. Geter's?

8 A Yes, sir.

9 Q Is that right?

10 And what -- why did those places not work out for you?

11 A Well, they was closing at -- one was at 5:00.

12 Another -- the first one was at 4:00. And the last one, he
13 said he would do it for his -- McKinley had a friend that
14 works there and he said he would do it for \$60. So, I know
15 waiting and waiting and waiting and then his boss pulled up
16 and I seen him go behind the counter.

17 So, I went and asked him, I said, you know, I want
18 these studs under my, my car. I could change ten of them in
19 the front and how much was he gonna charge. He said 120.
20 So, I was like okay. I really didn't want to do the 120 but
21 I was like can you get to it now. He's like we backed up
22 right now. So, we went ahead and just took it to Bo house
23 after that.

24 Q So, so, you went to Mr. Geter's house who's known as
25 Bo?

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by Mr. Bailey

1 A Yes, sir. Yes, sir.

2 Q Okay. And tell me about when you arrived there.

3 A When I arrived, it was him and Tron Harrison in the
4 backyard and I got out the car and I discussed the payment.
5 He said -- first he said 80 and---

6 Q I'm sorry. Who -- and I interrupted you and I
7 apologize.

8 who, who did you discuss payment with?

9 A Mr. Bo. I discussed payment with Mr. Bo and I was like
10 well, that's along the same price that they paying and
11 charging me at one of the other places. So, he said -- we
12 agreed on 60, you know, just to turn the -- put the new
13 studs in and take the old ones out.

14 Q Okay. You agreed on \$60?

15 A Yes, sir.

16 Q And who was, who was at the, at the house or at that
17 address that day while you were there or around the house?

18 A At, at the beginning, like I said, it was Tron Harris
19 and then Ms. -- I call her Liz. I always call her Ms. Liz
20 and she had came later on. And Tron got in the car with
21 her, well, with her daughter, and they left, you know.

22 Q Now, did you stay there the whole time?

23 A No, not at all.

24 Q What -- can you, can you---

25 A No.

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1 Q Can you give us kind of a brief---

2 A Okay. McKinley had wanted to go to the store. So, he
3 went and, you know, and bought some, some beer and bought
4 some cigarettes or whatever and we end up coming back. When
5 we came back, wasn't no one, wasn't no one in the yard and I
6 walked back to the back. My truck was still there. Wasn't
7 no one else there. And the other -- I noticed the other
8 truck that Mr. Bo was working on was gone.

9 So, as I started walking, that's when Ms. Liz had came
10 and she was asking us about why we -- asking if we ain't see
11 the, the front door opened, that that means Bo was gone, Mr.
12 Bo's gone. So, right when she was saying that, that's when
13 Mr. Bo pulled in driving another SUV that he was working on,
14 and I think that's pretty much it right at that time.

15 We had to end up leaving. We waited a while. We ended
16 up leaving again. Bo -- McKinley say he wanted to go to the
17 store again. So, we went to the store. He made another
18 stop somewhere else. Then we came back and Mr. Bo had asked
19 me for \$20 and said he had to pay his landlord. So, I gave
20 him \$20. He said -- first he asked me for 40 but I told him
21 I'd give him 20. So, as far as what I owe him for the work
22 he was gonna do on my vehicle. So, I done give him \$20
23 and---

24 Q So, you gave him 20 ahead of time before you---

25 A Yeah. And then he asked me for another 20 when like --

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1 well, McKinley was -- I guess was begging me. He was doing
2 some things around the house and he asked me for another 20.
3 So, I gave him a total of \$40 ahead of time and I only owed
4 him \$20.

5 Q Did, did he pay his landlord with that money?

6 A Yes, the landlord came and he paid his landlord, you
7 know, and Ms. Liz and Mr. Bo had went and talked to the
8 landlord for a while and everything was going fine.

9 Q Okay. So, did he eventually finish work on your
10 Explorer?

11 A Yeah, I was sitting in, in McKinley's car. It was
12 extremely hot that day, cooling off, and it was a car that
13 pulled in, parked on the side, and it was a guy named B.
14 Hall and Mr. Tron, they was out there in the, in the
15 driveway, in the front driveway.

16 So, I walked to the back. Mr. Bo told McKinley that
17 the truck was ready. So, when he told me the truck was
18 ready, I got out the car and I walked back there. And I
19 really didn't -- I ain't feel comfortable because I was --
20 it was a Friday night, I mean Friday morning, and I was, I
21 was dressed up real, you know, expensive clothes on, \$200
22 shoes.

23 Q well, why, why didn't you feel comfortable?

24 A I didn't want to go to the neighborhood in the
25 beginning because it's a, it's a drug infested neighborhood.

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1 It's, you know, the gangs, they run it, you know. It's --.

2 Q Okay.

3 A I just, you know---

4 Q Maybe---

5 A I believe that -- since I looked like money, you know,
6 they probably would try to, you know -- that's why I really
7 wasn't trying to stay in the backyard. I was in the car.
8 was more jewelry at the time.

9 Q Okay. So, there were other people in a -- like there
10 were other people that were not in the backyard but were
11 there?

12 A Yeah. Yeah, like I say, when we came the last time, I
13 was sitting in the car and another car pulled in and it, it
14 was a blue car and it had a -- about three, three black
15 females in it and Mr. Tron was outside talking to another
16 guy at the car. And I seen him looking, kind of looking,
17 you know, at my clothes. You know, I had expensive Gucci
18 wear on, random colored pants, you know. It was very
19 expensive. Everything head to toe.

20 So, anyway, I'm trying to get out of there. I went
21 ahead and said well, he called me, told me that my car was
22 ready. So, I went ahead and went back there and walked back
23 there. I hesitated to get out. I really didn't want to get
24 out while he was there but I went ahead and got out.

25 So, passed -- I went to pull the truck -- Mr. Bo told

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1 me to get inside the truck and pump the brakes three to four
2 times until they tightened up, until---

3 Q Okay.

4 A At least the---

5 Q You're talking about your own Explorer that he just
6 worked on?

7 A Yes.

8 Q And he told you to, to check the brakes on it?

9 A He told me to -- he told me to get in the car and pump
10 the brakes to release the air out of them and until they
11 tightened up.

12 Q Okay.

13 A So, I, I pumped the brakes like three or four times
14 until it tightened up and I backed up and pulled forward.
15 But it was a black bag in the car and I -- it wasn't my bag.
16 So, I grabbed the bag and I looked and it was a 9-millimeter
17 in the bag.

18 Q Okay. So, you, you got your car?

19 A Yes.

20 Q And you tested the brakes?

21 A Yes, sir.

22 Q And there was a bag in the car?

23 A Yes.

24 Q And was that your bag?

25 A No, it wasn't.

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by Mr. Bailey

1 Q Okay. Tell, tell, tell us more about that bag.

2 A So, I, I wanted to make sure it was real. I wanted to
3 be sure the bag -- I pulled it out and I asked Mr. Bo, I
4 said what is this, you know? Whose is this? And he was
5 like she pretty, ain't she? I say yeah, nice, you know.
6 He's like make me an offer. I told him I'm good. I'm not
7 interested. I don't do guns. I'm not, you know. So,
8 anyways---

9 Q And I'm, and I'm not -- and I apologize for
10 interrupting you. I just want to -- I want to make sure
11 everybody heard that. You -- make you an offer -- make him
12 an offer.

13 Was he, was he trying to sell you the gun?

14 A Yes, he told me to make him an offer. He told me to
15 add it with what I owed him. So, at that time, before -- I
16 forgot. I asked Ms. Liz for another glass of water and she
17 was coming to bring me the water.

18 So, Mr. Bo had said -- he closed the, closed the door.
19 I had \$40 in my hand. I sat that -- I was gonna give him --
20 I owed him \$20 but I was gonna give him a \$20 bonus, a tip
21 or whatever. That's what I always do with Mr. Bo. He, he
22 does a good job, you know. He always, you know.

23 So, anyway, I sat that on the seat. He closed the door
24 and he told me to hurry up, pick that up. So, I picked it
25 up. He didn't want Ms. Liz to see it for some reason. I, I

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1 don't know if she knows it, who's it -- who it belong to or
2 whatever but he didn't want her to see it. So --.

3 Q So, you said you forgot to mention that, that Ms. Liz,
4 Ms. Liz or Lessie Brown, she had gone to bring you water
5 before that?

6 A Yes, sir.

7 Q So -- and I, I think it was your testimony, if I heard
8 you right, that Ms. Brown came back out of that house with
9 some water?

10 A Yes.

11 Q Okay. Did, did you understand Mr. Geter to have
12 feelings about Ms. Brown seeing the firearm?

13 A Yes, that's what he told me, put it up. He said put it
14 up, put that up.

15 Q As in to hide it?

16 A Yes.

17 Q Okay.

18 A Yes. So, when he closed the door, I stuck it in my
19 back.

20 Q Okay. So, what happened after that, if anything?

21 A So, as I was walking around the truck, I told -- I was
22 telling him, I say, he said to put, to put it with what I
23 owe him. I said, Mr. Bo, I don't owe you nothing but \$20 as
24 I'm walking to get the water meeting her because he didn't
25 want her to come all the way to the car.

Antwon Baker - Direct examination
by Mr. Bailey

1 Q And how much have you paid him at this point?

2 A I paid him 40 bucks.

3 Q Okay.

4 A Yes. But he, he said -- I forget his exact words he
5 used. I don't, I don't -- I want to tell everything the
6 truth. He had said -- like I don't curse. So, he said like
7 H, like L, you know, you owe me -- you owe me \$60, you know.

8 Q Well, you -- if that's what he said, you can use, you
9 can use foul language for, for the record. I don't think
10 anybody will hold it against you.

11 A Well, I'm, I'm talking about---

12 Q Okay. So, so, what happened after that?

13 A So, after that happened, I was walking to meet her to
14 get the water. He started talking, you know, getting, you
15 know, crazy -- you know, talking -- he started an argument
16 like. We started arguing like, you know. I wasn't cursing.
17 He was cursing at me about, about the payment.

18 So, Ms. Liz had walked -- I believe she walked in the
19 house. I'm not for sure, you know. So, as I'm walking back
20 to the truck with the water, he said you gonna pay me my
21 \$60, you know, and give me my gun back, you know. And
22 that's when he walked over to the truck -- to the car, took
23 the keys out, and I didn't even know he took the money out
24 until I seen him walk around with it, right.

25 So, then I, I told him, I said Bo, I said come on, man.

Antwon Baker - Direct examination
by Mr. Bailey

1 Just give me my keys. I just want my keys back. You know
2 what I'm saying? I say I, I paid you. I'm gonna pay you
3 more but I'm not gonna give you extra, you know, and he was
4 like no, you owe me \$60. I said no, I don't, Bo. I paid
5 you 40.

6 So, that's when we discussing about. It wasn't
7 discussing -- it wasn't arguing about the work done like
8 everybody think that we were. We wasn't arguing about the
9 work done on my vehicle. The work done on my vehicle was
10 excellent. It was good, you know.

11 So, anyway, Bo picked up a tire iron. Said you gonna
12 give me my, my -- when I went to walk up to him and reach
13 for my keys, he picked up the tire iron. That's when I
14 pulled the gun out.

15 All right. I said put the tire iron down. He dropped
16 the tire iron. Ms. Liz said just give him your keys, Bo.
17 Just give him the keys and, Ms. Liz, she seen all this I
18 know but we don't want to -- you know, that's her, her
19 husband, her boyfriend, you don't want to, you know, look
20 too bad but you seen what happened.

21 Q Well, can you tell me more about the tire iron?

22 A Yes, it was a black tire iron. When I went to
23 refill -- I was going -- I say you gonna give me my keys and
24 I, I said it aggressively, you know, and I went to reach for
25 it. And that's when he swing back like he was gonna swing

Antwon Baker - Direct examination
by Mr. Bailey

1 on me. And that's when I pulled out the automatic that he
2 was trying to sell me.

3 Q Did you feel threatened by the tire iron?

4 A Yes, I did. You know, I really just -- I didn't want
5 him to -- I didn't want to hurt the man. You know, I
6 didn't, I didn't want to do nothing to the man. He was
7 older. You know, I didn't know he was 64 or 60 something
8 though but he, he reached back like he was gonna hit me.
9 You know, I was scared that, if he hit me in the head or
10 anything on -- you know, I was -- just really wanted -- just
11 give me my keys. You can keep the money. I didn't care
12 about getting the money back. You can keep it. I just
13 wanted my keys back.

14 Q So, so, tell us what happened then.

15 A So, then, once he dropped the tire iron, I picked the
16 gun back up. Well, I put it on my front side this time and
17 we still up there arguing. He's still talking, you know,
18 about the keys, about him giving me my keys. That's when he
19 said something or I -- he said I'll cut you and he reached
20 in his, in his pocket, in his right pocket, and that's when
21 I pulled out the gun again and I end up shooting, you know.

22 Q Okay. When you say you end up shooting, what do you
23 mean?

24 A I pulled out the gun and he sort of reached out and he
25 sort of like reached over and he pulled his hand, in his

Antwon Baker - Direct examination
by Mr. Bailey

1 hand, it was a cell phone but I thought he was reaching for
2 a little knife or something but he had a cell phone and, and
3 he reached out. And that's when I had shook, shook --
4 pulled the gun away and it went off. I shot him. I was
5 shocked. Now, he -- they think that I shot in the ground.
6 I didn't shoot in the ground, you know. It, it went
7 outwards.

8 Q Okay. Where, where did, where did you shoot?

9 A Where?

10 Q I mean you didn't shoot the ground?

11 A No, I went -- I snatched the gun like this but I moved
12 around. See, I guess, since I'm a big guy, you really can't
13 see, you know, really can't see that much. They probably
14 thought that I was aiming to the ground but it wasn't. It
15 went---

16 Q Okay.

17 A I went -- when I did like that, that's when it went
18 off.

19 Q Okay. Were, were you trying to shoot Mr. Geter?

20 A Of course, no, didn't even go in his direction. It
21 went in that direction. Mr. Geter was in front of me. We
22 both was in front of the, the truck on the side in front of
23 the truck and the gun went like that.

24 Q Okay. Was Mr. Geter reaching for the gun?

25 A Yeah. Yeah, he -- when he took -- pulled out his cell

Antwon Baker - Direct examination
by Mr. Bailey

1 phone, once he pulled his cell phone out, he started
2 reaching and that's when I just moved, moved the gun cause I
3 ain't wanted to touch it or nothing, you know, and that's
4 what happened. It went off.

5 Q Okay. Were you, were you trying to fire the gun at the
6 time?

7 A Not at all. I just wanted my keys. I just -- honest
8 to God, I know the Lord tells me to tell the truth. That's
9 what I'm doing here. I'm trying my best, you know, to tell
10 you everything without any -- trying to make myself look
11 good or none of that, you know. I'm just telling the truth.

12 Q Okay. What, what happened then, Antwon?

13 A I looked, I looked behind me cause I was, I was
14 nervous. I was scared in the neighborhood. I looked behind
15 me and Tron and B. Hall, this guy -- they gang bangers. I
16 ain't want -- they Bloods. Okay. And they came running
17 down the driveway.

18 When I looked, that's when Mr. Bo grabbed the gun
19 again. He grabbed the gun this time. It -- I snatched it.
20 It didn't go off. The other the, other guy was like -- let
21 off a shot. I don't, I don't know if he -- B. shot off in
22 the air, in the ground, I don't know where B. Hall shot at.

23 So, I turned around with the gun like that. I said
24 man, I just want my keys. I just want my keys. I picked up
25 the gun right here. The other guy, B. Hall, standing. Tron

Antwon Baker - Direct examination
by Mr. Bailey

1 right there. The other guy, B. Hall, is right here. He
2 looking at my waist, and with his left-hand, he's reaching
3 for my gun on the hip, you know what I'm saying, because
4 he -- the gun that he was trying to sell me.

5 So, I grabbed his left-hand with my, my -- I grabbed
6 his left with my right-hand when he was coming like this,
7 like that.

8 Anyway, let me try to show y'all without getting y'all
9 confused here. All right. The guy, B. Hall, is coming like
10 this, right?

11 B. Hall got his gun here. I got my gun right here --
12 the gun right here. He went to reach for it. I grabbed his
13 hand with this hand. All right. Then he swung this gun
14 over like this.

15 So, I'm like this now. I got one hand right here and
16 another hand there. Okay. So, after I wouldn't let him see
17 my -- see the gun, he was gonna try to, try to shoot me, I
18 guess, you know, or try to force me to take it, you know.

19 So, I grabbed both hands. I took my other hand off
20 of -- this hand here and I grabbed both his hands. So now
21 I'm on both of his hands and he went to yank it back. It
22 went off. When he yanked it back, it went off. Bo, Bo was
23 standing right here the whole time. So, that's when Bo said
24 he -- they shot me. They shot me. Oh, they shot me. Start
25 running.

Antwon Baker - Direct examination
by Mr. Bailey

1 Okay. When he started running, I pushed B. Hall out --
2 it was a split decision but I, I was -- I ain't know what to
3 do, you know. I pushed B. Hall back. So, when I pushed B.
4 Hall back, I end up running. I, honest to God, I zigzag,
5 came back this way, boom, and that's when---

6 Q I'm sorry. Hold on, Mr. Baker.

7 Your Honor, could you instruct the solicitor to keep
8 his comments at a low volume while Mr. Baker's testifying?

9 THE COURT: So instructed.

10 THE WITNESS: Excuse me? I'm nervous.

11 THE COURT: I didn't hear anything. That is
12 meaningless that, at a distance, I could not hear it.

13 SOLICITOR CATHCART: Yes, sir.

14 THE COURT: Thank you.

15 MR. BAILEY: Thank you, Your Honor.

16 I'm sorry about that, Mr., Mr. Baker. I'm sorry.
17 Please continue.

18 A So, this is Mr. Bo Geter. This is me. I ran this way,
19 got -- I ran up to that way there. I heard another shot. I
20 immediately stopped, put my hands in the air. As I turn
21 around, Mr. Bo was getting up off the ground and I let
22 the -- laid the gun down and I seen Tron, which it -- Tron,
23 he, he's a good guy. I, I'd say he's, he's -- if he, if he
24 wasn't there, I would of, I would of died. That would of,
25 that would of been me cause, when I looked, Tron had B. Hall

Antwon Baker - Direct examination
by Mr. Bailey

1 hand like this and he was moving it down, you know.

2 So, I hate to implicate him. I hate to, you know, say,
3 you know, that he, he was there but I have to be real. I
4 have to tell the truth and---

5 Q I'm sorry.

6 Are you saying that, that Tron stopped B. Hall from
7 continuing to shoot at you?

8 A If he was there, he, he would of kept shooting. I
9 would of been dead. Believe it.

10 Q Okay. Do you think that B. Hall's shots were meant for
11 you?

12 A I know they were.

13 Q Okay. So, after, after you -- what, what happened
14 after, after Tron stopped B. Hall from shooting anymore?

15 A I told him I just wanted my keys. My key was laying on
16 the ground. So, I'm walking, grabbed my keys. I, I got in
17 the car and my -- the cup that Ms. Liz had brought me was on
18 the hood. I backed up. That's how it end up falling in
19 ditches. They said I threw it or kicked at it. That was a
20 lie. It's not gonna happen. That's the prosecutor---

21 THE COURT: You can't, you can't comment on anybody
22 else's testimony---

23 THE WITNESS: Oh, okay.

24 THE COURT: ---or---

25 THE WITNESS: No, that's not the testimony. That's

Antwon Baker - Direct examination
by Mr. Bailey

1 what the---

2 THE COURT: Don't interrupt me.

3 Q Antwon---

4 THE COURT: Don't interrupt me.

5 Q I know, I know this is the first time you've done this.

6 Let's just focus on, on the questions I'm asking you and

7 what you, you know happened or what happened.

8 THE COURT: Again, don't interrupt me.

9 You cannot comment on other individual's testimony.

10 All right. Respond to your lawyer's questions. Thank
11 you.

12 Thank you very much, Mr. Bailey.

13 Thank you.

14 THE WITNESS: I'm sorry.

15 THE COURT: Ask your next question.

16 MR. BAILEY: I apologize, Your Honor.

17 A What was, what was the question?

18 Q After, after you got your keys and -- well, if you just
19 continue from there.

20 A Yes, sir, I have -- I drove off. I drove off.

21 Q Okay. Where, where did you drive to?

22 A I went home.

23 Q Okay. Who lives at home?

24 A My wife.

25 Q Okay. And what happened when you got home?

Antwon Baker - Direct examination
by Mr. Bailey

1 A I was in a -- I was scared. I was in a wreck. I was
2 nervous. I was thinking about what this, what this guy's
3 gonna do.

4 My wife asked me what's wrong with me. I told her I
5 was scared. I told her I had something to tell her but I
6 didn't tell her that. I was, I was telling her something --
7 telling her, you know. See, I was scared. I just -- she
8 took me to -- she took me to, to meet a friend in Sumter,
9 and I went to my friend's house, you know, and I just had to
10 get away. I just had to get away.

11 I made plans -- since me and my mom's already planned
12 on going to my, my brothers, to visit my brother in
13 Mississippi for a while, but I said well, now it's time to
14 go, you know.

15 People were calling my phone telling me that -- what,
16 what they said I did, you know, and I said hey, if, if I
17 tell -- if I tell, you know, what really happened, no
18 telling what they might do to me and my family. So, I say
19 I'd just go and hopefully Ms. Liz would tell the truth cause
20 she was there. She seen everything, you know.

21 Q Okay. So, so, you decided -- I mean had you planned to
22 leave for Mississippi that day?

23 A No.

24 Q Okay. You decided to go to Mississippi at this point?

25 A Yes.

Antwon Baker - Direct examination
by Mr. Bailey

1 Q To visit your brother?

2 A (Witness nods affirmatively.)

3 Q And why did you decide this was the time to go see your
4 brother in Mississippi?

5 A Cause I was scared. I was scared. This is the worst
6 that I remember, you know. Leviticus 5 Verse 1, Chapter 5,
7 Verse 1, you know it speaks about if you know something that
8 happened, then for you to tell. And I look at it as being
9 the hands of one, the hands of all, you know. If I knew
10 what really happened, then I should tell them and I said --
11 say well, Ms. Liz know what happened. You know, hopefully
12 she will say something. If not, then I'm gonna have to do
13 the right thing and go back to Columbia and to tell the
14 right -- tell what -- tell the truth of really what
15 happened.

16 Q Okay. But, at that point, you traveled to Mississippi?

17 A Yeah, I was in Mississippi at this time.

18 Q Okay. And your brother lives in Mississippi?

19 A Yeah.

20 Q Okay. How long were you in, in Mississippi?

21 A I think for four, four days, something like that.

22 Q Okay. Did the police eventually come?

23 A Yes.

24 Q Okay. And, and did they take you into custody?

25 A Yes.

Antwon Baker - Direct examination
by Mr. Bailey

1 Q Okay. Did anybody from Richland County come to visit
2 you?

3 A Yes.

4 Q Okay. Who, who was that?

5 A Mr. Truluck.

6 Q Okay. Investigator Truluck?

7 A Yes.

8 Q Okay. And he, he's here in the courtroom?

9 A Oh, yeah. Yeah, that's him. I'm extremely nervous.

10 Q I understand.

11 A Shoot.

12 Q Okay. I'm sorry. Hold on just a second, Mr. Baker.

13 (Pause.)

14 Q Just for the record, there's a cell phone or video or
15 something I guess it's on.

16 Okay. All right. Antwon, did you see the video that,
17 that was shown to the Court yesterday -- I believe it was
18 yesterday?

19 A Yes.

20 Q Okay. And that was the video when you met with
21 Investigator Truluck.

22 Is that right?

23 A Yes.

24 Q Okay. So, you watched the video, that we all watched,
25 being interrogated by the investigator?

Antwon Baker - Direct examination
by Mr. Bailey

1 A Yes.

2 Q Okay. Was this -- how did you feel at this time when
3 you were meeting with Investigator Truluck if look -- felt
4 any -- I'm sure you did but---

5 A This is what I felt. I, I tried to stay -- I hate to
6 get emotional. My wife can tell you that, before my sister
7 passed and all this in 2011, I've never cried, you know.
8 But now I'm -- I be -- I'm very emotional when someone dies,
9 especially if -- I feel that, when Mr. Truluck had told me
10 his age, you know, I was thinking well, maybe he did forget
11 that I gave him the \$40 you know, and maybe, if I just would
12 of gave him more money, this wouldn't of happened.

13 Q When, when you say maybe he forgot, did you mean
14 because of his age?

15 A My grandma had got Alzheimer's when she was 60 -- in
16 her 60s and she's still living. That's 20 years that she's
17 been dealing with it, 20 years now, you know, and --.

18 Q Did, did you tell Mr. Truluck everything you told us
19 today?

20 A No.

21 Q Okay. And why, why is that?

22 A Because if -- because Tron, I did not want to -- I look
23 at, since he's, he pretty much saved my life, man. I owed
24 the man. I owe Mr. Tron Harris, Harrison. I owe him cause,
25 if he didn't stop the man from shooting, I would of been

Antwon Baker - Direct examination
by Mr. Bailey

1 dead, you know, and I did not want to associate him with the
2 situation. So, I was trying to -- I was trying not to
3 mention him, you know. So, I was just talking about another
4 guy but it was the same time I was speaking certain things
5 that did happen but I was speaking about B. Hall mainly, you
6 know, fires when he was shot. And he -- ever since this,
7 you know, I mean I don't --.

8 Q Well, did you -- do you think -- I'm sorry.

9 A You know what I mean? That gang banger trying to pull
10 rank or trying to get rank cause he around other parties,
11 you know, instead of just -- I understand. Okay. A gun
12 went off. You heard a gunshot. But instead of shooting me
13 first and asking questions later, just go ahead and ask
14 where do you get the gun from you know or why is y'all
15 arguing, you know, or why is y'all tussling but --.

16 Q Now, when we're asking about that, you -- you're -- do
17 you -- I want you to clarify a little bit, Mr. Baker.

18 You -- are you -- you say that, that these two other
19 gentlemen didn't ask you what was going on with you and Mr.
20 Geter?

21 A No, just walked up.

22 Q Okay. Do you think that they were coming to
23 Mr. Geter's aid or something?

24 A Yes, sir, I know they were cause I probably would of
25 done the same thing if I heard something like that.

Antwon Baker - Direct examination
by Mr. Bailey

1 Q Now, you still gave the police some details.

2 Is that right?

3 A Yeah.

4 THE COURT: You can't leave now, sir.

5 Sir!

6 Sir, sit down. You can't leave.

7 Excuse me, Mr. Bailey. You may reask that question.

8 A What, what was the question?

9 Q I'm sorry.

10 So, you told the police some of what happened?

11 A Yes, I did.

12 Q And you referred to that man?

13 A Yes.

14 Q And, and was that, was that honest for you to refer to
15 that man?

16 A At times, it wasn't. At times, it, it wasn't, you
17 know.

18 Q Okay.

19 A At times, it was -- I was speaking of, of Mr. B. Hall
20 and, at times, I was not trying to put myself there, you
21 know, even though I was there. I wasn't trying to, you
22 know, incriminate, incriminate myself.

23 Q Okay.

24 A But I was still willing to help them out, give them a
25 lead, and tell them, you know, that Ms. Liz, she, she seen

Antwon Baker - Direct examination
by Mr. Bailey

1 this. She know it, you know, but I understand that that's
2 her family, you know, but --.

3 Q Were you, were you sad that Mr. Geter died?

4 A Extremely. I am now. I'm always, yeah, especially
5 when you know that, that that bullet was meant for me. I'm
6 still here.

7 Q Did you, did you shoot Mr. Geter?

8 Did you---

9 A No, sir, absolutely not.

10 Q Are you telling the jury the truth today?

11 A Yeah, God had a reason why I'm still here.

12 Q Just a moment, Mr. Baker.

13 Court's indulgence, Your Honor.

14 THE COURT: Yes, sir.

15 (Pause.)

16 Q All right. Thank you, Antwon. Please answer any
17 questions that the prosecutor has for you.

18 A Yes, sir.

19 THE COURT: Thank you. Thank you very much,

20 Mr. Bailey.

21 Solicitor.

22 SOLICITOR CATHCART: Please the Court, Your Honor.

23 CROSS-EXAMINATION

24 BY SOLICITOR CATHCART:

25 Q You went there to get studs of your car fixed, correct?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A Yes, sir.

2 Q Can you tell the jury what that means?

3 where, where would the studs on your car be?

4 A Excuse me. It's the lugs.

5 Q Spindle that the lug nuts go on, right?

6 A Yes, sir.

7 Q And you take them out by basically getting a tool and
8 pull them out and they put new studs on, right?

9 A No, it's, it's not just the, the lugs. It's the, the
10 nuts.

11 Q The posts?

12 A It's the lugs.

13 Q Okay.

14 A Yeah, you have to take the lugs---

15 Q You replaced all the posts?

16 A Then you have to take the whole thing off and beat them
17 out.

18 Q Okay.

19 A He showed me how. I was paying attention while he was
20 doing this. It's the first time I seen it.

21 Q Was that the first time y'all went to the store or the
22 second time you went to the store?

23 I mean you were in and out of there, right?

24 A Yes.

25 Q You showed you the work he was doing?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A Huh?

2 Q He was showing you the work he was doing?

3 A No, he wasn't showing me. I was just paying attention.
4 That's it.

5 Q But you were in a car with Mr. Minger, I thought you
6 said, because it's hot outside, right?

7 A No, I wasn't in the car the whole time. We had walked
8 back in the yard back and forth. I have -- Ms. Liz has got
9 us water, got me water twice.

10 Q Okay. But you agree with me, in replacing the posts,
11 the last thing you have to do is disable the brake system,
12 right?

13 You don't talk -- you don't touch the brakes on the
14 posts, do you?

15 A Huh?

16 Q You don't disable a brake system?

17 You don't have -- there's no need to bleed brakes when
18 you replace posts on a car.

19 That didn't happen, correct?

20 A No, I, I just said he, he took them off. Now, I had
21 the brakes done too but he took them off and he --.

22 Q You had brakes done this time?

23 A No, not at this time. The cylinder, he did take off
24 though, or whatever's that's called.

25 Q He did it from under the hood?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A No, you got to take the whole wheel off, sir.

2 Q So, he disabled the brakes you're saying -- wait. I'm
3 just kind of lost. So, all, all new information.

4 You had to bleed the brakes. You pumped them one or
5 two times.

6 How many times did you pump them?

7 A About three times.

8 Q Three times.

9 Just pump, pump, pump and it's all fixed?

10 A Yeah.

11 Q Okay. And, in that time, there was this bag in the car
12 with a pistol, correct?

13 A Yes.

14 Q You looked at the bag just because it wasn't your bag
15 and you didn't know what it was or not?

16 A No, it was fixing -- I was about to pay him and the bag
17 was in there. So, I'm thinking it's parts for him, you
18 know, his, his parts. I looked in the bag and yeah, it was
19 a gun in there.

20 Q So, it was a plastic bag, paper bag?

21 A It was a plastic bag.

22 Q Okay. Plastic bag like a Wal-Mart bag kind of thing?

23 A Yeah.

24 Q Okay. So, you couldn't see inside -- the difference
25 between a gun part -- a gun and some parts for the car?

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 A No, it was a black bag.
- 2 Q Oh, it's a black bag.
- 3 So, you couldn't see in the bag?
- 4 A Black bag.
- 5 Q Okay. And you said you looked in it.
- 6 It was a 9-millimeter, right?
- 7 A Yes, sir.
- 8 Q And that's the gun we're talking about here today, the
- 9 9-millimeter that was in that bag.
- 10 Is that what you're saying?
- 11 A Yes, sir.
- 12 Q Mr. Geter's gun that he was gonna sell you during the
- 13 process of this post fixing?
- 14 A Uh-huh. (Affirmative).
- 15 Q Okay. You heard the testimony during this trial.
- 16 You've been sitting right there, haven't you?
- 17 A Yes, sir.
- 18 Q You know a 9-millimeter is not the one that killed him,
- 19 don't you?
- 20 A Yeah.
- 21 Q It was a three -- is was either a .38 or it was a .357
- 22 cause it shot wad cutters.
- 23 You know that, right?
- 24 That's the evidence in this case, correct?
- 25 A Yes, sir.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q It was not a 9-millimeter, was it?

2 A No, sir.

3 Q It was a revolver, wasn't it?

4 A Yeah.

5 Q When you shot that man in the back, you had a revolver
6 in your hand, didn't you?

7 A No, sir, I wouldn't do that. I wouldn't do that. I
8 had a---

9 Q But it was a revolver in this case, correct?

10 A That gun is in my hand.

11 Q Okay. This gun, a 9-millimeter?

12 A Well, once he was shot, I didn't say this, but once the
13 shot went off, they never looked back to, you know, like you
14 suppose to cock it. So, it, it never went back, all right,
15 and I was holding that in my hand the whole time I done put
16 it in my waist.

17 Q Okay.

18 A That's when B. Hall tried to take it off of my waist.

19 Q Before you said this dude who, again, you used the name
20 B. Hall, that you never mentioned it to anybody else before,
21 correct?

22 A No.

23 Q You didn't mention him to your wife?

24 A Of course not.

25 Q And you fled to Mississippi that night---

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 A No, I ain't said---
- 2 Q ---you didn't say it was -- oh, my god, B. Hall's after
- 3 me?
- 4 Nothing like that, right?
- 5 A I wasn't going to upset her, no.
- 6 Q No.
- 7 A No.
- 8 Q Of course not cause you're telling me that in the
- 9 testimony this -- today was, before B. Hall ever got
- 10 involved in this stuff, the gun went off three times because
- 11 you and Mr. Geter were tussling over the gun, correct?
- 12 A No. No, sir.
- 13 Q How many times did the gun go off when you and
- 14 Mr. Geter had it?
- 15 A Only one time.
- 16 Q Just one time?
- 17 A Yes.
- 18 Q When was that?
- 19 A Only one time when Mr. Geter went to reach for it.
- 20 Q Okay. He only reached for it the one time?
- 21 A He reached for it, yes, on that -- well, he reached for
- 22 it twice but the first time, when he reached for it, he
- 23 didn't actually grab it. I just moved it from him. That's
- 24 when it went off.
- 25 Q That one shot when he -- I -- maybe I'm not following

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 you well then.

2 The first shot, when he was reaching for it, didn't
3 touch it, you said you shot and it kind of went off that
4 way, which is in the direction you're saying shot the house.

5 So, you shot the house?

6 A No, not the house. It was woods. I'm, I'm, I'm behind
7 the house.

8 Q Uh-huh. (Affirmative).

9 A I'm facing him. He's facing the house.

10 Q Okay.

11 A Okay. We're in front of the Explorer.

12 Q Okay.

13 A Okay. And it's a wood right here.

14 Q Okay.

15 A Trees. The gun went off that way.

16 Q Is that the first time it went off?

17 A Yes, sir, the only time it went off.

18 Q The only time it went off?

19 A Yes, sir.

20 Q You said that you pulled out the gun when y'all started
21 arguing about the work first, right?

22 A No, not about the work, sir. Not about that.

23 Q Okay. Cause the work was excellent?

24 A Excellent.

25 Q Excellent work?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A Uh-huh. (Affirmative).

2 Q You knew that because -- how did you know it was
3 excellent work done on that day?

4 A Cause I, I, I -- after he, he -- I know that. You
5 know, I told him, I asked him, before that, I'd asked him to
6 check the brakes for me on the car. I asked him to, to take
7 the studs out. I looked. Everything was fine.

8 Q Okay.

9 A Everything was perfect.

10 Q So now we're talking about he did do the brakes?

11 A No, he didn't. He didn't do it. I was just gonna
12 check on them. Just check them. That's all.

13 Q So, that's why you pumped the brakes. That's why you
14 were inside the car cause you were just checking on the
15 brakes?

16 I'm just lost. You didn't mention this before. You
17 didn't say that when you just testified a second ago.

18 So, please, clear it up please.

19 A When Mr., when Mr. Bo went to do -- to put the studs in
20 my vehicle --

21 Q Uh-huh. (Affirmative).

22 A -- I asked him to check the brakes too.

23 Q Okay.

24 A Just to check them. That's all.

25 Q And that's when he got you in there, he pumped the

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 brakes, and he went oh, look---

2 A No, I was---

3 Q ---a 9-millimeter?

4 A No, that was the -- way later. That was way later.

5 That was way later. It took -- we was there about an hour

6 and a half. My car was there for about, about an hour and a

7 half.

8 Q Okay. But, again, as was just stated, as you agreed

9 with me, the evidence in this case is that the pistol that

10 shot and killed Mr. Geter was not a 9-millimeter, was it?

11 A No.

12 Q It was a -- either a .38 or a .357, correct?

13 A I guess that's what y'all say, yeah.

14 Q No, sir, I'm asking what you say.

15 A No, that's not what I say. I'm just going off of what,

16 what the -- been testified since I been here, since I --

17 what's been going on in Court.

18 Q Okay. You heard the testimony of Amanda Metz, right?

19 A Yeah.

20 Q That's the expert on guns.

21 A And that's why I'm saying that she said it was a .38

22 but -- yeah, .38.

23 Q Okay. And he brought these two guns for her to see?

24 A Uh-huh. (Affirmative).

25 Q Correct?

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 How many times did the gun go off total?
- 2 A The gun that Mr. Bo tried to sell me only went off
- 3 once, Your Honor, sir.
- 4 Q Really?
- 5 A Yes.
- 6 Q The gun that he tried to sell you -- this is the only
- 7 gun we're talking about, right?
- 8 A Yes.
- 9 Q It only went off one time?
- 10 A Uh-huh. (Affirmative).
- 11 Q You were here when the first reporting officer said she
- 12 heard three shots, correct?
- 13 A Yes.
- 14 Q You were here when your friend, Mr. Minger -- remember
- 15 Mr. Minger?
- 16 A Uh-huh. (Affirmative).
- 17 Q You've known him for a long time, correct?
- 18 A I've known him the same time Mr. Bo.
- 19 Q Friends with your mama also?
- 20 A I can---
- 21 Q Doesn't she help him when he bought that Cadillac?
- 22 A Yeah.
- 23 Q Take care of his money?
- 24 A Yeah.
- 25 Q You've known him a long time. He is your friend.

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 He knows you, correct?
- 2 A He does. He does.
- 3 Q Okay.
- 4 A He---
- 5 Q You heard what he said he saw as well, correct?
- 6 A (Witness nods affirmatively.)
- 7 Yeah.
- 8 Q Okay. And did he mention B. Hall?
- 9 A Yes, he asked him if he -- yeah.
- 10 Q Okay. You heard him say the name B. Hall---
- 11 A Didn't know his name.
- 12 Q ---two other guys and they came rushing on you?
- 13 That's what he said when he came here to testify?
- 14 A No, he didn't see that. He didn't see that.
- 15 Q But he said he saw the first shot, right?
- 16 A He saw, yeah, the first shot. They were -- they was in
- 17 front -- in front of the yard. Mr. McKinley was on this
- 18 side out the back of the house. I was---
- 19 Q But you just---
- 20 A ---over here.
- 21 Q I'm sorry. Please, please continue.
- 22 A I was out here.
- 23 Q You said they only shot one time?
- 24 A Yeah.
- 25 Q So, there's only one shot?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A No, it's not only one shot. It was only one shot that
2 came from the gun that Mr. Bo to sell me, sell me.

3 Q So, there's another gun out there?

4 A Yes.

5 Q The gun you said B. Hall had was the one you already
6 put in your waistband again, correct?

7 You just grabbed that hand or you grabbed the other
8 hand?

9 A No. No.

10 Q No?

11 A That's not the gun that B. Hall had. See, now you're
12 trying to confuse things. That's not what I said.

13 Q I submit to you, sir, I'm confused. This is what
14 you've told me, what you just told the jury.

15 A I just told the jury that the gun that I had, at that
16 time, I stuck in my waist. Mr. B. Hall was reaching for it
17 with his left-hand. I grabbed his left-hand with my
18 right-hand. He had a gun already in his hand, and with the
19 way at me, like he was gonna try to rob or take the gun from
20 me.

21 Q Okay. Well, I'm sorry. I'm getting confused then I
22 guess.

23 So, B. Hall came running with his own gun?

24 A Yes, sir.

25 Q Okay. And how many times did that gun go off?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 You were there, right?

2 A Yeah.

3 Q Okay.

4 A That gun went off three times total.

5 Q So, there were four shots total?

6 A Yeah.

7 Q Where's the first shot of Mr. B. Hall's gun go?

8 A I have no idea. He shot behind me. That's when me and
9 Mr. Bo was sort of tussling with the, the gun there.

10 Q Okay. The first time you're saying he shot or -- and
11 I'm getting confused again maybe. I'm not talking about the
12 first time this nine shot.

13 A Got you.

14 Q But you're saying the first time B. Hall showed up --
15 did you see his gun?

16 A Yes.

17 Q What did it look like?

18 A It was a revolver.

19 Q Okay. Was it just like this one?

20 A No, it looked like a .357 or something, a long gun or
21 longer.

22 Q Longer barrel kind of what -- look liked the gun that
23 Ms. Brown described?

24 Had a longer nose?

25 A I guess. It had a longer nose than that.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q All right. You and Mr. Brown -- Mr. Geter, again, I'm
2 sorry. I haven't had enough coffee this morning.

3 You and Mr. Geter was tussling over this gun?

4 A Yes, sir.

5 Q It goes off how?

6 A Mr. Geter went to reach for it. When he reached for
7 it, I pulled it back like that.

8 Q Mr. Geter had?

9 A He didn't, he didn't even touch it at that time. He
10 just went to reach and I didn't want -- I didn't want to
11 start -- I didn't want to tussle.

12 Q And he pulled back?

13 A I pulled it, turned it around like that---

14 Q Uh-huh. (Affirmative).

15 A ---and it went off when I, I -- accidentally went off
16 towards---

17 Q Okay.

18 A ---the woods. Not towards Mr. Geter. Not towards the
19 truck but to the woods right next door.

20 Q Okay. And then he came back and started tussling with
21 you at it again?

22 A That's when I looked back because I looked off the side
23 knowing them boys probably gonna come back. I looked, I
24 looked -- I seen him running up and that's when my back was
25 turned. That's when Mr. Geter grabbed the gun.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q So, he grabbed the gun again?

2 A Yeah, he grabbed my arm. He never, he never grabbed it
3 the first time. That's what I'm trying to get you to see.

4 Q Okay.

5 A He went and reached for it. So, I'm---

6 Q So, he grabbed it again and then what happened with the
7 gun when he grabbed it again?

8 A He did not grab it again. He reached for it.

9 Q Okay. I thought you said he grabbed it.

10 A I said he reached for it.

11 Q Okay.

12 A He grabbed it this time. This time when I---

13 Q Yeah, that's what I'm saying. Okay.

14 A When I turned over, you're saying he grabbed it again.
15 He only grabbed it once. I turned around. That's when I
16 turned around and that's when he grabbed it.

17 Q Okay.

18 A It was already jammed. It was jammed. So, I mean he
19 just grabbed the gun, all right, and that's when I heard a
20 shot. I don't know if he shot into the ground or if he shot
21 into the air behind me. That's when I picked the gun up in
22 the air like this. Say I just want my keys. I just want my
23 keys. I looked. Like I said, B. Hall is here.

24 Mr. Hollings -- his street name is Get Right, but I call him
25 Tron Harris, right behind me.

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 Q The guy that saved your life?
- 2 A Yes.
- 3 Q Tron?
- 4 A Yes.
- 5 Q Okay. Those two are there and Tron's helping you?
- 6 A Yes.
- 7 Q Okay. Where's Mr. Geter doing (sic)?
- 8 A Mr. Geter's standing right there looking.
- 9 Q Just hanging out looking?
- 10 A Hey, it's happening -- everything is happening very
- 11 fast. He's just standing right there. It wasn't like it
- 12 was -- it's, it's two minutes, three minutes. No, this is
- 13 within seconds. All this happened within seconds.
- 14 Q Okay. And, in these seconds, B. Hall is there and he
- 15 has a gun in his hand and he's trying to grab your gun too?
- 16 A Yes.
- 17 Q Isn't that what you said?
- 18 But you just said you had -- said I just want to get my
- 19 keys. Your gun was up here.
- 20 How was he trying to grab your gun?
- 21 A He wasn't grabbing it then. He, he -- after I -- when
- 22 I did like this and say I just want my keys, I testified a
- 23 minute ago that I put it right here.
- 24 Q Okay.
- 25 A Okay. He went to reach for it with his left-hand---

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q Okay.

2 A ---while he---

3 Q while he was pointing a gun at you?

4 A No, this gun is in his hand. He ain't pointed it at
5 me.

6 Q Okay.

7 A It's just in your hand.

8 Q Okay.

9 A But when I went to grab his left-hand, that's when he
10 started swinging it my way anyway. That's when I grabbed
11 it.

12 Q All right. And then what happened when you grabbed his
13 gun?

14 A And then we started tussling over his gun.

15 Q Well, what was Mr. Geter doing at that point when
16 you're fighting B. Hall for the gun?

17 A It wasn't, it wasn't even -- no, it was just quick like
18 that. I grabbed it, he grabbed it, yanked it away, boom,
19 shot went off. Mr. Geter oh, oh, he shot me in the leg, he
20 shot me in the leg. Started running.

21 Q Okay. And this B. Hall that's came to Mr. Geter's aid,
22 just what you're saying is that---

23 A He didn't shoot him intentionally. It, it was---

24 Q But that wasn't the only shot, right?

25 A No, sir.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q Okay. So, he kept on -- what, what happened -- how did
2 he get shot in the back?

3 A I pushed B. Hall back.

4 Q Okay. So, he's free of you?

5 A It's a quick -- you know, Mr. Bo's limping away. When
6 I pushed him back, I went running. He, he limping. I went
7 running. I thought that if I cut in front of him that they
8 wouldn't shoot. They shot him or whatever.

9 Q So, Mr. Geter's already went -- going that way. You go
10 around and cut in front of him using him as blocking for---

11 A I'd say that. Yeah, yeah, I'd say he used me as a
12 blocking.

13 Q Used him for blocking.

14 So then B. Hall is there for his -- to protect
15 Mr. Geter, shot Mr. Geter instead of shooting you?

16 Is that what you're saying?

17 A I ain't use the man to block me. I wouldn't use the
18 man for no shield.

19 Q And then Tron, Tracea's boyfriend, is there with them,
20 there with her children, he stops B. Hall, his friend---

21 A It wasn't there with no kids.

22 Q Stops---

23 A They was---

24 Q ---Tron his friend---

25 A He was put in the---

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q You were there at their house and he stops him from
2 shooting you, right?

3 A He stopped him from shooting period, yes, it was from
4 shooting again. When, when he shot Bo, Bo fell to the
5 ground and I looked back. He's holding -- putting his hand
6 down. He had his hand on B. Hall's arm like that pulling it
7 down stopping him.

8 Q From shooting you?

9 A (Witness nods affirmatively.)

10 Q The guy just shot---

11 A From just shooting.

12 Q It's just that---

13 A From just shooting period. From shooting, I guess, you
14 know, at -- it wasn't Tron's time, man. It was everybody
15 was, was just in shock. They was in shock.

16 Q And when you ran out of there, the nine was still in
17 your waistband, correct?

18 A No, it wasn't. When I started running, I took it out
19 so, so it wouldn't fall.

20 Q Try not to get shot and you decided to arm yourself
21 with the gun, the pistol again holding it up like this?

22 A No, I, I just took it out of my -- I was holding my
23 pants and I was running.

24 Q You're running.

25 A Yeah.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q with the gun in your hand?

2 A (Witness nods affirmatively.)

3 Q Okay. To get in your car?

4 A No, no, I didn't get in the car yet. I, I laid the gun
5 down on the ground.

6 Q softly on the ground?

7 A I did like this and I laid the car -- I said all I want
8 is my keys. All I want is my keys. They was standing there
9 in shock and everybody was shocked.

10 Q So, you then went to Mr. Geter's body?

11 A No, I didn't go to his body. He dropped the keys.

12 Q He dropped the keys?

13 A Yes.

14 Q where did he drop the keys?

15 A Mr. Geter was---

16 Q Near where -- near where you were standing?

17 A No, he dropped the keys as we was running but Mr. Geter
18 had got up off the ground and walked. When I turned -- when
19 I was turning around so I paused, and as I was turning
20 around slowly, when I see Tron pick the gun -- putting
21 his -- holding the hand, the arm of Mr. -- of B. Hall,
22 pinned it down---

23 Q Uh-huh. (Affirmative).

24 A ---Mr. Bo was getting up off the ground.

25 Q So, Mr., Mr. Geter---

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A Yeah, Mr. Bo.

2 Q ---as you described him, the old man---

3 A And I putting the gun down.

4 Q He had been shot through the leg, shot in the back,
5 whose main vein had been pierced and he's draining blood
6 through his body, he'd gotten up at that point?

7 A Yes.

8 Q Is that when he moved the keys somewhere for you?

9 A No, the keys -- yeah, he had already dropped the keys,
10 sir.

11 Q Okay. What did he do when he got up?

12 A He walked to the -- when I was pulling out, I see him
13 to the tree standing right there at the tree. That's all I
14 seen.

15 Q So, you left the scene.

16 You went home to your wife, correct?

17 A Yes.

18 Q And then you fled to Mississippi?

19 A Yeah. Yeah.

20 Q Where's the nine?

21 A I laid it on the ground.

22 Q Oh, that's right. You said you laid it on the ground,
23 and nobody followed you when you left out of there?

24 A I don't know. I don't think they didn't.

25 Q Okay. So, instead of going to the police and saying

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 that B. Hall shot an innocent man, was trying to kill you,
2 an innocent man, and thank God Tron was here, he saved your
3 life, you thought best I'm just gonna leave town and give a
4 different story completely to the investigator?

5 A well, I thought Ms. Liz would, would -- she seen
6 everything. I thought she would come forward you know.

7 Q She---

8 A But I didn't know that that was her family at the time.
9 Now I know.

10 Q I'm sorry.

11 You didn't know who was her family at the time?

12 A Tron.

13 Q Tron.

14 You've said you knew Tron. You knew his street name.

15 A Get Right.

16 Q Now know Tron?

17 A Uh-huh. (Affirmative).

18 Q Yet you had no idea that he was there earlier with
19 Tracea, they left earlier, then, when you came back---

20 A No.

21 Q ---he was there?

22 A I, I know Tron tell him that there is a certain
23 activity that go on and that's -- I thought that was their
24 relationship. I didn't know that -- I didn't think they was
25 family. I didn't know he was with her, her daughter, had

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 kids by her. I didn't know none of that until it came out.

2 Q So, you go to Mississippi and you have time to reflect
3 on what happened.

4 Is that time -- is that when you called the police to
5 come talk to you about what happened?

6 A Hu huh. (Negative).

7 Q Never called the police, did you?

8 A No.

9 Q They had to go find you, didn't they?

10 A Well, they didn't have to find me. I was coming back
11 eventually.

12 Q Eventually?

13 A I wasn't gonna stay there. Like I say, I was -- I just
14 wanted things to die down and wanted to see what she was
15 gonna say, you know. Like I say, I thought that she was
16 gonna tell the truth but --.

17 Q Okay. And investigator -- they arrested you. They
18 took you to, to the detention center.

19 A (Witness nods affirmatively.)

20 Q Put you in a room and spoke with you, correct?

21 A Yes, sir.

22 Q He advised you of your rights and you went through
23 those rights with the, with the -- Investigator Truluck, did
24 you not?

25 A Do you have the transcript right there?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q The transcript?

2 A Yeah.

3 Q Yeah, I can get it for you.

4 A Okay.

5 Q Well, let me ask you this real quick.

6 A Uh-huh. (Affirmative).

7 Q This advice of rights form, it's State's Exhibit No.

8 17.

9 You went through that with him, didn't you?

10 A Yeah.

11 Q Okay. You checked off each one of these, and after he
12 told you your rights, you signed here --

13 A Uh-huh. (Affirmative).

14 Q -- correct?

15 And after he asked if you waived those rights, you
16 signed here, correct?

17 A Uh-huh. (Affirmative).

18 Q And, in fact, when you spoke to him, you said well, I
19 don't have a lawyer yet. So, I probably shouldn't talk to
20 you, knowing your rights, but you kept talking, correct?

21 A Well, if you can -- if you don't mind?

22 Q Absolutely. Don't mind a thing.

23 A Can I, can I -- what I was gonna ask you to just go to
24 the first page if you don't mind and read the first
25 paragraph if you don't mind.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Can you read it out loud?

2 Q Oh, yeah, I'll let you read it out loud.

3 A Okay.

4 Q I can't really put testimony in.

5 A Oh, okay. I'm sorry. I apologize. Well, no, the
6 first -- go to the second where he started the -- of my
7 rights.

8 Q Are you saying---

9 A It's at the very top.

10 THE COURT: What page, solicitor?

11 SOLICITOR CATHCART: This is Page 4, Your Honor. I
12 apologize.

13 THE COURT: All right. Thank you.

14 A It says any question -- you must understand your
15 rights.

16 All right. Do you understand that?

17 Okay.

18 You have the right to remain silent. Anything you say
19 can be used against you in Court.

20 Q Uh-huh. (Affirmative).

21 A Okay. Hold on.

22 Q I'm sorry. Sorry.

23 A Not yet. Then says it -- Mr. Baker responds. He asked
24 me a question. Then it says I respond. They say he was 60.

25 Q Uh-huh. (Affirmative).

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A Sixty-four -- correction. You say he's 64.

2 Q Yeah.

3 A And then Baker, I love old people.

4 Q That's what you said.

5 A Okay.

6 Q Okay.

7 A Now, I never gave him an answer right there in the
8 beginning because I started to be -- and when I started
9 thinking about what happened -- when he said he was 60, I
10 started thinking maybe this guy really did forget that I
11 paid him that \$40 and that's when it started kicking in.
12 You know, I was just feeling bad and I still feel bad to the
13 day that maybe, you know, maybe, you know, he, he passed
14 because of me.

15 Q So, you didn't feel bad about all this that had
16 occurred until you realized he was an old person as you say,
17 right?

18 A You know, for---

19 Q Cause 64---

20 A Cause I realize that he, that he probably forgot. Like
21 I said, my grandma started getting Alzheimer's at that age,
22 and I realized that, him being 64, he probably forgot, you
23 know, that he paid me (sic). And I was trying to -- I was
24 thinking only if I went ahead and just gave him the \$60
25 extra, man, and, you know, all this would of been avoided.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q Or is it, like you said on the video, that you just
2 don't get points for shooting old people?

3 A No, you don't. That's, that's -- that was, in other
4 words, that's -- ain't nothing cool about -- ain't nothing
5 cool about shooting people period, you know.

6 Q Okay.

7 A And when you kill an old person, come on now. You
8 know. No, that, that, that's, that's not me. I wouldn't do
9 nothing like that. No, I'm sorry. That's just not me.

10 Q And you once -- okay. Again, Mr. Minger was here and
11 testified earlier this week, right?

12 A Uh-huh. (Affirmative).

13 Q And he indicated he saw you pull out your gun --

14 A Uh-huh. (Affirmative.)

15 Q -- shoot one time and he ran.

16 You never mentioned B. Hall. His attorney didn't
17 mention B. Hall and asked him -- and wasn't B. Hall there?

18 A He did ask him. He asked him about B. Hall. He said
19 you know a B. Hall. He said yes.

20 Q Did he say was he there?

21 A He did say---

22 Q Was it -- did Mr. Minger say that B. Hall was there?

23 A Where the -- Tron was parked was on the right side.
24 Okay. Where the blue car was parked was on the right side.
25 Minger was on this side here.

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 Q Yes or no please, sir.
2 Did he say B. Hall was there?
3 A Not that I know of, no.
4 Q Okay. Ms. Brown, I assume, knows Tron, correct?
5 A Ms. Brown knows both of them.
6 Q Uh-huh. (Affirmative).
7 Ms. Brown would want to, I would submit to you, punish
8 the person who did this to her husband, correct, did this to
9 her?
10 A Uh-huh. (Affirmative).
11 Q Right?
12 She would want to find the person who did this to her,
13 her husband?
14 A Everyone's blaming me.
15 Q I mean place responsibility---
16 A I mean I'm, I'm even blaming myself. I hate to say it,
17 you know.
18 Q In fact, in your statement to the police, you did blame
19 yourself. You said that man, but I, that man twice in this
20 statement until you finally said ah, I need to stop. I need
21 to talk to a lawyer before I say anything else, before I
22 bury myself anymore, correct?
23 A No.
24 Q Didn't say anything about B. Hall in this?
25 A No.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q Or on the video?

2 A No.

3 Q Nobody ever talked about B. Hall.

4 A I wasn't trying to say nothing about him. I was just
5 trying to---

6 Q You told him---

7 A I was just trying -- no, I was just trying to,
8 hopefully, that they would, of course, Ms. Liz, she would
9 say. I'm trying to protect myself too. She's -- listen---

10 Q You've just been implicated in the murder of a man and
11 you're saying somebody else did it and you're not gonna talk
12 about it because you want to protect yourself.

13 How?

14 How is that protecting you?

15 A Because---

16 Q You're in Mississippi.

17 A I want to protect my family. That's how. That's just
18 why I didn't want my wife to be here.

19 Q You never told your wife about Mr. B. Hall either, did
20 you?

21 A No, I didn't tell nobody.

22 Q Until today, correct?

23 A Well---

24 Q Nobody's ever heard of B. Hall until today.

25 A No.

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 Q Until this week.
- 2 A No.
- 3 Q This is the first time this dude's name is ever come
4 up?
- 5 A No.
- 6 Q Right?
- 7 A No, I, I've been with my attorney since day one. We
8 been talking about this.
- 9 Q Clyde Spearman, you know him, don't you?
- 10 A I don't know him but he -- I seen him in the
11 neighborhood. He buys drugs.
- 12 Q They've seen you in the neighborhood?
13 They know you by your name now?
- 14 A Uh-huh. (Affirmative).
- 15 Q Right.
- 16 A (Witness nods affirmatively.)
- 17 Q Okay. And he testified that he got down there and the
18 only people he saw were you driving away with a strange look
19 in your eyes and Ms. Brown---
- 20 A And---
- 21 Q ---and her husband who's shot down, correct?
- 22 A Ms. Brown and him testified there was nobody else there
23 but I would like to give a fact here. I would---
- 24 Q Okay.
- 25 A ---tell you a fact. Okay. If you -- this is a fact,

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 thank you, Jesus. If you pull up -- my, my attorney told me
2 not to say this but I want to say it, you know. If you
3 check the phone records from B. -- from Get Right, Tron's,
4 Tron's phone records and his old lady's phone records---
- 5 Q You got his phone records?
- 6 A ---from back then---
- 7 Q You got the phone records?
- 8 A ---then you would -- I'm just telling you. If you
9 take -- you can see what tower it hit off and you -- that
10 will tell you where he was at that time.
- 11 Q So, that's the next witness?
- 12 We got phone records coming in?
- 13 A I'm just telling you that if, if y'all check it, y'all,
14 y'all will find that I'm not lying.
- 15 Q What you told the police is that that man, I, shot him.
- 16 A No, I didn't say---
- 17 Q The gun---
- 18 A I did not say I shot him. I said I never shot him.
- 19 Q You never mentioned B. Hall, correct?
- 20 A I didn't mention none of them.
- 21 Q Okay.
- 22 A Like I said, I was---
- 23 Q Because---
- 24 A ---I was hoping she would.
- 25 Q Because the man you're saying did this, you were

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 protecting him?

2 A (No response.)

3 If you check the phone records, you-all will find out
4 that they were in that area at that time. That's a fact.
5 That would prove that I'm not lying. That would prove other
6 people are lying.

7 Q You told the jury, when you found this gun in the bag
8 at the car, you said A, you want to buy it, that's sweet,
9 right?

10 A No, he said -- she, she put -- she nice or she pretty,
11 ain't she?

12 Q Okay. And you said I don't want it.

13 I don't deal with guns, correct?

14 A I said no, I'm good.

15 Q Okay. And Ms. Brown shows up and slowly you just put
16 it in the back of your waistband, right?

17 A He told me to close the door and he told me to pick it
18 up. He didn't want her to see it.

19 Q Okay. Don't deal with guns. Instead of leaving it in
20 the bag that's on the truck seat -- on the car---

21 A No, I gave---

22 Q ---you pulled it out and put it in your waistband. You
23 then subsequently put it in the front of your waistband, one
24 of these things that you don't mess with, right?

25 A No, I put it in the back cause she was facing -- she

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 was coming towards us.

2 Q Obey. But it -- eventually you almost put it in the
3 front of your waistband?

4 A That's---

5 Q This 9-millimeter that you don't -- that you recognize
6 as a nine but you don't deal with guns, right?

7 A Yeah.

8 Q Okay. He did excellent work on your vehicle?

9 A Yeah.

10 Q And he said he wanted his payment, which was \$20 left,
11 right?

12 A He wanted more. He said I didn't pay him the \$40.

13 Q Okay. And, at that point, you pull out a gun, that gun
14 that you --?

15 A No, I didn't.

16 Q -- put in your waistband because he told you to put it
17 in your waistband?

18 A Yeah.

19 Q Okay. That's when you pull out the gun?

20 A No, that's not when I pulled the gun out.

21 Q And Mr. Geter, when you pull out the gun, he put down
22 the---

23 A The tire iron.

24 Q ---tire iron.

25 So, he had keys in his hand, tire iron in his hand. He

Antwon Baker -- Cross-examination
by Solicitor Cathcart

1 then goes in his pocket and pulls out his cell phone?

2 A No, it -- he sat out and brought it out. When I had
3 the gun---

4 Q I'm gonna cut you.

5 A ---out he said I'll cut you.

6 Q And then he pulls it out---

7 A Well, I, I---

8 Q ---and you see it's a cell phone.

9 A I start walking to him again to get my keys. I'm
10 trying to avoid confrontation, man. I'm walking to him just
11 to get my keys.

12 Q Okay.

13 A He says I'll cut you. He went in there like he was
14 gonna pull out a knife or something. But, instead, he
15 pulled, he pulled his cell phone out. I, I thought he was
16 pulling out a knife. I ain't know. I just wanted to try to
17 stop him. That's all.

18 Q Okay. How did you stop him --

19 A I just---

20 Q -- when he pulled out his cell phone?

21 A Before -- when he -- I didn't see -- when I was pulling
22 out the, the, the gun, I did not see the cell phone.

23 Q You already had the gun out cause he had the tire iron
24 out.

25 Remember?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A No.

2 Q Remember, he dropped the tire iron?

3 A No, I told you I picked the gun up when he, when he
4 pulled the tire iron out.

5 Q You had the gun on your waistband. He pulls out the
6 tire iron is what you're telling us and then you pulled out
7 the gun.

8 A Uh-huh. (Affirmative).

9 Q He puts the tire iron down.

10 A That's when I put the gun back.

11 Q You put the gun back in. So, he pulls out a cell
12 phone.

13 The gun comes back out?

14 A He didn't pull the cell phone. He went and reached in
15 his hand right before he reached in his pocket like he was
16 going to---

17 Q He said I'm gonna cut you.

18 A Yeah, he said I'll cut you when I started walking to
19 him. All right. That's when I pulled the gun out but he
20 ended up pulling out the cell phone.

21 Q Okay. So, the second time the gun comes out?

22 You asked---

23 A That's what I'm testifying.

24 Q Huh?

25 A That's what I just testified to to you.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q And so, you're saying you fired one shot?

2 A Yes, sir.

3 Q And you agree with me that they looked for shell
4 casings, right?

5 A Right.

6 Q Nine millimeters drop shell casings, don't they?

7 A Uh-huh. (Affirmative).

8 Q And nobody found shell casings, didn't they?

9 A No, like I told you, the gun had jammed.

10 Q Jammed on the shell casing?

11 A I'm assuming. I don't -- I'm not for sure. I didn't
12 observe it like that.

13 Q Would you agree -- all right.

14 A It was happening so fast.

15 Q When a gun fires, the recoil pops the magazine back,
16 and it shoots out the thing. It reloads the next one. If
17 it jams, it's not because the shell casing went out. It's
18 jamming because of loading the bullet.

19 MR. BAILEY: Your Honor?

20 Q It's very---

21 A That's, that's not true.

22 MR. BAILEY: Objection, Your Honor.

23 A With an expert over there---

24 THE COURT: Wait a minute. Let me rule on the
25 objection.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Yes, sir.

2 MR. BAILEY: Thank you, Your Honor.

3 Mr. Cathcart's giving a lecture about how he thinks a
4 gun works. He -- that was not a questions. He's just
5 testifying about -- he's just making sort of an argument
6 about what he thinks happens.

7 THE COURT: Ask your next question, solicitor.

8 SOLICITOR CATHCART: Thank you, Your Honor.

9 Q So, this 9-millimeter that you never mentioned to
10 anybody else before this day, not to your wife, nobody else
11 saw it until today, this is the first time we hear about it,
12 right?

13 A No, I mentioned it to my attorneys.

14 Q Okay. To your attorney.

15 Was that yesterday or today?

16 A No, it was two years ago.

17 Q Okay. Nobody found any evidence of a semiautomatic
18 weapon at the scene, correct?

19 A No, sir.

20 Q Mr. Minger never saw two guns, correct?

21 A I don't -- I can't testify on him. I know she said she
22 saw the automatic, Ms. Liz.

23 Q And nobody found the tire iron, correct?

24 A The tire iron was there.

25 Q Really?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A Yes.

2 Q A black tire iron?

3 A Yeah.

4 Q Let me show you what's been marked State's Exhibit No.

5 6. That's where you left him to die.

6 A Yeah, the tire iron was over where the truck was --
7 where he was working on the truck at.

8 Q On the front of the truck out of the picture?

9 A Yes, it's on the side over here.

10 Q On that side of the truck?

11 A So, it's---

12 Q They found his body there, right?

13 When Ms., Ms. Brown came out right after the shots, as
14 you're fleeing the scene, she finds her husband right here?

15 A That's where I had testified just a minute ago that
16 that's where he walked to. When I was pulling out, he was
17 right there.

18 SOLICITOR CATHCART: Beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 (Pause.)

21 Q Mr. Baker?

22 A Yes, sir.

23 Q Ms. Brown knows you by name and sight, right?

24 A Huh?

25 Q Ms. Brown knows you by name and sight, correct?

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A (Witness nods affirmatively.)

2 Q She knows your face. She's able to -- she picked you
3 out versus who she saw---

4 A (Witness nods affirmatively.)

5 Q ---that day, gun in his hand?

6 I understand she said she saw you shoot it into the
7 ground but the person she saw with the gun in his hand in
8 front of her husband with only those four of you there, her,
9 you, her husband, Mr. Minger, that was you, correct?

10 A Right.

11 Q She knows you?

12 A With an automatic. I'm the only one who had the
13 automatic as she said I had, yes.

14 Q Mr. Minger knows you, correct?

15 A Yeah, he know me.

16 Q The person he said, and the only people in the
17 backyard, you, and Ms. Brown, and him, and the victim?

18 A That's what I said. The only other people back
19 towards---

20 Q He knows you when he says he saw you pull out a gun and
21 shoot to the ground, correct?

22 A Yes.

23 Q Okay. And you agree Mr. Spearman saw you fleeing the
24 scene?

25 A Yeah.

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 Q You had no injuries on you, did you?
2 Nobody touched you, hurt you?
3 A (Witness nods negatively.)
4 Nobody hurt me.
5 Q Mr. Geter, and, again, you call him an old man. He's
6 64. Not that old but he's a little guy, isn't he?
7 A Ah, he's---
8 Q Skinny fellow?
9 A His height, probably a little -- more than you.
10 Q He's 144 pounds---
11 A Okay.
12 Q ---when he -- when the autopsy -- the testimony was
13 144 pounds.
14 A (Witness nods affirmatively.)
15 Q Would it surprise you I'm 80 pounds heavier than that?
16 A Well, then you're taller.
17 Q Oh, again, just a smaller guy, correct?
18 A Uh-huh. (Affirmative).
19 Q You can take Mr. -- him, right?
20 He's 20 years older than you.
21 You're not scared of Mr. Geter, are you?
22 Are you?
23 A I just wanted to diffuse it. I didn't want to, you
24 know, no tussling, no fighting. I ain't want none of that.
25 Q So, you diffused it with a gun that you don't know how

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 to use?

2 You diffused---

3 A It---

4 Q ---Mr. Geter that's a 20 year older man than you?

5 A I did not know he was that, that age. Anyways, when he
6 had the tire iron, I just wanted him to put it down. That's
7 all. That's all. That's all I wanted. I just wanted my
8 keys, man. I ain't want none of that -- none of this was
9 suppose to happen. None of it.

10 Q You told the officers that you weren't there.

11 A I never told---

12 Q That you were not---

13 A No, I never told the officers I wasn't there. I never
14 said it.

15 Q You said it wasn't you?

16 A Yeah, I said it wasn't me that shot him.

17 Q I shouldn't talk to you but let me tell you what I
18 think happened. That man did this. That man did that. You
19 talked about that man having a struggle with Mr. Geter. Not
20 that man had a struggle with you.

21 Right?

22 A Well, he had a struggle with -- Mr., Mr. B. Hall had a
23 struggle with me.

24 Q Well, you're talking -- you're telling the jury now
25 that when you talk about that man in the video, you're

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 talking about B. Hall, correct?

2 A Yes.

3 Q Is that what you -- okay. When you say that man---

4 A I was only speaking in hypothetically. I wasn't -- you
5 know, I wasn't trying to implicate nobody. I was just
6 trying to get them a lead to go and, and talk to Ms. Liz
7 about it hoping that she was gonna tell the truth. That's
8 all.

9 Q Well, let's look at Page Number 7.

10 Now, you got---

11 THE COURT: Page what?

12 SOLICITOR CATHCART: Page 7, Your Honor. I apologize.
13 It will be the ultimate paragraph at the bottom.

14 A Yeah, on that was just, like I say, I was, I was crying
15 and I just kept thinking about that it could of been my
16 fault, you know. It could of been because of me.

17 Q So, when you said when he went to reach for his keys,
18 it looked like he was about to hit him with a tire iron.

19 So, the guy, you talking about B. Hall, right, at that
20 time?

21 A No.

22 Q No, you're talking about yourself, aren't you?

23 A Uh-huh. (Affirmative).

24 Q That guy pulled his gun and said hey, I don't want to
25 shoot you. I don't want to hurt you.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 All right. He tired to fire. He reached for the gun
2 and then I heard the gun go off, right?

3 You said when Mr. Geter, this time, not what you've
4 been saying today, when Mr. Geter Mr. Gun -- grabbed the
5 gun, it went off.

6 A It went off, yeah.

7 Q The guy, the guy that snatched---

8 A No, no, no.

9 Q Sir, I'm sorry.

10 A Let me---

11 Q Let's look back through it.

12 A Let me, let me explain it to you.

13 okay?

14 Q Okay.

15 A Now, when I was talking about this, it was me trying to
16 pit -- take myself out of the equation without telling them,
17 telling them what actually happened.

18 All right?

19 Q You asked me to go to the transcript as to what
20 occurred.

21 A Uh-huh. (Affirmative).

22 Q And that's what I'm doing.

23 A Uh-huh. (Affirmative).

24 Q Now, on Page 8, at the top of it, you said the guy
25 snatched the gun back and it went off again.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A That's a---

2 Q Two times.

3 A That's a---

4 Q Two times between that Mr. Geter---

5 A Now, that's no---

6 Q ---and that guy.

7 A No, that's---

8 THE COURT: Both of you are talking at the same time.

9 A That was B. Hall at that time. I just wasn't putting
10 names on it. That's all. See, when B. Hall snatched the
11 gun, when I was with him, that's when it went off.

12 Q And then you started running. You started running and
13 the guy got off another shot in the air.

14 A Uh-huh. (Affirmative).

15 Q The guy, Mr. Geter, was fighting over with the weapon,
16 fighting over with -- over the keys, shot three times, shot
17 another one as Mr. Geter ran away.

18 Mr. Geter was shot in the back, wasn't he?

19 A As we ran away, yeah.

20 Q No, sir. No, sir. He started running. He started
21 running.

22 A That's, that's, that's just --.

23 Q I understand that's what you said then and it's
24 inconvenient.

25 A Uh-huh. (Affirmative).

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q I get that.

2 A Uh-huh. (Affirmative).

3 That's what the streets also was saying as well.

4 Q The streets where?

5 A The streets---

6 Q You left that night.

7 A I was on the phone.

8 Q The streets of Mississippi?

9 A No, it's the cell phone. I didn't leave that night. I
10 didn't leave that night. I left the next morning. I left
11 on the 20th.

12 Q All right. The streets of Mississippi -- was it
13 Georgia---

14 A Not the streets of Mississippi.

15 Okay. It was in Columbia.

16 Q The streets?

17 A I left from Columbia---

18 Q Okay.

19 A ---the 20th and that transcript is not accurate.

20 Y'all that -- y'all, y'all edited it. Y'all took a lot of
21 stuff out. We can look.

22 Q Okay. You do realize the videos -- we got it in
23 evidence too?

24 A Yeah.

25 Q The jury's gonna be able to watch it and then they

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 watched it as they went through the transcript.
- 2 A Yeah, it's real but y'all -- y'all can't even hear.
- 3 when -- if they listen to it, y'all can't even hear y'all
- 4 putting words that y'all think I said. That's not true.
- 5 Q In fact, words that we weren't able to say we wrote
- 6 indistinct, correct?
- 7 A How?
- 8 Q Was it indistinct when you said B. Hall?
- 9 You just said B. Hall out in the middle of it?
- 10 That's indistinct?
- 11 That's what we did?
- 12 A No, I never mentioned B. Hall.
- 13 Q Right. You never did.
- 14 A Hu huh. (Negative).
- 15 Q And you talked about that this is a place that you
- 16 normally wouldn't go, correct?
- 17 A You got to keep in mind, Mr. Solicitor, these guys
- 18 tried to kill me one time. Okay.
- 19 Q Willie Geter tried to kill you one time?
- 20 A No, not Mr. Geter.
- 21 Q Was it Ms. Brown that tried to kill you?
- 22 A No, I'm talking about the Bloods. I ain't talking
- 23 about them.
- 24 Q Mr. Minger tried to kill you?
- 25 A No.

Antwon Baker - Cross-examination
by Solicitor Cathcart

- 1 Q Those are the people in the backyard when you shot.
2 A Yeah, the one shot. Yes, the one shot.
3 Q Not according to you---
4 A No, sir.
5 Q ---in your transcript.
6 A No, sir.
7 Q All three shots.
8 A No, no.
9 Q One, two, three.
10 A No, it wasn't, it wasn't that. I was talking about,
11 with the transcript, I was talking about him. The situation
12 how he got shot.
13 Q The guy who you fought over about the keys.
14 A No, sir, I'm trying to explain it to you now. I was
15 emotional and I was just saying---
16 Q You did a horrible, a horrible thing. I agree. That's
17 something to be emotional about. I'm glad.
18 MR. BAILEY: Objection, Your Honor.
19 THE COURT: Let him---
20 MR. BAILEY: Mr. Cathcart---
21 THE COURT: Let him finish his question, solicitor.
22 Q You were emotional because Mr. Geter---
23 THE COURT: Let him finish.
24 SOLICITOR CATHCART: Oh, I'm sorry. I thought you had
25 told me to finish. I apologize.

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 A No, I, I wasn't, I wasn't emotional because of that,
2 because of that. I was emotional because everything that
3 happened. These guys tried to take me. I mean you, you
4 have to be a cold hearted person, okay, not to feel
5 something when someone take the bullet that's meant for you.

6 So, you have to feel something. I'm sorry. You got to
7 feel something and God got me here for a reason, and I
8 ain't -- well, God is well. If people coming at me, God got
9 me here for a reason. So, that's all. I'm gonna say he
10 saved me and I'm here for a reason.

11 Q And on Page 12, Line 17, you talk about that's just an
12 old man. He's just an old man. Why, why did he reach---

13 A Yes.

14 Q Why did he reach for the gun?

15 A If he would of never reached for the gun, the gun never
16 would of went off. That means B. Hall, he never came back
17 there.

18 Q And you---

19 A That's what's sticking in my head. That's what I'm
20 thinking. That's why I was so emotional when he said he was
21 64. Dang, this man might have really forgotten.

22 Q And you talked -- the investigator asked you, on Line
23 20 of Page 12, did he try to hit you with the tire iron or
24 did he just hold it in his hand?

25 A No, he just---

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Q Then what did you say?

2 Starting up here.

3 Do you want to go to that, Line 23?

4 A No.

5 Q You said I -- I mean when the man, when he -- the man
6 reached for the keys and the money---

7 MR. BAILEY: Objection, Your Honor. We're giving a lot
8 of leeway and I don't mind if Mr. Cathcart wants to impeach
9 Mr. Brown (sic). He needs to do it under the rules of court
10 procedures.

11 THE COURT: Well---

12 MR. BAILEY: I mean we've just been reading the
13 transcript over and over again and I've let Mr.---

14 THE COURT: Mr.---

15 THE WITNESS: Baker.

16 THE COURT: I overrule the objection.

17 SOLICITOR CATHCART: Thank you, Your Honor.

18 THE COURT: Thank you. You may continue.

19 Q You talked about how Willie kind of tensed up like he
20 was about to hit you.

21 A Uh-huh. (Affirmative).

22 Q You told -- you pulled that gun and he dropped the tire
23 iron and then I heard he said he grabbed it, grabbed the
24 gun. That's when it all went haywire.

25 That's what the streets told you, the streets of

Antwon Baker - Cross-examination
by Solicitor Cathcart

1 Mississippi?

2 A No, not Mississippi. The streets of Columbia.

3 Q Okay. Who, in the streets of Columbia, was there back
4 in that backyard except for you, Mr. Minger, Ms. Brown, and
5 the man you shot in the back?

6 A They're the ones who got out. That's the one who told
7 the streets about what's going on. And the streets is --
8 I'm not trying to implicate nobody else. It's, it's -- they
9 know. I really wished Ms. Liz would go ahead and tell the
10 truth so I won't go down for something I didn't do.

11 Q The man and Mr. Geter struggled with about the keys and
12 the gun, as you said a few days after this occurred, after
13 you fled to Mississippi is the man who shot Mr. Geter in the
14 back, correct?

15 A No, sir.

16 Q So, everything he told --

17 A No, sir.

18 Q -- in that statement when you were crying, full of
19 regret about killing that old man --

20 A No. No, sir.

21 Q -- that's -- that wasn't what happened?

22 It's all B. Hall, this guy that we just found out about
23 today?

24 A No, sir.

25 Q Please -- thank you.

Antwon Baker - Redirect examination
by Mr. Bailey

1 THE COURT: Redirect, Mr. Bailey?

2 MR. BAILEY: Sure. Thank you, Your Honor.

3 May it please the Court.

4 Briefly.

5 REDIRECT EXAMINATION

6 BY MR. BAILEY:

7 Q Well, I guess, Antwon, I'm sorry. I guess about an
8 hour and a half or so something passed.

9 Have you -- do you fix brakes on cars on a regular
10 basis?

11 A No.

12 Q Okay. Do you know how brakes work?

13 A Not really.

14 Q Okay. So, that -- Mr. Cathcart, I guess, was talking
15 all about the mechanics.

16 I mean I guess that's why you were taking your car to a
17 guy to fix it because you don't know how to do it yourself?

18 A (Witness nods affirmatively.)

19 Q Antwon, I know the jury's, I guess at this point, has
20 heard the story about eight or nine times but, just, just to
21 be clear, who fired the two shots that actually hit
22 Mr. Geter and killed him?

23 A That would be the Blood gang member B. Hall.

24 Q Mr. Cathcart asked you about your wife.

25 Were you scared for your wife's safety at all after

Antwon Baker - Redirect examination
by Mr. Bailey

1 this?

2 A Of course. I'm scared for my wife's safety, my mom's
3 safety, you know. If this guys try to kill me firsthand,
4 then imagine what they can do to my family.

5 Q Yes, sir.

6 A I mean you have to put yourself in my shoes.
7 What would you do about the situation if you was in
8 this situation?

9 THE COURT: That's not, that's not responsive, what
10 Mr. Bailey would do.

11 THE WITNESS: I'm sorry, sir.

12 THE COURT: Ask your next question, Mr. Bailey.

13 THE WITNESS: I'm sorry, Your Honor.

14 Q Did you want to get your wife involved in this?

15 A No, not at all.

16 Q Antwon, was, was everybody involved in this shooting
17 at -- in the backyard when Mr. Geter first took the keys out
18 of your car?

19 A No, sir.

20 Q Where were some of the other people?

21 A Ms. Liz, Ms. Liz was on the back porch. Mckinley was
22 on the side getting water for his radiator, and me and
23 Mr. Bo Geter was right here where the truck is.

24 Q Okay. And where were B. Hall and Tron?

25 A They was in the front in the driveway of the front

Antwon Baker - Redirect examination
by Mr. Bailey

1 yard.

2 Q Okay. Did they come into the backyard before the first
3 shot was fired?

4 A No, sir.

5 Q Mr. Baker, not everybody here, I guess, hears the term
6 streets a lot.

7 A Yeah.

8 Q Do you use -- do you ever read social media?

9 A Yes, that's where I seen slamming me saying I did it.
10 I'm not a -- I'm not that type of person, man. I'm not.

11 Q Okay. Did your rumors from the streets sometimes
12 appear, appear on social media?

13 A Yes.

14 Q Okay. Facebook?

15 A Yes, Facebook and I seen it on Facebook, Social Space,
16 and Mobile Space.

17 Q And, and, Antwon, you heard Ms. Brown testify?

18 A Yes.

19 Q Okay. And you heard Ms. Brown also say that you had a
20 semiautomatic gun?

21 A Yes.

22 MR. BAILEY: No further questions at this time, Your
23 Honor.

24 THE COURT: Recross.

25 RECROSS EXAMINATION

Antwon Baker - Recross examination
by Solicitor Cathcart

1 BY SOLICITOR CATHCART:

2 Q So, as opposed to -- all you're talking about the
3 streets are posts, correct?

4 Posts on Facebook and all kinds of stuff like that?

5 A (Witness nods affirmatively.)

6 Q Where are they?

7 A Huh?

8 Q Where are they?

9 Do you have the posts?

10 A Where are they?

11 Q Yes, sir, the posts on Facebook.

12 You said the posts, correct, showing that the streets
13 said that you -- that you're the one---

14 A I said---

15 Q ---that's all you knew about what happened?

16 A That's when I -- this was back then, two years ago,
17 when I seen them. I mentioned it when he first -- got
18 involved with my attorney.

19 Q You fled the day it happened. You were arrested five
20 days after.

21 A I did not flee from it.

22 Q Okay. I remember you saying now two days -- the
23 morning after it happened.

24 A Yeah.

25 Q You were arrested five days after and you didn't think

Antwon Baker - Recross examination
by Solicitor Cathcart

1 maybe the -- I should show what the streets are?

2 A I should what?

3 Q You should be able to say this is what I'm talking
4 about, the streets?

5 The reason you know---

6 MR. BAILEY: Objection, Your Honor. Objection, Your
7 Honor. We have a matter of law.

8 THE COURT: I'll sustain the objection.

9 MR. BAILEY: Thank you, Your Honor.

10 THE COURT: And I'll take it up on the record when --
11 I'll take it up on the record but I'll sustain the
12 objection.

13 Q Can -- when you tell the truth, the truth never
14 changes, correct?

15 Do you agree with me?

16 A When you tell the truth, yeah.

17 Q And when -- your testimony doesn't change from the
18 beginning to the end, from whenever the warrant -- officers
19 talk to people to the very end.

20 It stays the same as via cross-examination if it's the
21 truth, correct?

22 A (Witness nods affirmatively.)

23 THE COURT: You got to answer out loud for me.

24 THE WITNESS: Yes. Yes, sir.

25 THE COURT: Thank you.

Antwon Baker - Recross examination
by Solicitor Cathcart

1 Q When a story changes completely or things are changed,
2 it's because the truth wasn't told at the beginning,
3 correct?

4 MR. BAILEY: Objection, Your Honor. This is way beyond
5 the scope of redirect.

6 THE COURT: I -- you know, I'm very liberal on Rule
7 611. I'm very liberal on, on the scope of that and the
8 context.

9 MR. BAILEY: All right.

10 THE COURT: That's not really a ruling, is it?

11 But I guess I'm the one sitting up here.

12 So, you may ask the question, solicitor.

13 MR. BAILEY: Thank you, Your Honor.

14 SOLICITOR CATHCART: No further questions. Thank you.

15 THE COURT: Thank you. Thank you very much.

16 Ladies and gentlemen, please step to your jury room.

17 We're gonna take a 15-minute recess. Please do not discuss
18 the case during this brief recess.

19 Thank you very much.

20 (WHEREUPON, the following takes place outside the
21 presence of the jury.)

22 THE COURT: All right. Just before we take our recess,
23 just for planning purposes, Mr. Bailey, does the defense
24 intend to present any additional evidence or testimony?

25 MR. BAILEY: No, Your Honor. We would, we would ask

1 you to briefly reconsider us calling Carter -- Carmen Tucker
2 from your ruling yesterday. If not, we don't have -- I
3 don't believe we have any other evidence today, Your Honor.

4 THE COURT: I reconsider that and rule on it when I
5 come back out.

6 MR. BAILEY: Okay.

7 THE COURT: Mr. Baker, you may return to your seat.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: We'll take about a 15-minute recess.

10 MR. BAILEY: Thank you, Your Honor.

11 SOLICITOR POTTS: Thank you, Your Honor.

12 MR. COMISH: Thank you, Your Honor.

13 (WHEREUPON, a short recess was taken at this time.)

14 THE COURT: Anything before we bring in the jury from
15 the State?

16 SOLICITOR CATHCART: No, sir.

17 THE COURT: Defense?

18 MR. BAILEY: No, Your Honor.

19 THE COURT: Does the, does the State intend to present
20 any evidence or testimony in reply?

21 SOLICITOR CATHCART: No, sir.

22 THE COURT: What I intend to do is tell the jury where
23 we're at, send them to lunch, pick some arbitrary time on
24 that sundial, and tell them when to come back for closing
25 and charge.

1 SOLICITOR CATHCART: Yes, sir.

2 THE COURT: I'm going to charge murder, voluntary
3 manslaughter, and self-defense.

4 MR. BAILEY: Thank you, Your Honor.

5 THE COURT: All right. And I think my clerk said
6 something about y'all want a copy of my malice charge?

7 You wanted a copy of my malice charge?

8 SOLICITOR CATHCART: Well, we proposed malice but I'd
9 like -- yes, sir, make sure I'm saying the same thing you
10 are and I'd like to see a copy of it, yes, sir.

11 THE COURT: Sure. I'll get that for you.

12 SOLICITOR CATHCART: Thank you.

13 THE COURT: Will there be any other requests to charge?

14 MR. BAILEY: No, just those from us, Your Honor. I
15 would -- I'd like to renew our directed verdict motion,
16 motion.

17 THE COURT: Of course.

18 MR. BAILEY: And I can do that right now. I just---

19 THE COURT: Of course.

20 MR. BAILEY: ---renew it as stated verbatim previously,
21 Your Honor.

22 THE COURT: All right.

23 MR. BAILEY: And we rest our case.

24 THE COURT: Considering the standard, I would, based on
25 the entire record now, both the testimony of Mr., Mr. Baker,

1 I would respectfully deny the motion to directed verdict.

2 MR. BAILEY: Okay. Thank you, Your Honor. If I could
3 just renew my previous objections.

4 Our -- the, the objections we stated in the Biggers
5 hearing regarding Tracea Vereen's photo lineup, our Deno
6 hearing, our objection to Investigator Truluck's testimony
7 about Mr. Baker's statements, and the video based on the
8 fact that we believe that Mr. Baker invoked his right to
9 counsel at that time and the interrogation should stop. We
10 object to the, the hearsay from Tracea Brown's statement
11 about what her mother said.

12 THE COURT: Tracea Vereen?

13 MR. BAILEY: Tracea Vereen.

14 SOLICITOR CATHCART: Vereen.

15 MR. BAILEY: I'm sorry. I'm sorry.

16 THE COURT: I just want to make sure I'm tracking.

17 MR. BAILEY: Yes, sir, we would, we would -- we renew
18 our request and -- to, to -- we renew our request that
19 our -- that the State's toxicologist be used as an, as an
20 expert for the part of the defense's case as we feel that we
21 were short of hamstrung in our defense without -- or without
22 our testimony, Your Honor, and we, we renew our objection to
23 the deputy being between the jury and Mr. Baker at the time
24 of Mr. Baker's testimony. I believe that's it, Your Honor.

25 THE COURT: All right. And I, I typically do that and

1 I, I informed the, the jury that that's my habit and custom,
2 not specific to Mr. Baker, but to any defendant. I did not
3 tell them this but any defendant that's placed on trial that
4 is, is for a violent crime and, of course, the defendant is
5 not out on bond. I, I do it on a case-by-case basis if
6 they're out on bond. But you're certainly protected for the
7 record.

8 I renew all my previous trial and evidentiary rulings
9 including my ruling as to, as to Mr. Baker.

10 MR. BAILEY: All right. Thank you, Your Honor.

11 THE COURT: Thank you. Thank you very much.

12 All right. Bring us our jury please.

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

15 THE BAILIFF: The jury is seated, Your Honor.

16 THE COURT: Thank you. Thank you, Mr. Bailiff.

17 Mr. Bailey, does the defendant intend to present any
18 additional evidence or testimony?

19 MR. BAILEY: Not at this time, Your Honor. No, defense
20 rests.

21 THE COURT: All right. And I'll note the motions
22 previously made for the record.

23 Does the State intend to present any evidence or
24 testimony in reply?

25 SOLICITOR CATHCART: No, sir, that's our case.

1 THE COURT: Thank you. Thank you very much.

2 Mr. Foreman, ladies and gentlemen of the jury, you've
3 now heard all the evidence and all the testimony you're
4 going to hear from both parties, from both the State and the
5 defense.

6 where we're at; as far as the procedure in the trial,
7 we're now at the stage of the closing arguments by the
8 attorneys, by the State and by the defense. After the
9 closing arguments, I will then instruct you on the law that
10 will apply -- that you will apply to the facts of the case
11 as you find them to be, and it will be submitted to you for
12 your deliberations and for your verdicts.

13 Given the hour, we're gonna take our luncheon recess
14 before we do that. I would ask you to please be back at --
15 well, we'll say -- gosh, it's almost the same time as
16 yesterday. We'll be back about 1:30. Be back promptly at
17 1:30 and that procedure should begin, if not at 1:30, or
18 shortly thereafter.

19 Do not discuss the case with anyone. Do not read,
20 watch, or listen to any news reports. Remember, keep an
21 open mind. Do not do any independent investigation or
22 investigation on the Internet.

23 Any questions?

24 (No response.)

25 THE COURT: Can you hear me all right?

1 (WHEREUPON, the jurors nod affirmatively.)

2 THE COURT: I feel kind of bad. I fuss at other people
3 for not speaking up enough and then cycle out of it myself.
4 I apologize to you for that and I appreciate y'all pointing
5 that out for me.

6 With that being said, enjoy your lunch and please be
7 back at 1:30.

8 Thank you very much.

9 (WHEREUPON, the following takes place outside the
10 presence of the jury.)

11 THE COURT: Thank y'all very much. 1:30.

12 MR. BAILEY: Yes, sir.

13 THE COURT: Have a pleasant lunch.

14 (WHEREUPON, Court was in recess for the lunch hour.)

15 THE COURT: All right. As far as the charges are
16 concerned, I'm gonna charge murder, the requested voluntary
17 manslaughter, the requested self-defense. Also the
18 requested malice.

19 MS. KUCHAR: what type of malice?

20 THE COURT: Did you give them a copy?

21 SOLICITOR CATHCART: I'm sorry, Your Honor. I just
22 requested---

23 THE COURT: Excuse me?

24 SOLICITOR CATHCART: Yeah, I did. Yeah, I did.

25 MR. COMISH: We have it, Your Honor. It's right here.

1 SOLICITOR CATHCART: I'm sure---

2 THE COURT: And it's, it's actually outside cause
3 there's no substantive difference between that and the
4 malice charge I typically use. I think it's the correct
5 law.

6 Okay. Anything else?

7 SOLICITOR CATHCART: No, sir.

8 MR. BAILEY: No, Your Honor.

9 THE COURT: All right.

10 SOLICITOR CATHCART: Well, actually, Your Honor, just
11 to make sure I understand we're all on the same page, we're
12 going under the closing arguments on the Beatty rule?

13 I'll start, them, and they go, and then I rebut?

14 THE COURT: Yes, sir, I think that's, that's my
15 understanding. You open in full, you close in full the
16 first, and the defense closes in full. And then you have
17 the opportunity to respond briefly in reply to any new issue
18 brought up by the defense. That's my, that's my
19 understanding.

20 SOLICITOR CATHCART: Yes, sir.

21 THE COURT: All right. Anything further?

22 MR. BAILEY: That's my understanding too, Your Honor.

23 THE COURT: All right. I do not allow individuals in
24 or out of the courtroom while the attorneys are addressing
25 the jury. If, after the solicitor's argument, you want to

1 leave, you may do so in that break between the solicitor's
2 argument and the defense argument. If, after the defense
3 argument before the solicitor argues in reply, you may
4 leave. After the closing arguments, before my charge or
5 instruction to the jury, you may leave at that time.

6 So, please, please keep that in mind and follow those
7 instructions.

8 Oh, I got a note.

9 How long is it gonna take -- how long, how long is your
10 closing going to be, Mr. Solicitor?

11 Give me a general idea.

12 SOLICITOR CATHCART: I'm not sure, Your Honor. No more
13 than 30 minutes, if that.

14 THE COURT: Mr. Bailey.

15 MR. BAILEY: I'd predict 20 or 30 minutes tops.

16 THE COURT: Okay. I don't hold you to it. I'm just
17 trying to get an idea in my mind.

18 MR. BAILEY: Yes, sir.

19 SOLICITOR CATHCART: Your Honor, I -- well, never mind.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Thank you. Thank you, Mr. Bailiff.

24 Mr. Foreman, ladies and gentlemen of the jury, welcome
25 back. Hope y'all had a pleasant lunch.

1 I do have this note that a juror needs to leave at
2 4:30 to pick up children. Obviously, I accommodate those
3 types of matters. I will tell you where we're at in the
4 trial of the case. It's the closing arguments by the
5 attorneys, and the instruction on the law by the Court, and
6 then submission of the case to the jury for its
7 deliberations and its verdicts.

8 It's quarter to 2:00 now. The process of getting it to
9 the jury will take -- it could be at or about 4:00-ish
10 before it gets to the jury and then, once I have the jury
11 deliberate, I generally have the jury deliberate till such
12 time as they reach a verdict unless they tell me otherwise
13 that they want to break for the evening and they go home.

14 I don't like separating the argument -- well, I don't
15 separate the arguments but I don't, I don't like separating
16 the conclusion of the arguments and my instructions to you.
17 However, I realize life has personal priorities to, to
18 address. I've had juries out, of course, late hours,
19 sometime to include early morning hours, but I don't rush
20 them.

21 So, if, if you want me to accommodate this, which I
22 certainly will do, I will keep that in mind and kind of
23 gauge when I may, may break for the day. But at least we
24 will get to the closing arguments. Then you'll be back
25 tomorrow.

1 Does that suit?

2 Y'all want to discuss that or you can alter --
3 alternate arrangements be made?

4 If not, I'm fine with it. I'm just asking the
5 question.

6 Y'all want to discuss it a moment, Mr., Mr., Mr.
7 Foreman?

8 THE FOREMAN: Your Honor, we were wondering if the --
9 one of the alternates could fill in?

10 THE COURT: Mr. Solicitor, step up here a moment.

11 (WHEREUPON, a bench conference was held out of the
12 hearing of the jury at this time.)

13 THE COURT: All right. Then what we will do, I'm going
14 to excuse Juror Number 243. Juror Number 243 will be
15 excused from her jury service both on this jury and do not
16 have to come back and do not have to call back.

17 Thank you very much for your service.

18 THE JUROR: Thank you.

19 THE COURT: Now, we will have an -- a selection or an
20 election of one of our alternate jurors to be promoted to a
21 member of the primary jury. This a very highly technical
22 process we have to go through.

23 Madam Clerk, will you put please two names in a cup?

24 THE CLERK: Yes, Your Honor.

25 THE COURT: And numbers in the cup and pick one of

1 those jurors from the cup and they become a member of the
2 primary jury.

3 We will allow the clerk to pick.

4 (WHEREUPON, the clerk complies.)

5 THE CLERK: Number 80.

6 THE COURT: Juror Number 80, if you would please join
7 your colleagues as a member of the primary jury.

8 (WHEREUPON, the juror complies.)

9 THE COURT: Thank you. Thank you very much. That was
10 an excellent suggestion also. Thank you. Thank you very
11 much.

12 All right. With that being said, if you'd please give
13 the parties your complete and undivided attention.

14 Solicitor, you may address the jury.

15 SOLICITOR CATHCART: May it please the Court, Your
16 Honor?

17 THE COURT: Yes, sir.

18 SOLICITOR CATHCART: Defense counsel, in opening
19 statement, said that the State's opening statement would be
20 like a preview of a movie. It's gonna be -- it sounds very
21 exciting. Full of flash, cheap thrills. That's not what it
22 was at all. Mr. Potts told you what the evidence will be
23 that we're gonna put forward on that stand to tell you what
24 occurred on this day.

25 You heard from the witnesses who were there. You heard

1 from Ms. Brown. You heard from Mr. Minger. You heard from
2 Mr. Clyde. You also heard from the daughter, everyone who
3 was there, and it showed you and told you what they
4 observed. You also heard from the defendant and what he
5 said when he was arrested down there in Mississippi with the
6 video statement he gave.

7 we did not use cheap thrills. There's no exciting --
8 no flash. There was a .38 caliber wad cutter bullet was
9 taken out of the back of the victim. There was no
10 spectacle. There was no cheap thrills. There was testimony
11 of Ms. Brown whose last words she heard from her husband is
12 call the police as she ran to the phone after she saw that
13 man fire a weapon first into the ground and she ran and
14 heard two more shots.

15 This isn't a exciting case. It's not a spectacle.
16 what it is is a tragedy. She saw her husband die in her
17 arms because that man didn't want to pay 20 bucks for a stud
18 job on his tires because he said I'm not gonna pay. Mr.
19 Geter said well, you're not getting your car back until you
20 pay. He pulls out a gun.

21 we know that because that was seen by Ms. Brown. We
22 know that because it was seen by Mr. Minger, his friend, the
23 guy he brought there -- who brought him there, the guy who
24 knows him, knows him so well that, when he told the police
25 what happened that day when they first talked to him, it's

1 like ah, I took him there and I left. He didn't want to
2 tell what happened because he knows that man. He's afraid
3 of him.

4 In fact, who was it?

5 His brother went to go see Mr. Minger right after -- a
6 little bit after this occurred as well. Had a chat with
7 him. It wasn't until he, Mr. Minger, realized that
8 Mr. Brown said not only he was there, and he knew he was
9 there, he said well, here's what really happened and he was
10 on the stand and testified to that before you.

11 His statement to the police when it occurred was that
12 yeah, I took him there. His statement to the police after
13 he realized that he's -- was placed there when the shot
14 occurred is that yes, I saw that man do that. I lied about
15 it the first time cause I'm afraid of him. That had not
16 changed one bit when he came here on the stand. Despite
17 cross-examination from defense counsel, that's what he said
18 he saw.

19 Ms. Brown, when she was there with her husband, he died
20 in his own yard, told the reporting officer what happened.
21 She didn't say I saw that man shoot him. She said I saw him
22 shoot in the ground and I called the police. I heard two
23 more shots. I came out there and he was gone and Clyde came
24 in saying I just saw kilo run out here looking weird at me.

25 Her statement to the officer did not change. That

1 night, when she left the hospital and left her husband's
2 body there, and she spoke to the officers that night telling
3 him well, it wasn't just two cups that was used. I fed -- I
4 not only gave my husband, Mr. Geter, water in that cup, the
5 cup that was gathered by a CSI officer where he left it on
6 the car that he was working on, she also said I gave Mr.
7 Minger a cup and Kilo a cup, these light little blue cups.
8 Investigators knew that now there's a third cup. So, the
9 next day they went looking for it and they found it there in
10 the gully in the driveway leaving out as Kilo had threw it
11 out when he fled.

12 When I say that man, I mean Mr. Baker, the person they
13 knew him by.

14 Officers talked to Clyde and he said I know him. I
15 know him by his nickname, and when I saw him leave out of
16 there, he was driving a Ford Explorer. He remembers the
17 roof rack. He saw the picture that was shown to him of the
18 car that was recovered from his house that he abandoned at
19 his house when he fled to Mississippi. Said yeah, that's
20 the car he's driving.

21 He also told police that I kind of know of the location
22 that you might be able to find him at, and through that
23 investigation with the police, he picked him out of the
24 photo lineup and said yeah, this is the guy. That's the guy
25 we're talking about. I don't know his real name. I just

1 know him by his nickname. Same name Ms. Brown also said.

2 His story did not change from the time he talked to him
3 till the time he was on the stand. Defense counsel
4 cross-examined him. The only thing they, they got that was
5 new is that oh, yeah, he'd been in trouble before in his
6 life, but the story that he told the police, the facts that
7 he saw of what you heard again on this stand, no change.

8 When you tell the truth, you don't have to think of a
9 new story cause the truth is the truth.

10 Ms. Vereen, Lessie's daughter, testified that she saw
11 that man before this occurred. She didn't say I saw him
12 shoot him. There was no embellishment like defense counsel
13 said that we're gonna do. No, she says what she saw and
14 what she saw was that man in this car, the Cadillac with the
15 busted up rear end, was there at the scene. So, they put a
16 BOLO on the car and that's how they found his friend,
17 Mr. Minger.

18 Ms. Brown -- I mean Ms. Vereen did not change her story
19 in any way and she did not embellish it. He says that Ms.
20 Brown did not embellish it. She said -- in fact, I even
21 asked her and said so, you heard three shots?

22 She said no, wait. No. I saw one shot.

23 She corrected me. I heard two. She was out there.

24 Defense counsel wants to say well, she knew -- she said
25 it was the wrong kind of gun. No, she didn't. The

1 testimony was clear as to that. She said it was a gun that
2 kind of looked like his. His. It's in a holster. A big
3 gun and it's black like his. She said automatic.

4 It's like a pistol, right?

5 She was asking me questions and what is that kind of
6 gun. It shoots really fast.

7 That makes it an automatic, right?

8 She doesn't know what an automatic and revolver
9 differences are. She just knows it was a gun in that man's
10 right-hand and he fired into the victim. Fired -- excuse
11 me. She didn't say that. He fired into the ground and two
12 more shots she heard. She ran back out and he's going away.
13 The victim's laying right there on the ground.

14 The testimony's always been the same. This is
15 consistent from the beginning now how they tell it till the
16 very end. In fact, even when he gets caught down there in
17 Mississippi -- there again, I don't want to jump around too
18 much because the statement kind of confused this morning
19 cause it's just totally not what he said when he was caught
20 in Mississippi five days after this occurred.

21 He said that he fled down to Mississippi cause he was
22 scared about B. Hall and the Bloods and he ran down there to
23 get away from them. He didn't tell his wife what happened,
24 didn't want to worry her, but he left her in Columbia. He
25 left his mom in Columbia. He's worried about retaliation

1 but he that -- leaves them all there.

2 So, the police -- he doesn't call the police about what
3 he saw but when he -- the police apprehended him, when they
4 arrested him, he does give a statement and y'all saw his
5 statement. You already go through with the transcript and
6 hear his words. The transcript that he first wanted me to
7 talk about, but then when I go through things that yeah,
8 kind of incriminates him, no, no, no. Y'all altered that.

9 Ladies and gentlemen, y'all will have the ability to
10 look at the video. You'll be able to see what it said. You
11 heard it and you followed it as it went through. I know.
12 I've watched all of y'all pay close attention to it.

13 Now, we put forward this evidence on this stand because
14 that's what the evidence -- because that's what y'all judge.
15 Not questions I say. Not questions defense counsel asked.
16 But what is the testimony from the stand.

17 On that, we have put forward the evidence of murder,
18 and as Mr. Potts told you, murder is -- excuse me. I don't
19 normally like these things but it's a couple of terms I
20 wanted to be able to go through.

21 Murder is the killing of any person with malice
22 aforethought either express or inferred. Malice is the key
23 word on that. So, murder's the killing of any person with
24 malice aforethought.

25 Now, malice, when you think about the term malice in a

1 common sense meaning hatred or, you know, I hate someone,
2 that's not exactly what we're talking about. As I present
3 the term, malice conveys a meaning of hatred, ill will, or
4 hostility toward another. That's not what it means in this
5 case. In the legal sense, however, malice does not
6 necessarily mean ill will toward the individual injured but
7 signifies a general malignant, recklessness to the lives and
8 safety of others or a condition in the mind shows a heart
9 regardless of duty and fatally bent on mischief.

10 In other words, the killing where the act is done is
11 done without legal justification. Excuse, extenuation,
12 malice has being frequently -- malice is frequently and
13 substantially so defined as consisting to the intentional
14 doing of a wrongful act without legal justification or
15 excuse.

16 The fact that he pulled out a pistol because he was
17 having a customer complaint with Mr. Geter is not an excuse
18 to bring his gun into a dispute about a car. Does not have
19 an excuse. Therefore, malice is brought in. If he
20 brings -- the malice is also shown by the fact that he fired
21 the gun the first time. Bam. Even when his own
22 statement -- when he says the guy fired a gun, he says that
23 the victim, at that time, put the crow bar down. He says
24 then that Mr. Geter went after the guy and the gun went off
25 two times while they were struggling over it.

1 You heard from the defense -- I mean, excuse me, from
2 the coroner, the pathologist, who said she checked for
3 stippling in the gunshot wounds. Stippling being the marks
4 that you're close in when you fire a gun at somebody such as
5 a struggle. You will leave marks on them.

6 There were no stippling on this and she testified that
7 that would mean that they were at least two feet apart. No
8 tussle. And the fatal wound, I would again point out, was
9 not into a tussle. It was in Mr. Geter's back.

10 we have the -- and that is why is basically stands, to
11 malice, you can infer it from the facts that surround the
12 action, the fact that he fired once, and then fired two more
13 times, the final shot being in his back in a reckless
14 disregard for the health and safety of another person.

15 we have to prove that beyond a reasonable doubt and
16 that occurred. Proof beyond a reasonable doubt is merely
17 proof that leaves you-all firmly convinced that he did it.
18 Proof that leaves you firmly convinced that he fired that
19 shot that killed Mr. Geter.

20 Not -- the defendant has given two statements. The
21 first one saying I wasn't there but the streets say and I've
22 heard, from social media, that they was trying to pin it on
23 me and that guy, that guy that did it did it for this
24 reason. That's the first thing he's saying is I wasn't
25 there at all. The second thing he said was, while I was

1 there, and so was this new guy, B. Hall, that nobody's ever
2 talked about before. He's the one who did it.

3 Proof beyond a reasonable doubt is what leaves you
4 firmly convinced that it occurred. He changed his story
5 over and over. He changed his story when he first gets
6 arrested. First thing he tells his wife what happened is
7 what he's saying. When he gets arrested, he says it wasn't
8 me. In fact, then he says, you know, I don't have a lawyer.
9 I probably shouldn't talk about this because I -- you just
10 read me those rights but let me tell you what I think
11 probably happened. From social media, let me tell you what,
12 what went on.

13 And then, this morning, we get a brand new thing. It
14 changes because each time he tells a story he changed it
15 because, even as some -- on the video where he talks about
16 how he keeps getting caught up in these lies, you spoke,
17 yeah, you know, I'm gonna stop and we let him stop. The
18 state let's him stop. He goes on here and changes it up
19 again because it's lies.

20 Proof beyond a reasonable doubt leaves you firmly
21 convinced of what he did and we do that, as I stated
22 earlier, by putting up the witnesses who saw what happened.
23 You heard from them and they were consistent with not only
24 each other but consistent with the other evidence in the
25 case.

1 The judge will charge you also with voluntary
2 manslaughter, and that is if you, if you feel that the
3 killing is -- of another person is without malice, but it is
4 with the sudden heat of passion, without sufficient legal
5 provocation.

6 In this case, ladies and gentlemen, first off, he said
7 he wasn't there. Second off, he said he didn't do it. And
8 I submit to you that he certainly didn't have legal
9 provocation to shoot Mr. Geter in the back no matter which
10 story you take. If he didn't do it, another man killed him,
11 but he certainly didn't have legal provocation.

12 We're not gonna go all the way into his statement too
13 much. Y'all were here. Y'all've listened to everything as
14 clearly as possible but, as I have the first argument, I
15 have to anticipate what they're gonna say.

16 The State, each one time they spoke to these witnesses,
17 every one of them was consistent to what they said all the
18 way through. The DNA shows that Mr. Baker was there. We
19 know he's there. The slug that was found in Mr. Geter that
20 was removed from his body after it ripped through his veins
21 was a wad cutter. That's consistent with a revolver.

22 Defense counsel wants to talk about that Ms. Brown
23 doesn't know the difference between a revolver and
24 semiautomatic. Now, I submit to yeah, he doesn't -- she
25 doesn't. But we know it was a revolver because the evidence

1 there. This is only a shotgun revolver. There is no shell
2 casings found at the scene despite the fact that Ms. Brown
3 hears three shots, not only Mr. Baker received one shot, Ms.
4 Brown, excuse me, she corrected me, saw one shot, heard two,
5 the reporting officer heard three shots just a few -- just
6 about a few blocks away.

7 we know three shots went off. We know that for it was
8 a revolver because no shell casings were found at the scene
9 and it's consistent with this type of weapon.

10 we talk about that it was a guy named Lorenzo given
11 out, and Ms. Brown testified yeah, I gave -- I know his
12 name, his nickname. That's what I gave out was his
13 nickname. Maybe it's this other name. Everybody else goes
14 yes, it's the same name. Clyde says it. Mr. Minger says
15 it. That's the name he goes by. They all pick him out of a
16 photo lineup. We know what we're talking about. She was
17 consistent with that completely.

18 And they want to talk about that, and, in fact, they
19 said this in their opening, nobody can say they saw him
20 pulling the -- pull the trigger and shot him in the back
21 that day, and that is the difference between direct evidence
22 and circumstantial evidence. The judge will charge you that
23 they are both the same strength of evidence.

24 Direct evidence is if you see something happening. I
25 saw him shoot. Circumstantial evidence is if the evidence

1 surrounding it shows that he did such as -- well, a young
2 lawyer -- a judge use to describe it like this. If you --
3 if I had a small child and I'm cooking dinner, and the child
4 comes to the kitchen and there's a banana on the table, and
5 I say don't eat the banana. I'm cooking dinner. We're
6 gonna eat in five minutes. Just stop. And I see her go
7 pick up the banana, peel it, eat it, and you see the peel on
8 the floor. I saw her do it. That's direct evidence. I saw
9 it happen.

10 The same thing happens if I'm cooking dinner. My
11 daughter comes out there and there's a banana on the table
12 and I say don't eat it. We're having dinner. I then turn
13 to the stove and I start cooking. Somehow I hear the banana
14 peel hit the floor. I turn around and I watch my daughter
15 swallow it, her last bit, and I say did you eat the banana,
16 and she says to me no. There's banana on her breath over
17 here. That's circumstantial evidence. I know just as well
18 she just ate the banana. We know just as well that he shot
19 Mr. Geter from the evidence that was provided.

20 Defense, multiple times in their questions, talked
21 about a struggle. There's no testimony as to a struggle
22 until he said there was a struggle between him and this new
23 guy that we've never heard of. The only thing that Ms.
24 Brown saw was that man with a gun pointed at Mr. Geter and
25 Mr. Geter telling her to go call the police. Then she hears

1 bam, bam, and then hears her husband cry out. She goes out
2 and she finds him dying, dying.

3 And, as I stated, I won't go into the video too much
4 because you saw it. You will be able to review it again and
5 you've heard this new story right here this morning.

6 All I ask, ladies and gentlemen, is that you put those
7 facts with the evidence and the elements that we have to
8 prove that he killed him with malice aforethought and find a
9 verdict of guilty and I'll -- one last thing is that the
10 judge will charge you self-defense.

11 I'll point out to you, if he wasn't there, cause he
12 said he wasn't there, it's not self-defense. I'll point out
13 to you if he's saying that the other guy grabbed the gun or
14 his gun, this new mystery second gun, is the one who shot
15 Mr. Geter, that's not self-defense. And if you somehow now
16 start thinking that maybe okay, maybe it's, despite the fact
17 he wasn't there, somebody else did the killing, maybe it's
18 self-defense and, again, I'm sorry, but I don't know what
19 they're gonna argue, but just go through self-defense a
20 little bit.

21 They're four prongs to self-defense. First, the
22 defendant must be without fault in bringing on the
23 difficulty. He couldn't of brought the gun to a negotiation
24 about a car repair. If his conduct that was the type that
25 was reasonably calculated that it did provoke a deadly

1 assault, he would not be able to get self-defense.

2 The second prong is that he had to be in actual
3 immanent danger of death or serious bodily injury or a
4 person reasonably believed that he was.

5 A. He said he wasn't there.

6 B. He said somebody else did it.

7 C. If you go with his statement that he told the
8 police when he's talking about that guy, and you kind of
9 establish that it is -- that guy is him, he says he pulled
10 out his gun when Mr. Geter put down a tire iron. Mr. Geter
11 was 145 pounds. I kept saying 20 years older than me. My
12 math's bad. He's 30 years older than this man and he's
13 trying to tell you that he felt, if you want to believe that
14 it was him even though he said it wasn't, but he felt such
15 danger that he had to shoot Mr. Geter, then I would point
16 out to you that he does not fit that prong.

17 The third element is that if he actually felt he was in
18 immanent danger of this 64-year old man who's 144 pounds
19 that his -- he would have to use force that would be
20 reasonable. And, again, this is a little old man, alleged
21 old, and that he used a pistol and shot him. Not in front
22 but in the back.

23 The last thing being reasonable doubt. You have a duty
24 to retreat. Mr. Geter, if he was attacking him, which he
25 really wasn't, because the only other guy's doing it, he

1 would have a duty to retreat, he's the one with the gun, in
2 every scenario. So, I submit to you, ladies and gentlemen,
3 self-defense is not doing this at, at all either.

4 When the defendant first gives a statement, he's caught
5 in a lie, he changes his statement. When he gets on the
6 stand, he asked me to look at the transcript, I show you in
7 the transcript what I was trying to say, and I let him point
8 out with his points, and then asked him well, let's look at
9 the transcript. The transcript that y'all followed
10 word-for-word in the video and he said it's false. It's a
11 lie.

12 Credibility of the witnesses is the issue in this case.
13 You heard from the people who were there. You heard from
14 Ms. Brown, her daughter, his friend, and they told you what
15 happened. Mr. Geter was shot in the back in his own yard
16 just trying to do his job. That's murder and I'll ask you
17 to find him guilty. It's murder.

18 Thank you.

19 THE COURT: Thank you. Thank you, Mr. Solicitor.
20 Mr. Bailey.

21 MR. BAILEY: Thank you, Your Honor.

22 May it please the Court.

23 A tale of two pistols. That is the story we have heard
24 this week. Don't let the State tell you anything different.

25 Mr. Cathcart is right about one thing. Evidence is

1 what is said right here on this stand. It is not what comes
2 out of Mr. Cathcart's mouth. It is not what comes out of
3 Mr. Potts' mouth although the movie preview they gave you
4 earlier this week was very well scripted. Of course, their
5 witnesses, at times, couldn't stick to the script or not the
6 script that the State wanted you to believe. They're
7 misleading you.

8 Okay. I'm not saying they're, they're bad people or
9 they're calculated liars but they are misleading you.

10 These firearms matter. These guns matter. Science
11 actually matters. Words of witnesses that spoke on the
12 stand matter and now they are telling you that they do not
13 matter.

14 The double edge wad cutter, it can only be fired from a
15 revolver. This is the tale of two handguns. One is a
16 semiautomatic which Lessie Brown, the star witness, said --
17 testified a couple different times, and I asked her to
18 repeat it, that that is what Antwon Baker was carrying.
19 Versus a revolver, which had to be what killed Mr. Geter.

20 We've got -- this is the automatic or semiautomatic.
21 It has a slide versus a weapon, a revolver, that has a
22 cylinder. We have the semiautomatic with -- which
23 discharges multiple shell casings when fired multiple times
24 versus a revolver, which has a cylinder and doesn't
25 discharge any rounds. We have the one gun, the one pistol,

1 that Ms. Lessie Brown testified to and wrote down for
2 Investigator Truluck. She said she looked at Investigator
3 Truluck. She said it's like yours, we'll talk a little bit
4 more about that, the semiautomatic versus the one or the
5 type of gun, whether the barrel's a little bit, you know,
6 longer or shorter, versus a revolver with a cylinder clear
7 as day that actually had to be the gun that killed
8 Mr. Geter.

9 You heard from Investigator Metz. Not only was she a
10 very pleasant woman, she was also a very smart woman. You
11 heard all about double edge wad cutters. You may not hear
12 about that for the rest of your life. You now know what a
13 double edge wad cutter is.

14 These are actually fairly rare bullets. They're kind
15 of strange. Whereas we're kind of use to bullets with kind
16 of a curved, a curvy, kind of horn, or maybe it kind of
17 looks like it's got a flattop but it still sort of comes up
18 a little bit like a, like a small cone with a, with a top
19 cut off, these are a strange creature, okay, and she wrote
20 in her report -- she said this was a .38 class caliber
21 bullet and this bullet is most consistent with being a lead
22 double ended wad cutter most commonly found loaded in
23 ammunition designed for use in revolvers.

24 This bullet is made to be used in revolvers. That is,
25 that is a fact. That is what this gun was fired from.

1 Ms. Metz examined the bullet. She wrote a full report
2 on it and her training, experience, and she testified that
3 this came from a revolver. This had to be a revolver. I
4 think I've established that. I think we all know it had to,
5 it had to, had to establish it and there are only two types
6 of handguns.

7 There is the revolver, which killed Mr. Geter, and
8 there is the semiautomatic, frequently called automatic by
9 hillbillies like my dad for short. I can say that with love
10 because I, I grew up around plenty of folks like him.
11 Raised fine.

12 we showed you the difference. This is important. This
13 is what keeps me up at night about this case, ladies and
14 gentlemen. I brought these in. These, these are two
15 different types of guns. This is important.

16 Now, Mr. Cathcart and the State wants to -- they want
17 you to hear everything else but they want to kind of skim
18 over it really quickly. Do not be misled. This man's life
19 depends on it. Do not be misled when we have science
20 telling us one type of gun killed Mr. Geter, and one type of
21 gun was seen by the State's star witness in Mr. Baker's
22 hand. In fact, Mr. Baker's testimony supports what he saw.

23 The State showed you a bunch of pictures in the
24 shooter's Bible. It was to distract, okay, showed you a
25 bunch of revolvers, cylinders from, big and little.

1 Somebody may of heard before size doesn't matter. Size
2 doesn't matter if you're trying to tell the only two types
3 of handguns apart. The thing that does matter is the
4 cylinder.

5 You saw me compare both of these, these pistol types,
6 up against Investigator Truluck's weapon. You saw it.
7 Actually I'll get right back to that but Lessie Brown
8 testified that this was a semiautomatic pistol. It was
9 on -- it was five days, not, not almost two years later, it
10 was five days after this, this shooting happened. She said
11 to Investigator Truluck, "black like yours, automatic, maybe
12 a little bit longer."

13 So, we know it's slightly longer than Truluck's. Hey,
14 if a, if Truluck took his -- if Investigator Truluck took
15 his Glock out of, out of the holster, it would definitely
16 look a little bit shorter than this one. Also, the
17 handgun's the same. The squareness, the modernness, the
18 type of design that we have seen in the United State since
19 about the 40s is sort of a standard semiautomatic pistol.
20 They were, they were very popular starting in the World war
21 II.

22 The revolver looks completely different. They
23 frequently have curved handles. They have handgrips that
24 look, that, that look like they were meant for somebody's
25 hand to grab. The old 70s detective shows from the, you

1 know, where 70s and 80s, this is the old school sort of
2 looking pistol and they haven't used these since maybe the
3 early 90s in South Carolina. These are very, very, very,
4 very, very different.

5 So, the shoe fits. I mean you saw this gun compared to
6 Investigator Truluck's. Square handle, black in cylinder,
7 and, you know, if you really want to say the shoe fits,
8 this, you know, this is one, which is actually a model
9 roughly like a Beretta 9-millimeter that it, it -- it's
10 suppose to be 9-millimeter, and actually it's even a little
11 bit longer.

12 None of the State's witnesses said revolver. None.
13 Not one State's witness said anything about a revolver and
14 maybe they wouldn't have to. But one did say, one did
15 testify that it was an automatic or a semiautomatic.

16 Now, Investigator Truluck and, and, and Mr. Cathcart,
17 they both tried to help Lessie out. Well, maybe she meant
18 automatic. In fact, Investigator Truluck says now, almost
19 two years later, that, you know, maybe -- I think now she
20 probably meant a revolver. You know, I -- he wrote
21 automatic down. He, he, he, he showed her his weapon. He
22 asked for confirmation.

23 He has done hundreds of interviews, hundreds of
24 interviews. He always asks that question. You heard him
25 say that. Investigator Truluck always asks -- he always

1 asks what type of gun is it.

2 what type of gun was it?

3 why does he ask that?

4 It's because it's important. It is very important and
5 it matters. It matters because it's the difference between
6 the murder weapon and any gun and some other gun. In a bad
7 neighborhood, there are lots of guns. Lots of different
8 types of guns.

9 Investigator Truluck did not screw up. He didn't
10 overlook anything. You saw him. He's a very nice man.
11 He's clearly a good investigator. He is thorough. He
12 writes down everything. He asked that question because it
13 was important and he got the answer that he thought was
14 correct at the time. She examined his firearm. She said it
15 was like it. He gave her a good look at it and he wrote
16 verifying it was an automatic himself.

17 You know, Mr. Cathcart's right about another thing.
18 The truth is the truth is what he said. I wrote it down.
19 You don't need a new story.

20 well, how come they need a new story now?

21 They need a new story when it comes to Ms. Brown's
22 testimony. They didn't like her testimony the way it
23 actually came out. So, now they are using a retroactive
24 psychic powers to make it something different, because if
25 you believe Lessie Brown's testimony, if you believe what

1 she has told you and what she said numerous times, testified
2 and wrote down and told the police, then you know that
3 Mr. Brown could not have fired the shot that killed
4 Mr. Geter.

5 There's Mr. Minger, McKinley Minger. He said himself
6 that he was a people pleaser. He spoke with the police
7 several times.

8 He, he wanted to help and most of the time you want to
9 help when the police ask us questions, don't we?

10 We want to help and that's why he cooperated with them.
11 And then, when they came and they asked him more questions,
12 he wanted to help and his story got, you know, the story's
13 changed a little bit. I mean stories change sometimes but
14 evidence, not what the State is saying, because what they're
15 saying is different from what he's actually saying.

16 He testified quote -- and, by the way, ladies and
17 gentlemen, when I tell you about they're testifying, I am
18 very, very, very careful to get the words that, that are,
19 that are on the record. That matters to me.

20 The State gives you these scenarios and these scripts.
21 They play fast and loose with the words. Words matter to
22 me. In this day and age, words matter more than ever
23 especially if it's come from this sacred box.

24 Mr. Minger testified I didn't see Antwon shoot Bo while
25 I'm there. He also said I didn't see him point it at you.

1 He said that. If you heard his testimony, you'll see he
2 said that. Whereas Mr. Cathcart has mislead you, and he's
3 kind of greased over it, and he's implying that he did not
4 say that, which he actually did.

5 Let me tell you other things that Mr. Minger confirmed
6 for us. He confirmed that Mr. Baker had, in fact, actually
7 paid Mr. Geter, which is kind of important, he confirmed
8 that he paid Mr. Geter and that Mr. Geter wanted more money.
9 Now, that's not the case. That's important. That's a
10 little thin but what the State told you was different. They
11 said Mr. Minger never paid him anything -- that Antwon never
12 paid him anything. No, no, no. He puts up the hospitality
13 cup and he comes in like some monster and demands repair of
14 his automobile and then, and then shoots him when he asks
15 for payment.

16 But we have witnesses that confirm, the State's own
17 witnesses, most of this case, their own people saying this
18 stuff, that Mr. Minger said himself that money was exchanged
19 and that Mr. Baker, that Antwon paid Mr. Geter. He also
20 said -- Mr. Minger also said that Bo was cussing and
21 arguing. He said "that Bo said you ain't getting shit." He
22 also confirmed the existence of B. Hall, a Blood in the
23 neighborhood, that Mr. Cathcart wants you to think that he
24 just sort of made up. He wants---

25 SOLICITOR CATHCART: Objection, Your Honor. He never

1 said there was a Blood in the neighborhood.

2 MR. BAILEY: Your Honor, there was testimony from Mr.
3 Baker---

4 THE COURT: All right. Hold on a second.

5 MR. BAILEY: ---that B. Hall was a Blood.

6 THE COURT: I've heard enough, Mr. Bailey.

7 Ladies and gentlemen of the jury panel, as I have told
8 you several times, as I've told you several times, what the
9 attorneys tell you is not evidence. The closing arguments,
10 they may comment on the facts of the case, the reasonable
11 inferences to be drawn from the case, and the law as I
12 instruct you the law is. The determination of the facts of
13 the evidence is for you, the jury, to determine using your
14 good judgment and your common sense.

15 Thank you. Thank you very much.

16 Mr. Bailey, you may continue.

17 MR. BAILEY: All right. Thank you, Your Honor.

18 THE COURT: Yes, sir.

19 MR. BAILEY: I'm sorry. Mr. Minger did not say B. Hall
20 was a Blood. He confirmed that B. Hall is a person and I'm
21 telling you, as Mr. Baker told you, that he was a Blood in
22 the neighborhood. You heard about that.

23 He also -- Mr. Minger also confirmed that Mr. Tron
24 Harrison, friend of B. Hall, who was present at the
25 shooting, and others in the blue car, were there in front of

1 the house. So, you know, Mr. Cathcart's gonna talk about
2 the backyard, the backyard, the backyard.

3 well, there's a house -- there's the front of the house
4 where people were hanging out conducting some kind of
5 business in windows. Mr. Truluck told you what kind of
6 neighborhood this was and then, and then there was the house
7 and there was a backyard. So, it's very conceivable, that a
8 public neighborhood, they're gonna be people on the street
9 just as Mr. Minger confirmed.

10 I want to talk about Doctor Durso briefly. She
11 testified that Mr. Geter could not have been shot at close
12 range because there was no stippling.

13 okay. Stippling, in case you missed it, is a powder
14 burn on the skin when you're shot upclose. So, if someone,
15 if someone, if someone shoots me I mean I guess
16 approximately 3-feet or so right here upclose, I'm gonna
17 have burn marks on my skin and usually even beyond some
18 clothes. The exception is, she said if there's heavy, heavy
19 clothing or multiple layers.

20 well, this is June, late June in South Carolina. So,
21 nobody was wearing heavy coats. I've lived up north. I was
22 exiled up there briefly and it was very pleasant summers but
23 I wore a lot of clothing, a lot of layers, a lot of clothes.
24 And, you know, there's a big difference between summer in
25 South Carolina and, and multiple layers.

1 We know that he was shot from some distance. It
2 wouldn't of been two men standing right in front of each
3 other pulling keys out of, pulling keys out of a car, you
4 know, over, over, over a short distance. It's consistent
5 with someone else shooting a man while pointing, aiming at
6 the one behind him.

7 So, you heard Antwon testify and you heard Investigator
8 Truluck talking to him. By Investigator Truluck's own
9 words, Antwon is a human. He is a person. He is a man. He
10 is not the bad guy monster that fits the State's movie
11 trailer.

12 He said, you know what, man, I've talked to a lot of
13 folks. I don't think one of them has anything bad to say
14 about you. You know what I'm saying?

15 That's what I was told. I was told about that by a lot
16 of folks.

17 Okay. So, Investigator Truluck talked to Antwon. You,
18 you got to meet Antwon.

19 Okay. Mr. Cathcart made a lot to do about Antwon's
20 weight. Antwon's actually shorter than me. You know, he's
21 overweight. He's obese. He's not Hulk Hogan.

22 Okay. But Mr. Cathcart wants to talk about this taller
23 man who's skinny or whatever. You want to call my client
24 fat, just call him fat, okay, cause that's what my client
25 is. He's heavy.

1 Mr. Antwon testified, I hate to belabor this because
2 you have heard this story like nine times at this point
3 because Mr. Cathcart cross-examined Mr. Baker multiple
4 times, kept trying to get him to trip up, kept putting words
5 in his mouth. I've lost count of how many times you've
6 heard this story but I can simplify it. Mr. Cathcart's
7 gonna make him sound like it was this impossible thing. But
8 this is the one story that explains why Ms. Brown saw Antwon
9 with a semiautomatic pistol. Yet, Mr. Geter definitely, it
10 has been proven, was killed with a round that could only
11 come from a revolver.

12 They also made a big deal about the tire iron. The
13 tire iron was mentioned in the video. You heard about the
14 tire iron today. They're saying well, we didn't find a tire
15 iron at the scene.

16 Well, it was a yard full of tools. They didn't speak
17 to Mr. Baker for many days. Nobody was looking for a tire
18 iron. That's an old argument. I've heard lawyers make that
19 all the time. Just because you don't find something doesn't
20 mean it wasn't, it wasn't there.

21 I don't know if you know the word melee. Melee means a
22 confused fight. It is a mass of people.

23 Okay. If, if you've read a lot of police reports about
24 shootings, frequently several guns go off. This is not
25 uncommon. This is not a crazy, Lee Harvey Oswald magic

1 bullet, and I'm not expressing any opinions on the Kennedy
2 Assassination. I'm just saying this isn't some crazy
3 situation.

4 In bad neighborhoods, and this was a bad neighborhood
5 as Mr. Truluck, Investigator Truluck said, multiple guns
6 come out all the time and multiple shots are fired. And
7 I'll tell you, I've seen a lot of murder cases and
8 frequently the wrong person gets shot. That happens all the
9 time. Somebody that doesn't even know the shooter gets
10 shot. A melee.

11 Now, it's not a melee like 30 people but more than,
12 more than a handful, a handful of men, several firearms, and
13 a confused fight. There was a struggle.

14 Mr. Geter had a dispute with Mr. Baker over payment of
15 the car. Mr. Baker had paid him early. He paid him \$20.
16 Then he paid him 20 more dollars. And then Mr., Mr. Geter
17 wanted him to buy this gun. He did not want to buy the gun.
18 He told you about how he, how it -- it came to be in his
19 waistband. I will say that you noticed that Mr. Minger also
20 said his pants were around his waist all day, that he wasn't
21 carrying a gun, he didn't see him carrying a gun, but that
22 is -- that certainly backs up his story that he came to this
23 gun later. He came to this gun in the later of a backyard
24 of a mechanic's house in a bad neighborhood.

25 So, he gets into a fight with Mr. Geter. They fight

1 with each other. They have a dispute over money. Mr. Geter
2 takes the keys out of, out of his car. They, you know,
3 there's a struggle. Mr. Geter picks up a tire iron, which
4 is not some imaginary thing that was made up today. The
5 tire -- the police first learned there was a tire iron very
6 shortly after this. At some point, there's a struggle over
7 a gun, shot goes off.

8 After a shot goes off, people respond. Especially
9 other gentlemen in the neighborhood that are packing heat.
10 It sort of makes sense. Well, most people I think would run
11 but some that carry guns, for fun, don't run. And B. Hall
12 and Tron come to Mr. Baker, not Mr. Baker, to Bo's defense.
13 The rest I think you understand.

14 It was a melee. The wrong person got shot. Well, I'd
15 hope nobody got shot in this case. The person that got shot
16 was not who the bullet was intended for.

17 Antwon fled. He did not try and hide that. The State
18 asks so, you fled. So, you ran. He's like yeah, I did.
19 He, he ran. He was scared. I doubt any regular voting
20 members of the community -- I doubt most people have
21 experience with the Bloods or have experience with gang life
22 but if you think some -- one of these people is trying to
23 shoot you, you take it seriously. You do take it seriously.

24 Is it always the right thing?

25 No.

1 Does everybody feel comfortable going to the police as
2 other people?

3 No.

4 We are a diverse society. We have different
5 backgrounds. We all have different relationships. We all
6 have different relationships and experiences. He was not
7 forthcoming completely in that interview. We acknowledge
8 that. We absolutely acknowledge that. He explains to you
9 why that was. He was afraid of attacks from people that had
10 tried to kill him and he didn't think the police were gonna
11 be able to help him, and, you know, Investigator Truluck
12 said himself it's my job to put the gun in his hand.
13 whatever I have to do to put the gun in his hand.

14 Y'all remember that?

15 He was talking about his tactics. He and Mr. Cathcart
16 were talking about the, the methods you have to take to put
17 a gun in the suspect's hand.

18 Reasonable doubt. You're gonna hear plenty more about
19 reasonable doubt. I do not have printed displays and I'm
20 not gonna wax poetic about it. Reasonable doubt is pretty
21 much what it sounds like. It's something different for
22 everybody.

23 If you have a pause, if you think this bullet story
24 does not make sense, and it doesn't, if you think, you know,
25 the State doesn't really seem to -- they seem to skim over

1 the fact that their witness, their star witness saw and said
2 multiple times and testified it was this type of gun, yet
3 this type of gun scientifically could not have killed
4 Mr. Geter, that's reasonable doubt.

5 The tale of the two guns, that's reasonable doubt.
6 That's not just reasonable doubt. That is proof that Antwon
7 Baker could not have killed Mr. Geter. He couldn't have
8 done it. Nobody places a revolver in his hand and that
9 woman knew what she was -- she got it right the first time
10 when she picked out the firearm.

11 No shell casings. When you fire a semiautomatic, when
12 you fire a semiautomatic, the shell casings come out. It's
13 kind of like the movies. Pop, pop, pow, and they shoot, and
14 they fly everywhere.

15 Now, I can tell you, it's pretty normal not to find one
16 shell casing. That happens. Okay. That, that is frequent.
17 If you look at crime scenes frequently, you might discharge
18 one and it disappears especially in the middle of a junkyard
19 or, excuse me, a work place. But three shell casings, you
20 usually find something.

21 Okay. No shell casings. No shell casings at the
22 scene. We'll give them a pass on not finding one of them.
23 But if it were a semiautomatic, you know, they don't leave
24 shell casings.

25 No one saw Antwon shoot Mr. Geter. This isn't a trick

1 about bananas and kids eating behind their back. This is
2 simple.

3 Okay. No one testified that they saw Mr. Geter shot by
4 Antwon. That's important. That's important when you have
5 multiple people with multiple firearms in a bad
6 neighborhood. In fact, Ms. Brown told you how she went
7 inside. She tried to call 9-1-1 numerous times. She
8 called. She didn't have any luck. You know, it went on.
9 She heard things while she was inside the house and that was
10 plenty of time for someone to come around from the driveway
11 and get involved in this skirmish, in this melee.

12 Ladies and gentlemen, this is Antwon Baker. He is a
13 regular guy. He met his wife at Best Buy. He was
14 unemployed and starting his own landscaping business. He
15 is -- he's somewhat of -- overweight. He is not the shooter
16 of Mr. Geter. Don't let the State spit in your hand and
17 tell you it is raining because that is what they're doing.

18 Mr. Potts gives the script but it's a little different
19 from the witnesses. It's not what they want the
20 witnesses -- the witnesses don't exactly say it the way they
21 want him to. Mr. Cathcart had to come up and correct his
22 own witnesses, Mr. Minger and Ms. Brown, because they
23 weren't saying it the way he wanted them to say it.

24 Did I get -- did I have to change Mr. Brown (sic)?

25 Did I have to correct Mr. Brown (sic)?

1 No. Because he, he spoke. I didn't need to get him on
2 the script. He had the truth. He had his own memory.

3 We have the State's own testimony from their own
4 witnesses that say that Mr. Baker is not a killer. We have
5 physical evidence, two pistols, clearly two pistols, proven
6 by firearm experts that say that Mr. Baker is not guilty.
7 We have experts who actually, you know, I'm -- I would of
8 had to call Ms. Metz myself.

9 Thank you for your time. I ask you to not just be a
10 rubber stamp for the State. I ask you to pay attention to
11 details. I'm not just saying that to trip you up, confuse
12 you. I'm not trying to confuse you. I'm trying to make it
13 simple.

14 This bullet came from a revolver and the State has
15 directly contradicting evidence, their witness, said
16 Mr. Baker had a semiautomatic. The lead investigator
17 confirmed that Mr. Baker had a semiautomatic weapon.

18 Ladies and gentlemen, Mr. Baker is not the shooter. He
19 did not shoot Mr. Geter. Please find him not guilty.

20 THE COURT: Thank you. Thank you, Mr. Bailey.
21 Solicitor.

22 SOLICITOR CATHCART: Please the Court, Your Honor.

23 Ladies and gentlemen, I was -- I guess my closing was
24 somewhat slower, somewhat subdued, some -- I wanted to make
25 sure everything I state is accurate. Unlike what defense

1 counsel is saying, I want to make sure that everything -- I
2 talked about what was said on the stand and what was said
3 from the stand.

4 Mr. Minger never said there was anything about Bloods
5 being there. Mr. Minger said it was four people there when
6 this happened, the first shot was fired. It's, again,
7 Mr. Brown, the victim, that man who had the gun in his hand.

8 They did not say Tron was there. We know Tron was --
9 Tron is the boyfriend of Tracea. They picked up the kids
10 and then they left beforehand. They didn't see the shooter.
11 He wasn't there.

12 The only person that ever talks about Tron being there
13 at this point is this man when he's trying to figure out
14 what he can say now. Talking about fast and loose with the
15 rules, with the truth.

16 Ladies and gentlemen, the first time we ever hear of an
17 automatic being the gun that fired this round is from him.
18 Ms. Brown only said I saw he had the gun in his right-hand.
19 It was black, kind of like yours.

20 would you stand up please, sir?

21 (WHEREUPON, Investigator Truluck complies.)

22 SOLICITOR CATHCART: will you show the jury -- turn
23 around please.

24 (WHEREUPON, Investigator Truluck complies.)

25 SOLICITOR CATHCART: The testimony was that, when she

1 pointed to his gun, it was in his holster. He did not rack
2 it. He didn't slide it. It was in his holster where all
3 you can see is the handle. You don't see the slide of an
4 automatic. You don't see the cylinder or a revolver. It
5 was black like his.

6 She testified she does not know the difference. I
7 don't know what -- what's an automatic?

8 What's an automatic?

9 It shoots three times. It shoots fast.

10 MR. BAILEY: Objection, Your Honor. She did not
11 testify that she did not know how to---

12 THE COURT: I don't want to hear about what -- I don't
13 want to hear attorneys' opinions about what was or was not
14 testified to. The jury decides that. They're the finders
15 of the fact. Not the attorneys.

16 SOLICITOR CATHCART: Defense counsel says fast and
17 loose with the truth.

18 You heard the testimony here today or this week. She
19 didn't write the statement. He wrote down automatic. He
20 wrote it in parentheses because that's what he was saying.
21 It was my gun, the gun she pointed out in the holster. And
22 what -- it doesn't show the cylinder. It just shows a black
23 handle like the one that he had in his hand when he shot
24 him, Mr. Geter, her husband.

25 The only time we hear about this shiny new nine, okay.

1 his nice car up here guy, that's now selling guns too; that
2 it's in his car, the only time that comes up was today.

3 why does it come up as today?

4 Because we know what kind of gun shot him. It couldn't
5 have been a semiautomatic. And they're laying their hat on
6 the fact that she said it looked like his gun.

7 Also, when he came to Mississippi, nobody said anything
8 about some other gun. He didn't say anything about B. Hall.
9 There was no two guns. There's not a tale of two guns.
10 There was only one gun and his testimony on that tape, on
11 the transcript, one gun. It was a man and the repair guy
12 fighting over it.

13 It comes up to be a 9-millimeter because -- wait a
14 second. That's so he can say that's what Ms. Brown said.

15 She's an expert on guns now. She said it was an
16 automatic in his hand. Therefore, it could of been me
17 because we know that the gun that shot Willie Geter in the
18 back was a revolver.

19 There was no two other people back there. You heard
20 from all the witnesses what occurred, and, again, it's not
21 what I've said. It's not what defense counsel says. It's
22 the evidence that comes off that stand, what you heard here
23 today, what these people told you.

24 Please feel free to watch the video again and ask
25 yourselves where's that mystery gun, the one that -- the

1 only thing that they can say puts any kind of doubt in this,
2 which it doesn't. He's playing it fast and loose with the
3 truth.

4 Ladies and gentlemen, he shot him down in his own yard
5 in front of his wife. Please find him guilty.

6 THE COURT: Thank you, solicitor.

7 If someone would please remove the exhibit from the
8 wall. Remove the items from the witness stand. Remove the
9 glass and remove this and anything that's on the jury rail
10 and put it over there where the documents and items of
11 evidence will remain.

12 SOLICITOR CATHCART: I apologize, Your Honor.

13 THE COURT: Thank you. Thank you very much.

14 Anything off the witness stand, if you'll also move it,
15 solicitor.

16 (Pause.)

17 THE COURT: He, he can come in. Please come in. Thank
18 you.

19 All right. Ladies and gentlemen of the jury panel, if
20 y'all will please give me my -- give me your complete and
21 undivided attention. I am now going to charge or instruct
22 you on the law that you will apply to the facts of the case
23 as you find the facts to be, and, typically, the way I
24 instruct the jury panel is I charge the general criminal law
25 that applies to all criminal cases in South Carolina first.

1 After I charge the general law, I will then charge you the
2 specific offenses for which the indictments have been
3 issued. After I do that, I will charge you with what I
4 refer to as the form of the verdict.

5 Generally, when I move from one subject matter to the
6 next, I will give you the caption of that paragraph, the
7 caption of that section, cover it, and then give you the
8 caption for the next section as we go through these
9 instructions.

10 This is very well scripted that -- those items that I
11 do charge. I will try to change the tone and consistency of
12 my voice throughout. It will probably take about 35
13 minutes. With that being said, again, please give me your
14 complete and divided attention.

15 The charge, arrest, indictment, not evidence.

16 The indictments charge the defendant with the offense
17 of murder, possession of a firearm during the commission of
18 a violent crime. I remind you, again, the fact the
19 defendant was arrested, charged, and indicted in this case
20 is not evidence in this case and can not be considered by
21 you as evidence of guilt in this case nor does it create any
22 presumption or inference of guilt.

23 Those documents are simply the formal written
24 instruments which contain the charges made against the
25 defendant. They are only the formal documents by which this

1 case has been brought before the Court.

2 Presumption of innocence.

3 The defendant has pled not guilty to the indictments,
4 and that plea puts the burden on the State to prove the
5 defendant guilty. A person charged with committing a
6 criminal offense in South Carolina is never required to
7 prove himself innocent.

8 I instruct you that it is an important rule of the law
9 that a defendant, in a criminal trial, no matter what the
10 seriousness of the offense may be, will always be presumed
11 to be innocent of the crime for which the indictment was
12 issued unless guilt has been proven by evidence satisfying
13 you, the jury, of that guilt beyond a reasonable doubt.

14 This presumption of innocence does not end when you
15 begin your deliberations but it accompanies the defendant
16 throughout the trial until you reach a verdict of guilt
17 based on evidence satisfying you of that guilt beyond a
18 reasonable doubt. The presumption of innocence is like a
19 robe of righteousness placed about the shoulders of a
20 defendant which remains with the defendant until it has been
21 stripped from the defendant by evidence satisfying you of
22 the guilt of the defendant beyond a reasonable doubt.

23 The presumption of innocence is not a mere legal
24 theory. It is not just a legal phrase. It is a substantial
25 right to which every defendant is entitled unless you, the

1 jury, are satisfied, from the evidence, of the defendant's
2 guilt beyond a reasonable doubt.

3 what is a reasonable doubt in the law?

4 A reasonable doubt is the kind of doubt that would
5 cause a reasonable person to hesitate to act. The State has
6 the burden of proving the defendant's guilt beyond a
7 reasonable doubt.

8 Some of you may, in the past, have served as jurors in
9 civil cases where you were told that it is only necessary to
10 prove that a fact is more likely true than not true such as
11 a greater weight or preponderance of the evidence. In
12 criminal cases, the State's proof must be more powerful than
13 that. It must be beyond a reasonable doubt.

14 Proof beyond a reasonable doubt is proof that leaves
15 you firmly convinced of the defendant's guilt. There are
16 very few things in this world that we know with absolute
17 certainty. And, in criminal cases, the law does not require
18 proof that overcomes every possible doubt. If, based on
19 your consideration of the evidence, you are firmly convinced
20 that the defendant is guilty of the crimes charged, you must
21 find the defendant guilty. If, on the other hand, you think
22 there is a real possibility that the defendant is not
23 guilty, you must give the defendant the benefit of that
24 doubt and find him not guilty.

25 Duties of trial jury and trial judge.

1 I remind you that, during this trial, you and I have
2 certain duties to perform. As the trial judge, it is my
3 responsibility to preside over the trial of this case, and I
4 also have the duty to rule on the admissibility of the
5 evidence offered during the trial.

6 You are to consider only the competent evidence before
7 you. If there was any testimony ordered stricken from the
8 record in this case during the trial, you must disregard
9 that. You are to consider only the testimony which has been
10 presented from the witness stand and any exhibits which have
11 been made a part of the record in this case. I have the
12 additional duty to instruct you the law applicable to this
13 case. As the presiding judge, I am the sole judge of the
14 law of this case and it is your duty, as jurors, to accept
15 it and to apply it as I now state it to you.

16 If you already have any idea as to what the law is or
17 what the law ought to be, and it does not agree with what I
18 now tell you the law is, you must abandon your idea because
19 you are sworn to accept the law and apply the law exactly as
20 I state it to you.

21 In every case tried in this Court before a jury, the
22 jury becomes the sole and exclusive judge of the facts in a
23 case. A trial judge can not intimate, state, comment on, or
24 make any statement to a trial jury about the facts in a
25 case. Since you, the jury, are the sole judge of the facts

1 in this case, you are not to infer, from what I have said
2 during the progress of this trial in ruling upon the
3 admissibility of evidence or otherwise or anything that I
4 say now during the course of this instruction to you, that I
5 have any opinion about the facts in this case.

6 The law does not allow me to have an opinion about the
7 facts in this case. That is a matter solely for you, the
8 jury, to determine. As jurors, it is your duty to determine
9 the effect, the value, the weight, and the truth of the
10 evidence that has been presented to you during this trial.

11 Direct and circumstantial evidence.

12 There are two types of evidence which are generally
13 presented during a trial, direct evidence and circumstantial
14 evidence.

15 Direct evidence is the testimony of a person who claims
16 to have actual knowledge of a fact such as an eye witness or
17 an ear witness. It is evidence which immediately
18 establishes the main fact to be proven.

19 Circumstantial evidence is proof of a chain of facts
20 and circumstances indicating the existence of a fact. It is
21 evidence which immediately establishes collateral facts from
22 which the main fact may be inferred. Circumstantial
23 evidence is based on inference and not on personal knowledge
24 or observation.

25 The law, our law, makes absolutely no distinction

1 between the weight or the value to be given to either direct
2 evidence or circumstantial evidence nor is there a greater
3 degree of certainty required of circumstantial evidence than
4 of direct evidence. You should weigh all the evidence in
5 the case. After weighing all the evidence, if you are not
6 convinced of the guilt of the defendant beyond a reasonable
7 doubt, you must find the defendant not guilty. If,
8 thereafter, weighing all of the evidence in the case, you
9 are convinced of the guilt of the defendant beyond a
10 reasonable doubt, you must find the defendant guilty.

11 Credibility. Excuse me.

12 Necessarily you, the jury, must determine the
13 credibility of the witnesses who have testified in this
14 case. Credibility, as you-all know, simply means
15 believability. It becomes your duty, as jurors, to analyze
16 and to evaluate the evidence and determine which evidence
17 convinces you of its truth.

18 In determining the believability of the witnesses who
19 have testified in this case, in using your individual and
20 collective good judgment and individual and collective
21 common sense, you may believe one witness over several. You
22 may believe several witnesses over one. You may believe a
23 part of the testimony of a witness and reject the remaining
24 part of the testimony of that same witness. You may believe
25 the testimony of a witness in its entirety or reject the

1 testimony of a witness in its entirety. You may consider
2 whether any witness has exhibited to you any interest, any
3 bias, any prejudice, or other motive in this case.

4 You may consider the appearance, the manner, the way
5 the witness acts while on the witness stand. You may
6 consider if a witness' testimony is corroborated or made
7 stronger by another witness' testimony or the reverse. You
8 may consider whether a particular witness' testimony has not
9 been corroborated or made weaker by another witness'
10 testimony. You may consider whether a witness has given any
11 prior inconsistent statements or whether or not a witness
12 has given prior consistent statements. You may consider
13 anything in this record that would allow you to evaluate the
14 credibility, the believability of the witnesses who have
15 testified in this case before you.

16 Expert witnesses.

17 As, as you heard, briefly, and this is not a lengthy
18 instruction to you as far as this section, the Rules of
19 Evidence ordinarily do not permit witnesses to testify as to
20 opinions and as to conclusions. There is an exception that
21 exists for witnesses that we call expert witnesses.

22 A witness, who by education, or experience, or
23 training, has become expert in some art, science,
24 profession, craft, or calling may state an opinion as to
25 relevant and material matter in which the witness claims to

1 be an expert and may also state the reasons, underlying
2 foundation for holding that opinion. You should consider
3 any expert witness opinion received in evidence in this
4 case, and like any other evidence, you give it the weight
5 you think it deserves. If you decide the opinion of an
6 expert witness is not based on sufficient education or
7 experience or if you conclude that the reasons given in
8 support of the opinion are not sound or that the opinion is
9 outweighed by other evidence, you may disregard the opinion
10 in its entirety.

11 An expert witnesses testimony is to be given no greater
12 weight than that of any other witness simply because the
13 witness is an expert. You're not required to accept an
14 expert's opinion even though it may be uncontradicted.

15 Identification.

16 An issue in this case is the identification of the
17 defendant as the person who has committed the crimes
18 charged. The State has the burden of proving identification
19 beyond a reasonable doubt. You must be satisfied, beyond a
20 reasonable doubt, of the accuracy of the identification of
21 the defendant before you may convict the defendant.

22 Identification testimony is an expression of belief or
23 impression by a witness. You must determine the accuracy of
24 the identification of the defendant. You must consider the
25 believability of each identification witness in the same way

1 as any other witness. You may consider whether the witness
2 had an adequate opportunity to observe the offender at the
3 time of the offense. This may be affected by things like
4 how long or how short a time was available, how far or close
5 the witness was, the lighting conditions, and whether the
6 witness had the chance to see or know the person in the
7 past.

8 Once again, I instruct you the burden of proof on the
9 State extends to every element of the crimes charged and
10 this specifically includes the burden of proving it beyond a
11 reasonable doubt, the identity of the defendant as the
12 person who committed the crime. After examining the
13 testimony, you have a reasonable doubt as to the accuracy of
14 the identification, you must find the defendant not guilty.
15 Again, on the other hand, if you have no question as to the
16 accuracy of the identification and the State has proven that
17 beyond a reasonable doubt, you must find the defendant
18 guilty.

19 Statement of defendant.

20 A statement alleged to have been made by the defendant
21 has been admitted into evidence in this case. While the
22 Court has determined the statement is admissible, I instruct
23 you that you make the ultimate decision of whether or not
24 the defendant made the statement. If the defendant did make
25 the statement, you must determine whether the statement was

1 made by the defendant voluntarily and of his own free will.
2 This means that the statement was not caused by pressure,
3 force, fear, threats, coercion, intimidation, or by hope or
4 a promise of leniency or a reward of any kind.

5 In determining whether the statement was voluntary, you
6 should consider both the characteristics of the defendant
7 and the details of the questioning. Some factors that you
8 must consider are the age of the defendant, the defendant's
9 education or lack thereof, the defendant's mental ability or
10 capacity, the defendant's IQ or intelligence, the
11 defendant's background and environment, the place and the
12 length of detention, the nature of the questions, and the
13 advice or lack thereof to the defendant of his
14 constitutional rights including, but not limited to, the
15 right to remain silent, that any statement could be used
16 against him in a Court of law, the right to have a lawyer
17 present, that if could not afford a lawyer, a lawyer would
18 be appointed to represent him without any cost, and that he
19 could stop making the statement at anytime. You must
20 carefully consider all of the surrounding circumstances
21 before you give any weight to any alleged statement.

22 The State has the burden of proving, beyond a
23 reasonable doubt, that the alleged statement was voluntary.
24 If you determine it was, you may give the statement any
25 further consideration that you deem proper and appropriate.

1 You must decide what weight, if any, should be given to the
2 alleged statement. If you determine the alleged statement
3 was not the free and voluntary statement of the defendant,
4 you should not consider the statement at all.

5 Intent.

6 In order to establish criminal liability, criminal
7 intent is required. For example, the mental state required
8 to be proven by the State for a particular crime might be
9 purpose, intent, knowledge, recklessness, or criminal
10 negligence. Criminal intent must be proven by the State
11 beyond a reasonable doubt. Criminal intent is always a
12 matter that must be determined by the jury from the
13 circumstances surrounding the situation.

14 Ladies and gentlemen, there is no way to prove intent
15 to a mathematical certainty. Medical science can not
16 dissect a person's brain and determine what the person had
17 in mind. So, the law says that criminal intent may be
18 inferred from the circumstances shown to have existed. This
19 is how you make your determination of whether or not the
20 element requiring intent was present. It is not necessary
21 to establish intent by direct and positive evidence but
22 intent may be established by inference in the same way as
23 any other fact taking into consideration the acts of the
24 parties and all the facts and circumstances of the case.

25 Criminal intent, ladies and gentlemen, is a mental

1 state. It is a conscience wrongdoing. It is up to you to
2 determine what the defendant intended to do based on the
3 circumstances shown to have existed. Criminal intent can
4 arise from action or a failure to act. It may arise from
5 negligence, recklessness, or indifference to duty, or to
6 consequences that is considered by the law to be the
7 equivalent of criminal intent.

8 If you would please continue to give me your complete
9 and undivided attention. I assure you the end of my
10 instructions is in sight.

11 I am now going to instruct you on the specific charges
12 in the indictment.

13 Murder.

14 As a lesser included offense, I'm gonna charge the
15 crime of voluntary manslaughter. Then I will charge
16 possession -- also gonna charge the defense of self-defense
17 and then I will charge the possession of a weapon during the
18 commission of a violent crime.

19 The defendant is charged with murder. The State must
20 prove, beyond a reasonable doubt, that the defendant killed
21 another person with malice aforethought.

22 Malice is hatred, ill will, or hostility towards
23 another person. It is the intentional doing of a wrongful
24 act without just cause or excuse and with an intent to
25 inflict an injury or under circumstances that the law will

1 infer an evil intent. Malice aforethought does not require
2 that the malice exist for any particular period of time
3 before the act is committed but the malice must exist in the
4 mind of the defendant just before and at the time that the
5 act is committed. Therefore, there must be a combination of
6 previous intent and the act.

7 Malice aforethought may be expressed or inferred.
8 These terms expressed or inferred do not mean different
9 kinds of malice but merely the malice, but merely the manner
10 in which malice may be shown to exist. That is either by
11 direct evidence or by inference from the facts and
12 circumstances which are proven.

13 Express malice is shown when a person speaks words
14 which express hatred or ill will for another or when the
15 person prepared beforehand to do the act which was later
16 accomplished. For an example of express malice, lying in
17 wait for a person or any other acts in preparation going to
18 show that the deed was in the defendant's mind would be
19 expressed malice. Malice inferred is malice that may be
20 inferred from the conduct when such conduct shows a total
21 disregard for human life.

22 Further, in an explanation as to malice, ladies and
23 gentlemen, in its popular sense, the term malice conveys the
24 meaning of that hatred, ill will, or hostility towards
25 another. In its legal sense, however, malice does not

1 necessarily mean ill will towards the individual injured but
2 signifies a general malignant recklessness of the lives and
3 safety of others or a condition of the mind which shows a
4 heart without or regardless of any social duty and fatally
5 bent on mischief. In other words, malicious killing is
6 where the act is done without legal justification, excuse,
7 or extenuation and malice has been frequently, substantially
8 so defined as existing of the intentional doing of a
9 wrongful act towards another without legal justification or
10 excuse.

11 Now, ladies and gentlemen, I'm going to charge you the
12 law as to voluntary manslaughter and this is under the
13 theory that the greater offense crime, the murder, includes
14 the lesser offense, which is voluntary manslaughter.
15 Voluntary manslaughter is a lesser included offense of the
16 crime of murder.

17 Voluntary manslaughter is a Code Section in South
18 Carolina 16-3-50 and it defines manslaughter as the unlawful
19 killing of another without malice, express or implied.
20 Voluntary manslaughter is the unlawful killing of a human
21 being without malice in sudden heat of passion upon
22 sufficient legal provocation.

23 To prove voluntary manslaughter, the State must
24 demonstrate, beyond a reasonable doubt, that the defendant
25 unlawfully killed another without malice in sudden heat of

1 passion based on sufficient legal provocation. Heat of
2 passion alone will not suffice. Both heat of passion and
3 sudden legal provocation must be present at the time of the
4 killing to constitute voluntary manslaughter.

5 The sudden heat of passion upon sufficient legal
6 provocation, while it need not dethrone entirely or shut out
7 knowledge or volition, it must be such as would naturally
8 disturb the sway of reason and render the mind of the
9 ordinary person incapable of cool reflection and produce an
10 uncontrollable impulse to do violence.

11 To constitute sufficient legal provocation, the
12 provocation must come from some act of or some act related
13 to the victim. The provocation of the deceased must be such
14 as would naturally and instantly produce, in the mind of a
15 person ordinarily constituted the highest degree of
16 exasperation, rage, anger, sudden resentment, or terror
17 rendering the mind incapable of cool reflection. Where
18 death is caused by the use of a deadly weapon, words alone,
19 however opprobrious, are not sufficient to constitute legal
20 provocation. Although words alone may not constitute
21 sufficient legal provocations, words, accompanied by some
22 overt act, overt threatening act, may be sufficient.

23 That is the charge of voluntary manslaughter as the
24 lesser included offense of the charge of murder.

25 Self-defense.

1 Self-defense is a complete defense. If established,
2 you must find the defendant not guilty. They're four
3 elements required by the law to establish self-defense.

4 First, the defendant must have been without fault in
5 bringing on the difficulty.

6 Second, the defendant must have been in actual imminent
7 danger of losing his life or sustaining serious bodily
8 injury or he must have actually believed he was in imminent
9 danger of losing his life or sustaining serious bodily
10 injury.

11 Three, if his defense is based upon the belief of
12 imminent danger, a reasonably prudent person of ordinary
13 firmness and courage would have entertained the same belief.
14 If the defendant actually was in imminent danger, then the
15 circumstances were such as would warrant a person of
16 ordinary prudence, firmness, and courage to strike the fatal
17 blow, shoot the fatal round in order to save himself from
18 serious bodily harm or losing his own life.

19 Fourth, the defendant had no other probable means of
20 avoiding the danger than to act as he did in the particular
21 circumstances.

22 A defendant, in a self-defense case, has the right to
23 act on appearances. A defendant must have believed he was
24 in imminent danger, not that he was actually in such danger,
25 because he does have the right to act on appearances and

1 under the circumstances as they may appear to be if he
2 believed he was in such danger, and a reasonably prudent
3 person or ordinary firmness and courage would have
4 entertained that same belief. If a defendant is justified
5 in firing the first shot, the defendant is justified in
6 continuing to shoot until it is apparent that the danger to
7 his life and body has ceased.

8 Ladies and gentlemen, there's no burden on a defendant
9 to prove self-defense. The defendant is not required to
10 prove any element of self-defense. The burden is on the
11 State to disprove self-defense beyond a reasonable doubt.

12 If you have a reasonable doubt of the defendant's
13 guilt, after considering all the evidence including the
14 evidence of self-defense, you must find the defendant not
15 guilty. If, on the other hand, you have no reasonable doubt
16 as to defendant's guilt after considering all of the
17 evidence, including the evidence of self-defense, you must
18 find the defendant guilty.

19 Possession of a weapon during the commission of violent
20 crime.

21 The defendant is charged with possession of a weapon
22 during the commission of or the attempt to commit a violent
23 crime. This is a statute in South Carolina. The State must
24 prove, beyond a reasonable doubt, that the defendant was in
25 possession of a firearm or visibly displayed what appeared

1 to be a firearm during the commission of a violent crime.
2 The statute defines a firearm as any machine gun, automatic
3 rifle, revolver, pistol, or any other weapon which will or
4 is designed to or may be readily converted to expel a
5 projectile.

6 In order to find the defendant guilty of possession of
7 the weapon during the commission of a violent crime, you
8 must first find that the defendant is guilty of the
9 committing a violent crime or attempt to commit a violent
10 crime. I instruct you that the crime of murder, the crime
11 of voluntary manslaughter each are violent crimes.

12 So, finally, ladies and gentlemen, as to the possible
13 verdicts, which you may find in this case, and before I give
14 my explanation to you, I will advise you that the
15 significance in which I explain the possible verdicts has no
16 significance whatsoever. It is just that one or the other
17 must be stated first.

18 You'll have a form of verdict in there with you, Mr.
19 Foreman, and it has the caption of the case, identifying
20 information, and it will -- on the first it will be, let's
21 say, as to the indictment for murder. We, the jury, find
22 beyond a reasonable doubt and it will have three potential
23 verdicts as to the indictment of murder. It will be guilty
24 of murder, or guilty of voluntary manslaughter, or not
25 guilty.

1 Again, as I have stated, those potential verdicts have
2 no significance whatsoever. If, after your determination of
3 the facts as to the murder indictment charge, you, the jury,
4 make that determination, you apply those facts to the law as
5 I have instructed you the law is, generally and
6 specifically, and you find that the State has failed to
7 prove the offense of murder beyond a reasonable doubt, you
8 would then go to the lesser included offense of voluntary
9 manslaughter. If you find the State has failed to prove its
10 case beyond a reasonable doubt as to voluntary manslaughter
11 or you found they haven't proved their case as to murder
12 beyond a reasonable doubt, haven't proved their case as to
13 voluntary manslaughter beyond a reasonable doubt, your
14 verdict would be not guilty. If, on the other hand, after
15 your determination of the facts, applying them to the law as
16 I've stated it to you, you find the State has proven its
17 case as to murder, beyond a reasonable doubt, and that is a
18 unanimous verdict, you would find the defendant guilty of
19 the offense of murder.

20 The form will have a checkmark to the left of the word
21 guilty. I'd ask you to check that checkmark, circle the
22 word guilty, and a checkmark. If, after considering the
23 murder offense, you find the State has failed to meet its
24 burden of proof beyond a reasonable doubt as to murder, you
25 consider the voluntary manslaughter offense. You find the

1 State has proven its case beyond a reasonable doubt as to
2 voluntary manslaughter, I would ask you to check to the left
3 of those words, guilty of voluntary manslaughter, and circle
4 both your checkmark and those words. If you find the State
5 has failed to prove its case, beyond a reasonable doubt, as
6 to murder or voluntary manslaughter, your verdict would be
7 not guilty. I'd ask you to check to the left of those two
8 words and check your -- circle your checkmark and those two
9 words.

10 So, you have three potential verdicts as to the offense
11 of murder, guilty of murder, guilty of voluntary
12 manslaughter, or not guilty. Whatever your verdict may be
13 as to that indictment, it must be a unanimous verdict. All
14 12 of you must agree. Once you've reached that unanimous
15 verdict as to that offense or lesser included offense of --
16 as I say, please check and you would go to possession of a
17 weapon during the commission of a violent crime.

18 Both offenses are violent crimes. You can only find an
19 individual guilty of possession of a weapon during the
20 commission of a violent crime first if there was a
21 commission of a violent crime or an attempt to commit a
22 violent crime. So, if Mr. -- if the defendant were found
23 not guilty of murder, not guilty of voluntary manslaughter,
24 in other words found not guilty on those two charges, you
25 could not be found guilty on possession of a weapon during

1 the commission of one of those crimes. Only if he is found
2 guilty of murder or voluntary manslaughter would you then
3 consider the offense of possession of a weapon during the
4 commission of a violent crime, applying the facts as you
5 find them to be to the law as I told you it is. You would
6 check to the left of whatever the jury's unanimous verdict
7 is to that charge.

8 And, at the bottom of the form, they'll be a signature
9 line for you, Mr. Foreman, presiding juror, and a date line.
10 Sign it, date it. Once you have reached those unanimous
11 verdicts, I would ask you to please knock on the jury room
12 door, inform the bailiff as such, and we will receive you
13 back in the jury room -- back in the courtroom for your
14 verdicts.

15 I would remind you that your verdict may not be based
16 on passion, sympathy, emotion, or any other motive not in
17 evidence in this case.

18 I must ask you to return to your jury room one final
19 time. I have to review my instructions to the -- with the
20 attorneys outside of your presence fairly briefly. If I do
21 not have to bring you out further for additional
22 instructions, what will happen, everybody, everybody looks
23 great, our, our alternate, our remaining alternate, will
24 come out of the jury room. The items that were introduced
25 into evidence will be presented to you and you will be

1 instructed to begin your deliberations with your fellow
2 jurors in your jury room.

3 So, do not discuss the case until you have received
4 such a verdict.

5 Thank you. Thank you very much.

6 You may now go to the jury room.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: All right. Solicitor.

10 SOLICITOR CATHCART: Nothing from the State, Your
11 Honor.

12 THE COURT: Mr. Bailey.

13 MR. BAILEY: Yes, Your Honor.

14 I don't know if this is the appropriate time. I just
15 want to -- I spoke with Madam Court Reporter and I just
16 wanted to make sure that I got Defense Exhibits 2 and 3 for
17 ID purposes back.

18 SOLICITOR POTTS: Three and four.

19 MR. BAILEY: Three and four. I'm -- yeah, the two, the
20 two dummy guns.

21 THE COURT: I was gonna ask y'all, y'all please check
22 your exhibits.

23 MR. BAILEY: Yes, sir, we, we actually did pretty
24 thoroughly earlier. We'll look at it again.

25 SOLICITOR CATHCART: And, Your Honor, I'll also ask for

1 identification only 30.

2 THE COURT: Are the books in evidence?

3 SOLICITOR CATHCART: The round that was fired, yes,
4 Your Honor.

5 THE COURT: The books.

6 SOLICITOR POTTS: The books.

7 SOLICITOR CATHCART: The books, no, sir. They're only
8 for identification also.

9 THE COURT: All right. Y'all check the exhibits---

10 MR. BAILEY: Yes, sir.

11 THE COURT: ---and make sure they're correct.

12 MR. BAILEY: And I was just wondering, Your Honor, if,
13 whatever time would be appropriate, if Mr. Baker -- cause
14 he's been informed to not speak with his wife, and if
15 there's any time, certainly under supervision, he can maybe
16 visit with her briefly here sometime this afternoon.

17 THE COURT: I leave that up to the sheriff.

18 MR. BAILEY: Okay. We'll be happy---

19 THE COURT: You know, I let, I let security run
20 security.

21 MR. BAILEY: Okay. That's fine.

22 THE COURT: I don't have any objection whatsoever but
23 I, I, I let security run security.

24 MR. BAILEY: Okay.

25 THE COURT: All right.

1 MR. BAILEY: Thank you, Your Honor.

2 THE COURT: We're awaiting our verdict.

3 Oh, I've got to walk back here and get the form.

4 (WHEREUPON, four notes from the jury were marked as
5 Court's Exhibit Nos. 4 through 7 for identification purposes
6 only at this time.)

7 (WHEREUPON, the jury began deliberations at 3:52PM and
8 a note was sent out at 4:03PM.)

9 THE COURT: All right. I've answered their question.
10 The transcript wasn't offered into evidence.

11 MR. BAILEY: That's right.

12 (WHEREUPON, the note from the jury was marked as
13 Court's Exhibit No. 8 for identification purposes only at
14 this time.)

15 (WHEREUPON, the jury continued deliberations at sent
16 out another note at 7:19PM.)

17 THE COURT: I received a note from the jury. We need a
18 copy of the judge's charge.

19 What's your position, solicitor?

20 SOLICITOR CATHCART: Your Honor, fine if you give
21 them -- I mean are they, are they asking for the entire
22 charge or nothing specific?

23 THE COURT: I'm saying it like I bought it, solicitor,
24 as is.

25 SOLICITOR CATHCART: Just---

1 THE COURT: We need a copy of the judge's charge.

2 SOLICITOR CATHCART: I don't have a problem with you
3 giving them the whole charge.

4 THE COURT: Sir?

5 SOLICITOR CATHCART: I certainly do not have a problem
6 with you providing them with your charge.

7 MR. BAILEY: All -- the whole charge and everything I
8 guess?

9 THE COURT: Yeah, you know, I've never totally
10 processed that. I don't know how to pronounce it, Lemire,
11 Lemire case, of Judge Seals out of York County. I, I think
12 the -- I think, now, there's some opinion that you give them
13 what they ask for. There's another opinion that you have to
14 give them everything and tell them, you know, you got to
15 incapsulate it in the entire charge. I, I can -- I don't
16 have my computer out here. I don't have my law clerk. It's
17 L-E-M-I-R-E.

18 I think it's appropriate to give them the whole charge.
19 You know, there's some judges, very wise judges, that hold
20 the opinion that you never give them the charge, that the
21 judge tells them the law. I don't object to giving it to
22 them.

23 My issue right now is, and I have everything except,
24 imagine this, the murder charge, the voluntary manslaughter
25 charge, and the self-defense charge, and the possession

1 because I didn't have it -- I had it in my notebook loose
2 and the voluntary charge I gave them was what you submitted.

3 MR. BAILEY: Yes, Your Honor.

4 THE COURT: You've got a copy of that.

5 MR. COMISH: Your Honor, I was able to find the case on
6 my phone.

7 would you like---

8 THE COURT: Just, just look at it and just tell me---

9 SOLICITOR POTTS: I have it too.

10 THE COURT: Just tell me what it says. I don't have my
11 computer out here and I can't remember the Judge Seals case,
12 part of it, I know -- I don't think they reversed that case
13 at all.

14 SOLICITOR CATHCART: But this case, I believe we're --
15 they're asking for just the charge, all of it, not parts of
16 it.

17 THE COURT: That's what they're asking for. I'm just
18 trying to find it.

19 Wait a minute. No, I was just trying to find those
20 parts of the charge that I don't have in my notebook.

21 MR. COMISH: It's pretty straightforward.

22 SOLICITOR POTTS: Is you give the whole thing I think
23 it was.

24 MR. COMISH: Well, it says that the judge is within his
25 discretion submitting the entire written charge to the jury.

1 So, there's absolutely no problem with that.

2 THE COURT: All right.

3 SOLICITOR POTTS: And they quote it is never
4 appropriate to give only part of the charge to the jury.

5 MR. COMISH: There you go.

6 THE COURT: All right. And I can walk back in my
7 office cause I had, I had my murder charge printed out, your
8 malice charge, their voluntary manslaughter charge, their
9 self-defense charge, and the possession of a weapon. The
10 only thing about that is the one I have printed out had
11 criminal sexual conduct, something on it. So, I'd have to
12 adapt that real quick.

13 MR. BAILEY: Your Honor, I've got -- I gave y'all a
14 copy earlier. I did find a copy of our voluntary
15 manslaughter and self-defense charge that we had.

16 Should I hand this up to you, Your Honor?

17 THE COURT: Yes, sir, hand that up to me now. I'll get
18 that squared away right now.

19 MR. BAILEY: Your Honor, it has a signature page with
20 my name on it, signed on it, but you can just chunk that or
21 I can chunk it right now or you can---

22 THE COURT: All right. Thank you.

23 MR. BAILEY: Yes, sir.

24 SOLICITOR CATHCART: Well, Your Honor, I would also
25 prefer that it doesn't have defendant's request to charge on

1 it that he submitted to you.

2 MR. BAILEY: Sure.

3 THE COURT: Say, say that again, solicitor.

4 SOLICITOR CATHCART: His request to charge is captioned
5 by what the defendant's request to charge. I would ask that
6 that just be -- the charge. Not this.

7 THE COURT: Sure. Just get, get someone to go back
8 there and copy it and just, just take that part off. That
9 will be fine. Let me look at this.

10 MR. BAILEY: Sure.

11 would, would you like us to just print out the one
12 redacted?

13 THE COURT: Sure. And the, the four page with your
14 signature, we'll take that off.

15 MR. BAILEY: Yes, sir.

16 All right. We'll do that right now.

17 THE COURT: Can you do that for me, Ms. Kuchar?

18 MS. KUCHAR: Yeah, yeah.

19 MR. BAILEY: Thank you, Your Honor.

20 THE COURT: I don't know. Maybe I put your charges in
21 here, Mr. Bailey.

22 Wait a minute. I have it, I have it without that
23 caption. I have it without the caption up here.

24 MR. BAILEY: The voluntary?

25 THE COURT: No, self-defense. That's the only charge I

1 put in there of yours, Mr. Bailey.

2 MR. BAILEY: Yes, sir.

3 THE COURT: Okay. I didn't do it -- there wasn't any
4 intent.

5 MR. BAILEY: No, sir, I --.

6 THE COURT: Actually my law clerk, my law clerk put it
7 in there, Mr. Bailey. I will say this, Mr. Bailey, you're
8 with good company.

9 MR. BAILEY: Thank you, sir.

10 THE COURT: Let me get this. Make sure this is the
11 self-defense charge you handed up, Mr. Bailey.

12 How about your malice charge, solicitor?

13 SOLICITOR CATHCART: Your Honor, I believe it's, as you
14 indicated, it was -- I can have that redacted as well, Your
15 Honor.

16 MR. BAILEY: This is what we---

17 SOLICITOR CATHCART: And your---

18 MR. BAILEY: This is what we---

19 MS. KUCHAR: Yes.

20 MR. BAILEY: It was attached to the same document that
21 had the voluntary one that we have the defendant's charge
22 stated in it.

23 THE COURT: Mr. Bailiff, tell them I'll be with them in
24 just a moment as I'm compiling this.

25 THE BAILIFF: Yes, sir.

1 (Pause.)

2 SOLICITOR CATHCART: May I approach, Your Honor?

3 THE COURT: Yes, sir, of course.

4 The only other thing I need is one of the parties to
5 do, this is my charge on possession of, possession of a
6 weapon during the commission of a violent crime. I
7 didn't -- I read this part but, of course, I conformed it to
8 the facts of this case and I'm gonna X out what I didn't
9 read. I'll highlight it.

10 of course, did not read what the definition of a knife
11 is for the purposes of these facts, and the last paragraph
12 just says criminal sexual conduct in the first degree,
13 kidnapping, kidnapping, armed robbery, and burglary in the
14 first are all violent crimes. I'm gonna have them reform
15 that to where murder and voluntary manslaughter are all
16 violent crimes. And then the, the last paragraph is the
17 State must prove, beyond a reasonable doubt, that the weapon
18 further advanced or helped in the commission of the crime.

19 So, if I get, if I get that, I do have all the charges
20 now.

21 SOLICITOR CATHCART: You have the murder charge as
22 well?

23 THE COURT: I found the murder charge, murder and
24 voluntary.

25 (WHEREUPON, a bench conference was held at this time.)

1 THE COURT: Ms. Kuchar, could you, if you do not mind,
2 could you do two others and remove the footnotes for me
3 please?

4 MS. KUCHAR: You, you would like the footnotes or---

5 THE COURT: No, I want them, I want them off. Let me
6 see. If you would take them off. And then, and they're my
7 standard charges but --.

8 MS. KUCHAR: Oh, I see.

9 (WHEREUPON, a bench conference was held at this time.)

10 THE COURT: Come up here, Mr. Bailey.

11 (WHEREUPON, a bench conference was held at this time.)

12 THE COURT: All right then, Mr. Bailiff. Bring us our
13 jury please.

14 (WHEREUPON, the following takes place within the
15 presence of the jury.)

16 THE BAILIFF: The jury is seated, Your Honor.

17 THE COURT: Thank you. Thank you very much,
18 Mr. Bailiff.

19 Mr. Foreman, ladies and gentlemen of the jury, I
20 received your most recent note. We need a copy of the
21 judge's charge. I, I had to compile it. I have it scripted
22 but I don't necessarily have it -- I didn't necessarily have
23 it in one notebook. I have compiled it in one notebook. It
24 follows the order in which I charged you from this general
25 to the specific charges in the indictment to the form of the

1 verdict.

2 I would advise you, as far as the judge's charge is
3 concerned, that -- oh, by the way, it says 2016 verdict --
4 version. It is a 2017 version. I just haven't put a new
5 sleeve there.

6 You -- it's the total charge. In other words, it's no
7 just one specific area. You -- all the charges incapsulate
8 it in the charges that are, are with you.

9 So, if you have any questions about any specific
10 charge, I can not charge you anything differently than what
11 I have previously charged you, but if you have any
12 questions, please write me a note. I know you know how to
13 write notes.

14 All right. Madam Clerk, will you deliver this.

15 There's no objection, solicitor?

16 Is that correct?

17 SOLICITOR CATHCART: No, sir, nothing from the State.

18 THE COURT: No objections, Mr. Bailey?

19 MR. BAILEY: No, sir, Your Honor.

20 THE COURT: All right. Thank you. Thank you very
21 much.

22 I'll -- after delivery, you may return to your jury
23 room and continue your deliberations.

24 Thank you very much.

25 (WHEREUPON, the following takes place outside the

1 presence of the jury.)

2 THE COURT: Thank y'all. Thank y'all very much.

3 Any objection, solicitor?

4 SOLICITOR CATHCART: No, sir.

5 THE COURT: Mr. Bailey?

6 MR. BAILEY: No, Your Honor.

7 THE COURT: Thank y'all. Thank y'all for your help.

8 SOLICITOR CATHCART: Yes, sir.

9 THE COURT: All right. We'll be waiting our jury's
10 verdict.

11 (WHEREUPON, the note from the jury was marked as
12 Court's Exhibit No. 9 for identification purposes only at
13 this time.)

14 (WHEREUPON, the jury began deliberations again at
15 7:21PM and returned with a verdict at 8:10PM.)

16 THE COURT: And we have a verdict.

17 I would advise those in the gallery that I have
18 observed that the rendering of the verdict can be a very
19 emotional time for one side or the other or both. I would
20 advise that I do not allow outbursts or show of emotions.
21 If you remain, I determine that you are able to control your
22 emotions. Should you have any type of outbursts, I would
23 ask the officer to take you into custody, and, thereafter, I
24 would have a contempt hearing in that regard.

25 As I say, if you feel like you can not control your

1 emotions, I would ask you to leave at this time.

2 All right. Thank you very much.

3 Bring us our jury panel.

4 THE BAILIFF: Yes, sir.

5 (WHEREUPON, the following takes place within the
6 presence of the jury.)

7 THE BAILIFF: The jury is seated, Your Honor.

8 THE COURT: Thank you, Mr. Bailiff.

9 Madam Clerk.

10 THE CLERK: Yes, Your Honor.

11 Mr. Foreman, have you reached a verdict?

12 THE FOREMAN: We have.

13 THE CLERK: Will you hand it to me?

14 (WHEREUPON, the foreman complies.)

15 THE COURT: All right. Madam Clerk, if you publish our
16 verdict please.

17 Please stand, Mr. Baker.

18 (WHEREUPON, the defendant complies.)

19 THE CLERK: The State of South Carolina, County of
20 Richland versus Antwon Pierre Baker.

21 Indictment Number 2016-GS-40-729, as to murder, we, the
22 jury, unanimously find the defendant guilty of voluntary
23 manslaughter.

24 Indictment Number 2016-GS-40-730, as to possession of a
25 deadly weapon during the commission of a violent crime, we,

1 the jury, unanimously find the defendant guilty.

2 This is signed foreperson, Juror Number 276, April
3 27th, 2017.

4 Mr. Foreman, are these your verdicts and the verdicts
5 of the entire jury?

6 THE FOREMAN: Yes, they are.

7 THE COURT: Thank you. Thank you very much, Madam
8 Clerk.

9 You may be seated, Mr. Baker.

10 Anything further from the jury from the State,
11 solicitor?

12 SOLICITOR CATHCART: No, sir, nothing from the State.

13 THE COURT: From the defense, Mr. Bailey?

14 MR. BAILEY: Your Honor, we just ask that the jury be
15 polled, sir.

16 THE COURT: All right. Madam Clerk, would you please
17 explain the polling procedure to our jury panel and poll the
18 jury.

19 (WHEREUPON, the jury was polled and all jurors answered
20 in the affirmative that this was and is still their
21 verdict.)

22 THE CLERK: The jury has been polled, Your Honor.

23 THE COURT: Thank you. Thank you very much, Madam
24 Clerk.

25 Anything further for the jury, Mr., Mr. Bailey?

1 MR. BAILEY: Nothing for the jury, Your Honor. Just a
2 few posttrial matters there are at the appropriate time.

3 THE COURT: All right. Thank you. Thank you very
4 much.

5 (WHEREUPON, the jury was dismissed from the courtroom
6 at this time.)

7 THE COURT: All right. Motions, Mr. Bailey.

8 MR. BAILEY: Thank you, Your Honor.

9 Your Honor, we'd like to renew all our previous
10 objections, motions. Specifically -- well, actually, before
11 I'd like to say that we, we would like to move for a new
12 trial based on our -- what, what Ms. Kuchar argued in the
13 directed verdict motion and our other objections that we'd
14 like to renew for the record, Your Honor, including the Deno
15 hearing, which we believe that the video and the statement
16 of Mr. Baker being submitted into evidence was a violation
17 of the -- of his right to counsel and he didn't waive his,
18 waive his rights knowingly. I think we already have made
19 the record clear about the Biggers hearing, the
20 identification by Ms. Vereen. Also the hearsay by Ms.
21 Vereen when she was testifying about Mr. Baker's actions.

22 And, Your Honor, we also believe -- we would, we would,
23 we would like to renew our objection to the exclusion of the
24 evidence of the toxicologist, Carmen Tucker. We believe
25 that it was admissible specifically under -- well, for

1 reasons and also for character evidence of, of the victim,
2 which the State certainly made part of their case. And we
3 believe that it's, it's exclusion -- the exclusion of the
4 fact that the victim had cocaine, had cocaine in his system,
5 the exclusion violated Mr. Baker's Sixth, Sixth Amendment,
6 Fourteenth Amendment, Fourteenth Amendments, sorry, I'm a
7 little tired, Sixteenth Amendment and Fourteenth Amendment
8 rights to present a complete and fair defense and under the
9 South Carolina Constitution, Article 1, Section 14, Your
10 Honor.

11 So, I just want to make sure that I, I am renewing all
12 previous objections and we are requesting a new trial at
13 this time, Your Honor.

14 THE COURT: Thank you. Thank you very much,
15 Mr. Bailey.

16 I would renew all my previous trial rulings,
17 evidentiary and otherwise, all pretrial and during the
18 trial. Further, I would respectfully deny your motion for a
19 new trial.

20 MR. BAILEY: Thank you, Your Honor.

21 THE COURT: Anything further, Mr. Bailey?

22 MR. BAILEY: Not from us, Your Honor. We're, we're
23 happy to proceed with sentencing at this point if that
24 pleases the Court.

25 THE COURT: All right. Would you have Mr. Baker come

1 around please, Mr. Bailey?

2 MR. BAILEY: Yes, sir.

3 (WHEREUPON, the parties comply.)

4 THE COURT: Anything further for the -- from the State?

5 SOLICITOR CATHCART: The -- only as to his record, Your
6 Honor.

7 THE COURT: All right.

8 SOLICITOR CATHCART: I've spoken to Ms. Brown and she's
9 indicated she does not wish to address the Court. That's --
10 she is here as the family of Mr. Geter as they've been here
11 this entire trial.

12 THE COURT: All right.

13 SOLICITOR CATHCART: As to his record, his record dates
14 back from 1996 out of New York, menacing second with a
15 weapon.

16 And then it comes into South Carolina with simple
17 possession of marijuana, 2000.

18 2002, possession of cocaine and unlawful carrying of a
19 weapon.

20 2006, assault and battery of a high and aggravated
21 nature. He received a sentence of ten years at the time
22 suspended with five years probation.

23 2008, excuse me, well, 2008, he was arrested for
24 trafficking in cocaine. He pled to apparently and sentenced
25 in 2009 to PWID cocaine and assault and battery of a high

1 and aggravated nature. And I believe that, that -- he
2 received a sentence of two years concurrent with the three
3 years on the cocaine charge. That would be the incident
4 that was referred to as the location where they knew him
5 from. That's how the police were able to apprehend him,
6 figure out who Kilo was because they -- Mr. -- one of the
7 witnesses was able to say I know Kilo because he was
8 involved in an altercation with the officers at this house,
9 and that's how it broke the case as to who he is.

10 That is the extent of his record, Your Honor.

11 THE COURT: Thank you.

12 And no additional victim impact, solicitor?

13 SOLICITOR CATHCART: No, sir, not that I'm---

14 THE COURT: Thank you.

15 SOLICITOR CATHCART: No, sir.

16 THE COURT: Thank you very much.

17 Solicitor, voluntary manslaughter carries from up to 30
18 years?

19 SOLICITOR CATHCART: That is correct, Your Honor.

20 THE COURT: And possession of a weapon during the
21 commission of a violent crime?

22 SOLICITOR CATHCART: Carries up to five.

23 THE COURT: Okay. Thank you.

24 Mr. Bailey.

25 MR. BAILEY: Thank you very much, Your Honor.

1 I think, I think that the Court got to know Mr. Baker
2 some when I was directing him and when he testified
3 yesterday, Your Honor. I can, I can say I've been with Mr.
4 Baker a long time now. Since I guess in the Summer, either
5 late Summer of -- the late Summer of 2015. He was one of my
6 first cases when I came back to the Public Defender's
7 office. So, I got to know him very well and I've had, at
8 this point, thousands of clients over the years, Your Honor.

9 I can tell you that Mr. Baker is always been respectful
10 to me, very polite, very helpful, very cooperative, and, and
11 the real, the real thing I appreciate probably is just his
12 patience. He's been extremely patient and sometimes that's
13 tough with public defenders cause we are -- we're certainly
14 in Court a lot but I've really appreciated his patience.

15 He's never been unpleasant or aggressive to me in
16 anyway, Your Honor, and that actually -- I, I think that
17 means something. I think it says something about him.

18 Your Honor, obviously he's, he's been convicted of, of
19 manslaughter, Your Honor, and that's the way the jury
20 interpreted it. I don't believe that he is a monster. I
21 think he has something that -- I mean we and he understands
22 that he's going to go to prison at this point, Your Honor,
23 and I, I, I think that he has something valuable to give
24 back to the community and the world when he's eventually
25 released.

1 Your Honor, I appreciate the Court -- I appreciate the,
2 the, the way with which the trial was conducted and the
3 decorum by all parties and I, I'm very appreciative, Your
4 Honor. We appreciate your patience with us and we, we
5 appreciate your respect for our clients, you know, request
6 and right for a trial. And, and, you know, treat him the
7 same respect and, you know, him not being treated any
8 differently and it's just the courtesy that he's been --
9 that, that has been consistent throughout this whole
10 process, Your Honor.

11 I think -- you know, he's married. Mrs. Baker is over
12 here, his wife, his wife of six years. I think that
13 Mr. Baker had, or talking to him, he did have a past where
14 he was, he was heavily involved with drugs. My
15 understanding, from talking to him and, and his wife, was
16 that that was, that was substantially before this incident
17 that, you know, obviously the State said the name Kilo many
18 times. He said that he had been, been done with dealing
19 drugs for some time and that he had been involved with small
20 time drug sales, you know, a while ago, Your Honor.

21 I can tell you he's educated. well, I'm sorry. I --
22 again, I'm losing a little bit. It's kind of late and I've
23 been up since my infant woke me up this morning early. But
24 he's well spoken. He was respectful. I, I like him a lot.
25 He's, he's been, he's been a good client to me, Your Honor,

1 and it's been a pleasure to serve him.

2 I would ask that you take into account, I guess, our,
3 our positive words about him and I would ask Your Honor to
4 consider a concurrent sentencing here and one fitting,
5 fitting with his conviction, Your Honor, and I'll answer any
6 questions you have. And I don't know if Ms. Comish or Ms.
7 Kuchar would like to say anything.

8 MS. KUCHAR: Can I just speak for him?

9 THE COURT: Yes, Mr. Kuchar.

10 MS. KUCHAR: Thank you, Your Honor.

11 I just wanted to mention one time when I, I went to
12 visit Mr. Baker at the jail. We had to wait a few minutes
13 because he was in his daily Bible study, and he -- everyday
14 at 1:00, and it's kind of -- it meant something to me that
15 he kind of looked like the informal leader of the group,
16 and, you know, in that dorm, that's a rough dorm. And so,
17 to kind of bring something positive to it.

18 I think that, that means something. I think he's
19 trying to bring something positive to where he is and to
20 himself, and I agree with Mr. Bailey that he does have
21 something to offer. And I hope that he will have a chance
22 for some life after prison.

23 THE COURT: Thank you, Ms. Kuchar.

24 MR. COMISH: Just briefly, Your Honor.

25 I think we're all speaking of something we learned

1 about our client. Obviously, my time and Ms. Kuchar's time
2 with Mr. Baker's been very limited.

3 I think, as Your Honor knows, we, we represent folks
4 that are often very difficult and often have trouble hearing
5 what we're trying to say. I think is a politesse way for me
6 to put it.

7 What I've taken away from Antwon, he's actually a great
8 listener. We've been guiding him through this process and I
9 got the sense, that when I'm talking to him, he is focused,
10 he's listening, and he's learning. And to build on what
11 Mr. Bailey said, I think he's going to treat this as a
12 learning experience and I think he's going to make the most
13 of his time so that, when he gets released, he won't ever be
14 in this courtroom again.

15 I just ask Your Honor to take that particular facet of
16 his personality into account when Your Honor is fashioning
17 the appropriate sentence.

18 Thank you very much.

19 SOLICITOR CATHCART: And, Your Honor, I need to correct
20 myself. I'm sorry.

21 The possession of a weapon during a violent crime is a
22 service of a five year sentence and it's mandatory unless
23 there is a longer mandatory minimum sentence on the other
24 charge.

25 THE COURT: Say that again. I apologize.

1 SOLICITOR CATHCART: Yes, sir.

2 THE COURT: Say that again. I know -- I knew it was a
3 nuance in the sentencing as far as the possession.

4 SOLICITOR CATHCART: The service of the five year
5 sentence is mandatory unless a longer mandatory minimum term
6 of imprisonment is provided by law for the violent crime.
7 The Court may impose a mandatory five year sentence to run
8 consecutively or concurrently.

9 THE COURT: Thank you. Thank you very much.

10 SOLICITOR CATHCART: Yes, sir, and I apologize for
11 being --.

12 THE COURT: No, that's quite all right. One time I
13 thought it was consecutive.

14 SOLICITOR CATHCART: And I made that mistake before as
15 well.

16 MR. BAILEY: We, we looked at the same thing this
17 afternoon, Your Honor.

18 THE COURT: I think it has been changed over the years.
19 Well, thank you. Thank you, Mr. Comish, Mr. Bailey,
20 and Ms. Kuchar.

21 I appreciate very much the difficult task that y'all
22 have and the manner in which y'all perform it. And I
23 realize that, as you say, Mr. Comish, many of your clients
24 are less than easy to deal with. I understand that and, and
25 y'all performed that duty, which is not only necessary, but

1 vital to a free society, with great competence and
2 professionalism.

3 Obviously, it -- you know, I've been around y'all
4 enough in Court that you know I believe the criminal justice
5 system is one of the hallmark foundations of a free society.
6 No question about it and it wouldn't work -- sometimes it
7 doesn't work. We know that. Sometime it doesn't. And it
8 certainly wouldn't work without defense attorneys,
9 independent prosecutors, independent of emotion. That's why
10 they're not -- that's why the family of the victims don't go
11 out and hire attorneys to privately prosecute, and, of
12 course, ever since the beginning of trumpets sounded, it was
13 a great landmark and jurisprudence that individuals are
14 entitled to the right to have an attorney or attorneys, and,
15 further, with the post-conviction relief, for them to be
16 effective and not ineffective. And it shouldn't be based --
17 none of our system should be based on, on how much money you
18 have and not having it.

19 Y'all, y'all did an excellent job in defending
20 Mr. Baker, an excellent job. You presented the evidence.
21 You cross-examined the witnesses well, presented the
22 evidence well. Obviously, investigated, examined, and
23 prepared a defense. Obviously, based on the jury's verdict,
24 they found that it was not malicious and found the lesser
25 included offense of voluntary manslaughter.

1 Y'all've heard me say this before. I don't, I don't
2 judge -- I don't judge a person. I don't judge people. I
3 judge behavior. I'm, I'm a firm believer in that. If I
4 start judging people, then I just look at a person and judge
5 them, I don't do that. The day I do that, my robe will go
6 to the cleaners because I've never had it cleaned since I
7 started wearing it. I'll be done with it cause whatever the
8 judicial scales I have, I would sure be at a loss if I do
9 that.

10 Obviously, I can't turn a blind eye to Mr. Baker.
11 He's, he's well -- he was well-spoken. Make no comment on
12 credibility but he was well-spoken. Been respectful, as far
13 as I know, to the officers and respectful to me and
14 respectful to the Court.

15 I don't think he's a monster. I think this homicide
16 was senseless. It's senseless. You have Mr. Geter that's
17 at his home, applying his trade. I don't know exactly what
18 went sideways. I don't understand that. My wish -- I'm
19 sure Mr. Baker may wish this, that there was a way Mr. Geter
20 would be at, at -- on Fiske Street tonight working on cars.
21 Not gone.

22 Anything you want to say, Mr. Baker?

23 THE DEFENDANT: Yeah, I just want to say I appreciate
24 you allowing my Court -- my case to be heard in your
25 courtroom. I want to thank my team. They did a great job.

1 I also want to, I want to say to the family, you know,
2 my condolences goes out to you. I, I love them and God
3 bless to your family, all of them, in Jesus name, and I even
4 want to commend the solicitor, you know. God Bless you too.
5 You know, you're doing a job. Everyone here, the staff,
6 even the detectives.

7 You know, God's got a plan. So, whatever, whatever you
8 decide, that's, that's -- I'm fine with it, you know. It's
9 about my heart, you know, and the Lord has, has made a
10 tremendous change with it and I appreciate it. I accept
11 anything that you decide.

12 THE COURT: It's just so sad to see how cheap life is.
13 I presided over cases where people were fighting over a
14 piece of chicken, Carolina Clemson game. Presided on one a
15 few months ago over 17-cents in change over buying a -- some
16 kind of cigar they turn into a blunt. I think it's called
17 Black. I'm not sure what they call it now. My memory is
18 not what it use to it.

19 I appreciate your remarks, Mr., Mr. Baker.

20 All right. 2016-GS-40-729, Antwon Pierre Baker,
21 voluntary manslaughter, the defendant's committed to the
22 State Department of Corrections for a determinate term of 30
23 years.

24 2016-GS-40-730, Antwon Pierre Baker, possession of a
25 weapon during the commission of a violent crime, the

1 defendant's committed to the State Department of Corrections
2 for a determinate term of five years.

3 Those sentences are concurrent. Credit for all time
4 served.

5 Good luck to you, Mr. Baker, and to the Geter family, I
6 am sorry for your loss.

7 Thank you. Thank you very much.

8 Yes, sir.

9 THE DEFENDANT: Yeah, I was gonna read this if I was
10 gonna be released for it but I believe that it's important.
11 Anyway it's about the gangs and, if you don't mind, I have a
12 strategy to take back our communities from this, this
13 senseless gangs. It's called the AOC, Alternative Option
14 Community Centers.

15 It will be a nonprofit organization. It will be used
16 by the youths out of the neighborhoods to play video games
17 with other youths all over the world giving them another
18 option than being in the streets looking up to the
19 neighborhood thugs. I want to help organize a team of
20 volunteers and community to work alongside of the gang task
21 force and take back our communities, cities, and our state
22 by taking back our youths and stopping this recruit into
23 these gangs and helping to show and teach them how they can
24 focus on having a bright and positive future.

25 So, let's make 2017 the year of, the year of decreasing

1 gang violence and crippling this cancer that's spreading
2 throughout our country. It begins now.

3 why continue to do nothing when we can do something?
4 Alternative Option Community Centers.

5 And I just want somebody -- I was gonna do that but
6 anybody in, in here think that they should open this, invest
7 into this, into some type or organization to fight these
8 gangs.

9 That's all.

10 THE COURT: well, I---

11 THE DEFENDANT: Thank you.

12 THE COURT: Just a comment. My mama always told me
13 look at where you plant it.

14 Good luck to you, sir.

15 THE DEFENDANT: All right.

16 MR. BAILEY: Thank you very much, Your Honor.

17 SOLICITOR CATHCART: Thank you, Your Honor.

18 THE COURT: Thank you, solicitor.

19 Thank you, Ms. Kuchar, Mr. Bailey, Mr. Comish.

20 MR. BAILEY: Thank you, Your Honor.

21 MR. COMISH: Thank you, Your Honor.

22

23 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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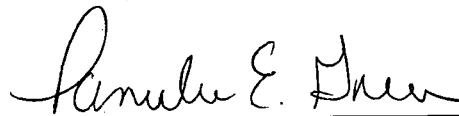
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I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 24th, 25th 26th, and 27th days of April, 2017.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 23rd, 2017



PAMELA E. GREEN, Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

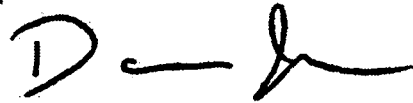
INDICTMENT

At a Court of General Sessions, convened on February 17, 2016,
the Grand Jurors of Richland County present upon their oath:

MURDER

That Antwon Pierre Baker did in Richland County, on or about June 19, 2015, kill the victim, Willie Lee Geter, with malice aforethought, either express or implied, by means of gunshot, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Cris Truluck
- Richland County Sheriff

ARREST WARRANT NUMBER

2015A4010600638

ACTION OF GRAND JURY

TRUE BILL

Bethy Whaluk
Foreperson of Grand Jury
Date:

FEB 17 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS4000729

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

67

**THE STATE
vs.**

Antwon Pierre Baker

**Indictment for
MURDER / MURDER**

SC Code: 16-03-0010
CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of March, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of March, 2018.

RECEIVED

MAR 14 2018

SC Court of Appeals