

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Marlboro County
Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT **RECEIVED**
AUG 18 2017
SC Court of Appeals

V.

TYRONE QUICK,

APPELLANT

APPELLATE CASE NO. 2016-000540

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT (February 29 – March 1, 2016).....	1
OPENING STATEMENT BY MS. MUNNERLYN	2
OPENING STATEMENT BY MR. HOBBS	7
TESTIMONY	
ELAINE JESSICA GERMAN	
Direct Examination by Ms. Munnerlyn	11
Cross Examination by Mr. Hobbs.....	19
JOHN B. HEPBURN, JR.	
Direct Examination by Mr. Redmond.....	25
Cross Examination by Mr. Hobbs.....	39
Redirect Examination by Mr. Redmond	60
NICHOLAS IKE BATALIS	
Direct Examination by Mr. Redmond.....	66
Cross Examination by Mr. Hobbs.....	82
Redirect Examination by Mr. Redmond	87
LARRY TURNER	
Direct Examination by Mr. Redmond.....	88
Cross Examination by Mr. Hobbs.....	96
JAMES GREEN	
Direct Examination by Ms. Munnerlyn	102
Cross Examination by Mr. Hobbs.....	110
Redirect Examination by Ms. Munnerlyn.....	112
JENNIFER M. NATES	
Direct Examination by Mr. Redmond.....	113
Cross Examination by Mr. Hobbs.....	124
MARK LAMAR RIDGES	
Direct Examination by Ms. Munnerlyn	128
Cross Examination by Mr. Hobbs.....	137
Redirect Examination by Ms. Munnerlyn.....	145

JACOBIE SAMUEL	
Direct Examination by Ms. Munnerlyn	148
Cross Examination by Mr. Hobbs.....	163
DERRICK DEASE	
Direct Examination by Ms. Munnerlyn	164
Cross Examination by Mr. Hobbs.....	174
MAGGIE ROGERS LITTLEJOHN	
Direct Examination by Mr. Redmond.....	175
Cross Examination by Mr. Hobbs.....	195
Redirect Examination by Mr. Redmond	206
MOTION FOR DIRECTED VERDICT.....	212
MOTION FOR DIRECTED VERDICT DENIED.....	215
CLOSING ARGUMENT BY MR. REDMOND.....	219
CLOSING ARGUMENT BY MR. HOBBS	238
CHARGE ON THE LAW	253
VERDICT	272
SENTENCING	273
INDICTMENT.....	274
SENTENCING SHEET	276
CERTIFICATE OF COUNSEL	277

STATE OF SOUTH CAROLINA	)	IN THE CIRCUIT COURT
COUNTY OF MARLBORO	)	OF THE FOURTH JUDICIAL CIRCUIT
	)	2012-GS-34-00290
STATE OF SOUTH CAROLINA,	)	
	)	
PLAINTIFF,	)	
	)	
vs	)	
	)	
TYRONE QUICK,	)	
	)	FEBRUARY 29 - MARCH 1 , 2016
DEFENDANT.	)	BENNETTSVILLE, SOUTH CAROLINA

TRIAL TRANSCRIPT

BEFORE: THE HONORABLE MICHAEL G. NETTLES

12TH CIRCUIT SOLICITOR'S OFFICE
 KERNARD E. REDMOND, ESQUIRE
 ELIZABETH R. MUNNERLYN, ATTORNEY AT LAW

FOR THE DEFENDANT
 KYLE M. HOBBS, ESQUIRE
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 OFFICIAL COURT REPORTER
 SC JUDICIAL DEPARTMENT

1 Mr. Redmond, you're recognized.

2 MR. REDMOND: I will yield to Ms. Munnerlyn at this time.

3 THE COURT: Yes, ma'am. Ms. Munnerlyn.

4 MS. MUNNERLYN: May it please the Court, Your Honor?

5 THE COURT: Yes, ma'am.

6 MS. MUNNERLYN: Good morning.

7 THE JURY: Good morning.

8 OPENING STATEMENT

9 BY MS. MUNNERLYN:

10 I have already introduced myself to you once, but I'll
11 do it again. I'm Elizabeth Munnerlyn and I am here today on
12 behalf of the State and, more specifically, on behalf of the
13 family of Patrick Tony McLaurin who sits right down here and
14 I'm here to prove the case against the Defendant, Tyrone
15 Quick, who sits at the Defense table with his attorneys. We
16 believe the evidence will show to you, that he, in fact, has
17 committed the crime of murder and you have heard the Judge
18 tell you that you have one indictment before you and that is
19 for murder. So, it's one charge. This is a relatively simple
20 case, but a very serious one for everyone involved; for the
21 family of the victim and also for the Defendant. So, I know
22 that you are committed to listening and when you go back to
23 your deliberations, to discussing all that is brought before
24 you today.

25 What I'm here to tell you is, we will bring you all the

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 evidence that we can, because what this is, is really a
2 puzzle and it's your job to put it all together and figure
3 out how it best fits together.

4 You'll hear the witnesses. They'll sit right here, right
5 before you, and they will tell you as best they can how they
6 remember the events and you'll have to figure out how all of
7 that goes together and we'll argue to you again about how we
8 believe it goes together, but the twelve of you have, each of
9 you have a set of ears. So, the twelve of you, together, can
10 figure it out best and so we will defer to you.

11 But it is, as the Judge stated, our burden of proof to
12 prove to you this case and we have to prove that the
13 Defendant, Tyrone Quick, is, in fact, guilty of murder beyond
14 a reasonable doubt.

15 Okay. So, what is beyond a reasonable doubt? We know
16 that it is a high burden and this is criminal court and it is
17 the highest burden in any of our courts. So, we have to prove
18 to you that the Defendant did this beyond a reasonable doubt.
19 That is not beyond any doubt, but a doubt to which you can
20 assign a reason. If we can firmly convince you that he did
21 this, then you must convict him. That is your duty and we
22 will do our best to present to you all the evidence we can so
23 that you might do that.

24 I want to talk to you a little bit about what it is,
25 just sort of summarize what we believe the evidence is going

1 to be, so that as the witnesses are called to the witness
2 stand y'all can put it all together in your mind.

3 This case goes back to the events of December the 15th
4 of 2011. So, it's been a good amount of time and remember
5 that, because it's been a good amount of time since these
6 witnesses saw this. They all gave statements at the time and
7 they're here to testify to you today about what happened and
8 you will hear that the victim, Patrick Tony McLaurin, was
9 actually the uncle of the Defendant. So many of these
10 witnesses are related. They know both sides. So, this is very
11 difficult for everyone involved. We would argue to you that
12 these witnesses find it very difficult to come here. So when
13 they come and they sit before you, you can be sure that they
14 are telling you, to the best of their knowledge, what
15 happened.

16 On that night, December the 15th of 2011, there were a
17 number of people down on Amelia Street behind Isaac Bland's,
18 or as many people knew him, Ike Bland. It was a popular place
19 to go hang out. They'd play cards together, have a good time
20 and on this particular evening the victim, Patrick Tony
21 McLaurin, was there and so was his nephew, Tyrone Quick,
22 along with many other people. There were some people inside.
23 There were some people outside in front of the trailer. There
24 were some people out behind it and it was late and you will
25 hear that about ten, a little after ten-twenty, at 10:22 P.M.

1 that night, the Bennettsville Police Department received a
2 call and they respond to that house, Ike Bland's house, on
3 Amelia Street down in West Bennettsville. When they arrive
4 the officers found the victim, Tony McLaurin, lying face down
5 in a pool of blood and you will hear that there were,
6 obviously, at that point when they arrived a lot of witnesses
7 that had come up that were there and they were very upset and
8 they, all the witnesses -- and you will hear from some today
9 -- reported and the one and only suspect named who came out
10 on all of the reports was the Defendant, Tyrone Quick. What
11 had happened was there had been a card game earlier and there
12 were several people there playing, including the victim and
13 the Defendant, Tyrone Quick, and there was a fight between
14 the victim and the Defendant. It started inside the trailer.
15 There was a tussle inside. Ike Bland said, "We're not having
16 that. You've got to go outside." The victim went out. There
17 was someone who held the Defendant for a short period of time
18 to give the victim the opportunity to get away, let him go.
19 Tyrone went out of the house and, immediately, the fight
20 started again right outside and it continued there in the
21 front yard of the trailer. They broke them up once and then
22 they began to argue and then it ended.

23 Tyrone did not leave at that time. The Defendant
24 remained for several minutes and then you will hear testimony
25 that he actually left. A gold colored car, which the evidence

1 will show was actually driven by the Defendant's girlfriend,
2 Maggie Littlejohn, came and picked him up on Amelia Street
3 and he was gone for a little while. You will hear testimony,
4 several minutes, it might have been as much as twenty minutes
5 or so, and he came back and when he came back, he was very
6 quiet. He was like a man on a mission and he came back and he
7 came -- he was dropped on the opposite street. She had picked
8 him up on Amelia Street, one block over is Hudson Street. In
9 between those two is a path or paths that they refer to, like
10 a dirt road, and that's where this trailer is located.

11 So, he was picked up on Amelia Street by his girlfriend.
12 Shortly thereafter, maybe twenty minutes, he was dropped off
13 on Hudson Street and he came up through the path. When he
14 passed the witnesses who were standing in front of the
15 trailer, they spoke to him. He did not respond, because he
16 was on a mission. He went around the corner of the trailer
17 and immediately began firing, because who was behind the
18 trailer? Patrick Tony McLaurin along with three other
19 individuals, all standing in a very tight group. He came
20 around. He began firing. Everyone ran. One person was hit,
21 Patrick Tony McLaurin. Four times. Once in the neck, once
22 here (indicating) at what they call the flank, twice in the
23 back. He ran then. He ran from that location and he ran out
24 toward Amelia Street. He got quite a distance before he fell,
25 face down and was found, as I told you, in a pool of blood.

1 is two years old, that's my oldest, Emma Reese and then I've
2 got a little one that's ten months old. That's my other
3 daughter, Arden. Every now and then my wife has to leave the
4 house. She's got to go to the grocery store or get some work
5 done. I'm left there with those two little girls. I consider
6 myself a hands-on dad and a good dad, but sometimes it can be
7 a little bit overwhelming. You know, they're a handful. So
8 basically, by the time my wife comes home, hopefully the
9 house hasn't burnt down completely. There's not too much of a
10 mess. You know, the kids are usually covered in some sort of
11 food or half-naked or whatever they might be, but my wife
12 always jokes with me. She says she looks at me and I've got
13 this kind of blank empty stare in my eye, you know, this
14 stare that indicates that I'm exhausted, you know, that I'm a
15 little confused about, you know, my kids and what just
16 happened here and maybe I'm a little overwhelmed by trying to
17 take care of two little kids all by myself. I'm sure that
18 some of y'all can relate to that and I was thinking about
19 this trial and the evidence that was going to be presented to
20 you here today and I thought that every now and then I might
21 look over at you and kind of see some of the same looks. You
22 know, perhaps you're a little exhausted, you know. We called
23 you in here bright and early and you're going to have to
24 listen to all of this law and all this testimony. You know,
25 perhaps a little bit confused; confused by the puzzle that

1 the State wants you to put together, confused by what was not
2 done in this investigation, confused by what you're not going
3 to see.

4 But I want to take a step back for a moment, because I
5 can't stress to you how important your role as jurors is here
6 today. You see, as the Judge told you, my client is, of
7 course, presumed innocent and much of that, in an almost
8 poetic way, the Judge told you that there's a cloak of
9 innocence over my client that can only be removed after you,
10 the jury, make the finding that he is guilty of the charge
11 being presented against him.

12 Now, all these things go without saying but in our world
13 we're very used to these concepts and so they're worth
14 reiterating to you, the jury. I imagine some of you've never
15 been on a jury before. I imagine some of you have never been
16 tasked with trying to find out whether or not somebody's
17 guilty beyond a reasonable doubt and that's a very high
18 burden as the State told you, to prove that this man is
19 guilty beyond a reasonable doubt.

20 And it also should go without saying is that the reason
21 we're here today, the reason you had to take off time from
22 work and be here to listen to all this evidence is because
23 Tyrone Quick, since 2011, has maintained his innocence. That
24 he, in fact, is not guilty of the crime that the state is
25 alleging he committed. Now, the State has that burden. As the

1 Judge told you, they'll be going first in this case. They'll
2 be presenting evidence to try to show you beyond a reasonable
3 doubt that my client is guilty of this charge.

4 Now, a Defendant doesn't have to put up any evidence. I
5 anticipate that we will. I anticipate that we'll have some
6 information for you to consider in the defense of my client.
7 But in theory a Defendant doesn't have to put up any
8 information because it's not his burden to prove himself
9 innocent. It is the State's burden to prove him guilty beyond
10 a reasonable doubt.

11 So, while I may look over here every now and then and
12 see maybe a look of exhaustion in your eyes as this kind of
13 goes on and on and you hear all these witnesses, I may look
14 over and see some confusion in your eyes, some confusion
15 about what evidence has been presented to you, why there's
16 not physical or forensic evidence that would tie my client,
17 Tyrone Quick, to this charge and why instead you're going to
18 be asked to believe a series of unreliable witnesses, who
19 were not present when law enforcement showed up, who tell
20 different stories, and then want to convince you, based on
21 what they're telling you, that Tyrone Quick committed this
22 crime.

23 But there's one thing I don't think I'll see in your
24 face. I don't think you'll be overwhelmed. I'm confident that
25 you're not going to be overwhelmed with the decision that

DIRECT EXAMINATION OF ELAINE GERMAN BY MS. MUNNERLYN 132

1 Tyrone Quick was not guilty of this crime. Thank y'all so
2 much.

3 THE COURT: The State is recognized. You may call your
4 first witness.

5 MS. MUNNERLYN: Thank you, Your Honor. The State would
6 call Elaine German.

7 THE COURT: Yes, ma'am. Please come forward. I'll ask if
8 you could to place your left hand on the Bible and raise your
9 right hand as the clerk administers the oath.

10 (After being duly sworn by the Clerk of Court,
11 ELAINE GERMAN testified as follows:)

12 THE COURT: I'll ask that you come over here and watch
13 your step and have a seat in the witness chair. Pull up real
14 close to that microphone and speak loudly, clearly and slowly
15 in order that we can hear everything that you have to say and
16 let's start with your full name.

17 THE WITNESS: Yes, sir. My name is Elaine Jessica German.

18 THE COURT: Spell that last name?

19 THE WITNESS: German, G-E-R-M-A-N.

20 THE COURT: Ms. Munnerlyn, you're recognized.

21 MS. MUNNERLYN: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. MUNNERLYN:

24 Q. Officer German, where are you employed?

25 A. I'm employed with the City of Bennettsville Police

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 Department.

2 Q. Okay. And how long have you been employed with them?

3 A. This April will be six years.

4 Q. And so, were you working for them back on December the
5 15th of 2011?

6 A. Yes, ma'am. I was.

7 Q. You were working that night?

8 A. Yes, ma'am.

9 Q. And did you -- were you one of the officers that
10 responded to a call on Amelia Street?

11 A. Yes, ma'am.

12 Q. Do you recall what the call was for?

13 A. The call came out as a shooting that had just taken
14 place on Amelia Street.

15 Q. And can you tell the Court where Amelia Street is
16 located for those who are not familiar?

17 A. Amelia Street runs right off of Ayers.

18 Q. And it is located in what part of Bennettsville?

19 A. It's located, if you're going down Jennings Street, it's
20 to the right of Jennings Street.

21 Q. And so, you responded to that call?

22 A. Yes, ma'am.

23 Q. Okay. And there were other officers who also responded
24 to that call?

25 A. Yes, ma'am. I'm one of four law officers. There was four

DIRECT EXAMINATION OF ELAINE GERMAN BY MS. MUNNERLYN 134

1 of us that was on the shift that night. Four of us
2 responded to that call.

3 Q. And so, the four of you arrived at about the same time?

4 A. Yes, ma'am. Between the same time, yes, ma'am.

5 Q. Okay. And upon your arrival, what did you find?

6 A. Once I got there, I saw the victim laying in the
7 driveway beside the residence of Amelia Street. He
8 was beside a vehicle. He was laying in the driveway. The
9 vehicle was toward the end. He was actually laying
10 beside the driver's side of the vehicle in the driveway
11 of Amelia Street. The one that I saw was the one that
12 was in his neck, where the bullet had went through his
13 necklace into his neck.

14 Q. Okay. All right. Before we go into that, I'm going to
15 show you what's been marked as State's Exhibit #12. Do
16 you recognize that location or what's in that photo?

17 A. Yes, ma'am.

18 Q. Okay. And can you tell me, now, what is in that photo?

19 A. That is actually the residence where the gentleman was
20 laying in the driveway at.

21 Q. Okay. And this photo is actually a Google Maps Photo.
22 Correct?

23 A. Yes, ma'am.

24 Q. It's taken in the daylight. So, it wasn't -- when you
25 responded, what time was it?

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 A. It was at night.

2

3 Q. So, it was dark?

4 A. Yes, ma'am.

5 Q. Okay. But using this photo, can you tell the jury where
6 exactly the body was lying?

7 A. Yes, ma'am. Do you want me to hold it up while I talk?

8 Q. Yes.

9 A. Right here, the driveway where the house is, the
10 driveway is right here and the ---

11 MS. MUNNERLYN: Your Honor, if I request permission, can
12 she get up?

13 THE COURT: Yes, ma'am.

14 Q. If you could come around here so that the jurors can
15 see.

16 A. Right here is where the driveway is. There was a vehicle
17 that was parked right here in the driveway. He was
18 laying here beside the car, on the driver's side of the
19 car.

20 Q. And in what direction -- how was his body laying and
21 what direction was his head?

22 A. His body was -- his head was actually facing towards the
23 street. So, his body was laid back from the street
24 facing that way.

25 Q. Okay. All right. And now, you indicated that you saw a

DIRECT EXAMINATION OF ELAINE GERMAN BY MS. MUNNERLYN 136

- 1 bullet wound in his neck?
- 2 A. Yes, ma'am.
- 3 Q. Okay. Now, did the squad arrive at the same time that
- 4 y'all did?
- 5 A. They arrived a little after we did.
- 6 Q. Shortly after?
- 7 A. Yes, ma'am. It was shortly after. They got there pretty
- 8 quick.
- 9 Q. And were y'all able to do anything to help him at that
- 10 point?
- 11 A. No, ma'am. We wasn't able to do anything at that point.
- 12 We was waiting on the squad to get there and we was
- 13 trying to secure the scene and once the squad got there,
- 14 that's when I took Melissa Hall to the police
- 15 department.
- 16 Q. Now, who is Melissa Hall?
- 17 A. It was one of the witnesses that was there at the scene.
- 18 Q.) Okay. Was she the only witness there?
- 19 A. There were several people around, but she was the only
- 20 one that was actually, you know, very excited. She was
- 21 upset and she was the one that was wanting, she was the
- 22 one that was actually wanting to tell us who was the one
- 23 that did it.
- 24 Q. Okay. All right. And so, you began speaking with her?
- 25 A. Yes, ma'am.

1 Q. And what did she tell you? You testified that she was
2 very upset?.

3 MR. HOBBS: Objection, Your Honor. Hearsay.

4 MS. MUNNERLYN: Your Honor ---

5 THE COURT: Who were you asking? Repeat the question.

6 MS. MUNNERLYN: I'm asking her in regards to the person
7 she's just talked about, Melissa Hall, and I would argue that
8 there is an exception here and that would be an excited
9 utterance.

10 THE COURT: Well, you need to lay the proper foundation
11 if that's what you intend.

12 Q. Who was the individual you were speaking to?

13 A. Her name is Melissa Hall.

14 Q. Okay. And where was she when you arrived?

15 A. She was on the scene. She was at the scene by the
16 victim.

17 Q. By the victim's body?

18 A. Well, whenever we first arrived, she actually ran out to
19 our police cars and she was saying, you know, he shot
20 him. He shot him.

21 MR. HOBBS: Objection, Your Honor.

22 THE COURT: Sustained.

23 Q. Okay. Don't tell me what she said yet.

24 A. Okay.

25 Q. She ran out to the vehicle and what was her state of

DIRECT EXAMINATION OF ELAINE GERMAN BY MS. MUNNERLYN 138

1 mind and how did she act?

2 A. She was very upset. She was, you know, very
3 uncontrollable and she was just very upset that she had
4 just witnessed what she did.

5 THE COURT: Might counsel approach the bench, please.

6 (Brief bench conference off the record)

7 Q. Okay. And how many -- So you had some interaction with
8 this Melissa Hall?

9 A. Yes, ma'am.

10 Q. And there were other witnesses there as well?

11 A. There was several people that was there. I'm not sure if
12 they actually saw, you know, what happened, but they was
13 there when we arrived.

14 Q. Okay. All right. And what did y'all proceed to do at
15 that point?

16 A. Well, once we got the crime scene taped off and notified
17 the proper people, that's when Melissa, I put her in my
18 car and I transported her to the police department.

19 Q. All right. Now, when you were there was anyone else
20 around the body?

21 A. No, ma'am.

22 Q. When you first arrived you indicated that this Melissa
23 Hall was right beside the body.

24 A. I said she was there at the scene and she had said that
25 she had saw what happened.

1 Q. Okay.

2 MR. HOBBS: Objection, Your Honor.

3 THE COURT: Sustained. You can't ask what that lady said.
4 You can call that lady if you want to, but she's not going to
5 be able to recount what this other lady said.

6 MS. MUNNERLYN: Yes, Your Honor.

7 Q. And you've already testified the body was laying there,
8 right near the home.

9 A. Yes, ma'am. Beside it.

10 Q. Beside the house. It would have been the driveway?

11 A. Yes, ma'am.

12 Q. And where were the other witnesses located?

13 A. They were out by the road, in the yard on Amelia
14 Street, but it was like on the opposite side of the
15 vehicle over by the road once we got there. Once we
16 secured the scene, that's when everybody was out by the
17 road.

18 Q. And then y'all had contacted investigations to come and
19 begin the investigation?

20 A. Yes, ma'am.

21 Q. All right.

22 MS. MUNNERLYN: Court's indulgence just one moment.

23 That's all I have.

24 THE COURT: Cross-examination.

25 MR. HOBBS: Thank you, Your Honor.

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- 1 A. Yes, sir.
- 2 Q. Didn't identify any other witnesses?
- 3 A. No, sir.
- 4 Q. And then you took Ms. Melissa Hall away from that scene.
- 5 Correct?
- 6 A. Yes, sir.
- 7 Q. Okay. Very good. You mentioned earlier Ms. Melissa Hall
- 8 was kind of excited and was worked up a little bit. Is
- 9 that what you said?
- 10 A. Yes, sir.
- 11 Q. Other than that, what was her mental state? What was her
- 12 condition when you got there?
- 13 A. I don't understand the question. You're asking besides
- 14 her being excited and upset at what's going on?
- 15 Q. Uh-huh. Did you observe any other attributes as far as
- 16 her condition?
- 17 A. You could tell that she had been drinking.
- 18 Q. She'd been drinking?
- 19 A. Yes, sir.
- 20 Q. Could you tell that she'd been doing any drugs?
- 21 A. No, I couldn't tell at that time. No, sir.
- 22 Q. Okay. Very good. So you took someone who you could tell
- 23 was drinking back to the police department for
- 24 questioning. Right?
- 25 A. Yes, sir.

CROSS EXAMINATION OF ELAINE GERMAN BY MR. HOBBS

142

1 Q. Okay. And what did y'all do once you got to the police
2 department?

3 A. I actually read her her Miranda rights and got her to
4 initial and sign the Miranda rights warning.

5 Q. Okay. Very good. So you handled the Miranda rights form
6 and at that point did she make a handwritten statement
7 or what did she do next?

8 A. The only thing I did was the Miranda warnings. After
9 that, I'm not sure.

10 Q. You didn't do anything else after the Miranda warnings?

11 A. No, sir. I waited on Detective Hepburn to come.

12 Q. Okay. Well, once Sergeant Hepburn showed up, what did
13 you do?

14 A. I gave the witness to him. That was it.

15 Q. Oh, okay. We'll, I'd like to present that Miranda form
16 here to you, if I may. The one that you just mentioned
17 that you presented to her.

18 MR. HOBBS: Your Honor, if we could mark this as Defense
19 Exhibit #1?

20 COURT REPORTER: Number 2.

21 MR. HOBBS: Number 2. Very good. Thank you so much.

22 (Whereupon, a Miranda form is entered into evidence as
23 Defendant's Exhibit #2, without objection)

24 Q. All right. Ms. German, do you recognize that document?

25 A. Yes, sir. I do.

1 Q. Okay. And what is it?

2 A. This is the Miranda warning that we do at Bennettsville
3 Police Department.

4 Q. Okay. So, if you look at that Miranda warning, you wrote
5 a note down there in the bottom right-hand corner,
6 didn't you?

7 A. Yes, sir. I did.

8 Q. Did you initial that note?

9 A. I did initial it.

10 Q. Why don't you read that note to the jury for me?

11 A. It says, unable to write. Intoxicated. Officer German
12 filled it out for her and had her to sign.

13 Q. Okay. So, a moment ago you said that after Sergeant
14 Hepburn got there you didn't do anything else, but
15 that's not true. Right?

16 A. How is that not true?

17 Q. Because you actually wrote the Defendant's statement for
18 her. Correct?

19 MS. MUNNERLYN: Your Honor, that is not what she
20 testified to.

21 MR. HOBBS: That's exactly what the ---

22 THE COURT: First of all, if you have an objection,
23 what's the nature of it?

24 MS. MUNNERLYN: I do, in fact, Your Honor. I do object
25 and the witness has not testified ---

CROSS EXAMINATION OF ELAINE GERMAN BY MR. HOBBS

144

1 THE COURT: What is the objection.

2 MS. MUNNERLYN: --- to ---

3 THE COURT: What is the objection?

4 MS. MUNNERLYN: The objection is that he is, he is
5 putting -- he is putting words into the witnesses mouth. I
6 questioned her. She's already ---

7 THE COURT: This is cross-examination. It's allowed. You
8 may proceed.

9 MR. HOBBS: Thank you, Your Honor.

10 Q. So, you mentioned earlier that you didn't do anything
11 else. But, in fact, you wrote the statement for Ms.
12 Melissa Hall, didn't you?

13 A. I did not write a statement for Melissa ---

14 Q. Will you read again what that says down there at the
15 bottom.

16 A. I said I wrote -- it says unable to write. Intoxicated.
17 Officer German filled it out for her and had her to sign
18 it, meaning this. Not her statement.

19 Q. Okay. So, did you write a statement for her that night?

20 A. No, sir. I did not.

21 Q. Okay. Did she fill out two written statements that
22 night?

23 A. I'm not sure after this. This is the only thing I can
24 speak of.

25 Q. Okay. Let me look at it real quick. So what was it that

1 you are alleging that you filled out for the intoxicated
2 Ms. Hall?

3 A. The form.

4 Q. Okay. And then you had her sign that. Did you have her
5 initial up top where she was advised of her rights?

6 A. Right here where it says, right here at the bottom where
7 it says her name and address and stuff, that's what I
8 filled out for her and she actually initialed the rights
9 beside it. That's what she filled out and I filled out
10 her address and her birthday and stuff like that for
11 her.

12 Q. You did that because she was too intoxicated to fill it
13 out herself?

14 A. Yes, sir.

15 Q. Very good.

16 MR. HOBBS: No further questions, Your Honor.

17 THE COURT: Any redirect?

18 MS. MUNNERLYN: No, Your Honor.

19 THE COURT: You may step down. Thank you, ma'am. Any
20 objection to this witness being excused?

21 MR. REDMOND: None from the State, Your Honor.

22 THE COURT: You're free to leave. Thank you.

23 THE WITNESS: Thank you.

24 THE COURT: You may call your next witness.

25 MR. REDMOND: Thank you, Your Honor. The State would call

DIRECT EXAMINATION OF JOHN HEPBURN BY MR. REDMOND

146

1 Sergeant John Hepburn.

2 THE COURT: Yes, sir. Please come forward and place your
3 left hand on the Bible and raise your right hand as the clerk
4 administers the oath.

5 (After being duly sworn by the Clerk of Court, SERGEANT
6 JOHN HEPBURN testified as follows:)

7 THE COURT: Yes, sir. Please come forward. I'm going to
8 ask you if you could to have a seat in the witness chair,
9 pull up real close to that microphone. Speak loudly, clearly
10 and slowly in order that we can hear everything that you have
11 say and let's start with your full name.

12 SERGEANT HEPBURN: My name is John B. Hepburn, Jr.

13 THE COURT: Very good.

14 MR. REDMOND: My it please the Court, Your Honor.

15 THE COURT: Yes, sir.

16 DIRECT EXAMINATION

17 BY MR. REDMOND:

18 Q. Sergeant Hepburn, by whom are you employed?

19 A. The City of Bennettsville ---

20 Q. And how long ---

21 A. Police Department..

22 Q. Oh, I'm sorry. By whom are you employed again?

23 A. The City of Bennettsville Police Department.

24 Q. Okay. And how long have you been with the police
25 department?

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

- 1 A. Off and on, probably, I want to say maybe twenty years.
2 But I have thirty, next month I'll have thirty-one years
3 law enforcement experience.
- 4 Q. And where else have you worked in law enforcement?
- 5 A. The Marlboro County Sheriff's Office.
- 6 Q. Okay. So, is all your law enforcement experience here in
7 Marlboro County?
- 8 A. Yes, it is.
- 9 Q. And in what capacity are you currently working at the
10 police department?
- 11 A. A sergeant in investigations.
- 12 Q. Okay. And how long have you worked in investigations?
- 13 A. Ever since 1989, off and on.
- 14 Q. Now, were you dispatched to Amelia Street on December
15 15th, 2011?
- 16 A. Yes, I was.
- 17 Q. And could you tell us about how you ended up becoming
18 involved in this particular incident?
- 19 A. Okay. I was dispatched there by our central dispatch
20 because I was on call that particular night and upon my
21 arrival, as soon as I got there, I was instructed to go
22 to the police department to start interviews.
- 23 Q. Okay. And who did you start interviewing? Who was the
24 first person you interviewed?
- 25 A. The first interview was Melissa Hall.

DIRECT EXAMINATION OF JOHN HEPBURN BY MR. REDMOND

148

1 Q. Okay. And at that particular time -- obviously, we're
2 not getting into anything that she said, but were you
3 able to get a recording, a video recording of her
4 statement?

5 A. Yes.

6 Q. And we'll get into that in a little while as it relates
7 to the recording. But did you attempt to video record
8 the statement?

9 A. Yes.

10 Q. And was this on the 15th of -- I believe the 15th of
11 December 2011 that you interviewed her?

12 A. Yes. But it was going into the 16th, also.

13 Q. Because it was close to midnight?

14 A. Yes, sir.

15 Q. Now, after you concluded the interview with Ms. Hall,
16 did you have the chance to -- well, let me ask you this.
17 After you concluded the interview with Ms. Hall, without
18 getting into anything anybody said, did you sign
19 warrants against the Defendant?

20 A. After the interviews, yes, I did.

21 Q. And let's talk about the interviews. Who else did you
22 interview prior to getting the warrants to the best of
23 your recollection?

24 A. Again, Melissa Hall. It was Isaac Bland. I also talked
25 with, I want to say, Mark Ridges. There were several

1 other witnesses that I talked with.

2 Q. Now, we're talking about before the warrants were taken.

3 So, did you talk to any witnesses after you got the
4 warrant for the Defendant?

5 A. Yes, I did.

6 Q. Now, did you, once you got this information, proceed to
7 get warrants against the, get a warrant against the
8 Defendant? Did you actually -- well, let me ask you
9 this. How did you come to apprehend the Defendant? How
10 did he end up coming to be placed in custody?

11 A. Well, I went to his father's house early that morning
12 during the time we was doing this investigation, and I
13 talked with his father and asked, explained what we had
14 and he was at the police department the next morning.

15 Q. Okay. Now, was there anybody else's house that you went
16 to in the overnight hours of the 16th?

17 A. We also went to Maggie Littlejohn's residence on West
18 Main Street.

19 Q. And why did you go to -- without saying what anybody
20 said, why did you end up going to her house? What did
21 your investigation yield you that led you to believe
22 that you needed ---

23 A. That was his girlfriend at that time.

24 Q. Okay. Well, which girlfriend? Whose girlfriend was it?

25 A. Tyrone Quick, the Defendant.

DIRECT EXAMINATION OF JOHN HEPBURN BY MR. REDMOND

150

1 Q. And just to be clear for the record, is Tyrone Quick
2 present here in the courtroom?

3 A. Yes, he is.

4 Q. And could you point him out?

5 A. He's sitting right there at the Defense table there.

6 Q. And so at that particular time, again, without getting
7 into what was said, at this point in the investigation,
8 you talked with some witnesses, talked with the
9 Defendant's dad, and talked with the Defendant's
10 girlfriend. Is that correct?

11 A. Yes. We didn't talk to the girlfriend that night.

12 Q. Okay. I'm talking about Maggie. Did you go to her house?

13 A. Yes. We went to her house. Yes.

14 Q. Now, moving forward. The Defendant comes in, turns
15 himself in on the 16th. Is that correct?

16 A. It was the next day.

17 Q. Okay. Now, did you take interviews from any other
18 witnesses even after the Defendant was placed in
19 custody?

20 A. Yes, sir.

21 Q. Okay. And do you recall the witnesses that you actually
22 had the opportunity to speak to after he was arrested?

23 A. I can't remember all of them.

24 Q. Did you talk to Jacobie Samuel?

25 A. Oh, yes. Yes, I did interview Jacobie Samuel, Derrick

1 Deese, also, Jason Witherspoon.

2 Q. And did you learn -- well, let me ask you this. At some
3 point, were all of these interviews video recorded?

4 A. Yes. All the videos were interviews.

5 Q. Well, was the attempt made to record them? Let me word
6 it like that?

7 A. Yes.

8 Q. Subsequently, did you find out that the interviews that
9 you initially took with these witnesses did not actually
10 record?

11 A. Yes.

12 Q. And why were they actually not able to record?

13 A. Well, we was having trouble with the recorder.

14 Q. Okay. And did that fact become -- did you become aware
15 of that fact subsequent to taking the first interviews
16 of these witnesses?

17 A. Yes.

18 Q. All right. Did you actually then, out of an abundance of
19 caution, go back and re-interview these witnesses?

20 A. Yes, I did.

21 Q. Okay. And in re-interviewing those witness, was the
22 information that was provided, did it cause you to
23 change the course of your investigation from the first
24 time you talked with them?

25 A. No, it didn't.

DIRECT EXAMINATION OF JOHN HEPBURN BY MR. REDMOND

152

1 Q. And without saying what anybody said, specifically, but
2 were all of the witnesses that you talked to able to
3 give you the information that was beneficial for your
4 investigation?

5 A. Yes.

6 Q. Did they all have the same type of information?

7 A. Yes, sir.

8 Q. Okay. And let me put up -- okay, that's fine. When we
9 re-interviewed these, and when I say "we" I'm referring
10 to you. When we re-interview these witnesses and you get
11 their statements again, did you -- were those actually
12 able to be recorded? In other words, did you have to go
13 back and record them?

14 A. Yes, they were.

15 Q. Okay. So, did you re-interview or did you interview
16 Maggie, I think, on about the 27th of December 2011? Did
17 you interview Maggie Littlejohn?

18 A. Yes, I did.

19 Q. And, in fact, was Maggie Littlejohn also interviewed on
20 the 4th of January of 2012 to the best of your
21 recollection, somewhere in that range, was she
22 interviewed?

23 A. Yes. Yes, sir.

24 Q. And was she subsequently interviewed again in December
25 of 2012?

1 A. Yes, she was.

2 Q. Now, to take these -- you've got these witnesses. Let's
3 talk about the other parts of your role in the
4 investigation. Did you go to Charleston for the autopsy?

5 A. Yes, I did.

6 Q. Okay.

7 A. I went there on a Saturday morning for the autopsy.

8 Q. And did you retrieve certain pieces of evidence and
9 bring them back from the autopsy?

10 A. Yes, I did.

11 Q. All right. Specifically, I'm going to show you what's
12 been marked as State's #10 and there are several
13 packages inside and just to the best of your
14 recollection, if you can recall whether or not these
15 were the items that you brought back from Charleston.

16 MR. REDMOND: For the record that's all of the contents
17 in State's #10, which would be 10-A, B, D, and E.

18 MR. HOBBS: Your Honor, I would object that there hasn't
19 been a foundation laid as to where these items came from
20 before they're introduced into evidence.

21 MR. REDMOND: I'm just asking him if he could ---

22 THE COURT: I don't think he's offered them into evidence
23 yet.

24 MR. HOBBS: Okay. Thank you, Your Honor.

25 A. Yes, they are.

DIRECT EXAMINATION OF JOHN HEPBURN BY MR. REDMOND

154

1 Q. Okay. And are these -- and, again, these are the items
2 that you retrieved from the autopsy down at MUSC.
3 Correct?

4 A. Yes.

5 Q. And I believe that was Dr. Nicholas Batalis that
6 conducted the autopsy?

7 A. I think that's his name, yes.

8 Q. And, again, you retrieved those items and brought them
9 back. Now, were those items subsequently sent to SLED?

10 A. Yes, they were.

11 Q. Okay. You're the lead investigator in this case. I
12 didn't make that clear.

13 A. Yes.

14 Q. Okay. So, with the information you were provided
15 regarding the investigation, were you aware of a gunshot
16 residue kit that was done by Ira Dease at the hospital
17 on the victim?

18 A. Yes.

19 Q. And was that sent to Columbia -- was that actually taken
20 to Columbia by, I believe, by you, actually, in November
21 of 2012?

22 A. Yes, it was.

23 Q. Okay. Now, were the bullets and the chain that were
24 collected from the autopsy, were those forwarded to SLED
25 in June of 2012?

1 A. Yes, they were.

2 Q. And were those taken by Debra Young?

3 A. Yes, they were.

4 Q. And just to make sure the record's clear, this is based
5 on the normal, the standard, operating procedures used
6 by Bennettsville PD as it relates to the handling of
7 evidence?

8 A. Yes, sir.

9 Q. And further to that point, is the evidence, once it's
10 collected, put in the care of Lieutenant Cale Hall?

11 A. Yes, sir.

12 Q. Is he the evidence custodian?

13 A. Yes, sir.

14 Q. All right. Now, there was -- are you aware -- as far as
15 your investigation, are you aware of Captain Larry
16 Turner retrieving, I believe it was, a white tee shirt?

17 A. Yes, sir.

18 Q. Okay. And I'm going to show you what's been marked as
19 State's #13. Now, again, you did not collect this but
20 were you aware, given that your role as the lead
21 investigation was -- as lead investigator, were you
22 aware of the collection of that evidence by Captain
23 Turner?

24 A. Yes, sir.

25 Q. Okay.

DIRECT EXAMINATION OF JOHN HEPBURN BY MR. REDMOND

156

1 MR. REDMOND: And again, at this point I'm marking these
2 items just for identification purposes only, Your Honor.

3 Q. So, as it relates to the tee shirt, are you aware, at
4 some point, of that tee shirt being both taken to SLED
5 and also being taken to a defense expert in Atlanta,
6 Georgia?

7 MR. HOBBS: Objection, Your Honor. First of all, I
8 would ---

9 THE COURT: What are the grounds? What's the grounds for
10 your objection.

11 MR. HOBBS: Your Honor, first of all, as to relevancy.
12 Second of all -- if we could approach, Your Honor?

13 (Brief bench conference off the record)

14 THE COURT: Yes, we're going to allow the jury to refresh
15 themselves. Everyone remain seated as the jury exits the
16 courtroom and do not discuss the case.

17 (Jury out at 10:34 A.M.)

18 THE COURT: We'll stand at ease for five minutes.

19 (Short break)

20 THE COURT: Mr. Hobbs, you're recognized.

21 MR. HOBBS: Thank you, Your Honor. Before we bring the
22 jury back out, I did want to make a motion at this time for a
23 mistrial. Your Honor, the basis of that motion is a question
24 that the Solicitor posed to Sergeant Hepburn. That question
25 being in regards to this shirt that he was referencing being

1 taken to Defense's expert for testing. Your Honor, I do argue
2 to the Court that that would be burden shifting, insomuch as
3 the Defendant would then have to account for what testing was
4 done and what the result of said testing was. Your Honor, on
5 that basis, I do feel that it was not only an irrelevant
6 question, not only a question that Sergeant Hepburn did not
7 have a basis to answer as he was the custodian of the item at
8 that time, but also caused an undue prejudice to the
9 Defendant, that he then has to answer for whether this
10 testing was done and what the results were. Your Honor, it's
11 one of those situations where I feel that the damage has been
12 done and we can't unring the bell and I would ask the Court
13 for a mistrial on that basis. Your Honor, if you feel that a
14 mistrial is not appropriate, then I would, at a minimum, ask
15 for a general, sort of generic, curative instruction to the
16 jury to strike that previous question.

17 THE COURT: Yes, sir?

18 MR. REDMOND: Briefly. Obviously, the State would oppose
19 a mistrial. In all candor, and I explained this back in
20 chambers, as soon as I said Defense expert, I realized that I
21 should not have said that. I do think that a curative
22 instruction would be sufficient. Obviously, at the time the
23 State was just trying to go through the necessary
24 requirements under the current law for chain of custody. It
25 was my understanding after our conference at the bar that

DIRECT EXAMINATION OF JOHN HEPBURN BY MR. REDMOND

158

1 Defense is stipulating to the chain of custody. But as it
2 relates to the actual evidence, once the foundation is set
3 with the appropriate witness, then it's my understanding that
4 they will not object to the evidence being introduced. So, I
5 think a curative instruction at this time would solve the
6 problem. A part of me is wondering whether or not it's even
7 worth highlighting to the jury because it was such a fast
8 issue. I don't know that they really would gather the true
9 context of what's at issue.

10 THE COURT: Well, he's asked for one and I'll give it.

11 MR. REDMOND: But I do agree that a pre-curative
12 instruction would be appropriate and as another housekeeping
13 matter, we did not introduce State's #12 and #14, which were
14 -- I guess which have been stipulated to the -- I think the
15 jury was shown #12. #14 is a map, overview Google Map. Mr.
16 Hobbs has indicated he does not have any objection to these
17 two items being introduced and we would so move at this time.
18 That'd be #12 and #14. Those are pictures.

19 THE COURT: #12 and #14 are into evidence without
20 objection from the Defense. Is that correct, Mr. Hobbs?

21 MR. HOBBS: Yes, Your Honor.

22 THE COURT: All right.

23 (Whereupon, two 8x10 photocopies are entered into
24 evidence as State's Exhibits #12 and #14, without objection)

25 MR. REDMOND: And the remaining exhibits, rather than go

1 through them at this time, we'll go through them and as long
2 as the foundation is made correctly, my understanding is Mr.
3 Hobbs would not object to those and we will deal with those
4 at the appropriate time with those particular witnesses.

5 THE COURT: We're ready for the jury.

6 (Jury in at 10:57 A.M.)

7 THE COURT: Mr. Foreman, ladies and gentlemen of the
8 jury, the last question was inaccurate, inappropriate,
9 irrelevant and inadmissible. Disregard the question and the
10 response, if any was given. You're recognized.

11 MR. REDMOND: Thank you, Your Honor. May it please the
12 Court?

13 THE COURT: Yes, sir.

14 Q. Sergeant Hepburn, obviously you're still under oath and
15 just to recap, since we took a little bit of a break,
16 just to go back a little bit. Again, the items from
17 MUSC, were those items that you brought back, those
18 State's Exhibits #10, that are in front of you, A
19 through E, were those the items that you brought back
20 from the autopsy in Charleston?

21 A. Yes, sir.

22 Q. And, again, at the time that you were investigating this
23 particular case, again, we went through the witnesses
24 that you had the chance to interview. I just want to
25 touch on the actual interviews themselves real quickly,

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 160

1 and then I'll be done. You've testified that you had to
2 go back and re-interview the witnesses. Is that correct?

3 Because of this mechanical difficulties?

4 A. Yes, sir.

5 Q. And when you went back through that process was there
6 any bad faith or any, I guess, any evil reason why the
7 first statements didn't take and you had to re-interview
8 them or was it a simple mechanical error?

9 A. It was a mechanical error.

10 Q. All right. And, again, was there anything at all in the
11 time you talked with them before and the time you had to
12 re-interview, due to that technical difficulty, without
13 saying what anybody said, but was there anything that
14 was said that made you change the course of your
15 investigation as to what it had yielded to that point?

16 A. No, it didn't.

17 MR. REDMOND: I beg the Court's indulgence.

18 Q. That'd be all the questions I have at this particular
19 time. Please answer any questions Mr. Hobbs may have.

20 THE COURT: Mr. Hobbs, you're recognized.

21 MR. HOBBS: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MR. HOBBS:

24 Q. Sergeant Hepburn, you said earlier that you would were
25 the lead investigator on this case. Is that right?

1 A. Yes, sir.

2 Q. Explain to the jury and myself, if you will, what it
3 means to be a lead investigator.

4 A. Again, like I said, I was on call that particular week
5 when this incident took place. So, everything that
6 transpired, that's what I end up doing, and this part of
7 this investigation, I was involved with.

8 Q. Okay. So, you were not just the lead investigator for
9 that night, you're the lead investigator for this entire
10 case?

11 A. Yes, sir.

12 Q. Okay. Very good. Is there anyone else involved in this
13 case that controls or that you have to account to about
14 what steps are taken or not taken?

15 A. We all discuss it with the supervisor and everything.

16 Q. Does the final say go to you as the lead investigator?

17 A. Not the final say. We all work together.

18 Q. Who has the final say in this case?

19 A. Final say?

20 Q. Yes, sir. How the investigation's conducted.

21 A. I'm not understanding what you're saying.

22 Q. You're the lead investigator.

23 A. Right.

24 Q. That implies that you're in charge of the investigation.
25 Correct?

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 162

- 1 A. Yes.
- 2 Q. Okay. Very good. When did you arrive on scene at this
3 incident on December 15, 2011?
- 4 A. I can't give an exact time.
- 5 Q. Okay. What time do you propose in your theory of the
6 case that this shooting occurred?
- 7 A. I imagine a little after ten.
- 8 Q. A little after ten. Do you know what time 911 was
9 called?
- 10 A. No, I don't.
- 11 Q. Okay. So, we don't know what time 911 was called. The
12 only thing that you know as far as the time of the
13 shooting is that it was sometime after ten o'clock?
- 14 A. After ten, according to the incident report. I don't
15 know.
- 16 Q. Well, you were the lead investigator on the case. So
17 what's your theory about when the shooting occurred?
- 18 A. I did not fill out the incident report. I wasn't there
19 to fill out the incident report.
- 20 Q. I understand. I understand. But you're the lead
21 investigator. You did come up with a theory about this
22 case. Correct?
- 23 A. No, I didn't come up with a theory.
- 24 Q. You don't have a theory about what happened in this
25 case?

1 A. No.

2 Q. Okay. So, sometime after ten ---

3 MR. REDMOND: May we approach just a moment based on that
4 last question?

5 THE COURT: Sure.

6 (Brief bench conference off the record)

7 Q. So, Sergeant Hepburn, were there other officers on scene
8 when you arrived that night?

9 A. Yes, there was.

10 Q. Okay. Do you recall who, what officers were there and
11 how many officers were present at the time when you
12 arrived?

13 A. No, I can't.

14 Q. Okay. Very good. Now, as far as witnesses that you spoke
15 to that evening, did you speak to witnesses at the scene
16 of the crime?

17 A. No, I didn't.

18 Q. Okay. But you took some statements that night. Is that
19 correct?

20 A. Yes, sir. At the Bennettsville Police Department.

21 Q. Okay. And who were those statements of that you took
22 then?

23 A. Melissa Hall, Isaac Bland, I think it's Mark Ridges, and
24 Jacobie Samuel.

25 Q. You took all those statements at the police department?

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 164

- 1 A. Yes, sir. At the police department.
- 2 Q. Okay. Can you account why I don't have any Miranda forms
3 for Jacobie Samuel and Mark Ridges from that night?
- 4 A. It might not have been that night that I took
5 statements. All statements were taken at the
6 Bennettsville Police Department.
- 7 Q. And we'll get there in a second. I want to talk about
8 that night, okay? What witnesses did you take statements
9 from on the night of the 15th and the morning of the
10 16th?
- 11 A. Well, I know it was Melissa Hall and Isaac Bland. I know
12 they were two.
- 13 Q. Very good. And I believe that your documents reflect
14 that. Now, Melissa Hall was very intoxicated when you
15 took her statement. Is that correct?
- 16 A. She had been drinking.
- 17 Q. Okay. And she was so intoxicated she needed help
18 writing. Is that right?
- 19 A. I don't know about writing.
- 20 Q. Okay. That's fine. So, you took two audio/video
21 statements that night. One from Melissa Hall. I'm sorry,
22 go ahead.
- 23 A. Yes, sir. That's right.
- 24 Q. And one from Isaac Bland?
- 25 A. Yes, sir.

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 165

1 Q. Due to an equipment malfunction, we can't produce those
2 videotapes. Is that correct?

3 A. I have them, the originals.

4 Q. Okay. But we can't see what they said?

5 A. No.

6 Q. And the jury wouldn't be able to hear what they said if
7 we put it into evidence?

8 A. No.

9 Q. And the Defendant can't see what they said. Right?

10 A. No.

11 Q. Do you recall exactly what they said that night?

12 A. No, I don't.

13 Q. Okay. Very good. Now, who else was on the scene? What
14 other witnesses were on the scene when law enforcement
15 arrived that night?

16 A. I have no idea who was on the scene, of witnesses.

17 Q. Okay.

18 A. Because I went to the police department.

19 Q. You went straight to the police department?

20 A. I was instructed to go to the police department after I
21 went on the scene.

22 Q. Okay. So you did go to the scene first?

23 A. I stopped by and I was instructed to go to the police
24 department.

25 Q. Okay. You signed in to the crime scene that you were

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 166

- 1 there. Right?
- 2 A. Yes. I went to the crime scene.
- 3 Q. Right?
- 4 A. And then I went to the police department.
- 5 Q. Okay. And you don't recall what other witnesses could
- 6 have been there that night?
- 7 A. No, I don't.
- 8 Q. Okay. Very good. Was Tyrone Quick there that night?
- 9 A. I don't know.
- 10 Q. When you arrived?
- 11 A. I don't know.
- 12 Q. You don't know. Okay. Now, what investigative steps were
- 13 Bennettsville Police Department doing when you arrived
- 14 on scene that night?
- 15 A. I don't know what the other investigator was doing, but
- 16 I was instructed to go to the police department.
- 17 Q. I understand. Just as lead investigator I didn't know if
- 18 you knew what they were doing at the scene as far as
- 19 collecting evidence.
- 20 A. No, I wasn't there.
- 21 Q. Okay. Very good. Do you know if there were any
- 22 fingerprints ever collected from the scene?
- 23 A. Not that I'm aware of.
- 24 Q. Okay. Any sort of boot prints or shoe markings on the
- 25 ground?

1 A. Not that I'm aware of.

2 Q. Okay. Was there any sort of surveillance camera or
3 videotape of what happened there that evening?

4 A. Not that I'm aware of.

5 Q. Okay. Very good. However, there was DNA recovered from
6 the scene. Right?

7 A. I'm not sure.

8 Q. As lead investigator, I would like to, at this point,
9 present to you an evidence and property report.

10 MR. REDMOND: No objection.

11 MR. HOBBS: And we'll mark that as Defense Exhibit #3.

12 Q. Okay. All right. And could you identify that document
13 for me, Sergeant Hepburn?

14 A. It's the City of Bennettsville Evidence Property Report.

15 Q. Okay. And on that evidence property report, is there any
16 mention of DNA being collected from that scene?

17 A. According to this, it was by Larry Turner.

18 Q. Okay. Very good. Did you ever have that DNA tested?

19 A. Yes, I did.

20 Q. Okay. Where are the results of that DNA?

21 A. It was taken out to SLED.

22 Q. Sergeant Hepburn, not to be ---

23 MR. REDMOND: We'll stipulate at this time, Your Honor,
24 that the DNA was taken to SLED but it was not tested.

25 Q. The DNA was never tested. Is that correct?

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 168

- 1 A. It was taken down to SLED.
- 2 Q. Was the DNA ever tested?
- 3 A. According to what they just said, it wasn't.
- 4 Q. And, again, as the lead investigator, to your knowledge,
- 5 that DNA was never tested?
- 6 A. Never tested.
- 7 Q. Okay. So, the DNA was collected. How is that DNA
- 8 collected from the scene?
- 9 A. Larry Turner will have to explain that to you.
- 10 Q. Okay. That'll be fine and to your knowledge is there any
- 11 sort of diagram or any documentation about where these
- 12 blood droplets or DNA were collected from the scene?
- 13 A. Again, he would have to explain that to you, crime
- 14 scene.
- 15 Q. All right. As lead investigator are you aware of any
- 16 document prepared or diagram prepared about where this
- 17 evidence was collected from?
- 18 A. There was photographs taken.
- 19 Q. Okay. Was there any sort of diagram to show where those
- 20 photographs were or where those blood droplets were
- 21 found?
- 22 A. You'll have to see him about that.
- 23 Q. Okay. I understand. Now, you took two statements, from
- 24 Isaac Bland and Melissa Hall, that night. You said
- 25 Melissa Hall had been drinking. Is that right?

1 A. She was intoxicated.

2 Q. She was intoxicated. What about Isaac Bland, was he also
3 intoxicated?

4 A. No, he wasn't.

5 Q. Now, Melissa Hall, did she also write a statement that
6 evening?

7 A. I'm not sure.

8 Q. Okay. What about Isaac Bland? Did you have him write a
9 statement?

10 A. No, I didn't.

11 Q. Okay. Why didn't you have Isaac Bland write a statement?

12 A. Because I used the video.

13 Q. The video that didn't work?

14 A. Right.

15 Q. Okay. All right. So, at what point did you identify
16 Tyrone as a suspect in this case?

17 A. Eyewitnesses.

18 Q. Okay. What witnesses?

19 A. One was Melissa.

20 Q. So, it was that evening when you identified Tyrone as a
21 suspect?

22 A. Yes.

23 Q. Based on Melissa Hall's statements?

24 A. Yes.

25 Q. And based on Isaac Bland's statement?

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 170

- 1 A. Yes.
- 2 Q. Any other statements taken that night?
- 3 A. I can't recall, but it was taken.
- 4 Q. Okay. And we don't have those statements. Correct? We
- 5 don't have the audio and video for those statements?
- 6 A. Of the original?
- 7 Q. Yes, sir.
- 8 A. No.
- 9 Q. So, the next morning you go and get a warrant signed out
- 10 for murder against Tyrone Quick. Is that right?
- 11 A. Yes, sir.
- 12 Q. Okay. Very good. Between the time of talking to Melissa
- 13 Hall and Isaac Bland, did you take any other statements
- 14 before getting that warrant signed?
- 15 A. Well, we was talking to other witnesses also.
- 16 Q. Okay. Any sort of documentation to show that you spoke
- 17 to these witnesses?
- 18 A. There's not -- that was following, after that.
- 19 Q. After the warrant was signed?
- 20 A. Yes, sir.
- 21 Q. Okay. Very good. So, after the warrant was signed, after
- 22 speaking to Melissa Hall and Ike Bland, was there ever
- 23 anyone else who you identified as a suspect in this
- 24 case?
- 25 A. No.

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 171

1 Q. Very good. So, was there any physical evidence obtained
2 from the scene that there was an altercation that took
3 place?

4 A. You have to ask the crime scene, which was done by Larry
5 Turner.

6 Q. Okay. And any, looking at that evidence sheet, any
7 bullet casings retrieved from the scene?

8 A. Not according to this evidence sheet we have.

9 Q. And certainly there was no weapon put into evidence.
10 Correct?

11 A. No weapon.

12 Q. Now, did you see the decedent's body when you arrived on
13 scene?

14 A. No, I didn't.

15 Q. Do you know what time you arrived on scene?

16 A. No, I don't.

17 Q. Okay. Very good and how did you develop names of other
18 witnesses in this case?

19 A. They were brought up to the police department.

20 Q. Okay. But how did you develop them as potential
21 witnesses?

22 A. They were brought up to the police department and I
23 interviewed them.

24 Q. Okay. Were they on the scene that night?

25 A. According to what they were saying.

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 172

1 Q. Okay. Were they on the scene when law enforcement
2 arrived that nigh?

3 A. Now, that, I don't know.

4 Q. And did you have an opportunity to tape all of these
5 witnesses' statements?

6 A. Yes, I did.

7 Q. Okay. Let's talk about that and I'd like -- if you can,
8 do you recall whose statement was taken and when those
9 statements were taken? Do you recall off the top of your
10 head?

11 A. No, I don't.

12 Q. Okay. If I was to show you an incident report you
13 prepared, would that help refresh your memory?

14 A. Yes.

15 Q. Okay. All right and if that does refresh your memory,
16 can you go through whose statements you took and when
17 you took those statements?

18 A. Okay. I took Melissa Hall's Statement on the 15th.

19 Q. Okay. Who else?

20 A. I took Isaac Bland's.

21 Q. What date?

22 A. Okay. According to my, to this report here, I took it on
23 the 15th and Isaac Bland's, I took it on the 15th.

24 Q. Okay. And who else?

25 A. That was the only two at the time.

1 Q. Yes, sir. But who else did you take? What other
2 witnesses did you take after those two?

3 A. Jacobie Samuel.

4 Q. Okay. What date was that?

5 A. That was the 21st.

6 Q. Okay. That's the 21st of December. Okay. Who else?

7 A. Jason Witherspoon.

8 Q. What date was that?

9 A. That was the 12th. It might be a type error.

10 Q. Okay. You think that -- obviously, the incident didn't
11 happen until the 15th. But you don't know when ---

12 A. Right. That was probably the 21st.

13 Q. The 21st ---

14 A. Yes, sir.

15 Q. --- does that sound about right?

16 A. Yes. Right.

17 Q. Okay. Who else?

18 A. Also took Mark Ridges on the 23rd.

19 Q. All right and who else?

20 A. And Maggie Littlejohn.

21 Q. Okay. And what was the date of her statement?

22 A. One was on the 27th.

23 Q. The 27th. Okay. So, before Maggie Littlejohn, you took
24 Melissa Hall, Isaac Bland, Jacobie Samuel, Jason
25 Witherspoon and Mark Ridges. Is that correct? You took

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 174

- 1 all five of those statements?
- 2 A. Yes, sir.
- 3 Q. And the date range of all five of those statements is
- 4 from December 15th until December 23rd. Is that right?
- 5 A. That's right.
- 6 Q. Approximately eight days?
- 7 A. Yes, sir.
- 8 Q. All those statements did not record. Is that right?
- 9 A. What do you mean, all of them?
- 10 Q. All five of those statements are not something that we
- 11 could watch or show the jury. Is that right?
- 12 A. Right.
- 13 Q. My client couldn't watch them, either?
- 14 A. No.
- 15 Q. Okay. So, over the course of eight days you took five
- 16 statements and none of them recorded. When did you
- 17 realize that your equipment at the police department was
- 18 malfunctioning?
- 19 A. It had to be around on the 27th. That's when I re-
- 20 interviewed them again.
- 21 Q. So, about twelve days later. Is that correct?
- 22 A. Yes.
- 23 Q. Okay. So, then you re-interview all of these witnesses.
- 24 Correct?
- 25 A. I did.

1 Q. And did they say the exact same thing as they did in
2 their original statement?

3 A. They did.

4 Q. Even though you don't remember what they said in their
5 original statement?

6 A. Not all of it, no.

7 Q. Okay. When did you get the equipment fixed at
8 Bennettsville Police Department?

9 A. I don't know exactly. I can't give you an exact date.

10 Q. And I've asked before for any sort of documentation that
11 shows this equipment was fixed. Can you produce that
12 here today?

13 A. No, I can't. I don't have none of that.

14 Q. And so, to your knowledge, did any of the witnesses that
15 you -- other than Melissa Hall and Isaac Bland, did any
16 of those witnesses come back to the scene that night?

17 A. I don't know.

18 Q. And when did you develop Maggie Littlejohn as a witness
19 in this case?

20 A. By witnesses.

21 Q. When did you develop Maggie Littlejohn as somebody that
22 you needed to speak to in this case?

23 A. We knew that night.

24 Q. That night and when did y'all first speak to Maggie
25 Littlejohn?

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 176

- 1 A. We went to her residence, but she wasn't there.
- 2 Q. When?
- 3 A. That same night.
- 4 Q. That same night. Okay. Did you send law enforcement to
- 5 talk to her the next morning?
- 6 A. No, I didn't.
- 7 Q. Did anyone speak to Maggie Littlejohn the next morning
- 8 from your police department?
- 9 A. I don't recall. I didn't.
- 10 Q. Very good. Now, what was the role that you're alleging
- 11 Maggie Littlejohn played in Tyrone Quick's case?
- 12 A. What was her role?
- 13 Q. Uh-huh. That you're alleging that she played in Tyrone's
- 14 case.
- 15 A. Oh, she picked him up.
- 16 Q. Okay. When did she pick him up?
- 17 A. The night of the incident.
- 18 Q. Okay. Are you alleging that she picked him up twice that
- 19 night?
- 20 A. According to what she said.
- 21 Q. Okay. And, again, I didn't ask you that. I'm asking what
- 22 you allege. Are you saying that Tyrone, she picked
- 23 Tyrone up twice that night?
- 24 A. Yes, sir.
- 25 Q. Very good. And you ended up taking three statements from

1 Maggie Littlejohn. Correct?

2 A. Yes, sir.

3 Q. And throughout that whole time, you reminded Maggie
4 Littlejohn that she may be charged with a crime. Is that
5 right?

6 A. I did.

7 Q. Okay. From the first statement on. The first, second and
8 third statement. Correct?

9 A. Yes.

10 Q. And by the third statement, she actually had a lawyer
11 with her. Is that correct?

12 A. That's correct.

13 Q. Now, why is it important to your case that Maggie
14 Littlejohn picked Tyrone up that night?

15 A. Why is it important?

16 Q. Yeah. Yes, sir.

17 A. Well, she had knowledge of the incident that took place.

18 Q. Okay. And what about -- why is it important that Tyrone
19 allegedly left the scene two times before the shooting
20 or one time before the shooting?

21 A. I can't answer that unless I tell you what somebody
22 said.

23 Q. Okay. Well, I understand. But we're not doing that here
24 today. So, she actually gave you her phone number when
25 you first interviewed her. Correct?

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 178

- 1 A. Yes, she did.
- 2 Q. And she also gave you Tyrone's phone number when you
3 interviewed her. Correct?
- 4 A. I don't recall.
- 5 Q. Okay. I'll be happy to show you. But if I can review my
6 notes, I believe it was at the end of the first
7 statement she gives you her phone number and the number
8 of Tyrone. You do you remember her giving you her phone
9 number. Correct?
- 10 A. Yes.
- 11 Q. Okay. You just don't remember her giving you Tyrone's
12 number?
- 13 A. No, I don't.
- 14 Q. Okay. Very good. So, at that point, did you ever
15 subpoena her phone records to show that she had spoken
16 with Tyrone that night?
- 17 A. No, I didn't.
- 18 Q. Did you ever subpoena Tyrone's phone records to show
19 that he had called Maggie that night?
- 20 A. No, I didn't.
- 21 Q. Did you ever take any steps to subpoena Tyrone's phone
22 records at all?
- 23 A. No, I didn't.
- 24 Q. Or Maggie Littlejohn's phone records?
- 25 A. No, I didn't.

1 Q. Okay. In your thirty-one years of investigative
2 experience, have you ever used technology that would be
3 able to triangulate the location of somebody based on
4 their cellphone?

5 A. Yes, we have.

6 Q. Okay. In this case, did you triangulate Tyrone Quick's
7 cellphone?

8 A. No, we didn't.

9 Q. Okay. Now, in Maggie Littlejohn's first statement, one
10 of the things that you first bring up to her is, you're
11 waving a DVD around and you tell her that you've got
12 surveillance tape of that night. Does that surveillance
13 actually exist?

14 A. I don't recall.

15 Q. Okay. So, we don't have any surveillance tapes of Maggie
16 Littlejohn on the night of the incident?

17 A. No.

18 Q. Okay. Did Maggie Littlejohn ever submit to a lie
19 detector?

20 MR. REDMOND: Your Honor, I'm going to object.

21 THE COURT: Sustained. It's irrelevant, objectionable.

22 MR. HOBBS: Thank you, Your Honor. I withdraw the
23 question.

24 THE COURT: Please strike that from the record. You're
25 not to give any, any, consideration whatsoever to that, any

CROSS EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. HOBBS 180

1 mention of that. It's inappropriate. It's not admissible. It
2 never has been and never will be.

3 MR. HOBBS: Thank you, Your Honor.

4 Q. We mentioned earlier that a gunshot residue test was
5 sent off to SLED. Is that correct?

6 A. Yes.

7 Q. Okay. And you mentioned that you had taken it in
8 November of 2012 to SLED?

9 A. Yes. According to the reports.

10 Q. Okay. And why did it take so long to get that
11 information to SLED?

12 A. That's when we took it.

13 Q. About eleven months later?

14 A. Yes, sir.

15 Q. Okay. Did the gunshot residue results change your theory
16 of the case at all?

17 A. No.

18 Q. Okay. And eventually, and this is not something that
19 I've seen here today, but a hoodie was received into
20 evidence by the police department. Is that correct?

21 A. I don't know.

22 Q. You're not aware if a hoodie was ever placed into
23 evidence?

24 A. No. I'm not aware of that.

25 Q. Okay. You're not aware of any testing that was ever done

REDIRECT EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. REDMOND 181

1 on that hoodie?

2 A. I think it was a white tee shirt.

3 Q. Okay. Well, that's fine. So, no record in your mind as
4 the lead investigator of any hoodie.

5 MR. HOBBS: And, again, Your Honor, Court's indulgence.

6 Q. And so, at this point, Sergeant Hepburn, and here today
7 for the trial, is there any physical or forensic
8 evidence that directly implicates Tyrone Quick?

9 A. No. No more than statements.

10 Q. Eyewitness statements. Correct?

11 MR. HOBBS: Court's indulgence, please? No further
12 questions, Your Honor.

13 THE COURT: Redirect?

14 MR. REDMOND: Thank you, Your Honor. May it please the
15 Court.

16 REDIRECT EXAMINATION

17 BY MR. REDMOND:

18 Q. You were asked again about Isaac Bland and Melissa. Were
19 you given subpoenas to serve in preparation for the
20 trial of this case?

21 A. Yes, I did.

22 Q. And were you -- first about Melissa, were you able to
23 actually serve a subpoena on Melissa?

24 A. No, I couldn't.

25 Q. And despite trying?

REDIRECT EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. REDMOND 182

1 A. Right.

2 Q. Were you able to serve a subpoena on Isaac Bland?

3 A. No, I couldn't.

4 Q. And is it possible even to subpoena him?

5 A. No, I can't.

6 Q. And why?

7 A. He's deceased.

8 Q. And about when did he pass away?

9 A. About a month-and-a-half ago, probably.

10 Q. Now, I just wanted to make sure that was clear. Now
11 then, you were asked various questions about your
12 investigation and theories of the case, so I want to get
13 into that a little bit. Again, without saying what
14 anybody else said to any of my questions for hearsay
15 reasons, but you were asked about whether or not a
16 weapon was recovered. I guess, the murder weapon. Did
17 you ever recover the murder weapon?

18 A. No.

19 Q. However, did you, of course, with State's Exhibit #10,
20 did you have bullets that were received from the autopsy
21 that came from the body of the victim, Mr. McLaurin?

22 A. Yes.

23 Q. All right. You were asked about casings and things like
24 that, even though you weren't on the scene but in your
25 role as lead investigator and I believe you said that

REDIRECT EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. REDMOND 183

1 there weren't any shell casings. Do revolver's leave
2 shell casings?

3 A. No.

4 Q. Now, you were also asked about the cellphone records and
5 why you didn't get cellphone records. Again, without
6 saying what anybody told you, but based on your
7 experience as an investigator and the last thing you
8 said or mentioned was the witness statements that you
9 had gotten from people that were there, did you make a
10 determination based on those statements, including
11 Maggie Littlejohn's, that the necessity to obtain
12 cellphone records -- in other words, it was not
13 necessary, based upon the totality of your
14 investigation, including those witness statements?

15 A. Right.

16 Q. And you listed the number of people you talked to and
17 things of that nature?

18 A. I did.

19 Q. You were asked at length about Maggie -- and again, not
20 getting into some things, getting into what she said,
21 even though it got kind of close, but, again, the times
22 when you interviewed Maggie, you were asked this to a
23 degree, in the time that you interviewed Maggie, was she
24 able to give you information about what the Defendant
25 did both before and after the murder of Mr. McLaurin?

REDIRECT EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. REDMOND 184

1 A. Yes, she did.

2 Q. And you interviewed her three times?

3 A. Yes, I did.

4 Q. And with all those interviews, again, as it relates to
5 what took place during -- before, excuse me, and after
6 the murder, was she consistent, in your opinion?

7 A. She was.

8 Q. Now, with -- and, of course, with that, did you also
9 have statements from people who were at the scene? I
10 think we've established that.

11 A. Yes, sir.

12 Q. So, in your role as an investigator, putting all of that
13 together, did that affect the decision, for instance,
14 not to test the blood droppings for DNA? In other words,
15 based on other information you had, did that affect your
16 decision -- and I apologize. You did submit ---

17 THE COURT: Hang on.

18 MR. HOBBS: This is borderline testimony.

19 MR. REDMOND: I'll re-phrase, Judge. I'll re-phrase.

20 Q. Did you make a decision as to what steps -- and there
21 are a whole list of things he asked you about. Rather
22 than going through them point by point, the things of a
23 forensic nature, a scientific nature that you made the
24 decision not to do, like the cellphones and other
25 things, was that based on the fact that you had

REDIRECT EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. REDMOND 185

1 eyewitness testimony ---

2 MR. HOBBS: Your Honor, again ---

3 THE COURT: Leading. Ask him what he did.

4 Q. Was that based on the fact that you had witness
5 statements?

6 MR. HOBBS: Objection, Your Honor.

7 THE COURT: Ask him what he did, what he thought.

8 Q. What did you do as it relates to your investigation
9 that, without saying what anybody said, that led to your
10 decision not to get cellphone records and some of the
11 things he asked about?

12 A. Based on the statements.

13 Q. And would that also include Ms. Littlejohn?

14 A. Yes, sir. I want to go back on the first statement. Ms.
15 Littlejohn wasn't quite telling all the facts of what
16 happened.

17 Q. Okay. And is that why there were subsequent statements?

18 A. Yes, it was.

19 Q. Now, we talked about weapons. Is there any evidence in
20 your investigation, not getting specific as to what
21 anybody said or anything, in the totality of your
22 investigation, was there any evidence that the victim
23 had a gun?

24 A. None.

25 Q. Okay. And, again, this is getting toward the theory of

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

REDIRECT EXAMINATION OF SERGEANT JOHN HEPBURN BY MR. REDMOND 186

1 the case. You were also asked on cross examination about
2 leaving and coming back and you were asked the
3 significance of that and I do want to touch on that,
4 since that was brought up in cross-examination and you
5 were asked about this. So, I'm going to ask you. Based
6 on your, without saying what anybody said, but based on
7 your investigation, did you determine, as it relates to
8 theory, that the Defendant left and came back?

9 A. Yes, sir.

10 Q. Did that factor in the decision why he was charged with
11 murder?

12 A. Yes.

13 MR. REDMOND: I have no further questions at this time.

14 THE COURT: You may step down. You may call your next
15 witness.

16 MR. REDMOND: I call Dr. Batalis.

17 THE COURT: Yes, sir. Please come forward, place your
18 left hand on the Bible and raise your right hand as the clerk
19 administers the oath.

20 (After being duly sworn by the Clerk of Court, NICHOLAS
21 BATALIS, MD, testified as follows:)

22 THE COURT: Come around and have a seat in the witness
23 chair. I'm going to ask you to pull up real close to that
24 microphone and speak loudly and clearly and slowly in order
25 that we can hear everything that you have to say and let's

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 187

1 start with your full name, please, sir.

2 THE WITNESS: My name is Nicholas Ike Batalis.

3 DIRECT EXAMINATION

4 BY MR. REDMOND:

5 Q. Dr. Batalis, good morning.

6 A. Good morning.

7 Q. And Dr. Batalis, where are you employed at this time?

8 A. I'm employed at the Medical University of South Carolina
9 down in Charleston.

10 Q. And in what role are you employed?

11 A. I'm employed as an associate professor of pathology and
12 in that role, I'm a forensic pathologist.

13 Q. And what is a forensic pathologist, if you could tell us
14 briefly?

15 A. Sure, I'll just step back just for a second. So
16 pathology is a field of medicine that involves the
17 diagnosis and study of disease. So a general pathologist
18 would be the one if a surgeon takes out a biopsy or a
19 tumor, they would be the pathologist who would develop
20 the diagnosis and tell them what that diagnosis was.
21 Pathologists also run the clinical laboratories. If you
22 have the blood drawn, the pathologist would be the one
23 to help your physician interpret those values. So that's
24 the field of pathology. Forensic pathology is in a sub-
25 speciality within pathology that really deals with the

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 188

1 legal aspect of medicine, particularly determines the
2 cause and manner of death through performing autopsies.

3 Q. And let's talk about your background in that particular
4 field, forensic pathology.

5 A. Sure.

6 Q. Could you give us your educational background?

7 A. Yes. I did my undergraduate at Butler University in
8 Indianapolis, Indiana and then went to -- completed four
9 years of medical school at Indiana University School of
10 Medicine. After graduating medical school, I came down
11 to MUSC where I did four years of training in general
12 pathology. After those four years, I passed a rigorous
13 board examination to become board certified in anatomic
14 and clinical, or general, pathology. After those four
15 years, I then went to spend a year of fellowship
16 speciality in forensic pathology at the Dallas County
17 Medical Examiner's office in Texas. Again, after that
18 year, I passed another board examination to become
19 certified and then I took on my current employment.

20 Q. Okay. And how long have you been at the Medical
21 University of South Carolina?

22 A. It will be eight years in July.

23 Q. And about how many autopsies, if you can even name,
24 estimate about how many have you done?

25 A. Probably close to two thousand now over that eight

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 189

1 years, plus training.

2 Q. And how many times have you testified in this or any
3 other court as an expert witness in the field of
4 forensic pathology?

5 A. Probably forty to fifty times in South Carolina. Twice
6 in North Carolina and once in Texas.

7 MR. REDMOND: At this stage, Your Honor, I would move
8 that Dr. Batalis would be declared an expert in the field of
9 forensic pathology.

10 MR. HOBBS: No objection.

11 THE COURT: Any query with regard to his qualifications?

12 MR. HOBBS: None, Your Honor.

13 THE COURT: Mr. Foreman, ladies and gentlemen of the
14 jury, ordinarily a witness can only testify as to things
15 they've heard, saw, felt. There's an exception to that rule
16 for witnesses we call expert witnesses. If I make a
17 determination that the person is qualified as an expert
18 because of their education and experience, they're allowed to
19 testify to things they saw, heard, and felt, but also render
20 opinions in their field of study. I do, indeed, find that he
21 is qualified in the field of forensic pathology. He'll be
22 allowed to render opinions in that field. However, just by
23 virtue of the fact that someone is an expert doesn't mean
24 that you have to agree or believe their opinions. You need to
25 evaluate them like you would any other testimony.

DIRECT EXAMINATION OF NICHOLAS BATALLIS, MD BY MR. REDMOND 190

1 MR. REDMOND: Thank you, Your Honor. May it please the
2 Court. If I may approach the witness with State's #7 and
3 State's #11.

4 Q. And I'll question you about these. I'll just sit these
5 right here along with the others. I'm going to take back
6 #13 and did you have an opportunity to do the autopsy in
7 December of 2011, on the 17th of December, 2011, on
8 Patrick McLaurin?

9 A. I did.

10 Q. Okay. And let's talk about the autopsy. Before we get
11 into your internal findings, I want to talk about the
12 external findings and that would be the picture. I think
13 that is State's #11. I'll ask you to take a look at
14 State's #11. Do you recognize that particular picture?

15 A. I do.

16 Q. And could you explain to the jury before it's published
17 and introduced, could you explain what the significance
18 of that picture is?

19 A. The significance of the picture is that it shows a
20 personal effect that the decedent was wearing that has
21 an embedded portion of a bullet.

22 Q. Okay. And based on your report, if you need to review
23 it, where was that particular item located on the
24 victim?

25 A. The item in the photograph was recovered or received

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 191

1 with the decedent in the body bag that was transported
2 to our facility.

3 Q. Exactly. And is there an embedded bullet inside?

4 A. Yes, there is.

5 Q. All right.

6 MR. REDMOND: I would move to introduce, I believe that's
7 State's #11, into evidence at this time.

8 MR. HOBBS: Your Honor, if he didn't take the picture, I
9 believe that's hearsay.

10 Q. Well, let me ask you this. Did you take the picture? Was
11 that picture taken during the course of the autopsy?

12 A. Yes, it was.

13 Q. And I think it's reflected in the FA number, the
14 forensic autopsy number that's on here?

15 A. We assign a unique case identifier to each case and
16 apply that to a ruler for scale in all of photographs.
17 So, this is a photograph I took.

18 MR. REDMOND: And with that, I would move to enter it.

19 THE COURT: It's into evidence over objection of the
20 Defendant.

21 MR. REDMOND: Thank you, Your Honor.

22 (Whereupon, an 8x10 photocopy is entered into evidence
23 as State's Exhibit #11, over objection.)

24 Q. Now, let me get into the, I guess, the internal
25 findings, the actual autopsy itself. When you do an

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 192

1 autopsy, what is it that you're looking for? Could you
2 explain that to the Court?

3 A. Sure. So, I'll just kind of briefly overview the steps
4 of an autopsy. When we first receive a body at our
5 facility, the first thing we do is take overall
6 photographs of the body as we receive it, kind of as it
7 is before we've done any manipulations. We then will
8 document any clothing, any personal effects, as we just
9 discussed. We collect that, collect any other evidence
10 that's on the outside of the body, and then clean the
11 body, undress the body, and get the clothing put away
12 and then take another set of photographs after the body
13 is cleaned up. We then will examine the body from head
14 to toe, which is our external examination. So, a part of
15 this is looking for hair color, eye color, tattoos,
16 scars, just kind of basic stuff and then also we look
17 for any evidence of natural disease or any significant
18 evidence of injury. Following that, we then move to the
19 internal exam where we make surgical-type incisions to
20 go through the major organs of the body, to look for
21 signs of disease or injury. After that's all done, we
22 then complete our report.

23 Q. Okay. And was that the course in this case?

24 A. Yes, it was.

25 Q. All right. And let's get to this particular autopsy on

DIRECT EXAMINATION OF NICHOLAS BATALLIS, MD BY MR. REDMOND 193

1 Mr. McLaurin and I'll just ask you, what were your
2 findings as it relates to him? Well, let me back up.
3 What did you determine to be his cause of death?

4 A. His cause of death was determined to be gunshots of the
5 neck and trunk.

6 Q. Okay. And when you say trunk, is that the torso?

7 A. Yes. The torso, basically everything from the base of
8 the neck down to your waistline, front and back.

9 Q. And let's get into each specific finding as it relates
10 to what you found, and first, I would ask you -- and how
11 many actual penetrating bullets were there?

12 A. We had four distinct gunshot entrance wounds and a
13 possible fifth wound that may have been a gunshot graze
14 wound.

15 Q. And where was the graze wound located?

16 A. The graze wound was located, I believe -- yeah. The
17 graze wound was located at the upper right side of the
18 chest or kind of the bottom of the right shoulder. So,
19 right in this area.

20 Q. Now then, let's go into the actual penetrating wounds
21 and I guess we'll just go in accordance with your report
22 and let me ask you this, did you generate a report in
23 this case?

24 A. Yes, I did.

25 Q. And is that an accurate -- have you had a chance to look

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 194

1 at it and I think that's State's #7 if I'm not mistaken.

2 A. Yes, it is.

3 Q. And did you have a chance to look at it?

4 A. Yes, I have.

5 Q. And is that an accurate and true copy of the report that
6 you're now testifying to?

7 A. Yes. The report, in addition to, or along with I should
8 say, some other notes and diagrams from the autopsy.

9 Q. And is there also a toxicology report attached to the
10 report?

11 A. There is.

12 Q. Okay.

13 MR. REDMOND: We'd move to admit State's #7, I believe
14 that is, into evidence at this time.

15 MR. HOBBS: No objection.

16 THE COURT: #7 is into evidence, without objection.

17 (Whereupon, an autopsy report is entered into evidence
18 as State's Exhibit #7, without objection.)

19 MR. REDMOND: Thank you, Your Honor.

20 Q. Now, let's go back to where we were. Let's start with
21 the wound to the neck. Just go in order with the report.
22 Could you tell the jury what your findings were as to
23 that particular gunshot wound?

24 A. Sure. So, the first gunshot wound, and when I say the
25 first, it's really just the way we describe them. We

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 195

1 look at the body. We saw the holes and so we describe
2 them as we see them. It doesn't apply to this was the
3 first gunshot wound to strike the body. So, just to
4 clarify that. But the first wound that we had was on the
5 left side of the neck, kind of near the base of the left
6 side of the neck. Now, this wound, for an entrance
7 wound, was a little bit irregular. Typically, entrance
8 wounds are almost perfect circles because a bullet
9 traveling through the air is almost like a football.
10 It's a nice tight spiral. So, it usually causes a tight
11 punched-out circle. This wound on the neck was a little
12 bit irregular, but still did appear to be the entrance
13 wound. The bullet after then entering the neck went
14 through the muscle and went through the cartilage around
15 the airway and then it came to rest, basically, behind
16 the airway and at the back of the neck.

17 Q. And so what path -- and you've described it, but just to
18 highlight, what would be the path that that bullet took,
19 again?

20 A. Predominately, this was coming from front to back. It
21 also went a little bit from left to right because it
22 started off -- the entrance wound was an inch-and-a-half
23 left of midline and we recovered it essentially in the
24 midline. So again, kind of going front to back, a little
25 bit from the decedent's left to his right and then also

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 196

1 upward. It did travel a little bit upward, so like that.

2 (Indicating)

3 Q. All right. Now, that's the first wound. And let's talk
4 about the second wound to the flank; the left flank, the
5 torso area that we discussed. Tell us about that
6 particular wound.

7 A. Sure. So, the second entrance wound is on the left
8 flank, essentially on the left side of the chest, kind
9 of in the area, kind of underneath the armpit area. So
10 we had more of a classical entrance wound that went into
11 the left side of the chest. That bullet then went
12 through, into the chest cavity, went through the left
13 lung, went through the middle of the chest including the
14 aorta. The aorta is the big blood vessel that takes
15 blood from your heart to the rest of the body. So, this
16 bullet went through the left lung, that big blood
17 vessel, the aorta, went through the right lung and then
18 became embedded in the tissues of the right shoulder.
19 So, this bullet crossed the body ---

20 (Disturbance in the gallery of the courtroom)

21 THE COURT: Mr. Foreman, ladies and gentlemen, I'm going
22 to ask you to return to the jury room.

23 (Jury out at 11:41 A.M.)

24 THE COURT: Mr. Redmond, I'm going to ask if you could,
25 if she feels compelled to come back in, she needs to sit on

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 201

1 THE COURT: We're ready for the jury.

2 (Jury in at 2:00 P.M.)

3 THE COURT: Mr. Foreman, ladies and gentlemen of the
4 jury, thank you for being here and being here on time.

5 Mr. Redmond, you're recognized.

6 MR. REDMOND: Thank you, Your Honor, may it please the
7 Court.

8 DIRECT EXAMINATION CONTINUED

9 BY MR. REDMOND:

10 Q. Dr. Batalis, let's pick up where we left off. Before we
11 do that, I'm going to actually, again, show you what's
12 been marked as State's #7, even though you've got your
13 copy. It is in evidence there, so I'll just leave you
14 with that for right now. I think where we left off is
15 that we were discussing the second gunshot wound to the
16 flank.

17 A. Yes.

18 Q. And because we took a break, I want to actually go back
19 to that, to the second gunshot wound on the left flank.
20 Could you again tell the ladies and gentlemen of the
21 jury what your findings were as it relates to that?

22 A. Certainly. So, the second gunshot wound that we observed
23 on the decedent was on the left flank. So that's the
24 left side of the chest was kind of high up, kind of near
25 the armpit. There was a classical entrance wound there.

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 202

1 The bullet then entered the left side of the chest,
2 passed through the left lung, the middle of the chest,
3 including the aorta, which is the big blood vessel that
4 takes blood from the heart to the rest of the body. It
5 continued through the right side of the chest and the
6 right lung before becoming embedded in the musculature
7 of the right shoulder. So, predominately this bullet
8 traveled across the decedent's body, from left to right.
9 Also, a little bit upward and just a little bit from
10 back to front, but predominately across the body from
11 left to right.

12 Q. Again, you've indicated predominately from back to
13 front. Slightly, from back to front?

14 A. Slightly, back to front.

15 Q. And upward?

16 A. And slightly upward, as well.

17 Q. All right. Now, let's talk about the third wound in your
18 report and what is the -- could you explain that
19 particular wound and your findings to the ladies and
20 gentlemen of the jury?

21 A. Sure. So actually, the next two wounds, I group them
22 together. So, there were two additional gunshot entrance
23 wounds. These are both on the back, kind of the mid-
24 back, just a touch right of right of center. The bullet
25 entrance wounds were very close to one another. After

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 203

1 going into the skin, you couldn't really tell which one
2 ended up where. So, I basically grouped it because we
3 were able to trace both bullet's pathways. I just can't
4 say, you know, the bullet that entered higher up went
5 here, and the one lower down went there. But what we do
6 know is there were two well-defined entrance wounds on
7 the mid-back, just right of center. These bullets, once
8 they entered the skin, both traveled predominately from
9 back to front, kind of coming through the body from back
10 to front, and also traveling upwards. So along that
11 pathway once they got into the chest cavity, went
12 through the right lung, went through the right kidney,
13 the adrenal gland which sits right on top of your kidney
14 and also the liver. One of these bullets then terminated
15 within the musculature of the chest. The other one came
16 to rest within the right pleural cavity, so, the area
17 around the right lung. So, as a result of this, again,
18 both bullets perforated those organs and caused
19 significant bleeding in the right pleural cavity.

20 Q. And let me...

21 MR. REDMOND: If I may approach the witness, Your Honor.

22 Q. I'm approaching you with what's been marked as State's
23 Exhibit #10, and there are several sub-items in there.
24 Could you open up the contents -- the package, State's
25 #10, and pull out the smaller packages, please? And then

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 204

1 I'll ask you a few questions about it.

2 A. Okay.

3 Q. And I guess we'll start in order and start with #10-A.

4 A. Okay.

5 Q. Do you recognize that based on the, I guess the
6 packaging and the writing on those particular, on that
7 particular item?

8 A. Yes, I do. The label and then the writing on the label
9 that's on the envelope.

10 Q. Okay. And what is State's Exhibit #10-A?

11 A. State's Exhibit #10-A is the bullet that we recovered
12 from the decedent's right shoulder and so, again, this
13 would have been the one that entered the left flank,
14 kind of underneath the armpit, traveled across the body
15 and ended up in the right shoulder. That's #10-A.

16 Q. And if I could get you to look at the next packet, I
17 believe #10-B?

18 A. Sure.

19 Q. And what is #10B?

20 A. #10-B is another bullet. This one was -- as I just
21 mentioned the two entrance wounds to the back, one
22 bullet ended up in the right pleural cavity, so kind
23 floating around the right lung. The other ended up in
24 the right chest musculature. So that's what this one is.
25 The #10-B is the bullet that would have entered the

DIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 205

1 decedent's back and ended up being recovered from the
2 right side of the chest.

3 Q. And let's move on to #10-C.

4 A. #10-C would be the companion bullet to #10-B. So this is
5 the other bullet that came into the back and this one we
6 recovered from the right pleural cavity. So again, the
7 space around the lung.

8 Q. And we had #10-D?

9 A. Yes. #10-D is the portion of the bullet that we
10 recovered from the neck. The one that, again, entered
11 the left side of the neck and we recovered it from the
12 back of the neck, after it'd gone through the airway.

13 Q. And, finally, #10-E?

14 A. So, #10-E is the chain that we referenced at the
15 beginning of the testimony that was received in the body
16 bag and, again, as we mentioned earlier there was a
17 sliver or portion of the bullet that was embedded within
18 the chain and that appears to have been separated into a
19 separate bag within #10-E.

20 MR. REDMOND: And, Your Honor, at this time I'd move to
21 introduce State's #10, which includes, of course, #10-A
22 through E.

23 THE COURT: Any objection from the Defense?

24 MR. HOBBS: None, Your Honor.

25 THE COURT: Into evidence without objection.

DIRECT EXAMINATION OF NICHOLAS BATALLIS, MD BY MR. REDMOND 206

1 (Whereupon, four bullets are entered into evidence
2 as State's Exhibit #10, including #10-A through E, without
3 objection)

4 MR. REDMOND: Thank you, Your Honor.

5 Q. And, of course, were these items then turned over, the
6 items #10, in package #10, turned over to Bennettsville
7 Police Department to be, I guess -- from the autopsy? In
8 other words, you turned them over to Bennettsville
9 Police Department?

10 A. Correct. After we remove the bullets from the body and
11 we clean them, photograph them, and then package them in
12 a sealed envelope, they were transferred to an officer
13 at the completion of the autopsy.

14 Q. And just to be clear, I asked you the cause of death
15 early on, a few hours ago now. So let me ask again.
16 Based on everything you testified to in your report,
17 what was the cause of death of Mr. Patrick McLaurin?

18 A. The cause of death was the gunshot wounds of the neck
19 and trunk and specifically that resulted in abundant
20 bleeding with both pleural cavities and around the
21 heart.

22 Q. That'd be all the questions I have at this time. Please
23 answer any questions Mr. Hobbs may have.

24 THE COURT: Yes, sir. You're recognized.

25 MR. HOBBS: Thank you, Your Honor.

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- 1 A. Sure. So the toxicology testing was positive for a
2 couple different things. I'll just list them in order
3 that it was listed by the laboratory. The first was
4 ethanol, so this would be drinking alcohol and that was
5 positive at a concentration of .133 percent. So, again,
6 to put that in perspective, I believe the legal limit to
7 drive is .08. So, it would be about one-and-a-half times
8 that concentration. The next thing they detected was
9 atropine. This is a drug that's commonly used during
10 resuscitation. So, my guess would be that's where that
11 came from. Also, caffeine. We know many different soft
12 drinks and foods have caffeine. That was detected. Also
13 nicotine. So, that's in tobacco and it's breakdown
14 product is cotinine. So, we know that he did ingest some
15 sort of tobacco and then the last thing is Delta 9 THC,
16 which is the parent drug in marijuana and we also
17 detected a breakdown product or metabolite in marijuana.
- 18 Q. Very good. Thank you for explaining that. Now, once the
19 body ceases to be living, does the blood still
20 metabolize substances at any rate?
- 21 A. Not substantially, if you do it within a reasonable
22 time. If you let the body sit for two weeks, you could
23 get some alterations. But within a short time period,
24 there should not be any significant changes.
- 25 Q. Very good. Now, let's talk about these four bullets that

1 you described, or four gunshot wounds that you
2 described. Again, gunshot wound number one. You talk
3 about the pathway that the bullet takes. Can you explain
4 to the jury again how you may determine what motion the
5 bullet's taking as it goes through the body?

6 A. Sure. So, we determine the pathway of the bullet, in
7 other words, what direction it's traveling. We're
8 essentially looking at where the entrance wound is
9 located and then comparing that to where we either
10 recover the bullet, in this case, all the -- we did
11 recover bullets in all the wounds. Sometimes, if we
12 don't have a recovery, we have an exit wound and so by
13 taking measurements and from observation, we can
14 determine which direction the bullet is traveling and,
15 again, that tells us, basically, that's the relationship
16 of the barrel of the gun to the decedent when the gun
17 was fired.

18 Q. Okay. And so when you make that determination, again,
19 you can determine front to back, up down, left and
20 right. Correct?

21 A. Correct.

22 Q. Okay. Very good. So, looking at gunshot wound number
23 one, the one to the neck, you recorded that the pathway
24 is front to back, upward, and slightly left to right. Is
25 that correct?

1 A. Correct.

2 Q. Okay. Gunshot left flank. That's gunshot wound number
3 two. Pathway is left to right, slightly upward and very
4 slightly front to back. Correct?

5 A. Very slightly back to front were the other two
6 directions.

7 Q. I'm sorry. I read that backwards. Okay. And then we've
8 got three and four and I believe that you describe their
9 pathways together, back to front, upward and very
10 slightly left to right. Is that correct?

11 A. Correct.

12 Q. So, all four gunshot wounds are consistently upward and
13 left to right. Is that correct?

14 A. Yes, to varying degrees.

15 Q. Understood. Okay. Now, what other injuries did you note
16 on the victim during the autopsy?

17 A. Sure. So, I believe I mentioned earlier there was also a
18 wound on the right shoulder that is diagnostic of a
19 graze wound, so I can't say for sure it's another
20 gunshot wound, but it had characteristics of that on the
21 right shoulder. Other than that, there was a bruise
22 about one inch, one-and-a-half-inch bruise just to the
23 outside of the left eye. There were also several
24 abrasions or scrapes that were on the, kind of the arms,
25 just above the elbow, just below the elbow on the right

REDIRECT EXAMINATION OF NICHOLAS BATALLIS, MD BY MR. REDMOND 211

1 side and then also on the back of the right hand.

2 Additionally, on the left hand there were two scrapes or
3 abrasions up to an inch, along with one laceration or
4 tear of the skin, that's about, just under a half an
5 inch. It was on the back of the left hand. Otherwise,
6 there was a healing abrasion that was on the left leg
7 and then a little bit of blood surrounding the brain.

8 Q. Okay. And I should be finishing up here. You say you're
9 unable to confirm if that wound on the right pectoral is
10 a gunshot graze. Is that correct?

11 A. The findings are consistent with that, but I don't feel
12 as confident as the entrance wounds. So the graze
13 essentially is a form of an abrasion or scrape as it
14 travels by the skin that it basically scrapes by, but it
15 did have some features of that.

16 Q. And you documented that on your little diagram here.
17 Right?

18 A. Yes, sir.

19 Q. Okay. And moving left to right, what direction would
20 that potential graze wound be going?

21 A. Unfortunately, with graze wounds, you can't always
22 determine the direction. Again, because it's not
23 entering the body, it's just kind of traveling across
24 the surface. So, this one could have been going left to
25 right. It could have been right to left or left to

REDIRECT EXAMINATION OF NICHOLAS BATALIS, MD BY MR. REDMOND 212

1 right. I can't really give a precise pathway since it
2 did not actually enter the body.

3 Q. But it does have an upward angle moving left to right.
4 Is that right?

5 A. (No verbal response).

6 Q. And I understand you can't say if it was left or right.
7 But if it was left to right, moving upward?

8 A. Yes.

9 Q. Okay. That's all I've got. Thank you.

10 THE COURT: Any redirect?

11 MR. REDMOND: Briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. REDMOND:

14 Q. In talking about the directions of the bullets, and I'm
15 just going to ask you a real quick question. Can you
16 say, based on your autopsy, whether the victim, the
17 person who was shot, was either standing, in the process
18 of falling or actually laying down at the time he was
19 shot?

20 A. No. Again, I can only speak to the relationship of the
21 barrel of the gun to the decedent when the gun was
22 fired. So there's two different things. It could be
23 moving, which is the gun itself and then the position of
24 the decedent. So I don't know which position those two
25 are in, just the relationship to each other.

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 213

1 Q. Thank you.

2 MR. REDMOND: That's all the questions I have.

3 THE COURT: Any objection to this witness being excused?

4 MR. REDMOND: None from the State.

5 THE COURT: You're excused.

6 DR. BATALIS: Thank you, Your Honor.

7 THE COURT: You may call your next witness.

8 MR. REDMOND: The State would next call Captain Larry
9 Turner.

10 THE COURT: Yes, sir. Please come forward, place your
11 left hand on the Bible and raise your right hand as the clerk
12 administers the oath.

13 (After being duly sworn by the Clerk of Court, LARRY
14 TURNER testified as follows:)

15 THE COURT: I'd ask if you could to have a seat in the
16 witness chair. Pull up real close to the microphone. Speak
17 loudly, clearly and slowly in order that we can hear
18 everything that you have to say. Let's start with your full
19 name, please, sir.

20 LIEUTENANT LARRY TURNER: Larry Turner.

21 THE COURT: Thank you, Mr. Turner.

22 DIRECT EXAMINATION

23 BY MR. REDMOND:

24 Q. Thank you. And I think I promoted you. Are you a captain
25 or Lieutenant?

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 214

- 1 A. Lieutenant.
- 2 Q. Okay. I'm sorry about that. Your name's been mentioned
3 in the trial, so I'll just ask you some background
4 questions. What is your background in law enforcement?
- 5 A. I'm a graduate of the South Carolina Criminal Justice
6 Academy in 1996. This October will be twenty years for
7 me. I basically started out as a patrolman and advanced
8 my career up to where I'm at now, a lieutenant in
9 investigations.
- 10 Q. And how long have you been in investigations?
- 11 A. Right at sixteen years.
- 12 Q. And has your entire law enforcement career been with the
13 Bennettsville Police Department?
- 14 A. Yes, sir. It has.
- 15 MR. REDMOND: I beg the Court's indulgence.
- 16 Q. And how long have you been in law enforcement again? I
17 think you said 1996?
- 18 A. '96. This October will be twenty years.
- 19 Q. And how long have you been a lieutenant over the
20 investigations?
- 21 A. Going on, right at -- a little over six years.
- 22 Q. Now, on the 15th of December 2011, were you dispatched,
23 along with other officers, obviously, to Amelia
24 Street regarding a shooting?
- 25 A. Yes, sir. I was.

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 215

1 Q. And now did you participate in the investigation as it
2 relates to interviewing witnesses or any of that?

3 A. No, sir. I did not.

4 Q. And I believe your role -- was your role primarily at
5 the crime scene regarding evidence collected and
6 pictures being taken?

7 A. Yes, sir. It was.

8 Q. Let me just go back, just from a practical standpoint,
9 when you got to the scene, when we talk about securing
10 the scene, was the scene secured to the best that it
11 could be under the circumstances?

12 A. Yes, sir. The scene was roped off with yellow crime
13 scene tape.

14 Q. Okay. And at that time, when we talk about processing
15 the crime scene, what steps did you take as it relates
16 to either collecting evidence or photographing it?

17 A. Basically, I photographed the scene, the items that we
18 thought may be involved in this case and collected it.

19 Q. Okay. Now at that point, had you had the opportunity to
20 talk with any witnesses or anything or was your role
21 strictly there to collect and photograph and document
22 evidence?

23 A. To collect and document evidence.

24 Q. So, at that point, would it be fair to say that the only
25 thing you knew was that somebody, that Mr. McLaurin had

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 216

1 been shot and killed as it relates to the circumstances
2 and whatnot? Were you involved in that aspect of it?

3 A. Yes, sir. That was correct.

4 Q. Now, I show you what's been marked as State's #3, #4,
5 #5, and #6, first, and I'm also going to...

6 MR. REDMOND: If I may approach the witness, Your Honor.

7 Q. And I'm actually also, even though #14's already in
8 evidence, I'm going to go ahead and leave #14 with you,
9 as well. But if you could look through State's #3, #4,
10 #5, and #6 and see if those are accurate and true copies
11 of photographs that you took at the scene that night.

12 A. Yes, sir. It is.

13 Q. And again, are those accurate and true copies of the
14 scene, as you recall it in the photograph?

15 A. Yes, sir.

16 MR. REDMOND: Your Honor, at this time I would move to
17 admit State's #3 through #6, those photographs.

18 THE COURT: Any objection?

19 MR. HOBBS: No objection, Your Honor.

20 THE COURT: #3 through #6 are into evidence, without
21 objection.

22 (Whereupon, four photographs are entered into evidence
23 as State's Exhibits #3, #4, #5, and #6, without objection)

24 MR. REDMOND: Thank you.

25 Q. Now, of course, in those pictures it is dark, but, of

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 217

1 course we can see, see that it's dark. But as it relates
2 to you collecting evidence, did you -- let me ask you
3 this. Were there only four pictures that you took of the
4 crime scene at that time?

5 A. No, sir. There were several.

6 Q. Okay. And those are just the four that have been
7 presented to you through the presentation of our case?

8 A. Yes, sir. That's correct.

9 Q. I just wanted to make that clear. Now, when we are
10 talking about actually collecting evidence -- well, let
11 me back up for a second. What were your observations
12 when you first got to the scene? Was Mr. McLaurin still
13 there at the scene when you arrived?

14 A. No, sir. He was not.

15 Q. To your knowledge and from your information, had he
16 already been moved by emergency personnel?

17 A. Yes, sir.

18 Q. Now, and even though he was gone, you stayed and
19 photographed the crime scene?

20 A. Yes, sir.

21 Q. Now, as you were going through and collecting evidence
22 and photographing evidence, was all of that documented,
23 I guess, on the sheet with the document -- and I think
24 that sheet might already be into evidence, as a
25 Defendant's exhibit-- but would that reflect the

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 218

1 evidence that you collected at that time?

2 A. Yes, sir. It would.

3 MR. REDMOND: If I could, with the Court's permission,
4 ask Mr. Turner to step down.

5 Q. Oh, before I do that. I might as well cover #14. #14 is
6 already in evidence. You've been in Bennettsville for
7 quite a long time. Is that correct?

8 A. Yes, sir.

9 Q. And have you had a chance to see State's #14 as it
10 relates to the overhead shot of the area of
11 Bennettsville?

12 A. This is the first time I have.

13 Q. Okay. Well, if you can take a second and look at that.

14 A. (Looks at Exhibit #14)

15 Q. And in that photograph, does it reflect the location
16 that you responded to, that being Amelia Street and the
17 surrounding streets around Amelia Street? Does that
18 photograph accurately depict that area of Bennettsville?

19 A. Yes, sir. It does.

20 Q. Thank you.

21 MR. REDMOND: Now, if I could with the Court's permission
22 have the witness step down, I'd like to publish these
23 photographs and I guess the easiest way to do this is just
24 for me to stand right here and I'll just hand you each one
25 and if you could explain what it is. So I'll start with

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 219

1 State's Exhibit #3. If you could explain that one to the
2 jury, what that picture represents.

3 A. This is the residence, Amelia Street, and this is a
4 moped located out front of the residence.

5 Q. State's #4?

6 A. This is actually a residence facing Hudson Street, which
7 is the main road, a paved road that runs from ---

8 Q. And I'm going to get you to do this. If you could stand
9 and I'll help you out here.

10 A. Okay. This is actually a residence in front of Amelia
11 Street. The residence, would actually be back behind
12 the yellow house.

13 Q. Okay. And I'm going to show you State's #5.

14 A. This is actually the yellow house in front. It faces
15 Hudson and and a half, Amelia directly behind the
16 yellow house.

17 Q. And State's #6, if you could explain what State's #6 is?

18 A. This is actually a driveway for the residence of the
19 house that fronts Hudson Street. This is actually, what
20 appeared -- where I did photographs of where EMS may
21 have worked on the victim.

22 Q. And finally, with State's #14, it's already in evidence
23 but just what does this, in general, reflect?

24 A. This is a aerial, a group of photos of the Amelia Street
25 area, the surrounding streets.

DIRECT EXAMINATION OF CAPTAIN LARRY TURNER BY MR. REDMOND 220

1 Q. And is that the area that you reported to that night on
2 Amelia Street?

3 A. Yes, sir. It was.

4 Q. And if you could have a seat.

5 A. (Witness takes stand)

6 Q. I could just ask a couple more questions and I'll be
7 finished. Did you -- there's been talk about
8 malfunctioning equipment. Were you aware about the
9 malfunctioning equipment as it relates to recording
10 statements in the aftermath of this murder?

11 A. Yes, sir. I was.

12 Q. And was that problem resolved? In other words was, once
13 it was discovered, was it resolved and were you able to
14 -- and I say, you, the Bennettsville Police Department,
15 able to get video recordings of statements?

16 A. Yes, sir. We actually switched out the old equipment and
17 had new equipment installed.

18 Q. Okay. And once that new equipment was installed, were
19 video recordings made of those, of the witnesses that
20 we've heard testimony about?

21 A. Yes, sir.

22 Q. All right.

23 MR. REDMOND: I beg the Court's indulgence and with the
24 Court's permission, I'd like to publish these photos.

25 MR. HOBBS: No objection, Your Honor.

CROSS EXAMINATION OF CAPTAIN LARRY TURNER BY MR. HOBBS 221

1 MR. REDMOND: And actually, if I could also, it's in
2 evidence, State's #11 from the autopsy. If I could publish
3 that. (Publishes to the jury) And that'd be all the questions
4 I have.

5 Q. Please answer any questions Mr. Hobbs may have.

6 THE COURT: Mr. Hobbs, you're recognized.

7 MR. HOBBS: Your Honor, I don't know if we should be
8 publishing the autopsy pictures from the previous witness
9 while we're questioning a different witness.

10 THE COURT: I'll allow him to publish it.

11 MR. HOBBS: Okay. Thank you, Your Honor. I'd just like to
12 give them a minute so that they can look at these pictures.

13 THE COURT: Mr. Redmond.

14 (Brief bench conference off the record)

15 MR. REDMOND: In order to save time, Your Honor, prior to
16 a break or whatnot, if we could publish them. That way Mr.
17 Hobbs can go ahead and start with his cross examination. So
18 I'll just publish them at a later time.

19 MR. HOBBS: Of course, you'll have an opportunity to look
20 at those in a little bit, okay?

21 CROSS EXAMINATION

22 BY MR. HOBBS:

23 Q. All right. So, Mr. Turner, first of all, something was
24 brought up regarding this video equipment being
25 replaced. Do you know exactly when the video equipment

CROSS EXAMINATION OF CAPTAIN LARRY TURNER BY MR. HOBBS 222

1 was replaced?

2 A. It was during the time of -- we actually had some
3 problems where the camera wouldn't record. We'd bought
4 two new systems for other things we were putting in,
5 installing cameras, and when it was brought to my
6 attention the camera was not working properly, we just
7 replaced that old one with the new one.

8 Q. Are you the IT supervisor for the ---

9 A. Yeah, but I don't know if I'd say IT supervisor. It was
10 systems that we bought through Walmart. So I mean, it's
11 pretty much what you could buy and install at your
12 house.

13 Q. Understood. Do you know when you bought and installed
14 that equipment?

15 A. I don't remember the exact date.

16 Q. Do you have any documentation to show that date or a
17 receipt from Walmart or whatever that might be?

18 A. No, sir.

19 Q. Okay. Just curious about that. These pictures,
20 Lieutenant Turner, what sort of equipment do you take
21 these pictures with?

22 A. That's taken with a Nikon D8 camera.

23 Q. Is that like a nice big old camera?

24 A. Eighteen hundred dollars.

25 Q. Eighteen hundred dollars?

1 A. Yes, sir.

2 Q. Very nice. Okay. So, this wasn't taken with an iPhone or
3 anything like that?

4 A. No, sir.

5 Q. Now, as far as this camera goes, is there like a
6 telescopic lense on the end of it so you can take a
7 picture from a far distance or is it more just kind of
8 standard lense?

9 A. It's more of a kind of a standard lense.

10 Q. Okay. And what about flash? Does it have one of those
11 big flash lights.

12 A. No, sir. Just the built-in flash.

13 Q. Built-in flash?

14 A. Yes, sir.

15 Q. Okay. So very good. Now, on the night that you showed up
16 to take these pictures, were you utilizing that flash?

17 A. Yes, sir.

18 Q. Very good, and why did you feel like you needed to
19 utilize the flash on that night?

20 A. Because it was dark outside.

21 Q. Very dark, okay. Was there any sort of overhead lighting
22 there around the trailer? I know you showed a picture of
23 the trailer.

24 A. No, sir.

25 Q. No overhead lighting of the trailer. Now, if you could

CROSS EXAMINATION OF CAPTAIN LARRY TURNER BY MR. HOBBS 224

1 estimate, how far do you figure you were from the
2 trailer when you took this picture? Were you using any
3 sort of zoom on your lense?

4 A. No, sir. Just the camera. It automatically focuses
5 itself.

6 Q. Okay. So that would be pretty much your eye perspective
7 from where you were standing. Correct?

8 A. Yes, sir.

9 COURT REPORTER: Excuse me. Would you identify those?

10 MR. HOBBS: Yes. I'm sorry and, again, Your Honor, I'm
11 showing you my pictures, but I will use theirs.

12 Q. State's #3 is the one we just showed you, right?

13 A. Yes, sir.

14 Q. Okay. Very good. So, this is the perspective that you
15 would have had standing there plus the flash?

16 A. Yes, sir.

17 Q. Okay. And it was very dark out there, wouldn't you say?

18 A. Yes, sir.

19 Q. Okay. Let's look at this real quick. It's been marked as
20 State's Exhibit #6. Again, you've got a picture, right?

21 A. Yes, sir.

22 Q. Where you used the flash. This is your perspective and,
23 again, how far away do you think you are from that
24 vehicle in that picture?

25 A. Anywhere from ten to twenty feet, somewhere along in

- 1 there.
- 2 Q. Ten to twenty feet. Can you see the windshield of that
- 3 car?
- 4 A. Sir?
- 5 Q. Can you see the windshield of that car?
- 6 A. No, sir. I could not.
- 7 Q. Can you see the roof of that car?
- 8 A. No, sir.
- 9 Q. All right. Lieutenant Turner, you also collected some
- 10 evidence from that scene, right?
- 11 A. Yes, sir. That's correct.
- 12 Q. And you document the -- I'm sorry. You took some
- 13 pictures of some blood droplets, things like that.
- 14 Right?
- 15 A. Yes, sir.
- 16 Q. You used numbered placards out at the scene. Correct?
- 17 A. Yes, sir.
- 18 Q. I've got a picture from one through eight and a picture
- 19 for ten. Do you recall what picture number nine was?
- 20 A. There wasn't a picture nine. Actually, when I went back
- 21 to get a marker number, I just grabbed ten instead of
- 22 grabbing nine.
- 23 Q. Do you have the originals that you took for us to review
- 24 here today?
- 25 A. The pictures?

CROSS EXAMINATION OF CAPTAIN LARRY TURNER BY MR. HOBBS 226

1 Q. Yes, sir.

2 A. They would have been submitted to Sergeant Hepburn.

3 Q. But there is no picture number nine and the reason that
4 there's no picture number nine?

5 A. It's just because I just mislabeled it. Instead of
6 grabbing a nine marker, I just grabbed a ten. There was
7 actually not -- the ten would have been a nine.

8 Q. I was always curious that, Lieutenant Turner and the
9 last thing, you were the one that took DNA swabs from
10 those blood spots. Is that correct?

11 A. Yes, sir.

12 Q. So, you collected DNA blood samples from the scene?

13 A. Yes, sir.

14 Q. Okay.

15 MR. HOBBS: No further questions, Your Honor.

16 THE COURT: Any redirect?

17 MR. REDMOND: No redirect.

18 THE COURT: You may step down. Any objection to this
19 witness being excused?

20 MR. REDMOND: None from the State, Your Honor.

21 MR. HOBBS: None from the Defense.

22 THE COURT: You're free to leave. Thank you, sir.
23 You may call your next witness.

24 MS. MUNNERLYN: James Green, Your Honor.

25 (After being duly sworn by the Clerk of Court, JAMES

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 GREEN testified as follows:)

2 THE COURT: Have a seat in the witness chair. I'm going
3 to ask you pull up real close to the microphone and speak
4 loudly and clearly and slowly in order that we can hear
5 everything that you have to say and let's start with your
6 full name.

7 THE WITNESS: James Green.

8 THE COURT: Yes, ma'am.

9 MS. MUNNERLYN: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MS. MUNNERLYN:

12 Q. You are James Green. Where are you employed?

13 A. I'm employed by the South Carolina Law Enforcement
14 Division, commonly referred to as SLED.

15 Q. And in what capacity are you employed with SLED?

16 A. I'm a senior agent, a forensic scientist in the firearms
17 department of the forensic services laboratory.

18 Q. And how long have you been employed with SLED in that
19 capacity?

20 A. Since June of 2005.

21 Q. Okay. And tell us what your education and experience is
22 in regards to your training to be employed in the
23 firearms department?

24 A. I received a bachelor's degree from Charleston Southern
25 University, where I also received my master's degree in

DIRECT EXAMINATION OF JAMES GREEN BY MS. MUNNERLYN

228

1 criminal justice from Charleston Southern University. I
2 went through the South Carolina Criminal Justice Academy
3 in 2002. I worked for Mt. Pleasant Police Department for
4 about three-and-a-half years before I started my job at
5 SLED in 2005 when I was hired at SLED as a firearms
6 examiner trainee. I started a SLED firearms and tool
7 mark course of instruction, which is roughly a three-
8 and-a-half year apprentice-type field of study, where I
9 was studying under court qualified firearms examiners
10 while learning to do what I do now.

11 Q. So, you have some certification?

12 A. Yes, ma'am.

13 Q. Which you maintain?

14 A. Yes, ma'am. We have proficiency testing.

15 Q. And have you been qualified as an expert to testify in
16 courts in South Carolina before today?

17 A. Yes, ma'am.

18 Q. Okay. And about how many times have you been qualified
19 as an expert to testify?

20 A. Forty-four times in the state and one time federal.

21 MS. MUNNERLYN: Your Honor, I would move at this time to
22 have Mr. Green qualified as an expert in the field of
23 firearms and ballistics.

24 THE COURT: Any query with regard to his qualifications?

25 MR. HOBBS: None, Your Honor.

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 THE COURT: He is to be so qualified. I'll instruct you
2 in greater detail at the conclusion of the case how to
3 evaluate an expert and their testimony.

4 MS. MUNNERLYN: Thank you, Your Honor.

5 Q. Agent Green, did you receive some evidence in regards to
6 the case that you're here about today, the incident that
7 occurred on December the 15th of 2011, from the
8 Bennettsville Police Department?

9 A. Yes, ma'am.

10 Q. And did you have an opportunity to examine the evidence
11 which was presented to you?

12 A. Yes, ma'am.

13 Q. And as a result of the examination and testing that you
14 conducted on that evidence, did you have a report that
15 you issued?

16 A. Yes, ma'am.

17 Q. I'm going to show you what's been marked as State's
18 Exhibit #8 and see if you recognize that exhibit.

19 A. Yes, ma'am. State's Exhibit #8 is the SLED forensic
20 services laboratory firearms department report I issued
21 in this case.

22 Q. Okay. All right. And hang on to that, because we're
23 going to talk about that in just a minute. Okay. Tell us
24 what items of evidence that you received in regards to
25 the testing you conducted in this matter.

DIRECT EXAMINATION OF JAMES GREEN BY MS. MUNNERLYN

230

1 A. I received SLED items #1 through #4, which were four
2 fired bullets and SLED item #5 was a chain or necklace,
3 with a lead fragment embedded in it.

4 Q. Okay. I'm going to show you what's marked as State's
5 Exhibit #10, A through E. See if you recognize those.

6 A. State's #10-A is the SLED item 1 bullet that I examined.
7 #10-D, is the SLED item 2 bullet I examined. #10-B is
8 the item 3 bullet. #10-C is the item 4 bullet I examined
9 and #10-E is the chain or the necklace with the embedded
10 lead fragment.

11 Q. Okay. All right. Well, tell us what tests and
12 examination you conducted on these items of evidence
13 which were presented to you.

14 A. Yes, ma'am. Firearms identification is a discipline of
15 forensic science where we attempt to determine if a
16 particular ammunition component, a fired bullet or fired
17 cartridge case, came from the same source, meaning were
18 they fired by the same gun. Sometimes evidence is
19 submitted to the laboratory. A firearm is submitted so
20 we can say either yes or no, or I don't know if they
21 were fired by this gun or not. In the terms when there's
22 no gun submitted, we can look at the evidence to see if
23 they were all fired by the one gun, two guns or three
24 guns, whatever the case may be, and then if they were
25 fired by the one gun or two, we can sometimes give the

1 evidence contributor or the submitting law enforcement
2 agency a list of firearms that could have possibly fired
3 those bullets.

4 Q. Okay. And were you -- you've already listed and told us
5 the evidence that was presented. Did you ever receive a
6 gun to examine with regards to these bullets?

7 A. No, ma'am. What I have here in front of me is only what
8 was submitted to my department in this case.

9 Q. Okay. So, no gun was submitted in this case. You
10 examined the bullets and the bullet fragments?

11 A. Yes, ma'am.

12 Q. And can you tell us what your determinations were in
13 regards to those examinations?

14 A. Yes, ma'am. State's Exhibit's #10-A through D. So, the
15 four bullets, A, B, C, and D. They were all most
16 consistent with bullets loaded into some .32 Smith &
17 Wesson long caliber cartridges. They all have the same
18 general rifling characteristics, meaning they have the
19 same rifling patterns. So, I've looked at them
20 microscopically with our comparison microscope. That is
21 two microscopes connected with a single optical bridge
22 that let's us look at two objects simultaneously and
23 once I did that, I was able to determine that all four
24 of the bullets in State's Exhibits #10-A through #10-D
25 were fired by the same firearm.

DIRECT EXAMINATION OF JAMES GREEN BY MS. MUNNERLYN

232

1 Q. All right. So, all four of those bullets came through
2 the barrel of the same firearm?

3 A. Yes, ma'am.

4 Q. Whatever firearm that might have been?

5 A. Correct.

6 Q. Okay. And now from the caliber of these particular
7 bullet fragments or bullets, were you able to determine
8 what type weapon they would have been fired from?

9 A. I was able to give a general rifling characteristics
10 list. What that is, it's -- we look at the number of
11 lands and grooves of the rifling specifications on the
12 fire bullet or bullets in this case and we plug those
13 measurements into a data base provided to us by the FBI
14 and that gives us a list of possible firearms that could
15 have fired them.

16 Q. Okay. And can you tell me -- and those are listed on
17 your report. Correct?

18 A. Yes, ma'am.

19 Q. And they are various makers and models of those type
20 guns?

21 A. Yes, ma'am. Well, .32 Smith & Wesson long caliber
22 cartridges can be fired from .32 Smith & Wesson long
23 caliber firearms and it can be fired in the firearms
24 chamber from the .32 H&R Magnum caliber. So when I gave
25 my list out, I included .32 Smith & Wesson long and .32

1 H&R Magnum because the rifling specifications flow over
2 from one to the next with this caliber.

3 Q. Okay. So, those particular -- those range of guns that
4 you've just discussed, are those generally -- those are
5 all handguns. Correct?

6 A. Yes, ma'am.

7 Q. Are they automatic or revolver-type handguns?

8 A. The .32 Smith & Wesson long caliber is predominately a
9 revolver. In my eleven-and-a-half years at SLED and
10 thirty-something years of shooting, I've never seen
11 anything other than a revolver chamber to that caliber.

12 Q. Okay. So, generally, we're talking a revolver probably
13 is the gun that shot these bullets?

14 A. Yes, ma'am.

15 Q. Or the general type of gun from which these bullets were
16 shot?

17 A. Yes, ma'am. Yes, a revolver.

18 Q. Okay. Well, let me ask you just a further question then.
19 When a revolver is shot, is a casing kicked out when you
20 shoot that gun?

21 A. There are a few revolvers who will actually extract and
22 eject the cartridge cases, but I've never seen one. I've
23 only read about them. There's a general rule -- if
24 you've all seen the cowboy movies where the, you know,
25 the good guy and the bad guy face off and the pull out

DIRECT EXAMINATION OF JAMES GREEN BY MS. MUNNERLYN

234

1 their guns and they start fanning the hammer, that's a
2 revolver. That's a revolver. It's got a cylinder with
3 multiple chambers in it and when you pull the trigger,
4 the hammer falls and fires a cartridge. You pull the
5 trigger again, it rotates the cylinder and lines the
6 next one up and you fire. The cartridge cases are not
7 ejected and they stay in the revolver.

8 Q. Okay. So, then, wherever these bullets were shot, you're
9 saying they were probably shot from a revolver gun ---

10 A. Yes, ma'am..

11 Q. --- which would not have ejected any casings?

12 A. Correct.

13 Q. So, wherever the shooter was standing, there would not
14 have been any casings on the ground?

15 A. If they didn't open it up and reload, yes, ma'am. They
16 would have stayed in the revolver.

17 Q. Unless they actually opened the gun and emptied them on
18 the ground?

19 A. Yes, ma'am.

20 Q. Okay.

21 MS. MUNNERLYN: Your Honor, I would move to admit, then,
22 State's Exhibit -- I believe that's 8. Yes. State's Exhibit
23 #8 into evidence.

24 THE COURT: Any objection from Defense?

25 MR. HOBBS: None, Your Honor.

1 THE COURT: Please stand up.

2 MR. HOBBS: I'm sorry, Your Honor. No, Your Honor.

3 THE COURT: Very good.

4 (Whereupon, a firearm's report is entered into evidence
5 as State's Exhibit #8, without objection)

6 MS. MUNNERLYN: Thank you, Your Honor. That would be all
7 of the questions that I have of this witness.

8 THE COURT: Cross-examination.

9 MR. HOBBS: Thank you, Your Honor.

10 CROSS EXAMINATION

11 BY MR. HOBBS:

12 Q. Mr. Green, there was one item that you didn't cover in
13 your report. That's item number #5. Is that right?

14 A. I'm sorry, I didn't cover in my report?

15 Q. I'm sorry. In your examination just a moment ago.

16 A. Yes, sir.

17 Q. Okay. What is item number #5?

18 A. SLED item #5, which is State's Exhibit #10-E is the
19 chain or necklace that had a piece of lead embedded in
20 it.

21 Q. Okay. Did you run any tests on that necklace or that
22 bullet?

23 A. The necklace, no, sir. Because it's not an ammunition
24 component. I did look at the lead fragment
25 microscopically and see if there were any markings on it

CROSS EXAMINATION OF JAMES GREEN BY MR. HOBBS

236

1 that would be consistent with a bullet. But lead is very
2 soft and malleable, it can shear off. So the only thing
3 I was able to say was that it was a lead fragment. I
4 can't tell you if it was part of a bullet, part of a
5 bullet core or it came from something else.

6 Q. Okay. And you did not remove that mass from that
7 necklace. Correct?

8 A. When I was examining it, a small piece came off and it's
9 in the ziplock bag marked right here. But, no, sir, I
10 did not.

11 Q. But even with that small piece included, you noted in
12 your report that a mass appears to be smaller than a .32
13 caliber bullet. Is that right?

14 A. Yes, sir. A .32 Smith & Wesson long bullet will usually
15 weigh about ninety-eight grams and it's a fairly decent
16 sized piece of lead and what I saw in State's Exhibit
17 #10-E was noticeably smaller than that.

18 Q. So, while you couldn't test that bullet, you were able
19 to note that the mass was smaller than all the other
20 bullets you were submitted?

21 A. Yes, sir.

22 Q. And that could lead to a conclusion that that bullet
23 came from a different source than those other bullets?

24 A. Presumably.

25 MR. HOBBS: No further questions, Your Honor.

1 THE COURT: Any redirect?

2 MS. MUNNERLYN: Yes, Your Honor. Just one question.

3 REDIRECT EXAMINATION

4 BY MS. MUNNERLYN:

5 Q. But it could also have come, that fragment, from a
6 bullet of the same type as the other four, could it not?

7 A. Yes, ma'am.

8 Q. Okay.

9 MS. MUNNERLYN: No further questions, Your Honor.

10 THE COURT: You may step down. Any objection to this
11 witness being excused?

12 MR. HOBBS: No, Your Honor.

13 THE COURT: Thank you. You may step down. You're free to
14 leave.

15 THE WITNESS: Thank you.

16 THE COURT: You may call your next witness.

17 MR. REDMOND: Thank you. The State would next call
18 Jennifer Nates.

19 THE COURT: Yes, ma'am. Place your left hand on the Bible
20 and raise your right hand as the clerk administers the oath.

21 (After being duly sworn by the Clerk of Court, JENNIFER
22 NATES testified as follows:)

23 THE COURT: I'm going to ask you to come around and have
24 a seat in the witness chair. I want you to pull up real close
25 to the microphone. Speak loudly, clearly, and slowly in order

DIRECT EXAMINATION OF JENNIFER NATES BY MR. REDMOND

238

1 that we can hear everything that you have to say. Let's start
2 with your full name?

3 MS. NATES: Okay. Yes, sir. Jennifer M. Nates, N-A-T-E-S.

4 DIRECT EXAMINATION

5 BY MR. REDMOND:

6 Q. And just to avoid confusion, and we'll get to your
7 report in a little while, but were you known as Jennifer
8 Stroman at the time this report was done in, I believe,
9 2011?

10 A. Stoner.

11 Q. I mean, I said Stroman. I meant Stoner. I'm so sorry.
12 But were you known as Stoner?

13 A. Yes.

14 Q. And since then have you've gotten married and now you're
15 Nates?

16 A. I have.

17 Q. Okay. I just wanted to clear that up so there wouldn't
18 be any confusion with the report. Let's talk about your
19 background since we've touched on it a little bit. Give
20 us your educational background as it relates -- well,
21 let me go back even further. By whom are you employed?

22 A. I'm employed by the South Carolina Law Enforcement
23 Division in the trace evidence section of the forensic
24 laboratory.

25 Q. And how long have you been so employed?

1 A. I've been employed at SLED for almost eighteen years.

2 Q. All right and in what capacity have you worked at SLED
3 during those eighteen years?

4 A. The first year that I was employed at SLED, I was a drug
5 chemist. I transferred from the drug lab into the trace
6 section and I've been there since then.

7 Q. Okay. Now, let's talk education. Can you give the jury
8 your educational background, please?

9 A. I have a bachelor of science degree in chemistry from
10 California University of Pennsylvania. It's a small
11 state school in Pennsylvania. Once I completed that
12 degree, I performed an internship at SLED for the summer
13 and then upon completion of the internship, I was hired.

14 Q. And, again, that was eighteen years ago. Now, let's talk
15 about any certifications and training. Could you talk
16 about that as it relates to your work in trace evidence?

17 A. Once I completed the drug training program, I came on-
18 line doing drug analysis and then transferred to the
19 trace. The trace training program was approximately a
20 three to four-year training program that was
21 administered in-house by senior analysts and by the
22 department lieutenant. During that training, I also took
23 outside courses offered by the universities or vendors
24 dealing with the instrumentation that we utilize or with
25 the testing that we perform. Since that time, I've taken

DIRECT EXAMINATION OF JENNIFER NATES BY MR. REDMOND

240

1 classes off and on throughout the years to keep up -- we
2 don't have a certification, but just to keep abreast of
3 everything that's changing in the field.

4 Q. Now, at this particular time -- oh, I didn't ask you
5 this. About how many time have you testified as an
6 expert witness in any court, state or federal?

7 A. Almost a hundred times.

8 Q. And that being an expert in the field of trace analysis?

9 A. Yes, about twenty were in drug analysis.

10 MR. REDMOND: With that, Your Honor, the State would move
11 to have Agent Nates certified as an expert in the field of
12 trace evidence, trace analysis.

13 THE COURT: Any query with regard to her qualifications?

14 MR. HOBBS: None, Your Honor.

15 THE COURT: She is so qualified.

16 MR. REDMOND: And I'm going to approach with the Court's
17 permission with State's Exhibit #9.

18 Q. And I'll get into the contents of that report in a
19 little while, but if you would look over that, is that
20 an accurate and true copy of the report that you
21 generated in reference to this case?

22 A. It does appear to be an accurate copy.

23 Q. Okay. Great and we'll get into that, into the results in
24 just a little while, but let's talk about what it is you
25 do. What is trace evidence? If you could explain briefly

1 what -- when we say trace evidence, could you explain
2 that?

3 A. Trace evidence is a field of forensic science that deals
4 with several different disciplines. We analyze evidence
5 that deals with paint transfer, fiber analysis,
6 explosives, gunshot residue, tape, glass, and fire
7 debris. So each of those is a separate type of evidence
8 that is submitted to us and in this case, I analyzed
9 gunshot residue.

10 Q. And to that end, when we talk about gunshot residue, how
11 is the testing for gunshot residue done? If you could
12 explain that.

13 A. Testing for gunshot residue is typically started with a
14 gunshot residue collection kit, which is collected in
15 the field by either a police officer, an investigator,
16 or a pathologist or a coroner. That kit is collected.
17 It's submitted to our laboratory and then I pick up the
18 evidence down at our evidence submission area. The items
19 of evidence in a GSR kit, what they are is they're
20 little, what we call particles. They're about this big.
21 It's a plastic case that holds a round piece of carbon
22 that has an adhesive on it. The adhesive is probably
23 comparable to a band-aid adhesive. It's not super
24 sticky, but it does have some stick to it. What the
25 officer will do is -- there are four of them. He will

DIRECT EXAMINATION OF JENNIFER NATES BY MR. REDMOND

242

1 collect from each area of the person's hands, the right
2 palm, the right back, the left palm and the left back.
3 Once he collects the samples, the kit's sealed and it's
4 submitted to our lab. We open the kit, look at the
5 paperwork to determine that the name matches what was
6 submitted with that item. We look at the collection
7 time, the time of the incident, to make sure everything
8 falls into place for what we need to perform our
9 analysis. We then analyze it using what is called a
10 scanning electron microscope. This is a high-powered
11 microscope that runs a scan on the samples to determine
12 if there are any particles present that we call gunshot
13 residue. Once the automated analysis takes place, we go
14 back and we review all the particles the instrument
15 found and verify that they're gunshot residue or not.

16 Q. And just to be clear. I mis-spoke. I think your report
17 was done in June of 2013. If you'd look at it, I think
18 you did your report in June -- I think I said 2011?

19 A. Oh, I didn't catch that. It is 2013.

20 Q. Now, segue into this particular case. But before we get
21 into your findings, let me just ask you this. Is it --if
22 you find particles or if you have a positive result, I
23 don't want to use improper terminology, but let's say
24 there's a positive result. Does that mean that person
25 even fired a weapon? In other words, if you got a

1 positive result, does that mean that a person fired a
2 gun?

3 A. There are several ways you can have gunshot residue
4 deposited on your hands. You can have it deposited on
5 your hands by firing a weapon, by being in the vicinity
6 to a weapon when it is discharged or by handling a
7 weapon. So when we analyze the kit and we find gunshot
8 residue on person's hands, we can't tell you how it got
9 there. We know that they may have fired a weapon. They
10 could have been near the weapon or they handled one. But
11 we are not able to tell you which of those three
12 deposited that residue.

13 Q. And to that end, and I think you may have already
14 touched on it as it relates to the -- I guess the
15 firearm. I guess I'd say proximity to the gunshot being
16 fired, would a trace analysis be able to tell you, the
17 analysis of gunshot residue, be able to tell you that in
18 proximity as it relates to the person firing, the
19 individual?

20 A. We do not. It is not a quantitative test. It is just
21 looking for the presence or absence of the gunshot
22 residue. So we do not perform a quantization to tell you
23 how much is present.

24 Q. And, again, just to be clear, let me -- I think it's
25 State's #5 that I presented to you. Did you actually

DIRECT EXAMINATION OF JENNIFER NATES BY MR. REDMOND

244

1 generate a report in this particular case?

2 A. I did.

3 Q. And at this particular time, could you go ahead and tell
4 us what your findings were as it relates to the GSR kit
5 done on Mr. McLaurin?

6 A. On?

7 Q. On the kit that was done on Mr. McLaurin, could you give
8 us those results, what your findings were?

9 A. Item #6 was the GSR kit that was collected from Patrick
10 McLaurin. On the right palm, which was the sample
11 collected from the right palm of his hand, I found round
12 particles containing lead. These particles may be
13 associated with residue produced by discharging a
14 firearm, being in the vicinity to the discharge of a
15 firearm or coming into contact with a surface that has
16 gunshot residue on it. However, it may also originate
17 from additional sources.

18 Q. Is that in line with what you were just explaining to us
19 about not being able to give a certain ---

20 A. The first part is in line with that. The additional
21 sources is additional information.

22 Q. And how about the item 6.2, right back?

23 A. The particle lift that was collected from the right back
24 or the back of his right hand, I found one particle
25 containing lead and, again, we have the disclaimer that

1 this particle may be associated with residue produced by
2 the discharge of a firearm, but may originate from
3 additional sources. No information can be provided as to
4 the disposition of this particle.

5 Q. And how about the left palm, was there any -- were there
6 any positive findings there?

7 A. On the left palm there was no gunshot residue found. Do
8 you want me to read the disclaimer on that one?

9 Q. Well, it's going to be in evidence, so you might as
10 well. Go ahead.

11 A. For our negative results we give a little bit of a
12 disclaimer to explain why it possibly could be negative.
13 The absence of gunshot residue on the hands is
14 consistent with an individual not having discharged a
15 firearm. A negative result could also occur from
16 circumstances such as washing the hands, wiping the
17 hands, wearing gloves, sweating profusely, environmental
18 factors including wind and rain, bloody hands, excessive
19 debris on the same or normal physical activity within
20 four to six hours passing between firing and sampling or
21 the firearm not producing gunshot residue on the hands
22 when it is discharged. So any of those could have caused
23 the sample to be negative.

24 Q. Okay. Now, the last one, the left back. What results
25 were there?

DIRECT EXAMINATION OF JENNIFER NATES BY MR. REDMOND

246

1 A. On the back of the left hand I found round particles
2 containing lead. These particles may be associated with
3 residue produced by discharging a firearm, being in the
4 vicinity to the discharged of a firearm or coming into
5 contact that has gunshot residue on it. However, it may
6 also originate from additional sources.

7 Q. So, again, to recount what you had indicated earlier,
8 can you determine, based on your findings, whether or
9 not Mr. McLaurin fired a firearm, was in the proximity
10 of a firearm or actually touch a surface that may have
11 had residue on it? Does this test give you anything
12 definitive answer to those questions?

13 A. No. It only tells me that the presence is there.

14 Q. Okay. All right.

15 MR. REDMOND: Now, with that, Your Honor, I would move,
16 if I haven't done already, State's #9, the report from Ms.
17 Nates, in.

18 MR. HOBBS: No objection, Your Honor.

19 THE COURT: All right. It's into evidence.

20 (Whereupon, a trace evidence report is entered into
21 evidence as State's Exhibit #9, without objection)

22 MR. REDMOND: Thank you.

23 Q. Now, let me move on to another issue just real briefly
24 and that's regarding other clothing that may have been
25 submitted and this will be brief. We touched on it but

1 distance analysis. Let's talk about that a little bit.

2 What is the difference between distance analysis and a
3 gunshot residue analysis? What's the difference?

4 A. A gunshot residue test is performed to determine if
5 someone potentially was near a weapon when it was fired,
6 which can be considered firing the gun. A distance
7 determination was a test that we performed prior at
8 SLED, which would be a -- it's a chemical and physical
9 test done on a shooting victim's clothing. You have to
10 have the area of the clothing where they were shot. If I
11 was shot in the chest, I would have tested the area
12 around the hole to determine if I could reproduce that
13 distance, test firing a weapon with that ammunition to
14 give me a range of possibly how far that victim was from
15 the weapon when they were shot.

16 Q. And let me just ask you this. If that issue comes up,
17 what is it that you would need to do an accurate, I
18 guess, and as close to accurate as possible distance?

19 A. In order to perform that test you need the clothing that
20 has the bullet holes in it. You need the weapon that was
21 used in the shooting and you need ammunition that was
22 used in the shooting.

23 Q. Okay. And let me stop you. Out of the three things you
24 need clothing, you need the ammunition, and you need the
25 weapon?

CROSS EXAMINATION OF JENNIFER NATES BY MR. HOBBS

248

1 A. That's correct.

2 Q. I just wanted to make sure that was -- now...

3 MR. REDMOND: I beg the Court's indulgence.

4 Q. And you indicated that y'all don't perform this test
5 anymore. Could you explain that, please?

6 A. This was a test that was previously done by our
7 department.

8 MR. HOBBS: I'm sorry. I need to object, Your Honor.

9 THE COURT: All right. Come up here and you can do that
10 off the record.

11 (Brief bench conference off the record)

12 MS. MUNNERLYN: Your Honor, may I approach the witness.
13 She has indicated she needs some water.

14 THE COURT: Yes.

15 Q. Last question. I forgot my question. I had asked you --
16 you had indicated earlier that SLED no longer does that.
17 I'm just simply asking why doesn't SLED do distance
18 analysis anymore?

19 A. The distance analysis test was done in the trace section
20 at SLED. Normally, this test is performed by firearms
21 examiners, but we had done it traditionally at our lab.
22 We moved towards a different accreditation body and at
23 that point a lot of factors came into play. A lot of our
24 agents -- when I was hired, we were considered Class I
25 Officers. So, we had firearms training. We were given a

1 gun and a badge and we were considered police officers.
2 They've changed that over the years so that the agents
3 that are hired now are Class III. We're no longer given
4 guns. So our department wasn't given any firearms
5 training, so they felt that it was a danger for us to
6 continue to test fire weapons and it was a test that the
7 FBI provided. We did not receive that many requests for
8 this test so they decided it would be in the best
9 interest for us no longer to perform the testing.

10 MR. REDMOND: That'd be all the questions I have, Your
11 Honor.

12 THE COURT: Cross examination.

13 MR. HOBBS: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. HOBBS:

16 Q. How are you doing Ms. Nates? All right. So, we just
17 talked for a while there about testing that wasn't done.
18 But let's go back to the testing that actually was done.
19 You conducted an analysis of a GSR kit from Patrick
20 McLaurin. Is that correct?

21 A. Yes, sir.

22 Q. He's been identified as the victim in this case?

23 A. On the paperwork that I received, yes.

24 Q. Very good and when you did the testing for his gunshot
25 residue kit, it came back positive. Is that correct?

CROSS EXAMINATION OF JENNIFER NATES BY MR. HOBBS

250

- 1 A. Positive for lead particles, yes, sir.
- 2 Q. Okay. So, that's gunshot residue on the victim's hands.
- 3 Is that right?
- 4 A. It's considered round lead, which is a part of -- it's a
- 5 part of gunshot residue. But we do have a different
- 6 result for gunshot residue particles.
- 7 Q. Okay. And how does one get this lead particle on their
- 8 hand?
- 9 A. Normally, the majority of the times when we see this, it
- 10 is from being near a weapon when it was fired, handling
- 11 something that had gunshot residue on it or firing a
- 12 weapon.
- 13 Q. Very good and gunshot residue on a person's hand is very
- 14 delicate. Is that correct?
- 15 A. It's extremely delicate.
- 16 Q. Extremely delicate and that's why -- I think in item 6.3
- 17 you talk about how many reasons there could be for a
- 18 negative result. Is that right?
- 19 A. That is correct.
- 20 Q. And of those reasons, we've got washing hands, wiping
- 21 hands, wearing gloves, things like that. Right?
- 22 A. Yes.
- 23 Q. So if a body was handled by paramedics or treated, that
- 24 could wipe off gunshot residue from the hands. Right?
- 25 A. Any activity that occurs after the deposition can remove

1 it, yes.

2 Q. But actually we had a positive result in the testing
3 that you did. Correct?

4 A. I did have some positive results, yes.

5 Q. Okay. Very good. Have you ever taken a gunshot residue
6 kit from a person's hands?

7 A. Collected one? Yes.

8 Q. Okay. And, again, can you explain to the jury how that's
9 done.

10 A. The kit, it comes in an envelope and the officer or the
11 collecting person will take out the four samples. They
12 will take the lid off of one and they will dab it over
13 the entire area for that sampling and that will be the
14 right palm, the back of the right hand, the left palm,
15 and the back of the left hand. Once they're completed,
16 they put it back in the kit and seal it for submission.

17 Q. Okay. And why is it important to do it as soon as
18 possible when you can take this GSR kit?

19 A. It's important to do it as soon as possible because you
20 don't want the residue to be removed. With a living
21 person, all those things could happen that can remove
22 the residue. With a deceased individual, it can be
23 removed by outside forces, but the body will no longer
24 remove it or you won't sweat, but it still can be
25 removed.

CROSS EXAMINATION OF JENNIFER NATES BY MR. HOBBS

252

1 Q. Are there any procedures that come with that GSR kit
2 where it talks about how to preserve hands or wrap hands
3 up to preserve any potential evidence?

4 A. Not in the kits that we provide. No, sir.

5 Q. Have you ever seen a decedent's hands covered in a bag
6 or anything to preserve it?

7 A. We have received bags at times that have been placed
8 over decedents hands.

9 Q. Okay. Very good and when you talking about being in the
10 vicinity of a gun being fired, am I in the vicinity to
11 you right now to where if I fired a gun you would get
12 gunshot residue on your hands?

13 A. It can depend on the caliber of the weapon or what size
14 room you're in. This room is quite large.

15 Q. Right.

16 A. So, if you were firing in that direction, I would not
17 expect to find it.

18 Q. Okay.

19 A. If you fire in my direction, quite possibly I could have
20 it on my hands.

21 Q. Okay. Very good.

22 MR. HOBBS: No further questions, Your Honor.

23 THE COURT: Any redirect?

24 MR. REDMOND: With that last answer, no redirect.

25 THE COURT: Thank you, ma'am. You can step down. Any

1 Q. Okay.

2 MR. HOBBS: Your Honor, I have no further questions.

3 THE COURT: All right. You may step down. Well, did you
4 have any cross examination?

5 MS. MUNNERLYN: No, Your Honor.

6 THE COURT: We're ready for the jury now. If you'll just
7 stand right there.

8 (Jury in at 3:25 P.M.)

9 THE COURT: All right. You may call your next witness.

10 MS. MUNNERLYN: Your Honor, the State would call Mark
11 Ridges.

12 THE COURT: Mr. Ridges, please come forward. Place your
13 left hand on the Bible and raise your right hand as the clerk
14 administers the oath.

15 (After being duly sworn by the Clerk of Court, MARK
16 RIDGES testified as follows:)

17 THE COURT: Please come forward. I'm going to ask if you
18 could have a seat in the witness chair and pull up real close
19 to that microphone and speak loudly and clearly and slowly in
20 order that we can hear everything that you have to say and
21 let's start with your full name.

22 THE WITNESS: Mark Lamar Ridges.

23 MS. MUNNERLYN: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MS. MUNNERLYN:

DIRECT EXAMINATION OF MARK RIDGES BY MS. MUNNERLYN

260

- 1 Q. Mr Ridges, you live here in Bennettsville?
- 2 A. Yes, ma'am.
- 3 Q. And did you know the victim, Patrick Tony McLaurin?
- 4 A. Yes, ma'am.
- 5 Q. Okay. And do you also know the Defendant, Tyrone Quick?
- 6 A. Yes, ma'am.
- 7 Q. Okay. How long have you known each of them?
- 8 A. About thirty-five, forty years.
- 9 Q. Okay. Most of your life?
- 10 A. Yes.
- 11 Q. All right and how long in, well, let's say back in 2011,
- 12 about the time that this incident happened, how often
- 13 would you see Tony McLaurin?
- 14 A. About every day.
- 15 Q. Okay. And how often would you see Tyrone Quick?
- 16 A. I see him about every day too, riding around and stuff.
- 17 Be about every day.
- 18 Q. So, both of them, you would see them quite frequently?
- 19 A. Yes, ma'am.
- 20 Q. Okay. All right. Well, let's go back and talk about the
- 21 evening of December the 25th of 2011. On that evening,
- 22 were you at the home of Isaac Bland?
- 23 A. Yes, ma'am.
- 24 Q. Okay. You know about when you got there?
- 25 A. About ten, ten-o-five, something like that. Ten, ten-o-

- 1 seven, somewhere around there.
- 2 Q. Okay. And when you arrived, do you remember who was
- 3 there?
- 4 A. Jason, me, Roger and Michelle was outside.
- 5 Q. Okay. Let's talk a little bit about who these people
- 6 are. So, outside with you was Jason?
- 7 A. Yes, ma'am.
- 8 Q. Who is that?
- 9 A. That's my home boy.
- 10 Q. Okay.
- 11 A. My friend, best friend.
- 12 Q. Your best friend?
- 13 A. Yeah.
- 14 Q. Okay. And he is the reason you went over there?
- 15 A. Yeah.
- 16 Q. Okay. So, he was there and who else?
- 17 A. Roger were there and Melissa were there. We was standing
- 18 outside.
- 19 Q. You were standing outside. Now, Isaac Bland's home is
- 20 located over on Amelia Street?
- 21 A. Yes, ma'am.
- 22 Q. Sort of behind another house there?
- 23 A. Yes, ma'am.
- 24 Q. And so you say you and these other three individuals
- 25 were standing out front?

- 1 A. Yes, ma'am.
- 2 Q. Now, when you say out front, that's out in front of
- 3 Isaac Bland's trailer?
- 4 A. By the front door.
- 5 Q. By the front door. Now, is there a path that runs in
- 6 front of his trailer?
- 7 A. It's paths going all different ways. Yeah, paths going
- 8 through the front, sideways, back ways.
- 9 Q. Okay. And is there a large path that runs from Hudson
- 10 Street to Amelia Street there, right ---
- 11 A. Yes. It's a dirt road.
- 12 Q. Sort of a dirt road?
- 13 A. Uh-huh.
- 14 Q. Okay. Okay. And y'all were standing on that side the
- 15 house?
- 16 A. On the front side. On the front side.
- 17 Q. Okay. All right and were there other people besides just
- 18 the four of you?
- 19 A. There was some people inside.
- 20 Q. Okay. Do you know who was inside?
- 21 A. Ike, Charles, Renee. I'm sorry. I can't picture the
- 22 other person right now but I seen somebody else in
- 23 there.
- 24 Q. Ike, Charles and Renee were inside?
- 25 A. Yeah.

- 1 Q. Okay. And maybe some others, but you were outside?
- 2 A. Yeah. I might have peeped in but, you know, I stayed
- 3 outside most of the time.
- 4 Q. Okay. Were there any others there around the house?
- 5 A. Yeah. In the back the house there was Kenta, Billy ---
- 6 Q. Wait a minute now. Who is Kenta?
- 7 A. Kenta, A.I., Derrick Deese and Tony was in the back.
- 8 Q. Okay. All right. Kenta, A.I., Derrick Deese and Tony?
- 9 A. Yeah. They was in the back.
- 10 Q. And who is Tony again?
- 11 A. Tony McLaurin.
- 12 Q. Tony McLaurin who is the victim in this case?
- 13 A. Yeah.
- 14 Q. So you say he was in the back with these other
- 15 individuals?
- 16 A. Yeah.
- 17 Q. And that would be the back of Ike's trailer?
- 18 A. Yes, ma'am.
- 19 Q. All right and did you at any point see -- and you said
- 20 you got there or about a few minutes after ten?
- 21 A. Yeah. Something like that.
- 22 Q. And where had you been?
- 23 A. Home asleep.
- 24 Q. Home asleep. So you arrived at ten or a few minutes
- 25 after and when you arrived, did you see the Defendant,

DIRECT EXAMINATION OF MARK RIDGES BY MS. MUNNERLYN

264

- 1 Tyrone Quick anywhere?
- 2 A. He was standing in front of Jimmy Brown's house.
- 3 Q. Okay. And where is Jimmy Brown's house?
- 4 A. Right there on Main Street, on the road. Right there on
- 5 -- the house in front of Ike's house.
- 6 Q. It's the house on Amelia Street?
- 7 A. Yeah.
- 8 MS. MUNNERLYN: May I approach the witness, Your Honor?
- 9 THE COURT: Yes.
- 10 Q. I'm going to show you what's in evidence now as State's
- 11 Exhibit #12 and see if your recognize that house?
- 12 A. Yeah, right there.
- 13 Q. That's the house?
- 14 A. (Nods head)
- 15 Q. Okay. So he was standing right in front of that yellow
- 16 house?
- 17 A. Yeah. Like on the side right there.
- 18 Q. Okay. And this house is right on Amelia Street?
- 19 A. Yeah. Yeah.
- 20 Q. Okay. And what was he doing?
- 21 A. Just standing up there.
- 22 Q. Right by the street?
- 23 A. Yeah.
- 24 Q. Okay. By himself?
- 25 A. Yeah.

- 1 Q. Okay. And what happened? Did he stay there or what
2 happened?
- 3 A. I don't know. We went on through the path beside there
4 and a car came up and picked him up.
- 5 Q. A car came up and picked who up?
- 6 A. Tyrone.
- 7 Q. Tyrone, meaning the Defendant, Tyrone?
- 8 A. Yeah.
- 9 Q. And do you know what kind of car it was or whose car it
10 was?
- 11 A. No. It was like a gold car or something like that. It
12 looked like a girl named Nancy's car, but I -- it look
13 like her car, but I don't know who was driving it or
14 what but it was a car made just like hers.
- 15 Q. Okay. A gold colored car picked him up out on Amelia
16 Street?
- 17 A. Yeah.
- 18 Q. All right and so he left in that car?
- 19 A. Yes.
- 20 Q. And did you see him again?
- 21 A. Yeah, when he came back through on Hudson.
- 22 Q. Okay. All right. So he left and got in the car, the gold
23 colored car on Amelia Street and then how long was it
24 before you saw him again?
- 25 A. Ten or fifteen minutes tops.

DIRECT EXAMINATION OF MARK RIDGES BY MS. MUNNERLYN

266

- 1 Q. Ten, fifteen minutes and where did he come from when you
2 saw the Defendant again?
- 3 A. Off Hudson.
- 4 Q. Hudson, okay. So that's the street behind Amelia.
5 Correct?
- 6 A. Yes.
- 7 Q. Okay. And where was he coming -- when you saw him, from
8 where was he coming?
- 9 A. He was coming ---
- 10 Q. I know from Hudson Street, but where was he walking?
- 11 A. He was coming off of -- through the dirt road.
- 12 Q. Through the dirt road. All right and where were you
13 standing at this point?
- 14 A. Still by the door, by the side of Ike house, the front -
15 - in front of Ike house by the front door.
- 16 Q. By the front of Ike's house. Now, Ike's house sits
17 sideways behind Jimmy Brown's house. Correct?
- 18 A. Yeah.
- 19 Q. Okay. So, the front of his house would be behind Jimmy
20 Brown's house?
- 21 A. Yeah.
- 22 Q. Okay. All right. So you see the Defendant coming up the
23 dirt road from Hudson Street?
- 24 A. Uh-huh (affirmative).
- 25 Q. And what does he do?
- 1

- 1 A. He just walked up. He ---
- 2 Q. Okay. Did -- go ahead.
- 3 A. He just walked up. He ain't say nothing to nobody.
- 4 Q. Did he speak to any of you that were standing there?
- 5 A. Naw. He didn't say nothing to nobody.
- 6 Q. Okay. And what did he do?
- 7 A. He went around to the back of the house.
- 8 Q. Around to the back of the house and who was at the back
- 9 of the house?
- 10 A. Kenta, Derrick, A.I. and Tony.
- 11 Q. Okay. And when he went around to the back of the house,
- 12 what happened?
- 13 A. I don't -- I just heard gunshots and I took off running.
- 14 Q. Okay. How quick did you hear gunshots?
- 15 A. Soon as he went around the house.
- 16 Q. All right. And then you started running?
- 17 A. Yeah.
- 18 Q. Where did you run?
- 19 A. To Melissa house.
- 20 Q. To Melissa's house, which is where?
- 21 A. I think Ayers Street by the graveyard.
- 22 Q. Okay. So you ran to somebody else's house away from
- 23 this?
- 24 A. Yeah.
- 25 Q. Did you see Tony or Tyrone again? Afterward?

CROSS EXAMINATION OF MARK RIDGES BY MR. HOBBS

268

1 A. No, no, no, no, no. I saw Tony on the ground but that
2 was about -- after about fifteen minutes we walked back
3 down the road. He was laying on the ground over there by
4 Jimmy house.

5 Q. Okay. All right. Did you see Tyrone again?

6 A. No.

7 Q. Did anybody else go around that corner when Tyrone went
8 around the corner to the back of the house?

9 A. Not as I know of.

10 Q. He's the only one that walked around that way?

11 A. Yes, ma'am.

12 MS. MUNNERLYN: Court's indulgence just one moment.

13 That's all the questions I have.

14 CROSS EXAMINATION

15 BY MR. HOBBS:

16 Q. Mark, do you remember giving a statement to Sergeant
17 Hepburn back in December of 2011?

18 A. Yes, sir.

19 Q. Do you recall if you made one or two statements to him?

20 A. I remember one. I don't remember the second one.

21 Q. Okay. And do you recall that when he started that
22 statement that Sergeant Hepburn asked you to tell him
23 about the situation between Tyrone and Tony?

24 A. I can't remember. I don't understand what you're saying.

25 Q. Do you recall Sergeant Hepburn, when he started your

1 interrogation, asking you to tell him about the

2 situation between Tyrone and Tony?

3 A. What you -- man, I don't know what you talking about.

4 Q. That's fine. Maybe you just don't remember that.

5 MR. HOBBS: May I see Mr. Ridge's record?

6 MS. MUNNERLYN: (Hands document to Mr. Hobbs)

7 MR. HOBBS: Thank you.

8 Q. And you were charged -- Mr. Ridges have you ever been

9 charged with a felony here in Marlboro County?

10 A. Yes.

11 Q. Okay. When was that?

12 A. 2011.

13 Q. 2011. Right around the time that this incident occurred?

14 A. No, it was before that.

15 Q. Okay. So before this incident occurred, you had a charge

16 pending. I think it was a -- what was it? Do you recall?

17 A. Burglary third.

18 Q. Okay. When did you plead to that charge?

19 A. I don't know. I plead to it though.

20 Q. Was it 2012?

21 A. That was 2011. Right?

22 A. Well, did you know when you pled to it?

23 A. No, I can't remember that far back.

24 Q. Was that ever part of the deal when you made your

25 statement, that you were going to get leniency on that

CROSS EXAMINATION OF MARK RIDGES BY MR. HOBBS

270

1 charge?

2 A. No, I ain't never had no deal.

3 MS. MUNNERLYN: Your Honor, I would object to going any
4 further into this. If he wants to use that for impeachment
5 purposes, that's fine. But when he further questions ---

6 THE COURT: I overrule your objection. You can ask him.

7 MR. HOBBS: Thank you, Your Honor.

8 Q. All right. So Mr. Ridges, you did make a statement back
9 in 2011. That's correct?

10 A. Yes, sir.

11 Q. Okay. Now when you say you showed up, you said it was
12 about ten-o-five. Is that right?

13 A. Yes, sir.

14 Q. And you saw Tyrone there at ten-o-five?

15 A. Ten or ten-o-five.

16 Q. Okay.

17 A. Standing on Main Street.

18 Q. And also in your statement you said that Tony left at
19 some point. When did Tony leave?

20 A. Looking for his keys for his moped because he couldn't
21 find them. So he said he had a set at the house. So he
22 walked to the house to look for a set. He ain't had
23 none. That what Kenta said. He got a set of keys at the
24 house or he'll get him one made the next day.

25 Q. How far away does Tony live from where this incident

- 1 occurred?
- 2 A. About a block.
- 3 Q. Okay. So he had time to leave and come back. Is that
- 4 right?
- 5 A. Yeah. He left.
- 6 Q. And how many people were behind the house that you saw
- 7 that night?
- 8 A. Tony, Kenta, A.I. and Derrick Deese.
- 9 Q. So, at least four people?
- 10 A. Yeah.
- 11 Q. Okay. And at some point you say you see Tyrone walking
- 12 back. Is that right?
- 13 A. Yes, sir.
- 14 Q. Now, when you first got to the house, did you walk
- 15 around the house to see who was there and go inside to
- 16 see who was inside the house?
- 17 A. I stuck my head in the door. We was all trying to help
- 18 Tony find his keys.
- 19 Q. Okay. Did you ever see any sort of fight or altercation
- 20 between ---
- 21 A. No, no.
- 22 Q. Okay. Did you ever see a gun?
- 23 A. No.
- 24 Q. Okay. When you first saw Tyrone, who were you standing
- 25 next to?

CROSS EXAMINATION OF MARK RIDGES BY MR. HOBBS

272

- 1 A. Say what?
- 2 Q. When you first saw Tyrone, who was nearby you?
- 3 A. Jason, Melissa and Roger.
- 4 Q. Right and who's ---
- 5 A. Roger.
- 6 Q. Who's Roger?
- 7 A. Drayton.
- 8 Q. Okay. Now, when you first saw Tyrone, in your original
- 9 statement you say, that's Vaughn, that's Paul. No, it's
- 10 Tyrone. Is that right?
- 11 A. Yes, sir.
- 12 Q. So you didn't know it was Tyrone ---
- 13 A. Until he got up on me.
- 14 Q. Okay. How close was he to you?
- 15 A. About from me to her.
- 16 Q. Okay. And where were you standing on the porch?
- 17 A. On the side of the steps.
- 18 Q. Okay. And so he walked right there next to you. But what
- 19 was Tyrone allegedly wearing?
- 20 A. Huh?
- 21 Q. What was Tyrone wearing?
- 22 A. It was cold. I think he had on like a black hoodie.
- 23 Q. Okay. And do you remember saying that whoever you saw
- 24 was wearing a hoodie?
- 25 A. No. Not -- no.

- 1 Q. How long do you propose that Tyrone left or was gone?
- 2 A. Ten, fifteen minutes.
- 3 Q. Okay. Do you recall telling Sergeant Hepburn you thought
- 4 it was seven minutes?
- 5 A. Ten, fifteen minutes, seven, it all look like the same.
- 6 Q. Ten to fifteen minutes is twice as many minutes as seven
- 7 minutes.
- 8 A. Several, I didn't focus on it.
- 9 Q. Do you recall telling Sergeant Hepburn seven minutes?
- 10 A. I might a did.
- 11 Q. Okay. Now, you also said that you ran with Derrick
- 12 Deese. Is that right?
- 13 A. No.
- 14 Q. You don't recall telling Sergeant Hepburn that you ran
- 15 with Derrick ---
- 16 A. I didn't say I ran with Derrick Deese. Derrick was in
- 17 the back. However, Derrick was in the back. Me, Jason,
- 18 Melissa and Roger was in the front.
- 19 Q. So why would you have told Sergeant Hepburn that you ran
- 20 with Derrick Deese?
- 21 A. I did not tell Sergeant Hepburn I ran with Derrick
- 22 Deese.
- 23 Q. Okay. When you mentioned a girl named Nancy, her
- 24 vehicle. Who's Nancy?
- 25 A. Nancy is Nancy. That's all I could tell you. I know her

CROSS EXAMINATION OF MARK RIDGES BY MR. HOBBS

274

1 as Nancy. I don't know nothing else about her. Her name
2 Nancy. I know her as Nancy.

3 Q. Okay. And it was Nancy's car that you saw?

4 A. Yes, sir.

5 Q. It was Nancy's car. Okay.

6 MR. HOBBS: Court's indulgence, please, sir?

7 Q. All right. Mr. Ridges, what happened to the three people
8 that were standing in front with you after you ran? Did
9 they run with you?

10 A. We all ran different ways.

11 Q. Where did Melissa Hall go?

12 A. Melissa was -- when we came back, Melissa was out there
13 on the ground with Tony.

14 Q. Okay. Melissa was out with Tony when you came back to
15 the scene?

16 A. Yeah. About fifteen minutes later. It was after I ran to
17 Melissa house.

18 Q. Okay. Did you talk to law enforcement that night?

19 A. No.

20 MR. HOBBS: Your Honor, at this point, I would like to
21 admit Mr. Ridges' prior video statement into evidence for
22 impeachment purposes.

23 MR. REDMOND: I beg the Court's indulgence.

24 MS. MUNNERLYN: Your Honor, I don't have any objection to
25 it. We would just need to make sure the jury has a way to

1 view it.

2 THE COURT: Might counsel approach the bench?

3 (Brief bench conference held off the record)

4 MR. HOBBS: Your Honor, if I could have the State's
5 assistance in maybe finding a way to play this video on that
6 screen over there. Is there a DVD player?

7 MR. REDMOND: No, we'll need a laptop.

8 MR. HOBBS: Okay. Your Honor, I'm here at the mercy of
9 the court's facilities here. I do believe that it can be
10 played through a DVD player.

11 THE COURT: Does anybody at the State's table have a
12 laptop?

13 MR. REDMOND: Your Honor, I think Ms. Munnerlyn's gone to
14 get one.

15 Q. Mr. Ridges are you able to see this a little bit from
16 your angle?

17 A. I can't see from here.

18 Q. I understand. Right about there.

19 A. I still can't see it clear where I'm sitting.

20 MR. HOBBS: Your Honor, may the witness move over a
21 little bit?

22 THE COURT: Certainly. You can stand up and walk over
23 there if you want to.

24 MR. HOBBS: Thank you, Your Honor.

25 (Prior recorded statement of Mike Ridges was

1 published/paused)

2 MR. REDMOND: Your Honor, I believe the jury's having
3 trouble hearing it.

4 THE COURT: Might counsel approach the bench?

5 MR. HOBBS: Yes, sir.

6 (Brief bench conference off the record)

7 MR. HOBBS: Your Honor, given some of the technical
8 difficulties we're having, we're not going to put the
9 jury or the Court through playing this video.

10 THE COURT: All right. Well, you're certainly welcome to
11 do that if you'd like. If you want to play it just as it is,
12 you're welcome to do so.

13 MR. HOBBS: No, Your Honor. I think we've gotten the
14 questions we need to get to Mr. Ridges.

15 THE COURT: Very good. Any redirect?

16 MS. MUNNERLYN: Yes. Just a couple questions, Your Honor.

17 REDIRECT EXAMINATION

18 BY MS. MUNNERLYN:

19 Q. Okay. I just want to clear up a couple of things Mr.
20 Hobbs asked you about when you were saying, on, is that
21 Vaughn, is that Paul? Who is that? When was that?

22 A. That same night.

23 Q. Okay. But when were you saying that and why were you
24 saying that?

25 A. I was talking, me and my home boy Jason, seated in the

1 front door and somebody come through the path. We like
2 who that is? We was trying to figure out who was coming
3 through the path, you know.

4 Q. Okay. So somebody was coming up through the path?

5 A. Yes, ma'am.

6 Q. And as they were approaching, that's what you were
7 saying?

8 A. Yeah. Jason said Vaughn, Paul, whoever he said. Then
9 when he got up close, we recognized it was Tyrone.

10 Q. Okay. And how close did he get to you?

11 A. About from me to her.

12 Q. About from you to her.

13 A. Yes, ma'am.

14 Q. Which would be within five to six feet?

15 A. Yeah. About this close right here.

16 Q. And you could identify who it was at that time?

17 A. Yeah.

18 Q. And who was it?

19 A. Tyrone.

20 Q. And do you see Tyrone seated in the courtroom today?

21 A. Yes, ma'am.

22 Q. Where is he seated?

23 A. Right there.

24 MS. MUNNERLYN: Your Honor, if the record will reflect
25 he's pointed to the Defense table.

REDIRECT EXAMINATION OF MARK RIDGES BY MS. MUNNERLYN 278

1 Q. Mr. Hobbs also questioned you in regards to the car
2 Tyrone got into and I think you testified in direct that
3 it was gold-colored car that looked like Nancy's. Is
4 that right?

5 A. Yes, ma'am.

6 Q. Were you able to tell for sure whether or not it was
7 Nancy's?

8 A. I couldn't really tell it for sure but it look just like.
9 her car. I couldn't really tell.

10 Q. Okay.

11 A. I was further back. The car picked him up from the
12 front. I couldn't tell. It just ---

13 Q. But you don't know who was driving?

14 A. No, I don't know. I don't.

15 Q. Okay. And you really don't know whose car it was. It
16 just looked like one like Nancy's?

17 A. Yeah. Yeah. Yeah.

18 Q. Okay.

19 MS. MUNNERLYN: That's all I have.

20 THE COURT: All right. You may step down. You may call
21 your next witness.

22 MR. REDMOND: Jacobie Samuel.

23 THE COURT: Mr. Samuel, please come forward and place
24 your left hand on the Bible and raise your right hand as the
25 clerk administers the oath.

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

DIRECT EXAMINATION OF JACOBIE SAMUEL BY MS. MUNNERLYN 279

1 (After being duly sworn by the Clerk of Court, JACOBIE
2 SAMUEL testified as follows:)

3 THE COURT: Come around and have a seat in the witness
4 chair. I'm going to ask that you pull up real close to that
5 microphone. Speak loudly, clearly and slowly in order that we
6 can hear everything that you have to say and let's start with
7 your full name.

8 THE WITNESS: Jacobie Kenta Samuel.

9 THE COURT: Is that with an "s" on the end?

10 THE WITNESS: No, sir.

11 THE COURT: Samuel.

12 THE WITNESS: Samuel.

13 THE COURT: Spell that for us.

14 THE WITNESS: S-A-M-U-E-L.

15 DIRECT EXAMINATION

16 BY MS. MUNNERLYN:

17 Q. Mr. Samuel?

18 A. Yes, ma'am.

19 Q. You go by Jacobie or Kenta?

20 A. Kenta.

21 Q. Kenta. You live here in Bennettsville?

22 A. Yes, ma'am.

23 Q. You have lived here how long?

24 A. Thirty-seven years.

25 Q. Is that all your life?

DIRECT EXAMINATION OF JACOBIE SAMUEL BY MS. MUNNERLYN 280

- 1 A. Yes.
- 2 Q. Okay. And do you know -- did you know the victim,
- 3 Patrick Tony McLaurin?
- 4 A. Yes, ma'am.
- 5 Q. Okay. How did you know him?
- 6 A. That was my uncle through marriage.
- 7 Q. He was married to your aunt?
- 8 A. Yes, ma'am.
- 9 Q. All right. And do you also know the Defendant, Tyrone
- 10 Quick?
- 11 A. Yes, ma'am. That's my first cousin.
- 12 Q. He's your first cousin?
- 13 A. Yes, ma'am.
- 14 Q. And the victim is your uncle by marriage?
- 15 A. Yes, ma'am.
- 16 Q. And so that means they are related, the victim and the
- 17 Defendant are related?
- 18 A. By marriage, yes.
- 19 Q. Okay. All right. And so by virtue of that relationship,
- 20 you have known him how long?
- 21 A. My whole life.
- 22 Q. Your whole life?
- 23 A. Yes, ma'am.
- 24 Q. And how long -- back in 2011, how often would you see
- 25 Tony McLaurin?

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

- 1 A. Almost every day.
- 2 Q. Okay. Back then how often would you see Tyrone Quick?
- 3 A. Maybe once or twice a week.
- 4 Q. Okay. So, you saw them both quite frequently?
- 5 A. Yes, ma'am.
- 6 Q. And let's go back specifically to the night of December
- 7 the 15th of 2011. Were you at Ike Bland or Isaac Bland's
- 8 house on Amelia Street that night?
- 9 A. Yes, ma'am.
- 10 Q. Okay. And were there other people there along with you?
- 11 A. Yes.
- 12 Q. Do you know about what time you got there?
- 13 A. It was about seven or eight o'clock that evening.
- 14 Q. And who was there?
- 15 A. Lots of people.
- 16 Q. Okay. Was the victim, Tony McLaurin there?
- 17 A. Yes, ma'am.
- 18 Q. And was the Defendant, Tyrone Quick there?
- 19 A. Yes, ma'am.
- 20 Q. And what were you doing there?
- 21 A. We was playing cards.
- 22 Q. You were playing cards. Who was playing cards?
- 23 A. Me, I think my cousin Derrick Deese, Isaac Bland, Tony
- 24 McLaurin, Tyrone.
- 25 Q. Okay. Both the victim and the Defendant were playing

DIRECT EXAMINATION OF JACOBIE SAMUEL BY MS. MUNNERLYN

282

- 1 cards?
- 2 A. Yes.
- 3 Q. Along with at least you and two other people?
- 4 A. Yes, ma'am.
- 5 Q. Where were you playing cards?
- 6 A. At Ike Bland house.
- 7 Q. Inside?
- 8 A. Yes.
- 9 Q. Okay. Did anything happen during the evening of
- 10 significance between Tony and the Defendant, Tyrone
- 11 Quick?
- 12 A. Yes, ma'am.
- 13 Q. What happened?
- 14 A. They started about something, over something I didn't
- 15 recall when it was over, but they just started tussling
- 16 in the house.
- 17 Q. They started doing what?
- 18 A. Tussling, wrestling.
- 19 Q. Tussling?
- 20 A. Yes, ma'am.
- 21 Q. In the house?
- 22 A. Yes.
- 23 Q. What do you mean when you say tussling?
- 24 A. Like trying to throw each other, I guess. Wrestling.
- 25 More wrestling, locked up with each other.

- 1 Q. You're talking about wrestling?
- 2 A. Yes, ma'am.
- 3 Q. All right. Then what happened?
- 4 A. Somebody tripped. Didn't nobody throw nobody, but
- 5 somebody tripped and Tony fell on top of Tyrone.
- 6 Q. Okay. And inside the house?
- 7 A. Inside the house, yes. On the chair. They fell on the
- 8 chair.
- 9 Q. Okay. So, Tony was on top of Tyrone?
- 10 A. Yes, ma'am.
- 11 Q. And what happened then?
- 12 A. Isaac Bland and Charles tried to break it up and I said
- 13 no, nobody don't touch them because Tony ain't going to
- 14 him, because Tony was on top of him telling him he
- 15 didn't want to fight him. But I didn't want nobody to
- 16 break it up because when you grab one person, that'll
- 17 make another person swing. If you can't grab both of
- 18 them don't grab one. So, somebody grabbed Tony and I got
- 19 Tyrone and asked him cuz, you all right, you know. He
- 20 was like hey man, cool. You know. So Tony walked out,
- 21 then Tyrone left. He said everything's all right, you
- 22 know.
- 23 Q. So, where did Tony go?
- 24 A. Outside.
- 25 Q. He went outside?

- 1 A. Yes.
- 2 Q. And when you let Tyrone -- was it you that was holding
3 Tyrone?
- 4 A. Yes, ma'am.
- 5 Q. Okay. When you let Tyrone go, where did he go?
- 6 A. Outside.
- 7 Q. Okay. And what happened when they went outside?
- 8 A. I couldn't see really see outside because I was still in
9 the house.
- 10 Q. Okay.
- 11 A. But I heard the moped fall.
- 12 Q. You heard the moped fall?
- 13 A. Yes, ma'am.
- 14 Q. Okay. And then what did you do?
- 15 A. That got my attention. I went to the door.
- 16 Q. Okay. And then what did you see?
- 17 A. Both of them was on the ground.
- 18 Q. Both of them? Who's both of them?
- 19 A. Tony and Tyrone.
- 20 Q. Tony and Tyrone?
- 21 A. Yes.
- 22 Q. Were on the ground?
- 23 A. On top of the moped, yes.
- 24 Q. On top of the moped?
- 25 A. Basically, yeah. They fell on the moped, I guess. >

- 1 Q. And what were they doing?
- 2 A. Just basically still locked up, you know, just holding
3 each other to the ground.
- 4 Q. Sort of tussling and wrestling again?
- 5 A. Yes. Yes.
- 6 Q. Okay. And what happened after that?
- 7 A. They end up getting up. So, my cousin, Derrick Deese
8 came and he Tony and Tyrone, you know, had both of them
9 like, y'all need to stop or whatever, but they was still
10 bickering with each other. So, my cousin Derrick said,
11 I'm talking to two grown men. If y'all want to fight,
12 y'all go on and fight. So, they didn't fight.
- 13 Q. They didn't fight?
- 14 A. No. Maybe five, ten minutes they was still there, but
15 they did not fight.
- 16 Q. Okay. So, both Tyrone and Tony were still there for
17 several minutes and they weren't fighting?
- 18 A. No, ma'am.
- 19 Q. Well, what was going on?
- 20 A. They was basically just bickering at each other.
- 21 Q. Bickering back and forth?
- 22 A. Yes.
- 23 Q. Okay. And what were y'all doing then?
- 24 A. Well, I left and went to my aunt's house to get my
25 cigarettes out the car and I seen they wasn't going to

- 1 fight.
- 2 Q. And how far away is your aunt's house?
- 3 A. Maybe four or five houses down the street.
- 4 Q. Okay. Just four or five houses away?
- 5 A. Yes, ma'am.
- 6 Q. And you went -- why did you leave to go to your aunt's
- 7 house?
- 8 A. To get my cigarettes out of the car.
- 9 Q. To get your cigarettes, Okay. And then after you got
- 10 your cigarettes, what did you do?
- 11 A. I came back.
- 12 Q. Okay. Do you know about how long you were gone?
- 13 A. Maybe ten minutes at the most.
- 14 Q. Okay. All right and when you came back, what was going
- 15 on?
- 16 A. Everybody was in the back of Ike house looking for the
- 17 scooter key.
- 18 Q. Everybody was in the back of Ike's house looking for the
- 19 scooter key?
- 20 A. Yes.
- 21 Q. What do you mean? What scooter?
- 22 A. The scooter Tony was driving.
- 23 Q. The moped?
- 24 A. Yeah, the moped.
- 25 Q. Is that the moped you were referencing?

- 1 A. Yes.
- 2 Q. Okay. And that was Tony's moped?
- 3 A. Well, it was mine but Tony was driving around with it
- 4 that day.
- 5 Q. Okay. It was actually your moped but Tony was driving it
- 6 that day?
- 7 A. Yes, ma'am.
- 8 Q. And they were looking for the keys to the moped?
- 9 A. Yeah. Because Tony lost the key. Yes, ma'am.
- 10 Q. Okay. And how many people were out there then?
- 11 A. Several.
- 12 Q. Several?
- 13 A. Yes.
- 14 Q. Okay. Was Tyrone still there?
- 15 A. Yes, ma'am.
- 16 Q. Okay. Well, what was Tyrone doing?
- 17 A. Looking for the scooter key, also.
- 18 Q. He was helping look for the moped key?
- 19 A. Yes, ma'am.
- 20 Q. Along with Tony and everybody else?
- 21 A. Yes.
- 22 Q. What happened next?
- 23 A. Just hanging.
- 24 Q. You were just hanging out?
- 25 A. Yeah. Just hanging out.

DIRECT EXAMINATION OF JACOBIE SAMUEL BY MS. MUNNERLYN 288

1 Q. Okay. Where were you -- did you ever see Tyrone leave?

2 Do you know where Tyrone went?

3 A. I can't recall for it was so many people, you know, I
4 couldn't keep up with, you know, who leaving and who
5 coming, you know.

6 Q. Okay. What about Tony?

7 A. No, ma'am. He did not leave. I can't recall him leaving.

8 Q. You don't recall him leaving?

9 A. Right. I don't recall nobody really leaving.

10 Q. Okay. Okay. Were you there later when the gunshots were
11 fired?

12 A. Yes, ma'am.

13 MR. HOBBS: Objection, Your Honor. I'm sorry, Your Honor.

14 Objection, Your Honor. Leading.

15 THE COURT: Sustained.

16 MS. MUNNERLYN: I'll rephrase it.

17 Q. Okay. What happened next, of significance?

18 A. Well, I told Tony hey, we can't find the key at night. I
19 got another scooter key. We'll get it -- I'll give you
20 that tomorrow though. So, we stopped looking for the
21 key. So, we just standing around there talking about,
22 just, you know, boy jiving.

23 Q. Okay.

24 A. So, twenty minutes later somebody came around the house
25 shooting, basically.

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

- 1 Q. Okay. Where were you standing when somebody came around
2 the house shooting?
- 3 A. They came, like, from behind me.
- 4 Q. Okay. Where, in regards to Isaac Bland's house, were
5 where you?
- 6 A. At the back of the trailer.
- 7 Q. At the back of the trailer?
- 8 A. At the back. Yes, at the back. We was standing at the
9 back.
- 10 Q. Who was standing at the back of the trailer with you?
- 11 A. Me, Derrick and Adrian.
- 12 Q. You, Derrick and who?
- 13 A. Adrian.
- 14 Q. Adrian?
- 15 A. Yes.
- 16 Q. Okay. Anybody else?
- 17 A. No. Not as I can recall. Not when he got he got shot,
18 no.
- 19 Q. Okay. Well, before he got shot?
- 20 A. Everybody was back there looking for the scooter key.
21 That was like seven, eight people.
- 22 Q. Okay. And then y'all stopped looking for the scooter
23 key?
- 24 A. Yes.
- 25 Q. And y'all were standing in the back?

DIRECT EXAMINATION OF JACOBIE SAMUEL BY MS. MUNNERLYN 290

- 1 A. Yes, some people went ---
- 2 Q. Who was standing ---
- 3 A. Yeah. Some people went in the trailer and some people
- 4 went in front of the trailer, but we just stayed in the
- 5 back.
- 6 Q. Okay. All right. And where was Tony?
- 7 A. In the back.
- 8 Q. With y'all?
- 9 A. Yes.
- 10 Q. Okay. And so there were four of y'all in the back?
- 11 A. Yes.
- 12 Q. What were y'all doing in the back?
- 13 A. Just standing there talking, just basically talking.
- 14 Q. Were you standing close together, far apart?
- 15 A. Close together, maybe. Everybody -- no more than eight
- 16 to ten feet apart from each other.
- 17 Q. Just all sort of standing ---
- 18 A. A little box top, you know, square.
- 19 Q. Like a circle or a box?
- 20 A. Yeah. Yeah.
- 21 Q. Just talking?
- 22 A. Yes.
- 23 Q. Okay. And there were more people over on the front side
- 24 of the trailer?
- 25 A. Yes, ma'am.

1 Q. And y'all were standing there talking, and tell us what
2 happened.

3 A. And somebody just came around the corner and started
4 shooting.

5 Q. One person?

6 A. Yes. I'm assuming, yes.

7 Q. Okay. And what did you do when you heard the shots?

8 A. Ran.

9 Q. Where did you run?

10 A. Through the bushes behind there, towards Hudson Street.

11 Q. Toward Hudson Street?

12 A. Yes, ma'am.

13 Q. Do you know where everybody else ran?

14 A. Everybody ran. Everybody just -- the shots, just
15 everybody ran.

16 Q. Okay. Do you know where Tony ran?

17 A. No, ma'am.

18 Q. Okay. You ran toward Hudson Street?

19 A. Yes, ma'am.

20 Q. And where did you go?

21 A. To my mother house.

22 Q. And then what happened?

23 A. And when I was running to her house, I was jumping the
24 fence and I hear somebody saying, screaming like, he's
25 shot. He's shot. So, I ran and tell my mother that

DIRECT EXAMINATION OF JACOBIE SAMUEL BY MS. MUNNERLYN 292

1 somebody was shot at Ike house. So, I stood outside and
2 I heard somebody say, oh, no, Tony. So, I ran to my
3 aunt's house and got my car and picked up my aunt from
4 work.

5 Q. And who's your Aunt?

6 A. Cathy Deese, Tony wife.

7 Q. It was Tony's wife.

8 A. Yes, ma'am.

9 Q. So, when you heard that it was Tony, you left to go get
10 his wife?

11 A. Yes.

12 Q. And did you come back to the scene with her?

13 A. Yes.

14 Q. And when you came back, did you see Tony?

15 A. No, he was already to the hospital.

16 Q. Okay. Did you see Tyrone after the shots were fired?

17 A. No, ma'am.

18 Q. Did you see anybody else after the shots were fired?

19 A. Not as I can recall, no. No, because I ran from that.

20 No.

21 Q. Because you were running?

22 A. Yes.

23 Q. Okay. Do you know how many shots were fired?

24 A. Five, six, maybe.

25 Q. Okay. Now, you testified that you're thirty-seven years

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

- 1 old. Right?
- 2 A. Yes, ma'am.
- 3 Q. Now, Kenta, you have been convicted of distribution of
- 4 drugs. Isn't that right?
- 5 A. Yes, ma'am.
- 6 Q. And that was about ten years ago?
- 7 A. A little longer.
- 8 Q. A little more than ten years ago?
- 9 A. Yes.
- 10 Q. But you're here today to testify about what you saw?
- 11 A. Yes, ma'am.
- 12 Q. All right. And you are related to both sides of this
- 13 case?
- 14 A. Yes, ma'am.
- 15 MS. MUNNERLYN: Court's indulgence for just a moment.
- 16 Q. Just a couple more questions. You said right before the
- 17 shooting happened that the four of you were standing in
- 18 the back talking.
- 19 A. Yes.
- 20 Q. Which that would have been you and Derrick and A.I. and
- 21 Tony the victim?
- 22 A. Yes, ma'am.
- 23 Q. Where was Tyrone then? Do you know?
- 24 A. He was nowhere in sight. He was -- he been gone.
- 25 Q. Okay.

CROSS EXAMINATION OF JACOBIE SAMUEL BY MR. HOBBS

294

1 MS. MUNNERLYN: I don't have any further questions.

2 THE COURT: Cross examination.

3 MR. HOBBS: Thank you, Your Honor.

4 CROSS EXAMINATION

5 BY MR. HOBBS:

6 Q. Y'all were standing around back so you couldn't see who
7 was in the front of the house. Is that right?

8 A. No, I couldn't. No, sir.

9 Q. So, Tyrone could have been in front of the house?

10 A. Yes.

11 Q. Okay. And you were standing right next to Tony when you
12 heard the shooting?

13 A. No, Tony was standing in front of me. Maybe from here to
14 Ms. Munnerlyn.

15 Q. Okay. But you never saw the shooter?

16 A. No, ma'am. No, sir.

17 Q. Okay. And you don't know if it was one person or
18 multiple people?

19 A. I seen somebody come around the corner. I don't know. I
20 seen the shooter. I seen -- or heard it first and I took
21 out running.

22 Q. But you couldn't see who it was?

23 A. No, sir.

24 MR. HOBBS: No further questions, Your Honor.

25 THE COURT: Any redirect?

1 MS. MUNNERLYN: None, Your Honor.

2 THE COURT: You may step down. Call your next witness.

3 MR. REDMOND: Maggie Littlejohn. I jumped the gun. I'm
4 sorry, Your Honor. Actually, I beg the Court's indulgence.

5 MS. MUNNERLYN: Your Honor, I would call Derrick Dease.

6 MR. REDMOND: I apologize, Your Honor.

7 THE COURT: Please come forward. Place your left hand on
8 the Bible and raise your right hand as the clerk administers
9 the oath.

10 (After being duly sworn by the Clerk of Court, DERRICK
11 DEASE testified as follows:)

12 THE COURT: Have a seat in the witness chair there, pull
13 up real close to that microphone, speak loudly clearly and
14 slowly in order that we can hear everything that you have to
15 say and let's start with your full name.

16 MR. DEASE: Derrick Dease.

17 THE COURT: Ms. Munnerlyn.

18 MS. MUNNERLYN: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. MUNNERLYN:

21 Q. You are Derrick Dease?

22 A. Yes, ma'am.

23 Q. Do you go by Derrick?

24 A. Yes, ma'am.

25 Q. Okay. You are a resident here of Bennettsville?

DIRECT EXAMINATION OF DERRICK DEASE BY MS. MUNNERLYN

296

- 1 A. Yes, ma'am.
- 2 Q. Have you lived here all your life?
- 3 A. Yes, ma'am.
- 4 Q. Okay. And did you know the victim, Tony McLaurin?
- 5 A. Yes, ma'am.
- 6 Q. How long had you known him when he died?
- 7 A. Since I was small.
- 8 Q. Since you were small?
- 9 A. Yes, ma'am.
- 10 Q. So, many years?
- 11 A. Yes, ma'am.
- 12 Q. And do you know the Defendant, Tyrone Quick?
- 13 A. Yes, ma'am.
- 14 Q. And how long have you known him?
- 15 A. We're cousins.
- 16 Q. You're cousins?
- 17 A. Yes, ma'am.
- 18 Q. With Tyrone Quick?
- 19 A. Yes, ma'am.
- 20 Q. All right. Were you at Isaac Bland's house on the night
- 21 of December the 15th 2011?
- 22 A. Yes, ma'am.
- 23 Q. Okay. And do you recall about when you went around
- 24 there?
- 25 A. It was kind of late, about eight or nine.

- 1 Q. Okay. All right and who was there when you went?
- 2 A. There was a lot of people there. You mean, specifically?
- 3 Q. Who do you remember? Who do you recall, specifically?
- 4 A. Tony ---
- 5 Q. I'm sorry?
- 6 A. Tony, Tyrone, Jacobie, Isaac, Charles.
- 7 Q. So, quite a few people?
- 8 A. Yes, ma'am.
- 9 Q. What were y'all doing?
- 10 A. Just socializing, drinking. They was playing cards.
- 11 Q. Who was playing cards?
- 12 A. Tyrone, Isaac, Charles. I can't remember was Tony
- 13 playing or not. I think he was, though.
- 14 Q. Okay. All right and did anything happen of significance
- 15 while they were playing cards?
- 16 A. Well, I wasn't actually around the card table. You had
- 17 people in the living room, too, and I don't remember
- 18 nothing happening at the card table.
- 19 Q. Did anything happen inside the house that you ---
- 20 A. Yeah. They did get in a fuss inside the house.
- 21 Q. Who got into a fuss?
- 22 A. Tony and Tyrone.
- 23 Q. Tony and Tyrone?
- 24 A. Yes, ma'am.
- 25 Q. Okay. And do you know what the fuss was about?

DIRECT EXAMINATION OF DERRICK DEASE BY MS. MUNNERLYN

298

1 A. No, ma'am.

2 Q. Okay. What happened when they got into a fuss?

3 A. They started almost getting into a fight and we broke it
4 up and then they kept fussing back and forth and we
5 broke it up and then they actually did tussle and in
6 some kind of way Tony ended up on top of Tyrone.

7 Q. Okay. And this was inside the house still?

8 A. Yes, ma'am.

9 Q. Okay.

10 THE COURT: Just a second.

11 MR. HOBBS: Thank you. Objection. Let the witness answer.

12 THE COURT: Restate your question.

13 Q. And so what happened?

14 A. We broke it up then.

15 Q. Where were they when you broke it up?

16 A. Inside the house.

17 Q. Okay. And when you broke it up, where did they go?

18 A. Well, Tony went outside and Jacobie was taking Tony
19 outside and I had Tyrone in the house and I think Tony
20 turned about because he left his shirt or something and
21 then that's when Ty came from off the steps and hit him.

22 Q. Okay. Wait a minute. Who's Ty?

23 A. Tyrone. Excuse me.

24 Q. Okay. You call him Ty sometimes?

25 A. Yes, ma'am.

- 1 Q. Okay. And Tyrone did what?
- 2 A. He came off the steps and hit him.
- 3 Q. Hit who?
- 4 A. Tony.
- 5 Q. Hit Tony?
- 6 A. Yes, ma'am.
- 7 Q. And this was outside at that point?
- 8 A. We were coming outside.
- 9 Q. Okay. And what happened after that?
- 10 A. In the yard, they locked up again. Both of them fell
- 11 across the moped and I just remember a lot of tussling
- 12 going on.
- 13 Q. Okay. And did they eventually stop or did somebody break
- 14 them up or how did it end?
- 15 A. Yeah. We eventually broke it up again and after we broke
- 16 it up again we all was standing there. Well, actually
- 17 Tony said he couldn't find the moped key. So we started
- 18 looking for the moped key.
- 19 Q. Who couldn't find the moped key?
- 20 A. Tony. He used to ride a moped and he couldn't find the
- 21 keys so all of us started looking for the key.
- 22 Q. Okay. And where was Tyrone at this point?
- 23 A. He was still there. He was helping us look for the key.
- 24 Q. He was helping look for the key too?
- 25 A. Yes. All of us -- I don't know if everybody's actually

DIRECT EXAMINATION OF DERRICK DEASE BY MS. MUNNERLYN 300

- 1 looking for the key, but we was looking for the moped
2 key.
- 3 Q. Where were you looking for the moped key?
- 4 A. Around the yard.
- 5 Q. Right in front of Isaac's house?
- 6 A. Yes, ma'am.
- 7 Q. Did you ever find the moped key?
- 8 A. No, ma'am.
- 9 Q. Well, did you stop looking for the moped key or ---
- 10 A. Yes. Because -- well, while we was looking for the key
11 Tony got close enough to Tyrone and then he hit him
12 back. He hit him and then they locked up again.
- 13 Q. So, they fought one more time?
- 14 A. Yes, ma'am.
- 15 Q. Okay. And then what happened?
- 16 A. Then we broke it up again and Tyrone left.
- 17 Q. And Tyrone left?
- 18 A. Yes, ma'am.
- 19 Q. Do you know where Tyrone went?
- 20 A. No, ma'am.
- 21 Q. Did you see -- okay. After Tyrone left, you stayed
22 there?
- 23 A. Yes, ma'am. The rest of us stayed and we was talking.
- 24 Q. Okay. And did you see if -- did Tyrone ever come back?
- 25 A. I didn't see him come back.

- 1 Q. Okay. What happened?
- 2 A. That's when the shots happened. While we was standing
- 3 there talking, that's when the shots went off and
- 4 everybody ran.
- 5 Q. Okay. Where were you standing talking when the shots
- 6 went off?
- 7 A. In the back yard by the back window of the trailer.
- 8 Q. That would be behind Isaac's Bland's trailer?
- 9 A. Yes, ma'am.
- 10 Q. Okay. Who was standing there with you?
- 11 A. Me, Jacobie, Tony and Adrian.
- 12 Q. Adrian?
- 13 A. Yes, ma'am.
- 14 Q. Is Adrian also known as A.I.?
- 15 A. Yes, ma'am.
- 16 Q. Okay. So, it was the four of y'all standing behind the
- 17 trailer?
- 18 A. Yes, ma'am.
- 19 Q. Okay. What were y'all doing when you were standing back
- 20 there?
- 21 A. We was talking.
- 22 Q. Okay. And what happened with the shots?
- 23 A. Well, the way we was standing, I don't -- I just see the
- 24 firing and heard the shots and I ran.
- 25 Q. Where did the shots come from?

- 1 A. From my right side.
- 2 Q. And so where were they -- where was your right side in
3 relation to the trailer?
- 4 A. Directly behind the trailer.
- 5 Q. Okay. All right. Would that be toward Hudson Street or
6 Amelia Street?
- 7 A. Well, yeah. The end of the trailer is towards Hudson
8 Street.
- 9 Q. So, they came from the end of the trailer toward Hudson
10 Street?
- 11 A. Well, it was more like in the back, but, yeah.
- 12 Q. Okay. All right and did you see who was firing the
13 shots?
- 14 A. No, ma'am.
- 15 Q. Okay. When you heard the shots, what did you do?
- 16 A. I went towards Hudson Street, down the dirt road and
17 then I, just for a second it dawned on me, and I stopped
18 and I looked back. I saw Tony running and then he fell.
- 19 Q. Where was Tony running?
- 20 A. Toward Amelia Street.
- 21 Q. Toward Amelia Street?
- 22 A. Yes, ma'am.
- 23 Q. And where did he fall?
- 24 A. Right -- there's a -- right in the yard of the house on
25 Amelia Street, beside -- like beside the house.

- 1 Q. I'm going to show you what's in evidence as State's
2 Exhibit #12. See if you recognize what's in that photo.
3 A. Yes, ma'am.
4 Q. What is that house right there?
5 A. That's the house on Amelia Street where he fell at.
6 Q. Oh, okay. Okay. So this is -- and where in this photo,
7 if you can point out, where did he fall?
8 A. Right there. (Indicating).
9 Q. Okay. All right. And you were where when he fell?
10 A. Down on the dirt road.
11 Q. Down the dirt road ---
12 A. But you could see ---
13 Q. --- in the opposite direction?
14 A. Yes, ma'am.
15 Q. Okay. About how far away were you when he fell?
16 A. The dirt road's not really that long. Probably from here
17 to the door.
18 Q. From here to the back of the courtroom?
19 A. Yes, ma'am.
20 Q. And did you see anybody else at that point?
21 A. Me -- well, Adrian was beside me and we stopped and got
22 ready to go back to him. The police was already coming
23 up, so we just kept going.
24 Q. Just kept going?
25 A. Yes, ma'am.

- 1 Q. Okay. So, the police came that quickly?
- 2 A. Yes, ma'am.
- 3 Q. Now you have been convicted of some crimes in the past,
- 4 haven't you?
- 5 A. Yes, ma'am.
- 6 Q. You had some drug convictions in 2006 and a failure to
- 7 stop for a blue light?
- 8 A. Yes, ma'am.
- 9 Q. And that was in 2006?
- 10 A. Yes, ma'am.
- 11 Q. And then you had another drug charge in 2009?
- 12 A. Yes, ma'am. It was dismissed, though.
- 13 Q. You were convicted of possession of cocaine in 2009.
- 14 Correct?
- 15 A. Yes, ma'am.
- 16 Q. All right. And then there was an assault and battery
- 17 charge in 2015?
- 18 A. Yes, ma'am.
- 19 Q. But you're here today to testify to what you saw the
- 20 night of December 15th, 2011?
- 21 A. Yes, ma'am.
- 22 Q. And you were there most of that evening?
- 23 A. Yes, ma'am. From eight, maybe -- well, I don't really
- 24 recall what time it used to get dark at that time, but
- 25 it was already dark.

1 Q. It was already dark. What time ---

2 A. It was around eight.

3 Q. And you were there until the time of the shooting?

4 A. Yes, ma'am.

5 Q. And Tony and Tyrone are people that you see often?

6 A. Yes, ma'am.

7 Q. And is what you have testified to is what happened to
8 the best of your recollection?

9 A. Yes, ma'am.

10 MS. MUNNERLYN: I don't have any further questions, Your
11 Honor.

12 THE COURT: Cross examination.

13 MR. HOBBS: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. HOBBS:

16 Q. Just a couple questions, Mr. Deese. Why did you keep
17 going when y'all saw the police show up?

18 A. They could do more than we could.

19 Q. Were y'all engaged in any sort of illegal activity that
20 night?

21 A. No, ma'am. No, sir.

22 Q. Okay. And just to be clear, you were standing near Tony
23 when you heard gunshots?

24 A. Yes, sir.

25 Q. But you never saw the shooter?

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 306

1 A. No, sir.

2 MR. HOBBS: No further questions, Your Honor.

3 THE COURT: Any redirect?

4 MS. MUNNERLYN: No, Your Honor.

5 THE COURT: You may step down. You may call your next
6 witness.

7 MR. REDMOND: Yes, Your Honor. If it please the Court,
8 the State would call Maggie Littlejohn.

9 THE COURT: Ms. Littlejohn, please come forward. I'm
10 going to ask if you could place your left hand on the Bible,
11 raise your right hand as the clerk administers the oath.

12 (After being duly sworn by the Clerk of Court, MAGGIE
13 LITTLEJOHN testified as follows:)

14 THE COURT: Have a seat in the witness chair, if you
15 would. Have a seat and pull up real close to that microphone.
16 Speak loudly, clearly and slowly in order that we can hear
17 everything that you have to say and let's start with your
18 full name.

19 MS. LITTLEJOHN: Maggie Rogers Littlejohn.

20 DIRECT EXAMINATION

21 BY MR. REDMOND:

22 Q. And Ms. Littlejohn, do you reside here in Bennettsville
23 or in the Bennettsville area?

24 A. Yes, sir.

25 Q. And where are you employed at this time?

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

- 1 A. Stanley Tools.
- 2 Q. And how long have you been working at Stanley Tools?
- 3 A. About two years now.
- 4 Q. And do you know the Defendant, Tyrone Quick?
- 5 A. Yes, I do.
- 6 Q. And were you in a relationship with Tyrone Quick back in
7 December of 2011?
- 8 A. Yes.
- 9 Q. And when did y'all start that relationship?
- 10 A. Probably around August of that same year.
- 11 Q. And, again -- well, I didn't ask, but specifically on
12 December 15th, 2011, were y'all still dating, still
13 involved in a relationship?
- 14 A. Yes, we were.
- 15 Q. Now, at this time are y'all in a relationship, are y'all
16 involved in a relationship?
- 17 A. No. No, sir.
- 18 Q. Did the relationship end shortly after this incident?
- 19 A. Yes, it did.
- 20 Q. Let me get to December 15, 2011. At that particular time
21 -- well, let me ask you this. To the best that you can
22 recall, and I understand it was four years ago, did you
23 receive a call from the Defendant that particular
24 evening?
- 25 A. Yes, I did.

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 308

1 Q. Okay. And to the best that you can recall, can you
2 remember about what time it was, if you can guesstimate?

3 A. Maybe around about nine-thirty to ten o'clock, somewhere
4 in that area.

5 Q. Okay. Now, tell me what the nature of that call was.
6 What did the Defendant call and ask of you?

7 A. To pick him up.

8 Q. All right. And where did he indicate that he was located
9 at the time he called?

10 A. On Amelia Street.

11 Q. So, he asked you to come and pick him up on Amelia
12 Street?

13 A. Yes.

14 Q. Did you come and pick him up on Amelia Street?

15 A. Yes, I did.

16 Q. Okay. And what kind of car were you driving at that
17 time?

18 A. I had a gold Malibu, 2006.

19 Q. Okay. But it was gold colored?

20 A. Uh-huh.

21 Q. Now, when you picked him up, was he on Amelia Street at
22 the time you picked him up? The first time?

23 A. Yes. Uh-huh.

24 Q. Now, when you pick him up, now, do you recall -- and,
25 again, I know it's been four years, but do you recall

1 what he was wearing? And I'll just ask you was he
2 wearing a hoodie?

3 MR. HOBBS: Objection.

4 THE COURT: Sustained.

5 MR. REDMOND: Okay. I'll rephrase it.

6 Q. What was he wearing? To the best that you can recall,
7 what was he wearing?

8 A. He had on a pair of jeans and a shirt, but I can't
9 recall what color the shirt was.

10 Q. And what kind of shirt was it? Was it a-- I mean, what
11 kind of shirt?

12 A. It was more like a tee shirt, like.

13 Q. Okay. And did he have on any jacket or outer garments is
14 what I'm ---

15 A. No, he didn't.

16 Q. Okay. And the shirt or tee shirt that he had on at that
17 particular time, do you remember what color it was?

18 A. (No verbal response)

19 Q. And if you don't, that's fine.

20 A. It was dark and I really don't remember, but seems like
21 it was blue.

22 Q. Okay. Now, when you picked him up on Amelia Street, what
23 did y'all do from that point forward?

24 A. We went to the by-pass and we went to this place called
25 High Cotton where we went to often.

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 310

1 Q. Okay. What is High Cotton?

2 MR. HOBBS: Your Honor, I would ask him to please let the
3 witness finish her statement.

4 THE COURT: Rephrase the question.

5 Q. I'll just ask her. What is High Cotton? What is High
6 Cotton?

7 A. It's a little place -- it was a place where you go at
8 and have drinks and play pool and play music.

9 Q. All right. Now, did y'all actually go into High Cotton
10 that night?

11 A. No, we didn't.

12 Q. Okay. And where was High Cotton located at that time?

13 A. It's on 15 and 401 By-pass in Bennettsville.

14 Q. Now, and I started to ask you. Did y'all actually go in
15 that night?

16 A. No. Because when we got there it was closed.

17 Q. Okay. All right Now, when -- I guess, when you say it
18 was closed, what did y'all then do next?

19 A. We proceeded to ride back down the by-pass and -- 'cause
20 at this he said that he wanted to go back and get his
21 jacket from the place that he was at.

22 Q. Okay. All right and I guess -- let me backup. But did
23 you see the jacket that he was referring to? Did you
24 ever see the jacket that he was referring to?

25 A. I didn't see it, no.

1 Q. All right. But go ahead. He mentioned that he needed to
2 pick up a jacket?

3 A. Yes.

4 Q. So, now continue. So, then what happened? What did you
5 do?

6 A. So, then -- we had actually made plans to go to Dillon
7 later on that night, but he said that he forgot his
8 jacket at the place that he was at, where I picked him
9 up from and so he said drop me off, drop me off at
10 Hudson Street and he said you go on home and he said,
11 and I'll call you when I get ready.

12 Q. Okay. So, let me stop right there. So, y'all were riding
13 -- about how long had it been since you'd picked him up
14 on Amelia Street until, I guess you took him back to
15 Hudson Street?

16 A. Probably about fifteen minutes.

17 Q. Okay. So, at that point in time, he -- you said that he
18 asked you to take him to Hudson Street. Did you take him
19 to Hudson Street?

20 A. Yes, I did.

21 Q. And when you dropped him off, what did he tell you?

22 A. He said go home. He said, I'm going to get my jacket. I
23 said well, I thought you wanted to get your jacket. He
24 said I do, but I'll call you. He said just go on home
25 and he said, and he said, I'll call you in a little

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 312

1 while.

2 Q. And how about much time passed? Did you -- well, let me
3 ask you. Did you hear from him again? Did he ever call
4 you again, later?

5 A. He did. Probably about thirty minutes or so later.

6 Q. Okay. So, he called you about thirty minutes later?

7 A. Yes.

8 Q. And what did he ask you to do at that...

9 A. He asked me to pick him up. He asked me to pick him up,
10 but he asked me to pick him up on another street.

11 Q. And do you remember what street that was?

12 A. Munnerlyn.

13 Q. Munnerlyn Street? Okay. And did you go to Munnerlyn
14 Street to pick him up on Munnerlyn Street?

15 A. Yes, I did.

16 Q. And when you picked him up, tell me -- could you tell me
17 what happened? At the time you went back and picked him
18 up on Munnerlyn, what happened from there?

19 A. When I went to pick him back up, there was a lot of
20 commotion going on and I seen a lot of dust. I seen a
21 lot of people standing around. So I asked him, I said,
22 what's -- I said, what's going on?

23 Q. And let me stop you right there. Is Munnerlyn Street, is
24 that far from -- is that in the same area as Amelia
25 Street, not too far from where you left him?

1 A. Yes. That's in the same area.

2 Q. I just wanted to be clear on that. So I interrupted you.

3 I'm sorry, and you were saying about the commotion?

4 A. And I asked him and he said well, they fighting. They

5 fighting and they shooting over there and I don't know

6 what's going on. So he say, come on, let's get in the

7 car and let's go. Let's go, go, go.

8 Q. And did y'all go?

9 A. Yes.

10 Q. And where did y'all go?

11 A. He say, let's go to Dillon. That's where we had planned

12 on going anyway.

13 Q. I think you mentioned Escalade?

14 A. Yes, Escalade in Dillon.

15 Q. So, did y'all, in fact, start on your way to Dillon?

16 A. Yes, we did.

17 Q. Okay. And tell us what happened then, at that point?

18 A. As we proceeded down the road on Highway 9, I say well,

19 what happened back there, all that commotion? And that's

20 when he said, I shot Tony and I said, you shot Tony?

21 Well, he said, I shot Tony McLaurin and I say, why? He

22 say, cause me and him was fighting.

23 Q. Now, let's -- and I'm going to go back just a little

24 bit. When you first picked him up from Hudson Street at

25 the time you were leaving to go to Dillon, how would you

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 314

1 describe his demeanor, his, being the Defendant? How
2 would you describe his demeanor?

3 A. At first it was kind of like in a hurry situation, like
4 in a -- like tense, like -- kind of like tense, but not.

5 Q. Was he his normal, was he his normal self as you had
6 gotten to know him at that particular time when you went
7 to pick him up?

8 A. Well, he seemed to be in a normal state when I picked
9 him up, but as we went down the road, that's when he
10 started acting anxious.

11 Q. And at that point as you're riding down the road, is
12 that when your discussion resulted in him telling you
13 that he had been in a fight and that he had shot Mr.
14 McLaurin?

15 A. Yes.

16 Q. Okay. Now, he's told you this. So, tell me what took
17 place from there? At the time he told you this, what
18 were you thinking?

19 A. I was in shock, scared, and afraid and I told him, I
20 said, I have to turn you in. Then he tried to recant his
21 story and say that no, he didn't shoot him. But at that
22 time, he had done told me that he did. So, I think that
23 he told me that to calm me down about the situation. So,
24 as we went on to Dillon, you know, I'm still standing
25 there in shock, scared because I don't know what's going

1 on and I don't know what's done happened and I'm finding
2 myself in a situation that, you know, I didn't know
3 nothing about or have nothing to do with.

4 Q. I understand that. Let me ask you this. Did you, in
5 fact, did you continue on to Dillon to the Escalade?

6 A. Yes, we did.

7 Q. Okay. And did y'all go into the Escalade?

8 A. Go where?

9 Q. Did y'all go into the club, the Escalade?

10 A. I think we might have stepped in there for a minute, but
11 we stepped back out.

12 Q. Okay. And what did y'all do while y'all were at the
13 Escalade? I think that's a better way of asking.

14 A. I stood up outside and -- I mean, I was basically in
15 shock. I mean, because I was standing up there. In my
16 mind, I don't know what's going on. I don't know what's
17 done happened. I don't know what's just transpired. But
18 he stood up and talked to some guy. I don't know the
19 guy, but he was standing up talking to this guy.

20 Q. And about how long did y'all stay at the Escalade?

21 A. I'd say about thirty to forty minutes.

22 Q. And once y'all left the Escalade, where did y'all go?

23 A. We proceeded on our way back and as we proceeded on our
24 way back he said, will you do me a favor? He say, I'm
25 going to turn myself in, but I want you to drop me off

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 316

1 in McCall.

2 Q. Okay. Let me stop right there. So did y'all engage in
3 another discussion about him turning himself in?

4 A. (No verbal response)

5 Q. Or did he mention turning himself in as you have
6 indicated?

7 A. He said he was going to turn hisself in, but he wanted
8 me to drop him off in McCall.

9 Q. Okay. And just so we're clear, so, as y'all were coming
10 back from Dillon, he mentions turning himself in and
11 this was after you said that he said he shot, then he
12 tried to recant ---

13 MR. HOBBS: Objection, Your Honor.

14 THE COURT: Sustained. Leading.

15 Q. This is after the earlier discussion when y'all were
16 coming back from Dillon?

17 A. Exactly.

18 THE COURT: Ask her when it was.

19 MR. REDMOND: I'm fine, Your Honor. I'll move on.

20 Q. Let's get back to the trip to McCall and where I was at
21 the discussions that y'all had in your car. So, let me
22 go back for a second and re-ask it. What discussions
23 took place on the ride back from Dillon to McCall?

24 A. (No verbal response)

25 Q. That either one of you had to the best that you can ---

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 MR. HOBBS: Your Honor, again, I'm not trying to be
2 difficult, but that's a leading question.

3 THE COURT: That's not a leading question.

4 MR. REDMOND: I couldn't hear ---

5 THE COURT: That's not a leading question.

6 MR. HOBBS: Okay. Well, I'll withdraw ---

7 THE COURT: Tell us about the conversation on the way
8 back to McCall.

9 MS. LITTLEJOHN: Yes, sir.

10 MR. REDMOND: Thank you, Your Honor.

11 Q. Please, tell us about the conversation. To the best that
12 you can recall, what you said, what he may have said on
13 the way to McCall?

14 A. Uh, I think I might have asked him, why did you shoot
15 him or why did he shoot Tony and he really didn't go
16 into no great detail about why. He didn't really talk a
17 lot.

18 Q. Okay. And did he actually say anything on the ride back
19 as it relates to this issue of turning himself in?

20 A. (No verbal response).

21 Q. In other words, did he say anything?

22 A. He said, I'm going to turn myself in, but he didn't say
23 when.

24 Q. Okay.

25 A. He just said he was going to turn hisself in.

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 318

1 Q. And did y'all come all the way back to Bennettsville or
2 did you, in fact, stop and drop him off at McCall?

3 A. No. We never did come back to Bennettsville. I dropped
4 him off in McCall.

5 Q. And where in McCall did you drop him off?

6 A. I don't know the name of the store, but if you're coming
7 in from the back way, it's the first store on the left,
8 going into McCall that way. I don't know the actual name
9 of it.

10 Q. And after you dropped him off, what did you do?

11 A. I went home.

12 Q. Okay. Now, at some point, I guess in the early morning
13 hours of December 16, 2011, did you have -- did you have
14 any conversations with Bennettsville Police Department?

15 A. Yes. Two detectives, but I don't remember exactly who
16 they were, came and knocked on my door.

17 Q. And at that time, was the -- without getting into too
18 much hearsay, was there a discussion about the
19 Defendant? In other words about the Defendant ---

20 A. Yeah. He asked me had I seen or heard from him.

21 Q. Now, let me go back for a second. Do you remember
22 whether or not -- I'll just ask you. Do you remember if
23 John Hepburn was one of the officers that was at your
24 door that morning or was it somebody else that, that ---

25 A. It was somebody else. It was two other officers.

1 Q. Two other officers that came to your house that morning.
2 I just want to clarify that issue, too. Okay. So, what
3 did you tell those officers when they came to your house
4 the morning of December 16, 2011? What did you tell
5 them?

6 A. I told them that -- they asked me had I talked or heard
7 from Tyrone and I then I had talked to him earlier.

8 Q. Okay. Did you tell them what you just told us, at that
9 time?

10 A. Not at that time, I didn't.

11 Q. All right. So, let's move forward and I'll just -- I
12 mean, let's just be direct about it. So, did you lie to
13 them at that point? Did you lie to Bennettsville Police
14 at that point?

15 A. Yes, I did because ---

16 Q. And why?

17 A. Because I was afraid and I was in shock and I had never,
18 you know, I'd never been through nothing like that in my
19 life. I mean, I never been in a situation where
20 something like that happened. So, I just -- I went into
21 shock. I was scared.

22 Q. And when you talk about having never been through
23 anything, and I'd asked you your background, but where
24 were you working at the time this incident occurred? I
25 didn't ask you that.

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 320

- 1 A. South Carolina DMV.
- 2 Q. So, you were working for the highway department?
- 3 A. Yes.
- 4 Q. Now, you were gainfully employed?
- 5 A. Yes.
- 6 Q. Now, subsequently, and I guess around the 27th of
7 December, did you then give a statement, a video
8 recorded statement to Sergeant Hepburn?
- 9 A. Yes, I did.
- 10 Q. Now -- and let me back up for just a second as it
11 relates to this trip to Dillon. I apologize for
12 skipping, but I need to ask this. At any time did you
13 see a gun? Did you see ---
- 14 A. No, I didn't.
- 15 Q. Did you ever stop anywhere where the Defendant could get
16 rid of a gun or anything?
- 17 A. No, I didn't.
- 18 Q. And I'll get to why that's important in just a minute.
19 So, again, you never saw the gun?
- 20 A. I never saw the gun.
- 21 Q. But the Defendant told you he had shot Tony?
- 22 A. Yes.
- 23 Q. The 27th of December, 2011, you gave a statement. Did
24 you admit to them that you had lied in that first
25 statement?

1 A. Yes, I did.

2 Q. Or in that first encounter with Bennettsville Police
3 Department?

4 A. Yes, I did.

5 Q. And at that time, did you tell them -- I mean, it was
6 almost four years ago, so obviously, you know, a lot of
7 time has passed. But substantially, as it relates to
8 what took place that night, did you tell them
9 substantially what you told us here today?

10 A. Yes, I did.

11 Q. In other words, did you tell them about the conversation
12 with the Defendant admitting it?

13 A. Yes, I did.

14 Q. Did you tell them about the fact that you didn't see a
15 gun? You didn't actually see him with a gun at that
16 time?

17 A. No, I didn't.

18 Q. Okay. In other words, did you tell them, being John
19 Hepburn, in your statement that you did not see a gun?

20 A. No, I did not. I did tell -- yeah, in my statement, yes.

21 Q. Okay. Just to clarify.

22 A. Yeah.

23 Q. Now, did you also tell them that you -- as you've
24 testified to previously, did you also tell them that you
25 had picked him up twice that night?

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 322

1 A. Yes, I did.

2 Q. Is there any doubt in your mind that you picked this
3 Defendant up twice that night?

4 A. No, it's no doubt in my mind.

5 Q. Now, let me move on just to a few more matters and then
6 we'll be done. You gave another statement on the 4th of
7 January, 2012. Do you recall that with Sergeant Hepburn?

8 A. Yes.

9 Q. And at that time, without, again, getting into too much
10 hearsay, was the issue that came up dealing with whether
11 or not you were aware of this gun?

12 A. (No verbal response).

13 Q. In other words, was there a discussion as it relates to
14 the gun and what had happened to the gun that shot Mr.
15 McLaurin. Do you recall?

16 A. (No verbal response).

17 Q. Well, let me ask you like this -- oh, go ahead. I'm
18 sorry, you're about to answer.

19 A. Well, I was asked did I ever own a gun.

20 Q. Oh, no, no, no. I'm talking about as it relates to your
21 trip to Dillon. Do you recall a discussion dealing with
22 whether or not you had seen him get rid of the gun or
23 anything?

24 MR. HOBBS: Object to the form of the question.

25 MR. REDMOND: I'll rephrase it.

1 Q. Was there a discussion that you had with Sergeant
2 Hepburn, if you remember, regarding whether or not you
3 had seen anything related to this gun?

4 A. I recall the discussion I had with him about, you know,
5 not seeing a gun.

6 Q. And at any time when you've been previously interviewed,
7 was there any time that you felt that you might get in
8 trouble if you didn't tell the truth? In other words,
9 did Sergeant Hepburn ---

10 A. Yes.

11 Q. --- make you aware that you might get in trouble if you
12 don't tell the truth?

13 A. Yes, I did.

14 Q. Now, did that influence the nature of what you were
15 saying? In other words, did that cause you to lie? Did
16 you lie under ---

17 A. It didn't cause me to lie ---

18 Q. Go ahead.

19 A. --- because I knew that I had to do the right thing.
20 Because I knew that I was not involved in what had
21 happened. So I knew what I had to tell the truth.

22 Q. And when you talk about telling the truth, is what
23 you've testified to today and what you've told them in
24 those other statements that you have given, is that the
25 truth as it relates to what you saw and observed and did

DIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 324

1 that night?

2 A. Yes, sir.

3 Q. Is that true as it relates to what he told you that
4 night?

5 A. (No verbal response)

6 Q. Is that true as to what he told you that night? As best
7 as you can remember?

8 A. As best as I can remember.

9 Q. Now, let's talk about injuries. Did the Defendant ever
10 mention anything, to your recollection, about being
11 injured or hurt or anything in that regard?

12 A. No, he didn't.

13 Q. Since y'all were going to Dillon, leaving Bennettsville,
14 did he ever ask you well, and I think I'm hurt? But did
15 he say, well, let's go by Carolinas or McLeod in Dillon
16 for any treatment? Did he ever ask you to go there?

17 A. No, he didn't.

18 Q. Did he ever ask you to take him? Did he ever ask you to
19 take him to Laurenberg or Fayetteville or anywhere even
20 here in Marlboro County, did he ever ask you -- I'm
21 hurt, fighting was rough, take me to an emergency room,
22 anything about that?

23 A. No, he didn't.

24 Q. Was there any indication that you had that he was
25 actually, and just from your observation, was there any

1 indication that you had that he was injured?

2 A. No idea.

3 MR. REDMOND: I beg the Court's indulgence. That would be
4 all the questions I have at this time.

5 Q. Please answer any questions that Mr. Hobbs may have.

6 THE COURT: Mr. Foreman, ladies and gentlemen of the
7 jury, we're going to recess for the evening. We're going to
8 reconvene at nine-thirty in the morning. Do not discuss the
9 case amongst yourselves or with anyone else. No independent
10 investigation, no social media. We'll see you back in the
11 morning at nine-thirty, nine-thirty sharp. Everyone remain
12 seated as the jury exits the courtroom.

13 (Jury out at 4:47 P.M.)

14 THE COURT: Ms. Littlejohn, under these circumstances you
15 can't discuss your testimony with anyone, particularly these
16 lawyers. You can't discuss it with them in any way, shape, or
17 form. You need to be back here by nine fifteen ready to go.

18 MS. LITTLEJOHN: Okay.

19 THE COURT: Anything from the State before we recess for
20 the evening?

21 MR. REDMOND: Nothing from the State.

22 THE COURT: Anything from Defense?

23 MR. HOBBS: Nothing, Your Honor.

24 THE COURT: Is this your last witness?

25 MR. REDMOND: It might be. There may be one additional

CROSS EXAMINATION OF MAGGIE LITTLEJOHN BY MR. HOBBS

326

1 witness. We're not sure.

2 THE COURT: All right. We'll stand at ease until 9:30 in
3 the morning.

4 MORNING - MARCH 2, 2016

5 THE COURT: We're ready for the jury.

6 (Jury in at 9:29 A.M.)

7 THE COURT: Mr. Foreman, ladies and gentlemen of the
8 jury, thank you for being here and being here on time. The
9 State's recognized now to recall Ms. Littlejohn to the stand.

10 MR. REDMOND: Yes. We would recall Ms. Littlejohn for the
11 purpose of cross examination.

12 THE COURT: Yes, ma'am. I'm going to ask you if you could
13 once again come around and place your left hand on the Bible
14 and raise your right hand as the clerk administers the oath.

15 (After being duly sworn by the Clerk of Court, MAGGIE
16 LITTLEJOHN resumed testifying as follows:)

17 THE COURT: Once again, as soon as you're seated in the
18 witness chair, pull up real close to that microphone and
19 speak loudly and clearly and slowly. Once again, for the
20 court reporter, your full name.

21 THE WITNESS: Maggie Rogers Littlejohn.

22 THE COURT: Cross examination, Mr. Hobbs.

23 MR. HOBBS: Thank you, Your Honor.

24 CROSS EXAMINATION

25 BY MR. HOBBS:

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 Q. Good morning, Ms. Littlejohn.

2 A. Good morning.

3 Q. Ms. Littlejohn, we had you testify, the State had you
4 testify yesterday afternoon. Is that right?

5 A. Yes, sir.

6 Q. And then we took a break and now we're back here this
7 morning. I wanted to go over some of the things that you
8 said, okay?

9 A. Okay.

10 Q. All right. So, the first thing is, you said in your
11 answers that you did speak to law enforcement on the
12 16th of December, 2011. Is that right?

13 A. Yes. The early morning hours.

14 Q. In the early morning hours and when you spoke to law
15 enforcement, you told them that you hadn't seen or
16 spoken to Tyrone since 5:30 P.M. the previous day. Is
17 that right?

18 A. Yes, sir.

19 Q. Okay. And so then some time about eleven to twelve days
20 later, you were brought in by Sergeant Hepburn to the
21 Bennettsville Police Department. Is that correct?

22 A. It may have that many days, I'm not quite sure.

23 Q. About the 27th of December. Does that sound right?

24 A. Yeah, something like that.

25 Q. About eleven days or so after. Is that correct?

CROSS EXAMINATION OF MAGGIE LITTLEJOHN BY MR. HOBBS

328

1 A. Yes, sir.

2 Q. Okay. And once you were brought in, you understood, and
3 Sergeant Hepburn made it very clear, that you could be
4 facing criminal charges. Is that right?

5 A. Yes, sir.

6 Q. That you could be facing fifteen years in jail is what
7 he said. Is that right?

8 A. I don't remember exactly -- I mean, I don't remember
9 exactly how many years he said, but I do remember him
10 saying that I could face criminal charges.

11 Q. But at that point, as you testified to yesterday, you
12 were just trying to do the right thing. Is that right?

13 A. Could you clarify that, please?

14 Q. Yes, ma'am. Yesterday when you said that when you went
15 and made a statement to John Hepburn, that at that point
16 you were just trying to do the right thing. Is that
17 correct?

18 A. Yes, sir.

19 Q. Okay. Very good. So, you talked to him on that day and
20 you've been talked to about potentially facing charges
21 if you don't cooperate. Is that right?

22 A. Yes, sir.

23 Q. Okay. So, that was also a pretty big concern. Other than
24 doing the right thing, potentially facing charges was a
25 big concern of yours. Is that right?

1 A. Of course it was.

2 Q. Losing your job at the DMV if you got charged, that was
3 a big concern, right?

4 A. Yes, sir.

5 Q. Okay. Now, yesterday you told us a few things. You said
6 that at one point Tyrone called you and you picked him
7 up, right? From the area of Amelia Street?

8 A. Yes, sir.

9 Q. Okay. And then that y'all drove around, but he didn't
10 tell you anything at that point, right?

11 A. No, he didn't.

12 Q. Okay. And, again, I believe you said that y'all drove to
13 High Cotton?

14 A. Yes, and we drove back down that way, because a lot of
15 times when we would go, it wouldn't be open when we'd
16 first go, so we went back that way and it still wasn't
17 open.

18 Q. Okay. And so -- and at that point did he say anything
19 else about any altercations or anything like that?

20 A. No, sir. He didn't.

21 Q. Okay. Very good and then you picked hm up some time
22 later. Is that right?

23 A. Yes, sir.

24 Q. And tell me, when you picked him up, what was he
25 wearing?

CROSS EXAMINATION OF MAGGIE LITTLEJOHN BY MR. HOBBS

330

1 A. I don't know exactly what color the shirt he was
2 wearing, but I know he had on some blue jeans.

3 Q. Was it the same shirt that you saw him in when you
4 picked him up the first time in?

5 A. It could have been. I'm not exactly sure because I don't
6 know the color of the shirt.

7 Q. I understand, but you described it ---

8 A. I don't remember.

9 Q. I'm sorry. You described it yesterday as a tee shirt. Is
10 that right?

11 A. To my recollection, it was a tee shirt.

12 Q. Not a hoodie or anything like that, right?

13 A. Not a hoodie.

14 Q. Okay. Very good and so at some point y'all are driving
15 to Dillon. Is that right?

16 A. Yes, sir. After everything was ---

17 Q. And where were y'all heading to in Dillon?

18 A. To a club called Escalade.

19 Q. Okay. And remind us again what Tony said to you on that
20 ride to Dillon?

21 A. Tony?

22 Q. I'm sorry. What Tyrone said to you on the ride to
23 Dillon.

24 A. He said, he said, I shot him. Then I said, you shot who?
25 He said, I shot Tony. I said, Tony who? He said, Tony

1 McLaurin and I said, why did you shot him. He said,
2 because me and him had been fighting.

3 Q. So, he said that there was a fight going on?

4 A. Yes.

5 Q. And so what happens when y'all get to club Escalade?

6 A. We go in for a minute. A brief minute, probably not even
7 five minutes and we come back out and I stand by my car
8 and he was standing talking to some guy. I don't know
9 the guy's name.

10 Q. Do you recall saying yesterday when the State asked you
11 that you said that you did not go into Club Escalade?

12 A. I said we went in for a brief minute.

13 Q. I believe you said that you stood outside the club
14 Escalade. Is that right?

15 A. No, I said we went in for a brief minute. Then we came
16 right back out.

17 Q. What did you do when y'all were inside?

18 A. We didn't do nothing.

19 Q. Did you dance with Tyrone while you were in there?

20 A. He tried to dance with me but I didn't want to dance.

21 Q. And where did you go after Club Escalade?

22 A. We left there and we proceeded to come back towards
23 Bennettsville and he asked me would I drop him off in
24 McCall.

25 Q. Very good. All right. So let's go back to the statement

CROSS EXAMINATION OF MAGGIE LITTLEJOHN BY MR. HOBBS 332

1 on the 27th. When John B. asked you if he said anything
2 to you the first time he picked you up, you said no. Is
3 that correct?

4 A. Correct.

5 Q. But then again in January, when John B. asked you if you
6 said anything, he said something about somebody jumping
7 his cousin or fighting with his cousins. Do you remember
8 telling him that?

9 A. No, I do not.

10 Q. And so you don't remember telling John B. that the first
11 time you picked him up, that Tyrone said something to
12 you about his cousin being jumped?

13 A. Maybe so. It's been, it's been over four years ago.
14 Maybe I did. Seem like he did say something about
15 somebody -- he did say something about somebody jumped
16 his cousin.

17 Q. Okay. But you didn't tell John B. that the first time
18 you spoke to him, right?

19 A. No, sir.

20 Q. And you didn't tell the jury that even right now when I
21 just asked you about it. Is that right?

22 A. Yes, sir. Because like I said, everything happened so
23 quick and it was so much happening that night, so...

24 Q. Well, I understand. But on December 27th, when you're
25 eleven, twelve days away from this incident, you didn't

1 mention that statement to Sergeant Hepburn. Is that
2 right?

3 A. I may have and I may have not. I don't remember.

4 Q. Now, in the club you mention in your second statement to
5 John B. something about y'all dancing to your song, a
6 Mary J. Bligh song. Is that right?

7 A. Yes. Like I said, he tried to pull me on the floor to
8 dance, but I didn't want to dance.

9 Q. So, you don't recall yesterday saying that you didn't go
10 into club Escalade?

11 A. I did say that we went in for a minute, a few minutes.

12 Q. Now, at some point you and Tyrone break up, sometime
13 around this time. Is that right?

14 A. Yes, sir.

15 Q. Okay. When did y'all break up?

16 A. I don't remember the exact date.

17 Q. But you're no longer with Tyrone here today. Is that
18 right?

19 A. No, sir.

20 Q. And are you married now?

21 A. No, sir.

22 Q. Are you engaged or have a significant other?

23 A. I have a significant other.

24 Q. Okay. So you're not here today trying to punish Tyrone
25 for breaking up, are you?

CROSS EXAMINATION OF MAGGIE LITTLEJOHN BY MR. HOBBS

334

- 1 A. No, sir.
- 2 Q. Now, tell me how long have you known Tyrone Quick?
- 3 A. Before all of this happened?
- 4 Q. Uh-huh.
- 5 A. Probably about three or four months.
- 6 Q. And during that time, did you know Tyrone, and since
- 7 that time, know him to be a violent individual?
- 8 A. No, sir. I didn't.
- 9 Q. Did he ever lay a hand on you or get up in your face?
- 10 A. No, sir.
- 11 Q. Did he ever threaten you and tell you to tell a lie for
- 12 him?
- 13 A. No, sir.
- 14 Q. Did you ever know him to get in any fights?
- 15 A. No, sir.
- 16 Q. Now, after Tyrone got out on bond, did y'all ever start
- 17 dating again after all of this?
- 18 A. No, sir. We didn't.
- 19 Q. You never got back together. Is that right?
- 20 A. Right.
- 21 Q. Now, again, there have been several inconsistencies
- 22 through the four statements that you've made now. Is
- 23 that correct?
- 24 A. I wouldn't say inconsistencies, you know, like I said
- 25 everything happened so quick, so...

1 Q. But you said things in one statement that you didn't say
2 in others. Is that right?

3 A. Yes, sir.

4 Q. Okay. And you said things yesterday that you didn't say
5 in your other statements, as well. Is that right?

6 A. Correct.

7 Q. Okay. And why is that?

8 A. Sir, I don't have an answer for that.

9 Q. You're still scared about being charged with a crime,
10 aren't you, Ms. Littlejohn?

11 A. No, sir.

12 Q. Have you been told that if you cooperated here today
13 that you wouldn't be charged with a crime?

14 A. Have I what?

15 Q. Have you been told that if you cooperated today that you
16 wouldn't be charged with a crime?

17 A. Cooperate or tell the truth about what happened?

18 Q. But the truth has changed throughout all your
19 statements. Isn't that right?

20 A. Yes, sir.

21 Q. And, again, when you tried to do the right thing twelve
22 days after you told law enforcement that you hadn't seen
23 Tyrone since five-thirty on the day of December 15th,
24 that wasn't just about doing the right thing. That was
25 about trying to avoid jail, wasn't it?

CROSS EXAMINATION OF MAGGIE LITTLEJOHN BY MR. HOBBS

336

1 A. Yes, sir. But no one can say what they going to do if
2 they put in a situation that they never been in before.

3 Q. Like facing fifteen years in prison?

4 A. I was not -- I don't know if he told me fifteen years.
5 But no one can say what they would do.

6 Q. But the truth never changes, does it Ms. Littlejohn?

7 A. No, it doesn't.

8 Q. But your story has changed?

9 A. Yes, sir. But I, I have a duty.

10 MR. HOBBS: Court's indulgence.

11 Q. And Ms. Littlejohn, one last question. Between the time
12 you first talked to law enforcement and January 27th,
13 you had approximately eleven days to do the right thing
14 and come forward. Is that right?

15 A. Yes, sir.

16 Q. And you did not?

17 A. Correct.

18 Q. And it was not until you were threatened with a criminal
19 charge that you made any statement at all. Is that
20 correct?

21 A. That's correct.

22 MR. HOBBS: No further questions, Your Honor.

23 THE COURT: Redirect? Mr. Redmond?

24 MR. REDMOND: May it please the Court.

25 REDIRECT EXAMINATION

1 BY MR. REDMOND:

2 Q. Do you know what context is? Ms. Littlejohn, let me put
3 things in a certain context here. First of all, just by
4 your body language, are you nervous being here today? I
5 mean, is it nerve-racking? Are you nervous being
6 involved in this whole situation, having to be involved?

7 A. Yes. My life is changed dramatically.

8 Q. Okay. And what was it that started -- what was it
9 regarding this incident that started this dramatic
10 change in your life?

11 A. Because I was put in a situation that I didn't have
12 nothing to do with.

13 Q. And who put you in that situation?

14 A. Tyrone Quick.

15 Q. And what was it that he did or said that put you in this
16 situation?

17 A. He told me he shot someone.

18 Q. Okay. Now, let me address that because Mr. Hobbs asked
19 you some questions, but I noticed they were real
20 limited. Let's expand it. You were asked about the fact
21 that you didn't come forward. Why didn't you come
22 forward? I think you touched on it, but let's expand on
23 it. Why didn't you come forward when -- once you dropped
24 Tyrone off, why is it that you did not come forward to
25 law enforcement at that particular time?

REDIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 338

1 A. Because I was scared and I was in shock. I didn't --
2 like I said, no one will know what they'll do if they're
3 put in a situation that they never been in before.

4 Q. Okay. And then did you mention in your earlier testimony
5 about him saying he would turn himself in. Did you
6 subsequently find out that he did turn himself in on the
7 16th of December?

8 A. Yes. The next morning.

9 Q. And so with that said, let me just ask you like this in
10 the context of the questioning about your motives or
11 whatever and I'll just ask you, what should you have
12 done differently once you found out that Tyrone admitted
13 to having shot Mr. McLaurin?

14 A. I should have went to the police.

15 Q. And do you understand that that was a mistake?

16 A. Yes, I do.

17 Q. Now, let's talk about this thing about the truth
18 changing, because you talked about the fact there were a
19 lot of things that were going on at that time.
20 Initially, when you were approached on the 16th, did you
21 tell them the truth? Did you tell law enforcement the
22 truth?

23 A. I told them that I had talked to him, but I didn't tell
24 them that I had seen him.

25 Q. Okay. And did what you told them on the 16th change

1 between then and when you met with Sergeant Hepburn on
2 the 27th?

3 A. Yes, sir.

4 Q. Okay. And why did it change? Was it because you were --
5 I think he tried to say that you were saying this --
6 well, let me just ask you like this. Were you -- is what
7 you're saying took place that night, is that a lie
8 because you were threatened or because you were worried
9 about being prosecuted or is it simply the truth?

10 A. It's because it's the truth.

11 Q. Okay. And when you talked about being worried, about
12 possibly being prosecuted or whatnot, is it because you
13 realized that you were, you should have ---

14 A. I should have went forth.

15 Q. Okay. So, just to be clear, with what Mr. Hobbs is
16 trying to put into certain context, is what you have
17 said concerning what Tyrone told you about the gun,
18 about what Tyrone had told you about that night and
19 about picking him up twice, are you unclear about that
20 or are you certain about that?

21 MR. HOBBS: Objection, Your Honor. I don't think there's
22 been any testimony about the gun, telling her about the gun
23 and second of all ---

24 MR. REDMOND: Well, I'll restate the question.

25 THE COURT: Sustained.

REDIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 340

1 Q. Telling you about shooting anything, is there any doubt
2 in your mind that has the truth changed about that,
3 about the fact that the Defendant told you that he shot
4 Tony McLaurin?

5 A. No, that hasn't changed.

6 Q. Are you absolutely certain about that?

7 A. I'm positive.

8 Q. Is that one of those moments in your life if somebody
9 tells you, you shot somebody, that you don't forget it?

10 A. No. You can't forget something like that.

11 Q. Okay. Now, let's talk about picking him up twice that
12 night. Again, is there any doubt in your mind? Has the
13 truth changed about that, about whether or not you did
14 pick him up in your gold car that night, twice?

15 A. No, that hasn't changed.

16 Q. Okay. So, are you absolutely sure about that?

17 A. I'm positive.

18 Q. Okay. Now, when you were asked about the issue -- I
19 think it was about a fight that cousins got jumped or
20 something like that, that you may have said in one
21 statement and didn't say in the other statement, were
22 there some details about what was discussed that, I
23 guess, you didn't remember initially, that came to mind
24 later on?

25 A. Yes, sir and that's exactly what happened.

1 Q. And does that mean that you're lying?

2 A. No, it just means that I, like I said, everything
3 happened so quick and so fast and by me being in shock,
4 I may have forgot to mention one thing that I mentioned
5 in another statement.

6 Q. And let's talk about the fact that it has been over four
7 years since you gave that statement. Is -- I mean, and
8 I'll just ask you and you even said the fact that, you
9 know, it's been four years there's certain things you
10 forgot. But, again, the things that you've testified to
11 as it relates to the Defendant's actions and his words
12 to you about shooting someone, again, is there any
13 uncertainty, any lack of clarity as to what he told you?

14 A. No, sir.

15 Q. Okay. Now, you've acknowledged the fact that you might
16 be fuzzy on what he was wearing.

17 A. Yes.

18 Q. And in other words, can you say for sure what he was
19 wearing?

20 A. The only thing I could say for sure is that he had on
21 some jeans.

22 Q. Okay. Fair enough. But at the end of the day, like I
23 said, you were asked about the truth changing and I want
24 to get specific about what truth changed and in what
25 context it changed. Did the truth change about the fact

REDIRECT EXAMINATION OF MAGGIE LITTLEJOHN BY MR. REDMOND 342

1 that the Defendant told you that he shot Tony McLaurin?

2 A. No, that didn't change.

3 Q. Did the truth change about the fact that you picked up
4 the Defendant twice in your gold car on that night?

5 A. No, that didn't change.

6 MR. REDMOND: Beg the Court's indulgence.

7 Q. Who broke off the relationship? Did you break it off
8 with the Defendant?

9 A. I did.

10 Q. Okay.

11 MR. REDMOND: I have nothing further, Your Honor.

12 THE COURT: You may step down. Mr. Redmond, you're
13 recognized. You may call your next witness.

14 MR. REDMOND: I beg the Court's indulgence just a moment.
15 May we approach, Your Honor.

16 THE COURT: Yes.

17 (Brief bench conference off the record)

18 THE COURT: Mr. Redmond, you're recognized.

19 MR. REDMOND: Thank you, Your Honor. May it please the
20 Court. With that, Your Honor, the State respectfully rests
21 its case at this particular time.

22 THE COURT: Mr. Foreman, ladies and gentlemen of the
23 jury, at this time we have to take up legal matters outside
24 of your presence and ask you to return to the jury room. Once
25 again, do not discuss the case. Everyone remain seated as the

1 jury exits the courtroom.

2 (Jury out at 9:52 A.M.)

3 DIRECTED VERDICT MOTION

4 THE COURT: Mr. Redmond, you're recognized. Any motions
5 from anybody?

6 MR. REDMOND: The State would offer no motions at this
7 time.

8 MR. HOBBS: Thank you, Your Honor, briefly. Your Honor,
9 we, at this point, would move the Court for a directed
10 verdict in this case. There are two primary bases for that
11 directed verdict. First, Your Honor, would be jurisdiction. I
12 don't believe that we have any direct testimony from the
13 State's witnesses that this incident did occur here in
14 Marlboro County. That being the case, I don't believe that
15 they have established proper county jurisdiction and that
16 would be a ground for directed verdict.

17 Secondly, Your Honor, I believe the State has not put
18 forth any competent evidence that would show my client is
19 guilty of the crime of murder. Your Honor, in this case we
20 have several witnesses who say that they were in the
21 proximity of the shooting, but did not see Tyrone Quick
22 shoot. We have another gentleman who says he saw Tyrone walk
23 around the building, but did not see Tyrone shoot. The only
24 evidence that connects Tyrone directly to the shooting would
25 be the statements that were just heard from Maggie

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 Littlejohn. As the Court heard, the statements were
2 inconsistent from the date after this incident occurred when
3 she told law enforcement she hadn't seen him that evening. It
4 was not until the State, I would say, pressured her with a
5 potential charge that she started to tell a different story.
6 The inconsistencies of her statement, and also, bias and
7 motive of making those statements, Your Honor, in my opinion
8 lead to that evidence not being competent. Other than her
9 statement, Your Honor, there's nothing, other than the mere
10 presence, that would indicate that my client actually
11 committed this killing of Mr. Tony McLaurin with malice
12 aforethought. Your Honor, for that point, the bases of
13 jurisdiction and lack of competent evidence, I would move the
14 Court for a directed verdict.

15 THE COURT: Mr. Redmond?

16 MR. REDMOND: Thank you, Your Honor. Briefly. Obviously,
17 the State has established jurisdiction. There's actually
18 evidence and based on the questioning of the witnesses. I'll
19 particularly point to the witness, Larry Turner, where he
20 actually got down with the map and we discussed the locations
21 of the City of Bennettsville where this occurred and, of
22 course, even though I don't know if was specifically said
23 Marlboro County, the Court can take judicial notice of the
24 fact that Bennettsville lies entirely within Marlboro County.
25 So, we would submit that we have met that particular issue.

1 As it relates to the factual presentation on the charge
2 of murder, I think that the State has presented competent
3 evidence that a jury can consider in the light most favorable
4 to the State and should be allowed to consider based on the
5 fact that as Mr. Hobbs has alluded to, we've got witnesses
6 through circumstantial -- and he actually used the term
7 direct evidence. We do have both, direct evidence through Ms.
8 Littlejohn, circumstantial through the testimony of Mr.
9 Ridges, and then you put Mr. Samuel and what Mr. Dease
10 testified to, we would submit that both through direct and
11 circumstantial evidence, we would, in the light most
12 favorable to the State, have met our particular burden as it
13 relates to this case being decided by the jury.

14 THE COURT: With regard to the -- I think -- I
15 specifically find that the State has presented evidence that
16 establishes this matter took place in Marlboro County.
17 There's actually a Google Earth map or documents introduced
18 into evidence with reference to where it happened. I think
19 sufficient evidence has established jurisdiction. However, if
20 you want to maintain that it was a factual issue, you can
21 argue that to the jury. They can establish it took place in
22 Bennettsville if you feel compelled to do so, but I find as a
23 matter of law it is indeed, they have indeed proved
24 jurisdiction.

25 With regard to the factual matters, I think that the

1 State has at least proved by a scintilla of evidence that
2 this crime did take place and that's the only standard there
3 to meet. As I recall, one of the eyewitnesses did indeed
4 indicate, was confused by who it was at one time and then at
5 a certain point in time, he saw the Defendant and recognized
6 the shooter as being the Defendant. So, there is some
7 equivocation there, but clearly, that's a question of fact
8 for the jury. In addition to that, we have the statements
9 made by the Defendant that he indeed did shoot someone, so
10 all that taken into consideration, your motion for directed
11 verdict is, indeed denied.

12 FIFTH AMENDMENT RIGHTS

13 I'm going to ask Mr. Quick if he could stand and raise
14 his right hand as the clerk places you under oath.

15 (Clerk of Court administers the oath to Mr. Quick)

16 THE COURT: You can put your hand down. Mr. Quick, at
17 this time I'm going to explain to you certain of your rights.
18 If you do not understand anything I say, please let me know.

19 MR. QUICK: Yes, sir.

20 THE COURT: If you want me to explain anything in more
21 detail, tell me and I'll be happy to do that. Do you
22 understand?

23 MR. QUICK: Yes, sir.

24 THE COURT: All right. We have now reached the stage of
25 the trial where you may present your defense. You have the

1 recognize the Defense and let them proceed as they see fit.

2 MR. REDMOND: Yes, sir. That's fine. That's fine.

3 THE COURT: Do you anticipate presenting a defense?

4 MR. HOBBS: No, sir, Your Honor.

5 CHARGE CONFERENCE

6 THE COURT: All right. Well, I will do that all at one
7 time then. All right. I intend to: charge that an arrest is
8 not an indictment, explain the different roles of the judge
9 and the trial jury, charge presumption of innocence,
10 reasonable doubt, the longer version of direct and
11 circumstantial evidence, the failure of the Defendant to
12 testify, credibility of witnesses, prior inconsistent
13 statements, prior record of a witness, expert witnesses. I'm
14 going to charge murder without the provisions that allow for
15 inference of malice with use of a deadly weapon, voluntary
16 manslaughter, self-defense. I'm going to charge the right to
17 act on appearances, words accompanied by hostile acts or
18 prior difficulties, size and age of the victim and the
19 Defendant, threats by the victim, intoxication, degree of
20 force, the right to continue force until the treat has been
21 ended. I'll charge identification. I'll charge mere presence
22 and I'll hear from y'all with any additional requests. From
23 the State?

24 MR. REDMOND: Yes, sir. Your Honor, as it relates to any
25 additional requests, I don't know that we have any additional

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 requests. The only thing, and I feel compelled just in light
2 of -- and I don't even know if there's a cite yet on it, but
3 State versus Clarence Cook. It was decided I think in
4 December, November, December. It's a Marlboro County case
5 dealing with a murder conviction that a manslaughter
6 conviction as opposed to murder, where manslaughter was a
7 lesser included offense. The language in that case was such,
8 and that case actually was tried here in Marlboro County.
9 Given the language from Justice Beatty in that case, I feel
10 compelled to at least ask the Court to note my objection to
11 charging, well, specifically manslaughter as a lesser
12 included and also self-defense. But more on the issue of
13 manslaughter. Cook is more on the issue of manslaughter. In
14 light of the language used in that particular case from the
15 Supreme Court, that's why, out of an abundance of caution,
16 I'm just asking the court to note that.

17 THE COURT: Let's talk about the language.

18 MR. REDMOND: Basically, what it talks about is in that
19 case the, I'm not going to be arguing manslaughter. Because
20 in that case, the prosecution actually argued manslaughter
21 and the Court found that the facts did not rise to
22 manslaughter and in our case, the reason I wouldn't be
23 arguing it is, obviously, our contention is that he left and
24 came back. That gets to some other language that was used in,
25 I think in the Cook case, but also in a line of cases leading

1 up to Cook where the cooling off period, I think it was
2 actually referred to in Cook as to the lack of that cooling
3 off period. Here we've got testimony in the record dealing
4 with the fact that the Defendant left and came back and so
5 because we don't have anything in the record contradicting
6 that, that's why I feel compelled to ask the Court to note my
7 objection to ---

8 THE COURT: Well, don't you think that a cooling off
9 period is a factual issue for the jury to resolve and that's
10 certainly going to be something that you're going to have
11 wide latitude to argue, that there was some time to cool off.

12 MR. REDMOND: Yes, sir and I understand it and that's why
13 I just wanted to make sure my objection is noted. I'm
14 preparing to be able to address those issues in light of the
15 Court's ruling, but I just wanted to make sure that my
16 exception is noted, just out of an abundance of caution in
17 light of Cook.

18 THE COURT: Well, certainly, there was drinking involved
19 in this case. Certainly, there was an altercation. At least
20 two, and probably three.

21 MR. REDMOND: Yes, sir and the State understands that. I
22 just, again, in that language in Cook just in case -- and I'm
23 not being presumptuous as to what the jury's going to do.
24 They'll do one of three things, four if you count a hung
25 jury. But because of that specter of the manslaughter being

1 there, in light of Cook just to protect the State in this
2 situation, I'm just asking that the exception be noted.

3 THE COURT: Anything else? Any request from the Defense?

4 MR. HOBBS: No, Your Honor.

5 THE COURT: All right. I'm going to recognize you, Mr.
6 Hobbs and you can rest on the record, then we'll proceed
7 forward with closing arguments. We're ready for the jury.

8 THE COURT: While the jury is coming in, might counsel
9 approach the bench for a moment.

10 (Brief bench conference off the record)

11 (Jury in at 10:53 A.M.)

12 THE COURT: Mr. Hobbs, you're recognized.

13 MR. HOBBS: Your Honor, at this point, the Defense would
14 rest.

15 THE COURT: Mr. Redmond, you're recognized.

16 MR. REDMOND: Thank you, Your Honor. May it please the
17 Court, Mr. Hobbs.

18 CLOSING ARGUMENT - MR. REDMOND

19 Ladies and gentlemen of the jury, this is the first
20 chance that I've had to speak directly to you. Again, my name
21 is Kernard Redmond and I'm the Deputy Solicitor here, as I
22 said when I introduced myself, here for the Fourth Circuit.
23 Before I begin, I want to thank some folks. First, you. I
24 want to thank you for being willing to serve. It's been said
25 that other than in times of war, the most important duty that

1 a citizen can perform is that of juror. I do want to take the
2 chance to thank you for your willingness to serve and the
3 attention that you've paid in this case. I'd be remiss if I
4 did not do so. I also want to thank Ms. Munnerlyn. She, of
5 course, gave the opening statement and she and I have worked
6 closely together. She was the brains of the operation, I like
7 to say, and I do appreciate all the work that she's put in,
8 in working with this case and it's been my pleasure in
9 working with her to present this case.

10 Beyond a reasonable doubt. That's the standard that we
11 have to prove. What does that mean? Let me talk about that
12 for a little while. We hear it, but it's not always put into
13 perspective. Now, His Honor's going to instruct you on that.
14 Anything I say or Mr. Hobbs may say that is in error, you
15 obviously take what the Judge says as he instructs you, but
16 it's said that reasonable doubt is that doubt which causes a
17 reasonable person to hesitate to act. Better put, I think, is
18 that a reasonable doubt is that doubt where you are not
19 firmly convinced of a person's guilt. If you are firmly
20 convinced of a person's guilt, then we have satisfied our
21 burden. We submit to you that we have met that burden based
22 upon, specifically, the witnesses that you've heard from that
23 were out there and, of course, Ms. Littlejohn, who picked him
24 up and took him to Dillon and we'll get into that in a little
25 bit more detail.

1 But when you want to think of -- sometimes I like to
2 think of themes of a case and sometimes I can and sometimes I
3 can't and in this case, it's kind of a mixed bag in the sense
4 that the most simple way to tell you ladies and gentlemen how
5 to view this case is the fact that the Defendant left and
6 came back. You're going to hear instructions on charges. Now,
7 he's charged with murder and the State submits the Defendant
8 is guilty of murder, again, because he left and came back. He
9 was mad. There's a difference between being mad and being
10 fearful. You're going to hear an instruction on voluntary
11 manslaughter, that this was in the heat of passion. But I
12 submit to you, the State specifically rejects that as a
13 contention because, as you've heard in the testimony, the
14 Defendant left with Ms. Littlejohn, rode around for several
15 minutes and then decided to come back and get dropped off.
16 So, we would submit to you that it does not fall into that
17 heat of passion category. This is strictly a murder case.

18 And then, you're going to hear about self-defense and I
19 would submit to you there's nothing in the record that
20 substantiates a self-defense instruction. Well, why is that,
21 you wonder? Well, the reason that is, ladies and gentlemen,
22 is the fact that there are four prongs to self-defense and
23 there are two prongs, specifically, that I want to address:
24 One is, you cannot be at fault in bringing about the
25 difficulty. Well, as you heard, this was a mutual combat

1 situation. As a matter of fact, I think it might have been
2 Mr. Dease that testified that after the first fight was
3 broken up, the Defendant actually re-engaged -- I think he
4 said leaped off the step, if I recall correctly and hit the
5 victim, Mr. McLaurin. He was a mutual combatant. So, we would
6 submit that out of those four prongs, the first prong is not
7 met. He was involved and at fault in bringing about the
8 difficulty. But there's a fourth prong that's really
9 important, and that is the duty to retreat. And as you heard,
10 after this fight, he left. All of the witnesses indicate the
11 Defendant had left and then through -- and I'll dig into
12 details about this direct evidence versus circumstantial
13 evidence because you've got both in this case, but then you
14 had the witnesses testify. Mr. Ridges saw the Defendant as he
15 came back. Saw when he left. Mr. Ridges saw him when he left
16 and got in a gold car, remember? Which, by the way, is what
17 Maggie Littlejohn drives. Got in the gold car. Then several
18 minutes later sees him coming back down the path off of
19 Hudson Street, coming down that path from Hudson Street and
20 he says that he actually saw him. At first he thought it was
21 somebody else, but then when he got close enough within say
22 five, six feet, yeah. I mean I've known him for, what,
23 thirty, forty years, he said. It was the Defendant that I saw
24 and when we went around the corner, that's when shots started
25 firing. So, I would submit to you when it comes to the duty

1 to retreat, the Defendant is not entitled to a self-defense
2 determination by you because he had the opportunity, but he
3 came back. So, that flies in the face of duty to retreat. He
4 had left. If there was any concern that he had for his life
5 or safety, he had left there. But then he decided to come
6 back. So, that again would eliminate that fourth prong. So, I
7 submit to you that those first two prongs of self-defense, in
8 particular, do not satisfy him being entitled to self-
9 defense.

10 So, let's talk about the murder. Now, let's talk about
11 the witnesses for a little while. One of the things that I
12 like to tell jurors is when you are back there deliberating,
13 there's something that you always carry with you wherever you
14 go and that's your good basic common sense. You don't leave
15 that in this chair or anywhere. You always carry that with
16 you and from a commonsense standpoint let's examine what the
17 witnesses had to say. Now, I'm going to start with the --
18 before we get to the main witnesses, the fact witnesses,
19 because this is really where this case turns. We heard
20 testimony from Elaine German, as the responding officer as to
21 what she observed when she first got there. She explained
22 about how she saw the victim. Of course, the Defendant had
23 already fled the scene. Then we get to Sergeant Hepburn and
24 he explained to you that through talking with several
25 witnesses, that's how it was established early on that the

1 Defendant was, in fact, the perpetrator of this particular
2 crime and after talking with those witnesses and given the
3 fact that he -- because he was asked about the theory of the
4 case and I think the very last question I asked him on
5 redirect as it relates to the theory of the case, is it
6 significant that the Defendant left and came back. Well, of
7 course, that's significant because that shows again, there
8 isn't self-defense. He left. He's not entitled to self-
9 defense. Why would you come back? Why would you come back? To
10 get revenge. He's mad. He came back to get revenge, but he
11 had plenty of time, as he was riding around, had plenty of
12 opportunity not to go back. He voluntarily made that decision
13 to come back and now he's asking you, ladies and gentlemen,
14 to reward him for that. I think our society is a little
15 better than this.

16 Then we heard from Dr. Batalis and he explained the
17 number of wounds and you've got the report that'll be in
18 evidence. But there were two -- there was a shot that
19 penetrated the neck. There was one that, actually, the
20 necklace stopped. There was a graze wound. There was a flank
21 wound and then there were the two in the back and we're
22 dealing with a revolver. Remember, we heard from Mr. Smith.
23 So simply put, the Defendant emptied his gun into the victim.
24 If you add it up, the graze shot was to the shoulder, I
25 believe he said. The two shots, one that was stopped with the

1 -- the bullet that was lodged in the chain, the bullet that
2 actually penetrated into his neck and went into the thyroid,
3 the flank that, as you heard, did, I mean, a lot of damage to
4 the aorta and whatnot, and then the two in the back, pretty
5 indicative of the fact that, again, the Defendant intended on
6 killing him and, again, he had left and come back. This was
7 not fear. This was not self-defense. This was straight out
8 murder.

9 But let's talk about Dr. Batalis and what he had to tell
10 you for a little while. In this particular situation, you've
11 got the shot to the neck. I guess the two to the neck and the
12 graze wound up here based on what he testified to, to be
13 frontal. But then you've got two that were fired from behind,
14 especially the one that hit his flank. He said it was
15 slightly backwards. It was slightly back to front. Three of
16 them. Three shots were from the backwards angle. The one to
17 the flank and the two that are close together right there in
18 the back, and you'll have the diagram and the autopsy report.
19 Again, this flies in the face of self-defense. It is
20 indicative of an intent to kill, which is what murder is.

21 Murder is defined as the taking of the life of another
22 with malice aforethought. You empty your revolver in
23 somebody. That would be indicative of malice aforethought,
24 ladies and gentlemen.

25 And then we heard from Lieutenant Turner as it relates

1 to evidence that was collected at the scene, which you've got
2 the forms in evidence as it relates to what was taken. But
3 then we get -- and the reason I'm kind of brushing over that
4 is because, as I said earlier, this case comes down to the
5 witnesses as it relates to what transpired and I'm working my
6 way to that.

7 Then we heard from Jamie Green and I touched on what he
8 had to say earlier as it relates to the gun. The fact that
9 all of these bullets were fired from the same gun. Couldn't
10 determine, if I recall correctly, as it relates to the one in
11 the necklace because it was so messed up, the one in the
12 necklace. And then, he said about it being a revolver and
13 that's why I keep going back to, he emptied the revolver. A
14 revolver is six shots. He emptied it in the victim. Malice
15 aforethought.

16 Then we start -- then we get to Ms. Nates, Jennifer
17 Nates and interestingly on cross she talked about the fact
18 that the -- I think on the question from the Defense, talked
19 about the fact that, you know, you can be across the room. It
20 just depends on the gun and whatnot as it relates to whether
21 you're going to have GSR. It doesn't mean that you fired a
22 weapon. You can have GSR on you being shot and I would submit
23 to you that's exactly what happened in this case. There is
24 absolutely no evidence in this case that Tony McLaurin had a
25 gun. Period. None at all. No evidence of that and, in fact,

1 based on the testimony from Ms. Nates, it's clear that --
2 and, again, you are the fact finders, but I am at least
3 entitled, based on the evidence, to give you my take on what
4 occurred and I would submit to you that as the victim ran, he
5 was hit. One of those shots hit him and at some point, he
6 went down and once he went down this Defendant continued to
7 fire. As I said, he emptied his gun into this victim. Be that
8 as it may, Ms. Nates also talked about the fact that that
9 type of material, the lead material, there are several ways
10 that you can actually pick up lead that is associated with
11 GSR. But she also said that there are ways that you can get
12 rid of it. I mean, after a period of time. Just like the
13 Defendant, he went to -- he hung out in Dillon. Went to
14 McCall, and then turned himself in several hours later. So in
15 that situation, when you listen to her testimony, you know,
16 he wouldn't have any GSR on him anyway because it is very
17 degraded as she testified to.

18 Now, we get to the thrust of the case. The rest of that
19 was sort of, you know, setting up what was done in the case
20 from an investigation standpoint. But oftentimes in cases,
21 you know, we get hung up on what we see on CSI to see whether
22 or not there's this little piece of scientific evidence and
23 that does happen in some cases, but then in cases like this,
24 you know what it comes down to? Just simply what people saw.
25 What they saw. What have they testified to. And that's really

1 what this case comes down to. Because we first heard from
2 Mark Ridges. Mark Ridges knew both of them for thirty -- I
3 think he said thirty-five, forty years. He told you that he
4 saw when the Defendant left. He was in a different part of
5 that location as it relates to the fight. So, he didn't
6 testify about the fight, but he saw when the Defendant left,
7 down on Amelia Street and got into a gold car and left. Oh,
8 by the way, Maggie Littlejohn told you she picked him up on
9 Amelia Street. She had a gold car. That was the car she was
10 driving. But then, also, he tells you when he comes back and
11 the fact that as soon as he came back and rounded the corner,
12 he didn't see -- and this is the thing. When you're trying to
13 assess the credibility of a witness -- I mean, if you were
14 trying to create a case here, if you were trying to force
15 people to say something, don't you think we would have tried
16 to force Mark Ridges or any of these other witnesses to say
17 they saw X, Y, Z? Oh, yeah. I saw when he shot. No, and
18 that's why I say the circumstantial -- Elizabeth talked about
19 the pieces of the puzzle and that's when we talk about
20 credibility of witnesses. Mark told you, he said, I did not
21 see him shoot. Nobody pressured him to try to say he saw him
22 shoot. But when you add up what these witnesses say and piece
23 it all together, then it becomes obvious as to what really
24 occurred here. For Mark tells you that as soon as the corner
25 got turned, as soon as the Defendant turned the corner,

1 that's when he heard the gunshots and he ran. Not
2 unreasonable to run when you hear gunshot. I've done it
3 before. You know, you hear -- I'm not going to hang around
4 and see what happened until the dust clears. So, that's not
5 unusual and unreasonable at all.

6 But then we hear from -- I think it was Jacobie Samuel
7 you heard first from, but let me skip him for a second and
8 move ahead to Derrick Dease and I'll get to Jacobie in a
9 second. But with Derrick, what did we hear from Derrick?
10 Derrick told us that he, he didn't see the same thing Mark
11 had seen and that's another thing. We're talking about
12 witnesses that had different vantage points. That's why I
13 talk about them piecing everything together. Derrick told you
14 that he was, that he saw the fight and that's where it gets
15 interesting as it relates to the Defendant's role in this
16 fight. The Defendant was a mutual combatant in this fight.
17 They had separated them at first inside the house during the
18 card game. Had separated them. Tony had left. Jacobie and
19 Derrick said he'd left. Tony had left and gone outside and
20 then the Defendant goes outside and Derrick tells you, the
21 Defendant went outside and basically flew at -- and initiated
22 the second fight with the victim. Yet he's asking for you to
23 protect him under the self-defense. But I'll get to that. But
24 Derrick tells you that the Defendant actually initiated the
25 second altercation. Derrick also tells you that during the

1 time they were out looking for the keys, that the Defendant
2 had left. The Defendant had left. Now, he says that when he
3 came back around, when the shooting started that, of course,
4 he ran, as a person would. Again, if we were trying to get
5 him to create a case against the Defendant, he'd have said,
6 well, I saw the Defendant shoot. Well, he didn't say that.
7 But, again, this is where we get to piecing it together
8 through the witnesses and their different vantages. Then we
9 get to Jacobie and Jacobie -- oh, and I forgot about Derrick.
10 Derrick did mention that he, as he was running, he looked
11 back and he saw when the victim fell, that the victim was
12 running and he saw him fall.

13 Let me get to Jacobie. The reason I'm highlighting
14 Jacobie is the fact that Jacobie is the Defendant's first
15 cousin, as was stressed. This is his first cousin. Jacobie
16 tells you about the fight that started inside the house and
17 he even also said that he was there with the Defendant when
18 Tony, the victim, had left and gone outside and then the
19 Defendant went outside and then, and of course, at that point
20 Derrick Deese saw when the Defendant actually started the
21 second fight. But the reason I highlight -- now, Jacobie told
22 you that -- and this is where you have to kind of put the
23 witnesses together when we talk about circumstantial. Jacobie
24 talked about the fact, as Derrick did, that as soon as this
25 person, the Defendant, they didn't identify him as the

1 Defendant, but as soon as he turned the corner, nothing was
2 said, he starts shooting. But you then have to put what Mark
3 Ridges tells you with what Jacobie and Derrick tell you and
4 when you put that together, the Defendant had turned the
5 corner to the back of the house and shots start immediately.
6 When you put what they said together, given the fact that
7 Mark told you he saw the Defendant walk around the corner of
8 the house and as soon as he turned the corner, shots started.
9 It was dark. Jacobie and Derrick didn't see who was shooting
10 but whoever it was, as soon as they turned the corner, they
11 started shooting. When you put all of that together, you know
12 it was Tyrone Quick that started the shooting.

13 And then we get to Maggie and Maggie acknowledged the
14 fact that she lied and as she sat here and testified, she
15 acknowledged the fact that she lied and, of course, she was
16 nervous. You could tell she was nervous and when I asked her
17 a question on redirect, what is it that got you, when she
18 talked about being in this mess. Well, what is it that got
19 you in this mess? The first thing she said was when he told
20 me that he had shot Tyrone. That's what got me into this
21 mess. Because some of her decisions that she made, that she
22 acknowledged were wrong, she should have reported it right
23 then. But is there any law -- or is there anybody that thinks
24 that people who are scared might decide not to tell
25 everything all at one time? Everybody doesn't always tell

1 everything. When I used to get in trouble at home, I'd lie
2 through my teeth. You know, my mama would ask me did I break
3 the cookie jar or whatever. Did I tell the truth immediately?
4 No. I was worried if I might get in trouble. But eventually,
5 yes, circumstances developed, i.e., an investigation. As
6 information developed, mom finds out that, you know, that
7 your little brother that ratted you out and saw you up,
8 trying to get on top of the refrigerator. Then when
9 confronted with it, yeah. I'm going to tell. Yeah. This is
10 what really happened. That's not unusual and it's actually
11 pretty common. But you have to assess how they are when they
12 are actually testifying. You have a chance to do that, assess
13 their credibility.

14 And here's another thing. What do these folks have to
15 gain from saying all of this against him? There's no evidence
16 that they got any motive to lie at all. But back to Maggie.
17 Maggie tells you that she, in fact, did pick him up on Amelia
18 Street. The Defendant calls. She picks him up on Amelia
19 Street in her gold -- I can't remember what kind of car she
20 had. I apologize. Gold is what stuck in my mind, in her gold
21 car. The same thing Mark Ridges told you. Mark said that he
22 didn't know who it was driving the car, but it was a gold car
23 and he has said that from the very beginning. They all too --
24 they've said that from the very beginning. So, Maggie picks
25 him up on Amelia Street, consistent with what Mark told you.

1 Then they ride around for a while. He decides he wants to go
2 back. Well, this gets back to Mark again. Mark didn't see the
3 car, didn't see Maggie drop him off. Which, again, if you
4 were trying to construct a case against him, which is not
5 what we do despite what some of the insinuations might be
6 through Defense's questioning, we would just say well, we
7 need you to say that you saw them when she dropped him off.
8 Well, Mark didn't say that. He didn't know who dropped him
9 back off. He just knows that it was the Defendant he saw
10 walking down the path from the Hudson Street direction. What
11 does Maggie tell you? She, in fact, dropped him off on Hudson
12 Street. She didn't see where he went. She just dropped him
13 off and he said that he would call her back. Well, of course,
14 he does. I think she said probably about thirty minutes later
15 if I recall her testimony correctly and she picks him up on
16 Munnerlyn Street and that's where they take this trip to
17 Dillon and this is where we get into the direct evidence.

18 The first part of what I've discussed with you is
19 circumstantial evidence. Even without Maggie, if you look at
20 what Mark Ridges told you, if you look at what Derrick and
21 Jacobie told you, that's enough to convict this Defendant of
22 murder through circumstantial evidence. But then you've got
23 more. We've got the Defendant admitting that he, in fact, had
24 shot the victim, Tony McLaurin, Patrick McLaurin. We call him
25 Tony. He admits it. She didn't see a gun. Again, if we were

1 trying to construct something, if he was trying to make her
2 say something, oh, yeah, I saw the gun, and this, that and
3 the other. No. She said I never saw the gun. He just told me
4 there was a fight and that he shot him, the day he shot Tony
5 McLaurin. With that, then on cross she's asked about changing
6 her story and I addressed that in redirect and I want to talk
7 about that. Did she change her answer? I think that she
8 explained it. Yeah, you know, once she had the chance to
9 think about it, she thought about the fact that he had
10 mentioned something about being jumped, about the cousin
11 being jumped or whatnot. Again, that's not unusual. But what
12 didn't change, and you could tell from her demeanor as it
13 relates to those things, she was certain about. She wasn't
14 certain about what kind of shirt he was wearing, but she was
15 sure about the pants. She was sure that he told her that he
16 shot him and why was she so sure? When I asked her, what is
17 it that got you into this? When he told me that he shot him,
18 that's when my life changed. I think that's what she said.
19 Her life changed at that point. You would tend to remember
20 what it is that has caused that change in your life and
21 without hesitation when I asked her that question again, when
22 he told me that he shot Tony.

23 Ladies and gentlemen, because this was not a long case,
24 I'm not going to be up here that long. Because, again, I
25 defer to your common sense. One of the things I will warn you

1 about is that, you know, obviously, this'll be the last time
2 possibly that I get a chance to talk -- well, this will be
3 the last time I get to talk to you before you deliberate.
4 You'll hear from the Defense attorney, but I will tell you
5 that just based on the questioning from the Defense, he used
6 the word confusion in his opening statement and I highlighted
7 it. Confusion. Defense 101, there are two things you can do.
8 One, you try to put law enforcement on trial. Try to make
9 John B. and Bennettsville Police Department look inept. Well,
10 keep in mind, again, everything in its context as I was
11 talking with Maggie about it. He'd already gotten the witness
12 statements as it relates to what transpired. So, whatever
13 they may say could or should at that point, again, they had
14 already had the evidence they needed. Especially when they
15 corroborate each other.

16 Then the other tactic is too, again, like he said when
17 you talk about confusing the jury, you know, putting law
18 enforcement on trial, trying to confuse you, trying to throw
19 a whole bunch of hyper-technical stuff up there relying on
20 the fact that we all think everything we see on TV is true as
21 it relates to how crimes get solved, and it's not. It's
22 basic. It's a human function. Solving crimes is a human
23 function. Here, this is the epitome of that. We relied on
24 witnesses, witnesses that knew both parties. I think that
25 that is pretty reliable, ladies and gentlemen and I would

1 submit to you Bennettsville PD acted reasonably as it relates
2 to their investigation. But do not get sucked into that
3 because, again, the thing you do not take leave of is your
4 common sense and as you go back there, ladies and gentlemen,
5 I'll submit to you that, you know, any issue about whether
6 they were close together or not, let me just address that
7 since I'm not going to get to argue last.

8 Let me just address that, briefly, the importance of him
9 going and coming back. I don't want it to creep into
10 anybody's mind that well, when he came back did they really
11 engage in a fight? Well, that ain't the standard because they
12 had already gotten in a fight. He had left. When he comes
13 back there at that point, actually to be direct, when he
14 decided to come back, you know who the person was that would
15 have been entitled to defend themselves? It would have been
16 Tony. Because the Defendant had left and come back after
17 they'd already fought. He comes back with a gun. The person
18 that actually would be entitled to defend themselves is Tony.
19 But he didn't have that chance because as soon as the
20 Defendant turned the corner, boom, boom, boom, the shots get
21 started. But I just wanted to, like I said, make that clear.

22 I don't know if there's going to be -- there was some
23 testimony and talk about distance analysis and I'm just going
24 to be brutally honest. I don't care because he left and came
25 back. That's the simple issue in this case. The Defendant

1 left and came back and from a commonsense standpoint, if I'm
2 going to go back to the place where I was just engaged in a
3 fight in, I don't think I'm going there with any good
4 intentions.

5 Ms. Munnerlyn mentioned, on a mission, and I highlighted
6 that too because that's exactly what this was. The Defendant
7 had gotten, I guess to be honest with you, the victim got the
8 best of him. He wasn't happy about that and he rode around
9 and rather than saying, okay, I'm going home, I don't want
10 any more trouble, I'm just going to stay gone, he decides to
11 come back and that's when it escalated.

12 But that decision that he made affected a lot of lives.
13 It affects, obviously, his life, the Defendant. It affected
14 Maggie Littlejohn's life, as you heard. At what moment did
15 your life change? And, of course, it affected the life of Mr.
16 McLaurin because it ended his life and then as a result,
17 affects the life of his family.

18 So, I would submit to you, ladies and gentlemen, that
19 what you've heard in the little over a day of testimony in
20 this trial, we would submit that based on all of that, that
21 this Defendant, Mr. Quick, is, in fact, not worried about
22 voluntary manslaughter, not entitled to self-defense,
23 absolutely not. This Defendant, Mr. Quick, is in fact guilty
24 of the murder, the murder of Tony McLaurin. I submit this to
25 you. It is now in your hands once you hear from the Defense

1 attorney, Mr. Hobbs. But once you look at the State's case
2 and what we presented, I submit to you that it is abundantly
3 clear we have met our burden. We have exceeded our burden and
4 this Defendant, in fact, is guilty of the murder of Patrick
5 Tony McLaurin. I thank you and look forward to your verdict.

6 THE COURT: Mr. Hobbs, you're recognized.

7 MR. HOBBS: Thank you, Your Honor.

8 CLOSING STATEMENT - MR. HOBBS

9 Ladies and gentlemen of the jury, what we've seen here
10 today in some ways reminds me of a story a colleague once
11 told and that story was about a king who was out surveying
12 his land, looking through the woods, walking around and he
13 sees a tree and that tree has a target on it and an arrow
14 right in the bull's-eye and he keeps walking. He comes to
15 another tree. He sees another target with an arrow right in
16 the bull's-eye. Eventually, he sees a few more of these
17 trees, targets, and arrows. He goes into the village and the
18 king says, I want to meet this archer. I want to meet this
19 archer who never misses his mark, who never misses a
20 bull's-eye. So, the archer comes out, pulls out his arrow,
21 shoots it right into the tree. Then, all of a sudden, he gets
22 out a can of paint. He walks over to the tree and he paints a
23 bull's-eye around it.

24 As you've heard, there was never an investigation done
25 of any other Defendant in this case. As you heard the State

1 say at the beginning of this case, this is a puzzle. Well,
2 ladies and gentlemen of the jury, I submit to you that this
3 puzzle is missing some critical pieces.

4 Again, we've got all these statements from people who
5 weren't there when law enforcement arrived on the night of
6 this incident and how did he develop those witnesses in this
7 case, Melissa Hall and Isaac Bland? Everyone else who was
8 there, who claims to be there, was not present. They were
9 only developed after Melissa Hall and Isaac Bland said oh,
10 yeah, so and so was also here and so and so was also here. We
11 didn't hear from Melissa Hall. They didn't call the one
12 witness who was there that night, who is still living, to
13 testify that she told them all these people were here. But
14 then they say, no, don't worry about that, because they took
15 statements from them over the course of eight plus days,
16 video statements of all these witness. Well, do you see those
17 video statements? No. No, the equipment, the equipment wasn't
18 working. You can't see those. After Maggie came in we took
19 some more statements and we've got those videos. You can look
20 at those. I asked to see -- okay, y'all we've got broken
21 equipment. Something about Walmart and video cameras. Show me
22 something. Show me where this equipment was broken and when
23 it got fixed. We can't do that.

24 What else do we not see in this case? Oh, we collected
25 DNA. We took it to SLED but we never had it tested. We've got

1 statements that never came into evidence. We weren't able to
2 look at them. My client and myself were never able to see it.
3 No weapon. No fingerprints. No boot prints and they say no,
4 we don't have to worry about that, because we've got witness
5 statements. Witness statements provided the names of which
6 were provided by someone who was too intoxicated on the night
7 of this incident to even write her own personal information
8 down. But, again, you're not supposed to ask about that.

9 How easy would it have been today to show you Maggie
10 Littlejohn's phone records to show you, see, when Tyrone
11 called her, see what she's saying is true? What about a
12 picture of her call log? What if they just took a picture of
13 the call log and said, see, here's when Tyrone called her.
14 Here's when she picked up Tyrone. No, that was never done.
15 How easy would it have been to get Tyrone's records? Say,
16 look, here's Tyrone's phone records. When did he call Maggie?
17 When did he get picked up? Sergeant Hepburn tells you in his
18 thirty-one years of investigation, he's triangulated the
19 position of a Defendant several times. No, but we didn't need
20 to triangulate Tyrone. Why? Because we have eyewitnesses.
21 Eyewitnesses who say they didn't even see Tyrone shoot Tony?
22 Eyewitnesses who say they never saw a gun? Eyewitnesses who
23 the day after this incident tell law enforcement that they
24 hadn't seen Tyrone? We skip over that.

25 Maggie talked to law enforcement, said she hadn't seen

1 Tyrone. It is not until eleven days later, under the threat
2 of criminal prosecution, that Maggie finally says, oh, yeah.
3 Yeah, that's right. That's right. I picked him up. Yeah,
4 that's right. I drove him to Dillon. That's right. I didn't
5 feel like I needed to tell you this before now, but now
6 you're bringing up the fact that I might be criminally
7 prosecuted, now I'll tell you about that.

8 Well, let's go one at a time. Let's talk about what we
9 saw from the witnesses. When we talk about reasonable doubt
10 and I got something slung at me by the State's attorney
11 there, criminal defense 101, right? What you want to do is
12 cause confusion. Well, the State's prosecution 101 negates
13 reasonable doubt. Negates the fact that law enforcement did
14 not take steps they should have taken in this investigation.
15 Negates the fact that even though we had blood droplets and
16 we collected DNA, we never ever diagramed where those blood
17 droplets were and all of a sudden for the first time today I
18 hear that the State is proposing that Tyrone shot Tony while
19 he was on the ground. Ladies and gentlemen, you've seen maps.
20 You've seen where the victim allegedly fell. This isn't the
21 trailer they were talking about. How did Tony get here? Where
22 were these blood drops at? Why didn't we diagram these blood
23 drops? Were they Tony's blood drops? Did we ever test the
24 DNA? No, we didn't.

25 But, again, the State wants you to say, don't worry

1 about that because we've got these great eyewitnesses. We've
2 got these eyewitnesses who are going to let you piece the
3 case together. Eyewitnesses who tell you about how on several
4 occasions Tony was on top of Tyrone beating him. We heard
5 that. Eyewitnesses who say they were standing right next to
6 Tony who was shot, but they never saw Tyrone. They never saw
7 who shot. And we talk about Tony. No, there's no evidence of
8 Tony having a gun. Well, I guess there's no evidence of Tony
9 not having a gun, other than the GSR that was on his hands.
10 Where did that GSR come from? Oh, well, I guess, you know, he
11 just got it, because he was around. They don't want you think
12 about where this GSR came from. They say Tony never had a
13 gun. Did anyone ever say Tyrone had a gun? Did anyone ever
14 see a gun? Did anyone ever see Tyrone shoot? They did not.

15 Ms. German, she's the first witness we heard from. Took
16 a statement from Melissa Hall. Melissa Hall is the one that
17 was there that they immediately took to the police
18 department, took her statement. Too intoxicated to write her
19 personal information. I don't know if she's still intoxicated
20 today, but they sure didn't put her up on the stand for her
21 to tell you what happened, did they? They didn't put her up
22 on the stand to tell you who else was there that night.
23 Instead, they brought up witnesses who were not there when
24 the police showed up and to one of the witness's statement, I
25 think he said that he even left when he saw the police show

1 up. Why would a witness leave when he sees the police show
2 up? Does he have something to hide because they're doing
3 something illegal?

4 Again, there's so many missing pieces here to this
5 puzzle and it would have been so easy for law enforcement to
6 not make you rely on circumstantial evidence, to not ask you
7 to believe someone who says they were standing right next to
8 the victim, but didn't see who shot him, someone who says
9 that he saw somebody walking up and he thought it was Vaughn,
10 who thought it was Paul, oh, no, no, that's Tyrone. But I
11 didn't see Tyrone shoot. I didn't see a gun.

12 We heard from Sergeant Hepburn. I've got a lot of
13 respect for Sergeant Hepburn. He's been in law enforcement
14 for along time, but I could hardly get an answer out of him.
15 When do you think this murder or the shooting occurred? Oh,
16 some time after ten. What investigation was being done when
17 you showed up, you're the lead investigator? Oh, I don't. Did
18 you ever have anybody diagram the blood droplets? No. Did you
19 ever get the DNA evidence tested? No, I took it to SLED, but
20 we didn't have it tested. Did you ever take any fingerprints?
21 No. No boot prints? No. Nothing to tie Tyrone directly to the
22 scene? That would have been so easy to show you that
23 information, to triangulate his position, put him there. But
24 instead, we've got a line of witnesses with criminal
25 histories, with convictions of felonies, one of which, the

1 gentleman who says he saw Tyrone walk around the back, had a
2 burglary charge pending from 2011, August 2011. When did this
3 happen? December of 2011. I wonder if he had motive. I wonder
4 if he had a bias for saying these things about Tyrone?

5 We heard from Larry Turner and Larry Turner took the
6 pictures, some of the pictures that you'll see here today.
7 Larry Turner talks about an \$1800 camera and how he had to
8 use the flash on it that night because it was so dark outside
9 and look at that picture for me when you get a chance, when
10 you get back in the room for deliberation. As he put it, I
11 was ten to fifteen feet away from this car when I took a
12 picture using flash. You can't even see that car. It is dark
13 out there. You can't see anything that's not right in front
14 of your face. But yet all these people are going to tell you
15 what they saw and they saw Tyrone and they saw this and they
16 saw that.

17 Then we heard from a pathologist. What did the
18 pathologist say to us? Well, all of these bullet wounds have
19 a consistent motion to them. Okay? And on something I
20 emphasized with him, because I knew I was going to come back
21 to it, upward and left to right. What about the flank?
22 Upward, left to right. What about the back? Upward, left to
23 right. As the Judge is going to charge you here today, you
24 have the right to continue to use the force that you need to
25 defend yourself until that force and that danger is

1 eliminated. Now, the Judge is going to charge you on that,
2 okay? The Judge is the final say on the law, okay? So, what I
3 say here today is what I believe the Judge will charge you
4 and I believe you will hear that a person has the right to
5 continue force until the threat is ended and in South
6 Carolina that's -- you have the right to start shooting.
7 You've got the right to finish shooting and what you'll see,
8 upward, left to right. Upward, left to right. Why is the
9 bullet traveling upward when it goes into somebody's body?
10 Because it's being fired from below them and all of those
11 bullets were consistently upward, consistent with that
12 testimony you heard about Tony being on top of Tyrone,
13 beating him. So, again, you're going to have the choice of
14 saying, has the State proven to me beyond a reasonable doubt
15 that Tyrone is not acting in self defense when these shots
16 were fired? If you were to even believe that Tyrone was the
17 shooter in this case, even though no one saw Tyrone with a
18 gun, there's no physical evidence. There's no one who says
19 they saw Tyrone shoot. If you're to believe Maggie, that
20 Tyrone shot him, somebody who wasn't even at the scene, then
21 did Tyrone shoot in self-defense? We heard about an
22 altercation. We heard about the trajectory of the bullets
23 being as if they were moving upward and left to right in the
24 decedent's body. Consistent with someone being on top of
25 someone. I would submit to you that Tyrone was, if he did

1 shoot, justified in shooting as Tony beat him.

2 We heard from Mr. Green, the forensic expert. He talks
3 about the bullets that were recovered. He doesn't know what
4 kind of gun. The State just made it sound like there was this
5 clear evidence it was a revolver. He said he didn't know if
6 it was a revolver or not. We've got no clear weapon here.
7 There's nothing to compare. Ms. Nates, again, we've got GSR
8 on the right palm of the decedent, the back of the palm, the
9 back of the left palm. Nothing on the left palm. Why is that?
10 That's evidence that he may have shot a weapon. That's what
11 she said. He may have had a gun on him. He may have been in
12 possession of a gun. But then again we never saw Tony with a
13 gun. We never saw Tyrone with a gun.

14 Mark Ridges. Mark Ridges is the gentleman who had that
15 convenient burglary charge from back in August of 2011 and
16 then in December of 2011 was a valuable witness for the
17 State. He states that he didn't see Tyrone shoot. He didn't
18 see Tyrone with a gun. He saw Tyrone walk around the back of
19 the building. Jacobie Samuel, I'm standing next to somebody
20 who was shot. I didn't see who the shooter was. Derrick Deese
21 standing next to somebody who was shot, didn't see who the
22 shooter was and, again, the State wants to say don't worry
23 about what you didn't see. Don't worry about what we didn't
24 do in this case.

25 I want you to add people's statements together, people

1 who weren't there when we showed up, people whose names we
2 got from somebody who was so intoxicated they couldn't write
3 their own personal information, witnesses who have all been
4 convicted of felonies within the past few years, ten years,
5 excuse me. But witnesses who never said they saw Tyrone with
6 a gun, who never said they saw Tyrone shoot Tony and then we
7 come to Maggie.

8 Maggie's the ex-girlfriend of Tyrone. Broke up some time
9 around this time of the incident. Says she can't remember
10 exactly when. I questioned her about the five different
11 statements that she makes over the course of the past four
12 years. She acknowledges that those statements changed, that
13 details were added in and taken out every time she talked.
14 But what the State doesn't want to talk about is her first
15 statement, the one closest in time to this incident. When law
16 enforcement came to her and said, Maggie, have you seen
17 Tyrone? Last night, did you do anything with Tyrone? No. I
18 haven't seen him since five-thirty and then she talks about
19 wanting to do the right thing and come forward and make a
20 statement to law enforcement to do the right thing and to
21 help justice, I guess. Well, that and to make sure she wasn't
22 prosecuted for a crime. Because before she ever made that
23 statement, as she told you, as John B. told you, she was told
24 that she would be criminally prosecuted. She had to
25 cooperate. She had to tell what she needed to say and that's

1 why the truth never changes. That's what I was trying to get
2 out of her. That's what she acknowledged. The truth never
3 changes. But her statement changed every time she gave it.
4 New details added in; new details taken out and this is what
5 the state wants you to focus on in convicting a man of
6 murder. The State talks about our society is better than
7 that. It's better than letting a man claim self-defense or
8 being found not guilty. Is our society better than the
9 evidence that was put up against this man? Is our society
10 better than putting law enforcement on the stand and having
11 law enforcement tell you, eh, we just didn't do it. We didn't
12 feel like we had to. Shoot, we had Melissa Hall, right? We
13 had Melissa Hall. Melissa Hall told us all this stuff. Well,
14 she didn't get on that stand and tell you anything, did she?
15 Now, we talked about reasonable doubt, okay? And
16 reasonable doubt is something that the Judge is going to
17 define for you. It's a concept that can be very frequently
18 over-complicated and that's intentional. But reasonable doubt
19 is much greater than the scales of justice that we always
20 see, right? And a preponderance of the evidence or fifty-one
21 percent, that's what the scales show. The burden of proof is
22 so much greater than that. A man's liberty is at stake. A man
23 has been charged with murder and the State's duty is to prove
24 beyond a reasonable doubt that he did commit this murder and,
25 again, the State wants you to dismiss everything they didn't

1 do, every step that they did not take. Don't worry about
2 that. Just add the statements of people who weren't there
3 when we arrived on the scene together, who say they did not
4 see a shooting, even though they were standing right next to
5 the victim. Add those things together and forget everything
6 else. I mean, you're going to be charged with self-defense,
7 okay? And the reason you're charged with self-defense is
8 because there's been some evidence in the record that would
9 substantiate the Judge to tell you about self-defense.
10 Otherwise, you wouldn't hear it. You wouldn't have the option
11 of determining whether or not the State proved to you beyond
12 a reasonable doubt that this man wasn't acting in self-
13 defense.

14 So, what did we hear? We heard this man was -- the
15 victim, Tony, was on top of Tyrone at some point, beating
16 him. We heard that the trajectory of the bullets were all
17 upward, left to right. These are the reasons that you are
18 being charged with self-defense, and ladies and gentlemen of
19 the jury, I would submit to you that the State has not proven
20 to you two things: First of all, that Tyrone Quick shot Tony
21 McLaurin. Second of all, even if you came to that conclusion,
22 even if you believe Maggie Littlejohn and her inconsistent
23 statements, then you would have to come to the conclusion
24 that they have proved to you beyond a reasonable doubt that
25 this wasn't done in self-defense, you also heard from the

1 pathologist that it wasn't bullet holes that he saw on Tony
2 McLaurin. It was wounds to his face, swelling in his eye.
3 Items that would indicate that there was an altercation going
4 on and, again, upward, left to right.

5 Now, we talk about circumstantial versus direct
6 evidence. The Judge is going to charge you on what those
7 terms mean. Circumstantial evidence is evidence that doesn't
8 directly point to or indicate the guilt or innocence of an
9 individual, okay? So in this case the only direct evidence
10 that we have is that Tyrone Quick shot Tony McLaurin is the
11 statement of his ex-girlfriend. Everything else is
12 circumstantial. Everything else is based on the fact that he
13 was around when this happened. The Judge is also going to
14 charge you on something called mere presence. The Judge is
15 going to tell you that just because a person is where a crime
16 occurs doesn't mean they're guilty of that crime. The Judge
17 is going to charge you about identification, whether or not
18 eyewitness testimony, who identifies the Defendant is
19 reliable. Was it too dark out there? Was this person who shot
20 wearing a hoodie? Maggie never saw a hoodie. Maggie saw a tee
21 shirt. Identification is also at issue here and, again, as
22 the State put it, it comes down to what people saw. Well,
23 ladies and gentlemen, the only reason it comes down to what
24 people saw in this case is because of the steps that were not
25 taken. These simple steps that could have either proved that

1 Tyrone Quick was innocent or the simple steps that would have
2 allowed you, the jury, to see where he was, if he called
3 Maggie that night. If Maggie was telling the truth the day
4 after this incident when she talked to law enforcement. Or is
5 she telling some variation of the truth that keeps evolving
6 up until you heard from her today and yesterday. You're also
7 going to hear about the victim's intoxication. That's
8 something that we got on through the pathologist and this
9 victim was highly intoxicated and I think from a legal
10 standard he said that he was one and a half times what we
11 have for legal intoxication in South Carolina operating a
12 vehicle and his blood alcohol level was .133 and also he had
13 marijuana in his system. That's going to be another
14 consideration that you have to whether or not the victim's
15 intoxication had anything to do with the altercation that was
16 taking place and if Tyrone did shoot, did that have anything
17 to do with whether or not he would think he would have to
18 shoot? You're going to be charged on that as well. Again, the
19 only reason that you're going to hear a charge and have the
20 option of manslaughter or hear about self-defense is because
21 there's been evidence of it put into the record and that's a
22 decision that you have to make and, again, I can't stress to
23 you how high that burden is for the State to prove Tyrone
24 Quick, beyond a reasonable doubt, that he's guilty of this
25 charge. That's why we didn't put in any evidence, because we

1 felt that they did not prove to you, the jury, beyond a
2 reasonable doubt, that Tyrone Quick was guilty of murder and
3 even if you do think he shot Tony, did they prove to you
4 beyond a reasonable doubt that it was not self-defense?
5 Again, this didn't have to come down to eyewitness testimony.
6 This didn't have to come down to somebody, the only witness
7 who was actually on the scene, who we could cross-examine
8 when the police showed up. It didn't come down to that seat
9 being empty. It didn't have to. They wanted the only evidence
10 in this trial that implicated Tyrone Quick to be people who
11 had bias, who had motive, and ladies and gentlemen of the
12 jury, I submit to you that they have wholly failed to prove
13 their burden beyond a reasonable doubt that Tyrone Quick is
14 guilty of this crime and, again, the only way that they would
15 ever show it is by people's statements who weren't even there
16 when law enforcement showed up. Who weren't even there at all
17 the night of the incident.

18 Again, this case comes down to eyewitness statements who
19 don't even say they saw Tyrone shoot Tony. No physical
20 evidence in what looked like a lack of effort in the
21 investigation. So, again, as the State put it out, society is
22 better than that. Ladies and gentlemen of the jury, I submit
23 to you that our society is better than convicting a man of
24 murder because the police did not want to do their job and
25 just call a bunch of convicted felons to the stand to tell

1 you that they did not see him shoot. Thank you.

2 THE COURT: Mr. Foreman, ladies and gentlemen of the
3 jury, we're going to allow you to refresh yourselves. Once
4 again, do not discuss the case. We're getting near the end.
5 But do not discuss the case. Everyone remain seated as the
6 jury exits the courtroom.

7 (Jury out at 11:49 P.M.)

8 (Short break)

9 THE COURT: Anything from the State before we proceed?

10 MR. REDMOND: Nothing from the State, Your Honor.

11 THE COURT: Anything from the Defense?

12 MR. HOBBS: Nothing from the Defense, Your Honor.

13 THE COURT: All right. We're ready for the jury. All
14 right. Let's have quiet.

15 (Jury in at 12:04 P.M.)

16 CHARGE ON THE LAW

17 THE COURT: Mr. Foreman, ladies and gentlemen of the
18 jury, you have heard all the evidence that's been presented
19 in this case. You've heard the closing arguments. Now, it is
20 time for me to charge you the substance of the law. You've
21 taken a very solemn oath that you would listen to the
22 evidence that comes from this witness stand and apply it to
23 the law as I charge it to you. I wish there was an easier way
24 to do that, to charge you the law. There's no exciting way to
25 do that, but it's something that's important in order for you

1 to fulfill your solemn duty. So I'm going to -- I know that
2 it is about noon. I know that y'all are probably somewhat
3 tired. I'm going to ask you to perk up and pay very close
4 attention to these important matters.

5 Mr. Foreman, ladies and gentlemen of the jury, the
6 indictment charges the Defendant with murder and the lesser
7 included offense of voluntary manslaughter and I remind you
8 that the fact that the Defendant was arrested, charged and
9 indicted is not evidence and cannot be considered by you as
10 evidence of guilt, nor does it create any presumption or
11 inference of guilt. This document is simply the formal
12 written instrument which contains the charges made against
13 the Defendant. It is the formal document by which this case
14 is brought into this court.

15 Mr. Foreman, ladies and gentlemen of the jury, I remind
16 you that during this trial you and I have certain duties to
17 perform. As the trial Judge, it is my responsibility to
18 preside over the trial. I also have the duty to rule on the
19 admissibility of evidence offered during this trial. You're
20 to consider only the competent evidence before you. There was
21 testimony ordered stricken from the record during this trial.
22 You must disregard that testimony. You are to consider only
23 the testimony which has been presented from this witness
24 stand and any exhibits which have been made a part of the
25 record, any stipulations of counsel.

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 I have the additional duty to charge you the law. As
2 presiding Judge, I am the sole judge of the law and it is
3 your duty as jurors to accept and apply the law as I now
4 state it to you. If you already have any idea as to what the
5 law is or what the law ought to be and it does not agree with
6 what I now tell you the law is, you must abandon this idea
7 because you are sworn to accept and apply the law exactly as
8 I state it to you.

9 In every case tried in this court, the jury becomes the
10 sole and exclusive judge of the facts. A trial judge cannot
11 intimate, state, comment on or make any statement to the
12 trial jury about the facts. Since you, the jury, are the sole
13 judges of the facts, you're not to infer from what I've said
14 during the progress of this trial, the ruling upon the
15 admissibility of evidence or otherwise, or anything that I
16 say now during the course of this instruction to you, that I
17 have any opinion about the facts in the case. The law simply
18 does not allow me to have an opinion about the facts. This is
19 a matter solely for you, the jury, to determine. As jurors,
20 it is your duty to determine the effect, value, weight and
21 truth of the evidence presented during this trial. The
22 Defendant has pled not guilty to this indictment and that
23 puts the burden on the State to prove the Defendant guilty.

24 A person charged with committing a criminal offense in
25 South Carolina is never required to prove himself innocent. I

1 charge you that it is an important rule of law that the
2 defendant in a criminal trial, no matter what the seriousness
3 of the charge may be, will always be presumed to be innocent
4 of the crime for which the indictment was issued unless guilt
5 has been proven by evidence satisfying you of that guilt
6 beyond a reasonable doubt. This presumption of innocence does
7 not end when you begin your deliberations, but it accompanies
8 the Defendant throughout the trial until you reach a verdict
9 of guilt based on the evidence satisfying you of that guilt
10 beyond a reasonable doubt.

11 The presumption of innocence is like a robe of
12 righteousness placed about the shoulders of the Defendant
13 which remains with the Defendant until it has been stripped
14 from the Defendant by evidence satisfying you of the
15 Defendant's guilt beyond a reasonable doubt. Presumption of
16 innocence is not a mere legal theory. It's not just a legal
17 phrase. It is a substantial right which every Defendant is
18 entitled unless you, the jury, are satisfied by evidence of
19 the Defendant's guilt beyond a reasonable doubt.

20 What is reasonable doubt in the law? Reasonable doubt is
21 the kind of doubt that would cause a reasonable person to
22 hesitate to act. The State has the burden of proving the
23 Defendant guilty beyond a reasonable doubt. Some of you have
24 served as jurors in civil cases where you were told that it
25 was only necessary to prove that a fact was more likely true

1 than not true, such as by a greater weight or preponderance
2 of the evidence. In criminal cases, the State's burden is
3 more powerful than that. It must be beyond a reasonable
4 doubt. Proof beyond a reasonable doubt is proof that leaves
5 you firmly convinced of the Defendant's guilt. There are very
6 few things in this world that we know with absolute
7 certainty. In criminal cases, the law does not require proof
8 that overcomes every possible doubt. If, based on your
9 consideration of the evidence you are firmly convinced the
10 Defendant is guilty of the crime charged, you must find the
11 Defendant guilty. If, on the other hand, you think there's a
12 real possibility the Defendant is not guilty, you must give
13 the Defendant the benefit of the doubt and find him not
14 guilty.

15 There are two types of evidence, which are generally
16 presented during a trial; direct evidence and circumstantial
17 evidence. Direct evidence directly proves the evidence -- the
18 existence of a fact or it does not require deduction.
19 Circumstantial evidence is proof of a chain of facts and
20 circumstances indicating the existence of a fact. Crimes may
21 be proven by circumstantial evidence. The law makes no
22 distinction between the weight and the value to be given to
23 either direct or circumstantial evidence. However, to the
24 extent that the State relies on circumstantial evidence, all
25 of the circumstances must be consistent with each other and

1 when taken together point, conclusively to the guilt of the
2 accused beyond a reasonable doubt. If these circumstances
3 merely portray the Defendant's behavior as suspicious, the
4 proof has failed. The State has the burden of proving the
5 Defendant guilty beyond a reasonable doubt. This burden rest
6 with the State regardless of whether the State relies on
7 direct evidence, circumstantial evidence or some combination
8 of the two.

9 I instruct you and emphasize that the fact that the
10 Defendant did not testify is not a fact that can be
11 considered by you in any manner in your deliberations and in
12 your consideration on the question of the guilt or innocence
13 of the Defendant. It must not be considered by you in any
14 manner whatsoever. A Defendant has the constitutional right
15 to remain silent. The assertion of this right must not be
16 considered by you during deliberations. I repeat, under your
17 oath you're to draw no conclusions, whatsoever, from the fact
18 the Defendant in this case did not testify. The fact that
19 this Defendant did not testify should not even be discussed
20 in the jury room. Mr. Foreman, I'm going to ask that you
21 enforce that rule. There will be no discussion about the fact
22 that the Defendant in this case did not testify. The burden
23 of proof, as I have stated to you, is on the State. The State
24 is not required to prove -- the Defendant is not required to
25 prove his innocence. The burden of proof remains on the State

1 to prove guilt beyond a reasonable doubt.

2 Necessarily, you must determine the credibility of
3 witnesses who have testified in this case. Credibility simply
4 means believability. It becomes your duty as jurors to
5 analyze the value of the evidence to determine which evidence
6 convinces you of its truth. In determining the believability
7 of witnesses who have testified, you may believe one witness
8 over several witnesses or several witnesses over one witness.
9 You may believe a part of the testimony of a witness and
10 reject the remaining part of the testimony of that same
11 witness. You may believe the testimony of a witness in its
12 entirety or reject the testimony of a witness in its
13 entirety. You may consider whether any witness has exhibited
14 to you an interest, bias, prejudice or other motive in this
15 case. You may also consider the appearance and the manner of
16 the witness while on the witness stand, their demeanor.
17 There's been evidence presented that witnesses made prior
18 statements which are not consistent with the witness' present
19 testimony. You may use this evidence to decide whether to
20 believe the witness. You may also use evidence of earlier
21 contradictory statements to determine the truth of those
22 statements. It is up to you to decide whether to believe the
23 earlier statements or the testimony given at trial. If a
24 witness is shown to have knowingly testified untruthfully
25 concerning any material matter, you may consider this in

1 determining whether to trust the witnesses testimony as to
2 other matters. You may reject all of the testimony of that
3 witness or give all or part of it the weight you think it
4 deserves. A person who has a past criminal record is
5 competent to testify during this trial. A past record does
6 not effect the ability of that witness to testify. The past
7 record may only be considered by you, if at all, in
8 determining the witness's believability. Remember, you are
9 the sole judges of the facts in the case and the
10 believability of any and all witnesses. The rules of evidence
11 ordinarily do not permit witnesses to testify to opinions or
12 conclusions. An exception to this rule exists for witnesses
13 we call expert witnesses. A witness who, by education and
14 experience has become an expert in some art, science,
15 profession or calling may state an opinion as to relevant
16 material matter in which the witness claims to be an expert
17 and may also state the reasons for the opinion. You should
18 consider any expert opinion received into evidence in this
19 case like any other evidence, give it the weight you think it
20 deserves. If you decide that the opinion of an expert witness
21 is not based on sufficient education and experience or you
22 conclude that the reasons given in support of the opinion are
23 not sound or that the opinion is outweighed by other
24 evidence, you may disregard the opinion entirely. An expert
25 witness's testimony can give no greater weight than other

1 witnesses simply because the witness is an expert. Further,
2 you are not required to accept an experts opinion, even
3 though it is not contradicted.

4 I will charge you with the substantive law with regard
5 to the offense of murder. The Defendant is charged with
6 murder. The State must prove beyond a reasonable doubt the
7 Defendant killed another person with malice aforethought.
8 Malice is hatred, ill will, hostility towards another person.
9 It is the intentional doing of a wrongful act without just
10 cause or excuse and with an intent to inflict an injury or
11 under circumstances that the law would infer evil intent.
12 Malice aforethought does not require that malice exist for
13 any particular time before the act is committed, but malice
14 must exist in the mind of the Defendant just before and at
15 the time the act was committed. Therefore, there must be a
16 combination of previous evil intent and the act.

17 If you find that the State has failed to prove beyond a
18 reasonable doubt the Defendant committed murder, you may
19 consider whether the State has proved beyond a reasonable
20 doubt the Defendant committed voluntary manslaughter. I will
21 charge you the law with regard to what voluntary manslaughter
22 is. To prove voluntary manslaughter the State must prove
23 beyond a reasonable doubt that the Defendant took the life of
24 another in the sudden heat of passion based on sufficient
25 legal provocation. Both heat of passion and sufficient legal

1 provocation must be present at the time of the killing to
2 constitute voluntary manslaughter. Sudden heat of passion
3 may, for a time, affect a person's self-control, temporarily
4 disturb a person's reason. Sudden heat of passion must be the
5 type that would make an ordinary person unable to clearly
6 reflect on his actions and produce an uncontrollable
7 influence to do violence. Sufficient legal provocation must
8 be the type to make a person of ordinary reason and caution
9 to become enraged, to lose control temporarily. Provocation
10 needed for voluntary manslaughter must come from some act by
11 or related to the victim. Words alone, however vulgar or
12 insulting, are not enough to be legal provocation. When death
13 is caused by the use of deadly force, the words must be
14 accompanied by some overt act, threatening act, to produce
15 heat of passion. The exercise of a legal right, no matter how
16 offensive it is to another, is never sufficient legal
17 provocation for voluntary manslaughter. If the heat of
18 passion can cool, if there was enough time between the
19 provocation of any killing for the passion of a reasonable
20 person to cool, the killing would not be voluntary
21 manslaughter. In deciding whether a reasonable person would
22 have had enough time to cool off, you should consider all the
23 circumstances surrounding the killing. You may consider the
24 nature of the provocation and the Defendant's mental and
25 physical state, the circumstances, and the relationship

1 between the parties.

2 I'll charge you the substantive law with regard to the
3 defense of self-defense. The Defendant has raised the defense
4 of self-defense. Self-defense is a complete defense. If it is
5 established, you must find the Defendant not guilty. The
6 State has the burden of disproving self-defense by proof
7 beyond a reasonable doubt. If you have a reasonable doubt of
8 the Defendant's guilt after considering all the evidence,
9 including the evidence of self-defense, you must find the
10 Defendant not guilty. If, on the other hand, you have no
11 reasonable doubt of the Defendant's guilt after considering
12 all of the evidence, including the evidence of self-defense,
13 then you must find the Defendant guilty.

14 The following elements are required to establish self-
15 defense. First, the Defendant must be without fault in
16 bringing on the difficulty. If the Defendant's conduct was
17 the type which was reasonably calculated to or did provoke a
18 deadly assault, the Defendant would be at fault for bringing
19 on the difficulty and not be entitled to an acquittal based
20 on self-defense. If the Defendant voluntarily participated in
21 mutual combat for purposes other than protection, the killing
22 of the victim would not be self-defense. This is true even if
23 during the combat the Defendant feared death or serious
24 bodily injury. However, if before the killing is committed
25 the Defendant withdraws to try, tried in good faith to avoid

1 further contact, either by word or act, and makes that fact
2 known to the victim, he would be without fault in bringing on
3 the difficulty. In mutual combat, there must be a mutual
4 intent and willingness to fight. This intent may be shown by
5 the acts and conduct of the parties and circumstances
6 surrounding the combat. In addition, it must be shown that
7 both parties were armed with a deadly weapon.

8 The second element of self-defense is that the Defendant
9 was actually in imminent danger of death or serious bodily
10 injury or that the Defendant actually believed he was in
11 imminent danger of death or serious bodily injury. If the
12 Defendant was actually in imminent danger, it must be shown
13 that the circumstances would have warranted a person of
14 ordinary firmness and courage to strike the fatal blow to
15 prevent death or serious bodily injury. If the Defendant
16 believed he was in imminent danger of death or serious bodily
17 injury, it must be shown that a reasonably prudent person of
18 ordinary firmness and courage would have the same belief. In
19 deciding whether the Defendant was or believed he was in
20 imminent danger of death or serious bodily injury, you should
21 consider all the facts and circumstances surrounding the
22 crime, including the physical issues and characteristics of
23 the Defendant and the victim. The Defendant does not have to
24 show that he was actually in danger. It is enough if the
25 Defendant believed he was in imminent danger and if a

1 reasonable and prudent person of ordinary firmness and
2 courage would have the same belief. The Defendant has the
3 right to act on appearances, even though the Defendant's
4 belief may have been mistaken. It is for you to decide
5 whether the Defendant's fear of imminent danger or death of
6 serious bodily injury was reasonable and would have been felt
7 by an ordinary person in the same situation. Words
8 accompanied by hostile acts may, depending upon the
9 circumstances, establish self-defense. Evidence of prior
10 difficulties between the Defendant and victim may be
11 considered in deciding whether a threat existed, whether the
12 Defendant had a reason to believe a threat existed, and how
13 serious that threat was. Relative sizes and ages and weights
14 of the Defendant and the victim may be considered in
15 determining apparent or actual need for force and self-
16 defense if you find force was needed. Threats made by the
17 victim may be considered in determining whether the Defendant
18 actually was or believed he was in imminent danger.
19 Intoxication of the victim may be considered in deciding
20 whether the Defendant's fear of death and bodily harm was
21 reasonable. The final element of self-defense is that the
22 Defendant had no other probable way to avoid the danger of
23 death or serious bodily injury than to act as the Defendant
24 did in this particular instance. The Defendant had no duty to
25 retreat, if, by doing so, the danger of being killed or

1 suffering serious bodily injury would have increased. A
2 person cannot be required to make an exact calculation as to
3 the degree or amount of force which may be needed to avoid
4 death or serious bodily harm. Therefore, in self-defense the
5 Defendant has the right to use the force needed to avoid
6 death or serious bodily harm. The force used in self-defense
7 did not have to be limited to the degree or amount of force
8 used by the victim. The Defendant has the right to use so
9 much force as it appeared to be necessary for complete self-
10 protection, in which a person of ordinary reason and firmness
11 would have believed to be needed to prevent death or serious
12 bodily harm. If the Defendant is justified in defending
13 himself or others in firing the first shot, then the
14 Defendant is also justified to continue to shoot until it is
15 apparent the danger of death or serious bodily injury is
16 completely ended.

17 At issue in this case is the issue of identification.
18 Pay very close attention. An issue in this case is
19 identification of the Defendant as the person who committed
20 the crime charged. The State has the burden of proving
21 identity beyond a reasonable doubt. You must be satisfied
22 beyond a reasonable doubt of the accuracy of the
23 identification of the Defendant before you may convict him.
24 Identification testify is an expression or belief, an
25 impression by the witness. You must determine the accuracy of

1 the identification of the Defendant. You must consider the
2 believability of each identification witness in the same way
3 as to other witnesses. You may consider whether the witness
4 had an opportunity to observe the Defendant at the time of
5 the offense. This will be affected by things like: how long
6 or short a time was available, how far or close the witness
7 was, the lighting conditions, whether the witness had the
8 chance to see or know the person in the past. Once again, I
9 instruct you that the burden of proof is on the State and
10 extends to every element of the crime charged. This
11 specifically includes the burden of proof, beyond a
12 reasonable doubt, of the identity of the Defendant as the
13 person who committed the crime. If, after examining the
14 testimony you have a reasonable doubt as to the accuracy of
15 identification, you must find the Defendant not guilty.

16 Mere presence at the scene is not sufficient to prove
17 someone guilty of a crime. Defendant's presence where a crime
18 is being committed or mere association with a person who
19 commits a crime does not make a Defendant an accomplice or an
20 aider or abetter of the person committing the crime. The
21 burden is on the State to prove every element of the crime
22 charged. If you find, and after reviewing all of the evidence
23 that the State has proven the Defendant was only present at
24 the scene of the crime and they have not proved beyond a
25 reasonable doubt any other participation in the crime, you

1 must find the Defendant not guilty. The law is that proof of
2 one being at the scene of a crime is not sufficient to find
3 someone guilty.

4 I'll come forward and share with you the verdict form.
5 Mr. Foreman, I'm going to ask if you could stand.

6 FOREMAN: (Complies)

7 THE COURT: I'll go over this verdict form with you. It's
8 a two-page document. It's entitled verdict form. It's got the
9 State of South Carolina, County of Marlboro, State of South
10 Carolina versus Tyrone Quick. It's in the General Sessions
11 Court, which we mention in here and this is the indictment
12 number. There are two charges for you to consider. The first
13 of which is murder, which is what he was indicted for. It
14 says, as to the offense of murder, we, the jury, find the
15 Defendant: One, not guilty; two, guilty. If you find the
16 Defendant not guilty of murder, then you may consider the
17 lesser included offense of voluntary manslaughter. However,
18 if you find him guilty of murder, you must discontinue your
19 deliberations, because those are mutually exclusive. It can't
20 be both. It's either murder or voluntary manslaughter and
21 it's got a place as to the offense of voluntary manslaughter.
22 We find the Defendant either not guilty or guilty. It's got a
23 place for you to sign. A place for you to date it. Once
24 again, the verdict must be unanimous. It can't be eleven to
25 one, eight to four, six to six. Everyone has to agree. I'm

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 going to ask you to hold onto this verdict form and once
2 you've reached a verdict, I'm going to ask that you notify
3 the bailiff and we'll receive you back in. You can have a
4 seat.

5 Mr. Foreman, you, like everyone else, will have a vote
6 in the deliberation process, but you're going to have an
7 additional responsibility and that's to preside over the
8 deliberation process and that essentially means that
9 everyone's voice needs to be heard. You're to ensure that.
10 If, during the deliberation process someone gets up to use
11 the restroom, stop deliberations because everybody has to
12 participate in all of the deliberation process. There might
13 be a time where there's a question that arises. If that be
14 the case, reduce it to writing, give it to the foreman, then
15 give it to the bailiff. If it's something I can answer I
16 will. But you've heard the law and the law says that the
17 difficult question in this case you're going to have to
18 resolve is the factual question. If there's a question with
19 regard to the law, I can answer that. If, in your mind you
20 can't determine whether it's a question of fact or law, write
21 it down and if it's something I can answer, I will. I don't
22 anticipate there are going to be any questions because y'all
23 have listened to the evidence as it come from the witness
24 stand, you paid very close attention to the law as I charged
25 it to you. You have everything that's necessary to resolve

1 this case.

2 I'm going to ask that Ms. Spear and Ms. Warren stay with
3 us. They're alternates. We're going to ask that y'all stay
4 with us and ask that y'all return to the jury room. But once
5 again -- every time you've left the courtroom, I've told you
6 to go to the jury room and do not begin deliberations and
7 once again, I'm going to do that because I'm going to have to
8 talk to these very fine lawyers concerning whether or not
9 they have an objection as to the manner in which I charged
10 the law. If there is no need for me to bring y'all back in
11 here, we're going to gather up all the documentary evidence
12 and the bailiff will deliver that to you and tell you to
13 begin deliberations. But once again, do not begin
14 deliberations. I'm going to ask the alternates to remain with
15 us. And everyone remain seated as the jury exits the
16 courtroom, minus the alternates.

17 (Jury out at 12:24 P.M.)

18 THE COURT: Ms. Spears and Ms. Warren, I want to thank
19 y'all for being here. In the time that I've been on the
20 bench, it's not uncommon for us to have to activate an
21 alternate juror. These are important matters. Everybody, the
22 State and the Defendant, require there be twelve there to
23 deliberate. Quite often some of the jurors might get sick,
24 there might be an emergency, there might be a death in the
25 family. There are a number of things that can come up and

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 you're here sort of as our insurance policy and I thank you
2 for that. You have earned a three-year exemption by your
3 participation here this week. Your service here on the jury
4 is completed for the week and you're free to leave at this
5 point in time. I told you throughout the trial not to discuss
6 the case with anyone else. I'm releasing you from that order.
7 You can talk to anybody you want to about this case and if
8 someone tries to talk with you about it and you don't want to
9 talk to them about it, you don't have to. If they insist or
10 persist, then you identify them, get in contact with me and
11 I'll deal with them accordingly. Do y'all have any questions?

12 ALTERNATE JURORS: No, sir.

13 THE COURT: This is, indeed a public forum. If you have a
14 particular interest in this case, you're welcome to stay here
15 and wait for the jury to reach a verdict and if you would
16 rather leave and you have an interest about it, you could
17 call the clerk's office and ask what the verdict was. But
18 you're free to leave at this time. Thank you very much. I'm
19 going to ask the attorneys, first of all, Mr. Redmond do you
20 have any objection with regard to the charge?

21 MR. REDMOND: None at all.

22 THE COURT: Any from the Defense?

23 MR. HOBBS: None, Your Honor.

24 THE COURT: All right. I'm going to ask y'all to come
25 forward and look. The court reporter has the documents in

1 the clerk the verdict form.

2 THE FOREMAN: (Complied)

3 THE COURT: The verdict form appears to be in order and
4 I'll allow you to publish the verdict.

5 CLERK OF COURT: Indictment number 2012-GS-34-290, State
6 versus Tyrone Quick, murder. As to the offense of murder, we,
7 the jury, find the Defendant guilty. Signed Foreman, Danny
8 Robinson, the 2nd day of March, 2016.

9 Is this your verdict, so say you all or raise your right
10 hand.

11 (All jurors' right hand was raised)

12 THE COURT: Any additional request for polling from
13 either side?

14 MR. REDMOND: None from the State, Your Honor.

15 MR. HOBBS: I would ask that the jury be polled at this
16 time, Your Honor.

17 THE COURT: Very good.

18 CLERK OF COURT: Mr. Robinson, is this your verdict and
19 is it your verdict now?

20 MR. ROBINSON: Yes, ma'am.

21 CLERK OF COURT: Jennifer McCrimmon, is this your verdict
22 and is this still your verdict?

23 MS. MCCRIMMON: Yes.

24 CLERK OF COURT: Luke Pearson, is this your verdict and
25 is it still your verdict?

THE STATE OF SOUTH CAROLINA VERSUS TYRONE QUICK

1 amount, he's given credit for all it. There's a method by
2 which you can resolve it.

3 MR. HOBBS: Yes, sir.

4 MR. REDMOND: Thank you, Your Honor.

5 THE COURT: Mr. Quick, if you could come forward.

6 MR. QUICK: (Complies)

7 THE COURT: Mr. Quick, on indictment 2012-GS-34-0290,
8 murder, the sentence of the Court is, you will be committed
9 to the State Department of Corrections for a period of thirty
10 years and I'll give you credit for time served. Good luck to
11 you.

12 MS. MUNNERLYN: Thank you, Your Honor.

13 MR. REDMOND: Thank you, Your Honor.

14 THE COURT: Might counsel approach the bench?

15 MR. REDMOND: Yes, sir.

16 (Brief bench conference off the record)

17 (Court adjourned at 3:00 p.m.)

WITNESSES

John Hepburn

Bennettsville Police Department

Law Enforcement Case #: 11639-11

347

WAIVER OF PRESENTMENT

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

ARREST WARRANT NUMBER
MAR0065

ARRESTED ON: 2012-12-16

ACTION OF GRAND JURY

TRUE FILED

Grand Jury Foreperson

MAY 16 2012

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-34-0290

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
May 2012

THE STATE

vs.

Tyrone Quick

COPY
INDICTMENT FOR

Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Murder

§16-03-0010; 16-03-0020

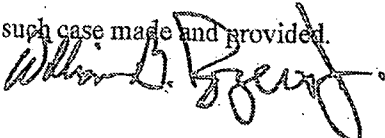
At a Court of General Sessions, convened on May 15, 2012, the Grand Jurors of Marlboro County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Tyrone Quick did in Marlboro County, on or about December 15, 2011, willfully, feloniously, and intentionally kill the victim, Patrick McLaurin, with malice aforethought, either express or implied, by means of shooting the victim, and the victim did die as a proximate result thereof on or about December 15, 2011 in Marlboro County, 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.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Marlboro

STATE

Tyrone Quick

AKA:

Race:

B

Sex:

M

Age:

49

DOB:

SS#:

Address:

City, State, Zip:

29512

DL#

SID#

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

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

INDICTMENT/CASE#: 2012-GS-34-0290

AW#:

K-098465

Date of Offense:

12/15/11

S.C. Code §:

16-63-10

CDR Code #:

0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO:

Murder

In violation of §

16-3-10

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

0116

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

The charge is:

☒ As Indicted.☐ Lesser Included Offense.☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☒ Without Negotiations or Recommendation.☐ Negotiated Sentence.☐ Recommendation by the State.

ATTEST:

R. Munnick 66284

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center.

for a determinate term of

30

days/months/years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and or payment

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

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

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

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

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

Clerk of Court/Deputy Clerk
Court Reporter:Michael M. Williams
p. Rice

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

prmts. of \$

\$ Paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date

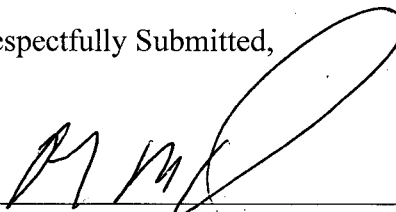
740

3/2/16

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 18th day of August, 2017.

RECEIVED

AUG 18 2017

SC Court of Appeals