

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable George C. James, Jr., Circuit Court Judge

Appellate Case No. 2018-000968

VERNON GOODWIN.....Petitioner,

v.

STATE OF SOUTH CAROLINA.....Respondent.

**APPENDIX
VOLUME 1 OF 2**

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State of South Carolina)
)
County of)
Sumter)
)

The State of South Carolina,
Plaintiffs

Transcript of Record
2011-GS-43-00881

vs.

Vernon S. Goodwin & Cameren L. Kelley,
Defendants

September 21-23, 2011
Sumter, S.C.

Before The Honorable Howard P. King, Judge.

APPEARANCES:

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

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

Mr. David F. Sullivan,
Attorney for Defendant Kelley

Mr. Calvin K. Hastie, Jr.
Attorney for Defendant Goodwin

Margaret T. Sullivan,
Court Reporter

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1 MR. MANNING: May it please the court,
2 this is 2011-GS-43-0881. The defendants, Your
3 Honor, are present in court represented by
4 Mr. Hastie; Vernon Godwin. Represented by
5 Mr. Sullivan; Cameren Kelley, Your Honor. The
6 defendants are charged with murder, burglary,
7 kidnapping, assault and battery with intent to
8 kill, assault with intent to kill, armed robbery,
9 and attempted armed robbery, Your Honor.

10 THE COURT: Step up a minute, counsel.

11 (Whereupon, the attorneys confer with the
12 judge at the bench.)

13 THE COURT: Ladies and gentlemen of the
14 jury panel, give me your attention, please. We
15 are about to commence the trial of the case of
16 State of South Carolina versus Cameren Kelley.
17 K-E-L-L-E-Y. And Vernon Goodwin. What I am
18 going to tell you now is not evidence in this
19 case, but it is simply the allegations of the
20 indictment that the State alleges that the
21 defendants were involved in. Count 1, is for
22 murder. And it alleges that Mr. Goodwin and Mr.
23 Kelley along with two others did in Sumter County,
24 on or about December 14th 2009, intentionally kill
25 Kemper Holliday with malice aforethought. That

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1 is the count for murder. On that same day, the
2 two defendants along with two others, did on
3 December 14th 2009, enter the dwelling of Lennie
4 Belton located at 7530 Odell Lane in Sumter.
5 And that is the charge of burglary first.

6 Count 3 is a count for kidnapping. It
7 alleges that on December 14th 2009, that the two
8 defendants, Mr. Goodwin and Mr. Kelley along with
9 two others, did kidnap Hugh Phillips. Also on
10 that date, that they did kidnap Ellen Phillips.
11 Also on that date that they did kidnap Lance
12 Orlando McCray. Also on that date that they did
13 kidnap Darren Graham. Also on that date, that
14 they kidnap Kemper Holliday. And also on that
15 date that they did kidnap Lennie Belton. Also on
16 that date did kidnap Maurice Ransom. Also on that
17 date that they did kidnap Tywan Ransom. Also on
18 that date that they attempted to kill; assault and
19 battery with intent to kill Hugh Phillips; assault
20 and battery with intent to kill Lance Orlando
21 McCray.

22 Also assault with intent to kill -- not
23 battery, but assault with intent to kill Tywan
24 T-W-Y-A-N Ransom. Assault with intent to kill
25 Maurice Ransom; assault with intent to kill Lennie

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1 Belton; assault with intent to kill Darren Graham.
2 Also on that date, assault with intent to kill
3 Ellen Phillips; also on that date assault with --
4 I mean an armed robbery of Tywan Ransom. Also an
5 armed robbery of Darren Graham. Also an armed
6 robbery of Maurice Ransom. Also an armed robbery
7 of Lennie Belton. Also an attempted robbery,
8 these are attempted armed robberies of Kemper
9 Holliday; attempted armed robbery of Lance
10 McCray; attempted armed robbery of Hugh Phillips.
11 And finally an attempted armed robbery of Ellen
12 Phillips.

13 Now these are only allegations of the
14 indictment. To these charges the defendant, the
15 two defendants, have pled not guilty, and asked
16 for a trial. But what I am telling you as I said;
17 is this is not evidence in this case. It's simply
18 the lawyers, I mean, simply the state's
19 allegations of the indictment. The defendant,
20 Mr. Kelley is represented by Mr. Sullivan. Mr.
21 Sullivan would you stand and introduce yourself to
22 the client, and have your client stand and face
23 the jury, please.

24 MR. SULLIVAN: Good morning, Ladies and
25 gentlemen, my name is Dave Sullivan. I am a

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1 Assistant Public Defender with the Public
2 Defender's office here in Sumter. And this is my
3 client, Mr. Cameren Kelley.

4 THE COURT: The defendant Mr. Goodwin, is
5 represented by Mr. Calvin Hastie. Mr. Hastie,
6 would you stand and introduce yourself and your
7 client?

8 MR. HASTIE: Good morning, I am an
9 attorney here in Sumter. My client is Mr. Vernon
10 Goodwin.

11 THE COURT: Thank you. You may be seated.

12 Ladies and gentlemen, before we select a
13 jury, I need to ask you some questions. I would
14 ask all of you; those of you who just reported
15 this morning and those of you who reported after
16 you have been here all week, you are all eligible
17 for jury duty on this case. And so I am going to
18 ask you some questions, and please listen to these
19 questions and respond accordingly.

20 Is there any member of the jury panel who
21 is related by blood or connected by marriage to
22 the defendant, Vernon Sentell Goodwin? If so,
23 please stand.

24 (Whereupon, no response.)

25 THE COURT: Is there any member of the

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1 jury panel who is related by blood or connected by
2 marriage to the defendant, Cameren, C-A-M-E-R-E-N,
3 Laroderick Kelley? If so, please stand.

4 (Whereupon, no response.)

5 THE COURT: Witness list, please, counsel.

6 Is there any member of the jury panel, who is
7 related by blood or connected by marriage to any
8 of the following people: Kemper B. Holliday,
9 Lennie Belton, Hugh Phillips, Ellen Phillips,
10 Lance Orlando McCray, Darren Graham, Kemper
11 Holliday, Maurice Ransom, Investigator Mike Bean,
12 Jeffrey Richardson, Lieutenant Terrance Colclough
13 of the Sumter County Sheriff's Office. Mike Bean
14 is also with the Sumter County Sheriff's Office.
15 Investigator Wesley Gardner of the Sumter County
16 Sheriff's Office, Sergeant Dorrise McGee of the
17 Sumter County Sheriff's Office, Investigator Bobby
18 Richardson of the Sumter County Sheriff's Office,
19 Captain James Turner of the Sumter County
20 Sheriff's Office, Sergeant Robert Burnish of the
21 Sumter County Sheriff's Office, Major Hampton
22 Gardner of the Sumter County Sheriff's Office,
23 Sergeant Ken Lindsey of the Sumter County
24 Sheriff's Office, Sergeant Clarence McMillan of
25 the Sumter County Sheriff's Office, Michelle

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1 Aiken Miller of the of South Carolina Law
2 Enforcement Division, Dr. Janice E. Ross, Brittany
3 Barwick of the emergency medical services, Carlton
4 Bracey, Calderone Bracey, Lennie Belton, Sierra
5 David, Darren Graham, Patricia Holliday, Pamela
6 Kelley, Lance McCray, Hugh Phillips, Tywan
7 Ransom, Maurice Ransom, Ellen Phillips, James
8 Hancock, Josuph Hopkins, Federick Hoyt, Gene
9 Morton, Thomas Strafford, Dominick West, Tylessa
10 Alston, Maurio Bracey, Darius Davis, Helen Ramos,
11 Andrea Reddick, Angela Pierson, Fred Nelson, Jim
12 Atkinson, Lieutenant Donnie Vickers.

13 Is any member of the jury panel related by
14 blood or connected by marriage to any of the
15 proposed witnesses; if so, please stand. Yes,
16 ma'am, your name.

17 THE JUROR: Delores Richardson.

18 THE COURT: Ms. Richardson.

19 THE CLERK: 209, Your Honor.

20 THE COURT: 209. Ms. Richardson, tell me
21 who you are related to.

22 THE JUROR: Bobby Richardson.

23 THE COURT: And what is the relationship?

24 THE JUROR: A brother-in-law.

25 THE COURT: A brother-in-law. He's a

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1 proposed witness in this case. Would the fact
2 that he is a proposed witness in this case, may or
3 may not be called, would that prevent you from
4 giving to both the State and the Defendant a fair
5 and impartial trial based on the evidence?

6 THE JUROR: I don't think so.

7 THE COURT: And you would be able to put
8 that aside and decide this case based on the
9 evidence you hear in this courtroom?

10 THE JUROR: Yes, sir.

11 THE COURT: And you would do that?

12 THE JUROR: Yes, sir.

13 THE COURT: You may be seated.

14 THE CLERK: There is one more standing,
15 Your Honor.

16 THE COURT: Yes, ma'am, your name.

17 THE JUROR: Terry Clyburn.

18 THE COURT: Do you recall your number?

19 THE JUROR: 30.

20 THE COURT: 30?

21 THE CLERK: Yes, sir.

22 THE COURT: Ms. Clyburn, what is your
23 situation?

24 THE JUROR: I am a cousin to Sergeant
25 Colclough with the sheriff's office.

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1 THE COURT: Cousin of who?

2 THE JUROR: Sergeant Colclough.

3 THE COURT: With the sheriff's office?

4 THE JUROR: Yes, sir.

5 THE COURT: Okay. Would that fact prevent
6 you from giving to the State and the Defendant a
7 fair and impartial trial based on the evidence?

8 THE JUROR: No, sir.

9 THE COURT: Would you be able to put that
10 aside and decide this case based on the evidence
11 that you hear in this courtroom?

12 THE JUROR: Yes, sir.

13 THE COURT: And would you do that?

14 THE JUROR: Yes, sir.

15 THE COURT: Okay, the defense counsel, and
16 you have already met Mr. Calvin Hastie and
17 Mr. David Sullivan. Has any member of the jury
18 panel been represented now or been represented in
19 the last 10 years by Mr. Sullivan or Mr. Hastie or
20 any member of the Sumter County Public Defender's
21 Office, if so please stand.

22 (Whereupon, no response.)

23 THE COURT: The State of South Carolina is
24 represented by Solicitor Ernest A. Finney, and
25 assistant solicitors, Glen Manning and John

1 Meadors. Gentlemen, if you would stand.

2 (Whereupon, no response.)

3 THE COURT: Is any member of the jury
4 panel represented now or been represented in the
5 past 10 years by Mr. Finney, either in his
6 capacity as a private attorney before he became
7 Solicitor or by Mr. Manning or Mr. Meadors? Or
8 any member of the Third Circuit Solicitor's
9 office? If so please, stand.

10 Yes, sir, come up. Yes, ma'am.

11 THE JUROR: Mr. Finney represented my son
12 a couple of years ago.

13 THE COURT: Is that matter over and
14 concluded?

15 THE JUROR: Yes, sir.

16 THE COURT: Give me your name.

17 THE JUROR: Maxine Witherspoon, 149.

18 THE COURT: Would that fact prevent you
19 from giving to the State and the Defendant a fair
20 and impartial trial?

21 THE JUROR: No, sir.

22 THE COURT: Would you be able to put that
23 aside and decide this case based on the evidence
24 you hear in this courtroom?

25 THE JUROR: Yes, sir.

1 THE COURT: Would you do that?

2 THE JUROR: Yes, sir.

3 THE COURT: Thank you.

4 THE COURT: Is any member of the jury
5 panel other than what has been disclosed to me,
6 close personal friends of any of the parties,
7 their lawyers, or any of the witnesses whom I have
8 read off to you? If so, please stand.

9 (Whereupon, no response.)

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

14 (Whereupon, no response.)

15 THE COURT: Ladies and gentlemen, in the
16 last few days there has been some publicity in the
17 local newspapers about the incident -- alleged to
18 have been involved on December 14th 2009. Is
19 there any member of the jury panel who has read
20 those stories in the Sumter Item, and having read
21 those articles would not be able to give both
22 sides a fair and impartial trial. In other words,
23 could still decide this case based upon what you
24 hear in this courtroom?

25 Any member who has read the articles and

1 would not be able to put that aside and decide
2 this case based upon what you heard in this
3 courtroom, or will hear in this courtroom? If so,
4 please stand.

5 (Whereupon, no response.)

6 THE COURT: Has any member of the jury
7 panel formed or expressed an opinion as to the
8 guilt or innocence of the defendant? Or either of
9 the defendants? If so, please stand.

10 (Whereupon, no response.)

11 THE COURT: Is any member of the jury
12 panel aware of any interest, any bias or any
13 prejudice for or against either of the defendants?
14 If so please stand.

15 (Whereupon, no response.)

16 THE COURT: Has any member of the jury
17 panel or a member of your immediate family, and I
18 define immediate family as spouse, parent,
19 brother, sister or child. Any member of the jury
20 panel or member of your immediate family been the
21 victim of a violent crime; that is, an assault or
22 an attack upon their person? If so, please stand.

23 Yes, ma'am. Tell me your name.

24 THE JUROR: Chris Hinson.

25 THE COURT: Hinson. 180. Ms. Hinson, was

1 it upon you or a member of your family?

2 THE JUROR: A member of my family.

3 THE COURT: And who was the member?

4 THE JUROR: My brother.

5 THE COURT: How long ago was that?

6 THE JUROR: 9 years.

7 THE COURT: Was the person responsible for
8 that, indicted and tried?

9 THE JUROR: Yes.

10 THE COURT: And has that matter been
11 concluded?

12 THE JUROR: Yes.

13 THE COURT: Would that fact prevent you
14 from giving both the State and the Defendant a
15 fair and impartial trial based on the evidence?

16 THE JUROR: No, sir.

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

20 THE JUROR: Yes, sir.

21 THE COURT: Would you do that?

22 THE JUROR: Yes, sir.

23 THE COURT: Yes, ma'am, lady in the black
24 hat.

25 THE JUROR: Martha Landrum. No. 91.

1 THE COURT: Just a moment. Ms. Landrum.

2 Mr. Landrum, tell me about your situation.

3 THE COURT: My sister-in-law was murdered.

4 THE COURT: How long ago was that, Ms.
5 Landrum?

6 THE JUROR: 20 years.

7 THE COURT: Was that here in Sumter or
8 somewhere else?

9 THE JUROR: No, it was another state.

10 THE COURT: Would that fact prevent you
11 from giving to both the State and the Defendant a
12 fair and impartial trial based on the evidence?

13 THE JUROR: No, sir.

14 THE COURT: Would you be able to put that
15 aside and decide this case based on the evidence
16 you hear in this courtroom?

17 THE JUROR: Yes.

18 THE COURT: Would you do that?

19 THE JUROR: Yes.

20 THE COURT: Thank you, ma'am. Yes, ma'am.

21 THE JUROR: My name is Johnny Jenkins.

22 THE COURT: What is your name again?

23 MR. FINNEY: 81.

24 THE COURT: Ms. Jenkins. Yes, ma'am, tell
25 me your situation.

1 THE JUROR: My daughter was -- she was
2 murdered in 1991, in New York City.

3 THE COURT: Was that here in Sumter?

4 THE JUROR: No, New York City.

5 THE COURT: New York City. Would that
6 fact prevent you from both the State and the
7 Defendant in this case a fair and impartial trial?

8 THE JUROR: Yes, sir.

9 THE COURT: It would?

10 THE JUROR: Yes.

11 THE COURT: Thank you, Ms. Jenkins.

12 MR. FINNEY: May we come forward?

13 THE COURT: Let me finish. Yeah, come on
14 up. Ms. Jenkins, did you tell me you could put
15 that aside and decide this case based on the
16 evidence you hear in this courtroom? Ma'am?

17 THE JUROR: Yes, I can put it aside.

18 THE COURT: Okay, fine. Thank you.

19 Can each member of the jury panel other
20 than what has been disclosed to me, give to the
21 State and the Defendant a fair and impartial
22 trial? If not please stand.

23 (Whereupon, no response.)

24 THE COURT: Other than what has been
25 disclosed to me, does any member of the jury panel

1 know of any reason whatever why he or she should
2 not serve as a juror in this case? If so, please
3 stand.

4 (Whereupon, no response.)

5 THE COURT: Are there additional questions
6 on behalf of the State, Mr. Manning?

7 MR. MANNING: None, Your Honor.

8 THE COURT: On behalf of the Defendant,
9 Mr. Kelley, Mr. Sullivan?

10 MR. SULLIVAN: No, sir.

11 THE COURT: Mr. Goodwin, Mr. Hastie.

12 MR. HASTIE: No, sir.

13 THE COURT: Mr. Clerk, give us a jury.

14 THE CLERK: Yes, sir. For the benefit of
15 the jurors, if your name is called, please come
16 through the double gate on your left. Come up and
17 stand in front of the bar, and face the back of
18 the courtroom. And on the gate on your right, the
19 single gate if it is more convenient come here and
20 stand in front of the bar for further
21 instructions.

22 THE CLERK: Juror No. 193 (m-w) Joshua
23 McKenzie. Accepted. Juror No. 22 Sharon Campbell
24 (f-b) accepted. No. 136 Susan Truluck (f-w)
25 defense struck. Juror No. 8 Charles Barnes (m-w)

1 accepted. Juror No. 152 Maurice Adger, (m-b)
2 accepted. Juror No. 128 Joseph Streath (m-w)
3 accepted. Juror No. 192 Edwin McElveen (m-w)
4 defense struck. Juror No. 138 James Jackson (m-b)
5 accepted. Juror No. 91 Matha Landrum (f-w)
6 defense struck. Juror No. 180 Kristi Hinson (f-w)
7 defense struck. Juror No. 76 April Hurley (f-w)
8 accepted. Juror No. 82 Kathrina Jenkins (m-w)
9 accepted. Juror No. 30 Terrie Clyburn (f-b)
10 defense struck. Juror No. 33 Candace Cox court
11 struck. Juror No. 109 William Noles (m-w) defense
12 struck. Juror No. 149 Maxine Witherspoon (f-b)
13 defense struck. Juror NO. 220 Michael Truesdale
14 (m-w) accepted. Juror No. 134 Juanita Thompson
15 (f-w) defense struck. Juror No. 99 Sherry McCoy
16 (f-w) accepted. Juror No. 162 Rita Cody (f-w)
17 defense struck. Juror No. 111 Keith Pandorf (m-w)
18 accepted. Juror No. 209 Deloris Richardson (f-w)
19 defense struck. Juror No. 74 Page Hoover (f-w)
20 accepted. Counsel first. Alternate Juror No.
21 first alternate, Juror No. 133 Harrell Thomas jr.
22 (m-w) accepted. Second Alternate Juror No. 59
23 James Gipson (m-b) accepted. Counsel third
24 alternate 1 and 2. Juror No. 221 third alternate
25 Manuela Weidensee (f-w) accepted.

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1 THE COURT: Is there anything with regard
2 to the striking the jury on behalf of the State,
3 Mr. Manning?

4 MR. MANNING: Nothing from the State, Your
5 Honor.

6 THE COURT: And I don't believe there are
7 any motions on behalf of the defense as the State
8 exercised no strikes. Ladies and gentlemen, drawn
9 for the trial of this case, there are some matters
10 that I have got to attend to, and that's going to
11 take a few minutes to do that. It will probably
12 take about a half hour. I am going to ask that
13 you go to your jury room for a minutes while we
14 take care of these administrative matters, and
15 then we will be ready to go forward.

16 There are a couple of things that I want
17 to tell you. First of all, I know you do not know
18 anything about this case except what I told you
19 basically the allegations of the indictment were.
20 But It would improper for you to discuss this
21 matter among yourselves while you are there in the
22 jury room, either now or at any time during the
23 trial of this case. Any deliberations or
24 discussion of this matter among yourselves would
25 be premature. You should not discuss this case

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1 among yourselves until all the testimony is in;
2 you have heard the arguments of counsel and the
3 instructions on the law by the court at the end of
4 the case. And you will be told when to begin your
5 deliberations by either me or the bailiff.

6 But in the meantime, do not discuss the
7 case among yourselves. You can talk about
8 anything you want to talk about, sports, children,
9 grandchildren or anything at all. But don't talk
10 about this case until I tell it is appropriate for
11 you to do so. Also I will tell you that, and we
12 are going to do a little bit of rearranging on
13 some of the chairs. But, the first 12 of you that
14 were drawn are the principal jury in this case.
15 The last three, and that is the gentleman seated
16 here, and the lady in the front, and the gentleman
17 back here, are the alternates.

18 And the alternates will always sit in the
19 same seat that they sit all the way through the
20 trial. The rest of the jurors, the 12 seats in
21 the jury box are not reserved. And it does not
22 matter how you come and go from courtroom. And
23 later on in this case, I will either appoint the
24 foreperson of the jury, or I will allow you to
25 select your own foreperson. And when I do that,

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1 the foreperson, will sit in the first seat on the
2 front row. But other than that, the rest of the
3 seats are not reserved. And you should -- and
4 you can sit in any of those seats. I would simply
5 ask that you go all the way down so it won't be a
6 situation of crawling over one another when you
7 come and go back and forth to the courtroom.
8 Reserving the first seat on the front row for the
9 foreperson when that foreperson is selected. And
10 then the alternate seats for them, so they will
11 always sit in the same place.

12 With those admonitions then, I am going to
13 ask you to go to your jury room and relax for a
14 few minutes while we take care of these
15 administrative matters and we will send for you
16 very shortly. Thank you, you may go with the
17 bailiff.

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

20 Any motions by the State, Mr. Manning?

21 MR. MANNING: I am sorry?

22 THE COURT: Any motions on behalf of the
23 State.

24 MR. MANNING: None, Your Honor.

25 THE COURT: On behalf of the defendant,

1 Kelley, Mr. Sullivan?

2 MR. SULLIVAN: Thank you, Your Honor. The
3 defendant Kelley has asserted that the written
4 statement that he made to law enforcement was not
5 voluntary pursuant to Jackson v. Denno.

6 THE COURT: Is that the only motion that
7 defendant Kelley has? Other than sequestration,
8 and we will put that on the record. Both parties
9 made a motion to sequestration. That was taken up
10 at pretrial conference. I grant your motion.
11 Your motion will be that the -- the motion for
12 sequestration is granted. Provided it will be
13 reciprocal. All parties will have to sequester
14 witnesses.

15 The State has the right to keep the
16 primary investigator and the victim in the
17 courtroom. There are several victims in this
18 case; in these cases. But they have a right to
19 keep the victims in the courtroom. But other
20 witnesses other than the victims in the various
21 cases and the primary officer, would be
22 sequestered. As I mentioned in chambers, counsel,
23 I want them close by, and I want them when they
24 are they called, to be able to come right in the
25 courtroom. I don't want any delay when one

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1 witness is excused and the next one takes the
2 stand. That's the sequestration issue, Mr.
3 Sullivan.

4 And we are going to take up the matter of
5 the Jackson v. Denno in just a moment. Any other
6 motions on behalf of the defendant? Your
7 defendant, Mr. Sullivan?

8 MR. SULLIVAN: Your Honor, there may be,
9 we would move have the criminal records of the
10 State's witnesses. there may be convictions that
11 could be used for impeachment purposes. And the
12 only other thing is---

13 THE COURT: Well in reading the rule it
14 requires that that record be given at the time the
15 witness is called.

16 MR. SULLIVAN: Okay. And just the
17 discovery issue that we talked about in chambers.
18 And that's all.

19 THE COURT: Well the only one that I know
20 we discussed that we may have a problem with is
21 perhaps a cell phone. And I will just have to see
22 when that comes up. And you will have to make
23 your objection at that time. And I will rule on
24 it at that time. If there are other matters that
25 come up during the course of the trial where there

1 have been discovery issues, and you haven't been
2 furnished the information, then you will just have
3 to make a motion and we will take it up at that
4 time.

5 MR. SULLIVAN: Yes, sir.

6 THE COURT: Mr. Hastie, again, other than
7 that cell phone issue and discovery issues, you
8 have a motion under Jackson vs. Denno?

9 MR. HASTIE: Yes, sir. That same motion.

10 THE COURT: Did he also -- did your client
11 also make a statement?

12 MR. HASTIE: Yes, sir.

13 THE COURT: So it is a motion to suppress
14 both statements; is that correct?

15 MR. HASTIE: That's correct.

16 THE COURT: Motion having been made to
17 suppress both of the statements of the defendants.
18 The burden shifts to the State, to show the
19 voluntariness of those statements. Mr. Manning,
20 you may present anything in the way of testimony
21 that you wish to present, and I will be glad to
22 hear from them at this time.

23 MR. FINNEY: Your Honor, please. Could we
24 have a conference at the bench?

25 THE COURT: Yes, sir.

1 (Whereupon, the court confers with the
2 attorneys at the bench.)

3 (State's Exhibit Nos. 1 through 16
4 marked.)

5 (Whereupon, the court takes a short
6 recess.)

7 THE COURT: We are back record in the
8 matter of the State vs. Kelley and the State vs.
9 Goodwin. The two defendants are present in the
10 courtroom with their counsel. The State is
11 present and represented by Mr. Finney and
12 Mr. Manning and Mr. Meadors. Is there anything
13 before we bring the jury in, Mr. Manning?

14 MR. MANNING: No, Your Honor.

15 THE COURT: Anything from the Defense,
16 Mr. Sullivan.

17 MR. SULLIVAN: No, sir.

18 THE COURT: Mr. Hastie?

19 MR. HASTIE: No, sir, Your Honor.

20 THE COURT: Bring the jury in, please.

21 (Whereupon, the following takes place
22 within the presence of the jury.)

23 THE COURT: Good morning again, Ladies and
24 gentlemen. Thank you for your patience in this
25 matter. And thank you for the short notice that

1 some of you have gotten in being here and willing
2 to do your civic responsibility. We are now ready
3 to go forward with this matter. And I am going to
4 ask that the clerk swear the jury, please.

5 (Whereupon, jury is sworn.)

6 THE COURT: Just for the record, so there
7 won't be any question about it, I think the
8 Defendant's name is Vernon Sentell S-E-N-T-E-L-L
9 Goodwin.

10 Ladies and gentlemen, before we begin the
11 actual trial of this case, I thought it be helpful
12 if I explain to you basically how a trial
13 proceeds. First of all, the State will make an
14 opening statement. An opening statement is not
15 evidence. It is simply an outline to help you
16 understand what the State expects the evidence
17 will show. The Defendants may if they wish to,
18 present an opening statement, but they don't have
19 to, for reasons that I will explain later.

20 Following the opening statement, you will
21 hear the testimony and evidence in this case.
22 This will consist of testimony from the State's
23 witnesses as well as, any physical exhibits which
24 may be introduced into evidence. Following the
25 completion of the testimony, the attorneys will

1 again have an opportunity to make what is called a
2 closing statement or summation to you.

3 This is an opportunity for the attorneys
4 to summarize the case from their perspective
5 points of view. Again, these arguments are not
6 evidence. Following the closing statements by the
7 attorneys, I will instruct you on the law of South
8 Carolina as it pertains to the issues that have
9 arisen in this case. And when I have completed my
10 instructions to you, you will be permitted to
11 begin your deliberations in order to reach a
12 verdict.

13 Now Ladies and gentlemen, you are now the
14 jury in this case. And I want to take a few
15 minutes to tell you something about your duty as
16 jurors, and to give you some preliminary
17 instructions. At the end of this trial, I will
18 give you a more detailed instructions and those
19 instructions will control your deliberations. It
20 will be your duty to decide from the evidence what
21 the facts are. You and you alone, are the judges
22 of the facts.

23 You will hear the evidence. Decide what
24 the facts are, and then apply those facts to the
25 law which the court will give to you. That is how

1 you reach your verdict. In doing so, you must
2 follow the law whether you agree with it not. The
3 evidence will consist of testimony of witnesses,
4 documents and other things received into evidence
5 as exhibits, and any facts on which the lawyers
6 agree, or which I may instruct you to accept.

7 Now you should not take anything that I
8 may say or do here in this trial as indicating
9 what I think of the evidence or what your verdict
10 should be. That is a matter that is solely up to
11 you. The same law that makes you the judge of
12 the facts, makes me the judge of the law. You
13 must take the law as I give it to you, regardless
14 of what you think the law is, or what the law
15 ought to be. If I am wrong on the law, there is
16 another time and place for this error to be
17 corrected. But for this case, you must accept the
18 law as I instruct it to you.

19 Now this is a criminal case brought by the
20 State of South Carolina. The State charges the
21 two defendants in this case with various charges.
22 The charges against the Defendant's are contained
23 in the Indictment. The Indictment is not evidence
24 of anything. It is simply the description of the
25 law made -- or a description of the charge made by

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1 the State against the Defendants. The Defendants
2 have pled not guilty to these charges and are
3 presumed innocent unless and until proven guilty
4 beyond a reasonable doubt.

5 A reasonable doubt is the kind of doubt
6 that would cause a reasonable person to hesitate
7 to act. A Defendant has the right not to testify
8 and never has to prove innocence or present any
9 evidence. The burden of proof is always on the
10 State of South Carolina. Now there are certain
11 things that are not evidence, and you must not
12 consider them as evidence in deciding the facts
13 for this case. Statements and arguments of the
14 attorneys are not evidence. Questions and
15 objections of the attorneys are not evidence.
16 Testimony that I instruct you to disregard is not
17 evidence.

18 Evidence may be direct or circumstantial.
19 Direct evidence is testimony by a witness about
20 what that witness personally saw or heard or did.
21 Circumstantial evidence is indirect evidence. The
22 law permits you to give equal weight to both. But
23 it is for you to decide how much weight to give to
24 any of the evidence. Now there are rules of
25 evidence which control what can be received in to

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1 court. When a lawyer asks a question or offers an
2 exhibit in to evidence, and the lawyer on the
3 other side thinks it is not permitted by the
4 rules, that lawyer may object. If I overrule the
5 objection, the question may be answered, or the
6 exhibit may be received. If I sustain the
7 objection, the question cannot be answered and the
8 exhibit cannot be received.

9 Whenever I sustain an objection to a
10 question or deny a motion to admit an exhibit into
11 evidence, you must ignore the question or
12 existence of the exhibit, and you must not guess
13 what the answer would have been, or what the
14 exhibit would have shown. Sometimes it may be
15 necessary for me to request that you leave the
16 room while I discuss with the attorneys legal
17 questions that come up during the trial.

18 If this occurs you should not speculate
19 about our discussion or the reasons that you were
20 asked to leave the room. This is simply a
21 procedure which the law requires when certain
22 legal issues arise. There also may be occasions
23 when I ask the attorneys to approach the bench so
24 that I can discuss a legal issue with them in
25 private. I will do this as often as possible so

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1 that you will not be required to leave the
2 courtroom more than is absolutely necessary.

3 Again, if I ask the attorneys to step up
4 to the bench, or if I ask you to leave the
5 courtroom, please don't think that anybody is
6 trying to hide anything from you or keep any
7 evidence from you. This is simply a procedure
8 used by all lawyers and by all courts to determine
9 and decide legal questions. Now in deciding what
10 facts to believe in this case, you may have to
11 decide which witnesses to believe and which
12 witnesses not to believe. This is called
13 credibility.

14 You may believe everything a witness says
15 or only part of it or none. In deciding what to
16 believe you may consider a number of factors
17 including the witness' ability to see or hear or
18 know the things the witness testified to; the
19 quality of the witness' memory; what was the
20 witness' manner or demeanor when testifying;
21 whether the witness has an interest in the outcome
22 of the case or any motive, bias or prejudice;
23 whether the witness was contradicted by anything
24 the witness said or wrote before the trial or by
25 any other evidence; and how reasonable was the

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1 witness' testimony when considered in the light of
2 other evidence.

3 Now just a few words to you about your
4 conduct as jurors. Some of which I have already
5 mentioned, but they are important enough that they
6 bear repeating. Do not talk to each other about
7 this case until the end of the case when you go to
8 the jury room to decide on your verdict. Do not
9 talk with anyone else about the case until the
10 trial is ended following your verdict and you have
11 been discharged as jurors. This means do not
12 discuss the case with members of your family,
13 friends or with anyone else. You may tell them
14 that you a juror, but don't tell them anything
15 about the case until you have been discharged by
16 me. Do not let anyone talk to you about the case.
17 If anyone should try to talk to you about the
18 case, get their name and their description and
19 report it one of the bailiffs. They will report
20 it to me, and I will deal with them.

21 Do not read any news stories or articles
22 or listen to any radio or television reports about
23 the case. If there is anything in the newspaper,
24 just simply put that story aside but do not read
25 it. Or anything on the broadcast media, simply

1 turn it off, but do not listen to it. In due
2 respect to all my friends in the news media, they
3 do not always accurately report what I set out in
4 court.

5 You are not to consider as evidence
6 everything you may see and hear when court is not
7 in session. Do not do any research; such as,
8 consulting dictionaries or other reference
9 materials or internet. Do go on the internet or
10 try to find out anything about this case in any
11 manner whatsoever on your own. And finally and
12 probably most important, do not make up your mind
13 about what your verdict should be until you have
14 heard all of the evidence in this matter, the
15 arguments of counsel and the instructions on the
16 law by the court.

17 You will be instructed on when to begin
18 your deliberations by either me or the bailiffs.
19 Any objection to my opening remarks on behalf of
20 the State, Mr. Manning?

21 MR. MANNING: None, your honor.

22 THE COURT: On behalf of the Defendant,
23 Mr. Sullivan?

24 MR. SULLIVAN: No, sir.

25 THE COURT: Mr. Hastie?

1 MR. HASTIE: No, sir, Your Honor.

2 THE COURT: Ladies and gentlemen, the
3 first matter that we have in any proceeding is the
4 matter of opening statements. And for that
5 purpose, I will recognize the Assistant Solicitor
6 on behalf of the State.

7 MR. MANNING: Thank you, Your Honor. May
8 it please the court.

9 THE COURT: Yes, sir.

10 MR. MANNING: Ladies and gentlemen of the
11 jury, my name is Glen Manning. I am honored to
12 work with the Solicitor's Office here in the Third
13 Judicial Circuit; Mr. Finney and other members of
14 the staff.

15 What I tell you now, I just want you to
16 listen. \$5,000; \$5,000. Those two defendants
17 over there, \$5,000. On or about December 14th,
18 Ladies and gentlemen, 2009, on a Monday evening,
19 at 750 Odell Lane in Rembert, South Carolina, one
20 person was shot and killed. He is the victim,
21 Kemper Holliday. Another victim was shot; not
22 killed, Hugh Phillips, who is seated right there
23 in the corner in a wheelchair. Lance McCray, who
24 is sitting back there. All for what? Because
25 there was a scheme set out by four defendants;

1 four persons at that time; to rob, steal money,
2 steal drugs. Just that simple. That's what they
3 went there for.

4 The State will show you, step by step,
5 what role each individual in the scheme of things.
6 All for what? To get money and drugs. No
7 question about it, money and drugs. The State
8 will show that there were four individuals. Two
9 of them went into the house. As a result of what
10 happened in the house, one person got killed, two
11 others got shot. And one of the defendants got
12 shot as well. Why? It all boils down to greed.
13 We will show that there was a scheme set in place
14 by one of the defendants, who masterminded the
15 entire thing.

16 And we will show you where it began, where
17 the actual crime took place. We will show you
18 that. And I am sure at the appropriate time, the
19 court will tell you what your role is. Murder,
20 burglary, armed robbery, kidnapping, assault and
21 battery with intent to kill, assault with intent
22 to kill, and attempted armed robbery. Those are
23 the charges. We will present this to you, the
24 witnesses and other evidence. And after all that
25 is done, look at what we will present to you. And

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1 ask that you just pay attention as I am sure Your
2 Honor will instruct you. And whatever verdict you
3 come up with at the end of the trial, that's your
4 verdict. That's your verdict.

5 Five thousand dollars. Why? \$5,000. All
6 of you, most of you probably have cell phones.
7 They are good. Cell phones. Why do you use cell
8 phones? Because you don't have to be a stationary
9 place. You can use a land phone. Bounce around,
10 jump and down, jump off buildings. You could come
11 in off the moon basically using a cell phone?
12 What is the purpose of a cell phone you never know
13 where the person is. If one of you called me from
14 a cell phone I have no clue where you are.
15 \$5,000.

16 Again, these defendants along with two
17 others, set out a scheme to rob. The robbery
18 went south, with a murder, assault and battery
19 with intent to kill. The whole 9 yards. We will
20 present evidence. Show you the duct tape and all
21 this, that was used. We will show you the guns
22 that were used. We will show you where the guns
23 came from. All for what? \$5,000. Thank you,
24 Your Honor.

25 MR. SULLIVAN: My name is Dave Sullivan.

1 I represent the gentleman at that table sitting
2 closest to you all, Mr. Cameren Kelley. I
3 appreciate you all being here today. The first
4 thing I am going to do is talk about some basic
5 concepts in our justice system. A lot of which I
6 echo what the judge has already told you.

7 And I am going to tell you a little bit
8 about the facts of the case, and what the
9 testimony is likely to show. You all are here for
10 a very important reason. You are called to decide
11 on the guilt or the innocence of a man. This is a
12 very serious responsibility, because the stakes in
13 a criminal trial are high. In a civil trial what
14 is at stake is normally just financial. What is
15 at stake in a criminal trial is a man's -- is a
16 person's freedom. In a civil trial the Plaintiff
17 is only required to tip the scales ever so
18 slightly to recover. But because so much more is
19 on the line in a criminal trial, the burden is
20 much higher.

21 The State must prove every element of the
22 crimes charged beyond a reasonable doubt. The
23 Defendant is not required to prove anything. And
24 the judge will instruct you all that should either
25 one of these defendants decide not to take the

1 stand; that you can't even consider that because
2 they don't have to prove anything, the State does.
3 Often there is no reason for a defendant to take
4 the stand. It just kind of depends on the type of
5 case it is. Because sometimes all the defendant
6 needs to do is illustrate the weaknesses of the
7 State's case. Every defendant charged with a
8 crime is presumed innocent until the State has met
9 its high burden of proving guilt beyond a
10 reasonable doubt.

11 And that's not some fancy legal idea, it
12 is a substantial right. What it means is; is
13 that, Mr. Kelley comes in to this courtroom with a
14 clean slate. And it means that the inquiry into
15 his guilt or innocence has just begun. Just
16 because the police have charged him with a crime
17 is not evidence of anything. You all are the fact
18 finders. You decide. You decide the guilt or
19 innocence of these defendants.

20 Now whereas, the judge is the ultimate
21 authority on the law, you all are the ultimate
22 authority on the facts. You have something
23 special that you bring to this process. You all
24 have a sixth sense that tells you when something
25 is not right. And you don't need any kind of

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1 legal training to be a juror. You have your life
2 experiences. Basically just to give you a kind of
3 a preview of what the testimony in this case is
4 going to show; that the State is going to try to
5 prove to you; is that, my client, Mr. Kelley,
6 drove Mr. Vernon Goodwin and two other individuals
7 to a trailer, and they let them out right at that
8 trailer; and where these two individuals committed
9 an armed robbery and murder. And some other
10 offenses.

11 You are going to hear that Mr. Hugh
12 Phillips was forced into the trailer and that
13 basically the two individuals tied everybody up
14 with duct tape and took their money. And then
15 gunshots broke out, and Kemper Holliday ended up
16 getting shot and killed. And the two other
17 individuals were shot.

18 What you all are going to need to try to
19 decide in this case is whether Mr. Kelley actually
20 drove these other individuals to this location.
21 And if he did, whether he even knew what was going
22 on; whether maybe he thought he was just giving
23 them a ride. And, I -- if the State can even
24 prove that he dropped them off. As the trial
25 progresses and you all listen to the testimony,

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1 by considering what physical and forensic evidence
2 that the State has provided that ties these
3 individuals to these crimes.

4 Look at the source of the testimony. And
5 this is very important. Because when you all hear
6 testimony, you have to kind of filter. You have
7 to look and consider whether the person that is
8 giving the testimony has reason to lie. And like
9 I said, this is very important. As you listen to
10 the testimony from these different witnesses, from
11 the State, consider what information they provided
12 to law enforcement at what point in the process,
13 keeping in mind that people generally remember
14 details of events when they first happen.

15 See if they testify to something different
16 or something that they say, something that they
17 never told the police to begin with. And look at
18 how thoroughly -- consider how thoroughly the
19 State is prosecuting this case. This is a serious
20 case. This is a murder, armed robbery case. The
21 testimony is going to show, you all are going to
22 find out that two individuals, and you are going
23 to hear testimony that there are only two
24 individuals who did this robbery. You are going
25 to find out that two individuals who committed

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1 these crimes already fessed up to them. And that
2 the only reason that we are here today, is these
3 two individuals who were caught, read their
4 rights, were the two individuals at the scene;
5 that the only reason that we're here today is
6 because they are using the, "He made me do it
7 defense." They got these guys. They had them
8 read their rights. So the only thing they can say
9 is, "They made me do it." And that's why we are
10 here.

11 I would ask that you all listen to the
12 testimony of all the, weigh all the evidence
13 before deciding the guilt or innocence of
14 Mr. Kelley. Don't deprive that man of his freedom
15 unless the State has met its burden of proving
16 every element of the crime charged beyond a
17 reasonable doubt. He is entitled to that. He is
18 entitled to a fair trial. Thank you.

19 THE COURT: Mr. Hastie.

20 MR. HASTIE: Thank Your Honor. May it
21 please the court.

22 THE COURT: Yes, sir.

23 MR. HASTIE: Good afternoon, Ladies and
24 gentlemen. My name is Calvin Hastie. I represent
25 Vernon Goodwin. Vernon is sitting over there by

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1 me. He is sitting there in the white shirt. I am
2 from Sumter. I grew up here on the South Side, on
3 South Main Street; and where I currently live. I
4 left there many years ago. Served in the
5 military. Served 20 years in the military.
6 Retired. Came back home, because I want to try to
7 help things around here in Sumter. But one of the
8 reasons why I went in to serve in the military is
9 because we wanted to preserve the right that you
10 are called for here today; that is, if someone
11 accuses you of a crime, you have the right to
12 confront your accuser.

13 And that's what Vernon Goodwin is here for
14 today. He waited for 19 months for this moment.
15 And he is happy to be here today. If I had to
16 select a theme of this trial here today, the theme
17 would be taking responsibility for our own
18 actions. All this talk about you heard from the
19 solicitor about this mastermind plot. A
20 6-year-old wouldn't have planned nothing this bad.
21 Who would call someone and say, "I want you to go
22 rob somebody," and call someone that doesn't even
23 have a gun; that doesn't have a mask; saying
24 somebody gave me the tape.

25 Did you ask the defendant -- did you ask

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1 the mastermind, how many people might be in this
2 house? You send two of us in. They were 8 people
3 in this house. They didn't even ask that there --
4 who were there. They didn't even ask, how many
5 people are in this house. No, they went. So
6 they say, someone told us to go. So at night,
7 just me and my brother, we decided to obey this
8 guy because he asked us to. It's sort of like the
9 devil made me do it theory here. But that's
10 absolutely ridiculous.

11 These Bracy boys went to rob this house.
12 They went to rob this house. A terrible plan on
13 their part. Because they walked in this house,
14 and there were 8 people in this house. And these
15 4 or 5 of them had guns themselves. But who is
16 going to rob a drug house; so they said. It was a
17 drug buy. Who is going to rob a drug house and
18 don't ask how many people are in this house?
19 Maybe they -- they may have someone outside
20 securing it; knowing those kinds of questions.

21 They foolishly walked in, forced their
22 way in, a lot of the shooting started. The
23 tragedy here today is not my client. The tragedy
24 here today is that we have got Kemper Holliday is
25 dead. These Bracy boys no one is accusing these

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1 two men over here with killing Kemper Holliday.
2 We know who shot Kemper Holliday. And you will
3 see that in the testimony. The theme, as I said
4 is taking responsibility. These Bracey boys have
5 lied to the Solicitor from day one. They told
6 lies to their family from day one. Either one of
7 them, he was shot lying on the ground. Shot, four
8 shots that had fired. They said well who was with
9 you. Did he tell the truth? No, he chose, that
10 could have been his last words. He chose to lie
11 anyway, instead of telling the truth. He knew his
12 brother was there. He didn't say that. He said
13 something differently. You will hear during this
14 trial. What kind of man his last statements, he
15 would chose to tell another lie. That's what we
16 will hear today.

17 But the Constitution of this Country, and
18 the Constitution of this State, says when you are
19 accused of something, the burden is not on you.
20 The burden is on the State to prove; not just, you
21 could have done it. The burden says beyond a
22 reasonable doubt. But that's what we want you
23 all to listen to today. Because you the only
24 folks to answer this question. Has the Solicitor
25 proven to you, not here, beyond a reasonable

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1 doubt. It's not your job here today to help the
2 Solicitor, by saying, "Well I don't know, maybe.
3 It could have happened like he said." No, he must
4 present evidence to you. You look for the
5 evidence that he is going to present to prove to
6 you that there was this mastermind theory. And
7 four guys, he is coming home from work. Someone
8 calls him on the phone, and says, "Oh, I want you
9 to go rob someone."

10 This guy was buying drugs. The deal went
11 bad. He was in a big shoot out. Someone got
12 killed. Two people got shot. You will here a lot
13 about the address of this place as we go through
14 this trial. But I just want you to remember that
15 the presumption of innocence in this country, is
16 like a robe of righteousness that we all wear.
17 And this robe to find someone guilty, it must be
18 removed. They can't pull on it. They can't tug
19 strings like a robe of righteousness. That's --
20 you have guaranteed rights. We all know in this
21 Country we are presumed innocent until the State;
22 not the judge; not your fellow jurors; not the
23 Solicitor or the Defendant's lawyers. Until the
24 State must prove beyond a reasonable doubt that
25 this crimes happened the way that it did.

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1 I submit to you after you hear the
2 evidence presented by the State, you will see the
3 holes in his mastermind theory. These are just
4 bad fellows; not very smart. Walked into a
5 hornet's nest and couldn't back out. I thank you
6 for your time here this morning. I just ask at
7 the end of day after you see the lack of evidence,
8 that you will rule that Vernon Goodwin is not
9 guilty of these charges. Thank you.

10 THE COURT: Counsel, come up a minute and
11 let us talk about the schedule.

12 (Whereupon, the attorneys approach and
13 confer with the judge.)

14 THE COURT: Ladies and gentlemen, I am
15 advised that we have got a matter that we have to
16 take up on the record. So we have got to work
17 another half hour or so to take care of this
18 matter. And then I don't want to keep you
19 waiting in the jury room. So I am going to go
20 ahead and allow you to go get lunch. And ask you
21 to be back in the jury room, please, at
22 2:00 o'clock. We will ready to go forward at that
23 time. Again, I will tell you, do not discuss the
24 case among yourselves. Do not allow anyone to
25 discuss it with you. And just forget about this

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1 case. Get your lunch and please be back in your
2 jury room at 2:00 o'clock, and we will see you at
3 that time. Thank you.

4 (Whereupon, the jury takes a lunch recess
5 and the following takes place outside the presence
6 of the jury.)

7 THE COURT: The defense, and each
8 defendant has challenged the statements made to
9 the police by challenging those statements. The
10 burden shifts to the State under the case of
11 Jackson vs. Denno to show that the statements were
12 freely and voluntarily given. Mr. Manning, you
13 may proceed.

14 MR. MEADORS: Dominick West.

15 DOMINICK WEST, after being duly sworn,
16 testified as follows:

17 (State Exhibit Nos. 17 through 20 for Id.)

18 THE CLERK: State your full name for the
19 record.

20 A Dominick West.

21 DIRECT EXAMINATION by Mr. Meadors:

22 Q Mr. West, Mr. Vernon Goodwin and
23 Mr. Cameren Kelley on February 19th 2010; okay, my
24 question would be directly related to you asking
25 both of these defendants some questions; you

Dominick West-direct by Meadors

1 understand that?

2 A Yes, sir.

3 Q First I want to show you what is marked as
4 State's 17 for identification at this point. Do
5 you recognize that?

6 A It's a Waiver of Rights Form, Sumter
7 County Sheriff's Office; printed out with the logo
8 with the Sheriff, Anthony Dennis' name on it.

9 Q And who were you talking to on State's 17?

10 A That was Mr. Cameren Kelley.

11 Q And please tell the judge where was this.

12 A Sumter County Law Enforcement in our
13 interview room.

14 Q What time was this?

15 A It would begin at 12:47 p.m.

16 Q And who else was present?

17 A It would be myself. I believe Mr. Vernon
18 Goodwin was there also.

19 Q And this was your reading of your rights
20 to Mr. Kelley?

21 A Yes, sir.

22 Q And would you please tell the judge how
23 you read those rights? And for the record, read
24 them as you did to Mr. Kelley in February in 2010.

25 A As I stated, it has got the Sumter Sheriff

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Dominick West-direct by Meadors

1 Office logo on it. Anthony Dennis as the
2 Sheriff. It states at the top, Miranda, Waiver
3 of Rights. Number one, "You have the right to
4 remain silent." It has a line beside it where you
5 put your initials at where you understand.

6 Mr. Kelley put his initials. And I put my
7 initials, DW.

8 Q So you read him that right and he
9 indicated he understood?

10 A Yes, sir.

11 Q Did he do that verbally and by writing his
12 initials?

13 A Yes, sir.

14 Q And did you write your initials.

15 A I did.

16 Q Go ahead.

17 A No. 2 states, "Anything you say can and
18 will be used against you in a court of law." Once
19 again, he initialed. And I put my initials to the
20 far left.

21 Q Please continue.

22 A No. 3 states, "You have the right to talk
23 to an attorney, have him present while you are
24 being questioned." Once again, he put his
25 initials. And I put my initials to the far left.

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Dominick West—direct by Meadors

1 No. 4 states, "If you cannot afford to
2 hire an attorney, one will be appointed to
3 represent you before any questioning if you wish."
4 Once again, he put his initials. I put my
5 initials to the far left. No. 5, "You can decide
6 at any time to exercise these rights and not
7 answer any questions or make any statements."

8 Q And underneath, go ahead, I didn't mean
9 to interrupt.

10 A Once again, he put his initials. I put my
11 initial at the far left.

12 Q And underneath that it says: "I
13 understand each of these above rights, which I
14 have been read and explained by you. Got your
15 name; correct?

16 A Yes, sir.

17 Q Of the Sumter Sheriff's Department. At
18 1:17 p.m.

19 A 12.

20 Q 12:17.

21 A That's 107 East Hampton Avenue.

22 Q I'm looking at the wrong form. And
23 underneath that, did you sign it and Mr. Goodwin
24 sign it?

25 A Mr. Kelley; yes, sir.

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Dominick West-direct by Meadors

1 Q Mr. Kelley, I apologize. Tell the judge
2 during this process, Mr. West, first of all,
3 could you understand him? Mr. Kelley?

4 A Yes sir.

5 Q And did he appear to understand you based
6 on his responses to your questions?

7 A Yes, sir, he did.

8 Q Were they content appropriate? Did you
9 ask him a certain question, or do you understand
10 these rights? I mean he didn't say something out
11 of the blue. Was it an appropriate answer he
12 gave?

13 A Yes, sir. Once I read him his rights, he
14 understood.

15 Q And were they timely?

16 A Yes, sir.

17 Q And you asked him do you understand it.
18 Did he wait a long time, or did he say I
19 understand?

20 A No, sir, he understood.

21 Q So after you read him his rights, it's
22 your -- you are telling His Honor based on the
23 time you spent with him he understood it.

24 A Yes, sir.

25 Q Did he appear to be under the influence of

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Dominick West-direct by Meadors

1 any alcohol or drugs or any other intoxicant?

2 A No, sir.

3 Q Did you smell anything?

4 A No, sir.

5 Q And during the time of reading these
6 rights, Mr. West, did he ever say, "Dominick,
7 don't talk to me?"

8 A No, sir.

9 Q Did he ever say, "Give me a lawyer?"

10 A No, sir.

11 Q After that, did you have the occasion to
12 read him "Waiver of Rights," underneath?

13 A Yes, sir, I did.

14 Q Please read it as you did then.

15 A At the bottom it states, "Waiver of
16 Rights." Having been advised of my rights, and
17 fully understand my rights, I do wish to answer
18 questions at this time. I do not wish to have any
19 attorney present. My decision to answer questions
20 now without an attorney is made freely and is on
21 my own choice. No one has threatened me in any
22 way or promised me anything."

23 Q And did he indicate to you he understood
24 that?

25 A Yes, him signing it.

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Dominick West-direct by Meadors

1 Q And did he also tell you, I understand it?

2 A Yes, sir.

3 Q And could you understand him when he was
4 telling you, "I understand it?"

5 A Yes, sir.

6 Q And, he signed it, and did you sign it?

7 A I did.

8 Q And what's the time on that, on his Waiver
9 of Rights?

10 A Again, at 12:47 p.m.

11 Q After that, did you have occasion to take
12 a statement from him?

13 A I did.

14 Q And I am not going to go over it now. I
15 am just going to show you what is marked State's
16 Exhibit No. 18. Is that it?

17 A Yes, sir.

18 Q At the top there is some background
19 information, Mr. West, like date of birth, Social
20 Security number. Did you have that with you, or
21 did he provide that?

22 A No, sir, he provided that in his own
23 handwriting.

24 Q Any trouble understanding Mr. Kelley when
25 he was giving you that information?

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Dominick West-direct by Meadors

1 A No, sir.

2 Q So when you asked for a Social Security
3 number, did he come right out with it?

4 A I didn't really ask for it. I told him to
5 fill -- asked him to fill out the top part and he
6 did it.

7 Q He knew it and just was able to provide
8 it.

9 A Yes, sir.

10 Q Now on this voluntary statement form,
11 after the background information, will you tell
12 the court, "I Cameren Kelley understand I do not
13 have to say anything. And I volunteer the
14 following information of my own free will for
15 whatever purpose it would serve. I can read and
16 write and have completed the 12th grade in
17 school."

18 A Yes, sir.

19 Q And that's on that form, so you found out
20 how far he went in school?

21 A Yes, sir.

22 Q And did he sign the bottom of this, and
23 did you sign it?

24 A He did.

25 Q And underneath the signatures, does it say

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Dominick West-direct by Meadors

1 he got a copy of each? A copy of this statement?

2 A Yes, sir.

3 Q And also, did you go over with him?

4 A Yes, sir.

5 Q And is that stated in your report?

6 A Yes, sir.

7 Q I have read each page of this statement.

8 Consisting of 2 pages. Each page which bears my

9 signature and corrections, if any. It bears my

10 initials. And I certify the facts contained here

11 are true and accurate?

12 A Yes.

13 Q I mean you all read that?

14 A Yes, sir.

15 Q And does this consist of 22 pages?

16 A Yes.

17 Q And on Page 2 is your signature down there

18 along with Mr. Kelly's?

19 A It is.

20 Q And actually there are a lot of -- well it

21 looks like it is crossed out back here. What's---

22 A His initials where he crossed out.

23 Q And did that signify he made some changes?

24 A Yes, sir.

25 Q Tell the judge, is there any doubt in your

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Dominick West-direct by Meadors

1 mind that he understood his rights, waived his
2 rights, and just gave you this statement?

3 A It was freely and voluntarily.

4 Q And did he ever ask you to stop talking to
5 him, and get a lawyer even during this process?

6 A No, sir.

7 Q Now going to Mr. Goodwin, I am going to
8 show you what is marked State's 19, do you
9 recognize this?

10 A Once again, it's a Miranda Warning, Waiver
11 of Rights Form.

12 Q And you said, were they both present? And
13 if you don't remember, that's fine.

14 A Yeah, I know they came up at the same
15 time. But present while giving a statement, I
16 doubt it. I believe Mr. Goodwin was in my office
17 at the time, and I was talking to Mr. Kelley.

18 Q And again specifically, for His Honor,
19 describe the room you were in.

20 A It's an interview room located inside the
21 investigations office, inside the Sumter County
22 Sheriff's office.

23 Q Pertaining to either individuals, Mr.
24 Kelley or Mr. Goodwin, were they provided the --
25 were they provided or if they would have asked,

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Dominick West-direct by Meadors

1 would they have been provided a restroom break?

2 A Yes, sir.

3 Q Through the rigors or nourishment if
4 requested?

5 A Yes, sir.

6 Q What time did you start reading the
7 rights for Mr. Goodwin?

8 A That was at 1:17 p.m.

9 Q Okay, and again, would you please tell
10 Your Honor how you read the rights to Mr. Goodwin?

11 A Yes, sir. Once again, it's the logo of
12 the Sumter County Sheriff's Office with Anthony
13 Dennis as the sheriff. Miranda Warnings, Waiver
14 of Rights. Number 1, you have the right to
15 remain silent. It has a line on this side with
16 his initials VG. My initials to the far left.
17 No. 2, anything you say can and will be used
18 against you in a court of law. His initials, VG.
19 My initials DW.

20 You have the right to talk to an attorney
21 and have him present while you are being
22 questioning. His initials VG. My initials DW.
23 If you cannot afford to hire an attorney, one will
24 be appointed to represent you before any
25 questioning if you wish. His initials VG. My

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Dominick West-direct by Meadors

1 initials DW. You can decide at any time to
2 exercise these rights and not answer any questions
3 or make any statements. His initials VG. My
4 initials DW.

5 Q And during that process, if that's the
6 right word. But during that questioning and
7 answering, did you have any trouble understanding,
8 Mr. Goodwin?

9 A I did not.

10 Q Did he appear to have any trouble
11 understanding you, based on his responses to you,
12 Mr. West?

13 A No, sir.

14 Q Were they timely content appropriate?

15 A It was.

16 Q Did you -- did he appear to be under the
17 influence of any alcohol, drugs or other
18 intoxicant?

19 A No, sir.

20 Q And at any time during this, these 5
21 questions, did he ask for a lawyer or say, please
22 don't talk to him?

23 A He did not.

24 Q And after that, did you -- did he sign
25 underneath the two lines that said he understood

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Dominick West-direct by Meadors

1 each of these above rights, and has been read and
2 explained by you? Did he sign underneath there?

3 A Yes, sir, he did.

4 Q And did you sign it?

5 A Yes, sir, I did.

6 Q Did he have any trouble signing it?

7 A No, sir.

8 Q And did you read him his Waiver of Rights?

9 And please do it for His Honor.

10 A I did. Once again, it states, "Having
11 been advised of my rights, and fully understanding
12 my rights, I do wish to answer questions at this
13 time. I do not wish to have an attorney present.
14 My decision to answer questions now without an
15 attorney is made freely, and is my own choice. No
16 one has threatened me in any way or promised me
17 anything."

18 Q And did Mr. Goodwin and did you sign it?

19 A Yes, sir. He still had to sign it, and I
20 signed it.

21 Q And the date and time is what?

22 A February 19th 2010. At 1:17 p.m.

23 Q Now you just read it. But tell His Honor
24 again at any point during the questioning of
25 either one of these individuals, did you threaten

000061

Dominick West-direct by Meadors

1 or coerce them?

2 A I did not.

3 Q Were you mean to them?

4 A I wasn't.

5 Q Did you hold out any threat or did you
6 promise them anything?

7 A I did not.

8 Q Hold out any hope of reward whatsoever?

9 A No, sir.

10 Q And I am showing you what is marked
11 State's 20 for ID. Did you have an occasion to
12 take a written statement also of Mr. Goodwin?

13 A Yes, sir, I did.

14 Q And for the record, it's just a 2-page
15 statement dated on February 19th?

16 A Yes, sir, it is.

17 Q And did Mr. Goodwin sign at the bottom,
18 and did you sign it?

19 A Yes, sir.

20 Q And is that right below where it says he
21 has read it, and the facts contained in here are
22 true and correct?

23 A Yes, sir.

24 Q And again, background information, he
25 provided that.

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Dominick West-direct by Meadors

1 A Yes, sir.

2 Q Did you have trouble understanding as he
3 was giving it to you?

4 A No, sir.

5 Q On the second page, does it have your
6 signature and Mr. Goodwin's at the bottom?

7 A It does.

8 Q And is the initial up here at the top?

9 A Yes, sir.

10 Q And briefly, and actually does the initial
11 show where it ended on the second page?

12 A He initialed it.

13 Q And what is the x for?

14 A So that no one can provide any more
15 information on that written statement without any
16 permission.

17 Q And did any time during this process, the
18 whole thing, did he ask for a lawyer?

19 A No, sir.

20 Q Would you have stopped if he had?

21 A Yes, sir.

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

24 Q State's 20 for Id., which is the statement
25 by Mr. Goodwin or Mr. Kelly's statement 18 for

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Dominick West-direct by Meadors

1 Id., were those in their handwriting or your
2 handwriting?

3 A Mr. Goodwin's was in my. Mr. Kelley was
4 in his.

5 Q Judge, I am almost through. One final
6 matter. State's Exhibit No. 21 for id. Do you
7 recognize this?

8 A That's when I went to the detention
9 center.

10 Q And those are rights again that were read
11 to Mr. Goodwin?

12 A Yes, sir.

13 Q And what if anything do you remember about
14 that?

15 A If there is no statement, there is nothing
16 that came about. It just -- I believe he probably
17 requested to talk to me, and I came down there.
18 And, you know, to go back over through the legal
19 terminology and read him his Miranda form.

20 Q Are the individuals that you took a
21 statement from on February 19th; specifically,
22 Mr. Goodwin, is he in the courtroom? And if so,
23 would you point him out to the judge?

24 A He is with Mr. Hastie, his client.

25 Q And Mr. Kelley, is he here?

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Dominick West-direct by Meadors

1 A Yes, sir. He is wearing a suit. A blue
2 shirt and suit.

3 Q And we would like the record to so
4 reflect, and I beg the court's indulgence. Thank
5 you.

6 THE COURT: Mr. Sullivan, cross
7 examination with regard to Mr. Kelley?

8 MR. SULLIVAN: Thank you, Your Honor.

9 Cross examination by Mr. Sullivan:

10 Q Hello, Investigator West.

11 A How's it going?

12 Q You obviously took this statement from
13 Mr. Kelley.

14 A I did.

15 Q And what law enforcement officers were --
16 this was at the law enforcement center; correct?

17 A Yes, sir.

18 Q What law enforcement officers were in the
19 room?

20 A I can only remember myself. If another
21 officer was there, he would have witnessed that
22 statement being taken. He would signed his name.

23 Q Okay. So there was another officer there
24 you think?

25 A I said, if he is present, he would have

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Dominick West-cross by Sullivan

1 been a witness on it. He would have made himself
2 known by signing that statement form.

3 Q Okay. Mr. Kelley is a young guy; isn't
4 he? Do you know how old he is?

5 A No, sir.

6 Q Okay. Him and Mr. Kelley and Mr. Goodwin,
7 came to the law information center with attorney
8 Tom Rutherford; didn't he? They?

9 A One time beforehand; yes, sir.

10 Q So as far as you were concerned, I mean,
11 you had nothing to indicate that Mr. Rutherford
12 wasn't representing him; did you?

13 A At that present time Mr. Rutherford came
14 in who wanted to question -- wanted Mr. Goodwin
15 for questioning. He came in and represented
16 Mr. Goodwin, as well as, he said he is
17 representing Mr. Kelley. So that was it.

18 Q So there was nothing to indicate to you
19 when you took their written statements that Todd
20 Rutherford wasn't representing Mr. Kelley; was
21 there?

22 A No, they both stated they didn't have an
23 attorney. They just represented Mr. Rutherford,
24 at the present time, at one time. That's all they
25 paid him for.

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Dominick West-cross by Sullivan

1 Q Okay. Did -- but Mr. Rutherford didn't
2 ever tell you he was representing him. They told
3 you that.

4 A They told me that.

5 Q When you -- around the time that you took
6 the statement, Mr. Kelley, he was in custody;
7 wasn't he? He wasn't free to go.

8 A I have to see the warrant.

9 Q Was he in handcuffs?

10 A No. No, sir.

11 Q He couldn't just leave; could he?

12 A Like I said, I have to pay attention,
13 coincide with the warrants and the day that he was
14 arrested.

15 Q Okay. So he could have been in custody
16 and not free to go at that point?

17 A I cannot answer that right now. I do not
18 know.

19 Q He seemed scared; didn't he?

20 A I mean a typical person would be scared if
21 they, based on what they know and were charged
22 with; and what they were questioned about.

23 Q You knew that he didn't have any criminal
24 history; didn't you? He didn't have any
25 experience with being in trouble; correct?

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Dominick West-cross by Sullivan

1 A I mean I dealt with. I do without the
2 criminal history; who got in to trouble.
3 Mr. Bracy didn't really have a criminal history.

4 Q Okay. And you said that he signed the
5 statement about the 12:40. Or when you saw he
6 gave the statement at 12:47 p.m. Is that when he
7 signed the statement or when he started giving the
8 statement?

9 A The Waiver of Rights form was done at
10 12:47 p.m. He, when he filled out the form, he
11 put in 12:47 as he began it. And that he ended on
12 the written statement at 12:27. It wouldn't have
13 took just that one cold minute to do that whole
14 statement. So it had to have been he just
15 coincided the time that he stated that he felt
16 that he needed to put 12:47 when he ended.

17 Q Okay. So how long was he in the interview
18 room at the law enforcement center before that?

19 A I can't say. At 12:47 p.m. we began the
20 statement, the interview process. He wrote a
21 statement of what his events of what he said that
22 happened. And then I took the next statement that
23 was like, it was one, it was one something. So it
24 was obviously was like 20 or so minutes---

25 Q Okay.

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Dominick West-cross by Sullivan

1 A Before I took the next statement.

2 Q And you told Mr. Kelley that if he wrote a
3 statement and put Benjamin McGee's name in it,
4 that he could walk?

5 A Why would I tell him that?

6 THE COURT: No, sir, you---

7 A I do not -- I do not know.

8 Q Okay. And the interview wasn't recorded
9 by audio or video; was it?

10 A No, sir, it was just written.

11 Q The video recording would show his
12 demeanor; wouldn't it? If he was scared?

13 A There was no video, so I can't tell you.

14 Q Okay, thank you.

15 THE COURT: Mr. Hastie, on behalf of
16 Mr. Goodwin?

17 MR. HASTIE: Yes, sir. Just one question,
18 Your Honor.

19 Cross Examination by Mr. Hastie:

20 Q Just one question. On -- Vernon signed
21 one statement on the 19th. That's the one that
22 he -- you wrote for him and he signed. Then the
23 second one is on the 21st. Through the 21st, two
24 days later?

25 A Another statement, or another Waiver of

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Dominick West-cross by Sullivan

1 Rights form?

2 Q Waiver of Rights?

3 A That's at the -- I believe at the jail
4 house. He showed me.

5 Q Did you memorialize that conversation with
6 Mr. Goodwin?

7 A No, sir. I don't -- it's nothing came
8 about it. Just I believe verbally wise, he just
9 said he didn't to do it.

10 Q But you didn't take any notes of that
11 conversation?

12 A It was nothing to go for evidence towards
13 this case. It was just that I went through the
14 procedure process to read his Miranda form before
15 I even talked to him about anything.

16 Q He invited you to come out, or you just
17 went out there to talk to him?

18 A Yes, sir.

19 Q He called you?

20 A It had to have been a bond hearing,
21 through a bond hearing type or just something.
22 It got -- you know, I went out there. So it was
23 nothing that I needed anymore from him---

24 Q Okay.

25 A Once he was arrested.

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Dominick West-cross by Hastie

1 Q You said this conversation started at
2 11:00 o'clock a.m. Have you got any idea how long
3 you talked with him that day?

4 A No, sir. Like I said, it was nothing
5 relevant that pertained to the evidence towards
6 the case or...

7 Q So nothing new was learned that day.

8 A Nothing new. Whatever he wrote on that
9 first day on that statement,---

10 Q Okay.

11 A ---that is what everything coincides with.

12 MR. HASTIE: Thank you very much then.

13 A All right.

14 THE COURT: Redirect, Mr. Meadors?

15 MR. MEADORS: Very briefly.

16 Redirect Examination by Mr. MEADORS:

17 Q The warrants had been served on him on
18 February 19th. And that's where you read him the
19 rights, and took his statements; correct?

20 A Through the warrants were served on
21 February 19th.

22 Q Yes, sir. I show you State's 22 for Id.
23 Does it show when that warrant was served on
24 Mr. Goodwin?

25 A The 19th.

000071

Dominick West-cross by Hastie

1 Q Of February.

2 A Yes, sir.

3 Q 2010. I think Mr. Sullivan may have asked
4 you about Mr. Rutherford.

5 A Yes, sir.

6 Q He was not a part of these when you read
7 him these Miranda rights; correct?

8 A No, sir.

9 Q I mean you asked them if they wanted a
10 lawyer; one could be appointed, and they waived
11 it; correct?

12 A When he came back in for questioning first
13 off, I asked them, didn't Mr. Rutherford represent
14 you the first time. They said they just paid him
15 for that one time just to see what was going on;
16 why their name was being called.

17 Q Okay.

18 A And they didn't have an attorney.

19 Q But I guess for the record, and for his
20 Your Honor, you specifically asked them and you
21 even had that discussion about that some point
22 Mr. Rutherford had been there.

23 A Yes, sir.

24 Q Previous to this.

25 A Yes, sir.

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Dominick West-redirect by Meadors

1 Q But at this point they were arrested. You
2 read them their rights. And they said; gave them
3 their rights that a lawyer would be appointed for
4 you. They waived that and gave you this
5 statement.

6 A I did.

7 Q And Mr. Rutherford never was involved in
8 this again or at all, as far as your knowledge;
9 correct?

10 A The only time he been is, he came to a
11 bond hearing. And that's when Mr. Kelley had a
12 reduction in his bond. And Mr. Vernon and
13 Mr. Goodwin.

14 Q After the Miranda rights.

15 A That was after. Yes, sir.

16 Q So I guess, again for the record, he
17 appeared at some point prior to the investigation?

18 A Yes, sir. And I believe that's by the
19 request of Mr. Kelly's attorney, Mr. Sullivan.

20 Q And when you were served warrants -- when
21 they were served warrants, both of them, didn't
22 tell you after they had counsel?

23 A No, sir.

24 Q Told them they could be appointed counsel.

25 A Yes.

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Dominick West-redirect by Meadors

1 Q And they waived those rights and gave you
2 a statement.

3 A Yes, sir.

4 MR. MEADORS. That's all, thank you.

5 THE COURT: Recross, Mr. Sullivan?

6 MR. SULLIVAN: No, sir.

7 THE COURT: Mr. Hastie?

8 MR. HASTIE: No, sir.

9 THE COURT: Thank you, sir. You may step
10 down. Mr. Meadors, any further testimony on this
11 issue?

12 MR. MEADORS: No, sir.

13 THE COURT: Mr. Sullivan, I will be glad
14 to hear from you with regard to -- by way of
15 argument.

16 MR. SULLIVAN: Thank you, judge. I've
17 never heard a law enforcement officer in a Jackson
18 v. Denno hearing say, let's, we coerced them. It
19 wasn't a voluntary statement. The best -- if the
20 videotape---

21 THE COURT: Well before we get there, let
22 me, maybe I should have told you this before I
23 called on you by way of arguments. Your client,
24 both of you clients have the right to present any
25 testimony that they want to present at this time,

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1 without waiving the 5th Amendment rights, if there
2 is anything that they would like to. If there is
3 any testimony or evidence that you wish to present
4 on this voluntariness issue, you certainly may do
5 so. Wait just a minute.

6 MR. SULLIVAN: Your Honor, I would call
7 Cameren Kelley to the stand.

8 THE COURT: Come around, Mr. Kelley..
9 Cameren Kelley, after being
10 duly sworn, testified as follows:

11 Direct Examination By Mr. Sullivan:

12 THE CLERK: State your full name and spell
13 your last name for the record.

14 A Cameren Kelley. K-E-L-L-E-Y.

15 Q Mr. Kelley, how many law enforcement
16 officers do you remember being there when you gave
17 a statement?

18 A It was a lady, but she was in another
19 room. But she didn't take any part in the
20 conversation that we had.

21 Q How did you get to the law enforcement
22 center? Did you go up there voluntarily, or did
23 the police bring you up there?

24 A Well I was charged with murder. I was
25 called and told that I was charged with murder.

1 Then my face was placed all over the news and the
2 Sumter Item and independent newspapers.

3 Q How long have you been up there in the
4 interview at the law enforcement center before you
5 gave them your written statement?

6 A How long did they have me?

7 Q How long did they have you up there in the
8 interview room?

9 A About, an average 30/35 minutes. About
10 that 30/35 minutes.

11 Q Were you provided food?

12 A No, sir.

13 Q Did you ask for food? Water? To go to
14 the bathroom?

15 A No, sir.

16 Q Was anybody there for you, as far as a
17 lawyer or family members or anything like that?

18 A Family members, that's it.

19 Q Family members?

20 A Yes, sir.

21 Q Did Investigator West tell you anything to
22 try to coerce you in to making the statement? Did
23 he promise you anything?

24 A If I wrote an individual name in the
25 statement, he promised me that it's a good chance

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Cameren Kelley-direct by Sullivan

1 I would walk.

2 Q Who is that?

3 A Benjamin McGee.

4 Q Were you scared?

5 A Yes, I was scared.

6 Q Have you been in trouble before?

7 A No, sir.

8 Q How old are you?

9 A I just turned 21.

10 Q Okay. Did you voluntarily give that
11 statement, or was it coerced?

12 A I was persuaded that it would be the best
13 thing for me to do.

14 Q Other than what you just said about
15 putting Mr. McGee's name in the statement; that
16 you would walk, was there any other promises, or
17 was that it?

18 A No, sir, that's it.

19 Q I can't remember if I asked you this, but
20 did law enforcement do anything else to make you
21 feel coerced to give that statement?

22 A No, sir. I was just scared.

23 Q Okay. Did you tell them that Todd
24 Rutherford wasn't representing you?

25 A Yes sir.

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Cameren Kelley-direct by Sullivan

1 Q Okay. Please answer the solicitor's
2 questions. Thank you, Mr. Kelley.

3 THE COURT: Mr. Meadors.

4 Cross Examination by Mr. Meadors:

5 Q Good afternoon, Mr. Kelley.

6 A Good afternoon.

7 Q February 19th to 2010, do you remember
8 getting served with the warrants in this case?

9 A Yes, sir.

10 Q And how far did you go in school then?

11 A I went to the 12th grade, but I had a son
12 coming, so I went and got my GED.

13 Q So you went to the 12th Grade. Had a
14 child on the way; went and got your GED.

15 A Yes, sir.

16 Q And got it.

17 A Yes, sir. In one month.

18 Q Do what?

19 A In one month.

20 Q In one month. So you seem like a very
21 intelligent person.

22 A Yes, sir.

23 Q And you would agree with that---

24 A Yes, sir.

25 Q ---for the record.

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Cameren Kelley-cross by Meadors

- 1 A I would say.
- 2 Q And you remember Dominick West over here.
- 3 A Yes, sir.
- 4 Q And do you remember the time you spent
5 with him in that room.
- 6 A Yes, sir.
- 7 Q At the law enforcement center. Mr.
8 Kelley, if the judge doesn't mind, and you don't
9 mind, I would like to approach you with the
10 court's permission.
- 11 THE COURT: Yes, sir.
- 12 Q This has been marked 17 for
13 identification. And do you remember when Dominick
14 asked you these questions, "You have the right to
15 remain silent?"
- 16 A Yes, sir.
- 17 Q And he did. I mean he did ask you that.
- 18 A Yes, sir.
- 19 Q And do you remember him doing his
20 initials?
- 21 A Yes, sir.
- 22 Q And those are your initials.
- 23 A Yes, sir.
- 24 Q You actually put your initials on it.
- 25 A Yes, sir.

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Cameren Kelley-cross by Meadors

1 Q And that was because you did understand
2 the rights when he read them to you.

3 A Yes, sir.

4 Q I mean, you are smart. I mean, when he
5 says to you, you have the right to remain silent,
6 you know what that means.

7 A Yes, sir.

8 Q I mean you see it on TV.

9 A Yes, sir.

10 Q So you signed it indicating you did
11 understand it.

12 A Yes, sir.

13 Q And all the way through; isn't that true?

14 A Yes, sir.

15 Q When he read it to you and you signed.
16 And I'll ask you like I asked him. Did you have
17 trouble understanding Dominick when he read it to
18 you?

19 A No, sir.

20 Q I mean, he was clear?

21 A Yes, sir.

22 Q And did you respond to him in a timely
23 manner? I mean, you know, he didn't wait. You
24 said, yeah, I understand them.

25 A Yes, sir.

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Cameren Kelley-cross by Meadors

1 Q And he read you this Waiver of Rights
2 here?

3 A Yes, sir.

4 Q And you signed that.

5 A Yes, sir.

6 Q And you understood that.

7 A Yes, sir.

8 Q And at no point during that time did
9 Mr. West threaten you or coerce you; did he?

10 A I wouldn't say it was -- he was -- he made
11 me and Vernon feel bad.

12 Q Made you and who?

13 A Vernon. Me and Vernon Goodwin. He was
14 telling us with us bringing Todd Rutherford the
15 first time he came up, that he didn't want to --
16 it wasn't the smartest thing to do. He didn't
17 want to talk to us at the time, so we felt like
18 our side of the story, he should know that we
19 didn't have nothing to do with it. And he was
20 threatening charges, saying he felt like we should
21 go up there and tell him. He wasn't trying to
22 charge me. They were trying to charge Vernon
23 Goodwin. I went up there and tell him, Vernon
24 didn't have anything there. Because he didn't.

25 Q But you all did drive him there; didn't

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Cameren Kelley-cross by Meadors

1 you?

2 A Yes, sir.

3 Q No question about that.

4 A We didn't drive him to Odell Lane. We
5 never dropped him off in that yard.

6 Q You drove him up the night, not far from
7 the house where these people got killed?

8 A We drove him to Rembert, South Carolina.
9 We did not take him to Odell Lane, drive him.

10 Q So you didn't take him right to the spot.

11 A No, sir, we did not.

12 Q But you took him up there; didn't you?

13 A Yes, sir. I got paid \$20 in gas.

14 Q You got paid to drive them.

15 A Yes, sir.

16 Q And it was your car.

17 A Yes, sir.

18 Q And they were in the back; the Bracy
19 fellows; correct?

20 A Yes, sir.

21 MR. SULLIVAN: Objection, relevance.

22 THE COURT: Objection sustained. This is
23 not -- go to voluntariness.

24 Q Now during, you signed here you understood
25 your rights; correct?

Cameren Kelley-cross by Meadors

1 A Yes.

2 Q And then, is this in your handwriting?

3 A Yes, sir, it is.

4 Q And you put in here what you wanted too.

5 They didn't tell you what to put in here; did

6 they?

7 A No, sir, he didn't. Besides that

8 individual name.

9 Q And who was that? I couldn't hear you.

10 A Benjamin McGee.

11 Q And who is that? You don't even know.

12 Your Honor, could he---

13 THE COURT: Answer out. We have got to

14 have a verbal response.

15 A I know him as a person, but I don't know

16 him. I guess. I don't know if he had something

17 to do with this crime or not because I wasn't

18 there.

19 THE COURT: No, sir, the question. Listen

20 to the question Mr. Meadows is asking you. Answer

21 the question. Rephrase the question, Mr. Meadors.

22 Q Do you know Mr. McGee?

23 A Yes, sir.

24 Q And did you end up putting in this thing?

25 A Yes, sir.

Cameren Kelley-cross by Meadors

1 Q And I your -- you said Mr. West if you
2 provided that name, then the charges will go away
3 or something. Well they didn't.

4 A Yes, sir. No, no, sir. Right after that,
5 I think a couple of weeks after that, is when he
6 resigned from the job at the Sumter County
7 Sheriff's office.

8 Q Well what has that got to do with
9 anything? That doesn't have a thing to do with
10 your testimony; does it?

11 A It could have went on...

12 THE COURT: No, sir. No, sir. Answer the
13 questions. You are not to ask and go in to what
14 you want to go into. Answer Mr. Meadors'
15 questions.

16 Q And finally, Mr. Kelly, on State's 18,
17 again if you don't mind me approaching. Did you
18 sign here at the bottom that you had read this and
19 understood it, and actually your statement?

20 A Yes, sir.

21 Q And, Mr. Kelley, on Page 2, on State's 18,
22 as a matter of fact, didn't you correct something
23 and actually put that?

24 A Yes, sir.

25 Q And Dominick didn't make you sign this;

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Cameren Kelley-cross by Meadors

1 did he?

2 A No, sir.

3 Q And for the record, you weren't under the
4 influence of any alcohol, drugs or any other
5 intoxicant; were you?

6 A No, sir.

7 Q I mean you knew what you were doing.

8 A Yes, sir.

9 Q Aware of your surroundings.

10 A Yes, sir.

11 Q And would you point out Dominick? Is that
12 Dominick West.

13 A Yes, sir.

14 MR. MEADORS: Thank you, that's all.

15 THE COURT: Redirect Mr. Sullivan?

16 MR. SULLIVAN: None, Your Honor.

17 THE COURT: Thank you, sir. You may step
18 down.

19 THE COURT: Mr. Hastie, any testimony on
20 behalf of your witness?

21 MR. HASTIE: None, Your Honor.

22 THE COURT: All right. Mr. Sullivan,
23 will now hear from you by way of argument.

24 MR. SULLIVAN: Mr. Kelley, is a young guy.
25 I believe he testified he hasn't been in trouble

1 before. He testified that Investigator West told
2 him if he said something in his statement; that he
3 would walk. He said he felt like he was coerced.
4 For those reasons, Your Honor, I would argue that
5 his statement was not voluntary.

6 THE COURT: Thank you, sir. Mr. Hastie.

7 MR. HASTIE: Your Honor, after hearing the
8 testimony of Officer West and also concerning the
9 second Miranda, there is no statement or anything
10 concerning that. I am satisfied -- I am satisfied
11 with everything. I have no further.

12 THE COURT: As I understand it, after the
13 second Miranda Warning there was no statement
14 made.

15 MR. HASTIE: That's correct.

16 THE COURT: And you don't have any
17 objection with regard to the first statement after
18 hearing the testimony.

19 MR. HASTIE: None at all.

20 THE COURT: Then that resolves the issue
21 as far as the defendant Goodwin, is concerned.
22 Mr. Meadors, I will hear you with regard to Mr.
23 Kelley's statement.

24 MR. MEADORS: May it please the Court,
25 Your Honor, we have provided testimony from

1 Investigator West; that he read the defendant his
2 rights, and he understood it. And he signed. And
3 in his own testimony, he is an intelligent young
4 man. He said I understood. The conflict is about
5 whether he said something may or may not have
6 happened, Investigator West's testimony, that he
7 didn't threaten him. He didn't promise him
8 anything. Did not hold out any hope of reward.
9 And to back that up and corroborate it, we have
10 the signature of the defendant. Several times.
11 Because specifically in the written statement in
12 his own handwriting, where it said, I know that, I
13 acknowledge this is my statement. It was freely
14 and voluntarily given.

15 So he acknowledged that at that time, to
16 corroborate I think Investigator West's statement.
17 I believe that statement was freely and voluntary
18 given. And we ask Your Honor to give us the
19 opportunity. I am not sure we are going to need
20 to present it, Judge. But hopefully, at this
21 point we have shown Your Honor, it was freely and
22 voluntarily given. Thank you, Judge.

23 THE COURT: Thank you, counsel. It is
24 axiomatic to a defendant in a criminal case, is
25 entitled to an independent evidentiary hearing to

1 determine the voluntariness of statements made
2 prior to the submission of such statements to the
3 jury. Thus where there is a conflict in the
4 evidence about a statement, the court must first
5 make a finding as to the validity of the
6 statement. And if the statement is found to be
7 valid by the court, it should be submitted to the
8 jury.

9 In making this determination the trial
10 judge should examine the totality of the
11 circumstances; including, the background,
12 experience and conduct of the accused surrounding
13 the evidence to determine whether the State has
14 met its burden of proving that the statement was
15 freely and voluntarily given so as to warrant the
16 admission of the statement.

17 The test of the admissibility of the
18 statement is whether it was knowingly,
19 intelligently and voluntarily given. A confession
20 may not be extracted by any sort of threats or
21 violence or obtained by any direct or implied
22 promises however slight. Or by the exertion of
23 improper influence. Part of the State's burden
24 during this hearing is to prove by a preponderance
25 of the evidence, that the statement was voluntary,

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1 and taken in compliance with the requirements of
2 Miranda vs. Arizona.

3 The State bears this burden of proof, even
4 where the defendant would sign the form. Although
5 custody is a factor in determining voluntariness,
6 the defendant need not show that he was in custody
7 at the time the statement was made, to request a
8 Jackson vs. Denno hearing on the voluntariness of
9 the statement. However, when a defendant does
10 not make a request under Jackson V. Denno, the
11 court must hold a hearing to determine whether the
12 statement was freely and voluntarily given.

13 The defendant, Mr. Goodwin, has through
14 his counsel, admitted to the voluntariness of the
15 statement that he gave. There was no second
16 statement given after the second Miranda Warnings.
17 And with that admission and consent the court does
18 find that the statement of Mr. Goodwin was
19 knowingly, intelligently and voluntarily given
20 after being advised of Miranda Warnings. With
21 regard to Mr. Kelley, when the court looks at the
22 totality of the circumstances, the education of
23 the defendant, the surrounding circumstances where
24 the statement was given to law enforcement, the
25 other matters in the record, concerning the

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1 understanding the Miranda Rights, and the
2 understanding that he was giving the statement
3 freely and voluntarily.

4 The court finds that the statement was
5 knowingly, intelligently, voluntarily made. And I
6 do find the defendant in custody at the time the
7 statement was given. I doubt that he was free to
8 go at that time, but the statement was given in
9 accordance with the requirements of Miranda vs.
10 Arizona. So the statement is therefore allowed in
11 the admissibility of the evidence.

12 Counsel, we are going to break for lunch
13 at this time. Before we go, what I want defense
14 counsel to do, both counsel to do, the State and
15 the Defendant is to get together on the rest of
16 the exhibits before you go to lunch, and decide
17 what is admissible that you all agree to, and
18 which are the ones that you do not agree to. And
19 then I am going to ask my Court Reporter to be
20 back at 10 minutes till two and you all prepared
21 to be back with her, and let her have an
22 opportunity to mark them at 10 minutes till two,
23 so we can start promptly with the jury at 2
24 o'clock.

25 I will come in a few minutes before two,

1 to make sure that everything has been marked. And
2 then we will put on the record what has been
3 admitted and marked for ID only. But everything
4 you all need to do before you go to lunch, and
5 take care of that. And then we will be prepared
6 to give them to Ms. Sullivan at 1:50.

7 MR. FINNEY: Your Honor, for the record,
8 we want a clarification from the court on the
9 issue of the sequestration of witnesses.

10 THE COURT: All right, sir.

11 MR. FINNEY: Your ruling was that the
12 victim would be allowed to stay.

13 THE COURT: Correct.

14 MR. FINNEY: We had two people, Mr. McCray
15 and Lance McCray. He is here in the red shirt.
16 He was shot that night. Mr. Hugh Phillips is in
17 the wheelchair. He was shot that night. There
18 are four others that were tied up with duct tape
19 that night at gunpoint. Would you consider
20 allowing them to stay, or do you want them to
21 move?

22 THE COURT: Are they charged with
23 something?

24 MR. FINNEY: They are victims in the sense
25 that they were tied up in the house.

1 THE COURT: Well I mean are the victims in
2 the sense that they are named as victims in one of
3 the counts of the indictment?

4 MR. MANNING: They are included in the
5 indictment.

6 THE COURT: Who are they?

7 MR. FINNEY: Lennie Belton. Is he here?
8 Lennie Belton is here.

9 THE COURT: What count in the indictment
10 applies to Mr. Belton?

11 MR. MANNING: Count 15.

12 THE COURT: Count 15. Assault with intent
13 to kill. Okay, he was a victim.

14 MR. FINNEY: Darren Graham.

15 THE COURT: Count 16, assault with intent
16 to kill. He is a victim.

17 MR. FINNEY: Tywan Ransom. He is in
18 school right now. We will have him here this
19 afternoon.

20 THE COURT: He can be here. Count 18, he
21 is a victim.

22 MR. FINNEY: Maurice Ransom.

23 THE COURT: Count 20. He is a victim.

24 MR. FINNEY: Ellen Phillips.

25 THE COURT: No. 10, Hugh Phillips. And

1 Ellen Phillips, Count 25. She is a victim.

2 MR. FINNEY: Thank you, Your Honor. Also
3 for clarifications, as far as the investigating
4 officers, Officer Bean was there collecting
5 evidence that night. In addition with Mr.
6 Gardner, we would like for him to be able to hand
7 us this evidence as we go through this trial.

8 THE COURT: What is your position, Mr.
9 Sullivan? That's not really the problem with the
10 sequestration. The sequestration problems you had
11 were with those people that were at the scene at
12 the time of the incident probably primarily, more
13 than anything else. But what is your position as
14 far as this man, this law enforcement officer
15 investigating, picking up evidence.

16 MR. SULLIVAN: I don't really have a
17 problem with Investigator Bean being in here.

18 THE COURT: With him being here?

19 MR. SULLIVAN: No, sir.

20 THE COURT: Mr. Hastie?

21 MR. HASTIE: I don't have a problem.

22 THE COURT: He may stay, as well as the
23 primary investigator.

24 MR. FINNEY: Thank you, Your Honor.

25 THE COURT: Any other questions? Take

1 care of the, get the exhibits and be prepared to
2 present to Ms. Sullivan at 1:50, and we will be
3 ready to go at that time. Thank you.

4 (Whereupon, the court breaks for lunch.)

5 THE COURT: It is pretty apparent my
6 instructions before lunch have not followed, but I
7 am not going to keep this jury waiting while the
8 State complies with the court's instructions. All
9 right bring the jury in.

10 (Whereupon, the following takes place
11 within the presence of the jury.)

12 (State's Exhibit Nos. 1 through 22 into
13 evidence.)

14 THE COURT: Mr. Manning, your next
15 witness.

16 MR. MANNING: Investigator Jeffrey
17 Richardson.

18 Investigator Richardson, being first
19 duly sworn, testified as follows.

20 THE CLERK: State your full name and spell
21 your last name for the record.

22 A Jeffrey Richardson.

23 Direct Examination by Mr. Manning:

24 Q Officer Richardson, you are an
25 investigator with the sheriff's department; is

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1 that correct?

2 A Yes, I am an investigator with the Sumter
3 County Sheriff's Office.

4 Q And how long have you served as an
5 investigator with the Sumter County Sheriff's
6 Department?

7 A With investigations, I have been an
8 investigator for a little over a year. And I have
9 been with the Sheriff's Office for 8 years, total.

10 THE COURT: Excuse me just a minute,
11 counsel, come up please.

12 (Whereupon, the attorneys approach the
13 bench and confer with judge.)

14 Q Since you have been an officer with the
15 sheriff's department, tell us some of the things
16 you have done over those years.

17 A I started my career in the patrol
18 division. Then canine handler on patrol division.
19 I worked my way up to senior corporal, which is
20 your basic level supervisor on patrol shift. And
21 then I transferred over into the narcotics
22 division. Which I am now currently serving in the
23 capacity as an investigator to the sheriff's
24 office.

25 Q Tell us a little bit of what you do now as

Investigator Richardson-direct by Manning

1 an investigator.

2 A I investigate drug cases, and other vice,
3 victim's crime cases.

4 Q Did you have an opportunity on or about
5 December 14th 2009, to respond to an incident,
6 that occurred on Odell Lane in Rembert, South
7 Carolina?

8 A Yes, sir. I was currently assigned to
9 patrol division on D shift. Working -- I was
10 working that night and received a call from
11 dispatch that there was a robbery and shots were
12 fired on Odell Lane. I responded. I was coming
13 from District 4 in the county, which is the area
14 of 378 and Cherryvale en route to Rembert. I
15 arrived on the scene. I estimate probably about
16 10 minutes after I received the call.

17 Q Were you the first responder there?

18 A Yes. I was the first one on the scene for
19 law enforcement.

20 Q Will you please tell us exactly what
21 observed when you first got there.

22 A As I first arrived at Odell Lane, as I
23 pulled up to front of the residence or the peak of
24 the driveways, I observed Mr. Belton and Mr.
25 Graham coming from what appeared to be kind of the

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Investigator Richardson-direct by Manning

1 left side of the trailer. And they were extremely
2 excited. They were telling me that some fellows
3 had broke in, and that their buddy was shot, and
4 they didn't think he was still alive. And there
5 was another fellow shot as well; at which time I
6 responded.

7 I went inside to check. And I observed
8 Kemper Holliday laying face down. He wasn't
9 breathing whatsoever. There was no movement; with
10 a pool of blood. So he, I presumed he was already
11 deceased. And there was another gentleman that
12 was laying kind of with his head towards Kemper's
13 feet, from Mr. Holliday's feet. And that was I
14 believe, Mr. Phillips. And he had been shot in
15 the back.

16 I then went back out. Did a preliminary
17 sweep to make sure there was nobody else around.
18 And then I waited for lieutenant who was the next
19 one on the scene, Lieutenant Terrance Colclough.

20 Q Let me back you up one second. You said
21 when you first got there, you saw Belton. Was
22 that Lennie Belton?

23 A Yes, one of the victims.

24 Q And you said there was a Graham. Was that
25 Darren Graham?

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Investigator Richardson-direct by Manning

1 A Yes, the other -- Mr. Graham was another
2 victim of the incident.

3 Q After you went inside, what, you came back
4 outside?

5 A Yes. I came back outside and checked the
6 rest of the parameter to make sure it was somewhat
7 secured, until I could get additional units to
8 assist. And I talked with my radio, because if
9 you are not with familiar with Odell Lane, it's in
10 the very north part of our county. Right up close
11 to Kershaw. And the radio reception for our WT's
12 is less than adequate at times. So I actually had
13 to get back on my car radio to advise them what I
14 had through the other units that were coming to
15 respond.

16 Q And how long was it before Lieutenant
17 Colclough got there?

18 A I believe it was somewhere around 4 to 5
19 minutes give or take. The actual time of arrival
20 is on our crime scene log. I just don't have that
21 in that in front of me at the moment.

22 Q Further, as part of your investigation,
23 when you came out, when you talked with Lennie
24 Belton, what did they tell you happened?

25 A They stated that two fellows ran up in the

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Investigator Richardson-direct by Manning

1 house. As I quote: "They ran up in the house,
2 and they tried to rob them." And then they shot
3 Mr. Holliday. Kemper Holliday, who is deceased.
4 And then they shot Mr. Phillips, who is sitting
5 behind your table.

6 Q So you were told that another individual
7 was shot, and it was not in the house.

8 A Yes. They had told me that Orlando
9 McCray, who was later identified as Lance Orlando
10 McCray, had been shot. And was taken by POV to
11 Kershaw. I believe; in the leg. And he had
12 busted out the back window to get away.

13 Q Now as a result of further investigation,
14 did you find any one of so called defendants,
15 present in the area?

16 A Yes, sir. When I spoke with Mr. Belton,
17 Lennie Belton, he stated that the subjects had ran
18 off to the left, and which would be coming out of
19 the residence to the left. So if you were facing
20 the residence towards the right, once I got an
21 additional unit there myself, I went looking for
22 that subject. I was a canine handler at the time.
23 I had contemplated putting my canine on the
24 ground. And decided it was going to be in the
25 best interest at the time, we wanted to go ahead

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Investigator Richardson-direct by Manning

1 and secure that area over there, because we heard
2 a noise.

3 And about 200 yards in to the brush line,
4 there was a couple of trees and bushes and stuff.
5 I actually found one of defendant's Calderon
6 Bracey, laying there on the ground. He had
7 suffered multiple gunshot wounds. And what I did
8 notice when I found Calderone was that he had one
9 house shoe, like a slipper, house slipper, that
10 most people would just wear around the house, on
11 his foot. And I had recognized it as being a
12 match to one that I had seen when I went in the
13 house to check when I first got there. And it
14 matched one that was in the living room.

15 Calderone also had a black bandanna pulled
16 around his neck. And there was gloves, black
17 gloves in the area as well. Calderone was
18 conscious and responsive upon my arrival. And he
19 stayed that way until EMS picked him up and took
20 him away. Once Lieutenant Colclough was on the
21 scene, he dealt with the house; I stayed outside.
22 And then I stayed with Mr. Bracey. He was,
23 Mr. Bracey was mirandized. And then I spoke with
24 Mr. Bracey about the incident. And he stated that
25 his cousin and him were going to rob the place.

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Investigator Richardson-direct by Manning

1 And that's pretty much the only statements that he
2 would actually make. The rest was just -- he
3 was -- he needed EMS help, because he didn't feel
4 well.

5 Q Now when Lieutenant Colclough got there,
6 were the two of you securing the crime scene?

7 A Yes. We secured the crime scene involved
8 in the house. And we completely roped off as much
9 of the yard and property adjacent to that house.
10 And all the way over, and a substantial amount of
11 area where Mr. Bracey was located as well.

12 Q Other than Mr. Bracey, Calderon Bracey,
13 that you found over to the right side of the
14 trailer, did you see any further defendants?

15 A No, sir, I didn't actually see any other
16 defendants. The only defendant I actually saw in
17 my initial response was Mr. Bracey.

18 MR. MANNING: Your Honor, I have no
19 further questions of this witness.

20 THE COURT: Mr. Sullivan.

21 MR. SULLIVAN: Thank you, Judge.

22 Cross Examination by Mr. Sullivan:

23 Q How are you doing Investigator Richardson?

24 A How are you doing, sir?

25 Q I am good. This incident occurred

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Investigator Richardson-direct by Manning

1 December 14th 2009.

2 A I believe so; yes, sir.

3 Q And you have worked a lot of cases since
4 then; haven't you?

5 A Yes, sir.

6 Q Can you remember the details of all the
7 cases that you worked off the top of your head?

8 A Substantial cases involving murders and
9 things of this sort; yes, sir, pretty much.

10 Q Okay.

11 A I haven't work many very many murders, so
12 it kind of stands out. I am not a criminal
13 investigator.

14 Q But to get ready to come to court, you
15 have to look over the incident report and
16 investigative summary; correct?

17 A I just glanced over the incident report.
18 It's not my -- I am not involved with the
19 investigative report for this case, sir.

20 Q Okay. So you are saying that you can
21 remember all of the details of this case off the
22 top of your head?

23 A I've glanced at my incident report, but I
24 am familiar with the details; yes, sir.

25 Q Okay. And what did, you said that you

Investigator Richardson-cross by Sullivan

1 talked to -- when you first got there, you talked
2 to Belton and Graham; that they were the first
3 individuals that you saw at the scene?

4 A Yes, sir.

5 Q Okay. And there were quite a few
6 individuals who were inside and around that
7 trailer; wasn't there?

8 A There is not as many as victims were
9 listed. There are other victims left prior to my
10 arrival. If you look on my report, I don't have,
11 that have my name on them, there is only a select
12 few of names in reference to that. The other ones
13 were identified later by the investigations of
14 what took place. And I have no knowledge of them
15 whatsoever.

16 Q Okay. To your knowledge, was there a 911
17 call made?

18 A Yes, we responded to a 911 call to
19 dispatch that there was a robbery and shots were
20 fired.

21 Q Okay. And that call was made from the
22 neighbor's house; correct?

23 A I don't know where the call came from.
24 Dispatch doesn't give us the origin of the
25 location. They just give us the address that we

Investigator Richardson-cross by Sullivan

1 need to respond to, sir.

2 Q And law enforcement didn't speak with the
3 individual who made that call; did they?

4 A My, don't, I can't comment for law
5 enforcement. I can comment for myself. And, no,
6 sir, I didn't. Once the scene was actually
7 secured, it was turned over to criminal
8 investigations at that point. And all I was
9 responsible for once they came on the scene, was
10 security; keeping people back on the crime scene
11 tape, sir.

12 Q And when you first got there and spoke
13 with Mr. Belton and Mr. Graham, they told you that
14 there was just two individuals that came to rob
15 the place; correct?

16 A They said that two people ran in the
17 house. That's what they told me; yes, sir.

18 Q And one of those individuals you found out
19 was Calderone Bracey?

20 A Yes, sir.

21 Q And he was the individual who was shot
22 several times who was lying on the ground when you
23 got there; correct?

24 A Yes, sir.

25 Q Did any of the witnesses you talked to,

Investigator Richardson-cross by Sullivan

1 tell you who shot Calderone Bracey?

2 A They didn't specify who was the shooter of
3 Calderone Bracey, no, sir; not to me.

4 Q Okay. All right. And law enforcement
5 recovered a number of guns from this location;
6 didn't they?

7 A I believe so, but there was another
8 officer and investigator. I don't have any direct
9 knowledge of where they were found. So I can't
10 provide any insight into that for you, sir.

11 Q Mr. Graham, do you know anything about a
12 gun that he had, or where his gun was recovered?

13 A No, sir. I don't have any direct
14 knowledge of the weapons. You'd have to ask the
15 officers who recovered them, sir.

16 Q You said that Mr. Calderone Bracey, the
17 individual who was shot, one of the individuals
18 who went there to rob the place, he seemed like he
19 was conscious and coherent?

20 A Yes, sir. He was coherent to speak to me.
21 He knew what was going on. He answered verbally.

22 Q Okay. And he told you that he went there
23 with his cousin to rob the place; didn't he?

24 A Yes, he did.

25 Q Okay. Well he didn't actually go there

000105

Investigator Richardson-cross by Sullivan

1 with his cousin to rob the place, as far as you
2 know; correct?

3 A I have no idea. I know that he told me
4 that he went with his cousin. I can neither
5 confirm nor deny whether or not his cousin was
6 involved. I don't know his family, sir.

7 Q Okay. So you don't know if Carlton Bracey
8 is his cousin.

9 A No, sir. I am the preliminary officer. I
10 did report on the scene for the incident, and that
11 is all. What might be found out later on in the
12 investigation was done by the investigators at
13 that time. I was just a road deputy, sir.

14 Q Okay. All right. One of the witnesses
15 you talked to, and you did write up an incident
16 report as a result of what you saw when you
17 responded; didn't you?

18 A Yes. I wrote a preliminary report with
19 basic information that was compounded and further
20 followed up by the criminal investigations unit.

21 Q Okay. And in the report that you wrote
22 up, you said that a witness said something about
23 that they saw a burgundy Cadillac?

24 A Yes, there was -- it was made mention. I
25 can neither confirm or deny whether or not there

000106

Investigator Richardson-cross by Sullivan

1 was even a burgundy Cadillac there. That was just
2 something that was made -- brought to my
3 attention. And I was trying to make
4 investigations aware of it on a preliminary
5 report; not the final report, sir.

6 Q Okay. But that is what a witness told you
7 was that they saw a burgundy Cadillac.

8 A Yes, sir. But by the end of the night
9 when everything was said and done, there was
10 probably 250 people out there. I don't know which
11 neighbors that were actually neighbors that spoke
12 on that. That's why I don't have their
13 information. They just wanted to remain
14 anonymous. And I can't confirm that they actually
15 witnessed anything. It was just a statement that
16 was made just so that the investigators know that
17 that was brought to my attention.

18 Q Did any of -- you said that there were
19 250 individuals out there?

20 A By the end of the night; yes, sir, the
21 crime scene was surrounded.

22 Q Can you estimate how many witnesses -- how
23 many individuals were in and right around the
24 trailer when you got there?

25 A Five or maybe somewhere around 5 to 7 max.

000107

Investigator Richardson-cross by Sullivan

1 These people started coming after word gets out.
2 If you know anything about people and word, once
3 that spreads everyone wants to come and took a
4 look. They were around the crime, but they never
5 got past the crime scene tape. The crime scene
6 was already clearly established before they
7 started to arrive. Then they decided they wanted
8 to find out what is going on. And everybody has
9 their own comments and ideas, sir.

10 Q Okay. The witnesses that you talked to,
11 none of them said that they saw Cameren Kelley
12 there; did they?

13 A No, sir.

14 Q None of the witnesses that you talked to
15 when you got there said that they knew that
16 Cameren Kelley had anything to do with; did they?

17 A No, sir.

18 MR. SULLIVAN: Thank you, investigator
19 Richardson. That's all the questions I have.

20 A Yes, sir.

21 THE COURT: Mr. Hastie.

22 Cross Examination by Mr. Hastie:

23 Q How are you doing, Investigator
24 Richardson?

25 A Good sir, yourself?

Investigator Richardson-cross by Sullivan

1 Q Fine. Now you said you are a -- you
2 mainly deal with drug cases.

3 A Currently. At that time, I was just a
4 patrol officer that responded to 911 calls. I
5 was -- that was it.

6 Q Okay. I think you described it, and said
7 just a road deputy at that time.

8 A Yes.

9 Q Okay. So, and you were the first one to
10 arrive; is that correct?

11 A Yes. Yes, sir.

12 Q And how were you notified?

13 A Dispatch. Dispatch call.

14 Q Over the radio. Got a dispatch. Shots
15 fired at Odell Lane.

16 A The comment was I believe, was an armed
17 robbery and shots fires. Yes, sir. On Odell
18 Lane.

19 Q Armed robbery and shots fired at Odell
20 Lane. So you took off there. You got there. Now
21 you said there are only about 5 people or so there
22 at the time.

23 A Yes, sir. A lot of people had left the
24 scene prior to my arrival. I know for a fact that
25 one was one of the victims identified as Lance

000109

Investigator Richardson-cross by Hastie

1 Orlando McCray. I was told that they had taken
2 him -- had been taken by POV; personally owned
3 vehicle, to the hospital for a gunshot wound.

4 Q The first person you made contact with
5 then was Lennie Belton; is that right?

6 A Yes.

7 Q And is it Darren Graham?

8 A I believe so. I am not familiar with his
9 first name right off the top of my head.

10 Q And what did these guys have to say?

11 A That two fellows ran up in the house and
12 tried to rob them. And shot them. And they
13 believed one of their buddies was dead. And the
14 other one -- there is another one in there shot.

15 Q Did either one of these young men have a
16 weapon in their hand at all?

17 A No, sir.

18 Q No weapons?

19 A No, sir. I didn't see any weapons when I
20 first responded.

21 Q Did you see any weapons in anybody's hand
22 when you first arrived there?

23 A No, sir.

24 Q Did Mr. Belton mention to you at the time
25 that he shot someone?

000110

Investigator Richardson-cross by Hastie

1 A No, sir.

2 Q So he just told you, "We were robbed."
3 Didn't tell you that, "I believe I shot one of
4 these guys."

5 A No, sir. But I did not interview him,
6 sir. I spoke to him preliminary, and secured the
7 scene. And then he was turned over.

8 Q Okay.

9 A So the further investigation would have
10 been done by an investigator that night.

11 Q Yes, sir. The question was, did he tell
12 you he shot anyone?

13 A Me, no, sir.

14 Q And you made a sweep around the area.

15 A Yes, sir. Looking for other suspects.

16 Q How far did you go around the trailer?

17 A To Odell Lane, which actually runs beside
18 the trailer.

19 Q Okay.

20 A And then looked around back. And then
21 waited on another unit so we could expand the
22 search. Because manpower, I couldn't go by
23 myself.

24 Q Did these two guys go with you when you
25 conducted a sweep or you were by yourself?

000111

Investigator Richardson-cross by Hastie

1 A I kept visual of them.

2 Q You kind of kept your eyes on them.

3 A Yes.

4 Q And while keeping your eyes on them, you
5 never saw them with a weapon at all.

6 A No, sir.

7 Q Now in your report you said something.
8 You and Major Gardner arrived. Was Major Gardner
9 with you, or he came shortly after?

10 A Major Gardner arrived later on. My
11 report, If I can look at it for a second, I am
12 pretty sure it doesn't say that we arrived
13 together.

14 Q Well he was on the scene, but that was
15 much later; is what you are saying?

16 A Yes, sir.

17 Q Okay. I thought he might have come with
18 you.

19 A Yes, sir.

20 Q You did say Lieutenant Colclough came on
21 the sight?

22 A Yes. He got there, I believe, with the
23 crime scene log maybe 5 minutes or so roughly
24 after I did. He was the second unit on the
25 scene. And the Sergeant Kevin as he was, shortly

000112

Investigator Richardson-cross by Hastie

1 after him.

2 Q So you stayed outside, and secured things
3 outside.

4 A Once the lieutenant got there, the
5 lieutenant dealt with the rest of this. And I
6 dealt with, after I relocated Calderone Kelley, I
7 had to deal with that. Because I couldn't leave
8 him over in the bush line by himself.

9 Q Did you see anyone at that time with any
10 guns?

11 A No, sir.

12 Q None.

13 A No, sir.

14 Q None.

15 A No, sir.

16 Q None of the victims. No one.

17 A No, sir. I never saw a gun that night
18 until after they collected them.

19 Q Okay. But Mr. Belton said he knew for
20 sure or thought for sure that someone had run off
21 to the left; is that correct?

22 A Coming out of the residence yes, left. If
23 you were looking at it, it would be to the right;
24 yes, sir.

25 Q About 200 yards into the brush?

Investigator Richardson-cross by Hastie

1 A I would estimate maybe 200 yards or so.

2 Q When did you go into brush to look for
3 this individual?

4 A After I got another unit that could go
5 with me.

6 Q Someone else went with you. Someone else
7 maybe tried to secure the outside.

8 A Sergeant Kevin Lindsey arrived. And
9 Sergeant Kevin Lindsey and I were the ones who
10 went into the area that they had heard -- that we
11 had heard some noises. And that Mr. Belton had
12 pointed that was the way the fellow had ran.

13 Q Did Mr. Belton go with you and point
14 exactly how he just pointed?

15 A He pointed that way, and then I told him
16 to stay in the residence with lieutenant and the
17 other units that were arriving at that time.

18 Q Was there an officer never at the home to
19 sort of keep his eyes on things that are going on
20 on the outside of that trailer?

21 A Lieutenant Terrance Colclough.

22 Q I thought he was inside.

23 A He was at the house, period.

24 Q Okay. He...

25 A I can't comment on anything that happened

Investigator Richardson-cross by Hastie

1 while I was dealing with Mr. Bracey.

2 Q So you did find Calderone. Was he about
3 200 feet away into the brush?

4 A About 200 yards.

5 Q Total yards.

6 A Estimated, sir.

7 Q Was he laying on his back or on his
8 stomach?

9 A He was laying on his back.

10 Q Laying on his back.

11 A Yes, sir. With one house shoe on him.
12 Multiple gunshot wounds. I saw at least 5.

13 Q You saw at least 5. That will be our
14 experts. How many gunshot wounds did you see?

15 A I saw at least appeared to me with no
16 medical -- official medical training, what
17 appeared to be 5 gunshot wounds.

18 Q Could you tell the jury approximately
19 where the shots if you can remember?

20 A I know they were to the torso area
21 predominantly. Because I can remember one in his
22 stomach, and one slightly above his butt, you
23 know, his back side. And the other ones were in
24 that same general vicinity. Most of them were
25 center mass for a better way to put it.

Investigator Richardson-cross by Hastie

1 Q So, but he was conscious.

2 A Yes.

3 Q He was conscious.

4 A Yes.

5 Q And you mirandized him?

6 A Yes, he was mirandized. I witnessed the
7 mirandizing. Kevin Lindsey is the one who
8 actually mirandized him.

9 Q So he was told he didn't have to any make
10 statements at all.

11 A Yes, he was advised of his Miranda Rights;
12 yes, sir.

13 Q You didn't make him sign anything.

14 A He had five gunshot wounds, sir.

15 Q You didn't make him sign anything.

16 A No, sir.

17 Q And then you asked him...

18 A I asked him what happened.

19 Q So you asked him what happened.

20 A Uh-huh. (affirmative.)

21 Q And normally on something of this nature,
22 wouldn't you take notes as to what is being said?
23 You all are trained to do that; aren't you?

24 A As laminated in my report that he had
25 stated that him and his cousin had come to rob the

Investigator Richardson-cross by Hastie

1 place.

2 Q So you are pretty sure about that.

3 A Yes, sir.

4 Q He is shot 5 times. And he was
5 mirandized, and you asked him a clear -- a simple
6 question. What happened. And he said, me and my
7 cousin, what?

8 A Came to rob the place.

9 Q Came to rob this place.

10 A Yes, sir.

11 Q Are you sure he didn't say, he and
12 somebody else?

13 A No, I am sure he said him and his cousin.

14 Q You are positive?

15 A Absolutely, sir.

16 Q Thank you very much. Did you see anyone
17 else in that wooded area running away or anything
18 like that?

19 A No, sir.

20 Q Did you see any guns in that wooded area?

21 A I didn't recover or see any of the guns;
22 no, sir.

23 Q It was dark.

24 A It was dark, and I didn't look.

25 Q Okay.

Investigator Richardson-cross by Hastie

1 A As long as there was nobody else, I was
2 mainly staying with Calderone until EMS could
3 transport him.

4 Q After he answered that question, did you
5 ask him any more questions about what happened?

6 A No, sir. It was shortly after that, that
7 he was getting loaded on the truck.

8 MR. HASTIE: Your Honor, I have no further
9 questions.

10 THE COURT: Mr. Manning, redirect?

11 Redirect Examination by Mr. Manning:

12 Q Officer Richardson, did you document in
13 anywhere in your report that Calderone referred to
14 the fact that he came with his cousin?

15 A He stated that him and his cousin came to
16 rob the place.

17 Q Did you document that in your report?

18 A Yes, sir. It should be on page 2 and
19 close to the bottom.

20 Q And one other thing, explain to us exactly
21 what you mean when you say you mirandized him.

22 A He was advised of his rights according to
23 Miranda vs. Arizona, the fact that he doesn't have
24 to say anything without an attorney. Anything he
25 says can be used against him in a court of law.

Investigator Richardson-cross by Hastie

1 He has a right to have an attorney before or
2 during questioning.

3 Q And he understood that.

4 A Yes.

5 Q And he gave you a statement.

6 A Yes. I asked him what happened, and he
7 told me that that's what happened. And then...

8 Q I would mark this for identification only.

9 (Report marked State's Exhibit No. 3 for
10 ID only.)

11 Q Is this your report?

12 A Yes, sir.

13 Q Okay. This report you prepared is the
14 result of the incident that night?

15 A Yes, sir. This is my preliminary report
16 of the incident.

17 Q Okay. In that record is it documented
18 that he referred to having come there with his
19 cousin?

20 A Yes, sir. On page 2 as I specified just a
21 moment ago, the last four lines, it states,
22 "Bracey was mirandized by Sergeant Lindsey. And
23 upon speaking with Bracey, he stated that he and
24 his cousin had come to rob the victims." And then
25 it says the scene was secured. That's at the

Investigator Richardson-redirect by Manning

1 bottom of page 2.

2 MR. MANNING: Your Honor, we would like to
3 move this into evidence.

4 THE COURT: Show it to defense counsel.

5 MR. SULLIVAN: No objection, Your Honor.

6 THE COURT: Any objection, Mr. Hastie?

7 MR. HASTIE: No, sir.

8 THE COURT: State's No. what, Mr.
9 Sullivan?

10 MR. MANNING: This would be No. 40, Your
11 Honor.

12 THE COURT: State's No. 40 admitted into
13 evidence without objection.

14 MR. MANNING: 24, I'm sorry.

15 THE COURT: State's Exhibit No. 24
16 admitted into evidence without objection.

17 (Incident report marked State's Exhibit
18 No. 24 into evidence.)

19 MR. MANNING: Your Honor, I have no
20 further questions of this witness.

21 MR. HASTIE: None, Your Honor.

22 THE COURT: Thank you, sir. You may step
23 down.

24 A Thank you, Your Honor.

25 MR. MANNING: Sergeant Colclough.

Investigator Richardson-redirect by Manning

1 Sergeant Terrance Colclough,
2 being first duly sworn, testified as follows:

3 THE CLERK: Please state your name and
4 spell your last name for the record.

5 A Terrance Colclough. C-O-L-C-L-O-U-G-H.

6 Direct Examination by Mr. Manning:

7 Q Will you please state your name for the
8 record.

9 A Terrance Colclough.

10 Q And are you employed by the sheriff's
11 department here in Sumter?

12 A Sumter County Sheriff's Office.

13 Q And how long have you been employed by the
14 sheriff's office?

15 A For 17 years.

16 Q 17 years. And what is your -- back on
17 12/14/09, what was your actual title? Rank?

18 A In 09, shift lieutenant for the shift.

19 Q And as a result of being a shift
20 lieutenant, what are some of your duties?

21 A My duties as a shift lieutenant to take
22 care of daily operations in reference to a shift
23 that would possibly consist of about 12, 13, and
24 answering calls to dispatch.

25 Q Do you remember receiving a call on

000121

Sergeant Colclough-direct by Manning

1 12/14/09 around 9:30 or so in the evening, and had
2 to respond to an incident that occurred up on
3 Odell Lane in Rembert, South Carolina?

4 A Yes, sir.

5 Q And did you do so?

6 A Yes, I did. I was the second one on the
7 scene. We received the calls from our central
8 dispatch. Whereby Jeffrey Richardson answered the
9 call first, and responded. I responded shortly
10 after that.

11 Q And approximately what time did you get
12 there?

13 A I don't know, I have to look at the
14 incident report.

15 Q And when you got there, was any other
16 officer on the scene?

17 A Jeffrey Richardson.

18 Q When you arrived, what if anything did you
19 see or discover?

20 A When I arrived on the scene, on Odell
21 Lane, I went to the residence, which was a mobile
22 home. Went inside of the mobile home first. When
23 we originally received a call, we received the
24 call as a shooting. And that we did have some
25 people that was injured at the scene. Therefore,

000122

Sergeant Colclough-direct by Manning

1 what we have to do first is, secure the scene.
2 Then after we secure the scene, we have to make
3 sure that it is secured for the ambulance that
4 actually would come in, and safe.

5 So, you know, after we identified that the
6 scene was safe and, you know, secured we then
7 allowed the EMS workers to come in and treat any
8 victims.

9 Q Exactly what did you see when you got
10 there?

11 A When I went inside the mobile home -- well
12 first outside the mobile home, you know, it
13 appeared that some type of struggle, some type of
14 confrontation occurred that, you know, as a result
15 multiple gunshots inside the trailer. The front
16 door was open. We saw some clothing that was
17 outside. Went inside the residence, and I saw two
18 subjects, black males. One was laying on the
19 floor. And another gentleman was laying right
20 there on top of him.

21 Q Did you also have the opportunity to talk
22 with or see any fellow by the name of McCray?
23 Lance McCray?

24 A No, sir. I wouldn't know exactly who
25 that was. My job there at the scene when I first

000123

Sergeant Colclough--direct by Manning

1 arrived was to make sure that the scene is
2 secured. Then I went by and took care of what we
3 call the evidence log; not the evidence log, but
4 the personnel log whereby the crime scene log. So
5 anyone that came to the scene after that, I was
6 responsible for logging it in; the names in.

7 Q And if you recall, who were the next
8 responders to the scene?

9 A I have to look at the crime scene log to.
10 The next ones -- the actual people that came after
11 I did was the EMS workers and the firefighters.

12 Q Now once you got there and secured the
13 scene, did law enforcement enter the scene?

14 A Yes, the EMS workers and firefighters.

15 Q Other than EMS and law enforcement, did
16 anybody else enter the crime scene?

17 A Yes, sir. The, we had some investigators
18 from the Sumter County Sheriff's Office.

19 MR. MANNING: I beg the court's
20 indulgence. Your Honor, that's all from this
21 witness?

22 THE COURT: Mr. Sullivan.

23 MR. SULLIVAN: Thank you, Judge.

24 Cross Examination by Mr. Sullivan:

25 Q Mr. Colclough, you said you were the

Sergeant Colclough-direct by Manning

1 second law enforcement officer to arrive on the
2 scene?

3 A Yes, sir.

4 Q Okay. And you were just in the area. You
5 didn't -- you're not really the investigator.

6 You just responded to the scene to secure it.

7 A Yes, sir.

8 Q Okay. And you went inside the trailer.

9 A Yes, I did.

10 Q Okay. It looked like it was pretty shot
11 up?

12 A Yes, sir.

13 Q A whole lot of bullet holes?

14 A Yes, sir.

15 Q How many of the witnesses did you talk to?

16 A None at all. Just from, I didn't take
17 any statements from anyone. The people that I
18 did speak to in regards to the incident was just
19 pretty much what I had to secure the scene, to
20 make sure there was no other combatants there.

21 Q Okay. Did you see, and there is some
22 woods around there; wasn't there?

23 A Yes, sir.

24 Q Did you see any cars? It was nighttime;
25 correct?

Sergeant Colclough-cross by Sullivan

1 A Yes, sir.

2 Q Did you see any cars or headlights or
3 anything in the woods?

4 A At that time, I didn't. Like I said
5 before, my initial job was to go there and pretty
6 much secure the scene and make sure EMS was able
7 to come in.

8 Q Did you see Calderone Bracey? Or did you
9 see an individual laying on the ground that had
10 been shot outside the trailer?

11 A I didn't discover that information. I
12 didn't have that information until after the fact.

13 Q Okay. Did the gentleman sitting at the
14 table right here closest to us, did you see him at
15 the scene?

16 A No, I didn't.

17 Q Okay. And you say it wasn't your -- you
18 were securing the scene, it wasn't your job to
19 talk to any of the witnesses. So you didn't do
20 that; correct?

21 A Not at that time, no, I didn't.

22 Q Okay. Did you hear anybody say that
23 Cameren Kelley had anything to do with this, or
24 Vernon Goodwin?

25 A No, I didn't.

Sergeant Colclough-cross by Sullivan

1 MR. SULLIVAN: All right. Thank you,
2 Officer Colclough.

3 THE COURT: Cross examination, Mr. Hastie?

4 MR. HASTIE: Yes, sir, Your Honor.

5 Cross Examination by Mr. Hastie:

6 Q You aren't sure what time you arrived at
7 the location of the incident.

8 A No, sir.

9 Q You said the front door was open. Two
10 subjects were on the floor?

11 A Yes.

12 Q Did you say one was on top of the other?

13 A Yes, he was.

14 Q How many people were in the house when you
15 arrived?

16 A Just the two.

17 Q Just the two subjects.

18 A Just the two subjects. It could have been
19 one or two more. But just two subjects. If --
20 anybody responding to a scene like that, is pretty
21 much just chaos.

22 Q You mentioned a crime scene log. So you
23 had some type of log. You wrote some type of log
24 about what you saw in the house?

25 A Not what I saw inside the log; that it's a

Sergeant Colclough-cross by Hastie

1 crime scene log. Whereby, I only put down the
2 names and the time the individuals that actually
3 come in to the actual crime scene at the time.

4 Q And you put the tape out.

5 A Yes, sir.

6 Q Not who was in the house or anything like
7 that.

8 A No, sir.

9 Q You didn't write any of that stuff down.

10 A No, sir.

11 Q And you don't recall how many people were
12 in that trailer besides the two gentlemen who were
13 on the floor.

14 A No, sir, not when I arrived. And
15 therefore, my job is only to Log in the
16 individuals at the time that I initiated the crime
17 scene log, whereby I initialed it.

18 Q They were on top of each other. One of
19 them apparently was alive.

20 A Yes, he was.

21 Q And he was on top of the gentlemen that
22 was not alive, or vice versa?

23 A I didn't discover that the other gentleman
24 was deceased until after EMS came in.

25 Q Did you see any guns in this house?

Sergeant Colclough-cross by Hastie

1 A No, I didn't. Not inside the house.

2 Q But did you see any bullet fragments
3 inside this house?

4 A It appeared that there were bullet holes,
5 or signs that guns had been fired inside the
6 house. And it was some shells inside the house.

7 Q So there were shells inside the house;
8 right?

9 A Yes, sir.

10 Q Were there plenty of shells or just 2 or
11 3?

12 A By multiple. I couldn't....

13 Q Lots of shells.

14 A Yes.

15 Q Did you see any drugs in the house?

16 A Not -- no, sir, not at the time.

17 Q Did you go in every room and check it out
18 to just make sure everything was okay? Safe?

19 A What I did was, did a safe sweep of the
20 house. And pretty much didn't look at any
21 evidence. Just looked for any other combatants or
22 anybody that had any other firearms and so forth.

23 Q So you have no information or any
24 knowledge as to who shot those two gentlemen on
25 the floor?

Sergeant Colclough-cross by Hastie

1 A No, sir, I don't.

2 Q None whatsoever?

3 A No, sir.

4 MR. HASTIE: Thank you.

5 MR. MANNING: No further questions, Your

6 Honor.

7 THE COURT: Thank you. You may step down.

8 MR. MANNING: We would call Michael Bean.

9 Michael B. Bean, Being first
10 duly sworn, testified as follows worn mechanic of
11 to do intent.

12 THE CLERK: State your full name for the
13 record.

14 A Michael B. Bean.

15 Direct Examination by Mr. Manning:

16 Q Officer Bean, by whom are you employed?

17 A The Sumter County Sheriff's Office.

18 Q Okay. On or about December 14th 2009, by
19 whom were you employed then?

20 A Sumter County Sheriff's Office.

21 Q In what capacity?

22 A Crime Scene Investigator.

23 Q And how long have you worked in that
24 particular capacity?

25 A At that time about, about 3 years.

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Investigator Bean-direct by Manning

1 Q Three years. Tell us a little bit about
2 what you do as an officer, as a Crime Scene
3 Investigator.

4 A We go on the scene and try to find any
5 evidence that might help us solve the incident,
6 whatever it might have been. We photograph it.
7 If there is body fluids of any kind, we collect
8 them for analysis. We do latent prints. If there
9 is any latent prints we lift it. And collect
10 evidence. Physical evidence.

11 Q Were you -- you were the investigator at
12 this particular incident that occurred on 14th of
13 December 2009; correct?

14 A Yes, sir.

15 Q And exactly what did you do that night or
16 day or whatever?

17 A Went to the crime scene and collected
18 evidence.

19 Q And you then -- and shot pictures?

20 A We took pictures.

21 Q Of the crime scene?

22 A Yes, sir.

23 Q I am going to show you a batch of
24 pictures. Can you identify those and and tell us
25 who took those?

Investigator Bean-direct by Manning

1 A Yes, sir. These are photos that I took
2 the night of the incident; some inside and some
3 outside.

4 MR. MANNING: Your Honor, may I have him
5 step down in front of the jury so I can publish
6 these?

7 THE COURT: No, sir. Because they are not
8 in evidence.

9 Q Where did these come from?

10 A I took pictures of Odell Lane.

11 Q Who developed these pictures?

12 A They are digital.

13 Q Digital?

14 A Yes, sir.

15 Q And who ran them off?

16 A I don't know who printed them.

17 Q But these are the pictures of the
18 photographs that you actually took yourself?

19 A Yes, sir.

20 MR. MANNING: I beg the court's
21 indulgence. Your Honor, may it please the court.

22 THE COURT: All of these photographs have
23 been offered into evidence without objection.

24 THE COURT: All right. Nobody told me
25 that, but identify them. Identify them,

Investigator Bean-direct by Manning

1 Mr. Manning.

2 MR. MANNING: Yes, Your Honor. We have
3 Exhibit 1 through 16. 1 through 16.

4 THE COURT: As I understand it, those have
5 been offered and there are no objections; is that
6 correct, Mr. Sullivan?

7 MR. SULLIVAN: That's correct, Your Honor.

8 THE COURT: Mr. Hastie.

9 MR. HASTIE: Yes, sir.

10 THE COURT: They will be admitted into
11 evidence as State's Exhibits No. 1 through 16
12 without objection.

13 (Photographs marked State's Exhibit Nos. 1
14 through 16 into evidence.)

15 MR. MANNING: Your Honor, may the witness
16 step down in front of the jury?

17 THE COURT: Yes, sir.

18 MR. MANNING: So he can publish these.

19 (Whereupon, the witness steps down from
20 the witness stand.)

21 Q Investigator Bean, take these I am going
22 to take these one at a time. This shows State's
23 Exhibit No. 1.

24 THE COURT: This being what? Exhibit

25 what?

Investigator Bean-direct by Manning

1 MR. MANNING: 1.

2 THE COURT: All right.

3 Q Would you stand over here, and explain to
4 the jury exactly what this is?

5 A This is Odell Lane.

6 THE COURT: Keep your voice up, so I can
7 hear you, so the Court Reporter can hear you, and
8 everybody can hear you because you are away from
9 the mike.

10 A This is Odell Lane. The same light on the
11 front porch that night. And here is a coat that
12 was at the scene. There is a marker by it.

13 Q This is crime scene that you went to.

14 A Yes, sir.

15 Q I am going to show you state's Exhibit No.
16 2. Can you explain that, and show that to the
17 jury?

18 A This is the same residence at Odell Lane.
19 It's a little further down from the porch. Two
20 officers standing out there looking for evidence.

21 Q I show you know State's Exhibit No. 3.
22 Would you explain that to us, and tell us what
23 that is?

24 A There were guns found in the edge of the
25 woods across Odell Lane. This is one of the guns.

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Investigator Bean-direct by Manning

1 Marker No. 4 has a laser site on there.

2 Q Where is the laser site?

3 A (Whereupon, witness points.)

4 Q I show you State's Exhibit No. 4. Can you
5 show that to the jury, and tell us what that is?

6 A This is the same residence at Odell Lane.
7 The same porch, just a little different angle. A
8 little different view on the incident location.

9 Q I show you State's Exhibit No. 5. And
10 where was all that was found?

11 A This is a notebook computer. It was on
12 the table near the kitchen area. The photo was
13 taken to illustrate the bullet hole through the
14 PC. It was found at Odell Lane.

15 Q I show you State's Exhibit No. 6. Explain
16 that to the jury. Tell us what that is.

17 A This is a kitchen counter at Odell Lane.
18 It's just where a bullet hit the counter.

19 Q I show you State's Exhibit No. 7. Can you
20 explain that to us?

21 A This is a front window of the left most
22 bedroom of the residence of Odell. One of the
23 victims, I don't know their name; got out of the
24 shooting scene by exiting through that window.

25 ~~And we took a picture of the window busted out.~~

Investigator Bean-direct by Manning

1 Q I show you State's Exhibit No. 8, can you
2 explain that to the jury?

3 A This is a center bedroom. A small
4 bedroom, a double wide, at Odell Lane. This is
5 duct tape that had been removed from somebody and
6 thrown on the bed at that center bedroom at Odell.

7 Q Exhibit No. 9. Can you explain what that
8 is, and tell us what marker 43 is on there.

9 A This is a roll of partially used duct
10 tape. We found it in the kitchen area on the
11 floor. Marked No. 43.

12 Q I show you State's Exhibit No. 10. Will
13 you explain this to the jury and tell us what that
14 is?

15 A This is more duct tape that was used. I
16 don't know who the victim's. The person had
17 thrown on the floor, and marked No. 34 in the
18 photograph.

19 Q I show you another photograph, Exhibit No.
20 11. Would you tell us what that is?

21 A More duct tape. Also removed from
22 somebody marked 33.

23 Q I show you State's Exhibit No. 12, which
24 is marked 25. Would you tell us what that is?

25 A This is a bedroom slipper. It was in the

Investigator Bean-direct by Manning

1 living room on the floor near the couch. Marked
2 in 25.

3 Q I'll show you State's Exhibit No. 13.
4 Would you tell us what that is?

5 A This is a bedroom slipper found in the
6 field of a vacant lot across the street across
7 Odell Lane. It was photographed, Marked No. 6
8 photograph.

9 Q I show you State's Exhibit No. 14, would
10 you tell us what that is? And where that was
11 located?

12 A This is across the street, in the open lot
13 again, across Odell Lane, from the Odell residence
14 which was robbed. There is the shoe that you saw
15 previously. And here is a glove, and there is
16 another glove that were in that field, that were
17 marked in the photograph.

18 Q I show you State's Exhibit No. 15. Would
19 you tell us what that is?

20 A This is the interior, the living
21 room/kitchen area. With multiple markers. The
22 markers he's indicated, were a fired bullet
23 cartridge or bullet fragment. And in the back of
24 the kitchen area near the brown recliner is

25 Mr. Holliday.

Investigator Bean-direct by Manning

1 MR. MANNING: Your Honor, may we approach
2 the bench?

3 THE COURT: Yes, sir.

4 Q What is shown in State's Exhibit No. 16?
5 Can you tell us who this is?

6 A This is Mr. Holliday's body. I am sorry;
7 with a bullet laying on his chest. He's laying in
8 the living room in the same position you saw in
9 the other photograph.

10 Q You can have a seat.

11 THE COURT: I know this is an emotional
12 matter for everybody, but I am going require the
13 order of decorum be maintained in the courtroom.
14 And if you don't think you can sit here and listen
15 to the testimony without maintaining your
16 composure, I am going to ask you to leave. All
17 right.

18 Q State's 25 for ID. Can you identify this
19 for me?

20 A Do draw want me to open it?

21 Q Yes.

22 A This appears to be---

23 THE COURT: Woe, woe, woe. Question.

24 Q What is that, and where did it come from?

25 THE COURT: No, sir. That's not the

Investigator Bean-direct by Manning

1 proper question.

2 Q Can your identify that for us?

3 A This is a roll of duct tape that came from
4 sled. It's been processed with chemicals and
5 powder, apparently.

6 Q And where was that recovered from?

7 A It looks like the same tape that we
8 collected at the crime scene.

9 Q Is that the same roll of tape that was
10 shown in, is that the same duct tape that was
11 shown in Exhibit 9? State's Exhibit, marker 43?

12 A Yes, sir. Duct tape.

13 MR. MANNING: I beg the court's
14 indulgence. Your Honor, we would like to move to
15 offer this into evidence.

16 THE COURT: Any objection, MR.?

17 MR. SULLIVAN: No, sir.

18 THE COURT: Mr. Hastie?

19 MR. HASTIE: No, sir, Your Honor.

20 THE COURT: Admitted as State's Exhibit
21 No. 25 without objection.

22 (Duct tape marked State's Exhibit No. 25
23 into evidence.)

24 (Firearms marked State's Exhibit Nos. 26
25 through 30 for id. only.)

Investigator Bean-direct by Manning

1 Q Officer Bean, I show you State's Exhibit
2 No. 26.

3 THE COURT: State's Exhibit No. 26 for id.
4 only.

5 Q Can you tell us what that is, and where it
6 comes from?

7 A Would you like for me to open it?

8 Q Yes.

9 A There is one of the guns collected at the
10 scene. It's a Smith & Wesson.

11 Q It's a what?

12 A Smith & Wesson, chief special. It was
13 collected at the scene.

14 Q Collected at the scene. Do you know where
15 about at the scene?

16 A No, sir.

17 Q But you collected it?

18 A Yes, sir.

19 Q And has it been in the custody and control
20 of the sheriff's department ever since?

21 A Exception when it was transferred to sled
22 for analysis.

23 MR. MANNING: Your Honor, we would like to
24 move to introduce this into evidence.

25 THE COURT: Any objection?

Investigator Bean-direct by Manning

1 MR. SULLIVAN: No objection.

2 THE COURT: No objection. Mr. Hastie?

3 MR. HASTIE: No, sir.

4 (Smith & Wesson marked State's Exhibit No.
5 26 into evidence.)

6 Q I show you State's Exhibit No. 27.

7 A That was collected at the scene. I
8 believe Chief Gardner collected this from an
9 individual. He transferred it to me.

10 Q Has it been in the control of the
11 sheriff's department and of sled ever since it was
12 collected?

13 A Yes, sir.

14 MR. MANNING: Your Honor, I would move to
15 introduce State's No. 27 into evidence.

16 THE COURT: Any objection, Mr. Sullivan?

17 MR. SULLIVAN: No, sir.

18 THE COURT: Mr. Hastie.

19 MR. HASTIE: No, Your Honor.

20 THE COURT: Admitted as State's Exhibit
21 No. 27 without objection.

22 (Firearm marked State's Exhibit No. 27
23 into evidence.)

24 Q I show you State's Exhibit No. 28.

25 Officer Bean, would you tell us what that is?

Investigator Bean-direct by Manning

1 A It is another gun that was collected at
2 the scene. Smith & Wesson, 9 millimeter.

3 Q And that was collected at the crime scene?

4 A Yes, sir.

5 Q Has that been in the custody of the State
6 and also sled ever since it was collected?

7 A Yes, sir.

8 MR. MANNING: Your Honor, we would move to
9 introduce this into evidence.

10 THE COURT: Do you have any objection, Mr.
11 Sullivan?

12 MR. SULLIVAN: No, sir.

13 THE COURT: Mr. Hastie?

14 MR. HASTIE: What was the weapon again? A
15 9 millimeter?

16 MR. MANNING: Exhibit 28.

17 MR. HASTIE: What is that?

18 THE COURT: What he identified it as.

19 A A 9 millimeter.

20 MR. HASTIE: A 9 millimeter?

21 A Yes, sir.

22 MR. HASTIE: No objection.

23 THE COURT: Admitted as State's Exhibit
24 No. 28 into evidence.)

25 ~~(9 millimeter marked State's Exhibit No.~~

Investigator Bean-direct by Manning

1 28 into evidence.)

2 Q Officer Bean, State's Exhibit No. 29,
3 would you tell us what this is.

4 A This is another 9 millimeter handgun. It
5 is an automatic. It was collected at the scene.
6 It's a high point.

7 Q And has it been in the custody and control
8 of the sheriff's department ever since it was
9 collected?

10 A Yes, sir.

11 MR. MANNING: Your Honor, we would like
12 to introduce State's 29 into evidence.

13 THE COURT: Any objection, Mr. Sullivan?

14 MR. SULLIVAN: No, sir.

15 THE COURT: Mr. Hastie?

16 MR. HASTIE: No, sir.

17 THE COURT: Admitted without objection.

18 (9 millimeter marked State's Exhibit No.
19 29 into evidence.)

20 Q Officer Bean, I will show you State's
21 Exhibit No. 30. Would you please tell us what
22 that is?

23 A This is a Ruger 9 millimeter with a laser
24 scope. And it appears that sled has also included

25 one of the bullets they used to do the ballistics

Investigator Bean-direct by Manning

1 with.

2 Q And has that firearm been in the hands of
3 sled or the sheriff's department ever since it was
4 collected?

5 A Yes, sir.

6 MR. MANNING: Your Honor, we would like to
7 move State's Exhibit No. 30 into evidence.

8 THE COURT: Mr. Hastie?

9 MR. HASTIE: No objection, Your Honor.

10 MR. SULLIVAN: No objection.

11 THE COURT: Admitted into evidence without
12 objection.

13 (Ruger 9 millimeter marked State's Exhibit
14 No. 30 into evidence.)

15 MR. MANNING: I want to mark State's
16 Exhibit Nos. 33, 34, 35, 31, and 32.

17 (State's Exhibit Nos. 31-35 for id. only.)

18 Q Would you just briefly tell us what those
19 items are and where they came from?

20 A Would you like for me to open them?

21 THE COURT: First identify them.

22 A This is a, it says duct tape.

23 THE COURT: No. Identify it by exhibit
24 number.

25 A Exhibit No. 31.

Investigator Bean-direct by Manning

1 THE COURT: Proceed, Mr. Manning.

2 Q And where was that collected from?

3 A Odell Lane.

4 Q That came from the crime scene.

5 A No, sir. This probably came from sled. I

6 mean from the pathologist. This must have come

7 from Newberry Pathology. It came from Kemper

8 Holliday is all I can tell you.

9 MR. HASTIE: I didn't hear the response.

10 THE COURT: What was your response again?

11 A It came from Kemper Holliday.

12 THE COURT: That's all he can say.

13 A That's all I can tell you.

14 MR. MANNING: We would move to introduce

15 this into evidence, Your Honor.

16 THE COURT: Mr. Sullivan. It is No. 31.

17 Any objection?

18 MR. HASTIE: No, sir.

19 THE COURT: Any objection, Mr. Sullivan?

20 MR. SULLIVAN: No, sir.

21 THE COURT: Admitted into evidence without

22 objection.

23 (Toboggan marked State's Exhibit No. 31

24 into evidence.)

25 A This is Exhibit No. 35. State's Exhibit.

Investigator Bean-direct by Manning

1 It's a do-rag.

2 Q Was that collected at the scene?

3 A It was collected from the living room
4 floor.

5 MR. MANNING: Your Honor, we would move to
6 introduce State's Exhibit No. 35 into evidence.

7 THE COURT: Any objection, Mr. Sullivan?

8 MR. SULLIVAN: No, objection.

9 THE COURT: Mr. Hastie.

10 MR. HASTIE: No, Your Honor.

11 THE COURT: Admitted without objection.

12 (Do-rag marked State's Exhibit No. 35 into
13 evidence.)

14 A Exhibit 33 is a knit glove. It was
15 collected in the field in the lot next door to
16 Odell Lane.

17 Q The crime scene.

18 A At the crime scene. Well next door to the
19 crime scene. Lot, Exhibit 34 is another knit
20 glove also collected at that same location.

21 MR. MANNING: Your Honor, we would move to
22 introduce State's Exhibits No. 33 and 34 into
23 evidence.

24 THE COURT: Any objection, Mr. Sullivan?

25 MR. SULLIVAN: No, objection.

Investigator Bean-direct by Manning

1 THE COURT: Mr. Hastie.

2 MR. HASTIE: No, Your Honor.

3 THE COURT: Admitted without objection.

4 (Knit gloves marked State's Exhibit Nos.
5 33 and 34 into evidence.)

6 A Exhibit No. 32 is a black toboggan. It
7 was collected at the crime scene inside the
8 residence.

9 MR. MANNING: Your Honor, we would move to
10 introduce State's Exhibit No. 32 into evidence.

11 THE COURT: Any objection, Mr. Sullivan?

12 MR. SULLIVAN: No, sir.

13 THE COURT: Mr. Hastie?

14 MR. HASTIE: No, sir.

15 THE COURT: Admitted without objection.

16 MR. MANNING: I beg the court's
17 indulgence.

18 Q Officer Bean, I show you, first of all,
19 will you identify this and tell us what that is?
20 Handle that please. State's Exhibit No. 36, this
21 is one container it all has the same thing in it.
22 I will just give you this box, please. It will be
23 State's Exhibit No. 36, okay.

24 THE COURT: Well if just one bag is

25 marked, that's the only thing that can come in.

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Investigator Bean-direct by Manning

1 MR. MANNING: We are going to introduce it
2 as one item, Your Honor.

3 THE COURT: Well mark the box, and let
4 that be your exhibit. And make sure counsel knows
5 what's in there.

6 A Would you like for me to open all these?

7 Q You can.

8 THE COURT: Step back, counsel. Step
9 back, please. Counsel, step back. Take the
10 exhibit with you. Everyone, please, take the
11 exhibits and step back. I am going to send the
12 jury out for a recess.

13 MR. MANNING: Thank you.

14 THE COURT: Step back, please. All right,
15 Ladies and Gentlemen of the jury, you have been in
16 the courtroom for about an hour and 15 minutes.
17 And I am going to send you to your jury room. We
18 are going to take our afternoon recess at this
19 time, for about 10 minutes. Relax. Do not
20 discuss this matter with anybody. We will send
21 for you very shortly. That means you are not to
22 discuss the case among yourselves. I will send
23 for you very shortly. Thank you, go to your jury
24 room.

25 (Whereupon, the following takes place

Investigator Bean-direct by Manning

1 outside the presence of the jury.)

2 THE COURT: Counsel, we have spent the
3 last 30 minutes doing exactly what I told you all
4 to do at lunch time; and that is, to identify the
5 exhibits and then to agree upon the things that
6 you could agree upon. And the things you couldn't
7 agree on, wouldn't be offered. But it looks like
8 to me that the witness is seeing them for the
9 first time. And then we are going through the
10 tedious process of introducing everything and
11 asking if there is an objection.

12 I told you in chambers this morning, and I
13 told you again at lunch time that I wanted the
14 exhibits displayed. I wanted people to refer to
15 them. I wanted if there is no objection, they be
16 be admitted into evidence. I would recognize
17 them as admitted into evidence. And we wouldn't
18 have to go through this tedious process. So
19 during the recess you all can do that during
20 lunch. I mean during the next recess. And if
21 there is no objection, it is admitted into
22 evidence. And I will ask the reporter when they
23 come back in, what the parties have agreed to.
24 Thank you. We will take a 10-minute recess.

25 (Whereupon, the court takes a 10-minute

Investigator Bean-direct by Manning

1 recess.)

2 THE COURT: Back on the record with regard
3 to the matter of Kelley and Goodwin. Mr. Goodwin
4 and Mr. Kelley are both present in court with
5 their attorney. Yes, Mr. Meadors.

6 MR. MEADORS: Thank Your Honor. We have
7 all been working together, Judge. And I think the
8 final two items will be, without objection State's
9 Exhibit No. 36, which is duct tape that came from
10 inside Odell; where this incident happened, Your
11 Honor. The parties, everybody is in agreement
12 with that. Without objection State's No. 36. All
13 in one box.

14 THE COURT: Admitted without objection.

15 (Miscellaneous items marked State's
16 Exhibit No. 36 into evidence.)

17 MR. MEADORS: State's Exhibit 37 are
18 projectiles and shell casings from inside and
19 outside of incident location of Odell, without
20 objection. And that's it.

21 THE COURT: Any objection to those?

22 MR. SULLIVAN: No.

23 MR. HASTIE: None.

24 THE COURT: Admitted without objection.

25 (Projectiles and shell casings marked into

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Investigator Bean-direct by Manning

1 evidence as State's Exhibit No. 37 into evidence.)

2 THE COURT: Anything before we bring the
3 jury in, Mr. Manning or Mr. Finney?

4 MR. MANNING: No, Your Honor.

5 THE COURT: Anything before we bring the
6 jury in?

7 MR. SULLIVAN: No.

8 THE COURT: Bring the jury, please.

9 (Whereupon, the following takes place
10 within the presence of the jury.)

11 THE COURT: Thank you, Ladies and
12 Gentlemen, for your patience. And we are now
13 ready to resume. The witness is still on the
14 witness stand. And you may proceed with your
15 examination, Mr. Manning.

16 Examination continues by Mr. Manning:

17 Q Officer Bean, I show you State's Exhibit
18 No. 37. Can you tell us what that is?

19 A These are fired bullets and fired bullet
20 cartridges retrieved from the Odell Lane, the
21 incident location.

22 MR. MANNING: Your Honor, we would like to
23 introduce these without objection.

24 THE COURT: They are already in, Mr.

25 Manning. That's what we just did.

Investigator Bean-direct by Manning

1 (Fired bullets and cartridges marked
2 State's Exhibit No. 37 into evidence.)

3 Q I show you State's No. 36, would you just
4 identify that for me?

5 A This is the same pieces of duct tape
6 received from that scene.

7 MR. MANNING: Your Honor, that's all we
8 have from this witness.

9 THE COURT: Cross examination,
10 Mr. Sullivan.

11 MR. SULLIVAN: Thank you, Judge.

12 Cross Examination by Mr. Sullivan:

13 Q Investigator Bean, your primary role in
14 all this, you went out there and just collected
15 and kept the evidence or sent it off whatever
16 needs to be done with it; correct?

17 A Basically yes, sir.

18 Q And you took a whole lot of photos.

19 A Yes, sir.

20 Q And there was quite a few items that you
21 recovered; wasn't there?

22 A Yes, sir.

23 Q Okay. The guns, how many gun were in
24 close proximity to Calderone Bracey, or to the
25 individual who had been shot and was out there

Investigator Bean-cross by Sullivan

1 beside the trailer?

2 A To my knowledge, there were none
3 immediately by him, but there were three in that
4 field.

5 Q How far away from where he was laying were
6 those pistols?

7 A I can't give you a great estimate, there
8 were trees.

9 Q Were those the 9 millimeters?

10 A Yes, sir.

11 Q Okay. And there were two jackets that you
12 found; correct?

13 A Yes, sir.

14 Q There is a the big camouflage jacket and
15 there was another jacket that had the name of
16 Shawn Bolten on it; wasn't there?

17 A Yes, sir.

18 Q Do you know who Shawn Bolton is?

19 A No, sir.

20 Q So there is basically, there is a whole
21 lot of items that Sumter Law Enforcement could
22 send off to be examined to try to link this crime
23 to these defendants; correct?

24 A Correct.

25 Q You can't say, it's not your job. You

Investigator Bean-cross by Sullivan

1 couldn't tell the jury whether any of the items
2 that you found, connected Mr. Kelley to these
3 crimes; could you?

4 A No, sir, I can't tell you that.

5 Q You can just say what you found.

6 A Yes, sir.

7 Q And when you went into the trailer, there
8 was a lot of fired bullet cartridges, and there
9 was a lot of holes all in that trailer; wasn't
10 there?

11 A Yes, sir.

12 Q And didn't you find a 45 caliber handgun
13 in the ditch that runs along Spring Hill Road?

14 A I recovered it, I didn't actually find it.

15 Q Who went and got that?

16 A I went, I recovered it. I went and picked
17 it up.

18 Q Okay, you got it out of the ditch.

19 A Yes, sir.

20 Q Okay. Do you know who had that gun?

21 A No, sir.

22 Q But where Calderone Bracey was laying, it
23 wasn't close to there; was it?

24 A No, sir.

25 Q Where his body was.

Investigator Bean-cross by Sullivan

1 A No, sir.

2 Q It wasn't in the direction he would have
3 run?

4 A He ran the way he ran to hide.

5 Q And I understand it is your not your job
6 to talk to witnesses. But when you were out
7 there, the gentlemen sitting closest to me at the
8 defense table, did you see him?

9 A No, sir.

10 Q And whenever you were going around
11 collecting and taking photos, collecting all these
12 different items, did you ever hear anybody talk
13 about Mr. Goodwin or Mr. Kelley having anything to
14 do with this?

15 A No, sir.

16 Q Do you know if -- so you did recover, how
17 many -- you recovered three, 9 millimeters?

18 A Right.

19 Q Okay. And a 45---

20 A Correct.

21 Q ---in a ditch. And there was also a 40
22 caliber recovered?

23 A Yes.

24 Q Where was the 40 caliber recovered?

25 A That was turned in to me.

Investigator Bean-cross by Sullivan

1 Q Okay.

2 A As evidence.

3 Q Who gave it to you?

4 A I believe it was Dominick West, I believe.

5 Q And you don't know where he got it from?

6 A No, sir.

7 Q And all these guns, to your knowledge,

8 they were sent to sled for ballistics and

9 fingerprint analysis?

10 A Yes, sir.

11 Q So we should have something from sled

12 presumably that would give the results of any

13 fingerprints on these guns.

14 A If they fingerprinted them.

15 Q While you were out there that night, did

16 you take photos of impressions in the dark that a

17 tire would make?

18 A No, sir.

19 Q The road Odell Lane, that's a dirt road;

20 isn't it?

21 A Yes, sir.

22 Q So was it raining?

23 A No, sir.

24 Q But there, you could have taken

25 ~~impressions to see what kind of cars had been~~

Investigator Bean-cross by Sullivan

1 through there; couldn't you?

2 A Sure.

3 Q Do you ever take tire impressions?

4 A If there is a legitimate reason to do it,
5 yes.

6 Q But you didn't take any tire impressions
7 in this case?

8 A No, sir.

9 Q Did you take any photos of any tire
10 impressions---

11 A No, sir.

12 Q ---in the dirt? Thank you, Investigator
13 Bean. That all the questions I have.

14 THE COURT: Cross Examination, Mr. Hastie?

15 MR. HASTIE: Yes, sir.

16 Cross Examination by Mr. Hastie:

17 Q How are doing, Investigator Bean?

18 A Well, how about you.

19 Q You said you observed someone jumped out
20 the window. How do you know that?

21 A I was told somebody went out the window.
22 The window was busted. Obviously it raises a
23 question.

24 Q The window was busted. But you guys don't
25 have anything. Someone just told you someone

Investigator Bean-cross by Sullivan

1 jumped out the window.

2 A Correct.

3 Q So you decided to take a picture of the
4 window; right?

5 A Correct.

6 Q Now this roll of duct tape again, the big
7 roll, where was that found?

8 A In the kitchen area on the floor.

9 Q On the floor in the kitchen?

10 A Yes, sir.

11 Q All these guns here, do you have any
12 information as to who these guns belonged to?

13 A No, sir.

14 Q You have no idea.

15 A No, sir.

16 Q And you mentioned about latent prints.

17 And I think you just said something about sled; if
18 they fingerprint them.

19 A Correct.

20 Q If they fingerprint them.

21 A Correct.

22 Q So you have no knowledge of whether or not
23 these guns were even fingerprinted to link anybody
24 to the weapons.

25 A No, sir, I don't know for sure.

Investigator Bean-cross by Hastie

1 Q Do you know whether the serial numbers
2 were checked to see who were the owners of these
3 guns?

4 A Yes, sir.

5 Q Do you have that information?

6 A I don't have it, but yes, sir, it was
7 done.

8 Q It was done.

9 A Yes, sir.

10 Q This gun that was found in the ditch, now
11 there is no ditch out on Odell Lane; is there?

12 A No, sir.

13 Q Now where is this road then?

14 A I believe that's Spring Hill Road that
15 Odell comes off of.

16 Q Isn't it Spring Hill the highway?

17 A No, it's the paved road.

18 Q It's a paved road.

19 A Right.

20 Q A paved road. You mean to say a gun that
21 was going in this shooting on Odell Lane, was
22 found down the road in a ditch on the paved road?

23 A Yes, sir.

24 Q Who said the gun was involved in this
25 incident?

Investigator Bean-cross by Hastie

1 A I don't know the details. You have to ask
2 the investigator.

3 Q Okay. So you have no idea how that gun
4 even got there.

5 A No, sir.

6 Q Nor who the gun belongs to.

7 A No, sir.

8 Q But someone told you it was involved in
9 this shooting.

10 A Correct.

11 Q So you took a picture of it.

12 A And collected it.

13 Q And collected it. Gloves, do-rag, the
14 black slipper, the do-rag or any type of DNA test
15 taken from anybody in the house that you know of?

16 A They did oral swabs. Is that your
17 question?

18 Q Yes, sir.

19 A They did oral swabs.

20 Q On all of that.

21 A Nearly everybody, not everybody.

22 Q And you don't know the results of that?

23 A There are reports back, I have not read
24 them. They went to the investigator.

25 MR. HASTIE: Your Honor, I have no further

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Investigator Bean-cross by Hastie

1 questions.

2 THE COURT: Redirect, Mr. Manning?

3 MR. MANNING: Yes, Your Honor.

4 Redirect Examination by Mr. Manning:

5 Q Officer Bean, the question was asked of
6 you why you didn't take any prints of contact.
7 Would it have any particular evidentiary value?

8 A No, sir. The scene had been traveled
9 quite a bit by civilian as well as police. The
10 crime scene tape didn't include the road itself.

11 MR. MANNING: I beg the court's
12 indulgence. That's all we have from this witness.

13 THE COURT: Recross, Mr. Sullivan?

14 MR. SULLIVAN: No, sir.

15 THE COURT: Mr. Hastie?

16 MR. HASTIE: No, sir.

17 THE COURT: Thank you, sir. You may step
18 down. Mr. Manning, you may call your next
19 witness.

20 MR. MANNING: Hugh Phillips, Your Honor.

21 Hugh Phillips, being first
22 duly sworn, testified as follows:

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

25 A Hugh Phillips. P-H-I-L-L-I-P-S.

Investigator Bean-cross by Hastie

1 Direct Examination by Mr. Manning:

2 Q Your name is Hugh Phillips?

3 A Yes, sir.

4 Q And on or about December 14th 2009,

5 Mr. Phillips, where were you residing?

6 A 5369 Pisgah Road.

7 Q Would you speak up.

8 A 5369 Pisgah Road.

9 Q And where is that?

10 A In Rembert.

11 Q Rembert, South Carolina. And are you

12 married?

13 A Yes, sir.

14 Q And what is your wife's name?

15 A Ellen Phillips.

16 Q Tell us what you were doing that night,
17 and how you ended up at this particular, or were
18 you at that particular location?

19 A Well my wife asked me to go with her to
20 drive her; to take her to Lennie's house to braid
21 his hair.

22 Q And is this the Lennie's house meaning
23 Odell Lane, where this incident occurred?

24 A Yes.

25 Q Okay, would you tell us where you were

Hugh Phillips-direct by Manning

1 coming from?

2 A I was coming from my house.

3 Q Your house. And were you driving or what?

4 A I was driving.

5 Q Who was in the vehicle with you?

6 A Just me and my wife.

7 Q Your wife. And is this your wife here,

8 Ms. Ellen Phillips here?

9 A Yes, sir.

10 Q Okay. And had you been to this location

11 before?

12 A Yes, sir.

13 Q Approximately how many times?

14 A About 10 times.

15 Q 10 times or more. And the purpose of you

16 going there night was to take your wife to do

17 what?

18 A To braid Lennie's hair.

19 Q To braid Lennie's hair.

20 A Yes, sir.

21 Q Tell us what you did when you got there.

22 A I parked the car on the -- a little ways

23 back from the trailer. And my wife got out of the

24 car, and went to the house. I was left in the

25 house -- I mean the car, to get some equipment

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Hugh Phillips-direct by Manning

1 that she needed to braid hair with.

2 Q You said you drove up to park.

3 A Yes, sir.

4 Q I am going to show you State's Exhibit No.

5 4. Will you identify that for us? Can you

6 recognize that?

7 A Yes, it's the front of the trailer.

8 Q The front of the trailer. And if you can,

9 sort of like briefly tell the jury where you

10 parked at in relationship to this trailer, if you

11 can.

12 A We parked a little ways back on the right

13 side of the trailer.

14 Q You said you parked a little to the right

15 side of the trailer?

16 A Yes, sir.

17 Q And who went in the house first?

18 A My wife went to the house first.

19 Q She went in the house first. When you

20 drove up there, why did she go in first instead of

21 you going in first?

22 A Because she asked me to get her hair

23 supplies that she was going to braid their hair

24 with.

25 Q And did you notice anything at all when

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Hugh Phillips-direct by Manning

1 you drove up and parked, and your wife went inside
2 the house?

3 A While I was getting her hair stuff, I
4 noticed the lights went out across the field to my
5 right.

6 Q Some lights went out across the field to
7 your right.

8 A Right.

9 Q Were you able to determine what type of
10 lights they were?

11 A I think it might be car lights.

12 Q Car lights.

13 A Yes.

14 Q And this would have been further over to
15 the right of the trailer? Approximately what was
16 the distance, if you can give us an estimate?

17 A It was dark and foggy that night. Maybe
18 about 200 yards of more.

19 Q About 200 or more.

20 A Yes.

21 Q Now is there any other way to get to this
22 trailer other than coming up Odell Lane?

23 A There is a road you can come through the
24 back way to get to the trailer.

25 Q Now the road that you come from the back

Hugh Phillips-direct by Manning

1 way, does that come off Spring Hill Road?

2 A Spring Hill Road.

3 Q Spring Hill Road is a paved road; is that
4 correct?

5 A Yes, sir.

6 Q Odell Lane goes out to the paved road;
7 right?

8 A Yes, sir.

9 Q You turn right. Which way do you go if
10 you turn right? You came out from Odell Lane to
11 the paved road.

12 A To get where? I don't understand.

13 Q If you left the trailer and went straight
14 to the highway and make a right turn, which
15 direction would that take you in?

16 A That would take you to my house.

17 Q Okay. Is that going towards the direction
18 of Camden?

19 A Yes, sir.

20 Q If you turn left, where would that take
21 you?

22 A That would take you towards 521.

23 Q And that would be Sumter; right?

24 A Right.

25 Q So the lights were, didn't come from Odell

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Hugh Phillips-direct by Manning

1 Lane, they came from further over; is that what
2 you are telling us?

3 A To my right side.

4 Q Okay. Can you get to that right side
5 other than coming up Odell Lane?

6 A Yes, sir.

7 Q And how will you do that?

8 A Instead of turning on Odell Lane, you can
9 go a few feet further and turn in the same back
10 street. It's a dirt road.

11 Q Okay. If you're on Spring Hill Road
12 coming, Camden is to my back, going towards 521
13 past Odell Lane, is there another road that turned
14 to your left?

15 A Just past Odell Lane.

16 Q Now is that the direction that you saw
17 those lights?

18 A Correct.

19 Q Now following the lights, approximately
20 how many minutes, if there were, that you saw two
21 subjects come up? Did you see two subjects come
22 up?

23 A Two subjects come to the front about 30
24 seconds, 45 seconds after the lights went out.

25 Q After the lights went out.

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Hugh Phillips-direct by Manning

1 A Yes.

2 Q And what happened when they came up?

3 A They came to the right side of the car,
4 and their guns were drawn. And both of them were
5 wearing ski masks that were over their bandanna.
6 And they tell me to get the fuck the car. This
7 isn't a joke. So the passenger door on the car
8 doesn't work well. So they came around to the
9 driver's side. They took me to the house. And
10 had a gun to my back and took me in the house.

11 Q Is there any reason why they couldn't open
12 the passenger side door?

13 A The passenger side door is difficult to
14 open.

15 Q And what happened? When they got to the
16 car what happened?

17 A They took me to the house. And they used
18 me to get in the house.

19 Q Now is this the same house here on State's
20 Exhibit 4?

21 A That's correct. This is the same house.

22 Q The steps you went up?

23 A Yes, sir. They had a gun in my back, and
24 took me up the steps. The door was open -- it was

25 unlocked, but it was closed. And I am standing in

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Hugh Phillips-direct by Manning

1 the entry way, and they pushed me in.

2 Q And when they pushed you in, what did they
3 do if anything at all, at that juncture? At that
4 time.

5 A When they pushed me in, they fire
6 approximately 4 shots into the ground. And they
7 say everybody get the funk down, this is no joke.

8 Q And what happened after that?

9 A After that, one guy, the dark skinned guy,
10 started binding people's hands behind their backs.
11 And at one point he was like during the robbery---

12 Q Let me back you for one second. Before
13 they started duct taping, were you instructed as
14 to do anything?

15 A They had them get down on the floor. And
16 Kemper Holliday was caught in to one side. And
17 everybody has gotten on the floor.

18 Q Were you asked to empty your pockets or
19 anything?

20 A We were asked to empty our pockets.

21 Q Okay. Tell us everything that happened.
22 Go step by step by step; the best you can recall.

23 A They asked us to empty our pockets. And
24 they started binding our hands, the guy with the
25 duct tape---

000169

Hugh Phillips-direct by Manning

1 Q Were both of them---

2 A ---face down.

3 Q ---bounding you, or just one person?

4 A One guy was.

5 Q Okay. What was the other guy doing?

6 A He was standing back with the gun pointed.

7 Keeping the gun.

8 Q And.

9 A And at one point I remember he put a gun
10 to my wife's head. He said, "Where the fuck are
11 your drugs. I going to kill mom." And the guy
12 said, that's all he have. That's all he have.
13 Lennie said, "That's all we have here. There are
14 no more drugs. There's a shortage." He took the
15 drugs and the money. And he stacked it up on one
16 area; he was getting ready to leave. He is
17 telling everybody to come to the front of the
18 trailer. When I moved to come to the front of
19 the trailer, I laid on the floor, shots proceeded
20 to ring out. I don't remember what happened after
21 that. I got hit in the back, and I don't remember
22 much after that.

23 Q You wouldn't happen to have any idea based
24 on your recollection of what happened that night,
25 how many people got shot?

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Hugh Phillips-direct by Manning

1 A Three us got shot. I remember when Kemper
2 got shot. And when he took his last breath, I was
3 right next to him. And I remember feeling a
4 burning in my back. I tried to move, and I
5 couldn't move. And it was just a lot of gunfire.

6 Q Did any one in the trailer have a handgun?

7 A I didn't see at first. But apparently
8 Lennie had one. I didn't know that. And
9 apparently he was firing at them also. As I said,
10 I was faced down. I didn't see, I only heard the
11 shots.

12 Q Is there anything you could have done to
13 have avoided this?

14 A No.

15 Q You did exactly what you were instructed
16 to do.

17 A Yes, sir.

18 Q When you got shot, you were lying on the
19 floor?

20 A Lying on the floor, face down.

21 MR. MANNING: I beg the Court's
22 indulgence.

23 Q Mr. Phillips, while you were inside, do
24 you remember hearing a phone ring?

25 A Yes, sir.

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Hugh Phillips-direct by Manning

1 A I see the guns that they had when they
2 first approached me. They showed me guns.

3 Q They showed you the guns?

4 A Yes, sir.

5 Q Okay. And they made you go into the
6 trailer.

7 A Yes, sir.

8 Q And now when you talked to the police, you
9 didn't tell them that -- you said you saw lights?

10 A Yes, sir.

11 Q About how long did you say it was before
12 the two individuals came up to you?

13 A It was roughly about 30 seconds. Maybe
14 30, 45.

15 Q When you talked to the police, you gave a
16 statement?

17 A I gave a statement; yes, sir.

18 Q Okay. You never told them that the lights
19 went off. You just said you saw the lights;
20 correct?

21 A Yes.

22 Q And so they forced you into the trailer.
23 And they yelled at you, and they duct taped
24 everybody.

25 A Yes, sir.

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Hugh Phillips-cross by Sullivan

1 Q Did they -- but was there anybody they
2 didn't duct tape?

3 A I was the only one that wasn't duct taped.

4 Q You were the only one who wasn't duct
5 taped?

6 A Yes.

7 Q You weren't duct taped. And did they move
8 you to the back part of the trailer at some point?

9 A No. No, they didn't.

10 Q And it was -- do you know Mr. Belton?

11 A Yes, sir.

12 Q And it was -- he grabbed the gun. He was
13 the -- he fired at one of the robbers; correct?

14 A Yes, sir, I believe so.

15 Q And then one of the masked men fired at
16 Kemper. And you were beside Kemper?

17 A Yes, sir.

18 Q You weren't able to see the car. You just
19 saw the headlights.

20 A Correct.

21 Q You weren't able to see what type---

22 A No.

23 Q ---of car. And Mr. Kelley sitting there
24 at defense table, you didn't see.

25 A No, sir.

Hugh Phillips-cross by Sullivan

1 Q Okay. And you never provided any
2 description of any vehicle to the police; did you?

3 A No, sir.

4 Q Okay. And as far as the, you said that
5 one of the masked men, one of the robbers had a
6 cell phone?

7 A Yes, I believe he did; yes, sir.

8 Q You wouldn't have any way of knowing who
9 was calling him or what that was all about.

10 A No, sir.

11 Q You just know that they had a cell phone
12 and it went off.

13 A Yes, sir.

14 MR. SULLIVAN: Thank you, Mr. Phillips.

15 THE COURT: Mr. Hastie.

16 MR. HASTIE: Thank you, Mr. Hastie.

17 Cross Examination by Mr. Hastie:

18 Q You said you and your wife went over there
19 to do -- to do Lennie's hair; to braid his hair?

20 A Yes, sir.

21 Q Is she a cosmetologist or something like
22 that?

23 A Yes, sir.

24 Q She is? A licensed cosmetologist?

25 A No. For braids, for hair braiding; yes,

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Hugh Phillips-cross by Sullivan

1 she is licensed.

2 Q So what again?

3 A She is licensed for braiding hair.

4 Q For braiding hair.

5 A Yes, sir.

6 Q Okay. Does she go over there often to
7 braid Lennie's hair and anybody else's hair?

8 A At that house, no.

9 Q Yes, sir.

10 A No, no, just Lennie's.

11 Q And you have been there about 10 times
12 before, is your testimony.

13 A Yes, sir.

14 Q The gun -- your testimony, the gun forced
15 you in the door. The door was unlocked; right?

16 A Yes, sir.

17 Q You really didn't have to knock on the
18 door. The door was unlocked.

19 A Right.

20 Q The house was unlocked. Were you ever in
21 the house before this happened, or you stayed in
22 the car, and your wife went in.

23 A Correct.

24 Q You never did go in with her and come back
25 out, and get in the car.

Hugh Phillips-cross by Hastie

1 A No.

2 Q You were in the car the whole time. So
3 they went in with you, and you got out. Everybody
4 on the floor. Could you tell the jury what was
5 the order of the people on the floor, starting
6 from right and left?

7 A I can't.

8 Q You can't remember that.

9 A I couldn't. I couldn't remember.

10 Q So, but you do remember Kemper being close
11 to you.

12 A Next to me.

13 Q And you were lying down by him.

14 A Next to me.

15 Q Right.

16 A Correct.

17 Q Do you -- well I won't ask that.

18 Honestly, the folks in that house had guns; is
19 that correct?

20 A I don't know.

21 Q Did you know that anybody -- you didn't
22 know that.

23 A I didn't see any guns.

24 Q From anybody in that house.

25 ~~A The only first guns I seen was the two~~

Hugh Phillips-cross by Hastie

1 that took me in.

2 Q Okay.

3 A And they didn't see any guns in there
4 either.

5 Q But who started the shooting in the house?

6 A That, I don't know. I can't remember, I
7 was faced down.

8 Q Okay. So you don't know who shot you.

9 A I believe it is one of robbers.

10 Q You believe one of the guys that came in.

11 A Correct. From the direction it went in,
12 it has to be one of the robbers.

13 Q But you were laying face down; is that
14 correct?

15 A Yes, sir.

16 Q And you really couldn't see who shot you.

17 A No, sir.

18 Q Generally because at some point there was
19 a lot of shooting in that house.

20 A Yes, sir.

21 Q A lot of shooting.

22 A Yes, sir.

23 Q Have you got any idea about how many
24 rounds you might have heard?

25 A I have no idea.

Hugh Phillips-cross by Hastie

- 1 Q More than 5; right?
- 2 A Way more than 5.
- 3 Q Way more than 5. More than 10?
- 4 A Definitely more than 10.
- 5 Q More than 20?
- 6 A At least some more.
- 7 Q Okay.
- 8 A Somewhere, a lot of fire.
- 9 Q You had a lot of fire.
- 10 A Yes, sir.
- 11 Q Now when the two men came in, is it your
12 testimony that one of them asked, "Where are the
13 drugs?"
- 14 A Yes, at one point they asked that.
- 15 Q Why would -- is that a place that you know
16 of that you can go and buy drugs?
- 17 A Yes, sir.
- 18 Q It is? Okay. And then you said Lennie
19 said that, "Hey, there is a shortage right now.
20 There is some kind of shortage."
- 21 A Yes, sir.
- 22 Q Is that true?
- 23 A Yes, sir.
- 24 Q But you don't recall who shot first?
- 25 A I have no idea, I was face down.

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Hugh Phillips-cross by Hastie

1 Q But, Calderone, one of those, the tallest
2 guy is not over you; right?

3 A Correct.

4 Q If he shot first, you would have known it;
5 don't you think? If he is standing over you, If
6 he shot first, you would have known it; don't you
7 think?

8 A Yeah, I mean, I would.

9 Q Sure you would have known it. He's
10 standing over you and Kemper.

11 A I couldn't see.

12 Q One thing about a fired weapon, you know
13 when it is fired. So you have no idea who shot
14 you or Kemper to this day.

15 A Not precisely.

16 Q Now, did you have a cell phone that night?

17 A No, I didn't.

18 Q Did anybody else in that house besides the
19 two that came in, have cell phones?

20 A I believe so, I am not sure.

21 Q Probably, right?

22 A They took me by ambulance. I wasn't
23 there, so I don't.

24 Q You have been there before though; right?

25 A Yes.

Hugh Phillips-cross by Hastie

1 Q You have been there at least 10 times
2 before.

3 A Yes.

4 Q When you have been there before have you
5 seen anybody else in the house with cell phones?

6 A Yes.

7 Q Who does that house belong to?

8 A Lennie Belton.

9 Q Lennie?

10 A As far as I know; yes, sir.

11 Q Who lives there with Lennie; do you know?

12 A I don't know everybody's name in the
13 house.

14 Q There were at least 8 people in that
15 house; is that correct?

16 A I know.

17 Q You made the eighth person. What was
18 going on besides hair braiding in that house, at
19 that time? Any idea?

20 A I have no idea.

21 Q You hadn't been in there yet.

22 A I didn't get in there yet.

23 Q There is a lot of people in the house to
24 say there was just some hair braiding going on.
25 And you say you do know that that house is a place

Hugh Phillips-cross by Hastie

1 where you can go buy drugs.

2 A Yes, sir.

3 THE COURT: Redirect, Mr. Manning?

4 MR. MANNING: Yes, Your Honor.

5 Redirect Examination by Mr. Manning:

6 Q You said that one of the suspects
7 answered -- I mean the phone rang. And did you
8 hear them talking to anybody at time?

9 A Yes, sir.

10 Q And could you tell who he was talking to?

11 A No, sir.

12 Q What kind of phone was he talking on?

13 A It was a cellular phone.

14 Q A cellular phone.

15 A Yes, sir.

16 Q Do you know Vernon Goodwin?

17 A No.

18 Q You do not know Vernon Goodwin. And your
19 wife was there with you that night; is that
20 correct?

21 A Yes, sir.

22 MR. MANNING: Your Honor, I have no
23 further questions of this witness.

24 THE COURT: Recross, Mr. Sullivan?

25 MR. SULLIVAN: No, Your Honor.

Hugh Phillips-cross by Hastie

1 THE COURT: Mr. Hastie?

2 MR. HASTIE: No, sir.

3 THE COURT: Thank you, sir. You are
4 excused. Mr. Manning, if you would assist the
5 witness please. Call your next witness, Mr.
6 Manning.

7 MR. MANNING: We would call Lennie Belton.

8 THE CLERK: State your full name and spell
9 your last name for the record.

10 A Lennie Belton. B-E-L-T-O-N.

11 Direct Examination by Mr. Manning:

12 Q Mr. Belton, on or about December 14th,
13 2009, where were you residing?

14 A Odell Lane.

15 Q What was the address?

16 A I am not quite sure of the address.

17 Q Is that trailer at the end of the road?

18 A Yes, sir.

19 Q Okay. How long had you been staying
20 there?

21 A Approximately 8 or 9 months.

22 Q 8 or 9 months. And did you have someone
23 that was living there with you?

24 A Yes, sir.

25 Q Who was that?

Lennie Belton-direct by Manning

- 1 A Letra Graham and Darren Graham.
- 2 Q Darren Graham. Was he in the house that
- 3 night when all this occurred?
- 4 A Yes, sir.
- 5 Q Can you tell us to the best of your
- 6 recollection, what happened that night?
- 7 Approximately what time did it occur?
- 8 A Around 9 or 9:30.
- 9 Q What happened. First let me back up, did
- 10 you all sell drugs there?
- 11 THE COURT: Wait just a minute.
- 12 Q Did you sell---
- 13 THE COURT: Come up, counsel. Come up.
- 14 (Whereupon, attorneys approach the bench
- 15 and confer with judge.)
- 16 Q Did you hear my question before?
- 17 A Can you repeat it again?
- 18 Q Yes, sir. Did you all sell any type of
- 19 drugs at the house?
- 20 A I didn't sell drugs, but some drugs were
- 21 there.
- 22 Q Were drugs ever sold there to your
- 23 knowledge?
- 24 A Yes, sir.
- 25 Q You live there; is this correct?

Lennie Belton-direct by Manning

1 A Yes, sir.

2 Q Tell us what happened that night,
3 Mr. Belton, and who was in the house.

4 A We were watching videos and smoking weed.
5 And I called Ms. Ellen and tell her to come do my
6 hair, because I was going to go to the club that
7 night. So about, when she got there about 2
8 minutes later, they came. Two men came in, they
9 had a gun. Two men came. Barbados knock on the
10 door. That's Hugh Phillips. We call him
11 Barbardos.

12 Q Who is Barbados?

13 A Hugh Phillips.

14 Q The gentleman who just finished
15 testifying?

16 A Yes, sir.

17 Q Go ahead.

18 A Well he came -- when he knocked on the
19 door. And he goes, "It's me." And he walked in,
20 but the dude had the gun to him. Then the other
21 dude came in and started shooting.

22 Q When you say dude, you're referring to
23 fellows or the men?

24 A The two men. The two masked men. And
25 they came in, and they started, the two started

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Lennie Belton-direct by Manning

1 shooting. And said, "Get the fuck down. This
2 ain't no joke." So we got down. And then they
3 started duct taping. Asking: "Where is it at.
4 And we know you all got it here. Where it at.
5 Where it at. Where is the money at. I know you
6 all got more money than this. And empty your
7 pockets." And they keep referring to everybody
8 like, "Why are you all moving so much. Why is
9 everybody is everybody so shaking." They was
10 like, "Dread, why are you moving so much."

11 And they are referring to -- they were --
12 even though it was my house, they was paying
13 attention more to Tyrone Ransom and Kemper
14 Holliday more than us. They kept asking, "What do
15 you all got. Where it at. Where it at." And then
16 started duct taping us up. And while they were
17 duct taping us up, I popped my duct tape. As soon
18 as they put it on there, I popped it. I just
19 kept -- I ain't never got face down like everybody
20 else was face down. I was sitting like this the
21 whole time; just Indian style.

22 And every time they asked a question, I
23 was answering all the questions. Everything they
24 been asking, I was answering. "Yeah, I know you
25 all got more than this." "I mean whatever you

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Lennie Belton-direct by Manning

1 got, it's all right there." So then when I --
2 first they started putting us in the hallway.
3 Right after they duct taped, they started putting
4 us in the hallway. Then they were like, no,
5 don't put them in the hallway. Don't put
6 everybody in the hallway. They started moving us
7 back to the living room. And then at that point,
8 we was in there. We were tied up, man. If you
9 are coming to rob somebody, I figured you would
10 just get in and out. We were tied up almost 30
11 minutes. So I been in there. I went and got
12 scared. I was telling people, I said, "My gun is
13 in the room. If I can check, I am going to get my
14 gun." That's what I told Lance McCray. "If I get
15 a chance, I am going to get my gun. If they turn
16 their back again, I am going to get my gun."

17 So as they are moving us out of the
18 kitchen, the only three left in the kitchen was
19 Ms. Ellen and Lance. And Tywan is still under the
20 table that they had. They was moving everybody
21 else to the living room. So when they had their
22 back turned, my hand was already popped from the
23 tape. So I went in the room and got my gun.
24 When I came back around, one of them was standing
25 over Kemper. Like they were standing over Kemper.

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Lennie Belton-direct by Manning

1 And they kept -- and they were still asking,
2 "Dread, why you move." And as soon as he said,
3 "Dread, why you move," I started shooting.

4 When I started shooting, my gun jammed.
5 So like when the gun jammed, I look around. I
6 looked around, and I heard them say, "Boy, I done
7 got hit. Let's get the fuck up out of here." And
8 then when he said that, I ran out the back door,
9 and went to the neighbor's house. And I was
10 like -- I done kicked the neighbor's door in.
11 Like, I give me -- I asked somebody, give me a
12 gun. My gun jammed. They are robbing us. They
13 are robbing us. But during that process, a lot
14 of shots went off. A lot of other shots went off.
15 Ain't nobody never shoot at me, because when I
16 started shooting. Like by the time I ran from by
17 my house to the neighbor's house, they started
18 shooting. That's when the shooting occurred.

19 And when I was knocking on their door,
20 that's when I kicked the door. I done kicked
21 their door in. And like, I said, give me a gun,
22 they are robbing me. They are robbing us. And I
23 realized my gun was jammed. So I was running back
24 towards the house. I didn't had no gun. I was
25 going to go back in. Then I seen one running.

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Lennie Belton-direct by Manning

1 But during the process of one running out of the
2 house, Lance McCray jumped out the window. So
3 that just stopped me. By the time I got to the
4 corner, I was looking at him jumping out the
5 window, it scared me; I thought it was him jumping
6 out the window. I didn't know what to do, for him
7 to be jumping out of a window.

8 They be like, "I got hit. Robert got
9 hit." Then when I went back in the house,
10 everybody is still on the floor. They ain't
11 really moved yet. I mean, "You all get up. You
12 all get up. They are out. They are out of here."
13 And then that's when I realized Kemper was shot.
14 And then I went and Barbados got hit. Then Darren
15 Graham got up, and he was like, he started calling
16 everybody's names. And the only person that ain't
17 respond was Kemper. He started calling
18 everybody's names.

19 Then like most of the people had been
20 like, 2 or 3 people that were tied up. They duct
21 taped us, and they just left. And then, I don't
22 even know who called 911.

23 Q Do you know Vernon Goodwin?

24 A Yes.

25 Q Which one is Vernon Goodwin?

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Lennie Belton-direct by Manning

1 A The defendant right there in the white
2 shirt.

3 Q And how long have you known him?

4 A We grew up together. I know him all my
5 life.

6 Q Has he ever been to your house before?

7 A When I was young we used to---

8 Q Has he ever been to your house where you
9 lived at on Odell Lane?

10 A Yes, sir. Numerous times.

11 Q Numerous times. Did you ever have a
12 conversation with Vernon Goodwin a few days before
13 this occurred?

14 A Well like a couple of weeks before it
15 occurred.

16 Q And what did he ask you?

17 A He been like, "Well how do you all live
18 around here, man. Like, how do you all make money
19 around here." I'm like, "You know all I do is
20 gamble. I love rolling the dice."

21 Q Slow up a little bit. Tell us again
22 exactly what he told you.

23 A He been like, "How have all you been doing
24 around." How much -- like, "How much money you
25 all be making in here. What do you do to make

Lennie Belton-direct by Manning

1 money." I mean, "I be gambling, man. I don't be
2 doing that too much." I said, "I like to gamble.
3 I love to roll the dice. Any money I can get, I
4 am going to gamble. I am going to roll the dice.
5 Playing cards." He was like, "What, what, what."

6 Q So did he ask you is there any other way
7 to get there other than coming up Odell Lane?

8 A No. He had rims on his car.

9 Q Huh?

10 A He put rims on his car. He had a new car.
11 He put rims on it. He been like, "Man, I ain't
12 going to bust my tires. You know I be coming back
13 here. Is there any other way to come back here."
14 And I tell him, "Yeah, just take the side road,
15 don't turn on Odell Lane. Go by, I'd say, about
16 20 yards, and you take the little side road where
17 it brings you around to like the back of the
18 house. It will bring you around to the back of
19 the house."

20 Q The road that you told him he could go to
21 come back there, that's past Odell Lane. That's
22 if you are going to 521; is that correct?

23 A Yeah, like if you're going towards 521.

24 Q That's immediate left?

25 A A left, yeah.

Lennie Belton-direct by Manning

1 Q That's what I'm saying. All up around
2 and back behind the trailer.

3 A Yeah. Y'all be on the left side of the
4 trailer really. Well if you take the road all the
5 way out, you will be behind the trailer. When you
6 come back up, it will come back up in Odell Lane.

7 Q The people that normally go to your house,
8 did they ever go that way or just come straight up
9 Odell Lane?

10 A Everybody normally came straight up Odell
11 Lane. But he said he put rims on his car. He
12 didn't want to bust a tire.

13 Q Okay. But before that time, had he ever
14 asked you about getting up there any other kind of
15 way?

16 A No, sir.

17 Q Now if you go up the other road, do you
18 have to walk a distance to get to your house after
19 you park, or how did you get there?

20 A And if you are on -- you can pull off.
21 You can come all the way around in the yard, but
22 he ain't -- you can come all the way around in the
23 yard. But like if you don't go -- come in the
24 yard, you have to walk like -- you have to walk
25 some. A little bit of a skip and a hop.

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Lennie Belton-direct by Manning

1 Q The two guys that came into the house, did
2 you know either one of them?

3 A No, sir.

4 Q Had you ever seen them before?

5 A They wore masks. I couldn't see them, but
6 after we find out who it was---

7 Q Hold it a second.

8 A ---I still couldn't see. I still---

9 Q Let me stop you. Before that time, before
10 you saw them in court, had you ever seen those
11 guys before? Have they ever been to your house
12 before?

13 A No, sir.

14 Q Had they been to your house you would have
15 known it.

16 A If they had been to my house, I would have
17 known who they was.

18 MR. MANNING: I beg the Court's
19 indulgence.

20 Q And what kind of gun did you have that
21 night?

22 A A 40 caliber.

23 Q 40 caliber. Did Vernon ever come to your
24 house anymore after you told him how to get up to
25 your house; that you can come around the other

Lennie Belton-direct by Manning

1 road?

2 A Vernon was there like two days before it
3 happened. He came to the house like two days
4 before it happened.

5 Q No, my question is, did he ever come to
6 your house after he -- again, after he asked you
7 how to get there, other than coming up Odell Lane?

8 A He came one time.

9 Q One time. Which way did he come that
10 time?

11 A He drive his Impala with the rims on it.
12 So he came the way I told him, the side road.

13 Q So he came. So he was familiar with going
14 around that way at that time.

15 A Yes, sir.

16 MR. MANNING: Your Honor, I have no
17 further questions.

18 THE COURT: Cross examination, Mr.
19 Sullivan.

20 Cross Examination by Mr. Sullivan:

21 Q Mr. Belton, you were inside looking at the
22 two videos?

23 A Yes, sir.

24 Q Smoking marijuana.

25 A Yes, sir.

Lennie Belton-direct by Manning

1 Q So you never saw anybody drive up.

2 A No, sir.

3 Q And you never saw Mr. Kelley there that
4 day. The gentleman who is a client, at the
5 defense table sitting there.

6 A No, sir.

7 Q And he had never been there before?

8 A Not that I know of, sir.

9 Q And you said that the masked robbers;
10 that they had never been there.

11 A Now after I seen, like after they got in
12 custody, I seen them. I've never seen them before
13 either.

14 Q And you were duct taped.

15 A Yes, sir.

16 Q And you were able to break free from the
17 duct tape.

18 A Yes, sir.

19 Q And you grabbed your gun, and it was a 40
20 caliber.

21 A I ain't actually grabbed my gun. I been
22 like, when they move -- first they move us, they
23 said they will put us in the hallway. So when
24 they moved me in the hallway, they moved like some
25 more people there too. But they had their back

Lennie Belton-cross by Sullivan

1 turned the whole time.

2 Q And where was the gun?

3 A The gun was in my bedroom.

4 Q So you able to get the gun after you broke
5 free.

6 A When they went back in the living room
7 like, they was like, kept asking us over and over
8 again. They kept asking us over and over again,
9 "Where it at. Where it at." And then they came
10 and was there, and put the gun on her head like;
11 "We're going to kill mama. You all better tell us
12 where it is at. We're going to kill mama." And I
13 was like, "Yo, that's all. That's everything.
14 It's a drought. What are you looking for. You
15 got everything; it's in the bag. We done empty
16 our pockets."

17 Q And you started shooting one of the
18 robbers?

19 A Yes, sir.

20 MR. SULLIVAN: Thank you.

21 THE COURT: Mr. Hastie.

22 MR. HASTIE: Thank you, Judge.

23 Cross Examination by Mr. Hastie:

24 Q How are you doing.

25 A How are you doing.

Lennie Belton-cross by Sullivan

1 Q Now you said you have been living at Odell
2 Lane for 8 or 9 months; is that correct?

3 A Yes, sir.

4 Q And you don't know your address?

5 A I don't get no mail there so I didn't know
6 the address.

7 Q Are you renting the place or is someone
8 else renting it?

9 A Someone else is renting the place.

10 Q Who else is renting the place?

11 A Letra Graham.

12 Q Okay. Letra Graham. And that's Darren
13 Graham's---

14 A Mother.

15 Q That's -- oh, that's Darren's mother. So
16 are you renting from her or what?

17 A I was just staying there. She was renting
18 from someone else.

19 Q Now before they moved all of you all in
20 the back, was that into the kitchen?

21 A It was like the hallway, like.

22 Q The hallway, that's right. Were you on
23 the floor before then?

24 A I was never on the floor. They tear my
25 duct tape. Every time he would ask me a

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Lennie Belton-cross by Hastie

1 question, I was answering him.

2 Q Were you standing up or sitting down?

3 A I was sitting Indian style.

4 Q The others were on the floor?

5 A Everyone else was face down.

6 Q So they made everybody get up, and move in
7 the hallway?

8 A No, they were doing it one at a time.

9 Q One at a time. Okay, so they're trying to
10 be a little careful.

11 A Yeah.

12 Q Why did they do that?

13 A I guess they wanted to search other parts
14 of the house, sir.

15 Q Did something come outside? And it never
16 happened outside, because if you moved, you all
17 would have been back.

18 A No, sir.

19 Q No one else knocked on the door.

20 A No, sir.

21 Q So you think they were trying to be
22 careful.

23 A Yes, sir.

24 Q One by one.

25 A Yes, sir.

Lennie Belton-cross by Hastie

1 Q And eventually they got all of you all
2 back in the kitchen?

3 A No, all of us never was in the kitchen.

4 Q In the hall. You said in the hall; right?

5 A All of us never was in the hall either.

6 Q Never got in the hall. What happened?

7 A They realized it was too cluttered, so
8 they changed their mind. They just go in the
9 living room.

10 Q So they said come on back.

11 A Yeah, so they one by one was bringing us
12 back.

13 Q When did you pop your?

14 A As soon as they put it on me, I popped it.

15 Q As soon as they put it on. So you had
16 your -- still keep your hands behind your back?

17 A I just kept my hands behind my back.

18 Q So they didn't know. Even when you moved
19 in the hallway---

20 A I kept my hands behind my back.

21 Q They couldn't see.

22 A They couldn't really tell.

23 Q Both of them up front? One is in the
24 back, and one in the front?

25 A No, it was like one was duck taping, and

Lennie Belton-cross by Hastie

1 the other one was just watching like. And had the
2 gun like. Well Both of them had guns. Well one
3 of them handed the gun to the other one while the
4 other one was duct taping. And he's holding the
5 gun to everybody.

6 Q At one point. So one of them had two
7 guns.

8 A Yes, sir.

9 Q Okay. Is that the guy that was standing
10 over Kemper?

11 A I can't recall.

12 Q Okay. So they moved. Tried to move
13 everybody down the hall. That couldn't work. So
14 you decided -- I mean, so they brought everybody
15 back. Did they make the people that did go down
16 the hall get on the floor?

17 A Yeah, they made -- I got down, like. I
18 sort of laid down. I was like more on my side. I
19 wasn't like face down like everybody else was.

20 Q So eventually you were on the floor.

21 A Yeah, I was laying down, yes.

22 Q Eventually you were laying on the floor.

23 A On the side. On my side; yes, sir.

24 Q You said you never got on the floor like
25 earlier. You -- now you saying you did get on the

Lennie Belton-cross by Hastie

1 floor.

2 A In the kitchen, I was Indian style the
3 whole time. Like while I was in the kitchen,---

4 Q Okay.

5 A ---I was Indian style the whole time. But
6 then when they move us in the hallway, I had to
7 wait for somebody else to lay beside me, because
8 another one would have to lay on top of me.

9 Q Then you got up. They got everybody up.

10 A Then they got -- no, they ain't got
11 everybody up. One by one, they was calling people
12 up.

13 Q Okay.

14 A And what they keep saying was, "Dread, why
15 do you all keep moving." They were scared, I
16 guess, so they kept -- they were jumping. And
17 every time they told them they were jumping, they
18 was like, "Why do you all keep moving."

19 Q Who is Dread or Drey?

20 A That's what they was calling people,
21 "Dread." Everyone that had dreads in their hair,
22 they were calling Dread.

23 Q You didn't know them, but they was calling
24 you all that.

25 A Yeah.

Lennie Belton-cross by Hastie

- 1 Q And where was Hugh at this time?
- 2 A Hugh was in the living room the whole
- 3 time, I think. I never seen him in the kitchen.
- 4 Q Was he tied up?
- 5 A I never did see Hugh.
- 6 Q You never did see him.
- 7 A Uh-uh. (Negative.)
- 8 Q So you couldn't see everybody that was in
- 9 the house?
- 10 A I couldn't, not at that point.
- 11 Q Was everybody taped at the time? Did
- 12 everybody get taped?
- 13 A I thought everyone was taped.
- 14 Q You thought everybody was taped.
- 15 A Yeah.
- 16 Q Then which one of the guys were saying,
- 17 "Where it at." And, "Empty your pockets." Were
- 18 both of them yelling or just one?
- 19 A It was mainly just one; the shorter one
- 20 was doing most of---
- 21 Q The shorter one.
- 22 A ---the talking.
- 23 Q And he was doing the taping.
- 24 A No, the taller one was doing the taping.
- 25 Q The taller one was doing the taping. And

Lennie Belton-cross by Hastie

1 so the shorter one had the gun.

2 A Yeah, he had the gun; yeah.

3 Q Was he the one standing over Kemper?

4 A Not at that moment. When I came back
5 around the hallway, Ms. Ellen was right here.
6 Ms. Ellen was like right here, and I was in the
7 kitchen part by the refrigerator.

8 Q Was she taped?

9 A I think she was taped.

10 Q You think she was taped. Was she standing
11 up?

12 A No, she was faced down like mostly the
13 whole time.

14 Q Almost everybody was kind of face down?

15 A Yeah.

16 Q Okay. Go ahead.

17 A Ms. Ellen was right here. Lance McCray
18 was like right here behind the kitchen counter.
19 Tywan Ransom was on the floor right here. Maurice
20 Ransom, his head was like sticking out from behind
21 the kitchen counter, I could see him. And then it
22 was like Reer. Well Darren, Darren and Kemper.
23 And like Maurice was like here beside Kemper.

24 Q Okay. How much marijuana had you smoked
25 that night?

Lennie Belton-cross by Hastie

1 A I just smoked a joint. We just smoked a
2 joint. It was lit up on one joint. It ain't been
3 that much.

4 Q Everybody in that house is smoking one
5 joint.

6 A Well not everybody. But I would say about
7 almost everybody, except for like Ms. Ellen. She
8 had just walked in.

9 Q Okay. But everybody else was smoking this
10 one joint.

11 A Yeah, we were smoking. Yeah.

12 Q Was that a big joint?

13 A Nah, it wasn't no big joint. Cigarette.

14 Q So they are going to move everybody back;
15 those who had moved. You said, if I get the first
16 chance, I am going to go in my room.

17 A No, I ain't said that.

18 Q I mean, you are talking to yourself, and
19 you didn't tell anybody.

20 A I told -- when I told Lance McCray, I
21 said, "I am going to get my gun."

22 Q So you and Lance were talking to each
23 other?

24 A Yeah. He said, "No, don't go get your gun
25 because they are just robbing us." So I thought

Lennie Belton-cross by Hastie

1 about it. But yeah, he's just robbing us. I
2 just, I don't want to cause nothing. So they're
3 just robbing us. But you don't rob nobody for 30
4 minutes though.

5 Q Okay. So that was your thinking.

6 A Yes.

7 Q So even Lance thought was, this is just a
8 robbery.

9 A Yeah, just a robbery.

10 Q Let's just be cool.

11 A Just be cool. Give them what they want.

12 Q Okay. But your thought was, this is
13 taking too long.

14 A This is taking too long.

15 Q More than a robbery.

16 A It was more than a robbery. I am scared.
17 I am scared for my life now, sir.

18 Q Okay. So you somehow was able to get in
19 your room unnoticed.

20 A Yes, sir. They had -- when they was
21 taking people back, the other dude, he was just
22 like he was trying to look around the house, but
23 he didn't really want to move. He really didn't
24 want to leave; to leave out of sight. But he had
25 been warned.

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Lennie Belton-cross by Hastie

1 Q Was the dude with the two guns standing?

2 A I think he gave the gun back to his
3 brother by then.

4 Q Okay.

5 A Or whoever. I think his brother.

6 Q Okay. You don't know who it was.

7 A I don't who it was.

8 Q So he may have given the gun back to the
9 other -- his co-defendant. You were able to get
10 in to your room; right?

11 A They had -- both had their back turned.
12 Both of them had their backs turned. When I got
13 up, they was walking -- they were walking people
14 out of the living room. They were putting
15 Maurice Ransom down. And the other dude like went
16 over to Kemper and like, "Dread, why are you
17 moving."

18 Q Okay.

19 A So when I came -- that's when I went and
20 got my gun. When I came back around, he was still
21 standing over Kemper.

22 Q With his back turned? Or his back was
23 turned?

24 A He was like, Kemper was like, it was like
25 on the inside of the house. On the inside of the

Lennie Belton-cross by Hastie

1 house like this way, and like this, right?

2 Q Right.

3 A Kemper was right here in the front part.
4 As soon as you walk through the door, Kemper was
5 like right here.

6 Q Right in the door.

7 A And Barbados was right by the other part
8 of the door. Kemper was like right in front of
9 the door ledge.

10 Q Right.

11 A And Barbados right here. He had his back
12 to me. He had the gun, "Dread why you moving."

13 Q So he had his back turned to you, where
14 you were?

15 A Yeah, that's when I shot him.

16 Q These real experienced robbers; aren't
17 they? Okay.

18 A No.

19 THE COURT: No, no comments.

20 MR. HASTIE: Yes, sir.

21 THE COURT: Mr. Hastie.

22 MR. HASTIE: I apologize.

23 THE COURT: The jury will disregard that
24 remark.

25 Q So you went in your room. Where was your

Lennie Belton-cross by Hastie

1 gun?

2 A On the bed.

3 Q Just sitting out on the bed?

4 A Under my pillow on the bed.

5 Q Under your pillow on the bed. So You

6 reached under your pillow, and you had a 40.

7 A Yes, sir.

8 Q So you walked out.

9 A I slide the wall. Then when he keep

10 asking, "Dread why you moving." So that's when I

11 start -- that's when I shot.

12 Q Okay. So all he asked Kemper was, "Hey,

13 why did you move."

14 A He said, "Dread, why are you moving."

15 That's when I started shooting.

16 Q Did he threaten Kemper in any way?

17 A No, he didn't threaten him in any way.

18 Q He didn't threaten to harm him; did he?

19 A He came in the house shooting. How wasn't

20 that an intent to harm?

21 Q Let me ask.

22 THE COURT: He asks the questions. You

23 just answer the questions, sir.

24 Q Did he threaten Kemper?

25 A No, sir.

Lennie Belton-cross by Hastie

1 Q At that time when you came out, did
2 anybody fire a shot?

3 A I fired a shot.

4 Q I haven't finished the question.

5 A Well I answered you.

6 THE COURT: Wait just a minute. You wait
7 until the question is finished before you answer
8 the question. You can go ahead.

9 Q Did anybody fire a shot before you fired
10 your shot?

11 A Yeah, they fired shots when they came in
12 the door.

13 Q After they came in the door, when you came
14 out that room, did anybody fire a shot?

15 A No, sir.

16 Q You fired the first shot.

17 A Yes, sir.

18 Q And one guy was standing over Kemper;
19 right?

20 A Yes, sir.

21 Q You fired that first shot.

22 A Yes, sir.

23 Q Where was the other guy?

24 A He took cover. He jumped behind him.

25 Q So when you came out, he was standing

Lennie Belton-cross by Hastie

1 close to you?

2 A Closer. Yeah, he was standing like this.

3 Q Real close together.

4 A Like they been walking -- he was closer to
5 Hugh. He was closer to Hugh.

6 Q When you come out, you fire the first
7 round. You shot the one guy over Kemper.

8 A Yeah, I know I -- I fired 6 times. I hit
9 him 5.

10 Q Then your testimony is that your gun
11 jammed?

12 A Yes, sir.

13 Q After.

14 A Like 6. It was like---

15 Q Like 6 rounds?

16 A Yeah, it jammed.

17 Q How many rounds have you got?

18 A I think it was 15, 14.

19 Q A lot. Okay. It jammed about after about
20 6. You now shot one guy.

21 A And he said -- the one I shot right before
22 I got hit, "Let's get the fuck up out of here."

23 Q Did you see him shoot?

24 A No, sir. I -- when he said, "Boy, I got
25 hit, let's get the fuck up out of here." They ran

Lennie Belton-cross by Hastie

1 towards the door. Well by -- when they were
2 breaking towards the door, I broke that glass." I
3 broke that, that's why I went out the back out.

4 Q You ran out the back door; right?

5 A Yeah.

6 Q Hugh jumped out the window.

7 A Hugh ain't jump out the window. Lance
8 McCray jumped out the window.

9 Q Lance, that's right. Lance McCray jumped
10 out.

11 A That was after the fact. And that was
12 like, when after that, I went to the neighbor's
13 house and I was coming back to the house.

14 Q Okay. Okay. You heard all this testimony
15 all these rounds were fired inside the house. Who
16 did all this shooting? If you all only fired 5 or
17 6, and you ran?

18 A It had to be the other suspects. They
19 were the only ones with guns, sir.

20 Q Nobody else had a gun that you know of in
21 that house.

22 A No. No, sir.

23 Q You didn't see anybody else with a gun?

24 A No, sir.

25 Q Now this road that you just told us about,

Lennie Belton-cross by Hastie

1 that, you know, that folks have traveled down; if
2 you have got some kind of special car that you
3 don't want the car, that you don't want the car or
4 the rims to get dirty, does anybody else in that
5 area know about that road besides you?

6 A The people that stay on that road.

7 Q Yeah, people know about that road; don't
8 they? That's no secret.

9 A I don't think a lot of people know about
10 that road; no.

11 Q A road is a road is a road. You know
12 people know about that road though. Have you ever
13 told anybody else about that road?

14 A No, sir. I never told no one to take that
15 road.

16 Q You never told no one to take that road.
17 Has anyone ever taken that road that you have
18 seen---

19 A No, sir.

20 Q ---the 8, 9 months that you have been
21 there?

22 A Not that I recall.

23 Q Not that you have seen.

24 MR. HASTIE: The court's indulgence, Your
25 Honor.

Lennie Belton-cross by Hastie

1 THE COURT: Okay.

2 Q And in closing, now you said you love to
3 gamble; is that correct?

4 A Yes, sir.

5 Q And you smoke weed?

6 A Yes, sir.

7 Q You were high on the day of this shooting.
8 I mean you smoked. You all shared a blunt. You
9 all shared in a cigarette; right? Right?

10 A Yes, sir.

11 Q Okay. What did you do with the gun? Did
12 you -- when you ran out the back door, did you
13 keep the gun with you?

14 A Yeah, I had with me.

15 Q You had it with you. When the police
16 arrived, did you have the gun with you?

17 A No, sir.

18 Q What did you do with the gun?

19 A I took it. I went down this road; I took
20 it down the road.

21 Q Down what road?

22 A Down Spring Hill Road.

23 Q Well what did you do with it down Spring
24 Hill Road?

25 A Just set it in the woods.

Lennie Belton-cross by Hastie

1 Q Why did you do that?

2 A Because the gun wasn't registered to me.
3 I bought it from a Jamil Temple at a gun house.
4 The Jamil Temple have a gun house. If you go
5 there, they have a unlicensed dealer. So I went
6 to an unlicensed dealer, and I bought the gun.

7 Q And you felt the need to hide that gun
8 because you bought it from Jamil Temple.

9 A Yes, sir.

10 Q From an unlicensed dealer.

11 A Yes, sir.

12 Q And you went down -- when did you go down
13 Spring Hill Road? What time during this?

14 A After it was over with like, when I, when
15 it was over with, I felt like I needed to get rid
16 of that gun. Because I thought I would get in
17 trouble. But I didn't know at that time, that I
18 was okay.

19 Q Did the police came up right away? You
20 met them. You were talking to them out there in
21 the yard; didn't you?

22 A Say that again.

23 Q Weren't you talking to the police officer
24 when they came up first?

25 A Yes, sir.

Lennie Belton-cross by Hastie

- 1 Q Did you have the gun at that time?
- 2 A Yes, sir, I had it at the time.
- 3 Q Where did you have it?
- 4 A In my back. In the back of my---
- 5 Q So you had a gun on you at that time.
- 6 A Yes, sir.
- 7 Q Did he ask you about having a gun or a
8 weapon or anything like that?
- 9 A No, he didn't ask me that.
- 10 Q He didn't ask you a question, any
11 questions.
- 12 A He just asked me, I can't remember what he
13 asked me, to be honest.
- 14 Q That's okay. Now you owned another weapon
15 also, correct? Right?
- 16 A Yes, sir.
- 17 Q What kind of weapon was that?
- 18 A A 45.
- 19 Q You owned a 45?
- 20 A Yes, sir.
- 21 Q So you had a 40. Where was the 45?
- 22 A That was in Darren's room.
- 23 Q In Darren's room. Did you let Darren use
24 the 45? Did he have permission to use the 45? Or
25 that's your weapon, you just hid it in Darren's

Lennie Belton-cross by Hastie

- 1 room?
- 2 A It just was in Darren's room.
- 3 Q Didn't you also have a 9 millimeter that
- 4 was under the sink or something like that?
- 5 A No, sir.
- 6 Q There was no 9 millimeter under the sink?
- 7 A I don't know, sir.
- 8 Q You don't know nothing about a 9
- 9 millimeter.
- 10 A No, sir.
- 11 Q So you don't own one.
- 12 A I don't.
- 13 Q You don't. Now is it Tywan? Is it
- 14 someone named Tywan?
- 15 A Yes, sir.
- 16 Q You said Tywan was under the table.
- 17 A Yes, sir.
- 18 Q In the kitchen?
- 19 A Yes, sir.
- 20 Q Why was he under the table?
- 21 A When they tell us to get the fuck down, we
- 22 got under the table.
- 23 Q You ran under the table.
- 24 A Yes, sir.
- 25 Q Did they tape them under the table?

Lennie Belton-cross by Hastie

1 A Yeah, they taped. He came out a little
2 bit when they were taping.

3 Q He taped them under the table. And when
4 they told Kemper to get down?

5 A They didn't say, "Kemper get down." They
6 been like, "Everybody get down."

7 Q Everybody get down.

8 A Yes.

9 Q Why did they keep talking to him about,
10 "Dread, what are you doing?"

11 A Because they was moving. He was shaking.
12 He was scared.

13 Q Okay. He was just shaking. He wasn't
14 trying to do anything.

15 A No, he wasn't trying to do anything. He
16 was just scared.

17 Q Okay. But your testimony is, you never
18 heard them say, "I am going to shoot Kemper,"---

19 A No, I ain't never heard that.

20 Q Or Barbados.

21 A No, sir, I ain't never heard that.

22 Q You just came out of your room blasting.

23 A Yes, sir.

24 MR. HASTIE: Thank you. No further

25 questions.

Lennie Belton-cross by Hastie

1 THE COURT: Redirect, Mr. Manning?

2 MR. MANNING: Yes, Your Honor. If it
3 please the court.

4 Redirect Examination by Mr. Manning:

5 Q You are the Lennie Belton that
6 Ms. Phillips came to braid hair; is that correct?

7 A Say that again, sir.

8 Q You are the Lennie Belton, that's who
9 Ms. Ellen Phillips came to braid hair that night;
10 right?

11 A Yes, sir.

12 Q Let me ask you this. The night of the
13 shooting, did you tell the police officer that the
14 40 caliber belonged to you? Later that night?

15 A Yes, sir.

16 Q But did you tell them?

17 A Yes, sir.

18 Q Who else was duct taped besides you?

19 A I thought everyone was duct taped, sir.

20 Q So to the best of your knowledge, everyone
21 was duct taped.

22 A Yes, sir.

23 Q Asked to lay down on the floor and duct
24 taped.

25 A Yes, sir.

Lennie Belton-cross by Hastie

1 MR. MANNING: Your Honor, I have no
2 further.

3 THE COURT: Recross, Mr. Sullivan?

4 MR. SULLIVAN: No.

5 Examination continues by Mr. Manning:

6 Q Could you name the persons who were duct
7 taped?

8 A I thought everyone was duct taped. But
9 later on after the fact, they said Barbados wasn't
10 duct taped. And I think they said Ms. Ellen
11 wasn't duct taped. I thought everyone else was
12 duct taped. All the other victims in the case, I
13 thought they were duct taped. But I thought
14 everyone was duct taped at that time. But later
15 on they said Ms. Ellen wasn't duct taped and
16 Barbados wasn't duct taped.

17 Q I show you what is known as State's
18 Exhibit 36. Do you recognize this?

19 A Yes, sir.

20 Q What is this?

21 A That is duct tape, sir.

22 Q Does it look like the same duct tape that
23 was in your house that night?

24 A Yes, sir.

25 Q And this is the one that the defense was

Lennie Belton-redirect by Manning

1 using that night.

2 A Yes, sir.

3 MR. MANNING: Your Honor, I have no
4 further questions.

5 THE COURT: Mr. Sullivan?

6 MR. SULLIVAN: No, sir, Your Honor.

7 THE COURT: Mr. Hastie?

8 MR. HASTIE: No, sir.

9 THE COURT: You can step down.

10 MR. MEADORS: Your Honor, may we approach
11 about scheduling?

12 THE COURT: Yes.

13 (Whereupon, the attorneys approach the
14 bench and confer with judge.)

15 MR. MEADORS: Dominick West.

16 Dominick West, being first
17 duly sworn, testified as follows:

18 THE CLERK: State your full name and spell
19 your last for the record, please.

20 A Dominick West. W-E-S-T.

21 Direct Examination by Mr. Meadors:

22 Q Good afternoon, Mr. West.

23 A Good afternoon.

24 Q Would you please tell the Ladies and

25 gentlemen of the jury, who you are, where you are

Dominick West-direct by Meadors

1 from, where you were raised, your schooling; and
2 in particular, your training in the police field.

3

4 A Yes, sir. Born and raised in Orangeburg,
5 South Carolina. Attended Morris College after
6 high school. Graduated there in 2000. In 2000, I
7 came to work with the sheriff's office;
8 July 7th 2000. Been a patrol deputy for 5 years.
9 After 5 years, I was promoted to criminal
10 investigations. And I have been in law
11 enforcement approximately 11 years.

12 Q And you went to the criminal justice
13 academy.

14 A I am now; yes, sir.

15 Q You went previously also.

16 A Yes, sir.

17 Q And you left the Sumter County Sheriff's
18 Department when?

19 A May 5th 2010.

20 Q Okay. And where did you go to work?

21 A Currently working, I received my master's
22 degree, and I am currently working at the
23 Department of Mental Health.

24 Q And you received your master's, Dominick,
25 in what?

000220

Dominick West-direct by Meadors

1 job?

2 A It's still another law enforcement job
3 dealing with mental health patients.

4 Q Now let me take you back in time to this
5 incident. Were you involved in this incident back
6 in February of 2010?

7 A Yes, sir. I was the on-call investigator.

8 Q That was my next question. And then that
9 means you are basically on call for a certain
10 period of time during the day; correct?

11 A Yes, sir. We work the hours of 4:00 p.m.
12 12 a.m. And then thereon if anything occurs after
13 12:00 o'clock.

14 Q And are you assigned to a certain region
15 of Sumter?

16 A No, sir. I cover the whole region. I
17 also have a -- I am -- I was the primary
18 investigator, and we have a secondary, just in
19 case I get overwhelmed with calls.

20 Q Let's go back to February of 2010,
21 Dominick. Do you remember getting a call?

22 A December?

23 Q Yes, sir, December, I apologize.

24 A 2009, December 14th.

25 Q And did you respond to the scene?

000221

Dominick West-direct by Meadors

1 A Yes, sir, I was; I did.

2 Q Tell the jury what you saw with your eyes
3 when you got there.

4 A As I approached the scene, there was
5 officers and EMS workers there at the scene. I
6 was met by Lieutenant, Lieutenant Colclough. He
7 advised me what the situation was. I knew
8 previously, because dispatch relayed the call to
9 us in reference to a possible shooting. An armed
10 robbery had took place. He told me, he informed
11 me that we possibly had an individual that was
12 deceased. And other individuals that was possibly
13 shot inside the scene. I notified my partner.
14 While I was en route, I notified my partner. When
15 I got on the scene, I notified the Captain,
16 Captain James Turner, of the incident and what
17 took place.

18 Then other investigators were called out,
19 the commander on call, Major Gardner. Also we
20 notified the sheriff.

21 Q Pretty much when an incident like this
22 happens, a lot of folks respond; correct?

23 A Yes, we did. We typically get the
24 investigators who work major crimes; that will
25 respond, because they have invaluable experience

000222

Dominick West-direct by Meadors

1 in dealing with incidents as with this.

2 Q Now specifically, this was 7530 Odell
3 Lane; correct?

4 A I believe that is correct. It happened
5 off of Odell Lane. I can't remember the numeric.

6 Q And is that in Sumter County?

7 A It is Sumter County, in part of Rembert.

8 Q And you may have been where Investigator
9 Bean testified. Did you see him night? And all
10 this stuff is in evidence. Clearly there were
11 guns, bullets, shell casings. I mean there had
12 been a gun fight there; correct?

13 A Yes, sir.

14 Q I mean, that was just obvious; wasn't it?

15 A By the time I walked in the house, there
16 was nothing but what I saw, but the shell casings
17 and bullet holes.

18 Q And did you see the victim who is
19 deceased? Or was his body already gone?

20 A Yes, sir, I saw him. As I said, he was
21 still on the scene. As I got there, EMS turned
22 him over; and did what they had to do to work on
23 Mr. Phillips. Also was there when I got there.

24 Q All due respect to the family, there is

25 not any question he was dead at the scene.

000223

Dominick West-direct by Meadors

1 A Yes, sir.

2 Q And he being, Mr. Holliday.

3 A Yes, sir, Mr. Kemper Holliday.

4 Q Did you see one of the Bracey's there that
5 had been shot also?

6 A I was advised that the individual was in a
7 field next to the residence.

8 Q And did you speak to him that night?

9 A I walked over there and just as he was
10 talking to the other officers, they told me they
11 mirandized him and everything. He was talking.
12 And he was just going on and saying that he and
13 his cousin.

14 Q And that's already in evidence now. But
15 it's documented that he said he and his cousin;

16 A Yes, sir.

17 Q Now how long did you stay at the scene
18 that night, Investigator West, Mr. West, I
19 apologize.

20 A By the time I got there, I stayed there
21 until the end part. Until the time we left. It
22 was way, probably after 12:00 o'clock.

23 Q And---

24 A Because I had to leave. I was notified --

25 I was told that somebody else got shot, Mr. Lance

000224

Dominick West-direct by Meadors

1 McCray. And he was transported to the hospital in
2 a private vehicle. And so I had to leave from
3 there and go to Camden. He was in Kershaw.

4 Q And that was my next question. You went
5 to Kershaw and you were able to talk to that
6 victim.

7 A I wasn't able to talk to him at that time.

8 Q At some point did you talk to him, or
9 someone in law enforcement?

10 A Yes, sir.

11 Q And it is the goal, I guess, or your job,
12 that you talk to witnesses or victims and get a
13 statement from them, if you can, as to what
14 happened.

15 A At that time, if they are coherent. If
16 are not under, you know, the influence of
17 medication, we try to get the statement as soon as
18 possible.

19 Q And if not that night, then as soon as
20 possible after that, when they are able to give
21 one.

22 A Yes, sir. As soon as possible.

23 Q And is it fair to say you spoke to several
24 of the victims or witnesses in this case?

25 A Yes, sir.

Dominick West-direct by Meadors

1 Q Now, did you have an occasion to, I beg
2 the court's indulgence.

3 (Miranda and statement of Bracey marked
4 State's No. 38 hand 39 for ID.)

5 Q I am going to show you what has been
6 marked State's Exhibit Nos. 38 and 39 for Id. Do
7 you recognize State's Exhibit No. 38 for
8 identification?

9 A That's a Miranda Warning, Waiver of Rights
10 Form with the Sumter County Sheriff's Office logo
11 Anthony Dennis as the Sheriff.

12 Q And these Miranda Rights were given to
13 whom?

14 A Calderone Bracey.

15 Q And what date was that?

16 A February 16th, 2010.

17 Q Looking at State's 39 for Id, can you tell
18 the Ladies and gentlemen of this jury what that
19 is?

20 A It's a written -- it's a voluntary
21 statement form or written statement given to me by
22 Mr. Bracey.

23 Q What date is that?

24 A The same date, February 16th 2010.

25 Q Now Mr. Belton who has testified, did you

000226

Dominick West-direct by Meadors

1 receive a gun from him?

2 A I did.

3 Q And is it the same gun that he was talking
4 about, a 40 caliber?

5 A It was.

6 Q Already in evidence; correct?

7 A Yes, sir.

8 Q And do you remember who you got that from?

9 A Like I said, once I responded to the
10 scene and gathered all the information that I
11 needed to, after seeing the guy was shot; one of
12 the suspects, possible suspects was shot, we
13 started talking to individuals that was in the
14 residence. I spoke with Mr. Belton. Asked
15 Mr. Belton what occurred; how did one of the
16 suspects get shot. Kind of hesitant, but he came
17 out and said, "I did, I shot." I asked him where
18 was the gun at. He told me he took it down the
19 road.

20 Q So I'm just -- he did tell you he shot
21 him.

22 A Yes, sir.

23 Q A little hesitant to start with.

24 A Yes, sir.

25 Q Now did you have the opportunity or

000227

Dominick West-direct by Meadors

1 occasion to talk to Cameren Kelley and or Vernon
2 Goodwin?

3 A They came up, the first time they came up
4 with an attorney, Todd Rutherford. Mr. Rutherford
5 who he just wanted to see what law enforcement had
6 against the guys, but we wasn't able to talk to
7 him at the time.

8 Q Do you remember when that was?

9 A That was some time in January, because I
10 believe in February that's when the warrants --
11 that's when Mr. Bracey, Mr. Bracey, he was
12 intensive care for a minute. And then he was
13 transferred from intensive care to Just Care.
14 That's a prison hospital in Richland County.
15 After being released from there, he was
16 transported to Sumter/Lee Regional Detention
17 Center.

18 And at that time, once he was released
19 or---

20 Q Go ahead, I'm sorry.

21 A Once he was released from the Sumter
22 County Detention Center that was my opportunity to
23 go down there to talk to him. That's where I read
24 him his Miranda Rights, and he gave me a
25 statement. Like I said, Mr. Rutherford came up in

000228

Dominick West-direct by Meadors

1 January. He was -- he didn't allow us to talk to
2 the gentlemen at that time. And in February when
3 I talked to Mr. Bracey, he gave me everything
4 that I needed in reference to go forth in pursuing
5 charges against Mr. Kelley and Mr. Goodwin.

6 Q That's what I was trying to establish the
7 time line earlier. That's why I asked this
8 Court's Id. 38. I apologize with my back to the
9 jury, Judge. And now may I approach?

10 THE COURT: Yes.

11 Q State's Exhibit No. 38 for Id. Is 2/16 of
12 2010.

13 A Yes, sir.

14 Q And Mr. Bracey, Mr. Calderone Bracey.

15 A Yes, sir.

16 Q You said had been at Just Care. What is
17 Just Care?

18 A Just Care, like I stated, he was shot
19 multiple times. It's where, it's a hospital where
20 we -- if we would at law enforcement, we would
21 have Mr. Bracey at the hospital 24 hours a day, 7
22 days a week; if you get the picture. But Just
23 Care is a prison hospital. They are behind
24 concealed walls, confinement; behind a gate, and
25 watched over.

000229

Dominick West-direct by Meadors

1 Q So it is fair to say he was detained at
2 Just Care while he was healing from his injuries?

3 A Yes.

4 Q Once he got to where he was healed enough,
5 you went and talked to him and got a statement.

6 A Yes, sir.

7 Q As a result of that, you have warrants
8 against these two gentlemen here; correct?

9 A Yes, sir.

10 Q And is that what then lead to State's
11 Exhibit No. 17, where you had occasion to talk to
12 Mr. Kelley on February 17th 2010?

13 A Yes, sir.

14 Q And I am going to show you what is marked
15 State's 17. And do you recognize that?

16 A It's a Miranda Form with the sheriff's
17 office logo with the sheriff's office name,
18 Anthony Dennis as the Sheriff.

19 Q And does this form contain what we all
20 know is the Miranda Rights?

21 A Waiver of rights.

22 Q And is your standard form.

23 A It is.

24 Q Could you tell the jury, it starts off

25 with, Miranda Warnings, Waiver of Rights. Did you

000230

Dominick West-direct by Meadors

1 have an occasion on February 19th of 2010, to read
2 the Miranda Warnings to one Cameren Kelley?

3 A I did.

4 Q And where did that take place?

5 A At Sumter County Law Enforcement Center
6 interview room.

7 Q And describe that room.

8 A It's about as big as the jury box. A
9 table and two chairs. Well, four chairs.

10 Q Please read the Miranda Rights to the
11 Ladies and gentlemen of this jury like you did to
12 Mr. Kelley.

13 THE COURT: Just a minute, let me
14 interrupt for just a minute, Mr. Meadors, and give
15 a little bit of instruction to the Ladies and
16 gentlemen of the jury. Ladies and gentlemen,
17 while the court generally determines the
18 admissibility of evidence, as regards to any
19 alleged oral or written statement or confession by
20 the defendant, the jury makes the ultimate
21 determination of whether first, the defendant
22 made the alleged statement. Second, if he made
23 the statement, whether it was made by the
24 defendant voluntarily out of his own free will and
25 accord. And third, what weight, if any, should be

000231

Dominick West-direct by Meadors

1 given to an alleged statement made by the
2 defendant.

3 You must determine if the alleged
4 statement or confession was the product of a
5 simply free and unconstrained choice of the maker.
6 If you determine it was, then the burden is upon
7 the State to prove this fact beyond a reasonable
8 doubt, then you give the statement such further
9 consideration as you deem proper. If you
10 determine the alleged statement or confession was
11 not the free and voluntary willed information of
12 the defendant, then you would not consider it at
13 all.

14 In determining whether the defendant's
15 will was overcome to determining a statement or
16 confession, you should consider both the
17 characteristics of the defendant and the details
18 of the interrogation, which is referred to in the
19 law as the totality of the circumstances. Some of
20 the factors you must, should and may consider, the
21 age and youth of the defendant. The mental
22 ability or capacity of the defendant, the
23 education or lack thereof, his IQ or intelligence,
24 his background and environment, and his advice or
25 ~~lack thereof to the defendant of his~~

000232

Dominick West-direct by Meadors

1 constitutional rights; including, but not limited
2 to the procedural safeguards known as the Miranda
3 Warning concerning the right to remain silent;
4 that any statement could used against him in a
5 court of law. The right to have a lawyer present.
6 If an indigent, the lawyer would be appointed to
7 him without cost, and that he could stop making a
8 statement at any time.

9 The place and the length of detention is
10 another factor and the nature of the question.
11 You the jury must carefully scrutinize all the
12 surrounding circumstances. Before you give any
13 weight to the alleged statement or confession, you
14 must be satisfied beyond a reasonable doubt that
15 it was made by the defendant, uninfluenced by
16 promise or reward, threat or injury, or diminution
17 of his constitutional rights. You may not
18 consider any statement or confession unless you
19 find beyond a reasonable doubt that that statement
20 or confession was freely and voluntarily given.
21 Mr. Meadors.

22 MR. MEADORS: If it please the Court.

23 Q Investigator, could you read the rights
24 like you did to Mr. Kelley, please, to this jury?

25 A Yes, sir. As I stated, Sumter County

000233

Dominick West-direct by Meadors

1 Sheriff's Office, with the logo, Anthony Dennis as
2 the Sheriff.

3 Miranda Warning, Waiver of Rights. Number
4 one states, you have the right to remain silent.
5 It has line beside silent, after a period. The
6 line is where an indication where the suspect
7 knows what he reads so he initialed it. He or she
8 would initial it.

9 MR. MEADORS: Your Honor, approach again
10 with your permission?

11 THE COURT: Yes, sir.

12 Q So that's No. 1 you just read; right?

13 A Yes, sir.

14 Q It says you have the right to remain
15 silent?

16 A Yes, sir.

17 Q Beside the No. 1, there are two initials.
18 Who are those?

19 A DW.

20 Q Who is that?

21 A That is myself.

22 Q And beside this blank here it has got CK,
23 who is that?

24 A That's Mr. Cameren Kelley.

25 Q When were those initials made?

000234

Dominick West-direct by Meadors

1 A After I read him that first sentence.

2 Q So when you read him that first right, did
3 he indicate to you he understood that?

4 A Yes, he did.

5 Q Did he tell you that?

6 A He did. He told me and he initialed it as
7 if he understood.

8 Q I don't want to interrupt you again.
9 Would you please go through the rest of them?

10 A No. 2 states anything you say can and will
11 be used against you in a court of law. Once
12 again, he initialed it CK; I initialed myself DW.
13 No. 3, you have the right to talk to an attorney
14 and have him or her present while you are being
15 questioned. Again, he initialed. Once again, I
16 initialed mine. No. 4, if you cannot afford to
17 hire an attorney, one will be appointed to
18 represent you before any questioning, if you wish.
19 He initialed it CK. I initialed mine.

20 No. 5, you can stop at any time to
21 exercise these rights and not answer any questions
22 or make any statements. Once again he initialed
23 it. And once again I initialed mine.

24 Q Underneath that is what is known as the --
25 read underneath this 5.

000235

Dominick West-direct by Meadors

1 A Underneath that it says, "I understand
2 each of the above rights which I have been read
3 and explained by myself, Investigator D. West, of
4 the Sumter County Sheriff's Office at 107 East
5 Hampton Avenue at 12:07 p.m."

6 Q And underneath that statement, who
7 signature is there?

8 A Mr. Kelley and my signature.

9 Q Let's go on to the waiver of rights. You
10 read him his rights. He already said he
11 understood them. Is there something on that form
12 called the waiver of rights, also?

13 A Yes, sir. Waiver of rights. It says,
14 having being advised of my rights, and fully
15 understand my rights, I do wish to answer
16 questions at this time. And I do not wish to have
17 an attorney present. My decision to answers now
18 without an attorney is made freely and is of my
19 own choice. No one has threatened me in any way
20 or promised me anything.

21 Q And did Mr. Goodwin sign that?

22 A Yes, he did.

23 Q Mr. Kelley, I am sorry.

24 A Mr. Kelley, and I signed it myself.

25 Q Now, this form has the Miranda Rights,

000236

Dominick West-direct by Meadors

1 here is what they are. And he said he understands
2 it.

3 A Yes, sir.

4 Q And then there is a waiver of it where you
5 say, and he acknowledges, I'm waiving it; correct?

6 A Yes, sir.

7 Q Now please tell the Ladies and gentlemen
8 of this jury, Investigator, when you were reading
9 the Miranda Warnings 1 through 5, could you
10 understand his answers?

11 A Yes, sir.

12 Q Did he appear to understand your questions
13 based on your responses?

14 A Yes, sir.

15 Q Were his responses timely? Did he have to
16 sit there and have to pause or was it timely?

17 A It was timely.

18 Q And was the subject matter, correct? Like
19 did he say anything out of the blue when you said,
20 "Anything you say can be used against you in
21 court." I mean, could you understand his
22 responses?

23 A His response was very clear.

24 Q Now did he appear to you to be under the
25 influence of any alcohol or drugs or any other

000237

Dominick West-direct by Meadors

1 intoxicant?

2 A No, sir.

3 Q Could you smell anything on him?

4 A No, sir.

5 Q Were you able to determine his background,
6 how far he went in school?

7 A Off the statement form, he stated 12th was
8 the highest education he went to.

9 Q But during the reading of his rights, and
10 his waiver of his rights, based on your training
11 and experience and just sitting there talking to
12 him, Dominick, did he appear to you to understand
13 what was going on?

14 A He understood everything. He signed it
15 and dated it and put his initials.

16 Q And did you make him sign it?

17 A No, sir.

18 Q Did you threaten or coerce him or hold out
19 any other hope of reward?

20 A No, sir.

21 Q At any point during the reading of his
22 rights and the waiver of his rights, did he say,
23 "Dominick West, I don't want to talk to you?"

24 A No, sir.

25 Q And he had actually been there with an

Dominick West-direct by Meadors

1 attorney previously a few weeks prior to that;
2 correct?

3 A Yes, sir. Around about January.

4 Q But that was not his attorney then;
5 correct?

6 A At that time?

7 Q Right.

8 A Mr. Rutherford would presume him as
9 Mr. Goodwin.

10 Q After that.

11 A Yes, that was before any questioning.

12 Q During the reading of his rights, he never
13 said, "I want an attorney?"

14 A No, sir.

15 Q And if he had, would you have questioned
16 him?

17 A I would have stopped him.

18 Q Now, if he wanted to use the bathroom, and
19 these questions were just asked at these
20 proceedings, there is no magic. If he wanted to
21 use the bathroom or something to eat, would you
22 have let him?

23 A If he needed to go to the restroom or a
24 drink of water, we could have escorted him to the
25 restroom or have something to drink for him.

000239

Dominick West-direct by Meadors

1 Q But he was in custody at this point;
2 correct?

3 A At that time, we did have arrest warrants
4 for him.

5 Q And that's why you read him his rights?

6 A Yes, sir.

7 Q Now after you read his rights, he signed
8 it saying he understood them, and waived them.
9 Did you have an occasion to take a statement from
10 him?

11 A Yes, sir.

12 Q I show you State's Exhibit 18, is that the
13 statement you took from Mr. Kelley?

14 A It is.

15 Q And you mentioned earlier some background
16 information you got on top of that sheet. Is that
17 just information you gather from everyone you take
18 a statement?

19 A That's each voluntary statement. You try
20 to get as much information from a potential
21 witness; a potential suspect.

22 Q Now at the top it has got the name, date,
23 date of birth, Social Security number, address.
24 You didn't know his Social Security number.

25 A No, sir.

000240

Dominick West-direct by Meadors

1 Q And again, to show to this jury whether or
2 not he understood, was he able to give his Social
3 Security number, and was he able just to do it
4 right away?

5 A He did, he wrote the top part. He filled
6 out the top part.

7 Q And underneath the background information,
8 is there a sentence that, "I, Cameren Kelley,
9 understand I do not have to say anything. And I
10 volunteer the following information of my own free
11 will for whatever purpose it may serve. I can
12 read and write and completed the 12th grade."

13 A That's correct.

14 Q And in fact, did he give you a statement?

15 A A written and two pages.

16 Q Now this was a couple of months after the
17 incident? Approximately.

18 A The incident happened on December 14th
19 2009. That was February 19th of 2010. So
20 approximately 2 months, 5 days.

21 Q And was there anyone else there with you
22 and Mr. Kelley at that time?

23 A Not at the time.

24 Q And at the bottom of Page 1, again it

25 says, I mean, excuse me. "I have read each page

000241

Dominick West-direct by Meadors

1 of this statement consisting of 2 pages. Each
2 page of which bears my signature and corrections,
3 if any. It bears my initials. And I certify the
4 facts contained in here are true and correct."

5 Did you sign that and did Mr. Kelley sign
6 that as a witness?

7 A I signed it; yes, sir.

8 Q And on Page 2 did you also sign it?

9 A Yes, sir.

10 Q And Mr. Kelley?

11 A Yes, sir.

12 Q And on Page 2 it looks like there has been
13 a little something scratched out and the initial
14 CK?

15 A Yes, sir. That's where he made a mistake
16 and put his initials.

17 Q And at any time during his written
18 statement, Mr. West, did Mr. Kelley ever say, "I
19 don't want to talk to you, give me a lawyer?"

20 A No, sir.

21 MR. MEADORS: Your Honor, at this time, we
22 would offer State's Exhibit No. 17 and 18.

23 THE COURT: Any objection other than what
24 has already been put on the record, Mr. Sullivan?

25 MR. SULLIVAN: No, sir. Just I object on

000242

Dominick West-direct by Meadors

1 the grounds under the rule.

2 THE COURT: objection is overruled. To be
3 admitted into evidence as State's Exhibit No. 17
4 No. 18 with the objection noted.

5 (Waiver of rights and statement of Kelley
6 admitted as State's Exhibit Nos. 17 and 18 into
7 evidence.)

8 Q Is this your handwriting or Mr. Kelley's?

9 A That's Mr. Kelley's handwriting.

10 MR. MEADORS: Would you please publish
11 that to the jury?

12 A It does say, "I Cameren Kelley, understand
13 I don't have to say anything or,"---

14 Q Take your time.

15 A ---"I volunteer the following information
16 on my own free will, for whatever purpose it may
17 serve. I can read and write. Completed the 12th
18 grade in school." It begins as saying, "I was
19 chilling at man's house when Mooney called his
20 phone asking for a ride to Rembert."

21 Q Who is Mooney?

22 A I believe one of the Bracey's.

23 Q A man told me he didn't have his license,
24 and asked if I can drop him off for gas money.

25 And I said yes. We left, and picked them up from

000243

Dominick West-direct by Meadors

1 their house. And took them to that street. When
2 we passed a couple of houses, they said, we're
3 good right here, Bro. We got out to let them out,
4 let them out. And Calderone Bracey handed me the
5 money. While we started driving back down the
6 road, a burgundy Cadillac passed us at a very high
7 rate of speed.

8 I seen the color and model because they
9 passed us at a light pole on the street. People
10 said that was the get-a-way car. As we were
11 heading back to Camden, Man asked for my phone to
12 call his -- to call his ride to find it, I think
13 one of them took it when Man put it in the
14 console. As he kept calling, one of them picked
15 up the phone, and you can hear one of them
16 screaming. Excuse my language. "I don't care the
17 fuck who you tell. I didn't know what was going
18 on until me and Man was on our way back from
19 Bethune that next day. And everybody was saying
20 Man's name in the street. He said he will pay my
21 half for the lawyer we had, because I was scared
22 they were going to say my name.

23 I wanted to tell the police my side of
24 the story, but my lawyer wouldn't let me. On the
25 street they said -- on the street they said,

000244

Dominick West-direct by Meadors

1 Benjamin McGee was the get away driver. He texted
2 one of the boy's phones that was in the house and
3 asked if he was home. And the guy waited awhile
4 before he texted him back. Now BJ texted back
5 after that and said never mind. I knew nothing
6 about a gun, robbery or a murder. When Mooney,
7 Carlton and Calderone got in the car, they had big
8 army jackets and plus it was dark. I wasn't
9 paying attention.

10 My name wasn't said until I brought myself
11 in to clear my name before it got brought up. And
12 now they are saying I was a part of it, and I
13 wasn't. They are just trying to protect BJ and
14 the other guy that was with them, and bring us
15 down for it. They didn't say my name the first
16 time, because no matter how much they try to bring
17 someone else down, they know I didn't have
18 anything to do with it.

19 Vanessa McCray, a witness on the scene,
20 said all she seen was a burgundy Cadillac in the
21 yard. Phillip Bracey said when Mooney first got
22 locked up, he was just saying, Man dropped them
23 off to get weed. And now it is different."

24 And that was---

25 Q Who is Mooney?

000245

Dominick West--direct by Meadors

1 A Mooney in parenthesis, he has Carlton. I
2 believe it is Carlton Bracey.

3 Q Who is Man, do you know?

4 A Man is Vernon Goodwin's nickname.

5 Q And that's that third line that says, "I
6 was chilling at," that's Man?

7 A Man. Main.

8 Q Main Man.

9 A Different.

10 Q But that's what either one of those is
11 what you are saying is one of the Goodwin's.

12 A Yes, sir.

13 Q Now did you have an occasion to Vernon
14 Goodwin?

15 A I did.

16 Q I am showing you what is State's 9 and 10.

17 THE COURT: Counsel, come around a moment,
18 please.

19 (Whereupon, the attorneys approach and
20 confer with judge.)

21 THE COURT: Ladies and gentlemen, after
22 conferring with counsel, I want to publish to you
23 a statement. I mean, a stipulation; publish a
24 stipulation that the parties have made. And that

25 is this: The parties stipulate that Vernon

000246

Dominick West-direct by Meadors

1 Goodwin does not contest the voluntariness or
2 authenticity of the statement he made to Dominick
3 West. And this has been signed by his counsel and
4 by counsel for the State and will be made a part
5 of the record. You may proceed.

6 MR. MEADORS: And now we would offer 19
7 and 20.

8 THE COURT: And they are admitted in to
9 evidence, State's 19 and 20 without objection.

10 (Waiver of rights and statement of
11 Mr. Goodwin marked State's Exhibit Nos. 19 and 20
12 into evidence.)

13 Q I would like to go over that. 19, is that
14 the rights you read Mr. Goodwin?

15 A It is.

16 Q And he signed; correct?

17 A Yes, sir.

18 Q And 20, excuse me. Is that statement that
19 Mr. Goodwin gave you February 19th, at the law
20 enforcement center.

21 A Yes, sir.

22 Q And would you publish this to the ladies
23 and gentlemen of the jury, please.

24 A Yes, sir. This statement was written by

25 Investigator Dominick West by the request of

000247

Dominick West-direct by Meadors

1 Vernon Goodwin. "In December, I was at home
2 chilling with Cameren, when Cameren Kelley over.
3 We was just talking, and I received a phone call
4 from Carlton Bracey. He asked me could I take him
5 to get some weed. I told him, no, because I
6 didn't have any gas nor a driver's license. And I
7 just got locked up for driving under suspension.

8 And so I asked Cameren would he take
9 Carlton and Cameren Bracey to Rembert to get weed.
10 We get down there to Rembert and turn on a road.
11 We got down by a double wide trailer. And one of
12 them said, We are good right here. We let them
13 out of the car. We got back in the car; pulled
14 off. As we were riding down the road, we saw a
15 burgundy Cadillac ride by.

16 We went to my house, I got some clothes.
17 Went to Cameren's house and got clothes. And then
18 we stayed the night with our baby's mother. The
19 next day I went to Camden to handle some business.
20 When I got half way to Camden, that's when I got,
21 unfortunately another text messages, j about
22 people telling me what to do in the country. And
23 I had something to do with it. I know 17 ounces
24 of cocaine was taken, because another family
25 member told me and because the big Man told.

000248

Dominick West-direct by Meadors

1 Someone out of the house told them about
2 the drugs being missing, and the person told me.
3 That was it.

4 Q And he also was placed under arrest at
5 this point; correct?

6 A Yes, sir, he was.

7 Q For his charges in this case.

8 A Yes, sir.

9 Q And this was 2 months and 5 days after the
10 incident---

11 A Yes, sir.

12 Q ---when he gave you this statement;
13 correct?

14 A And again the statement that Mr. Kelley
15 had given you, excuse me, strike that please. The
16 statement that Mr. Bracey had given you was on the
17 16th; I think, correct?

18 A Yes, sir.

19 Q February 16th.

20 A No. Was it February 16th?

21 MR. MEADORS: I beg the court's
22 indulgence. I think it was. I could be wrong.

23 A That's Cameren. It had to have been days
24 prior to that, because I got the warrant right
25 after that statement.

000249

Dominick West-direct by Meadors

1 Q This is 39 for ID, I believe. That's
2 Calderone's statement. When he was able to take
3 it was in Just Care.

4 A Yes, sir, on February 16th.

5 Q And are both of these gentleman in the
6 courtroom? Is this Mr. Goodwin?

7 A Mr. Goodwin and Mr. Hastie's client. And
8 Mr. Kelley and Mr. Sullivan's client.

9 Q And those are the statements you took from
10 both of them.

11 A Yes, sir.

12 Q And testified. Let the record so reflect.

13 THE COURT: The record will so reflect.

14 MR. MEADORS: I beg the court's
15 indulgence.

16 THE COURT: Yes, sir.

17 MR. MEADORS: Thank you.

18 THE COURT: Cross examination,
19 Mr. Sullivan?

20 MR. SULLIVAN: Thank you.

21 Cross Examination by Mr. Sullivan:

22 Q Investigator West, you were the lead
23 investigator in this case?

24 A Yes, sir, I was the primary.

25 Q And it has been a while since this

000250

Dominick West-direct by Meadors

1 happened; a couple of years; isn't it?

2 A That's correct.

3 Q And you're not able to recall every
4 detail. You investigate a lot of cases. You
5 have to refer to reports to refresh your memory;
6 don't you?

7 A I primarily remember main key points of
8 the different incidences that I've investigated.
9 Mainly mostly murder cases that I particularly
10 invest more time in.

11 Q Okay. And but you prepared the
12 investigative summary in this case.

13 A I did.

14 Q And there was a neighbor that called 911.

15 A The 911 call came from someone. We spoke
16 with during investigations, we spoke with a
17 neighbor. Being that the only thing told was that
18 Mr. Belton came over to the residence, screaming
19 that they were being robbed, and shots were being
20 fired.

21 Q Okay. There wasn't any witnesses who were
22 at the scene who saw Mr. Kelley or gave you sort
23 of a description of the car that they were in.

24 A The only witnesses we had were the ones
25 that were inside the residence. And those were

000251

Dominick West-cross by Sullivan

1 the victims.

2 Q Okay. So just to be clear, I'm not going
3 to rehash all that at this point; the facts of the
4 robbery. But you don't believe, it doesn't look
5 like from your investigation that, that Kelley was
6 one of those two individuals who came in and
7 robbed the place in a mask.

8 A No, sir.

9 Q It's only alleged that, and for your
10 investigation, that he provided them with a ride.

11 A Through my investigation, he drove them
12 there.

13 Q Okay. But not back. He dropped them off.

14 A Through my investigation of Calderone was,
15 he was drive to the hospital.

16 Q Carlton.

17 A Carlton, he hid in the woods.

18 Q You don't have any statements from anybody
19 saying that the car stayed there to wait for
20 anybody; do you?

21 A The only statement we have in reference to
22 a car is, Mr. Phillips who saw a car in a field.
23 And the subjects walked shortly afterwards.

24 Q Mr. Kelley told you that he understood
25 that he was -- he was the only one who had a

000252

Dominick West-cross by Sullivan

1 license, so they asked him to drive them there,
2 just to give them a ride to get drugs; correct?

3 A That's what they stated.

4 Q Which is a drug house; wasn't it? So
5 that wouldn't be---

6 A I haven't been contacted beforehand at
7 that house, so I couldn't tell you if it was a
8 drug house. I just knew somebody got injured
9 there, and somebody was killed there.

10 Q Well let's talk about Mr. Kelley's
11 statement. You took his statement at the law
12 enforcement center; correct?

13 A I did.

14 Q And he wasn't free to go at that point;
15 was he?

16 A At that present time we had warrants on
17 him; 25 warrants on him.

18 Q Okay. And he is a young guy. Do you know
19 how old he is?

20 A He was born in 90. So he was like 19 at
21 the present time. He should be about 21 or 24.
22 1990.

23 Q And there wasn't anybody there on his
24 behalf. Todd Rutherford wasn't there, the
25 attorney from Columbia. But no lawyer was there.

Dominick West-cross by Sullivan

1 A After that first meeting with Mr.
2 Rutherford, nothing transpired out of that. Once
3 Calderone Bracey gave a written statement
4 implicating Mr. Goodwin and Mr. Kelley, warrants
5 were obtained. It was posted on a most wanted.
6 Someone most wanted on TV. When he turned himself
7 in and was examined, the first thing I asked him
8 was, where is Todd Rutherford. He was your
9 attorney at the beginning; we paid him just for
10 that day. So I mirandized him.

11 Q Did he seem scared?

12 A He probably was nervous. I mean he was
13 facing 25 charges.

14 Q And you told him that if he had wrote
15 about Benjamin McGee in a statement that you would
16 let him off?

17 A He wrote that in his statement.

18 Q And, okay. So did you tell him that you
19 could -- did you promise him any -- you told him,
20 you promised him that he could walk?

21 A I couldn't promise him a thing.

22 Q And it looks like that Carlton and
23 Calderone Bracey; it was cold outside. This was
24 December; right?

25 A December 14th 2009.

000254

Dominick West-cross by Sullivan

1 Q Okay.

2 A Around 9 something. Between 9 and 10.

3 Q And your investigation showed that they
4 were probably -- that they were wearing jackets
5 based on what the witnesses have said?

6 A Jackets, gloves, masks.

7 Q Okay. So any guns or masks or whatever
8 that they had in the car, could have been in those
9 jackets. It could have been in their jackets.

10 A It was told to me by Calderone saying that
11 it was furnished to them.

12 Q Okay. Wasn't they---

13 A That's what Calderone stated through
14 Mr. Bracey.

15 Q From your experience in law enforcement,
16 do criminals party at the drug houses?

17 A I have several. I worked several murders
18 that an individual was shot and killed in
19 reference to a possibly being a drug location.

20 Q Mario Bracey told law enforcement that
21 Carlton told him that he was going to buy drugs;
22 didn't he?

23 A You have to ask Mario that.

24 Q Okay. So didn't you -- he called and
25 talked to you. That would be hearsay.

000255

Dominick West-cross by Sullivan

1 THE COURT: I will be glad to hear from
2 you if you think it is going to be hearsay,
3 Mr. Sullivan.

4 Q MR. SULLIVAN: I'll move on.

5 THE COURT: Objection sustained.

6 Q Do you have any way of knowing that Mr.
7 Kelley had just found out what they were going to
8 do when he was already en route? Isn't that
9 possible?

10 MR. MEADORS: Could he repeat the
11 question? I couldn't hear him.

12 THE COURT: Rephrase your question.

13 Q Is it possible that Mr. Kelley could have
14 found out when he was already driving, if he was
15 driving the Bracey's and Vernon Goodwin at this
16 location, that he found out that there was going
17 to be any robbery until he already started
18 driving?

19 MR. MEADORS: Objection.

20 THE COURT: Yes, sir, Mr. Meadors.

21 MR. MEADORS: It calls for speculation.
22 There is no way he can answer.

23 THE COURT: Objection sustained.

24 Q You don't have any witnesses other than
25 the Bracey's or even Bracey's that have said that

000256

Dominick West-cross by Sullivan

(1 they talked about robbing this place before they
2 got into the car.

3 A Other than just in reference to that he
4 gave us a statement of Mr. Bracey who stated, and
5 they all stated at the same time, him and his
6 brother have never been to that incident location
7 before.

8 Q Okay. But -- so neither one of them ever
9 said that they had planned to rob the place with
10 Mr. Kelley before they got into the car.

11 A It was notated that they was going there
12 for a lick or a hit.

(13 Q Calderone Bracey, he didn't gave his
14 statement until February 16th 2010; correct?

15 A Yes. As I stated, he was severely
16 injured. He was shot multiple times. He was
17 about on life support at Palmetto Richland. So at
18 that time, there was no way to get a statement
19 from him.

20 Q So he would have had time to come up with
21 a story as far as to what happened, since this
22 happened a couple of months before.

23 A I think he is living it; was the best
24 choice of him thinking instead of worrying about
25 what his excuse was, and what his story was going

Dominick West-cross by Sullivan

1 to be.

2 Q Okay. Are you aware of a second statement
3 that he gave saying his first statement was a lie?

4 A It was told to me about that I came and
5 influenced him to write a statement, and that he
6 was under medication. I think he sent the letter
7 out to someone. But I didn't hear anything else.

8 Q Then all the duct tape, the guns, those
9 items were sent to sled for fingerprint analysis;
10 correct?

11 A Items were photographed at the scene.
12 Incident location. Collected an item. If we did
13 fingerprinting it was sent to Avis for analysis
14 for comparison. Everything we collected from DNA
15 to jackets, everything was sent to sled for
16 analysis.

17 Q Did you ever do any type of executing any
18 search warrant of Kelley's car or house or
19 anything like that?

20 A No, sir.

21 Q Okay. You've never found anything in his
22 possession that would link him to this incident.

23 A As he -- as Mr. Kelley stated in his
24 statement at the -- practically at the beginning
25 of the investigation, the only thing I had was

000258

Dominick West-cross by Sullivan

1 Mr. Goodwin.

2 MR. SULLIVAN: Okay. Thank you.

3 THE COURT: Mr. Hastie.

4 MR. HASTIE: Thank you, Your Honor.

5 Cross Examination Mr. Hastie:

6 Q How are you doing, Mr. West?

7 A How are you doing, Mr. Hastie?

8 Q Let's go back to Belton, because you did
9 interview him that night; is that correct?

10 A Yes, sir. Other investigators took a
11 written statement after the fact of me talking
12 with them. I don't know if they took them down to
13 the station or if they took the statement at the
14 incident location. But I did speak with
15 Mr. Belton.

16 Q Did you write a statement about what he
17 told you?

18 A My initial contact was when I found out
19 Mr. Bracey was shot, and I asked him being one of
20 the occupants, I asked him how did Mr. Bracey get
21 shot. So....

22 Q He responded to that.

23 A Like I said, he hesitated, but he said he
24 shot him.

25 Q When you, I am sure an investigation of

Dominick West-cross by Sullivan

1 this size, I am sure you all are, you have been
2 doing this how long?

3 A 10 years, 11 years.

4 Q 10, 11 years. A long time. You all are
5 trained to make sure you take good notes; aren't
6 you?

7 A Yes, sir. Most investigators do take
8 notes.

9 Q And you are trained to write down exactly
10 what these victims say, because you know that
11 whatever you write down; that the solicitor is
12 going to need this information when we get to the
13 trial; is that correct?

14 A He gave a voluntary statement.

15 Q Yeah, I received the first one. Aren't
16 you trained to write exactly what these victims,
17 people are saying at your interview just to make
18 sure you got it right?

19 A Yes, we are.

20 Q Okay. Now did Belton tell you or is it
21 part of your report that he had a 9 millimeter?

22 A No, he had a 40 caliber.

23 Q He had a 40 caliber.

24 A Which was recovered.

25 MR. HASTIE: Court's indulgence, Your

000260

Dominick West-cross by Hastie

1 Honor0?

2 THE COURT: Yes, sir.

3 MR. HASTIE: Can we approach?

4 THE COURT: Yes, sir. Objection is
5 sustained.

6 Q Did you file a report with the sheriff's
7 department summarizing your comments in the
8 investigation?

9 A I wrote an investigative summary; yes,
10 sir.

11 Q Do you have that report with you?

12 A No, sir. It should be in the case file.

13 Q In your report if you can recall, did
14 Mario Bracey contact you about this case?

15 A Mario; also his mother contacted me.

16 Q Both of them contacted you about this
17 case.

18 A Yes.

19 Q In what, can you tell the jury, let's
20 start with Mario, what did he say to you?

21 MR. MEADORS: Your Honor, I just -- it's
22 just hearsay.

23 THE COURT: Mario Bracey said to him?

24 MR. HASTIE: Yes, sir.

25 THE COURT: How is that not hearsay? I

Dominick West-cross by Hastie

1 will be glad to hear from you if you think it
2 qualifies for one of the exceptions.

3 MR. HASTIE: Maybe not, Your Honor.

4 THE COURT: Objection sustained.

5 Q You did interview Calderone; is that
6 correct?

7 A Yes, sir, I did.

8 Q At the site, not out the -- that night;
9 right?

10 A Sir?

11 Q You interviewed him that night he was
12 shot? You talked to him?

13 A I didn't interview him that night. The
14 other officer was talking with him.

15 Q So the comment that he and his cousin, you
16 were not told that at all.

17 A I heard that; yes, sir.

18 Q You did hear that..

19 A Yes, sir. He was just repeating what he
20 and his cousin did it.

21 Q And you were standing near?

22 A Yes.

23 Q Okay. And then some 2 months and 5 days
24 later, the comment about he and his cousin had

25 completely changed.

Dominick West-cross by Hastie

1 A He gave a written statement about what
2 took place.

3 Q In that written statement, did he mention
4 about a cousin anymore?

5 A Do you want me to read the statement?

6 Q Sure.

7 THE COURT: Tell me what you are referring
8 to?

9 A Exhibit 39. State's Exhibit.

10 THE COURT: State's Exhibit No. 39. It's
11 Id. only, so you cannot read that statement. It
12 isn't in evidence.

13 A Okay.

14 MR. MEADORS: Court's indulgence, Your
15 Honor.

16 A And what was your question again, Please?

17 THE COURT: Well it has the same
18 objection. It is not in evidence.

19 A Okay.

20 MR. MEADORS: If he wants to offer that
21 statement, I have no objection.

22 MR. HASTIE: I don't want to offer that
23 statement.

24 THE COURT: All right.

25 MR. Hastie: Your Honor, I have no further

Dominick West-cross by Hastie

1 questions.

2 THE COURT: Redirect, Mr. Meadors?

3 MR. MEADORS: Very briefly.

4 Redirect Examination by Mr. Meadors:

5 Q In direct response to some of
6 Mr. Sullivan's questions, just a few he was
7 asking you about. His client, Mr. Kelley, and
8 several questions based on your investigation. Do
9 you remember when he asked you those?

10 A Yes, sir.

11 Q And through your investigation, were you
12 able to determine that the Bracey brothers had no
13 connection at all to Odell?

14 A Yes, sir.

15 Q None.

16 A None.

17 Q And through your investigation, were you
18 able to determine that Mr. Goodwin had been there
19 and had a connection with Odell; correct?

20 A He had been on several occasions.

21 Q And Mr. Sullivan had asked you about any
22 evidence linking Kelley. Well his statement
23 linked himself to take them there; didn't it?

24 A Yes, sir.

25 Q And they've asked you about, I am not

Dominick West-redirect by Meadors

1 sure, I think it was Mr. Hastie was asking you
2 about there wasn't any other mention of a cousin
3 on February 16th. And again, you said Just Care.
4 That statement, Just Care, is a detained facility;
5 isn't it?

6 A Yes, It is.

7 Q You can't leave. It's like being in jail,
8 but it's a hospital.

9 A Yes, sir.

10 Q And he said there wasn't any other mention
11 about the cousin. But that's not true; is it? I
12 mean Vernon Goodwin is his cousin; isn't he?

13 A That's what I was told.

14 Q And that, the night that he is shot, maybe
15 that---

16 MR. HASTIE: Objection, Your Honor. He
17 said---

18 THE COURT: Wait just a minute. What is
19 your objection?

20 MR. HASTIE: Hearsay, Your Honor. He is
21 saying that Vernon Goodwin is his cousin.

22 THE COURT: Wait until he finishes his
23 question, don't answer it. Repeat the question.

24 MR. MEADORS: In response to his question,
25 I think it's in evidence now.

Dominick West-redirect by Meadors

1 THE COURT: No, sir. No comments, Mr.
2 Meadors. Just ask him the question. Don't answer
3 it. You have got an objection.

4 Q Did Mr. Bracey mention he did this with
5 his cousin the night he was shot in the incident?

6 THE COURT: Hold on. Any objection?

7 MR. HASTIE: No objection.

8 THE COURT: You may answer the question.

9 A Yes, he did.

10 Q On February 16th, February 16th, you took
11 another statement from Mr. Bracey; correct?

12 A Yes, sir.

13 Q And in that statement did he tell you
14 without saying it, who had put him up to this?

15 A Yes, sir.

16 Q And are you aware that Mr. Goodwin is his
17 cousin?

18 A Yes, sir.

19 Q That's his cousin.

20 THE COURT: He answered that.

21 Q So in direct response to his question, I
22 will sit down, his statement didn't change; did
23 it?

24 A It didn't.

25 MR. MEADORS: Thank you.

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Dominick West-redirect by Meadors

1 THE COURT: Anything further, Mr.
2 Sullivan, of this witness?

3 MR. SULLIVAN: No, sir.

4 THE COURT: Mr. Hastie?

5 MR. HASTIE: Yes, sir.

6 Recross Examination by Mr. Hastie:

7 Q This goes without saying, but---

8 MR. MEADORS: I object.

9 MR. HASTIE: Let me ask the question.

10 THE COURT: Wait a minute. He hasn't
11 asked to questions yet.

12 Q He said -- did he say his cousin, he and
13 his cousin robbed this place; right?

14 A Yes, sir.

15 Q Did he say which cousin?

16 A He and his cousin.

17 Q He didn't say which cousin; did he?

18 A His statement was he and his cousin.

19 Q That's right. And common sense will tell
20 us---

21 THE COURT: Common sense doesn't tell us
22 anything. You ask him the question.

23 Q Common sense would tell us that you would
24 think Mr. Bracey has more than one cousin.

25 THE COURT: No, sir. That's not a

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Dominick West-redirect by Meadors

1 question, Mr. Hastie, ask him a question.

2 Q Do you think that Mr. Bracey has more than
3 one cousin?

4 A I would believe so.

5 Q You would believe so. Sure you would
6 believe so.

7 THE COURT: No, sir. Don't comment, Mr.
8 Hastie.

9 MR. HASTIE: No further questions, Your
10 Honor.

11 THE COURT: Thank you. You may step down.
12 All right Ladies and gentlemen of the jury, it is
13 getting on toward the 6 o'clock hour. And I am
14 going to adjourn for the afternoon. I am going to
15 allow you to go your homes and families. I am
16 going to ask you a couple of things before we go.

17 First of all, I would remind you that
18 should not speak with anyone about this case over
19 the evening recess. When you see your family or
20 your friends over the evening recess, do not talk
21 with them about this case. The reason for that is
22 pretty apparent. You have got to decide this case
23 based upon what you hear in this courtroom, and
24 not on the basis of anything you may hear from
25 anyone else.

Dominick West-recross by Hastie

1 Also do not allow anyone to talk with you
2 about this case. If anyone should approach you
3 or try to talk to you about the case over the
4 evening recess, get their name or their
5 description and report it the bailiffs in the
6 morning when you return, and they will report it
7 to me, and I will deal with them. Do not read any
8 news stories or any broadcast media, listen to any
9 broadcast media. If there is anything on the news
10 about this, simply turn the sound off. Do not
11 watch it. Or do not read any articles in the
12 newspaper regarding this. Again, you've got to
13 decide this case based upon what you hear in this
14 courtroom and not on the basis of anything that
15 you may be able to learn on your own.

16 Now, the other thing that I am going to
17 ask you is when you reconvene in your jury room
18 tomorrow morning, and from the 12 principal
19 jurors, that you select a foreman from among your
20 person or forelady. It could be a man or a woman.
21 But if the 12 of you will select a person that you
22 wish to be the foreperson of this jury, and advise
23 the bailiff who that is. When you select that
24 foreperson, the foreperson should sit in the first
25 seat on the front row. The alternate should sit

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Dominick West-recross by Hastie

1 where they are seated, of course. The rest of
2 you can sit in any of the seats in the jury box.
3 And it does not matter what order you come and go
4 from the courtroom. I would simply ask that you
5 go all the way down again so that you would not
6 cause any problems.

7 Now the other thing, and I am going to
8 leave it up to you. In order to move this matter
9 along, and get as much done as we possibly can, I
10 would like to start at 9 o'clock in the morning if
11 that does cause anybody any problem. But if it
12 causes any member of the jury any problems because
13 of getting the children to school or anything of
14 that nature, we can start at 9:30. But I would
15 prefer to start at 9 o'clock and utilize that
16 time. Does that cause anybody any particular
17 problems?

18 (Whereupon, no response.)

19 THE COURT: Apparently not. So if you
20 will be back in the jury room tomorrow morning at
21 9 o'clock, we will be ready to start at that time.
22 Thank you. Have a pleasant evening. I'll see you
23 tomorrow.

24 (Whereupon at 5:52 p.m. jury is
25 dismissed.)

Dominick West-recross by Hastie

1 (Whereupon, the following takes place
2 outside the presence of the jury.)

3 THE COURT: I am going to ask everyone to
4 keep your seats for a few minutes while I allow
5 the jury to clear the building. But while we are
6 doing that, Mr. Bradley, I am going to give the
7 Court Reporter the stipulation No. 1, regarding
8 the voluntariness of the statement; the statement
9 of Mr. Vernon Goodwin that was published to the
10 jury. It is stipulation No. 1. Court 1.

11 Counsel, another thing I have written out
12 here is a possible stipulation that we discussed
13 at the bench. The parties stipulate that Kemper
14 Holliday died on December 14th 2009, as a result
15 of a gunshot wound, and that his death was a
16 homicide. It would seem like to me that that's
17 not really the issue in this case. And that that
18 could be stipulated to by the parties which would
19 prevent the necessity of bringing Dr. Ross, the
20 pathologist in this case. It would save not only
21 the time, but the necessity of bringing her here.

22 Mr. Meadors, would the State, or, Mr.
23 Manning would the State be willing to enter that
24 stipulation?

25

MR. MANNING: We will be glad to enter

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1 that stipulation, Your Honor.

2 THE COURT: Where do you all stand on
3 that, Mr. Sullivan? The reason I probably need to
4 know tomorrow, is because they would probably have
5 her on the road tomorrow, if we don't know today.
6 And that's why I probably need to know tonight.

7 MR. SULLIVAN: Just given the, like you
8 said, the circumstances of this case where any
9 culpability that they have is by virtue of being
10 accomplices, I don't think that it is going to be
11 a detriment, then Mr. Kelley can stipulate, and so
12 I will.

13 THE COURT: All right.

14 MR. HASTIE: The same, Your Honor.

15 THE COURT: Counsel, I am going to hand
16 down to you then the stipulation that I have
17 written out, and let Mr. Bradley circulate that,
18 and have you all sign it and hand it back to me.
19 And, Mr. Finney, then you can notify Dr. Ross that
20 she need not come.

21 MR. MEADORS: I took care of it.

22 THE COURT: Wait until I get that back.
23 If there was any question, Mr. Sullivan, or, Mr.
24 Hastie, that either of these were in any way
25 involved in the actual shooting, I would not ask

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Dominick West-recross by Hastie

1 you to enter that stipulation. But I think your
2 theory of the case and the state's theory of the
3 case is under accomplice liability theory. And
4 there is really a contention that they even went
5 in the house. Give that back to -- give that to
6 Ms. Sullivan, and let her mark it as Court's
7 Exhibit No. 2. And at the appropriate time, I
8 will hear back from you. And at the appropriate
9 time I will publish that stipulation to the jury.
10 Anything before we adjourn for the evening,
11 Mr. Manning?

12 MR. MANNING: Nothing, Your Honor.

13 THE COURT: Mr. Sullivan?

14 MR. SULLIVAN: No, sir.

15 THE COURT: Mr. Hastie?

16 MR. HASTIE: Nothing, Your Honor.

17 THE COURT: I do believe that both
18 defendants are incarcerated. So the issue of bond
19 is not an issue; is that correct?

20 MR. SULLIVAN: Mr. Kelley is out on bond.

21 THE COURT: Okay.

22 MR. SULLIVAN: He is out on bond now.

23 THE COURT: What is the position of the
24 State?

25 MR. FINNEY: May I have one minute?

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1 MR. FINNEY: Your Honor, we take the
2 position that the bond is up at the call of the
3 case. And we ask for you to allow him to be
4 detained for the evening until the trial is over.

5 THE COURT: I will be glad to hear from
6 you, Mr. Sullivan.

7 Mr. Sullivan: He's always -- he's been
8 here when he is supposed to be here. I can't
9 guarantee that he will come back, but I think
10 judged by what he has done in the past he will be
11 here.

12 THE COURT: Well I can present that. The
13 problem with the court at this point, if he would
14 not show up we would have to have a mistrial.
15 Double jeopardy has attached. And I cannot afford
16 to allow that to happen. So I would ask that he
17 be taken in to custody along with the other
18 defendant until the case is decided. Thank you.
19 That being the case then, the security will take
20 both defendants into custody and return to the
21 courtroom by nine -- to the court by 9 o'clock
22 tomorrow morning. We will be in recess until 9
23 o'clock tomorrow morning. Thank you.

24 (Whereupon, the trial commences on
25 Thursday, September 22, 2011 at 9 o'clock.)

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Dominick West-recross by Hastie

1 THE COURT: We are back on the record in
2 the case of Cameren Kelley Vernon Sentell Goodwin.
3 Mr. Kelley and Mr. Goodwin are in courtroom with
4 their attorney, Mr. Sullivan and Mr. Hastie. One
5 thing I want to put on the record that I did not
6 put on the record yesterday, and that has to do
7 with the witness Lennie Belton. When the witness
8 testified, I stopped the proceeding, because he
9 was testifying to things that would be criminal
10 offenses that he could be charged with. And I
11 wanted to make sure his constitutional rights
12 would be protected. And called and got some
13 provisions by the State; that Mr. Belton had been
14 given immunity from any prosecution from any
15 criminal acts that he might be -- that he might
16 admit while testifying. And therefore, the
17 examination would go forward. But I wanted to
18 confirm that that is the situation. Is that
19 correct; Mr. Manning?

20 MR. MANNING: Yes, Your Honor.

21 THE COURT: Counsel, assuming that,
22 Mr. Bradley, has the jury had an opportunity to
23 elect a foreperson?

24 MR. BRADLEY: Yes, we instructed them.

25 THE COURT: Check on that, and see if that

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1 has been done.

2 MR. BRADLEY: Mr. Street.

3 THE CLERK: No. 128, Your Honor.

4 THE COURT: Counsel, the first thing we
5 want to do is bring the jury in, and to publish
6 the stipulation with regard to the fact that the
7 defendant -- the victim, Mr. Kemper Holliday, died
8 as a result of a gunshot wound and that it was a
9 homicide. They can publish the other stipulation.
10 But we have got to publish that stipulation. And
11 then we will be ready to go forward with the
12 testimony.

13 Anything before we bring the jury in on
14 behalf of the State, Mr. Manning?

15 MR. MANNING: Nothing, Your Honor.

16 THE COURT: On behalf of the defendant,
17 Mr. Sullivan?

18 MR. SULLIVAN: Your Honor, I would like to
19 put on the record that myself and Mr. Hastie were
20 shown a couple of statements that we didn't get in
21 our discovery. I know that the State probably
22 takes the position under Rule 5 that there were
23 not any statements that we're entitled to
24 regarding prior statements. I don't take that
25 position. I think the rule listed under Rule 5

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1 that says we're entitled to documents---

2 THE COURT: Statements of who?

3 MR. SULLIVAN: I think one -- I didn't
4 get a copy of it. But I saw one from Tywan
5 Ransom, the victim's statement. And I think
6 McCray was the other one I saw. We didn't get
7 those.

8 THE COURT: Wait just a minute. Let's
9 address this and get it on the record. All right,
10 you were given statements of who now?

11 MR. SULLIVAN: We were shown statements,
12 but we were not given statements. I believe one
13 was Tywan Ransom.

14 THE COURT: Ransom.

15 MR. SULLIVAN: Yes, sir. I believe the
16 other one is McCray. I think the name is McCray;
17 that we just saw. We didn't get one.

18 THE COURT: And what is your position with
19 regard to that?

20 MR. SULLIVAN: My position is that if the
21 State intends to not give us a witness statement
22 that they need to, then their response to our Rule
23 5 is what -- say what it is that they are
24 withholding so the court can have an opportunity
25 to see if there is anything exculpatory in, or if

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1 we should have it.

2 THE COURT: Well what is your objection,
3 that you didn't get it? I don't understand what
4 you are telling me, Mr. Sullivan.

5 MR. SULLIVAN: That's right.

6 THE COURT: So you're saying they didn't
7 comply with Rule 5.

8 MR. SULLIVAN: That's correct.

9 THE COURT: This is witnesses now, not
10 the defendant's statements. But my understanding
11 of Rule 5, under Rule 5(a)2, is that these
12 statements have to be given to you at the point
13 after the witness testified on direct.

14 MR. SULLIVAN: Your Honor, I thought that
15 there was language in the rule that said that
16 documents were -- that we would need to prepare
17 our defense. And under Brady, you know, if the
18 statements are exculpatory, I think, that the
19 State should have to say what it is, what they are
20 withholding, in their response.

21 THE COURT: What is your authority for
22 that?

23 MR. SULLIVAN: Brady.

24 THE COURT: Doesn't 5 control that? Here
25 is what Rule 5 says. It says as provided at A, B

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1 and C. This rule does not authorize discovery or
2 inspection of reports, memoranda, or other
3 internal prosecution documents, made by the
4 attorney or prosecution or other prosecution
5 agents in connection with the investigation or
6 prosecution of the case. Or of statements made by
7 prosecution witnesses or prospective prosecution
8 witnesses provided that after a prosecution has
9 testified on direct examination, the court shall
10 on motion of the defendant, and that the
11 prosecution to produce any statement of the
12 witness in the possession of the prosecution that
13 relates to the subject matter as to which the
14 witness has testified.

15 And so my reading of the rule is that they
16 don't have to produce statements and prosecution
17 witnesses until after that witness has testified.
18 Mr. Hastie, do you have a position on that?

19 MR. HASTIE: No, sir.

20 THE COURT: No. Mr. Meadors, anything you
21 would like to add?

22 MR. MEADORS: No, sir. I think Your
23 Honor is correct. Mr. Manning thought all this
24 had been given. We are not trying to sandbag. We
25 can make copies now and give it to them. Judge,

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1 these are witnesses that were -- what we are
2 fixing to do now, witnesses that were inside the
3 house that are going to come in.

4 THE COURT: Go ahead and give it to them,
5 even though they haven't testified at this point,
6 since you are willing to do that. But I find no
7 violation of Rule 5.

8 MR. MEADORS: Solicitor Finney is making
9 a copy if you would just give us one second.

10 THE COURT: Bring the jury in please.

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

13 THE COURT: And you are, Mr. Street, is
14 that correct?

15 THE FOREMAN: Yes, sir.

16 THE COURT: Mr. Street, you have been
17 selected, as I understand, by your fellow jurors
18 as the foreperson of the jury. So you will always
19 sit in that seat where you are seated right there.
20 And I do welcome you again, this morning, Ladies
21 and gentlemen. And thank you for your promptness
22 in being back here.

23 Before we go forward, I do need to ask you
24 if anyone has tried to contact you about this case
25 over the evening recess, I would need to know

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Dominick West-recross by Hastie

1 about it now. A negative response, and that's
2 good. I would also ask you that if anyone has
3 read any news stories or heard anything on
4 broadcast media, or either television or radio
5 with regard to this case over the evening recess,
6 I would also need you to tell me about that.
7 Again negative response, and that's good.

8 Thank you, Ladies and gentlemen. Now
9 before we go forward any further, I want to
10 publish another stipulation to you that the
11 parties have agreed. I had earlier published one
12 stipulation, but there is another stipulation that
13 the parties have agreed to. And the parties
14 stipulate that Kemper Holliday died on December
15 14th 2009, as a result of a gunshot wound and that
16 his death was a homicide. That is a fact now you
17 can accept as having been stipulated, or those
18 fact or facts that you can accept as having been
19 stipulated by the parties.

20 If you will give this back to the Court
21 Reporter.

22 MR. BRADLEY: Yes, sir, judge.

23 THE COURT: We were in the process of the
24 State presenting their case to you, and they are
25 still in the process of presenting their case to

Dominick West-recross by Hastie

1 you. And they are still in the process of
2 presenting the direct case to you. So, Mr.
3 Manning, you may call your next witness.

4 MR. MANNING: Maurice Ransom.

5 Maurice Ransom, Being
6 first duly sworn, testified as follows:

7 THE CLERK: Please state your name and
8 spell your last name for the record.

9 A Maurice Ransom. R-A-N-S-O-M.

10 Direct Examination By Mr. Manning:

11 Q Mr. Ransom, are you originally from Sumter
12 County?

13 A Yes, sir.

14 Q Where do you live?

15 A I live 6570 Spring Hill Road.

16 Q What community is that?

17 A Rembert.

18 Q Rembert community? And how long have you
19 lived in that area?

20 A All my life.

21 Q All your life. And did you go to school
22 here in Sumter County?

23 A I went to high school here.

24 Q And what high school did you attend?

25 A Crestwood.

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Maurice Ransom-direct by Manning

- 1 Q Crestwood High School?
- 2 A Yes, sir.
- 3 Q Did you participate in sports or anything?
- 4 A Yes, sir.
- 5 Q What sports?
- 6 A Baseball.
- 7 Q And did you graduate from Crestwood?
- 8 A Yes, sir.
- 9 Q What year was that?
- 10 A 2006.
- 11 Q And did you further your education
12 anywhere after that?
- 13 A Yes, sir.
- 14 Q Where?
- 15 A Vorhees College.
- 16 Q Vorhees College. When did you enter
17 Vorhees College?
- 18 A 2006, in the fall.
- 19 Q In the fall. And did you play sports at
20 Vorhees?
- 21 A Yes, sir.
- 22 Q What sports?
- 23 A Baseball.
- 24 Q What position?
- 25 A I was pitcher, and I played outfield.

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Maurice Ransom-direct by Manning

1 Q Did you graduate from Vorhees?

2 A Yes, sir.

3 Q What year was that?

4 A 2010.

5 Q 2010. What happened briefly.

6 A I was actually signing up for Business
7 Administration.

8 MR. SULLIVAN: Objection.

9 THE COURT: Sir?

10 MR. SULLIVAN: Objection.

11 THE COURT: What is the objection?

12 MR. SULLIVAN: Relevance.

13 THE COURT: It probably isn't relevant,
14 but it is background information. It would be no
15 prejudice. The objection is overruled. Go ahead.

16 MR. MANNING: Thank you, Your Honor.

17 THE COURT: Move on, let's get to the
18 facts of whatever he is going to testify to?

19 Q Were you at the house on Odell Lane on
20 December 14th 2009?

21 A Yes, sir.

22 Q Who stayed there?

23 A Lennie Belton, Darren Graham and Letra
24 Graham.

25 Q Had you been there before that night?

Maurice Ransom-direct by Manning

1 A Yes, sir.

2 Q And approximately what time do you recall
3 did you get there?

4 A I got there about probably 9.

5 Q Around 9 o'clock?

6 A 8:30 to 9.

7 Q How did you get there?

8 A I was riding around with my brother.

9 Q Your brother?

10 A Tywan Ransom.

11 Q Tywan Ransom. And what were you doing?

12 Were you in the house when somebody came to the
13 door?

14 A Yes, sir.

15 Q Where were sitting at the time?

16 A I was sitting at the kitchen table, on the
17 side of it, with my back against the wall. So
18 this would be the kitchen table, and I was sitting
19 like this.

20 Q Describe what happened. Did somebody come
21 in the house at that time?

22 A Yes, sir.

23 Q Describe what happened, and who came
24 first, if you know.

25 A Barbardos. I think his real name is Hugh.

Maurice Ransom-direct by Manning

1 Q Is that the one called Hugh?

2 A Yeah, Hugh.

3 Q Okay.

4 A He came in first, and then someone came in
5 with a mask behind him, and said, "Everybody get
6 the fuck down." Then the next person walked in,
7 they shot four times. After they shot, we all was
8 down. I was actually -- my brother was at the
9 table, and I was right beside his legs. So my
10 face was against the wall. And they had told us
11 to empty out our pockets. And after we emptied
12 our pockets, they said they was going to duct
13 tape us up.

14 So they duct taped us up. And as I was
15 being duct taped, while I still on my knees and I
16 was crawling backwards, they duct taped me up.
17 Then I laid down and that's when the gunshots went
18 off.

19 Q When you were being duct taped by one of
20 the individuals, what was the other person doing?

21 A I am not sure, I couldn't see. I couldn't
22 see, because I was sill facing the wall. I had my
23 face against the wall.

24 Q So when you were duct taped, what position
25 was your body in?

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Maurice Ransom-direct by Manning

1 A I was face down.

2 Q Face down?

3 A Yes, sir.

4 Q Did you get a look at the two suspects?

5 A No, sir.

6 Q You did not. Have you seen them since
7 that time?

8 A No, sir.

9 Q You have not. Had you ever seen them
10 before?

11 A No, sir.

12 Q And tell us exactly what happened. After
13 you were duct taped, what happened.

14 A Well I was duct taped. I was actually
15 the last one to actually be duct taped. So as I
16 was duct taped, I was still on my knees. They
17 wanted me to crawl backwards. As I was crawling
18 backwards, there is a counter top right in front
19 of the kitchen. As I stood to lay down, that's
20 when the gunshots went off.

21 Q Did -- at what point and time, did the
22 gunshots ring out after they first came into the
23 door?

24 A After they first came in the door, four
25 shots went off. The next person walked through

Maurice Ransom-direct by Manning

1 the door.

2 Q Now had they finished duct taping folks,
3 and the shots rang out after that? Well I was the
4 last one to get duct taped. And I am not sure who
5 all was duct taped before, because that's when my
6 head went into the wall. But I know I was the
7 last one to get duct taped.

8 Q Did you ask you to empty your pockets and
9 stuff like that?

10 A Yes.

11 Q Did you follow instructions as to what --
12 according to what they were telling you?

13 A I didn't have anything in my pockets.

14 Q But did you follow their instructions?

15 A Yes. I allowed them to turn them inside
16 out.

17 Q And you said that you and your brother
18 went in together?

19 A Yes, sir.

20 Q What were you doing when they came into
21 the house?

22 A Smoking weed.

23 THE COURT: Same two questions?

24 MR. MANNING: Yes, sir.

25 THE COURT: We will put that on record as

Maurice Ransom-direct by Manning

1 well. Same situation as to Lennie Belton.

2 MR. MANNING: Yes, sir.

3 THE COURT: As far as the statement is
4 concerned with this witness.

5 MR. MANNING: Yes, sir.

6 THE COURT: Go ahead.

7 Q After the shots ring -- started ringing
8 out inside and went all over, tell me exactly
9 what you saw at that point.

10 A Well I laid down face down after the shots
11 stopped. And Lennie and Darren Graham they
12 actually called by name, and that's when I popped
13 up. And I loosened my duct tape. And I called my
14 brother's name, and he called Kemper's name.
15 Kemper never responded. So after I look around, I
16 was like, "I am going to take you home." So I
17 left at that time. And Barbados was laying on the
18 floor as well.

19 Q Had Barbados been shot?

20 A Yes.

21 Q Who else was shot that you recognized?

22 A Well Kemper.

23 Q Kemper was shot. And anyone else?

24 A I didn't see nobody else get shot.

25 Q Is there anything you could have done that

Maurice Ransom-direct by Manning

1 night other than what you did do?

2 A No, sir.

3 MR. MANNING: I beg the court's
4 indulgence.

5 THE COURT: Yes, sir.

6 Q Do you know Vernon Goodwin?

7 A No, sir.

8 Q You do not know him?

9 A No, sir.

10 MR. MANNING: I have no further questions,
11 Your Honor.

12 THE COURT: Mr. Sullivan.

13 Cross Examination by Mr. Sullivan:

14 Q Mr. Ransom, you said you were smoking
15 marijuana?

16 A Yes, sir.

17 Q And there were other people smoking
18 marijuana?

19 A Yes, sir.

20 Q When all this was going on, you never saw
21 Mr. Kelley sitting over here at defense table; did
22 you?

23 A No, sir, I didn't see anybody.

24 Q You didn't see any car outside; did you?

25 A No, sir.

Maurice Ransom-cross by Sullivan

1 Q Not including the robbers when you got to
2 the trailer, how many people were there?

3 A About 5.

4 Q Okay. Do they have cell phones?

5 A Yes, sir.

6 Q Okay. Thank you.

7 THE COURT: Mr. Hastie.

8 MR. HASTIE: Yes, sir.

9 Cross Examination by Mr. Hastie:

10 Q Good morning, how are you doing.

11 A How are you doing.

12 Q Now you say you live on Spring Hill Road?

13 A Yes, sir.

14 Q How far is that from this incident area?

15 A About 5 houses down.

16 Q Not so far. So did you walk there that
17 night?

18 A No, sir, I rode with my brother.

19 Q You rode with your brother. Was his car
20 outside with then this incident happened?

21 A Yes, sir.

22 Q What kind of car does he drive?

23 A An Impala.

24 Q What color is it?

25 A Blue.

000291

Maurice Ransom-cross by Hastie

1 Q A blue Impala? And what time did you all
2 arrive?

3 A Around 8:30, 9.

4 Q And why were you all going to this house?

5 A Well I just came home from college, so I
6 was back to the neighborhood. My brother, he just
7 purchased a home. So we was going there to tell
8 Lennie that he just bought his own house.

9 Q Okay.

10 A That's the reason for going out there.

11 Q You were going to tell him.

12 A Yes, sir.

13 Q In the process of telling Lennie you just
14 bought a house, you all ended up smoking some
15 weed; is that correct?

16 A Yes, sir.

17 Q How long have you been to his house?

18 A Numerous times.

19 Q But you live right near there.

20 A Yes, sir.

21 Q So you are pretty familiar with the area.

22 A Yes, sir.

23 Q Is that correct?

24 A Yes, sir.

25 Q Do you know about a road that, you know,

Maurice Ransom-cross by Hastie

1 if you walk out of the front of the house to the
2 left, there is sort of a road that goes around to
3 the wood line, do you know about that road?

4 A Yes, sir.

5 Q You know about that road; don't you?

6 A Yes, sir.

7 Q How do you know about that road?

8 A Well I know about that road, because we
9 used to ride four wheelers.

10 Q Okay.

11 A That was basically a path that we made.

12 Q Okay. So a path that you all made.

13 A Yes, sir.

14 Q So several people probably know about that
15 road; correct?

16 A If you would have stayed in that area you
17 would know about it.

18 Q But you live in that area, you know about
19 that road; don't you?

20 A Yes, sir.

21 Q And you were at the kitchen table; is that
22 correct?

23 A Yes, sir.

24 Q And you were smoking weed at the kitchen
25 table or you were smoking weed already?

Maurice Ransom-cross by Hastie

1 A Well I was -- I already had some.

2 Q You already had smoked it. What are you
3 all doing at the kitchen table, playing cards or
4 what?

5 A Well Kemper was on the other side of the
6 kitchen table, and he was actually talking about
7 some tapes.

8 Q Have you ever bought any weed from that
9 trailer, from that house?

10 A No, sir.

11 Q You never brought anything from there.

12 A No, sir.

13 Q Have you ever seen weed bought from the
14 house; sold from the house?

15 A Yes, sir.

16 Q You have. Okay. But when these gentleman
17 came in, and they said "Everybody get down," you
18 got down.

19 A Yes, sir.

20 Q And you said you were face down; is that
21 correct?

22 A Correct.

23 Q Okay. So you didn't get to see much of
24 anything?

25 A No, sir.

Maurice Ransom-cross by Hastie

1 Q And you said you were the last one duct
2 taped?

3 A Correct.

4 Q Was everyone duct taped?

5 A I don't know.

6 Q You just you were. But you know you were
7 the last one. But you don't know whoever was duct
8 taped.

9 A I was the last one, because who -- well I
10 was the last one that they did duct tape. As soon
11 as I laid down, the shots went off.

12 Q Now do you recall them moving some of you
13 all to the hallway?

14 A I recall them saying, "You all get up, you
15 are going in the hallway." So Maurice who had
16 moved out there.

17 Q Did they move you?

18 A No, not at that time.

19 Q You didn't move. Did you move any time to
20 the hallway?

21 A No, sir, not in the hallway.

22 Q Did you peek and see who went to the
23 hallway?

24 A No, sir.

25 Q Now when they came in the door, they shot

Maurice Ransom-cross by Hastie

1 four times; is that correct?

2 A 4 or 5 times.

3 Q 4 or 5 times.

4 A Yes, sir.

5 Q And after the folks moved to the hallway,
6 did you see where, could you see from the kitchen
7 where Lennie was?

8 A I had my face against the wall. So I had,
9 they wrapped my arms and my legs. And I had my
10 face against the wall.

11 Q But Lennie was at the table with you when
12 this thing started.

13 A Lennie was in the kitchen, at the sink,
14 right behind the counter. So he was on this side
15 of the kitchen, I was on the other.

16 Q So you both were at the table.

17 A No, as far as to the sink. I was at the
18 kitchen table.

19 Q Okay. So he wasn't at the table with you.

20 A No.

21 Q I thought you said, I am sorry. So after
22 the four shots were fired, do you know who fired
23 the next shot?

24 A No, sir.

25 Q You have no idea who fired the next shot.

Maurice Ransom-cross by Hastie

1 A All I know is one bullet, it went straight
2 across my head and straight into the wall.

3 Q Where did that bullet come from?

4 A It came from behind me.

5 Q What is behind you?

6 A The two masked men.

7 Q Two masked men?

8 A Yes.

9 Q They didn't come from down the hall?

10 A No, sir. They went straight into the
11 kitchen. The counter was right here.

12 Q Yeah.

13 A So the bullet went straight in there.

14 Q Are you sure that was the first shot?

15 A I don't know what shot it was.

16 Q Okay. But you just know a bullet went
17 across there.

18 A Yes.

19 Q And you said after the shooting, you said
20 you left the area. You left the house?

21 A I went home; yes, sir.

22 Q So you just went home.

23 A Yes, sir.

24 Q People shot; right? Your friend shot.

25 A Yes, sir.

Maurice Ransom-cross by Hastie

- 1 Q Did you how many people were shot?
- 2 A Well at that time, I know it was two at
- 3 the time.
- 4 Q At the time. What two did you notice was
- 5 shot?
- 6 A Barbados and Kemper.
- 7 Q Okay. Hugh and Kemper.
- 8 A Yes, sir.
- 9 Q Did you notice anybody else shot?
- 10 A No, sir.
- 11 Q And you just decided to -- did you walk
- 12 off?
- 13 A No, sir.
- 14 Q You got in the car with your brother?
- 15 A Yeah, I was screaming, telling him to take
- 16 me home.
- 17 Q Did you do anything to help any of the
- 18 guys that were shot?
- 19 A Well like I said, once I saw it, I said,
- 20 take me home; take me home.
- 21 Q You just ran out.
- 22 A Yes, sir.
- 23 Q Did you go in the front door?
- 24 A Yes, sir.
- 25 Q And in your statement you said you don't

Maurice Ransom-cross by Hastie

1 even know Vernon Goodwin at all; do you?

2 A No, sir.

3 MR. HASTIE: Thank you, Your Honor. No
4 further questions.

5 THE COURT: Redirect, Mr. Manning?

6 MR. MANNING: Yes, Your Honor.

7 Redirect Examination by Mr. Manning:

8 Q Mr. Ransom.

9 A Yes, sir.

10 Q If you are not from this area, would you
11 know how to get there? Anyone who is not
12 familiar, would you know how to get to that house?

13 A Well it's a small road so. It's a simple
14 direction, but that road to Odell Lane, it's hard
15 to get to it. I know an easier way.

16 MR. HASTIE: Objection, Your Honor.

17 THE COURT: What's your objection?

18 MR. HASTIE: The question is, if he was
19 not from that area, would you know how to get to
20 that house? Would he know how to get there?

21 THE COURT: If he doesn't know, he can
22 answer it that way. If that's the answer to the
23 question. But that's up to him to answer it. The
24 objection is overruled.

25 Q If someone is not from that area, would

Maurice Ransom-redirect by Manning

1 they know how to go straight to that house?

2 A No, sir.

3 MR. MANNING: Your Honor, I have no
4 further questions.

5 THE COURT: Recross, Mr. Sullivan?

6 MR. SULLIVAN: No, Your Honor.

7 THE COURT: Mr. Hastie.

8 MR. HASTIE: Yes, sir.

9 Recross Examination by Mr. Hastie:

10 Q Your testimony is that someone not from
11 that area, they wouldn't know how to get to that
12 house?

13 A Well the road is small, so they could
14 easily miss.

15 Q It's easy to miss, but it could be found;
16 right?

17 A Yes, if they can find.

18 Q So it could be found. So you are making a
19 statement here today that if no one is from that
20 area, they could not find that road.

21 A That's the way I feel about it.

22 Q That's your thought. Thank you.

23 THE COURT: Thank you, sir. You can step
24 down. Mr. Manning, call your next witness.

25 MR. MANNING: Tywan Ransom.

Maurice Ransom-recross by Hastie

1 TYWAN RANSOM, after being duly sworn,
2 testified as follows:

3 THE CLERK: State your full name and spell
4 your last name.

5 A Tywan Ransom. R-A-N-S-O-M.

6 Direct Examination by Mr. Manning:

7 Q Mr. Ransom, where do you live?

8 A 6570 Spring Hill Road.

9 Q And is that in Sumter County?

10 A Yes, sir.

11 Q That's in the Rembert area?

12 A Yes, sir.

13 Q How long have you lived in that area?

14 A All my life.

15 Q All your life. Have you finished high
16 school?

17 A Yes, sir.

18 Q And what year?

19 A 12th.

20 Q What year?

21 A What year? 2002.

22 Q What year did you finish high school?

23 A 2002.

24 Q Okay. Let me ask you this. Do you recall
25 on December 14th 2009, an incident occurring on

Tywan Ransom-direct by Manning

1 Odell Lane in the Rembert area?

2 A Yes, sir.

3 Q Okay. Were you at the house that night?

4 A Yes, sir.

5 Q How did you get there?

6 A I drove.

7 Q Okay. And did anyone go with you?

8 A Me and my brother.

9 Q Your brother. Is that the one that just
10 testified, Maurice?

11 A Yes, sir.

12 Q And approximately what time did you get
13 there?

14 A It was around like, 7:30, 8 o'clock. I am
15 not really sure. I can't remember.

16 Q When you got to the house you and your
17 brother went inside; is that correct?

18 A Yes, sir.

19 Q How did you get up to the house?

20 A I drove.

21 Q I mean but what road? What paved road did
22 you come off of?

23 A Spring Hill Road.

24 Q Spring Hill Road. And after you turn off
25 Spring Hill Road, you come going to Odell Lane?

000302

Tywan Ransom-direct by Manning

1 A Yes, sir.

2 Q Okay. Is there any other way to get to
3 that house other than going up Odell Lane?

4 A Yes, sir.

5 Q How?

6 A A side road where my grandmother lives at.

7 Q A side road?

8 A Yes, sir. That goes down the back.

9 Q If you are coming from Camden, Camden
10 going towards Highway 501, would you get to Odell
11 Lane first or this other road first?

12 A Are you talking about 501 or 521?

13 Q If you are going on Spring Hill Road,
14 headed toward 501, would you get to Odell Lane
15 first, or would you get to the other road first?
16 The side road you are referring to.

17 A Not Highway 501, sir.

18 Q 521? I'm sorry, 521.

19 A Coming from 521?

20 Q No, no. Going towards 521.

21 A Going towards 521.

22 Q Would you get to Odell Lane first or the
23 side road first?

24 A You've got to rephrase your question. I
25 don't understand where you are coming from.

000303

Tywan Ransom-direct by Manning

1 Q I am going off 521, and I'm going to Odell
2 Lane.

3 A Yes, I would pass the side road first.

4 Q Okay. If you're coming 501. I mean, 521.

5 A Yes, sir.

6 Q So if you are going the other way, you get
7 to Odell Lane first; right?

8 A Yes, sir.

9 MR. MANNING: Your Honor, may I approach
10 the witness?

11 THE COURT: Yes, sir.

12 Q If this is coming to your left, right? I
13 mean to your right. And going this way, you take
14 521, where would Odell Lane be?

15 THE COURT: Mr. Manning, the jury can't
16 see that.

17 MR. MANNING: Can he just come down here?
18 Your Honor, may he step down?

19 THE COURT: Yes, sir.

20 (Whereupon, the witness steps down from
21 the jury stand.)

22 Q This is Spring Hill Road right here. You
23 are going towards -- you are going towards 521.

24 The question is, would you get to Odell Lane
25 first, or would you get to the other one first?

Tywan Ransom-direct by Manning

1 A Get to the other one first.

2 THE COURT: Woe, woe, woe. You can't sit
3 there and carry on a conversation. Step back,
4 Mr. Manning. Ask him questions. He's got to
5 answer questions loud and clear so everybody can
6 hear him; so the Court Reporter can hear him.

7 Q Okay. If the -- okay if you are coming
8 from 521.

9 A Uh-huh. (Affirmative.)

10 Q And if you are heading back toward Camden
11 on Spring Hill Road. You understand my question
12 now? You understand my question? You can step
13 over here. Do you understand my question?

14 A Yes, sir.

15 Q You are coming from 521.

16 A Uh-huh. (Affirmative.)

17 Q Going toward Camden you are on Spring Hill
18 Road. Which road would you get to first, would
19 the old dirt road be the frist, or would you get
20 to Odell Lane first?

21 A The old dirt road.

22 Q Huh?

23 A The old dirt road.

24 Q Show me where the old dirt road is.

25 THE COURT: Keep your voice up.

Tywan Ransom-direct by Manning

1 A If I turn on 521, Spring Hill Road, the
2 old dirt road would be here, and here is Odell
3 Lane.

4 Q You are coming from 521?

5 THE COURT: He's answered your question, I
6 think, Mr. Manning.

7 Q Well mark where Odell Lane is.

8 A I am down from coming 521.

9 THE COURT: Keep your voice up. Nobody
10 can hear you; the Court Reporter can't hear you.

11 A I am coming down 521, and I turn on Spring
12 Hill Road, first will be the back road.

13 Q Where is Odell Lane?

14 THE COURT: Well let him finish the
15 question. Go ahead. Go ahead and finish your
16 answer.

17 Q You can go ahead and finish it.

18 A I said when you turn on 521 is Spring Hill
19 Road. The first road will be the back road. And
20 then 20 yards down will be Odell Lane.

21 Q Coming this way; is that correct? Which
22 road would you get to first when you coming from
23 521?

24 THE COURT: I believe he answered that
25 question, Mr. Manning.

000306

Tywan Ransom-direct by Manning

1 A If I turn off of 521, If I turn off 521
2 coming from Camden, and I turn on Spring Hill
3 Road, the first road would be the back road. The
4 second road would be Odell Lane.

5 Q Okay. You may sit back down.

6 (Whereupon, the witness resumes the
7 witness stand.)

8 THE COURT: Move the chart, please, Mr.
9 Manning, I can't see the jury.

10 MR. MANNING: Yes, sir. Your Honor, this
11 is a map of the area.

12 THE COURT: Show it to the other side and
13 see if they have any objections.

14 MR. MANNING: Without objection.

15 THE COURT: Woe, woe, woe. It hasn't been
16 identified yet.

17 MR. MANNING: Your Honor, this is a map of
18 the area.

19 THE COURT: I am not asking you to
20 testify. Show it to the other side and see if
21 they have got any objection to you offering it in
22 to evidence.

23 THE COURT: Mr. Sullivan?

24 MR. SULLIVAN: None, Your Honor.

25 THE COURT: Mr. Hastie.

000307

Tywan Ransom-direct by Manning

1 MR. HASTIE: None.

2 THE COURT: It will be admitted into
3 evidence as State's Exhibit No. 40 without
4 objection.

5 (Map marked State's Exhibit No. 40 into
6 evidence.)

7 Q Step down.

8 (Whereupon, the witness steps down from
9 the witness stand.)

10 Q Do you recognize the area at all?

11 A Yes, sir.

12 Q Tell me what highway this is?

13 A That's Spring Hill Road.

14 Q Spring Hill Road. Now show me where---

15 THE COURT: Speak louder.

16 Q Speak up.

17 A This is Spring Hill Road.

18 Q Okay. Now show me where Odell Lane is.

19 A Odell Lane is here.

20 THE COURT: You have got to speak up.

21 A Odell Lane is right here.

22 Q Okay. Now you said it runs right here.

23 What is this here?

24 A That's the trailer.

25 Q That's the trailer. Is that the trailer

Tywan Ransom-direct by Manning

1 that you were -- stand here. Is that the trailer
2 that you were in that night?

3 A Yes, sir.

4 Q Okay. Now is there any other way to get
5 to this trailer other than coming up this road
6 here?

7 Q I believe---

8 A Yes, sir.

9 Q I believe you say some kind of old road?

10 A Yes, sir.

11 Q Where is that old road?

12 THE COURT: Sustained, you are leading
13 him.

14 Q Is it an old road?

15 A Yes, sir.

16 Q Show me where that old road is.

17 A (Witness indicates.) It's a road, and
18 there is a path. It is before the path.

19 THE COURT: Nobody can hear you, sir.

20 A There was a road right here. And there
21 was a path that circles on the back side.

22 Q So you can circle around to the trailer.

23 A Yes, sir.

24 Q Okay. Now if you are not from this area,
25 would you know to circle around to that trailer

Tywan Ransom-direct by Manning

1 back there?

2 A No, sir. There is not a road. You would
3 have to take a four wheeler back there in that
4 area.

5 Q So it would have to be someone who would
6 know the area; is that correct?

7 A Yes, sir.

8 MR. MANNING: Your Honor. You may step
9 back.

10 (Whereupon, the witness resumes the
11 witness stand.)

12 Q And you are from this area; is that
13 correct?

14 A Yes, sir.

15 Q And that's why you know the area.

16 A Yes, sir.

17 Q What, you are inside the trailer?

18 A Yes, sir.

19 Q And somebody comes to the door.

20 A Yes, sir.

21 Q Okay, and do you recall what happened
22 when the folks came to the door?

23 A I don't know, I was sitting at the table
24 with my back to the wall. Barbardos ran through
25 the door like someone shoved him inside the house.

Tywan Ransom-direct by Manning

1 Q You need to speak up.

2 A I came. I was sitting at the table with
3 my back to the wall. Barbados came flying through
4 the door like someone shoved him in the door. And
5 after that I seen two masked men. They was
6 yelling, "Get down." They fired a couple of
7 shots. And then I got on the floor.

8 Q Who shoved Barbados in the door?

9 A One of the masked men.

10 Q Have you seen them before?

11 A No, sir. They had masks on, so I don't
12 know them.

13 Q And when they came in, what did they --
14 what instruction did they give to you and the rest
15 of the individuals in there?

16 A "Get the fuck on the floor."

17 Q Did they ask you to empty your pockets?

18 A Yes, sir.

19 Q And how did they tell you to lay on the
20 floor?

21 A They told us to lay down. They told us,
22 "Get the fuck down."

23 Q Was it face down, or on your back?

24 A He said, "Get the fuck down."

25 Q Okay. And what happened when you laid

000311

Tywan Ransom-direct by Manning

1 down?

2 A I laid down. They came over. I recall
3 someone was on top of me saying, "Dread, what you
4 got. What you got." I said, "I give you
5 everything I got. I empty my pockets already."
6 And they just kept going around the room asking
7 everybody the same questions.

8 Q Were you -- were you duct taped?

9 A At that point I was, sir.

10 Q Okay. Now did one person duct tape you or
11 two persons duct tape you?

12 A One. Well one duct taped me, and one was
13 standing over me.

14 Q Okay. One was standing over you. Did he
15 have a gun in his hand?

16 A Yes, sir.

17 Q And when the guy was duct taping you,
18 what were you doing then?

19 A Cooperating with them with the duct
20 taping.

21 Q Now to the best of your knowledge, was
22 everyone else duct taped?

23 A You say to the best of my knowledge, I
24 think everyone was except Barbardos, if I am not
25 mistaken.

000312

Tywan Ransom-direct by Manning

1 Q When the gunshots rang out, you say when
2 they when first walked in, did they shoot when
3 they first walked in?

4 A Yes, sir, they did.

5 Q And following that, did other shots ring
6 out?

7 A Yes, sir.

8 Q Okay. Do you happen to know who was
9 shooting at that time?

10 A Yeah, I saw the gun was shot a couple of
11 times. Because I held my head up. When shots
12 fired, they were pointing the gun all around the
13 room. That's when I ducked back down under the
14 table.

15 Q Did you see the type of gun one of the
16 suspects had?

17 A Yes, sir.

18 Q What kind was it?

19 A I am not sure exactly the model, but I
20 know it had a laser on it. It had a beam on it.

21 Q It had a beam on it?

22 A Yeah, a red beam.

23 Q Who lives in that house?

24 A Darren Graham, his mother and Lennie
25 Belton.

000313

Tywan Ransom-direct by Manning

1 Q And which one is your cousin?

2 A Both of them. All of them.

3 Q So you have been there before.

4 A Yes, sir.

5 MR. MANNING: I beg the court's

6 indulgence.

7 Q How much money did they steal from you
8 that night?

9 A I can't recall, sir.

10 Q You don't remember?

11 A I can't remember.

12 Q Does \$173 seem correct to you?

13 MR. SULLIVAN: Object to leading.

14 THE COURT: Wait just a minute. Rephrase
15 your question.

16 Q Does \$173 seem like the amount that was
17 taken from you that night?

18 THE COURT: Overruled. That's not
19 leading.

20 A Possibly, I can't remember. It was 3
21 years ago.

22 Q Money was taken from you.

23 A Yes, sir.

24 Q You just don't remember exactly how much.

25 A I can't remember the amount.

Tywan Ransom-direct by Manning

1 Q Let me ask you this. Did you ever plead
2 guilty to a gun charge at one point too?

3 A Yes, sir.

4 Q Do you happen to remember when that may
5 have been?

6 A Yes, sir.

7 Q Huh?

8 A Yes, sir.

9 Q When was that?

10 A 2004.

11 Q Where was that at?

12 A I plead guilty on federal gun charges.

13 Q What county was in?

14 A It was feds. It was federal.

15 Q Was it in Richland County or Columbia,
16 Charleston, Florence?

17 A From Kershaw County.

18 MR. MANNING: Your Honor, I have no
19 further questions of this witness.

20 THE COURT: Cross Examination, Mr.
21 Sullivan?

22 MR. SULLIVAN: Thank you.

23 Cross Examination by Mr. Sullivan:

24 Q When you get to the trailer, all this
25 happened by Odell Lane, which is a dirt road;

Tywan Ransom-direct by Manning

1 correct?

2 A Yes, sir.

3 Q Okay. There is another way that you can
4 get there that is drivable; isn't there?

5 A Yes, sir.

6 Q Okay. Did you see this gentleman right
7 here, Mr. Kelley out there?

8 A No, sir.

9 MR. SULLIVAN: Okay. Thank you.

10 THE COURT: Mr. Hastie.

11 Cross Examination by Mr. Hastie:

12 Q This happened at Spring Hill Road.

13 A 6570 Spring Hill Road.

14 Q You had a chance to look at your map. Can
15 you see your house -- could you see your house in
16 observing that map?

17 A I didn't look for my house in observing
18 that map. I looked for the address he asked me.

19 MR. HASTIE: Your Honor, may this witness
20 step down?

21 THE COURT: Yes, you may step down. Be
22 sure to keep your voice up, because everybody has
23 got to be able to hear you. And you all carry on
24 a conversation. This is not a fireside chat.

25 Q Let's take a good look at this map. And

000316

Tywan Ransom-cross by Sullivan

1 you know where Odell Road is; right?

2 A Yes, sir.

3 Q Point to it.

4 A Okay.

5 Q And you said you lived in that vicinity.

6 My question, do you see your house on this map?

7 It's off of Spring Hill Road. You live on Spring

8 Hill Road; right?

9 A Uh-huh. (Affirmative.)

10 Q Where is that?

11 A Right here.

12 Q Okay. You can't see your house?

13 A I don't recognize it.

14 Q You mentioned something on the stand about

15 your grandmama's house. Do you see your

16 grandmother's house over there?

17 A It is not there now, sir.

18 Q It's not there anymore.

19 A My grandmother died; so the house is gone.

20 THE COURT: Keep your voice up.

21 A My grandmother died. The house is gone.

22 Q Approximately where was your grandmother's

23 house?

24 A Right there where the house is.

25 THE COURT: You can't talk unless you talk

Tywan Ransom-cross by Sullivan

1 loudly enough for everybody to hear you.

2 A Nobody can see it there, but it was right
3 in this area right here.

4 Q Your grandmama. How far did you live
5 from grandmama's house?

6 A I live about 3 houses down.

7 Q You were pretty close to your grandmama;
8 right? You don't see your house from the map?

9 A Right here.

10 Q Three houses down.

11 A Right here.

12 Q So you found your house.

13 A Yes, sir.

14 Q Is your house right here?

15 A Yes, sir.

16 THE COURT: Keep your voice up.

17 A Yes, sir.

18 Q How long have you been living there?

19 A All my life.

20 Q All your life. And you drove from here
21 that night to Odell Lane; you and your brother.

22 A Yes, sir.

23 Q Did you take the back road that you talked
24 about to that house?

25 A No, sir.

Tywan Ransom-cross by Sullivan

1 Q Why didn't you?

2 A Because we all go down Odell Lane, because
3 we don't use that road.

4 Q Is that road drivable?

5 A Yes, sir.

6 Q Could you drove your car down that lane?

7 A Yes.

8 Q You have; right?

9 A Yes, sir.

10 MR. HASTIE: Thank you. You may have a
11 seat.

12 (Whereupon, the witness retakes the
13 witness stand.)

14 Q Now let's talk about the night of the
15 incident. And why were you there at the house?

16 A I came to chill with my cousin. He came
17 there.

18 Q To chill with your cousin.

19 A Me and my brother.

20 Q Who is -- which one is your cousin?

21 A All three of us. Lennie, the three
22 occupants that lived there.

23 Q Lennie and Graham.

24 A Yes, sir.

25 Q And Ms. Graham.

Tywan Ransom-cross by Sullivan

1 A Yes, sir.

2 Q Was Ms. Graham there that night?

3 A Not when I arrived at the home, she wasn't
4 there.

5 Q Was she there any time that night you were
6 there?

7 A Not while; after the incident happened.
8 But not during the incident, anytime during the
9 incident. When I arrived there, she wasn't there.

10 Q Okay. After the incident happened, what
11 did you do?

12 A I left, because my brother was going to
13 take me home; "Take me home." So I got took home.
14

15 Q All right, when these gunmen came in, we
16 all know the story, they shot 4 or 5 times. Where
17 were you in the house?

18 A My back -- I was at the kitchen table, my
19 back was to the wall..

20 Q So you and your brother were at the
21 kitchen table with your back to the wall.

22 A I don't know if his back was to the wall,
23 mine was. Because I was sitting in the chair like
24 this. And the table was right here beside me. So

25 I was sitting with my back to the wall; my back to

Tywan Ransom-cross by Sullivan

1 the wall. The table is right here.

2 Q And where was your brother sitting at the
3 table?

4 A I think he was sitting on the side of the
5 table; I am not sure.

6 Q Okay.

7 A I can't recall.

8 Q So these gunmen came in. You all are
9 sitting at the table. They said, "Get down."
10 Everybody got down. They fired the four rounds
11 you just talked about. You were duct taped. Were
12 you duct taped?

13 A At one point and time I was, sir.

14 Q Okay. Were you in that group that had to
15 move down the hall?

16 A No, sir. I never had to go down the hall,
17 because I was up under the table.

18 Q You were up under the table. Were you
19 face down?

20 A Face down.

21 Q You couldn't see hardly anything.

22 A Not during that time, sir.

23 Q Okay. But after, do you have any idea who
24 fired the first round after the four rounds were
25 fired?

000321

Tywan Ransom-cross by Sullivan

1 A After the four rounds were fired by the
2 first one?

3 Q Yes, sir.

4 A I am not sure.

5 Q Did you see any guns by any of the
6 individuals in the house that night?

7 A No, sir, I didn't see any guns.

8 Q Did you have a gun?

9 A No, sir. I didn't have a gun.

10 MR. HASTIE: Thank you. Your Honor, no
11 further questions at this time.

12 THE COURT: Redirect?

13 MR. MANNING: None, Your Honor.

14 THE COURT: Thank you, sir. You may step
15 down. Mr. Manning, you may call your next
16 witness.

17 MR. MEADORS: If it pleases, Your Honor,
18 the State now calls Darren Graham. Can we
19 approach briefly?

20 (Whereupon, the attorneys approach the
21 bench and confer with judge.)

22 DARREN GRAHAM, after being duly sworn,
23 testified as follows:

24 THE CLERK: State your full name and spell
25 your last name for the record.

000322

Tywan Ransom-cross by Sullivan

1 A Darren Graham. G-R-A-H-A-M.

2 Direct Examination by Mr. Meadors:

3 Q Good morning, Mr. Graham.

4 A Good morning.

5 Q Please tell the jury a little bit about
6 you; where are you from, your background, where
7 you went to school, what you have been doing.

8 A I grew up right there in Rembert.

9 Q In Rembert?

10 A Yes, sir.

11 Q Where did go to school?

12 A Crestwood and Lee Central.

13 Q When did you get out of Crestwood?

14 A I drop out.

15 Q What year?

16 A I want to say 09, the same year. The same
17 year.

18 Q Just, I don't mean to, how far did you go?

19 A 10th grade.

20 Q What did you do after that?

21 A Nothing.

22 Q Are you doing anything now?

23 A No.

24 Q Where do you live?

25 A Camden.

Tywan Ransom-cross by Sullivan

1 Q How long have you been living in Camden?

2 A About 6 months now.

3 Q Who have you lived with over there?

4 A My girlfriend and her mama.

5 Q Let me take you back to this incident if
6 you don't mind, December 14th 2009. Did you have
7 an occasion to be at Odell Lane?

8 A Yes, sir.

9 Q Tell these folks why were you there,
10 Mr. Graham.

11 A Because I stayed there.

12 Q And who else stayed there?

13 A Me and my mama and Lennie.

14 Q You, your mom and Lennie?

15 A Yeah.

16 Q And what's your mother's name?

17 A Letra Graham.

18 Q How long have you staying at Odell Lane?

19 A About 8 or 9 months, something like that.

20 Q And is it fair to say that occasionally
21 folks would come by and visit?

22 A Yeah, people would come.

23 Q And socialize?

24 A Yes, because we all used to gamble all the
25 time.

000324

Darren Graham-direct by Meadors

1 Q I was going to get into that. Your Honor,
2 the same, I think, with this witness as far as
3 gambling and other matters. This isn't a case
4 about gambling or drugs.

5 THE COURT: We will take care of those,
6 thank you.

7 Q So people would come to gamble?

8 A Yes.

9 Q I don't mean this bad, but people come by
10 and use drugs there?

11 A Yeah, we used to smoke weed all the time.

12 Q That would be using, smoking weed. Okay.

13 And gambling.

14 A Yes.

15 Q Now on December 14th 2009, do you remember
16 when this incident happened?

17 A Yes, sir.

18 Q And before we get to that, I beg the
19 court's indulgence.

20 (State's Exhibit No. 41 for Id.)

21 Q You were staying in the house trailer?

22 A Yes, sir.

23 Q I am going to show you what is marked 41.

24 Just tell me without saying anything, do you

25 recognize it?

000325

Darren Graham-direct by Meadors

1 A Yes.

2 Q Does it relate to where you were living
3 at? And let me, can you describe it? How many
4 rooms were in there?

5 A Three.

6 Q Three bedrooms?

7 A Yes, sir.

8 Q Was there a living room?

9 A Yes, sir.

10 Q Was there a front door, rear door?

11 A Yes, sir.

12 Q And looking at State's Exhibit No. 41, do
13 you recognize that is a diagram of anything?

14 A Yes, sir.

15 Q Do you recognize that as a diagram of your
16 place?

17 A Yes, sir.

18 Q You do?

19 A Yes, sir.

20 Q Does that seem like the same layout of
21 your trailer?

22 A Yes, sir.

23 MR. MEADORS: Your Honor, we would mark
24 this.

25 THE COURT: Speak up. Is that a yes?

000326

Darren Graham-direct by Meadors

1 A Yes, sir.

2 MR. MEADORS: 41 without objection.

3 THE COURT: Without objection?

4 MR. SULLIVAN: Without objection.

5 THE COURT: Be admitted into evidence

6 without objection, State's Exhibit No. 41.

7 (Diagram marked State's Exhibit No. 41
8 into evidence.)

9 Q Mr. Graham, take us there right there,
10 back on December. You were there. Who all was
11 there before this happened? Before this incident?

12 A It was Kemper came by like 11 o'clock, 12
13 o'clock that day.

14 Q And that's Kemper Holliday?

15 A Yes, sir.

16 Q And how long have you known Kemper
17 Holliday?

18 A All my life. We played baseball together
19 and all.

20 Q And go ahead. He came there when?

21 A He came there like 12, 12 that day. He
22 had called and asked if we wanted some chinese
23 food, and came there. He was on the computer all
24 day.

25 Q He was on the what?

Darren Graham-direct by Meadors

1 A On the computer all day.

2 Q Okay.

3 A And Tom was there. I mean, Lance, Lance
4 McCray. He was there. Lennie was there.

5 Q That's Lennie Belton.

6 A Lennie Belton.

7 Q Okay.

8 A And about like 8, 8:30, 9 o'clock Maurice
9 and T got there.

10 Q That's Maurice.

11 A And Tywan.

12 Q Last name.

13 A Ransom.

14 Q Okay.

15 A Both of them Ransom.

16 Q Right; yes, sir.

17 A And Lennie came. And then like, I would
18 say about 9:15, I got to call from Benjamin. I
19 got a call. He called me. When he hang the phone
20 up, I called him back. Then he was like, well are
21 you home. I been like yeah, why. He's talking
22 about needing a girl's number. He said I need a
23 girl's number; don't worry about it, I got it now.

24 And he hang the phone up. So like maybe 5 minutes
25 later, the boys ran up in the house with Barbados.

000328

Darren Graham-direct by Meadors

1 Q Okay. Tell me about these boys running up
2 in the house.

3 A When they came to the door, Barbados, they
4 fired. See I was -- Kemper was on the computer.
5 I was standing up behind the counter. So when
6 they came in the house, I was walking towards
7 them. I was about to ask them, "What the hell
8 wrong with you all."

9 Q You didn't know who they were.

10 A I ain't know who they was. I mean, "What
11 the hell wrong with you all." He started
12 shooting, so I just jump on the floor.

13 Q Did you recognize them at all?

14 A No, sir.

15 Q Never seen them before.

16 A No, sir.

17 Q You were pretty scared when they came in.

18 A Yes, sir.

19 Q You said you jumped on the floor?

20 A Yes.

21 Q What happened next?

22 A They started taping us up.

23 Q Show me. Show me on my body where they

24 taped you. Tape me like they taped you. Can he

25 come down, Your Honor?

000329

Darren Graham-direct by Meadors

1 THE COURT: Yes.

2 (Whereupon, the witness steps down from
3 the witness stand.)

4 Q So go ahead. Do it like you are me. How
5 did he go in your pockets?

6 A He went in the pockets.

7 THE COURT: Keep your voice up.

8 Q You did say he went in your pockets?

9 A Yeah, he went in my pockets. Take
10 everything out of my pockets.

11 Q Keep your voice up. You're away from the
12 thing. Get back up here. And speak loudly now.

13 Q Just speak loudly. I apologize, judge.

14 THE COURT: Face the jury.

15 A He took everything from out of my pockets.
16 And then he duct taped me. He duct taped me like
17 this right here, at.

18 Q And when he duct taped you, are you
19 standing up, or on the floor?

20 A No, I was on my knees.

21 Q You were on your knees.

22 A Yes, sir.

23 Q Okay. Sit back up there. Thank you,
24 judge.

25 (Whereupon, the witness resumes the

000330

Darren Graham-direct by Meadors

1 witness stand.)

2 Q So you were duct taped. You didn't want
3 to be duct taped; right? Did he take some money
4 from you?

5 A Yes, sir.

6 Q Okay. Do you remember how much money he
7 took from you?

8 A I don't really know.

9 Q Approximately?

10 A About \$600 something like that.

11 Q \$600?

12 A Yeah, approximately.

13 Q And then you had that in your pocket.

14 A Yes.

15 Q And he said, "Give it up," and you gave
16 it. Or he took it. You have to respond.

17 A Yes, sir.

18 Q So you are duct taped. You are on your --
19 you are face down? You said you are on your
20 knees.

21 A I was on my knees. I only got face down
22 when they started firing.

23 Q And tell us about it. How long was it
24 after you were duct taped when you heard the
25 gunshots?

000331

Darren Graham-direct by Meadors

1 A I was only duct taped about 30 minutes.
2 The boys keep saying they were going to kill one
3 of us before they leave around there.

4 Q I'm sorry, I didn't mean to interrupt. Go
5 ahead.

6 A And they just keep saying they were going
7 to kill one of us before they leave from out there
8 because we got more.

9 Q Because you what?

10 A Because we got more stuff.

11 Q You've never seen them before?

12 A Never seen them.

13 Q As far as you know, never been there
14 before. And you said one of them said, "I know
15 you got more stuff." And how long were they
16 there? You said 30 minutes?

17 A Yes, sir.

18 Q Seemed like forever; didn't it?

19 A Yeah, it seemed like somebody would come
20 to the house by then, but nobody came.

21 Q And who came in with them, do you
22 remember? Was there somebody that they came in
23 with?

24 A Barbados.

25 Q And who is Barbados? Just for the

000332

Darren Graham-direct by Meadors

1 record, that is who?

2 A Hugh.

3 Q He was duct taped too; wasn't he?

4 A No, I ain't ever see them duct tape him.

5 Because I was -- they had, when we went into the

6 living room, they had Barbados beside me. I was

7 in the middle and Kemper was on this side.

8 Maurice was in front of us. And Tywan was up

9 under the table. Lennie was on the other side of

10 the table by the computer. And Trauma was -- and

11 Trauma and Ms. Ellen was right here in front of

12 the refrigerator.

13 Q Who was that last person?

14 A Lance.

15 Q Okay.

16 A Lance and Ms. Ellen. They were in front

17 of like the refrigerator and the stove. The sink

18 part.

19 Q You were on your knees. You hear the

20 gunshot. How many shots?

21 A Say that again?

22 Q How many shots?

23 A I don't even know.

24 Q Did you see Kemper get shot?

25 A Yes, sir. I feel real, real lucky.

000333

Darren Graham-direct by Meadors

1 Because I seen, when Lennie came in the hallway
2 and hold his gun up like this. I just jumped down
3 on the floor and they just started shooting. I
4 just started shaking like I been all; done got
5 shot and stuff.

6 Q And you said you were lucky.

7 A Yes.

8 Q Are you lucky to be alive?

9 A Yes, sir.

10 Q This is real; right? Did you see Kemper
11 after he was shot?

12 A Yes, sir.

13 Q And was anybody else shot in there?

14 A Barbados. I mean, when I was running down
15 the hall with Trauma, I mean, Lance McCray, by
16 the time, he was hopping down the hall, and he
17 thought I was somebody. By the time I got to the
18 -- he jump out the window. I just open the back
19 door and went outside with him. And I been the
20 one that called 911.

21 Q You called 911.

22 A Yes, sir.

23 Q Did you tell them what's -- you told them
24 what is going on?

25 A Yes, sir.

000334

Darren Graham-direct by Meadors

1 Q How did you exit? What is State's 41,
2 your trailer? How did you get out?

3 A I went out the rear door.

4 Q Show the jury where you went out.

5 A Right here.

6 Q And where did you go?

7 A I went to the neighbor's house.

8 Q And who was that, who was the neighbor?

9 A I want to say her name is Jeanette.

10 Jeanette Alston.

11 Q Okay. And if I asked you this before, I
12 apologize. How long had you all been on Odell
13 Court, the three of you all, staying there?

14 A My mom was, she was staying there. The
15 three of us together.

16 Q Well how long had you been there?

17 A About 9 months.

18 Q You may have said that. I am sorry. How
19 long did you stay there after this?

20 A About one month, I think. About another
21 month.

22 Q Now did you know Mr. Kelley over here?

23 A No, sir.

24 Q Do you know Vernon?

25 A Yes, sir.

000335

Darren Graham-direct by Meadors

1 Q How long have you known him?

2 A All my life.

3 Q Has he been to Odell Court before?

4 A Yes, sir.

5 Q Been there a lot?

6 A Yes, sir.

7 Q Now I have to ask you this. Your Honor,
8 if I can approach again?

9 THE COURT: Yes, sir.

10 Q Back in September of 2009, no hard
11 feelings on this, but did you have an unlawful
12 use of fraud for an application for a driver's
13 license; do you remember that?

14 A Yes, sir.

15 Q Did you get a fine for that?

16 A Yes, sir. I had a ticket I had to pay.

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

19 THE COURT: All right.

20 Q And this was partly your residence. You
21 didn't give these fellow's permission to come in;
22 did you?

23 A No, sir.

24 Q You didn't want them to come in.

25 A No, sir.

000336

Darren Graham-direct by Meadors

1 Q Didn't want them to kidnap you.

2 A No, sir.

3 Q Didn't want them to take your stuff.

4 A No, sir.

5 MR. MEADORS: Thank you, Your Honor.

6 That's all.

7 THE COURT: Mr. Sullivan.

8 MR. SULLIVAN: Thank you.

9 Cross Examination by Mr. Sullivan:

10 Q So you lived there about 9 months before
11 this happened?

12 A Yes, sir.

13 Q Okay. And people come over to socialize?

14 A I wouldn't say every week.

15 Q From time to time people come over there
16 to socialize?

17 A Yeah, they will come talk. And everybody
18 like just come share.

19 Q Pretty regular people come to socialize
20 there? Smoking marijuana?

21 A Yes, sir.

22 Q All right. When you say soci -- I said
23 socialize, but when people would go over there to
24 socialize, would -- smoking marijuana, was that
25 pretty much part of it?

000337

Darren Graham-direct by Meadors

1 A Yeah, you can say. Yeah, you can say
2 that.

3 Q Would it be a fair statement that since a
4 lot of people have been there and a lot of people
5 knew that this was a drug house?

6 A You couldn't really say it was a drug
7 house.

8 Q Okay. But you said that there are people
9 that were coming in and out of there and there was
10 marijuana being smoked there; right?

11 A I don't think it would be a drug house.

12 Q Would it be fair statement to say that
13 people knew there was marijuana there; that there
14 were drugs there?

15 A Yeah, you can say that.

16 Cross Examination by Mr. Hastie:

17 Q Do you have a job?

18 A No, sir.

19 Q When was the last job you had?

20 A It was cutting grass with my cousin.

21 Q Cutting grass with your cousin.

22 A Yeah.

23 Q At the time of this incident in 2009,

24 December 14th, did you have a job?

25 A No, sir.

000338

Darren Graham-cross by Hastie

1 Q You just testified that on the night of
2 the robbery you had \$600 in your pocket. Where
3 did you get that money from?

4 A Rolling dice.

5 Q Rolling dice. You all were gambling.

6 A Yeah.

7 Q Do you all gamble there a lot?

8 A That's all we used to do is roll dice.

9 Q Have you sold marijuana out of that house?

10 A Yes.

11 Q You have; haven't you?

12 A Yes, sir.

13 Q Anybody else sold marijuana out of that
14 house?

15 A No, sir.

16 Q So you are the main sales person?

17 A No, I can't say really.

18 Q But you have sold marijuana out of that
19 house.

20 A Yeah.

21 Q And people come there to buy marijuana; is
22 that correct?

23 A Yeah, you can say that.

24 Q Okay. You sell, people come to buy. Now
25 when the shooting started, and we all heard all of

Darren Graham-cross by Hastie

1 this, so did you leave the house after the
2 shooting, or you stayed there until the end?

3 A I stayed the whole time. I was the one
4 that went to the neighbor's house and used their
5 phone.

6 Q Do you know the neighbors well?

7 A Yes, sir.

8 Q Did you have a gun that night?

9 A Yes, sir.

10 Q What type of gun did you have?

11 A A 45.

12 Q A 45 caliber; right? Did you shoot that
13 45 caliber that night?

14 A Yeah, I went outside in the yard.

15 Q Okay. So after everything was over, you
16 ran outside with your 45 caliber. And you did
17 what now?

18 A I fired in the air like three times.

19 Q Three times in the air. What was purpose
20 of that?

21 A Mad.

22 Q You were just mad. Just mad. You didn't
23 fire at anybody. Did you see anybody?

24 THE COURT: Woe, you did not answer out
25 loud. We have got to have a verbal response.

000340

Darren Graham-cross by Hastie

1 A Yes, sir.

2 THE COURT: Ask the last question. Repeat
3 it.

4 Q Did you fire at anyone.

5 A No, sir.

6 Q Did you see anyone?

7 A No, sir.

8 Q You were just frustrated.

9 A Yeah, I was mad. Kemper was on the floor
10 dead. He was dead.

11 Q You mentioned, how many people were shot?

12 A Three.

13 Q Three were actually shot. And Kemper was
14 dead at that time; immediately. Who else was
15 shot?

16 A Barbados and Lance McCray.

17 Q After the four rounds were fired, did you
18 see who shot the next rounds?

19 A After I, I was face down. I was face
20 down.

21 Q So you have no idea who shot the next
22 round. You just heard a lot of shooting.

23 A I saw where Lennie point his gun up. I
24 think Lennie fired the first round.

25 Q Could you see who Lennie was shooting

000341

Darren Graham-cross by Hastie

1 toward?

2 A Yeah, he was shooting, shooting towards
3 the boys.

4 Q Those guys---

5 A Yes, sir.

6 Q ---up there. And what proximity was
7 Kemper to those boys?

8 A Approximately he was -- he was facing,
9 all of us was facing like, facing the boys.

10 Q At the time of the shooting, could you
11 tell whether one of the boys was standing over
12 Kemper, or standing over Lance or standing over
13 you, or where was he?

14 A Like he had a gun on all three of us
15 really.

16 Q Okay. At the time Lennie shot, where was
17 Kemper?

18 A In front of the guy.

19 Q Right in front of the guy; wasn't he?
20 Okay. And where did you get this 45 caliber from?

21 A That's Lennie's gun. It was just in the
22 room.

23 Q Okay. So it really was Lennie's gun, huh?

24 A Yes, sir.

25 Q But it was in your room where you were

Darren Graham-cross by Hastie

1 staying?

2 A Yes, sir.

3 Q Now you heard testimony that there was
4 another car parked outside driven by one of the
5 brothers that was in there, Tywan; right? Do you
6 know what type of car he has?

7 A An Impala.

8 Q And you mentioned something about a
9 Benjamin McGee. Who is that?

10 A BJ.

11 Q BJ. I mean, who is he? Is he a guy that
12 comes and buys drugs from there?

13 MR. MEADORS: Your Honor, objection to the
14 relevance.

15 THE COURT: Come up, counsel. Tell me
16 what the relevance is.

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

19 THE COURT: Objection is overruled.

20 Q In your direct examination you mention
21 someone by the name of Benjamin McGee. Who is he?

22 A He was a home boy. But...

23 Q He was a home boy. What does that mean?

24 A He used to come buy.

25 Q Pretty frequently?

Darren Graham-cross by Hastie

1 A We used to roll dice together all the
2 time.

3 Q Used to do what? I can't hear you.

4 A Roll dice together.

5 Q Oh, he used to gamble with you all.

6 A Yes.

7 Q At the house.

8 THE COURT: Yes?

9 A Yes, sir.

10 Q You said Benjamin McGee called the house;
11 is that correct?

12 A He called my phone.

13 Q He called your phone. And could you
14 repeat what he wanted?

15 MR. MEADORS: Hearsay.

16 THE COURT: Objection sustained.

17 Q He called your phone; right? You also
18 testified soon after he called your phone, what
19 happened?

20 A Them boys ran up in the house.

21 Q Those boys ran up in your house. You also
22 testified that -- did you call him back?

23 A Yes, sir.

24 Q And what happened?

25 A He called me on my phone like two times

000344

Darren Graham-cross by Hastie

1 and hang up.

2 Q Okay.

3 A So I called him back. And he was like,
4 "You home."

5 THE COURT: No wait a minute. You can't
6 say what he said. You can say what you did as a
7 result of the call. But you cannot say what he
8 told you. That is what is classified as hearsay.

9 Q You called him back; is that correct?

10 A Yes, sir.

11 Q You mentioned something. He hung up on
12 you.

13 A That was the first time he called.

14 Q The first time he hung up. Then you
15 called him back.

16 A Yes.

17 Q And then all you know is -- all you know
18 is, soon after that these boys, I think you said
19 "Ran up in my home." Is that correct?

20 A Yes, sir.

21 THE COURT: Anything? Is that all, Mr.?

22 MR. HASTIE: I'm sorry. Yes, sir, that's
23 all.

24 THE COURT: Redirect.

25 MR. MEADORS: Very brief.

Darren Graham-cross by Hastie

1 Redirect Examination by Mr. Meadors:

2 Q Mr. Hastie asked you about the gun in your
3 shop. Was that -- did you have your gun when this
4 robbery and kidnapping were going on, or did you
5 get it after?

6 A After.

7 Q Okay. Where did you get it from?

8 A Out of the room.

9 Q Whose room?

10 A Mines.

11 Q And then afterwards, what did you do with
12 it?

13 A I shot in the air like three times.

14 Q You were just mad.

15 A Just mad.

16 Q And you didn't hit anybody with it.

17 A No, sir.

18 Q And then what happened to that gun?

19 A I left the gun in my -- on the -- in the
20 ditch.

21 Q Okay. And how did it get from you after
22 you fired it three times in the ditch?

23 A I think I -- I forgot who I gave the gun
24 to, to tell you the truth.

25 Q But that ended up in the ditch. That's

000346

Darren Graham-redirect by Meadors

1 all.

2 THE COURT: Recross, Mr. Sullivan?

3 MR. SULLIVAN: No, Your Honor.

4 THE COURT: Mr. Hastie.

5 MR. HASTIE: Yes, sir.

6 Recross Examination by Mr. Hastie:

7 Q Why did you put this gun in the ditch?

8 MR. MEADORS: Your Honor, I object. I
9 think he said somebody else put it in the ditch.

10 THE COURT: No, sir. I'll overrule the
11 objection. It's cross examination. He can clear
12 that.

13 A I didn't put it in the ditch. Somebody
14 else put it in there.

15 Q You gave it to someone else?

16 A Uh-huh. (affirmative.)

17 Q You actually gave it someone else?

18 A Yes, sir.

19 Q Who did you give it to?

20 A To tell you the truth, I forgot.

21 Q You forgot who you gave the gun to on this
22 important night.

23 A I ain't never been in no trouble about no
24 gun.

25 Q It wasn't your gun; was it?

000347

Darren Graham-redirect by Meadors

1 A Yes, sir.

2 Q But you didn't want to get in trouble.

3 A I was the one that shot it.

4 Q Do you know what ditch the person put it
5 in to?

6 A No, sir. I -- in the ditch. I want to
7 say a ditch across the street. I think it was me
8 and West had -- me and Detective West had got the
9 gun; went and got the gun.

10 Q You and detective went -- you went with
11 Detective West.

12 A Yeah, we went walking down the road.

13 Q Looking for the gun.

14 A Looking for the gun.

15 Q Who found it?

16 A He did it.

17 Q Detective West found the gun. And you
18 mentioned Mr. McGee frequently came to the house?

19 MR. MEADORS: You Honor, that's not proper
20 recross.

21 THE COURT: All right. It's outside the
22 scope, Mr. Hastie. He didn't go into that on
23 redirect examination. Objection is sustained.

24 MR. HASTIE: That's all I have.

25 THE COURT: Thank you, you may step down.

000348

Darren Graham-recross by Sullivan

1 Mr. Meadors.

2 MR. MEADORS: Your Honor, can we approach?

3 THE COURT: Yes, sir.

4 (Whereupon, the attorneys approach and
5 confer with judge.)

6 MR. MANNING: Lance McCray.

7 Lance McCray, being
8 first duly sworn, testified as follows:

9 THE CLERK: State your full name and spell
10 your last name for the record.

11 A Lance Orlando McCray. M-C-C-R-A-Y.

12 Direct Examination by Mr. Manning:

13 Q How are you this morning, Mr. McCray?

14 A I am doing fine.

15 Q And where do you live?

16 A 8430 St. John Road, Rembert.

17 Q Where is that located?

18 A It is located in Rembert by the crossroad.

19 Q Is that in the Rembert area?

20 A Yes, sir.

21 Q How long have you lived in that area?

22 A About 17 years.

23 Q 17 years. And do you recall the events

24 that may have occurred on December 14th 2009, on
25 Odell Lane in the Rembert area?

000349

Darren Graham-recross by Sullivan

1 A Yes, sir.

2 Q Did you have an occasion to have been
3 there that evening?

4 A Yeah, I was there.

5 Q You were there that night. What kind of
6 house was it? Were you in a house?

7 A It was a mobile home.

8 Q Mobile home. And how did you get there?

9 A Actually my fiancée dropped me off about 7
10 or 7:00 o'clock.

11 Q Around 7 o'clock?

12 A Yeah.

13 Q Was it dark at that time?

14 A Yeah, it was almost dark. It was getting
15 dark.

16 Q How did you -- what -- which direction or
17 which route did you take to get up to the house,
18 the trailer?

19 A I turned on Spring Hill Road and came down
20 Odell Lane.

21 Q You turned on Spring Hill Road?

22 A Yeah, and came down Odell Lane.

23 Q You came down Odell Lane?

24 A Yes, sir.

25 Q Is that the normal way that people get

000350

Lance McCray-direct by Manning

1 there?

2 A Yeah, that's the way everybody take to
3 get there.

4 Q Is there any other way to get there other
5 than up Odell Lane, off of Spring Hill Road?

6 A Yes, sir.

7 Q Do the people normally go that way to get
8 to that trailer off of Spring Hill Road?

9 A No, nobody don't go that way.

10 Q Odell Lane takes you straight to the
11 trailer; is that correct?

12 A Yeah, it will take you straight to the
13 trailer and to a cousin's house back there.

14 Q Tell me this here. You have been down
15 there for a period of time before all this ruckus
16 began; is that correct?

17 A Yes, sir.

18 Q Do you remember Ellen Phillips coming into
19 the house?

20 A Yes, sir.

21 Q Okay. And shortly after she got into the
22 house what happened?

23 A Well when Mr. Ellen came there, you know,
24 she was about---

25 Q Speak up.

000351

Lance McCray-direct by Manning

1 A When Ms. Ellen got there, she was asking
2 Lennie about getting his hair done. And so we was
3 like, we had a laptop at the table. So we was
4 like in the kitchen part messing with the laptop,
5 and everybody was like laughing and joking and
6 talking. And so about 5 minutes after that,
7 someone bust in the door. Originally I thought
8 that was just someone---

9 Q You say somebody busted in the door. Who
10 came in the door first?

11 A First it was Barbados.

12 Q Now is Barbados Hugh Phillips?

13 A Yes.

14 Q And why did he burst in the door? You
15 determined---

16 A Someone had a gun to his head when he came
17 in the door. So I guess that's why he came in the
18 door.

19 Q And was it one person or two people that
20 had the gun?

21 A It was two people.

22 Q Two people. Had you ever seen either one
23 of them before?

24 A No, sir.

25 Q Were they -- they were -- so they would

Lance McCray-direct by Manning

1 not have been from around this area; is that
2 correct?

3 A Nah, them boys don't be around the area.

4 Q And had they been from the area, you would
5 have seen them at some point and time; is that
6 correct?

7 A Yes, sir.

8 Q You have been here what, 17 years?

9 A Yeah.

10 Q What did they do when they first came in
11 the door with Barbados?

12 A When they first came to the door with
13 Barbados, it was like, "Everybody get down. You
14 all know what time it is." And then everybody
15 like paused, because we thought somebody was
16 playing. Then we heard like 5 or 6 shots. And
17 then we got down. And then one stayed in the
18 door.

19 Q When they did that, when they asked --
20 they gave you directions, did you follow their
21 directions?

22 A Yeah, I had to.

23 Q And what happened after that? What did
24 they tell you to do? Get down and what else?

25 A Get down, and where the money at. And

000353

Lance McCray-direct by Manning

1 asked like why -- one had me, Lennie and Ms. Ellen
2 in the kitchen duct taping us. The other one was
3 making sure that no one would move in the living
4 room part.

5 Q And how much money did you have?

6 A \$83.

7 Q How much?

8 A About \$83.

9 Q About \$83. They took that?

10 A Yeah, they took that.

11 Q Did you ever get it back?

12 A No.

13 Q Was Lennie Belton duct taped to your
14 knowledge?

15 A Yeah, he was right beside me. They told
16 me he said, "My duct tape ain't tight," You know.
17 So as far as somebody duct taping him, I was
18 assuming that he was almost lose anyway.

19 Q To your knowledge, was everyone in the
20 room duct taped to your knowledge?

21 A Right. I thought everyone was duct taped.
22 I know they was duct taping a couple of people.
23 But Mr. Phillips said he wasn't duct taped.

24 Q Where was -- where were the people
25 situated in the room as they were laying on the

000354

Lance McCray-direct by Manning

1 floor? Describe that to me.

2 A In the kitchen part. I was kind of like,
3 Ms. Ellen was like right in front of the table. I
4 was right beside Ms. Ellen like where the kitchen
5 at. Where the counter is at, there is a curve in
6 the kitchen, so I was like right there. And
7 Lennie was closer to the hallway. And I saw my
8 nephew on, I think Tywan Ransom was like laying up
9 under the table. And the only other person I
10 could have seen was my nephew right beside T.

11 Q Was Ms. Ellen taped, or do you know?

12 A I don't know. No, I don't think she was
13 taped, because they snatch her up off the floor.
14 I think he had the gun to her head.

15 Q And what did he say?

16 A He said, "If you all don't tell me where
17 the rest of the money at, "I am going to blow her
18 brains away." And then I really think that was
19 maybe everything got excited. And that's why
20 Lennie actually did went and got his gun, and came
21 back in the house shooting.

22 Q Did you happen to see the one that was
23 taping her? Did you get a look at him? Did he
24 have a gun in his hand at that time or not?

25 A No; actually the only thing I could

000355

Lance McCray-direct by Manning

1 recognize on him was his bedroom shoes.

2 Q Was one standing near the door while the
3 other one was doing the taping?

4 A If he wasn't right bedside the door, he
5 was like, he was in the door. He wasn't all the
6 way in the kitchen.

7 Q Like close to the front door.

8 A Yeah, he was near in that area. But he
9 was someone who could make sure everybody was, you
10 know, wouldn't move or nothing like that.

11 Q As best you can recall, was everybody in
12 the same room, or were some in the kitchen area
13 and the hallway area or something?

14 A Yeah, well in that particular trailer, the
15 kitchen and the living room was like a joint area.
16 The only thing that separated us was like a
17 counter top. So it was basically one room.

18 Q When the second series of shots rang out,
19 what happened, did you get shot?

20 A When the second series of shots rang out,
21 I kind of like jumped back. And in a split
22 second, I felt like pressure on my leg. And so
23 like I felt like the pressure on my leg, I
24 couldn't -- I thought I must be shot. So it made
25 me jump up. And I jumped up. Well actually I am

000356

Lance McCray-direct by Manning

1 glad I did jump up, because where I was at, I
2 probably got hit again.

3 But when I jumped up, I was like I came, I
4 am not going to just sit here. So I went down the
5 hall. I ran down the hall. I tried to get out
6 the back door. But the door back door was kind of
7 funny. You had to mess with it to unlock it to go
8 out. So I felt like -- it sounded like I heard
9 someone run behind me. So that's when I went to
10 the bedroom, and the bedroom, I jump out the
11 window.

12 Q You jumped out the window?

13 A Yeah.

14 MR. MANNING: I beg the court's
15 indulgence. May I approach the witness, Your
16 Honor?

17 THE COURT: Yes.

18 Q I show you State's Exhibit No. 7. Can you
19 recognize that?

20 THE COURT: No, you can't talk to him. He
21 asked you a question. Do you recognize that? And
22 that's a yes or no question.

23 A Yes, I recognize that.

24 Q Would that be the window that you jumped
25 out of?

Lance McCray-direct by Manning

1 A Yes, sir.

2 Q And when you jumped out, you jumped out of
3 the window because you had been shot; is that
4 correct.

5 A Yes.

6 Q And you tried to get away from the fire.

7 A Uh-huh. (Affirmative.)

8 Q And what did you do after that?

9 A When I jumped out the window, I looked up.
10 And I looked back towards the porch, and I saw
11 someone jump over the porch. So I thought someone
12 was coming -- I thought the guy was coming to
13 shoot me again. And so I kind of like, I tried to
14 run to the neighbor's house, but I couldn't. When
15 I got up, my leg just like collapsed. So I kind
16 of like crawled over towards the neighbor's house.
17 And then someone took me to the emergency room in
18 Camden.

19 Q The neighbor's house, would that have been
20 the house to the left of the trailer? It would be
21 facing the trailer? Is that the house that was
22 left of the trailer?

23 A If I am facing the trailer; yeah, it's the
24 double wide to the left.

25 Q Is there anything you could have done to

000358

Lance McCray-direct by Manning

1 avoid what happened to you that night?

2 A No.

3 Q Let me ask you this. Do you have a
4 criminal record of any kind? If you have just
5 tell us.

6 A Probably just like criminal domestic
7 violence.

8 Q Huh?

9 A Criminal domestic violence.

10 Q I can't hear.

11 A Criminal domestic violence.

12 Q Anything else?

13 A Simple possession charges. That's all
14 though.

15 Q Have you been arrested for driving under
16 suspension?

17 A I wasn't arrested, but I was charged.
18 Ticketed.

19 MR. MANNING: I have no further questions
20 of this witness.

21 THE COURT: Cross examination,
22 Mr. Sullivan?

23 MR. SULLIVAN: Yes, sir.

24 Cross Examination by Mr. Sullivan:

25 Q When all this was going on, you never saw

000359

Lance McCray-direct by Manning

1 a car outside; did you?

2 A A car outside?

3 Q Yeah.

4 A No.

5 Q Okay. And you never saw any car waiting
6 outside. Or you never told the police that you
7 ever saw a car waiting outside.

8 A No.

9 Q The man sitting right here closest to me
10 at the defense table, you never saw him.

11 A No, I ain't never seen him.

12 MR. SULLIVAN: Thank you.

13 THE COURT: Mr. Hastie.

14 MR. HASTIE: Yes, sir.

15 Cross Examination by Mr. Hastie:

16 Q How are you doing.

17 A Fine. How are you doing?

18 Q All right. What time did you arrive at
19 this house?

20 A It was about 7, 7:15 something like that.

21 Q 7:15. Was Tywan and his brother there
22 already?

23 A I don't think so.

24 Q You don't think so. How did you get
25 there?

000360

Lance McCray-cross by Sullivan

1 A Well my fiancée dropped me off.

2 Q Someone dropped you off?

3 A Yes.

4 Q Your fiancée?

5 A Yes.

6 THE COURT: Redirect, Mr. Manning?

7 MR. MANNING: None, Your Honor.

8 THE COURT: Thank you. You may step down.

9 Ladies and gentlemen, you have been in the
10 courtroom now for about an hour and 45 minutes or
11 so, and I think it's appropriate that we take our
12 morning break at this time. And we going to do
13 that for about 10 minutes or 12 minutes or so. If
14 you would, go to your jury room and relax for a
15 few minutes. Do not discuss this case among
16 yourselves. Any discussion of the case is
17 premature on this your part. You have not heard
18 all the testimony that you will hear. And any
19 discussion of this matter would be premature at
20 this time.

21 But just go to your jury room and relax
22 for a few minutes, and I will send for you very
23 shortly. Thank you, you may go with the bailiff.

24 (Whereupon, the following takes place
25 outside the presence of the jury.)

000361

1 THE COURT: One thing, counsel, just make
2 sure that the record is clear on this, with
3 regard to the witness, Mr. Maurice Ransom, Mr.
4 Tywan Ransom and Darren Graham, they all testified
5 as to matters that could be criminal offenses. Or
6 that might possibly incriminate them as criminal
7 offenses. And just for the record, I want it
8 clearly stated that the State has granted immunity
9 to those three witnesses from any prosecution from
10 anything that they may have said on the stand. Is
11 that the situation, Mr. Manning?

12 THE COURT: And I don't believe Mr. McCray
13 actually testified as to any criminal activity, so
14 I really don't think the immunity question applies
15 to him. Let's take a few minutes, counsel. Be
16 ready to go back at 11:00 o'clock. Thank you.

17 (Whereupon, the court takes a short
18 recess.)

19 THE COURT: We are back on the record in
20 the case of the State versus Cameren Kelley and
21 Mr. Goodwin. Mr. Kelley and Mr. Goodwin are in
22 the courtroom with this counsel. The State is
23 present and represented by Solicitor Finney and
24 Assistant Solicitor Meadors and Manning.

25 Before we bring the jury in, Mr. Manning,

1 Mr. Meadors, who is the next witness that you plan
2 to call?

3 MR. MEADORS: Carlton Bracey.

4 THE COURT: Well that's what I had
5 anticipated it was going to be Mr. Bracey. Are
6 there any security issues or anything that we need
7 to take care of before Mr. Bracey is called?

8 MR. MEADORS: They are doing that right
9 now. He should be ready in a minute. He may be
10 ready now.

11 THE COURT: And let me also tell all of
12 the spectators and victims and victim's families
13 who are in the courtroom, that some of his
14 testimony might be very descriptive and very
15 graphic. And I am going to require that order and
16 decorum be maintained in the courtroom; that
17 anyone who feels like they cannot sit quietly and
18 listen to the testimony without displays of
19 emotion would have to leave now. And if there are
20 disturbances in the courtroom, the court will
21 consider it a contempt of this court. I want to
22 make sure they are ready before I bring the jury
23 in. Are they ready?

24 MR. MANNING: Your Honor, Investigator
25 Mims is right there.

000363

1 THE COURT: Okay.

2 MR. MEADORS: Do you want to bring him in
3 to the jury box, Judge? Here he is right here.

4 THE COURT: Yes, he can have a sit right
5 over there until he is called. Bring the jury in.

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

8 THE COURT: Thank you, Ladies and
9 gentlemen. And we are now ready to resume. The
10 State is continuing to present their case to you.
11 Mr. Meadors, you may call your next witness.

12 MR. MEADORS: If it Please the Court, the
13 State would now call Carlton Bracey.

14 THE COURT: Mr. Bracey, come around,
15 please.

16 CARLTON BRACEY, after being duly sworn,
17 testified as follows:

18 THE CLERK: State your full name. And
19 spell your last name for the record.

20 A Carlton Bracey. B-R-A-C-E-Y.

21 Direct Examination by Mr. Meadors:

22 Q Good morning, Mr. Bracey.

23 A Good morning.

24 Q Will you tell these members of this jury,
25 where you are from?

1 A From Camden.

2 Q Mr. Bracey, I need you to speak up,
3 please.

4 A From Camden.

5 Q If you need to pull up a little bit.

6 A Yes, sir.

7 Q Were you born and raised there?

8 A Yes, sir.

9 Q And how far did you go in school?

10 A 12th grade.

11 Q And where did you go to school?

12 A North Central.

13 Q North Central High School.

14 A Yes, sir.

15 Q Is that up in Bethune?

16 A Yes, sir.

17 Q When did you get out of there?

18 A 2005.

19 Q And what did you do after that?

20 A I worked at Zaxby's.

21 Q You worked where?

22 A At Zaxby's.

23 Q At Zaxby's?

24 A Yes, sir.

25 Q What did you do at Zaxby's?

Carlton Bracey-direct by Meadors

- 1 A A cook.
- 2 Q How long did you work at Zaxby's?
- 3 A About a year.
- 4 Q And when was that?
- 5 A 2006.
- 6 Q What did you do after that?
- 7 A Nothing.
- 8 Q Nothing?
- 9 A No, sir.
- 10 Q Where were you living?
- 11 A In my grandfather's house in Cassatt.
- 12 Q Who else lived with you and your
- 13 grandfather?
- 14 A My brother, my mama.
- 15 Q And your brother's name is what?
- 16 A Calderone. Yes, sir.
- 17 Q You are Carlton.
- 18 A Yes, sir.
- 19 Q And your granddaddy is Mr. Reddick?
- 20 A Yes, sir.
- 21 Q Mr. Andrew Reddick?
- 22 A Yes, sir.
- 23 Q And who else lived there?
- 24 A My auntie.
- 25 Q Your auntie?

000366

Carlton Bracey-direct by Meadors

- 1 A Yes, sir.
- 2 Q And that was in Cassatt?
- 3 A Yes, sir.
- 4 Q Kershaw County.
- 5 A Yes, sir.
- 6 Q Where you were born and raised?
- 7 A Yes, sir.
- 8 Q Have you ever lived in Sumter?
- 9 A No, sir.
- 10 Q How old you?
- 11 A 24.
- 12 Q How old is your brother?
- 13 A 26.
- 14 Q Do you know a fellow named Vernon Goodwin?
- 15 A Yes, sir.
- 16 Q How do you know him?
- 17 A Family; we went to school together.
- 18 Q Is he your cousin?
- 19 A Yes, sir.
- 20 Q You have know him your whole life?
- 21 A Yes, sir.
- 22 Q Where did you go to school together?
- 23 A Camden. Camden, Camden High and middle
- 24 for a while until I got transferred to North
- 25 Central.

000367

Carlton Bracey-direct by Meadors

1 Q And after that when you were in Zaxby's
2 and in Camden, did you still see Vernon Goodwin on
3 a regular basis?

4 A Yes, sir.

5 Q Do you go visit him?

6 A He comes. He comes to visit me.

7 Q Where was he living?

8 A I can't -- I don't know where he live.

9 Q He always came to see you.

10 A Yes, sir.

11 Q So in December of 2009, were you working
12 anywhere?

13 A No, sir.

14 Q Was your brother working anywhere?

15 A At, yes, sir, at Voc. Rehab.

16 Q In Kershaw County?

17 A Yes, sir.

18 Q How did you get money?

19 A How did I get money?

20 Q I mean, how would you get spending money?

21 A A little weed. Sell weed.

22 Q Say it again.

23 A Sell weed.

24 Q This isn't a drug trial, okay.

25 A Yes, sir.

000368

Carlton Bracey-direct by Meadors

1 Q But where would you get your weed from?

2 A Around the corner.

3 Q All right.

4 A Yes, sir.

5 Q Around the corner.

6 A Yes, sir.

7 Q And would that be around the corner in

8 Cassatt?

9 A Yes, sir.

10 Q And did you have a regular person you got
11 your weed from?

12 A Yes, sir.

13 Q And would you tell these folks how much or
14 how often in December of 2009, in that time period
15 were you smoking weed?

16 A Like occasionally. Like here and there.
17 Not every day; on an every day basis or nothing
18 like that.

19 Q Weekly?

20 A Something like, yeah.

21 Q I'm going to let it out all here, okay.

22 Do you drink?

23 A Not every day.

24 Q What do you drink?

25 A Heinessy, stuff like that.

000369

Carlton Bracey-direct by Meadors

1 Q Heinessy?
2 A Yes, sir.
3 Q How about any dope?
4 A No, sir.
5 Q When I say dope to you, what does that
6 mean?
7 A When you say dope?
8 Q Yes.
9 A Smoke, cook.
10 Q That would be the cocaine or crack
11 cocaine?
12 A Yes, sir. Yes, sir.
13 Q And you said you do weed.
14 A Yes, sir.
15 Q You do a little Heinessy if you like.
16 A Yes, sir.
17 Q But you don't do dope.
18 A No, sir.
19 Q So you are not coke or crack cocaine man.
20 A No, sir.
21 Q You are a weed man.
22 A Yes, sir.
23 Q Do you know Cameren Kelley?
24 A I don't know him like that, sir, but I see
25 him before.

000370

Carlton Bracey-direct by Meadors

1 Q Where had you seen him before? Not in
2 this incident, but prior to that had you seen him?

3 A To my house.

4 Q And who if anybody would he be with when
5 he came to your house?

6 A I can't say.

7 Q Okay. Had you ever seen him not December
8 14th, but prior to that, had you ever seen him
9 with Mr. Goodwin before?

10 A Oh, no, sir.

11 Q But you don't remember where you have seen
12 him.

13 A I've seen him at my house, but he wasn't
14 with Mr. Goodwin though.

15 Q And when had you seen him at your house,
16 do you remember?

17 A I can't, no, sir. I can't recall.

18 Q So when you say you don't know him like
19 that, what do you mean?

20 A I mean, I seen him. But I heard of him
21 like that; I don't know him. I seen him, I heard
22 of him.

23 Q Okay. Now on December 14th 2009, tell the
24 Ladies and gentlemen, where were you living.
25 Still in Cassatt?

000371

Carlton Bracey-direct by Meadors

- 1 A Yes, sir, still in Cassatt.
- 2 Q Do you remember that day?
- 3 A Yes, sir.
- 4 Q You remember that day; don't you?
- 5 A Yes, sir.
- 6 Q And were you at your granddaddy's house?
- 7 A Yes, sir.
- 8 Q And who else was there?
- 9 A My brothers, my grandfather and my mom.
- 10 Q And did you have an occasion to hear from
- 11 Vernon Goodwin on December 14th 2009?
- 12 A Yes, sir.
- 13 Q And tell this jury how that happened. How
- 14 did you first come in contact that day, December
- 15 14th.
- 16 A He had called me.
- 17 Q He called you.
- 18 A Yes, sir. He called me.
- 19 Q And on the phone did he -- did you -- did
- 20 he call on you? Whose house were you at?
- 21 A My grandfather's house.
- 22 Q And he called you on your grandfather's
- 23 phone?
- 24 A Yes, sir.
- 25 Q Do you remember that number?

000372

Carlton Bracey-direct by Meadors

1 A Not like that; no, sir.

2 Q Did you pick up the phone from your
3 grandfather?

4 A Yes, sir.

5 Q Who was on the other end?

6 A Mr. Goodwin.

7 Q How long had you known him?

8 A All my life.

9 Q You recognize his voice?

10 A Yes, sir.

11 Q No doubt in your mind it was him.

12 A No, sir.

13 Q What happened? what took place? What
14 conversation?

15 A He started off, I am just going to buy
16 some weed. I am going to get some weed. And then
17 that was when he asked me what I was doing. I
18 said nothing. And he was like, he was on his way
19 to my house.

20 Q He was on his way to your house.

21 A Yes, sir.

22 Q Did he fact come to your house?

23 A Yes, sir.

24 Q And how long after that phone call did he
25 come to your house?

000373

Carlton Bracey-direct by Meadors

1 A I would about say 20, 30 minutes.

2 Q Was he with anybody when he came to your
3 house?

4 A Yes, sir.

5 Q Who was he with?

6 A Mr. Kelley.

7 Q Mr. Cameren Kelley.

8 A Yes, sir.

9 Q Whose car were they in?

10 A I guess Cameren. Mr. Kelley.

11 Q You had Vernon. Vernon had been to your
12 house before; right?

13 A Yes, sir.

14 Q Was it Vernon's car they were in?

15 A Yes, sir.

16 Q Who was driving?

17 A Mr. Kelley.

18 Q They come up to your granddaddy

19 Mr. Reddick in Cassatt; correct?

20 A Yes, sir.

21 Q So you all talked there?

22 A Yes, sir.

23 Q And you all, I mean, you, Mr. Goodwin,

24 Mr. Kelley?

25 A Yes, sir.

000374

Carlton Bracey-direct by Meadors

1 Q Where was your brother?

2 A In the house.

3 Q Tell this jury please.

4 A He was in the house.

5 Q And I am sorry. I preface it. Tell this
6 jury now please, when Mr. Goodwin -- Mr. Kelley
7 got there---

8 A He, yes, sir.

9 Q What did you all talk about at your
10 granddaddy's house, if anything?

11 A About hitting a lick.

12 Q Speak up, please.

13 A Hit a lick.

14 Q You had talked about marijuana?

15 A Yeah, we talked about that too.

16 Q And did you want some marijuana?

17 A At the time, yeah.

18 Q Did you talk about buying marijuana?

19 A Yes, sir.

20 Q And what if anything did Mr. Goodwin
21 mention about marijuana?

22 A He was like, he know where -- he know who
23 you can get it from.

24 Q Did you have any money to get it?

25 A Yes, sir.

Carlton Bracey-direct by Meadors

1 Q And you said something about a lick;
2 right?

3 A Yes, sir.

4 Q Who mentioned anything about a lick?

5 A Mr. Goodwin.

6 Q What did he say?

7 A He was like, he know who he can get it
8 from instead of buying it. We can hit a lick---

9 Q Instead of....

10 A ---to that house we were going to.

11 Q We know where you can get it from instead
12 of buying it; hit a lick.

13 A Yes, sir.

14 Q What does hit a lick mean?

15 A Basically rob the victim for what they got
16 basically.

17 Q Had you hit a lick before?

18 A No, sir.

19 Q You never hit a lick before; had you?

20 A No, sir.

21 Q Had you ever been to this house before?

22 A No, sir.

23 Q Did you know if there would be any money
24 or drugs there?

25 A No, sir.

000376

Carlton Bracey-direct by Meadors

1 Q Did you know whether there would be money
2 or drugs at that house in Rembert?

3 A No, sir.

4 Q Did Mr. Goodwin tell you how much money or
5 drugs would be there?

6 A I seen the drugs, but not the money. I
7 seen like a brick or something like that.

8 Q What is a brick?

9 A Like, like 36 ounces of cocaine.

10 Q Cocaine.

11 A Yes, sir.

12 Q How much did, and was Mr. Kelley there
13 when you all were talking about this?

14 A Yes, sir.

15 Q Was he right there?

16 A Yes, sir.

17 Q Was he part of the conversation?

18 A Yes, sir.

19 Q And it was his car he was driving?

20 A Yes, sir.

21 Q Did you ask or did he tell you what you
22 were going to get out of it in addition to weed,
23 if anything?

24 A Just -- he tell me money.

25 Q Speak up please.

000377

Carlton Bracey-direct by Meadors

- 1 A Money.
- 2 Q Did he say how much money?
- 3 A Like 5. Like 5,000 or something like
- 4 that.
- 5 Q 5,000.
- 6 A Yes, sir.
- 7 Q What if anything were you going to get off
- 8 the dope that you were going to get?
- 9 A Money. Some more money.
- 10 Q Did he tell you how much you would get?
- 11 A Five is what he was talking about. But he
- 12 was going to make more with the dope. And so I
- 13 would say probably about 2,000 or something like
- 14 that.
- 15 Q Off the sell of the dope?
- 16 A Yes, sir.
- 17 Q So is that kind of contract you all talked
- 18 about?
- 19 A Yes, sir.
- 20 Q Your brother in on this too?
- 21 A Yeah.
- 22 Q Speak up, please.
- 23 A Yes, sir.
- 24 Q So you decided you were going to do it.
- 25 A Yes, sir.

000378

Carlton Bracey-direct by Meadors

1 Q Now tell these Ladies and gentlemen of the
2 jury, you were there with you granddaddy Reddick,
3 your auntie. Did you have a gun there with you?

4 A No, sir.

5 Q Did your granddaddy let you have guns in
6 the house?

7 A No, sir.

8 Q Did you have a gun in the house?

9 A No, sir.

10 Q Did your brother have a gun in the house?

11 A No, sir.

12 Q What happens if anything after you've had
13 this conversation with Mr. Goodwin. And you said
14 Mr. Kelley was there?

15 A Yes, sir.

16 Q And was he participating in it?

17 A Yes, sir.

18 Q What happened after you left your
19 granddaddy's house? Where did you go if anywhere?

20 A We went to Vernon Goodwin's house.

21 Q Where is that?

22 A I don't know the street.

23 Q I think you testified earlier he would
24 usually come to your house.

25 A Yes, sir.

000379

Carlton Bracey-direct by Meadors

- 1 Q Who was driving?
- 2 A Mr. Kelley.
- 3 Q And where was Mr. Goodwin in the car?
- 4 A On the passenger.
- 5 Q Where were you?
- 6 A Back behind Mr. Goodwin.
- 7 Q And where was your brother?
- 8 A Beside me.
- 9 Q Anybody else in there?
- 10 A Mr. Kelley.
- 11 Q Besides you four, was anybody else in
12 there?
- 13 A No, sir.
- 14 Q You go to Mr. Goodwin's house, what
15 happens there, if anything?
- 16 A We sat in the car, he went -- he went in.
- 17 Q Who is he?
- 18 A Mr. Goodwin. He went in and got the gun.
19 He went ahead and got the gun and the duct tape
20 and stuff like that. And masks and all that.
- 21 Q Don't say all that. I'm sorry, he got
22 the guns, the duct tape, and what else?
- 23 A And gloves and stuff like that. Gloves
24 and stuff like that. Yes, sir.
- 25 Q Why had he done that?

000380

Carlton Bracey-direct by Meadors

1 A Because I guess he was going to rob
2 the victims.

3 Q Did you have duct tape?

4 A No, sir.

5 Q Had you discussed what you were going to
6 do when you got inside with Mr. Goodwin?

7 A Yes, sir.

8 Q Tell the jury what he said or what did you
9 all talk about you were going to do when you got
10 inside.

11 A We was going to go in and let off some
12 shots. We were going to shoot and show them that
13 we wasn't playing. We come to rob them, and not
14 hurt nobody; just leave.

15 Q Had you discussed in any way how you were
16 going to actually get in the house?

17 A No, sir.

18 Q How you were going to get in the front
19 door?

20 A No, sir, we ain't discuss that.

21 Q How many licks had you done?

22 A None.

23 Q Were you a big time robber at the point?

24 A No, sir.

25 Q Why did you do it?

000381

Carlton Bracey-direct by Meadors

1 A We had need. My family was in need of
2 money, sir.

3 Q Had you planned on being a part of Mr.
4 Holliday dying?

5 A No, sir.

6 Q That's what happened though; wasn't it?

7 A Yes.

8 Q Where did you go in Rembert?

9 A Where did I go? To the house, to the
10 trailer.

11 Q But where is it?

12 A The country part.

13 Q But do you know where?

14 A No, sir.

15 Q You don't even where; do you?

16 A No, sir.

17 Q Had you ever been there before?

18 A No, sir.

19 Q How did you know how to get there?

20 A Through Vernon. That's the only way I
21 know I could find it.

22 Q Had you ever been to that house before?

23 A No, sir.

24 Q Who drove you to that house?

25 A Mr. Kelley.

000382

Carlton Bracey-direct by Meadors

1 Q Mr. Kelley.

2 A Yes, sir.

3 Q And when you were in the car with these
4 guns and tape and these gloves I think you said,
5 and whatever else, was Mr. Kelley in the car when
6 you all were talking about all this?

7 A Yes, sir.

8 Q Everybody in the car discussing this
9 robbery and lick?

10 A Yes, sir.

11 Q As you are heading over there?

12 A Yes, sir.

13 Q What were you wearing?

14 A A black ski mask and gloves.

15 Q Did you have a jacket on?

16 A No, sir.

17 Q Did your brother have a jacket on?

18 A Yes, sir.

19 Q Do remember where you let off Mr. Bracey?

20 A At the road; yes, sir.

21 Q Did you pull right up to the house to be
22 let off?

23 A No, sir.

24 Q Why did you stop at the road?

25 A I guess because the victim the one who

000383

Carlton Bracey-direct by Meadors

1 sold -- they can't describe who we were, I guess,
2 sir.

3 Q And Mr. Goodwin told you that he had been
4 to that house before; right?

5 A Yes, sir.

6 Q He knew those folks inside.

7 A Yes, sir.

8 Q And he got you to rob them.

9 A Yes, sir.

10 Q And your brother.

11 A Yes, sir.

12 Q How far away was it from the road to the
13 house?

14 A Like 20, about 20 feet. Yes, sir.

15 Q You got off of the main road; right?

16 A Yes, sir.

17 Q What happens then?

18 A I got off. We walked down the road. And
19 then we sat there beside the house. We sat there
20 so nobody wouldn't see us until somebody pulled
21 up, sir. So somebody eventually had pulled up.
22 And one person went in. So then me and my brother
23 took that chance and went running -- rushing to
24 the car. They were going to pull the other victim
25 out. Yes, sir. We took him, we went in the

000384

Carlton Bracey-direct by Meadors

1 house. We left off some shots just to show them
2 we mean business. And that's when my brother
3 started duct taping them. And that's when all
4 this happened.

5 Q Just to show them you mean business?

6 A Yes, sir.

7 Q Did you have the gun?

8 A Yes, sir.

9 Q Did you two guns?

10 A Yes, sir.

11 Q Where did you get those guns from?

12 A From Mr. Vernon. Mr. Goodwin.

13 Q Was your plan, Mr. Goodwin's plan and
14 Mr. Kelley's plan to kill those folks in there?

15 A To kill them; no, sir.

16 Q What was the plan?

17 A Just to rob them. Just to get the drugs
18 and the money and the weed then get out.

19 Q So your brother is taping them. Did you
20 see him?

21 A Yes, sir.

22 Q And were you yelling?

23 A No, sir.

24 Q Was one of you cussing?

25 A My brother.

000385

Carlton Bracey-direct by Meadors

- 1 Q Tell the, "Get the fuck down?"
- 2 A Yes, sir.
- 3 Q How many shots had you fired when you came
4 in?
- 5 A Like two.
- 6 Q They were scared?
- 7 A Yes, sir.
- 8 Q Based on watching them and seeing them
9 down, were they scared?
- 10 A Yes, sir.
- 11 Q What was going through your mind?
- 12 A Getting the drugs and the money; that's
13 it.
- 14 Q Did you tell people to take stuff out of
15 their pockets?
- 16 A Yes, sir.
- 17 Q Did you or your brother get stuff from
18 them?
- 19 A My brother.
- 20 Q Got their money?
- 21 A Yes, sir.
- 22 Q Did you get drugs?
- 23 A Yes, sir.
- 24 Q Where did you get them from?
- 25 A From out of the cabinet in that trailer,

000386

Carlton Bracey-direct by Meadors

1 sir.

2 Q How much had Mr. Goodwin told you was
3 there?

4 A Like a brick of coke.

5 Q Had he been there recently?

6 A Yes, sir.

7 Q Is that how he knew they were there?

8 A Yes, sir.

9 Q He told you that; didn't he?

10 A Yes, sir.

11 Q And this took a little longer than you all
12 planned, didn't it?

13 A Yes, sir.

14 Q What were you looking for?

15 A For the weed, sir.

16 Q Did you find any dope, any cocaine?

17 A Yes, sir.

18 Q You thought there was more?

19 A Yes, sir.

20 Q Looking for more?

21 A Yes, sir.

22 Q Who was looking for it?

23 A My brother.

24 Q Where was he looking?

25 A In the cabinet.

000387

Carlton Bracey-direct by Meadors

1 Q In the cabinets, looking everywhere? You
2 all didn't plan this out too good; did you?

3 A No, sir.

4 Q And you are holding everybody at bay with
5 your guns?

6 A Yes, sir.

7 Q Did somebody get loose from the duct tape?

8 A Yes, sir.

9 Q What happened after that?

10 A Mr. Belton had got loose, and he started
11 shooting. I was shooting back; yes, sir. My
12 brother got shot. And some more other people got
13 shot too. So I ran out the house to the left side
14 of the trailer. Yes, sir.

15 Q Carlton.

16 A Yes, sir.

17 Q You shot Kemper Holliday; didn't you?

18 A Yes, sir.

19 Q You killed him.

20 A Yes, sir.

21 Q You didn't mean to kill him; did you?

22 A No, sir.

23 Q You went in there armed with a firearm.

24 A Yes, sir.

25 Q At the instructions of Mr. Goodwin.

Carlton Bracey-direct by Meadors

1 A Yes, sir.

2 Q To rob and steal; correct?

3 A Yes, sir.

4 Q Some other folks got shot in there too.

5 A Yes, sir.

6 Q You said your brother.

7 A Yes, sir.

8 Q We know Mr. Holliday got shot. And you
9 say these names. Did you know any of these
10 people?

11 A No, sir.

12 Q And this is Barbados back here. You
13 didn't know him; did you?

14 A No, sir.

15 Q He got shot too; didn't he?

16 A Yes.

17 Q Mr. McCray, did you know him?

18 A No, sir.

19 Q And he got shot too; didn't he?

20 A Yes, sir.

21 Q Your brother got shot.

22 A Yes, sir.

23 Q How many times did he get shot.

24 A I think like 6 or 7.

25 Q This is not funny. How were you going to

Carlton Bracey-direct by Meadors

1 leave?

2 A I was going to leave---

3 Q If it had been successful and you had
4 gotten the money and the drugs, how were you going
5 to leave?

6 A Mr. Goodwin and Mr. Kelley; yes, sir.

7 Q Were they supposed to wait on you?

8 A Yes, sir.

9 Q And during this murder, did anybody call
10 you?

11 A Yes, sir.

12 Q And how did you have a phone?

13 A Mr. Goodwin. He gave me his other cell
14 phone.

15 Q He gave you his other cell phone?

16 A Yes, sir.

17 Q Why did he do that?

18 A To let him know that we was finished with
19 the robbery.

20 Q And where was he going to pick you up? Or
21 Mr. Kelley, where was he going to pick you up? He
22 was driving; wasn't he?

23 A Yes, sir. From the road; from down the
24 street.

25 Q Did you receive a phone call during this

000390

Carlton Bracey-direct by Meadors

1 armed robbery and then murder?

2 A Yes, sir.

3 Q Who was it from?

4 A Mr. Goodwin.

5 Q During the middle of all this, the phone
6 went off?

7 A Yes, sir.

8 Q And what did Mr. Goodwin tell you?

9 A He asked who -- what was taking us so
10 long.

11 Q What was taking so long?

12 A Yes, sir.

13 Q What was taking so long. What did you
14 tell him?

15 A I told him he wasn't finished with looking
16 for the rest of the dope, sir. Drugs, sir.

17 Q And did the gunfire happen after that?

18 A Yes, sir.

19 Q Mr. McCray is shot. Barbados is shot.
20 Holliday is dead. Your brother is shot. You go
21 outside.

22 A Yes, sir.

23 Q What did you do?

24 A I took off running, sir.

25 Q Did you make any phone calls?

Carlton Bracey-direct by Meadors

- 1 A Yes, sir.
- 2 Q On that phone?
- 3 A Yes, sir.
- 4 Q Who were you trying to find?
- 5 A Mr. Vernon. Mr. Goodwin.
- 6 Q Did you hook up with them?
- 7 A No, sir.
- 8 Q Did you talk to him again that night?
- 9 A Yes, sir.
- 10 Q When was that?
- 11 A A little after the incident, sir.
- 12 Q Did they pick you up?
- 13 A No, sir.
- 14 Q What happened on that conversation when
15 you talked to him after the incident?
- 16 A I was probably trying to find my way back
17 to the house from down there. And they were
18 supposed to come find me. They were supposed to
19 come look for me.
- 20 Q Did they?
- 21 A He said he was, but I ain't see him.
- 22 Q So they left you?
- 23 A Yes, sir.
- 24 Q There ain't no question they brought you
25 there; is it?

000392

Carlton Bracey-direct by Meadors

- 1 A No, sir.
- 2 Q You didn't have any other ride home; did
3 you?
- 4 A No, sir.
- 5 Q Did you know where your brother was?
- 6 A No, sir. I know he was still in the
7 house.
- 8 Q You knew he had been shot.
- 9 A Yes, sir.
- 10 Q You knew you had shot somebody.
- 11 A Yes, sir.
- 12 Q You are running. You couldn't get
13 Mr. Goodwin or Mr. Kelley.
- 14 A Yes, sir.
- 15 Q So did you know where you were?
- 16 A No, sir.
- 17 Q So what did you do?
- 18 A I tried to find my way home, sir. And
19 just started walking.
- 20 Q You started walking.
- 21 A Yes, sir.
- 22 Q Did you walk?
- 23 A Yes, sir.
- 24 Q Did you walk home?
- 25 A All the way.

000393

Carlton Bracey-direct by Meadors

(1 Q Did you talk to Mr. Goodwin or Mr. Kelley
2 after that?

3 A Yes, sir.

4 Q When?

5 A On my way to the house. On my way
6 walking.

7 Q What was that conversation about?

8 A He was still trying to look for me, and
9 still trying to find me.

10 Q Did you end up seeing him before you got
11 back to your granddaddy's?

12 A No, sir.

(13 Q Did you talk to him after that?

14 A No, sir.

15 Q Never again?

16 A No, sir.

17 Q Would you have known how to get to this
18 house where you shot people, if he hadn't taken
19 you there?

20 A No, sir.

21 Q Now last week I think, I don't know. Did
22 you appear in front of that man, that judge, His
23 Honor, Judge King?

24 A Yes, sir.

(25 Q And did you plead guilty?

000394

Carlton Bracey-direct by Meadors

1 A Yes, sir.

2 Q And you plead guilty to voluntary
3 manslaughter; correct?

4 A Yes, sir.

5 Q Consisting of family and officers;
6 correct?

7 A Yes, sir.

8 Q Entered a plea in front of Judge King, His
9 Honor?

10 A Yes, sir.

11 Q And he sentenced you to 30 years; didn't
12 he?

13 A Yes, sir.

14 Q 30 years. And that was for your part that
15 you played in this plan; correct?

16 A Yes, sir.

17 Q I may or may not have mentioned this to
18 you. You have a grand larceny in 2005?

19 A Yes, sir.

20 Q And pled guilty?

21 A Yes, sir.

22 Q And that's from Kershaw County?

23 A Yes, sir.

24 Q What did you do with that phone that
25 Vernon Goodwin gave you?

000395

Carlton Bracey-direct by Meadors

1 A I kept it. I hold it. I kept it. Yes,
2 sir.

3 Q How long did you keep it?

4 A For a while since, since I can't say. I
5 kept it for a while.

6 Q You kept it?

7 A Yes, sir.

8 Q At your house?

9 A Yes, sir.

10 Q And did you give that to law enforcement
11 or did somebody in your house give it to law
12 enforcement?

13 A Yes, sir.

14 MR. MEADORS: I beg the court's
15 indulgence.

16 THE COURT: Yes, sir.

17 (Cell phone marked State's Exhibit No. 42
18 for Id.)

19 Q I just want you to look at this, and see
20 if you recognize it and does it relate to your
21 testimony without saying anything else.

22 THE COURT: Can you identify what it is
23 State's No. 41.

24 MR. MEADORS: I apologize. It's 42,
25 Judge.

000396

Carlton Bracey-direct by Meadors

1 THE COURT: 42 for identification.

2 A Yes, sir.

3 Q Is that a yes, sir?

4 A Yes, sir.

5 MR. MEADORS: And it relates to what I was
6 just asking you about. Your Honor, we would offer
7 State's 42.

8 THE COURT: Any objection, Mr. Sullivan?

9 MR. SULLIVAN: Object on the grounds
10 stated earlier.

11 THE COURT: Mr. Hastie, any objection?

12 MR. HASTIE: Yes, Your Honor. On the
13 same.

14 THE COURT: Let's come up here a minute.

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

17 THE COURT: Ladies and gentlemen, there
18 are matters I am going to have to take up on the
19 record. So if you will go to your jury room for
20 just a few minutes while I take care of these
21 matters. Please do not discuss the case among
22 yourselves.

23 (Whereupon, the following takes place
24 outside the presence of the jury.)

25 THE COURT: The State has offered State's

Carlton Bracey-direct by Meadors

1 Exhibit No. 42 for identification into evidence.
2 And I guess we ought to do this two ways, Mr.
3 Meadors. First of all, we need make a
4 determination as to whether the exhibit itself is
5 introduced. And while we got the jury out, we
6 will probably have a proffer as to what the
7 testimony would be, and see if we have any
8 objection to that as well. So let me go ahead and
9 let you -- you have offered the cell phone into
10 evidence as Exhibit No. 42. Go ahead and ask this
11 witness what you would plan to offer if that
12 exhibit is introduced into evidence.

13 Q Mr. Bracey, you just testified you
14 recognize this as related to what you are
15 testifying. Is that about the phone?

16 A Yes, sir.

17 Q Where did you get this phone, State's 42?

18 A Mr. Goodwin.

19 Q From Mr. Goodwin. Speak up, please, sir.

20 A Mr. Goodwin.

21 Q And is that the phone that you received a
22 call from him during the robbery?

23 A Yes, sir.

24 Q And where was this phone after the
25 robbery?

000398

Carlton Bracey-direct by Meadors

1 A At my house. At my grandfather's house.

2 Q Again, please, speak up.

3 A My grandfather's house.

4 Q Mr. Reddick?

5 A Yes, sir.

6 Q And did it stay at your grandfather's
7 house until it came in the possession of law
8 enforcement?

9 A Yes, sir.

10 Q And that's the same phone; correct?

11 A Yes, sir.

12 Q And your -- Angela Reddick is your---

13 A My mother.

14 Q This stayed at the Reddick's household and
15 went to law enforcement?

16 A Yes, sir.

17 Q And Ms. Angela Reddick gave it to Westley
18 Gardner?

19 A Yes, sir.

20 Q This is the same thing?

21 A Yes, sir.

22 Q And Mr. Gardner received it from your
23 mother this week; correct?

24 A Yes, sir.

25 Q But that is the same phone that you had

000399

Carlton Bracey-direct by Meadors

1 that had been in your possession, and that's the
2 phone that you got from Mr. Goodwin.

3 A Yes, sir.

4 MR. MEADORS: And, Your Honor, just for
5 the record here, Mr. Manning had sent a discovery
6 to the attorneys. At least to Mr. Hastie's cell
7 phone recovered from Angela Pearson; and to both
8 Mr. Sullivan and Mr. Hastie the same day that we
9 got it. He told them that we had it, which is
10 Tuesday.

11 THE COURT: I understand. Okay, Mr.
12 Sullivan, I will be glad to hear from you with
13 regard to -- you object to the admissibility of
14 Exhibit NO. 42, which has been marked for ID,
15 being the cell phone. I will be glad for you to
16 put your reasoning on the record.

17 MR. SULLIVAN: Thank you, Your Honor.
18 Like I said, we like received the phone number,
19 and information after this cell phone on September
20 20th. You know, our position would be if we had a
21 chance and we knew about this earlier, we could
22 subpoena the phone records and see if maybe the
23 witnesses may be lying. Maybe his register---

24 THE COURT: Well I understand that, but
25 what is the legal grounds for keeping it out? I

000400

Carlton Bracey-direct by Meadors

1 know what you would like to do, but what is the
2 legal grounds for your objection?

3 MR. SULLIVAN: There is a discovery
4 violation.

5 THE COURT: Rule 5, okay.

6 MR. SULLIVAN: Rule 5, yes, sir.

7 THE COURT: Okay. And wherein is Rule 5
8 violated?

9 MR. SULLIVAN: This is something that we
10 would have needed to prepare.

11 THE COURT: Yeah, but what has law
12 enforcement done? Or not law enforcement,
13 solicitor's office done that is a violation of
14 Rule 5? Done or failed to do?

15 MR. SULLIVAN: They failed to provide us
16 with this information, the cell phone number in a
17 timely fashion so that we can research the number
18 and be prepared.

19 THE COURT: Did they furnish it to you
20 promptly when they got it?

21 MR. SULLIVAN: Yes, sir.

22 THE COURT: Okay. But your grounds is on
23 basis of Rule 5. But you don't think it was
24 given to you in time for you to complete an
25 investigation in this matter.

000401

Carlton Bracey-direct by Meadors

1 MR. SULLIVAN: Correct.

2 THE COURT: Mr. Hastie, I will hear from
3 you.

4 MR. HASTIE: Your Honor, my objection is
5 previously the same. This has been a history of
6 the solicitor under several case law, I didn't ask
7 him. Somebody came and bought this phone here
8 just last week. We would like for them
9 investigate exactly when---

10 THE COURT: Speak to me, please, and don't
11 talk to them.

12 MR. HASTIE: You asked them when did they
13 get the phone. And I know they said yesterday. I
14 just don't believe that. I think it is being
15 dishonest on their part to come and give us this
16 phone during the trial practically.

17 THE COURT: Well, first of all, I've got
18 to some degree rely upon the lawyer. Mr. Meadors
19 in this case, is an officer of the court. When he
20 tells me that his information is that law
21 enforcement got that on Friday. And it was given
22 to Mr. Gardner on Friday. I believe that's what
23 Mr -- isn't that what you represented to me?

24 MR. MEADORS: No, sir. My information, I
25 apologize. They found out Monday that he had a

Carlton Bracey-direct by Meadors

1 phone. And they went and got it Tuesday.

2 THE COURT: Of this week?

3 MR. MEADORS: And did a receipt that same
4 day.

5 THE COURT: Let's get the dates.

6 MR. MANNING: I'm sorry, Judge. Monday
7 the 19th, was first time that I think Mr. Manning
8 or Investigator Mims found out that Mr. Bracey had
9 the phone. So the next day they both go get it.
10 And that same day Mr. Manning does a discovery
11 showing the cell phone. The same day they got it.
12 So we did not know he had it prior to Monday. We
13 got it Tuesday, and gave them notices.

14 THE COURT: So the phone was received
15 from, not from law enforcement to the solicitor's
16 office, but from an individual to law enforcement
17 on Tuesday of this week.

18 MR. MEADORS: The 20th. That's correct.

19 THE COURT: The 20th.

20 MR. MEADORS: Yes, sir. And that would be
21 his mother who give it to Westley Gardner.

22 THE COURT: Now I will hear from you, Mr.
23 Hastie.

24 MR. HASTIE: Pardon me?

25 THE COURT: I will hear from you.

000403

Carlton Bracey-direct by Meadors

1 MR. HASTIE: Mr. Bracey, this incident
2 happened on December 14th 2009. This young man
3 was arrested I assume in February sometime. In
4 2010, did they question him about the phone at
5 that time, and tell him anything about the phone?

6 THE COURT: But until he pled guilty, they
7 couldn't talk to him; could they? Law enforcement
8 I mean, he had a lawyer. He had charges pending
9 against him. I mean they didn't get the
10 information before that. So there wasn't anything
11 they could do until once as far as his immunity, I
12 mean as far as him being free from prosecution, he
13 was not free from prosecution until he pled
14 guilty; was he?

15 MR. HASTIE: He did have a lawyer. All
16 this time he did refuse to of course, cooperate
17 with any lawyer; to talk. But you just heard my
18 position. I just think it's too convenient for
19 them to come in here in the middle of the trial
20 and introduce to his phone.

21 THE COURT: Mr. Meadors.

22 MR. MEADORS: Judge, I respectfully take
23 exception to it's more convenient just for what it
24 is worth, Judge. I actually it's good law
25 enforcement. The first time they could talk to

000404

Carlton Bracey-direct by Meadors

1 him completely, with his lawyer's permission, was
2 after he pled in front of Your Honor last week.
3 They talked to him. They found out through
4 debriefing him, discussing it with him, that he
5 still had the phone.

6 Although they had given him the phone,
7 number one. I am not sure we did that. I don't
8 think we did. Although they had asked sooner that
9 he gave him the phone. There is a witness
10 statement earlier. It's testified in trial that
11 one of the folks got a phone call, Judge, during
12 the -- it's the first time I have heard of it. As
13 soon as they hear of it, they go out to his house;
14 get Wesley Gardner. They get the phone from the
15 grandmama. Mr. Manning goes the same day. There
16 is a receipt telling we have a phone. The same
17 day. It is not exculpatory. And, Judge, we
18 are -- I don't think we could have gotten it much
19 sooner.

20 THE COURT: I understand. Hand up the
21 discovery disclosure. Upon receipt of this
22 information on Tuesday of the telephone, with the
23 telephone number, did you on behalf of the
24 defendant, Kelley, attempt to subpoena the
25 telephone records?

000405

Carlton Bracey-direct by Meadors

1 MR. SULLIVAN: No, sir.

2 THE COURT: Mr. Hastie, the same question.
3 Did you on behalf of Mr. Goodwin attempt to
4 subpoena the telephone records?

5 MR. HASTIE: We did not.

6 THE COURT: Not yet, okay. This Court for
7 the most part, is in favor of full disclosure in
8 connection with the matters. Although, I don't
9 know the court would require more than they
10 require under the rules. But I really think that
11 as a practical matter, it would better for law
12 enforcement to disclose everything. It's also a
13 part of the rules of law that in our evidentiary
14 proceeding that the State is charged with all of
15 the information which law enforcement has; that
16 is, the solicitor is charged with all of the
17 information that law enforcement has whether the
18 solicitor knows about it or not.

19 And several times I have excluded matters
20 that -- where evidence was in the hands of law
21 enforcement and was not furnished to the
22 solicitor's office in time for them to timely
23 respond to discovery requests under Rule 5 and
24 Brady. And have consistently held in my time on
25 the bench that law enforcement just give

000406

Carlton Bracey-direct by Meadors

1 everything to the solicitors. And it is up to the
2 solicitor's call as to whether or not that is
3 discoverable material; however, it is a different
4 situation when it is not in the hands of law
5 enforcement. If law enforcement doesn't have it,
6 then neither does the solicitor's office. And
7 neither does the solicitor's office charged with
8 noncompliance with Rule 5. If law enforcement
9 doesn't have the evidence until a certain -- at
10 whatever period they get it.

11 In this case, they happened to get it on a
12 Tuesday. After the individuals in this case,
13 this individual, who was in possession of the
14 telephone and pled guilty and was sentenced by
15 this court. And it was done promptly after that.
16 I find that there has been no intentional
17 concealment of the evidence, and that law
18 enforcement did not learn of this evidence until
19 after the defendant's pled guilty when the
20 telephone was turned over by this defendant's
21 mother though law enforcement, who promptly turned
22 it over to the Solicitor's Office, who promptly
23 turned it over to the defense counsel. And even
24 defense counsel has not taken any action with this
25 information since they received it. So I find

000407

Carlton Bracey-direct by Meadors

1 there is no violation of Rule 5. The evidence is
2 admissible.

3 (Cell phone marked State's Exhibit No. 42
4 into evidence.)

5 MR. MEADORS: There was some discussion
6 too about phone tolls. The State had kind of a
7 subscriber of a name to this number M-A-I-N-E.
8 Which is his nickname. So...

9 THE COURT: I am sorry, I didn't hear
10 that, Mr. Meadors.

11 MR. MEADORS: I am sorry, a subscriber.
12 We did check was to a M-A-I-N-E, which is what
13 one of the Alias' for Mr. Goodwin. And we do have
14 that information, Judge. That is some information
15 that maybe we discussed in your chambers earlier.
16 Some phone calls that Mr. Manning thought had been
17 given to the defense, but weren't. So for the
18 record, I'm saying we have done that. And it was
19 traced back to a Maine.

20 THE COURT: Okay.

21 MR. MEADORS: Prior---

22 THE COURT: You have the right to do that.
23 And they could have done the same thing. So the
24 evidence is admissible. There was no intentional
25 concealment of it. As soon as the State got the

000408

Carlton Bracey-direct by Meadors

1 information, they disclosed it. And by the State
2 I mean, not only the Solicitor's Office, but law
3 enforcement. And if this information had been in
4 the hands of law enforcement and they had failed
5 to disclose it to the solicitor, then we would be
6 talking about an entirely different situation.
7 And I would be excluding the evidence.

8 MR. HASTIE: Yes, sir. May I for the
9 record now?

10 THE COURT: Yes, sir.

11 MR. HASTIE: Thank you. We certainly, I
12 just want to say for the record I think the
13 solicitor said he knew nothing about the cell
14 phone until recently. He just talked to his
15 client. I have in discovery he gave us back this
16 is dated 2010, February 16th. Which says that his
17 brother stated, that my brother had a -- about the
18 cell phone. That talks about the cell phone. So
19 they had evidence that was consistent with a cell
20 phone.

21 THE COURT: There is no question about
22 that. The question is whether or not they were in
23 possession of a cell phone. The mother was the
24 person that was apparently in possession of the
25 cell phone. And that's -- and she is the one that

000409

Carlton Bracey-direct by Meadors

1 turned it over to law enforcement. I don't know
2 that there's anything in the statement about
3 possession.

4 I've ruled. And if I am wrong then
5 that's what we have Appellate Court for.

6 MR. MEADORS: Yes, sir. Judge, I know I
7 am not requesting your ruling obviously. It's
8 just in one of those statements one of them says
9 he had the phone. So I mean they aren't
10 surprised. That's all.

11 THE COURT: The matter is concluded. The
12 court has ruled, and I don't want anymore
13 discussion about it. Bring the jury in.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: Thank you very much, Ladies
17 and gentlemen. And we have resolved this legal
18 issue, and we are ready to move forward. Mr.
19 Meadors.

20 MR. MEADORS: Thank you, Your Honor. May
21 I approach.

22 THE COURT: Yes, sir. And I think that I
23 will say Exhibit No. 42 is admitted into evidence,
24 subject to the matters that were previously put on
25 the record.

000410

Carlton Bracey-direct by Meadors

1 (Cell phone marked State's Exhibit No. 42
2 into evidence.)

3 MR. MEADORS: Thank you.

4 Direct Examination Continues by Mr.

5 Meadors:

6 Q State's 42, is that the phone Mr. Goodwin
7 gave you?

8 A Yes, sir.

9 Q Do you know the phone number?

10 A No, sir.

11 Q Did you have a cell phone at the time?

12 A No, sir.

13 Q Would you have taken his phone without him
14 knowing it? Without his permission?

15 A No, sir.

16 Q Mr. Goodwin gave you this phone.

17 A Yes, sir.

18 Q What kind of car, I can't remember if I
19 asked you this or not. If I did, I apologize to
20 everybody. What kind of car was it you were in?

21 A I don't know the model of car. But it was
22 a blue; it was a blue two-door. I don't know the
23 model of the car.

24 Q Whose car was that as far as you knew?

25 A Mr. Kelley.

000411

Carlton Bracey-direct by Meadors

1 Q Mr. Bracey, I want you to tell the ladies
2 and gentlemen of this jury on December 14th 2009,
3 is the person in this courtroom who called you at
4 Mr. Reddick's house, your granddaddy; discussed
5 with you, doing a lick over here in Sumter and
6 gave you a cell phone?

7 A Yes, sir.

8 Q Gave you guns.

9 A Yes, sir.

10 Q Duct tape.

11 A Yes, sir.

12 Q Gloves.

13 A Yes, sir.

14 Q Told you to do a lick. Is that person in
15 this courtroom?

16 A Yes, sir.

17 Q Would you please point him out for the
18 Ladies and gentlemen of the jury?

19 A In the blue, sir.

20 Q Sitting next to Mr. Hastie in the white
21 shirt?

22 A Yes, sir.

23 MR. MEADORS: And we would like for the
24 record to so reflect, Judge.

25 THE COURT: The record will so reflect.

000412

Carlton Bracey-direct by Meadors

1 Q Is the person in the courtroom who drove
2 Mr. Goodwin to your house?

3 A Yes, sir.

4 Q Who was there discussing the plans of the
5 lick; talking about it?

6 A Yes, sir.

7 Q And is the person in this courtroom who
8 actually drove you, your brother and Mr. Goodwin
9 to Odell Court to do a lick?

10 A Yes, sir.

11 Q Is that person in this courtroom?

12 A Yes, sir.

13 Q The person that you discussed this lick on
14 the way to Rembert.

15 A Yes, sir.

16 Q The person who was driving that car, is he
17 in this courtroom?

18 A Yes, sir.

19 Q Could you have gotten to Rembert without
20 him driving?

21 A No, sir.

22 Q Please point him out to the jury.

23 A Mr. Kelley.

24 Q You said Mr. Kelley?

25 A Yes, sir.

Carlton Bracey-direct by Meadors

1 MR. MEADORS: We would like the record to
2 reflect sitting next to Mr. Sullivan.

3 THE COURT: The record would so reflect.

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

6 THE COURT: Yes, sir.

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

8 THE COURT: Cross Examination, Mr.
9 Sullivan?

10 MR. SULLIVAN: Thank Your Honor. Your
11 Honor, could we approach?

12 THE COURT: Yes.

13 (Whereupon, the attorneys approach the
14 bench and confer with judge.)

15 Cross Examination by Mr. Sullivan:

16 Q Mr. Bracey, you told Mr. Meadors you have
17 got a conviction for grand larceny?

18 A Yes, sir.

19 Q Okay. So it's your testimony now that
20 Mr. Kelley was around when this robbery was being
21 planned; is that right?

22 A Yes, sir.

23 Q Okay. You never told the police that
24 before; did you.

25 A No, sir.

000414

Carlton Bracey-cross by Sullivan

1 Q This is the first time.

2 A Yes, sir.

3 Q You never gave them a written statement
4 saying that; did you?

5 A Yes, sir.

6 Q But you are saying it now; aren't you?

7 A Yes, sir.

8 Q Calderone Bracey is your brother?

9 A Yes, sir.

10 Q He is not your cousin?

11 A No, sir.

12 Q Okay. You have a pretty good reason to
13 get up there and lie today; don't you?

14 A No, sir.

15 Q You don't?

16 A No, sir.

17 Q You didn't -- you don't still have charges
18 pending that if you don't say what they want you
19 to say, then they are not going to go away; isn't
20 that right?

21 MR. MEADORS: Objection, Your Honor.

22 THE COURT: What is the objection?

23 MR. MEADORS: We don't want him to say
24 what we want him to say. He's telling the truth,
25 Your Honor.

000415

Carlton Bracey-cross by Sullivan

1 THE COURT: It's cross examination. I am
2 going to allow him to ask the question the way he
3 wants to ask it. The objection is overruled.

4 A No, sir.

5 Q Okay. What do you think would -- do you
6 know what would happen if you got up there and you
7 said that -- that you just told Mr. Kelley that
8 you all were going there to get marijuana?

9 A Say that again.

10 Q What do you think would happen to your
11 charges if you got up here and you told this jury
12 that all you told Kelley was that you were going
13 there to get marijuana? Would those charges go
14 away?

15 A No, sir.

16 Q You and your brother didn't want to, you
17 didn't ever try to publicize the fact that you
18 were going to do a robbery; did you?

19 A What do you mean, sir?

20 Q Did you want to try to tell a lot of
21 people that you were going to do a robbery?

22 A No, sir.

23 Q That's something that you wouldn't want a
24 lot of people to know about; correct?

25 A Yes, sir.

Carlton Bracey-cross by Sullivan

1 Q Because the more people who knew about it,
2 the more chance that it would get to law
3 enforcement; isn't that right?

4 A Yes, sir.

5 Q You wouldn't want Mr. Kelley to know about
6 that; would you? And that's -- isn't that right?

7 A No, sir.

8 Q Because you knew it might get back to law
9 enforcement if he knew it; isn't that right? So
10 you just told him that you all were going there to
11 buy marijuana. You used him; didn't you?

12 A How did I use him?

13 THE COURT: You can't ask questions. Just
14 answer it.

15 Q You used Mr. Kelley; didn't you?

16 A No, sir.

17 Q He was the only one with the driver's
18 license; wasn't he?

19 A I don't know.

20 Q Was he the only one with the driver's
21 license?

22 A I can't say.

23 Q Do you have a driver's license?

24 A No, sir.

25 Q Does Calderone have a driver's license?

000417

Carlton Bracey-cross by Sullivan

1 A No.

2 Q What was he going to get? Were you going
3 to pay him some money?

4 A Yes, sir.

5 Q How much?

6 A I can't even -- I can't recall.

7 Q You can't remember?

8 A No, sir.

9 Q Gas money? You were going to pay him gas
10 money?

11 A Yes, sir.

12 Q And so you basically were just going to
13 get money for gas for risking going to prison; is
14 that right?

15 A No, sir.

16 Q Did you have an opportunity to talk to law
17 enforcement and the solicitor before this trial?

18 A Yes, sir.

19 Q Did you talk to them very much?

20 A No, sir.

21 Q You talked to them some.

22 A Yes, sir.

23 Q And you said that Mr. Kelley let you all
24 out in the road; correct?

25 A Yes, sir.

Carlton Bracey-cross by Sullivan

- 1 Q He didn't drive up to the trailer.
- 2 A No, sir.
- 3 Q You said Mr. Goodwin gave you guns?
- 4 A Yes, sir.
- 5 Q Put his hands on the guns?
- 6 A Yes, sir.
- 7 Q So he handed you the guns. You didn't
- 8 have gloves on?
- 9 A No, sir.
- 10 Q So presumably his fingerprints would be on
- 11 those guns; wouldn't they?
- 12 A Yes, sir.
- 13 Q Vernon Goodwin didn't give you a cell
- 14 phone; did he?
- 15 A He gave it to me, sir.
- 16 Q Did one of you all take it out of his car?
- 17 Out of the console?
- 18 A No, sir.
- 19 Q This was in -- this happened in December;
- 20 didn't it?
- 21 A Yes, sir.
- 22 Q Cold outside?
- 23 A Yes.
- 24 Q Wearing coats?
- 25 A Yes, sir.

000419

Carlton Bracey-cross by Sullivan

1 Q Calderone was wearing a big camouflage
2 coat?

3 A Yes, sir.

4 Q You had guns in the coat; didn't you?
5 Riding in the car?

6 A Yes, sir.

7 Q Is it not true, Mr. Bracey, Mr. Kelley
8 didn't wait around; did he?

9 A Are you talking about when he let us off?

10 Q Yes.

11 A I mean, let us out?

12 Q Yes. He didn't wait around.

13 A Yeah, he was gone riding up and down the
14 road, sir.

15 Q He was riding up and down the road?

16 A Yes, sir.

17 Q Okay. You saw him riding up and down the
18 road and you all were in there shooting.

19 A No, sir.

20 Q But you know he was riding up and down the
21 road.

22 A Yes, sir.

23 Q Mr. Bracey, isn't it true, that he didn't
24 want to pick you up because he didn't want to be
25 riding with drugs in his car? And you told him

000420

Carlton Bracey-cross by Sullivan

1 that -- you all told him that -- you all told that
2 you were just going to there get marijuana. And
3 he was okay dropping you off. But he didn't want
4 to pick you up, because didn't want to be driving
5 with drugs in the car. Isn't that the truth?

6 A No, sir. That ain't the truth, sir.

7 Q It was just you and your brother Calderone
8 who did this; isn't it?

9 A No, sir.

10 Q You forced Mr. Phillips in that trailer.
11 You terrorized those people. You shot Kemper
12 Holliday; didn't you?

13 A Yes, sir.

14 Q And you put Hugh Phillips in a wheelchair.
15 You maimed Mr. McCray; didn't you?

16 A Yes, sir.

17 Q And now you are going to blame it on these
18 folks; isn't that right? Are you just trying to
19 shift the blame?

20 A No, sir.

21 Q Because that's all you can do. They had
22 to get their rights; didn't they? There wasn't
23 nothing you could do---

24 THE COURT: Wait a minute. You are asking
25 2 or 3 questions at one time, Mr. Sullivan. Give

Carlton Bracey-cross by Sullivan

1 him a chance to answer.

2 Q Do you feel like, do you know what the
3 expression, "Gave the rights," means? Do you feel
4 like law enforcement had you?

5 A No, sir.

6 Q You pled guilty to committing these
7 crimes; didn't you?

8 A I am guilty, sir.

9 Q Okay. And you are telling this jury that
10 the reason that you are up here, is not just to
11 shift the blame from yourself; to try to help
12 yourself out. That's not right?

13 A No.

14 MR. SULLIVAN: Thank you.

15 THE COURT: Mr. Hastie.

16 MR. HASTIE: Thank you, Your Honor.

17 Cross Examination by Mr. Hastie:

18 Q How are you doing?

19 A Fine, sir.

20 Q You said the last job you had was at
21 Zaxby's in 2006.

22 A Yes, sir.

23 Q Is that right?

24 A Yes, sir.

25 Q And you worked there about a year; is that

Carlton Bracey-cross by Hastie

- 1 correct?
- 2 A Yes, sir.
- 3 Q And you haven't had a job since then?
- 4 A No, sir.
- 5 Q And how could you tell -- how did you make
6 your living? How did you survive?
- 7 A Basically my mother, sir.
- 8 Q Off your mother?
- 9 A Yes, sir.
- 10 Q Did she just give you money?
- 11 A Yes, sir.
- 12 Q Did you work for her?
- 13 A No, sir.
- 14 Q She just give you money?
- 15 A Yes, sir.
- 16 Q Did you not state also that you sell weed
17 here and there?
- 18 A Basically; yes, sir, I stated that.
- 19 Q You sold weed; didn't you?
- 20 A Yes.
- 21 Q Yes, sir. Okay. Where did you get this
22 weed from that you were selling here and there?
- 23 A Around the corner, sir.
- 24 Q Around the corner.
- 25 A Yes, sir.

000423

Carlton Bracey-cross by Hastie

1 Q In Cassatt. That's where you lived?

2 A Yes, sir.

3 Q Do you have any idea how far Cassatt is
4 from Odell Lane?

5 A I would say about 30, about 30 minutes.

6 Q 30 minutes. How many miles do you think
7 that might be?

8 A I don't know, sir.

9 Q Okay. "I don't know." Were you smoking
10 marijuana on the night of this incident? December
11 14th?

12 A No, sir.

13 Q So your mind was clear.

14 A Yes, sir.

15 Q Now you were arrested on what date, do you
16 remember?

17 A 16th, December 16th 2009.

18 Q 2009?

19 A Yes, sir.

20 Q Okay. And when did you first decide to
21 tell the truth, as you say, about this case?

22 A Like two weeks before. I had plead guilty
23 like last week, I think. Last week.

24 Q Two weeks ago.

25 A Yes, sir.

Carlton Bracey-cross by Hastie

1 Q So almost two years had passed. You
2 mentioned nothing. You mentioned nothing about
3 anybody else being involved in this; did you?

4 A No, sir.

5 Q To anyone.

6 A No, sir.

7 Q Is that right? Speak up.

8 A To my attorney; yes, sir.

9 Q To your attorney.

10 A Yes, sir.

11 Q Okay. But to law enforcement.

12 A No, sir.

13 Q You didn't tell law enforcement nothing in
14 two years; did you?

15 A Yes, sir.

16 Q You said Vernon is your cousin?

17 A Yes, sir.

18 Q But you don't have an idea where Vernon
19 lives; do you?

20 A I can show you, but I can't tell you what
21 street it is.

22 Q You don't know what street he lives on.

23 A No, sir.

24 Q Okay. Let's talk about this lick. I
25 think your testimony was that a lick is, you are

Carlton Bracey-cross by Hastie

1 going to rob somebody.

2 A Yes, sir.

3 Q So you got this call you say from Vernon

4 saying, "Let's go do a lick."

5 A The call was basically on getting some

6 weed, sir.

7 Q Getting some weed.

8 A Yes, sir.

9 Q So he said nothing about doing no lick.

10 A Yes, sir.

11 Q Huh? He said nothing about doing no lick;

12 did he?

13 A Not over the phone, sir.

14 Q He just said, let's go get some weed.

15 A Yes, sir.

16 Q Have you ever done a lick before?

17 A No, sir.

18 Q Have you fired a weapon before?

19 A Yes, sir.

20 Q What weapon have you fired?

21 A All kinds of 38's.

22 Q All kind of 38's.

23 A 380's. And stuff like 9; yes, sir.

24 Q Nine. You have fired a lot of weapons

25 before.

000426

Carlton Bracey-cross by Hastie

- 1 A Yes, sir.
- 2 Q Do you own a weapon?
- 3 A No, sir.
- 4 Q Where did you get those weapons before
5 that you fired?
- 6 A In this incident?
- 7 Q No, no. Before.
- 8 A Before. Some friends.
- 9 Q Some friends.
- 10 A Yes, sir.
- 11 Q So you are quite acquainted with different
12 types of weapons; is that not right?
- 13 A Yes, sir.
- 14 Q And then your testimony was that Vernon
15 came to your house. You all talked about doing a
16 lick. But you said he didn't call you about a
17 lick; did he?
- 18 A No, sir.
- 19 Q Somehow a lick came up at your house; your
20 granddaddy's house; is that right?
- 21 A Yes, sir.
- 22 Q The lick stuff came up.
- 23 A Yes, sir.
- 24 Q And then you said you went back to
25 Vernon's house to get the material for the lick;

000427

Carlton Bracey-cross by Hastie

- 1 right?
- 2 A Yes, sir.
- 3 Q And you said you wore black that night.
- 4 A Yes, sir.
- 5 Q You wore black; didn't you?
- 6 A Yes, sir.
- 7 Q Why did you wear black?
- 8 A Because it's in the night, sir.
- 9 Q You knew that much about a lick; didn't
- 10 you? Probably good to dress in dark; is that
- 11 right?
- 12 A Yes, sir.
- 13 Q You know a lot about guns evidently. What
- 14 type of guns did you and your brother have again?
- 15 A Two 9 millimeters, sir.
- 16 Q Two 9 millimeters.
- 17 A Yes, sir.
- 18 Q That's all?
- 19 A Yes, sir.
- 20 Q Just two. Okay. Now during this, you all
- 21 had a good ride, a 30-minute ride to get to this
- 22 house; right?
- 23 A Yes, sir.
- 24 Q Did you all discuss well, "How in the
- 25 world are we going to get in to this house?" What

000428

Carlton Bracey-cross by Hastie

- 1 was the plan?
- 2 A Well the plan, sir.
- 3 Q Yeah.
- 4 A Well just basically sit out there until
5 somebody come up, sir.
- 6 Q Just stay outside.
- 7 A Until somebody.
- 8 Q Someone come up.
- 9 A Yes, sir.
- 10 Q Was there a light in the yard out there?
- 11 A Yes.
- 12 Q So there was a light in the yard too?
- 13 A Yes, sir.
- 14 Q So you all were going to steal inside a
15 house with a light in the yard?
- 16 A Yes, sir. In the dark. It was dark
17 beside the trailer. In the dark; yes, sir.
- 18 Q And there was a dark part where this
19 light was in the yard.
- 20 A Yes, sir.
- 21 Q And the master plan was wait outside until
22 someone drive, pull up, come up?
- 23 A Yes, sir. That was part of it.
- 24 Q Part of the plan.
- 25 A Yes, sir.

000429

Carlton Bracey-cross by Hastie

1 Q Did you ask the master planner, well what
2 do we do if no one comes up tonight?

3 A Basically we -- if nobody would have come
4 up; yes, sir.

5 Q You knew what to do?

6 A If nobody was to come up, we would run in,
7 sir.

8 Q You all can run in.

9 A Yes, sir.

10 Q Suppose the door was locked, what is the
11 master plan?

12 A Kick it, Sir.

13 Q Kick the door in.

14 A Yes, sir.

15 Q Have you ever kicked the door in before?

16 A No, sir.

17 Q You never kicked the door in before. Do
18 you know how hard it is to kick the door in? But
19 that you was the master plan; right?

20 A Yes, sir.

21 Q Okay. You got this master plan. But you
22 all were fortunate that night because somebody did
23 drive up. Now was there another car in the yard?

24 A Several cars.

25 Q There were several cars in the yard.

Carlton Bracey-cross by Hastie

1 A Yes, sir.

2 Q Was there any discussion on how many
3 people would be in that single wide home?

4 A No, sir.

5 Q There was no discussion as to how many
6 people you were going to rush in on them; kick the
7 door. And there was absolutely no part of this
8 master plan of how many people were in this house.

9 A No, sir.

10 Q No discussion. Did you ask the master
11 planner about, "Hey, man, we got these guns. But
12 there are just two of us. Suppose that there were
13 8 people in the house with guns." Did you not ask
14 him that?

15 A No, sir.

16 Q You didn't think about that?

17 A No, sir.

18 Q You weren't smoking any weed; were you?

19 A No, sir.

20 Q Your mind was clear.

21 A Yes, sir.

22 Q And it didn't dawn on you to ask how many
23 people in that house?

24 A No, sir.

25 Q So now you are in the house. You got in

Carlton Bracey-cross by Hastie

1 because you gabbed the young man. Did you put a
2 gun to his head?

3 A No, sir.

4 Q You didn't gun to his head.

5 A No, sir.

6 Q How did you all get in the house?

7 A I done put it to his back.

8 Q I can't hear you.

9 A His back.

10 Q You put a gun in his back.

11 A Yes, sir.

12 Q And you all went in. Was the door open or
13 locked?

14 A It was open.

15 Q It was open. You really didn't need to
16 wait on anybody; did you?

17 A No, sir.

18 Q The door was already open. So you are in
19 the house now. What do you do?

20 A I let off two shots, sir.

21 Q You fired off two shots.

22 A Yes, sir.

23 Q Did your brother fire off two shots as
24 well? Anybody else shoot when you went in or just
25 you?

Carlton Bracey-cross by Hastie

- 1 A Just me, sir.
- 2 Q Just you. So only two shots were fired.
- 3 You fired off two shots.
- 4 A Yes, sir.
- 5 Q You told everybody to do what?
- 6 A Get down, sir.
- 7 Q Get down. Did everybody get down?
- 8 A Yes, sir.
- 9 Q Were you surprised at the number of people
- 10 that were in the house?
- 11 A No, sir.
- 12 Q You weren't surprised? How many people
- 13 were in the house to your estimation?
- 14 A I would say about 8 or 9 people somewhere.
- 15 Q Eight or 9 people in the house. And you
- 16 weren't surprised.
- 17 A No, sir.
- 18 Q And you had no idea what you would run
- 19 into; did you?
- 20 A No, sir.
- 21 Q Okay. Eight or 9 people in the house.
- 22 You weren't worried that you had enough tape?
- 23 A No, sir.
- 24 Q You had plenty of tape.
- 25 A Yes, sir.

000433

Carlton Bracey-cross by Hastie

- 1 Q Okay. So now they all got down; right?
2 Who was holding the gun on the people.
- 3 A I was.
- 4 Q You got the gun. Did your brother have a
5 gun as well?
- 6 A No, sir.
- 7 Q I can't hear you.
- 8 A No, sir.
- 9 Q Your brother did not even have a gun?
- 10 A No, sir. I had the guns.
- 11 Q You had both guns. So you got two guns;
12 right?
- 13 A Yes, sir.
- 14 Q You got two guns. And you were just kind
15 of watching. There are people here. And there is
16 some people out here in the kitchen too as well;
17 right?
- 18 A Yes, sir.
- 19 Q And you got -- could you see in the
20 kitchen everybody pretty good from where you were?
- 21 A Yes, sir.
- 22 Q You all got under the table or on the
23 floor?
- 24 A Yes, sir.
- 25 Q And you are watching -- these people. You

000434

Carlton Bracey-cross by Hastie

1 are watching the people in the kitchen.

2 A Yes, sir.

3 Q Right? And your brother is taping it.

4 A Yes, sir.

5 Q Taping everybody. Are you saying anything
6 at this time?

7 A No, sir.

8 Q Okay. In your testimony you said, while
9 you are going through all this, I got a phone
10 call; right?

11 A Yes, sir.

12 Q What pocket was your phone in?

13 A I can't remember.

14 Q You don't even know what pocket the phone
15 was in. Well what did you do with the phone that
16 you had to answer? How did you answer the phone?
17 You put the gun in your pants? What did you do?

18 A Yes, sir. In the back pocket. I put one
19 of the guns in my back pocket.

20 Q You stuck the gun in your back pocket.

21 A Yes, sir.

22 Q And your reply was, "I held it." You all
23 are in the middle of a robbery; right?

24 A Yes, sir.

25 Q And you answer the phone.

000435

Carlton Bracey-cross by Hastie

1 A Yes, sir.

2 Q You better be careful because somebody
3 might shoot my brother over here if I am not
4 paying attention. You didn't think about that?

5 A No, sir, not at the time.

6 Q You answered the phone. Did you get more
7 than one phone call?

8 A I don't think so, sir.

9 Q You don't think so. You are not sure how
10 many times you answered the phone. You are in the
11 midst of a robbery; is that right?

12 A Yes, sir.

13 Q You mentioned something about getting
14 drugs out of a cabinet. What is that all about?

15 A My brother had, he had started searching
16 around the house; sir. The cabinets and stuff
17 like that. And he had find a bag with some drugs
18 in it, sir.

19 Q He found a bag with some drugs in one of
20 the cabinets?

21 A Yes, sir.

22 Q You don't know how much drugs?

23 A No, sir.

24 Q Was -- do you know whether it was
25 marijuana or cocaine?

Carlton Bracey-cross by Hastie

- 1 A No, sir. I just know it was drugs.
- 2 Q You just know it was drugs.
- 3 A Yes, sir.
- 4 Q How did you know it was drugs? Did your
5 brother yell at you and say, "Oh, I found some
6 drugs." You got two guns out right here; right?
- 7 A Yes, sir.
- 8 Q Did he yell at you and say, I got -- "I
9 found some drugs."
- 10 A Yes, sir.
- 11 Q Well why didn't you leave at that time.
12 You got the money. You got the drugs. Why didn't
13 you leave?
- 14 A Because he was telling me it was missing,
15 sir.
- 16 Q He was telling you what?
- 17 A We was missing, sir.
- 18 Q What were you missing?
- 19 A I want to say it was the weed, sir.
- 20 Q You were missing some weed. You got
21 whatever that drug in that part of the cabinet.
22 It wasn't weed. It must have been cocaine.
- 23 A Yes, sir.
- 24 Q So is everybody -- at some point did you
25 all move some people down the hallway?

000437

Carlton Bracey-cross by Hastie

1 A No, sir.

2 Q At any time during this robbery did you
3 all tell folks, "I want you all, some of you all
4 to go down this hallway." Did you do that?

5 A No, sir.

6 Q Are you sure of that?

7 A Yes, sir.

8 Q Okay. "Nobody move." Now let's focus on
9 the shooting aspect of this, and not the two shots
10 that you fired when you went in. Who shot first
11 after those two shots?

12 A Mr. Belton, sir.

13 Q How do you know Mr. Belton?

14 A I, because Mr. Goodwin.

15 Q You know Mr. Belton from Mr. Goodwin?

16 A Yes, sir.

17 Q Do you know Mr. Belton when you see him
18 though?

19 A Yes, sir.

20 Q You can recognize him today?

21 A Yes, sir.

22 Q Is he in this courtroom today? Can you
23 see that far?

24 A No, sir.

25 Q You can't see. How many times have you

Carlton Bracey-cross by Hastie

1 meet Mr. Belton?

2 A I see him around, sir.

3 Q You see him around.

4 A Yes, sir.

5 Q Around where?

6 A Around in Camden, sir.

7 Q In Camden. Because you had never been to
8 this home before; have you?

9 A No, sir.

10 Q But you've seen him before. Who --
11 Mr. Belton shot first. Who did he shoot?

12 A Let me see, I guess my brother, sir.

13 Q He shot your brother.

14 A Yes, sir.

15 Q Did anybody else shoot? Then he shot your
16 brother. Who did you shoot?

17 A I just started shooting, sir.

18 Q Did you start shooting down or you just
19 started shooting at the floor?

20 A About everywhere, sir.

21 Q Just everywhere. Because you really
22 didn't -- I think you testified you really didn't
23 intend to kill anyone; did you?

24 A No, sir.

25 Q But you just started shooting too.

Carlton Bracey-cross by Hastie

1 A Yes, sir.

2 Q Your brother got shot. Did he shoot at
3 all?

4 A No, sir.

5 Q Well he couldn't shoot because you had the
6 two guns; didn't you?

7 A Yes, sir.

8 Q You got two guns. You just answered the
9 phone. And then, I guess you put the phone up.
10 And you got the gun back out of your pocket. Your
11 brother gets shot. Whoever shoots the other one.
12 You just started shooting everybody.

13 A I just started shooting, sir.

14 Q Just started shooting. Shooting people,
15 or just shooting the house?

16 A Just shooting, sir.

17 Q Just shooting. Why were you doing that?

18 A Because somebody -- Because Mr. Belton
19 shot at us, so I shot back.

20 Q Did you shoot back at Mr. Belton?

21 A I ain't going to lie, I been trying.

22 Q You were trying. You were trying to shoot
23 him. That's right. Well that makes sense, he's
24 shooting at your brother. Okay. Normally these
25 type of fire fights like that, it seems like a lot

000440

Carlton Bracey-cross by Hastie

1 of times, but normally last a couple of seconds;
2 don't they? It wasn't that long before this thing
3 was over.

4 Now your brother is shot. He's -- is he
5 down on the floor, your brother?

6 A Yes, sir.

7 Q Is he laying down or on his knees?

8 A He was laying down.

9 Q He was laying down.

10 A Yes, sir.

11 Q Did you go help him?

12 A No, sir.

13 Q You didn't go help your brother; did you?

14 A Yes, sir.

15 Q What did you do?

16 A I had ran out the house.

17 Q You ran out the house. And you left your
18 brother knowing he is shot, 5 or 6 times; is that
19 right.

20 A Yes, sir. I thought he was dead.

21 Q You thought he was dead, so you were just
22 going to leave him.

23 A Yes, sir.

24 Q You got two guns; right?

25 A Yes, sir.

Carlton Bracey-cross by Hastie

1 Q You ran out the house. And where did you
2 go?

3 A To the left side of the trailer and just
4 kept running.

5 Q A little wooded area. There's a little
6 wooded area over there; is that right?

7 A Yes, sir.

8 Q And you kept running.

9 A Yes, sir.

10 Q Who did you call?

11 A I had called my house. I had called
12 Mr. Goodwin and them.

13 Q You called everybody you could.

14 A Yes, sir.

15 Q Did you call your brother?

16 A I called him too, sir.

17 Q You called your brother. You were trying
18 to get out of there; right?

19 A I been already out of there. I was trying
20 to get down from---

21 THE COURT: Wait a minute. Let him answer
22 it. Go ahead.

23 Q But you've never been there before.

24 A Yes, sir.

25 Q Do you know what direction you ran in a

Carlton Bracey-cross by Hastie

1 wooded area? Do you know what direction to get
2 back to Cassatt?

3 A No, sir, I been running, sir.

4 Q You were just running. And you are
5 telling the jury today that you ran all the way
6 back to Cassatt.

7 A Yes, sir.

8 Q No one helped you.

9 A No, sir.

10 Q And not even knowing what direction
11 Cassatt was in from that location.

12 A No, sir.

13 Q Because you have never driven there
14 before; is that right?

15 A Yes, sir.

16 Q You've never been to that house.

17 A No, sir.

18 Q Your brother is shot. You couldn't get a
19 ride. You still got this cell phone. Everybody
20 just not pick it up?

21 A Well, sir, it picked up.

22 Q What did your brother say?

23 THE COURT: Wait a minute. Let him finish
24 the answer. Go ahead.

25 A I said I had picked it up. And I called

Carlton Bracey-cross by Hastie

1 -- I had called Mr. Goodwin first---

2 Q Okay.

3 A ---before I had called my brother.

4 Q Okay.

5 A And Mr. Goodwin said he been around the
6 area trying to find us.

7 Q Okay.

8 A And I been trying to tell him where I was.
9 So basically he couldn't find us. So I been
10 trying to call my brother. And I called my
11 brother and told him where I was.

12 Q Right.

13 A And he couldn't find me. So I just tried
14 to find my way home.

15 Q So you found your way home.

16 A Yes, sir.

17 Q How was that? Tell us about that trip.
18 How did you -- did you run along the roadway? Or
19 how did you get home?

20 A Through the woods, sir.

21 Q Through the woods.

22 A Yes, sir.

23 Q What woods?

24 A From down there, sir.

25 Q Do you know how difficult it is to

Carlton Bracey-cross by Hastie

1 maneuver through some woods, young man, at
2 nighttime?

3 THE COURT: Now that is not a question.

4 A Yes, sir.

5 Q So you went through the woods. So there
6 was woods all the way from Odell Lane to Cassatt.
7 That's what you are telling us today.

8 A Yes, sir.

9 MR. HASTIE: Court's indulgence, Your
10 Honor.

11 Q You said you did call your brother; is
12 that right?

13 A Yes.

14 Q What did he say?

15 A He said he was on his way to come and get
16 me, sir.

17 THE COURT: Wait, is there an objection?

18 MR. MEADORS: I couldn't hear the
19 question.

20 THE COURT: The question is, what did his
21 brother say; was the objection. Go ahead.

22 A He said he was coming to look for me, sir.

23 Q Oh, your brother is coming too?

24 A Yes, sir.

25 Q Right? Well now--so your brother is--

Carlton Bracey-cross by Hastie

1 coming?

2 A I didn't see him, sir.

3 Q You didn't see him.

4 A No, sir.

5 Q Your brother got a cell phone?

6 A Yes, sir.

7 Q So both of you all have got a cell phone.

8 One brother laying in the house dead. And you all
9 can't find each other?

10 A No, sir.

11 Q Do you know Benjamin McGee?

12 A Yes, sir.

13 Q Who is he?

14 A Brother-in-law, sir.

15 Q Brother-in-law.

16 A Yes, sir.

17 Q Okay. Did you see him that night?

18 A Sir?

19 Q Before this incident, when was the last
20 time you saw Benjamin McGee?

21 A I don't know, sir.

22 Q Do you have any idea what kind of car he
23 drives?

24 A No, sir.

25 Q He's your brother-in-law; right?

Carlton Bracey-cross by Hastie

- 1 A Yes, sir.
- 2 Q Does he have a car?
- 3 A I don't know, sir. To my knowledge, I
4 don't know, sir. Because I don't associate with
5 him like that, so I don't know, sir.
- 6 Q He's married to your sister?
- 7 A My brother is married to his sister; yes,
8 sir.
- 9 Q Okay. And you know him pretty well,
10 because he is your brother-in-law?
- 11 A I know him something like that.
- 12 Q Something like that.
- 13 A Yes, sir.
- 14 Q Something like that. Okay. What kind of
15 work does he do; do you know?
- 16 A No, sir.
- 17 Q Okay. Now your testimony is here today
18 that someone really talked you in to doing this;
19 is that correct?
- 20 A Yes.
- 21 Q You've never been to the house before; is
22 that correct?
- 23 A No, sir.
- 24 Q You've never told law enforcement
25 anything. You kept your mouth quiet for 2 years;

000447

Carlton Bracey-cross by Hastie

1 is that right?

2 A Yes, sir.

3 Q And after 2 years of not saying anything
4 to at least law enforcement, you are crystal clear
5 on what you testified to; is that correct?

6 A Yes, sir.

7 Q And you've already told us that you are
8 facing a voluntary manslaughter charge. You have
9 pled to it already.

10 A Yes, sir.

11 Q On the stand up here today, you said I
12 killed Kemper Holliday; is that right?

13 A Yes, sir.

14 Q But then you are facing some other charges
15 today as well, aren't you?

16 A No, sir.

17 Q Aren't there 25 other charges against you
18 if you don't testify properly; that they can bring
19 against you?

20 A Yes, sir.

21 Q He explained that to you; didn't he?

22 A Yes, sir.

23 Q So you know there is some other charges
24 pending?

25 A Yes, sir.

Carlton Bracey-cross by Hastie

1 Q If you don't get on the stand and at least
2 do right; right?

3 A Yes, sir.

4 MR. HASTIE: Thank you. No further
5 questions.

6 THE COURT: Redirect, Mr. Meadors.

7 MR. MEADORS: May it please the Court.

8 Redirect Examination by Mr. Meadors:

9 Q I think it was Mr. Sullivan asked you
10 about, and I think Mr. Hastie did again right
11 there, about the first time of you coming forward
12 was recently. Is Jack Howle your attorney?

13 A Yes, sir.

14 Q And right now he is your attorney;
15 correct?

16 A Yes, sir.

17 Q I could not talk to you when you had an
18 attorney; correct?

19 A Yes, sir.

20 Q So the first opportunity Mr. Mims or
21 Mr. Manning or myself had to talk to you was
22 recently; correct?

23 A Yes, sir.

24 Q You talked to them a week or so ago;
25 correct?

Carlton Bracey-redirect by Meadors

1 A Yes, sir.

2 Q You talked to me yesterday.

3 A Yes, sir.

4 Q And in exchange for the 30 years, did we
5 ask you to tell the truth?

6 A Yes, sir.

7 Q Is that what we asked you to tell, the
8 truth?

9 A Yes, sir.

10 Q I think, I can't remember. I think it was
11 Mr. Sullivan asked you about, initially did --
12 initially was this just to get some weed; you
13 wanted some weed initially.

14 A Yes, sir.

15 Q And then it turned into the other matter,
16 the lick.

17 A Yes, sir.

18 Q And whose idea was that?

19 A Mr. Goodwin's, sir.

20 Q And there wasn't no gas money involved
21 when it became a lick; was there?

22 A No, sir.

23 Q That was out the window. This was a big
24 ballgame; wasn't it?

25 A Yes, sir.

Carlton Bracey-redirect by Meadors

1 Q I think, I apologize. I think it was
2 Mr. Sullivan who asked you about the car was out
3 front. And he said, "Did you know it was out
4 front." And you said, "Yeah, I knew he was out
5 front." When you were waiting?

6 A Yes, sir.

7 Q And I couldn't hear your response. Or I
8 didn't know if you did respond. He said, "How did
9 you know they were still out front while you were
10 doing the robbery?"

11 A Because the plan was, they were supposed
12 to ride down the road until we was finished.

13 Q So that was part of the plan that they
14 ride up and down.

15 A Yes, sir.

16 Q So that's how you knew they were still
17 there?

18 A Yes, sir.

19 Q And someone asked you about Mr. Belton, I
20 don't know. Did you know Mr. Belton before this?

21 A I seen him around, sir.

22 Q In Camden?

23 A Yes, sir.

24 Q Now I believe it was Mr. Hastie was asking
25 you about some phone calls. And I think you

000451

Carlton Bracey-redirect by Meadors

1 testified you called Mr. Goodwin; correct?

2 A Yes, sir.

3 Q From his cell phone.

4 A Yes, sir.

5 Q And did he have another cell phone you
6 were calling?

7 A Yes, sir.

8 Q And your brother Mario, do you remember
9 his number?

10 A Nah, I can't. Not off the top of my head;
11 no, sir.

12 Q I am sorry what was your answer?

13 A No, sir. Not off the top of my head; no,
14 sir.

15 Q But you also called him from that phone.

16 A Yes, sir.

17 Q And someone asked you about, when your
18 brother talked to him could you tell him where you
19 were?

20 A I was trying to tell him where I was, but
21 I guess he ain't no where I was, sir.

22 Q And this phone stayed in your possession
23 or with your grandmama until you told law
24 enforcement you had it; correct?

25 A Yes, sir.

000452

Carlton Bracey-redirect by Meadors

1 Q Now did your brother, what I am asking you
2 is, did your brother shoot anybody?

3 A No, sir.

4 Q He pled guilty to 30 years too; didn't he?

5 A Yes, sir.

6 Q He didn't shoot anybody.

7 A No, sir.

8 MR. MEADORS: I beg the court's
9 indulgence. Thank you, that's all.

10 THE COURT: Mr. Sullivan.

11 MR. SULLIVAN: Thank you, judge.

12 Recross Examination by Mr. Sullivan:

13 Q Now, Mr. Bracey, the agreement with the
14 State is that if you tell the truth your remaining
15 charges will be dismissed; that's correct?

16 A Yes, sir.

17 Q Whose truth?

18 A Sir?

19 Q Whose truth?

20 A Whose truth?

21 Q The State's truth?

22 A Yes, sir.

23 MR. SULLIVAN: Thank you.

24 THE COURT: Mr. Hastie.

25 MR. HASTIE: Thank you, Your Honor.

Carlton Bracey-recross by Sullivan

1 Recross Examination by Mr. Hastie:

2 Q You just told Mr. Meadors you have a
3 lawyer; is that right?

4 A Yes, sir.

5 Q What is your lawyer's name?

6 A Jack Howle, sir.

7 Q Mr. Jack Howle.

8 A Yes, sir.

9 Q Did you tell Mr. Jack Howle a year ago
10 about this story?

11 MR. MEADORS: Judge, I don't have a
12 problem. That's attorney/client.

13 THE COURT: Yes, sir. I believe it is
14 attorney/client privilege.

15 Q Did you tell anyone about this story
16 before two weeks ago?

17 A No, sir.

18 Q No, sir. That's right. You told no one
19 about this story that you are telling here today.

20 A No, sir.

21 Q And you have been in jail since December
22 16th.

23 A Yes, sir.

24 Q December 16th 09.

25 A Yes, sir.

Carlton Bracey-recross by Hastie

1 Q And two weeks ago you decided, "That I am
2 going to tell the truth;" is that correct?

3 A Yes, sir.

4 THE COURT: Thank you, sir. You may step
5 down. Counsel, let me see you the side bar and we
6 will talk about scheduling for a minute.

7 (Whereupon, the judge confers with the
8 attorneys at the bench.)

9 THE COURT: Mr. Foreman and members of the
10 jury, it is now time for us to break for our lunch
11 recess. And I am going to do that and allow you
12 to go and get your lunch. I ask you to please be
13 back in your jury room at 2:30 this afternoon.
14 That's about an hour and 45 minutes. We have got
15 a few legal matters we need to take up between now
16 and then. And we are going to do that. Over the
17 lunch recess do not discuss this case with anyone.
18 Do not allow anyone to discuss it with you. And
19 do not discuss it among yourselves while you are
20 reassembling in the jury room. And please be back
21 promptly at 2:30, and we will be ready to go
22 forward at that time. Have a pleasant lunch, and
23 I will see you this afternoon.

24 (Whereupon, the following takes place
25 outside the presence of the jury.)

Carlton Bracey-recross by Hastie

1 THE COURT: Counsel, we will be ready to
2 go at 2:30. What I would like to do is have
3 everybody back by 2:15. And have everybody in the
4 courtroom by 2:20 or 2:25 or so. I don't want to
5 keep the jury waiting. So for some reason we
6 can't be back here at 2:15, and all the court
7 personnel, including the defendant's and everybody
8 be ready to go promptly at 2:30.

9 In the meantime, Mr. Sullivan, and, Mr.
10 Hastie, I would like to talk to your clients
11 about their 5th Amendment Rights. If you would
12 have them stand, please. Mr. Kelley, and
13 Mr. Goodwin, you may be called as witnesses to
14 testify in your own behalf. I advise you now that
15 you have the right to invoke the protections given
16 to you by the 5th Amendment to the Constitution of
17 the United States. And this goes to each of you.
18 Each of you have the right to invoke the
19 protections given to you by the 5th Amendment to
20 the Constitution of the United States, and it's
21 similar counterpart provision of the Constitution
22 of the State of South Carolina.

23 The 5th Amendment to the Constitution of
24 the United States provides in part that no person
25 shall be compelled in any criminal case to be a

000456

Carlton Bracey-recross by Hastie

1 witness against himself. This provision of the
2 constitution of the law means that you cannot be
3 compelled or required to testify in this case.
4 This is a right and a privilege which the law
5 extends to you. It is a personal privilege and no
6 one can waive this right except you. You have the
7 right not to testify, but you also have the right
8 to testify. The court will grant you the right to
9 consult with your lawyer before you make a
10 decision.

11 If you elect not to testify, your election
12 not to testify or your failure to testify cannot
13 be used by the State as an inference of guilt.
14 And your failure to testify cannot be considered
15 by the jury in its deliberations, and I will so
16 instruct the jury.

17 If you elect to testify and waive the
18 privileges extended to you by the constitution, I
19 advise you now that you would then assume the role
20 of a witness in this case, and you would waive or
21 give up your constitutional privilege against self
22 incrimination. This means if you voluntarily take
23 the witness stand and testify, that you then
24 subject yourself to the same rules that govern
25 other witnesses. And you may be examined and

Carlton Bracey-recross by Hastie

1 cross examined on any relevant issue in this case.
2 And you may be impeached to the same extent as any
3 other witness. All of which is governed by the
4 rules of the law and the rules of evidence.

5 I further advise each you that if you
6 elect to take the witness stand and testify, that
7 this decision on your part must be made freely,
8 voluntarily, intelligently and with the knowledge
9 of the protections given to you by the
10 constitution and with knowledge of the
11 consequences of your election not to testify.

12 Now as I said, I will give each of you an
13 opportunity to talk with your lawyer before you
14 make that decision. And this is not the
15 appropriate time for you to make that decision,
16 but I would ask you first, Mr. Kelley, have you
17 understood what I have explained to you?

18 THE DEFENDANT KELLEY: Yes, Your Honor.

19 THE COURT: Do you have any questions that
20 you want to ask me about your 5th Amendment
21 rights?

22 MR. DEFENDANT KELLEY: No, sir.

23 THE COURT: Mr. Goodwin, have you
24 explained what I have -- have you understood what
25 I have explained to you about your constitutional

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1 rights?

2 THE DEFENDANT GOODWIN: Yes, Your Honor.

3 THE COURT: And do you have any questions
4 that you want to ask me about?

5 THE DEFENDANT GOODWIN: No, sir.

6 THE COURT: Thank you, gentlemen. I will
7 give you an opportunity to talk with your lawyers
8 before you make a decision. And that will not be
9 made until after the State has rested their case.
10 And so between now and at some point and time, you
11 need to talk with your lawyers to make a decision
12 as to whether or not you do wish to testify in
13 this matter. And, Mr. Solicitor, at least at the
14 end of your case if not before, you will need to
15 talk with them about what you think are
16 impeachable offenses. And we can also go over,
17 and if there is any issue about whether there is
18 impeachable offenses, we can do that between the
19 close of the state's case and the time they have
20 to make a decision. But they should go ahead---

21 MR. MEADORS: We have got that, sir.

22 THE COURT: ---and disclose that
23 information to the defense counsel. And if you
24 all can't agree on what are impeachable and what
25 are not impeachable offenses, the court will make

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1 that decision. Thank you. You may be seated.

2 Is there anything else before we recess
3 for lunch on behalf of the State?

4 MR. MEADORS: Yes, sir. Briefly, we have
5 phone tolls.

6 THE COURT: Have some what?

7 MR. MEADORS: Phone tolls. I have tried
8 cases over the years where phone tolls have come
9 in during the middle of trials. There are phone
10 tolls that I would like to offer from this phone.

11 THE COURT: I'm still not...

12 MR. MEADORS: Phone tolls, I'm sorry.

13 THE COURT: Phone tolls?

14 MR. MEADORS: Phone records of phone
15 calls.

16 THE COURT: Telephone records.

17 MR. MEADORS: Yes, I call them phone
18 tolls. I'm sorry. Maybe I'm wrong, that's all I
19 have ever said. I'm sorry about that, judge.
20 Telephone records---

21 THE COURT: All right.

22 MR. MEADORS: ---from this phone. At the
23 time, I'll just cut right to it. Mr. Manning
24 thought these tolls had been given to them
25 previously. There was a misunderstanding of that

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1 earlier.

2 THE COURT: How long have you had them?

3 MR. MEADORS: Judge, I don't know. But
4 before I get to that point, I don't think -- it is
5 not exculpatory. It's his phone. They have got
6 as much assess to them as we do. They are his
7 tolls. So that's why over the year, I mean, if---

8 THE COURT: It's whose telephone?

9 MR. MEADORS: It's his phone that came
10 back to a Maine. M-A-I-N-E. Mr. Goodwin had two
11 telephones. One in the name of Vernon Goodwin.
12 And one in the name of Maine. M-A-I-N-E, which he
13 has been referring to I think by defendant's
14 statement; the other folks would call him Maine.
15 But these were the two cell phones involved that
16 were involved this day. The cell phone Mr.
17 Goodwin---

18 THE COURT: But there has only been one
19 telephone -- cell phone that has been identified
20 here.

21 MR. MANNING: That's correct. Yes, sir.
22 That's part of the tolls I am talking about here.
23 But just for the court's background, this
24 defendant said he called Mr. Goodwin on his other
25 cell phone. He testified.

Carlton Bracey-recross by Hastie

1 THE COURT: He said that.

2 MR. MEADORS: I understand. The tolls I
3 have, I agree with Your Honor. The tolls I have.

4 THE COURT: The records you have.

5 MR. MEADORS: The records, yes, sir, I am
6 sorry. The records I have from State's 42.

7 THE COURT: Let me see the records of
8 what -- show them what you want to offer, and then
9 let me see them, then we will find out where we
10 are. As I understand it, this is the phone of Mr.
11 Goodwin. There was testimony concerning the calls
12 that the witnesses that were just on the stand,
13 Mr. Bracey, testified to on this telephone number,
14 Exhibit No. 42. And that's what these telephone
15 records refer to, Exhibit No. 42; is that correct?

16 MR. MEADORS: That's correct. And that
17 would be only as between the witness Mr. Bracey
18 and Mr. Goodwin. So, Mr. Sullivan, I don't know
19 that you have any standing to take the position on
20 this one way or the other. But do you have a
21 position?

22 MR. SULLIVAN: No, sir.

23 THE COURT: Mr. Hastie?

24 MR. HASTIE: Yes, sir.

25 THE COURT: What is your position? You

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1 don't---

2 MR. HASTIE: I don't have an objection.

3 THE COURT: You don't object.

4 MR. HASTIE: I don't object.

5 THE COURT: This takes care of that.

6 MR. MEADORS: Judge, what time did you
7 tell them to be back?

8 THE COURT: Let's go ahead and offer
9 these. They will be admitted without objection
10 as State's No. 43 without objection. So further
11 identification is not necessary.

12 (Phone records marked State's Exhibit No.
13 43 into evidence.)

14 THE COURT: The jury is back at 2:30. We
15 will be back at 2:15. The bond of course remains
16 revoked on your client Mr. Sullivan until such
17 time as the trial is concluded. Anything else
18 before we adjourn for lunch, Mr. Meadors?

19 MR. MEADORS: No, sir.

20 THE COURT: Mr. Sullivan?

21 MR. SULLIVAN: No, sir. .

22 THE COURT: Mr. Hastie?

23 MR. HASTIE: No, sir.

24 THE COURT: Thank you. We will be in
25 recess until 2:15.

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Carlton Bracey-recross by Hastie

1 (Whereupon, Court broke for lunch at
2 1:00 o'clock.)

3 THE COURT: We are back on the record in
4 the case of the State versus Cameren Kelley and
5 the State versus Vernon Goodwin. The defendants
6 are present in courtroom with their lawyers. The
7 State is present and represented by Mr. Finney,
8 Mr. Meadors and Mr. Manning. I have been informed
9 all the jurors are back. Are we ready to proceed,
10 Mr. Meadors?

11 MR. MEADORS: Almost, Judge. We have got
12 some items without objection. And we would like
13 to go ahead and put them in at the same time.

14 THE COURT: Go ahead. You may.

15 MR. MEADORS: One is a follow up to phone
16 records, Judge, that just came in.

17 THE COURT: That would be No. 43. Okay.

18 MR. MEADORS: And then we have 44, which
19 is a subscriber information of that phone number
20 of 43, 243-1357. So this is the subscriber name
21 in the name of Maine; which ties back to that
22 phone number that is already in evidence without
23 objection. And finally, we did this as one, 45
24 (a) through (e); which are drugs from the
25 residence without objection.

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Carlton Bracey-recross by Hastie

1 THE COURT: Exhibits Nos. 44 and 45 (A)
2 through (E) would be admitted into evidence
3 without objection.

4 (Subscriber of phone marked State's
5 Exhibit No. 44 into evidence.)

6 (Drugs marked 45 (A) through (E) into
7 evidence.)

8 THE COURT: Mr. Bradley, you may bring the
9 jury.

10 MR. MEADORS: Your Honor, I am informed
11 Mr. Calderone Bracey does not have any impeachable
12 offenses.

13 THE COURT: Does not have what?

14 MR. MEADORS: Does not have any
15 impeachable offenses.

16 THE COURT: All right.

17 (Whereupon, the following takes place
18 within the presence of the jury.)

19 THE COURT: Thank you, Ladies and
20 gentlemen. We are now ready to proceed. I would
21 ask you again like I asked you this morning, I
22 would ask you if anyone has attempted to talk to
23 you about this case over the lunch recess, I would
24 need to know that now.

25 (Whereupon, no response.)

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1 THE COURT: Negative response. And that
2 is good. Thank you very much. We are now ready
3 to go forward. Mr. Meadors, you may call your
4 next witness.

5 MR. MEADORS: We would call Calderone
6 Bracey.

7 THE COURT: Come around, Mr. Bracey.
8 Calderone Bracey, being
9 first duly sworn, testified as follows:

10 THE CLERK: Please state your full name and
11 spell your last name for the record.

12 A Calderone Bracey. B-R-A-C-E-Y.

13 Direct Examination by Mr. Meadors:

14 Q Good afternoon, Mr. Bracey.

15 A Good afternoon.

16 Q I want you to tell the ladies and
17 gentlemen of this jury about you. Where are you
18 from?

19 A I am from Camden.

20 Q Born and raised?

21 A Yes, sir.

22 Q Any particular part of Kershaw County?

23 A No, sir, Camden.

24 Q Where did you go to elementary school?

25 A I can't remember.

Calderone Bracey-direct by Meadors

- 1 Q Where did you go to high school?
- 2 A North Central.
- 3 Q And how far did you go?
- 4 A 12th.
- 5 Q What year did you graduate?
- 6 A 2003.
- 7 Q 2003. Where were you living?
- 8 A In Turkey Creek.
- 9 Q I'm sorry, speak up.
- 10 A In Turkey Creek.
- 11 Q Where is Turkey Creek?
- 12 A It's like going to Bishopville, kind of
- 13 like.
- 14 Q In Kershaw County.
- 15 A Yeah.
- 16 Q Who were you living?
- 17 A With my grandfather.
- 18 Q Mr. Reddick?
- 19 A Mr. Reddick.
- 20 Q Mr. Reddick.
- 21 A Reddick.
- 22 Q If I have pronounced it wrong, I
- 23 apologize. Who else was staying there?
- 24 A My auntie and my uncle.
- 25 Q Your auntie and who?

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Calderone Bracey-direct by Meadors

- 1 A My uncle.
- 2 Q Anybody else?
- 3 A No.
- 4 Q Have you got any brothers?
- 5 A Yes.
- 6 Q Who are your brothers?
- 7 A Mario Bracey and Darius Bracey.
- 8 Q And is Mario older?
- 9 A Yes.
- 10 Q How about Darius?
- 11 A Younger.
- 12 Q The youngest?
- 13 A Yes, sir.
- 14 Q They weren't living there?
- 15 A Uh-uh. (Negative.)
- 16 Q Excuse me?
- 17 A No, sir.
- 18 Q And what did you do after high school? I
- 19 mean, did you do -- did you work anywhere?
- 20 A Yeah, I had several jobs.
- 21 Q Tell us where they were.
- 22 A Chili's and Zaxby's.
- 23 Q Chili's and Zaxby's. And do you remember
- 24 when you worked there?
- 25 A No, sir.

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Calderone Bracey-direct by Meadors

1 Q So in December of 2009, Mr. Bracey, you
2 were staying there with your granddad, Mr.
3 Reddick, at the house; correct?

4 A Yes.

5 Q And how were you making money? How did
6 you feed yourself?

7 A I had a job.

8 Q Okay.

9 A I had jobs.

10 Q Were you also, did you smoke weed?

11 A Yes, sir.

12 Q Drink any alcohol?

13 A Yes, sir.

14 Q Do any other type of---

15 A No, sir.

16 Q You knew the words I was going to say..
17 Dope, cocaine or crack?

18 A Yeah.

19 Q You don't do that?

20 A No.

21 Q So you smoked weed and drink beer.

22 A Yes, sir.

23 Q And then, I beg the court's indulgence.

24 Do you know Carlton Bracey?

25 A Yes, sir.

Calderone Bracey-direct by Meadors

1 Q That's your brother.

2 A Yes, sir.

3 Q And was he staying with you also?

4 A Yes, sir.

5 Q So there's Mario, Carlton, and then who is
6 the other one?

7 A Darius.

8 Q So in December of 2009, was Carlton Bracey
9 staying where you were?

10 A Yes.

11 Q And that's with your auntie and your
12 grandfather.

13 A Yes, sir.

14 Q Do you know Vernon Goodwin?

15 A Yes, sir.

16 Q How do you know him?

17 A He's my cousin.

18 Q He's always been your cousin.

19 A Always.

20 Q And how long have you known him?

21 A For a while. It seemed like all my life.

22 Q And during your life, as your cousin, you
23 would have seen him pretty regularly.

24 A Sometimes; sometimes not.

25 Q You have known him most of your life;

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Calderone Bracey-direct by Meadors

1 correct?

2 A Yes.

3 Q Now in December; specifically, December
4 14th of 2009, did you have an occasion to see
5 Vernon Goodwin?

6 A Yes.

7 Q Where were you?

8 A We were at my granddaddy's house.

9 Q And where is that?

10 A That's in Cassatt now.

11 Q Okay. So you were in Cassatt in December
12 2009, at your granddaddy's house.

13 A Yes.

14 Q And I may have confused you earlier with
15 my background questions, but is that where your
16 brother was living with you.

17 A Yes.

18 Q And I apologize. Is that where you saw
19 Mr. Goodwin?

20 A Yes.

21 Q Was there anybody else with you?

22 A Cameren Kelley.

23 Q And had you known Cameren Kelly before?

24 A No, not really.

25 Q And you say not really, what does that

Calderone Bracey-direct by Meadors

1 mean?

2 A No.

3 Q Okay. And do you remember what kind of
4 car they were in?

5 A A blue. I can't remember the model or the
6 make of the car, but it was blue. It was a blue
7 car.

8 Q And everybody might be able to hear you,
9 but can you speak up just a tad, please?

10 A It was an old blue car.

11 Q And who was driving when Mr. Goodwin and
12 Mr. Kelley were in there?

13 A Cameren Kelly.

14 Q Had you talked to Mr. Goodwin on the phone
15 earlier that day, or was that your brother?

16 A That was my brother.

17 Q Do you remember your granddaddy's phone
18 number?

19 A Yes, sir.

20 Q What is it?

21 A 425-9961.

22 Q 425-9961.

23 A Yes, sir.

24 Q Is that area code 803?

25 A Yes, sir.

Calderone Bracey-direct by Meadors

1 Q I want you to take the jury there now,
2 with your testimony. You are at your granddaddy's
3 house, your auntie's house. It's You, Mr. Kelley
4 with Mr. Goodwin, and your brother?

5 A Yes, sir.

6 Q What do you all talk about; if anything?

7 A Okay. We was out there in the yard that
8 night. It was, I don't know the exact time. But
9 Mr. Goodwin, he and Cameren came to the house.
10 And he told me and my brother that, we got a, we
11 can hit it a lick; go rob some people for some
12 weed and some drugs and stuff. So at that time,
13 we were kind of struggling like getting some
14 money; trying to help out; that would help us;
15 help my granddaddy pay the bills. So we accepted.
16 He said he will give us, he would give us \$5,000
17 each me and my brother to go rob; to hit this lick
18 at this residence house. So we accepted it, and
19 we went.

20 Q Did you know where you were going?

21 A I didn't know, sir.

22 Q I mean did you know what house you were
23 going to hit a lick?

24 A He was going to show us the house.

25 Q Were you in the licking business? Had you

Calderone Bracey-direct by Meadors

1 ever hit a lick before?

2 A No, sir.

3 Q And he said he was going to pay you how
4 much?

5 A \$5,000.

6 Q Was Mr. Kelley present and in part of this
7 discussion?

8 A Yes, sir. He was out there in the yard
9 with all four of us.

10 Q And who was diving?

11 A Cameren Kelley.

12 Q So you and your brother agreed to do what
13 Mr. Goodwin said?

14 A Like I said, we was doing it for the
15 money, because we were struggling.

16 Q You were doing it for drugs too, or weed?

17 A No, it was really for the money.

18 Q So did you all leave together?

19 A Yes, all four of us.

20 Q And who was driving when you left?

21 A Cameren Kelley.

22 Q Where did you go?

23 A First, we left and we went to Mr.

24 Goodwin's house.

25 Q That's your cousin.

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Calderone Bracey-direct by Meadors

1 A Yes.

2 Q Had you been there before?

3 A Yes.

4 Q Can you tell us where it is?

5 A Cleveland Road.

6 Q How long did it take you to get from your
7 place to Cleveland Road?

8 A 10 or 15 minutes.

9 Q And what happened when you got to
10 Cleveland Road; your testimony, Mr. Goodwin's
11 house?

12 A He went in there, and brought the supply
13 stuff out for us to leave; to hit a lick and rob
14 these people.

15 Q Could you have a gun at your house? At
16 your grandfather's house? Your auntie's house?

17 A No, sir.

18 Q Did your brother have one, to your
19 knowledge have one?

20 A No, sir.

21 Q Were guns allowed at your house?

22 A No, sir.

23 Q So what specifically did Mr. Goodwin bring
24 out of his house?

25 A He bought two 9 millimeters.

Calderone Bracey-direct by Meadors

1 Q Two---

2 A One with a scope on it.

3 Q Two 9 millimeters. One with a scope?

4 A Yes, sir.

5 Q And what else?

6 A And duct tape, skully and bandannas and
7 gloves.

8 Q Skully, a bandanna and what?

9 A Gloves.

10 Q While he was in his house, what were you
11 and Mr. Kelley and your brother, Carlton, doing?

12 A Out there in the car waiting on him.

13 Q Based on the conversations at your
14 granddaddy's and in the car going to Mr.
15 Goodwin's, did everybody in that car know what was
16 going on?

17 A Yes.

18 Q You were going to hit a lick?

19 A Yeah.

20 Q Everybody in the car knew that's what was
21 going to happen.

22 A Yes.

23 Q How long did -- how long did it take
24 Mr. Goodwin to come back from his house?

25 A To his house---

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Calderone Bracey-direct by Meadors

1 Q No, no. From his house back to the car, I
2 am sorry.

3 A About a couple of seconds.

4 Q So we are now back in Mr. Kelley's car;
5 correct?

6 A Yes.

7 Q What happens next?

8 A We went straight to Rembert.

9 Q Now you were born and raised in Kershaw.

10 A Yes.

11 Q Have you been to Sumter before?

12 A No, sir.

13 Q Never been to Sumter.

14 A No, sir.

15 Q Had you ever been to this location in
16 Rembert before?

17 A No, sir.

18 Q Did you know where you were going?

19 A No, sir.

20 Q What if anything, did Mr. Goodwin tell you
21 were going to be stealing or taking when you did
22 this lick?

23 A Weed, money, drugs.

24 Q Weed, money, drugs.

25 A And like dope and all that.

Calderone Bracey-direct by Meadors

1 Q And when you say dope you mean what?

2 A Cocaine.

3 Q And I don't mean this bad at all. But in
4 street lingo, your dope means cocaine or crack?

5 A Yeah.

6 Q And weed is marijuana.

7 A Yes.

8 Q So dope, weed and money.

9 A Yes.

10 Q Did you know how much or did Mr. Goodwin
11 tell you how much might be there, as far as money?

12 A No, sir.

13 Q But you had been offered how much to do
14 it?

15 A \$5,000.

16 Q Did you, Mr. Goodwin, Mr. Kelley, your
17 brother, discuss how you were going to do it? How
18 you were going to do it, do the lick at Odell
19 Court? And you didn't even know the name of the
20 street; did you?

21 A Uh-uh. (Negative.)

22 Q That's a no. It's for the---

23 A It's a no.

24 Q ---record. Did you all discuss how you
25 were going do the lick on the way over there?

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Calderone Bracey-direct by Meadors

1 A Yes.

2 Q Tell the jury what you discussed. Tell
3 them what you discussed about how you were going
4 to do the lick.

5 A He told us---

6 Q And who is he?

7 A Vernon Goodwin. Vernon Goodwin told us
8 when we get in the house, to tell everybody to lay
9 down; lay on the floor. We get the duct tape and
10 duct tape them. And then empty their pockets.
11 And then look for the marijuana and dope and all
12 that.

13 Q Did he tell you anywhere specifically to
14 look for the dope or where it might be?

15 A No, sir.

16 Q Did he tell you to search the house?

17 A Yes.

18 Q Mr. Goodwin had been to that house before?

19 A Yes, sir.

20 Q Did he tell you he had been to that house
21 before?

22 A Yes, sir.

23 Q Did he tell you he knew there were drugs
24 and money there?

25 A Yes, sir.

Calderone Bracey-direct by Meadors

1 Q Is that why you were going there?

2 A Yes, sir.

3 Q How were you going to get in?

4 A First, if nobody -- we as going to take a
5 hostage first. But if there were no hostages
6 before it was shown up, then kick down the door
7 and just go in there.

8 Q You were just going to kick down the door
9 and go in.

10 A Yeah. But then Mr. Hugh Phillips and his
11 wife pulled up. So we took Mr. Hugh Phillips and
12 walked on it.

13 Q And on December 14th of 2009, you didn't
14 know who he was; did you?

15 A No.

16 Q You know his name now through all this,
17 but you didn't know him.

18 A No, I didn't know him.

19 Q Tell the jury what happened.

20 A So when we entered the house with Mr. Hugh
21 Phillips, my brother he bust -- the gun went off.
22 He bust the gun, and told everybody to lay down.
23 And I started duct taping everybody, and started
24 emptying out their pockets. And we was searching
25 in the house for drugs and weed and money. And

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Calderone Bracey-direct by Meadors

1 after that, just, just, everything started;
2 gunshots fired.

3 Q Did you have a gun when you came inside?

4 A No, sir.

5 Q Who did the duct taping?

6 A I did.

7 Q Tell these folks, Calderone, you actually,
8 you all ordered people down.

9 A Yes, sir.

10 Q Duct taped them.

11 A Yes.

12 Q Against their will.

13 A Yes.

14 Q Told them to take stuff out of their
15 pocket?

16 A Yes, sir.

17 Q Took their money.

18 A Yes, sir.

19 Q Was that part of the plan?

20 A Yes, sir.

21 Q You were going to get how much?

22 A \$5,000.

23 Q How long were you looking for drugs and or
24 money? Did you look through the whole house?

25 A Not really; no, sir. I ain't never had a

Calderone Bracey-direct by Meadors

1 chance. I had shot off at that time.

2 Q Well tell me about that. You were going
3 through. People you were duct taping. How many
4 people did you duct tape?

5 A Seven.

6 Q And you got some drugs; didn't you?

7 A Yes.

8 Q Where did you get them?

9 A From off the table.

10 Q Do you remember what you got?

11 A A duffle bag full of marijuana. And I got
12 a cookie; a cookie in my pocket. And some
13 rocklike substance.

14 MR. MEADORS: Your Honor, State's 45 which
15 includes 45 (A) through 45 (E) without objection.

16 THE COURT: It's in evidence.

17 Q What did you do with the cocaine and weed
18 at that moment when you are inside?

19 A What do you mean?

20 Q Before you got shot? That's a terrible
21 question. I mean, where did you have it?

22 A In my coat pocket.

23 Q This look like it's it?

24 A Yes, sir.

25 Q After this, put it in your coat pocket;

Calderone Bracey-direct by Meadors

1 correct?

2 A Yes, sir.

3 Q Again that is 45, Your Honor. Did you see
4 a fellow get loosed of his duct tape?

5 A No, sir.

6 Q After you got inside, did you have a gun?

7 A No, sir.

8 Q Tell us what happened in there. You ended
9 up getting shot; didn't you?

10 A Yes, sir.

11 Q Describe to the jury, your hunt for dope,
12 money, tying -- taping people up, what happened?

13 A Then I got shot. And my brother started
14 shooting back at them. And then after that, I
15 don't remember nothing else.

16 Q How many times did you get shot?

17 A Four or five times.

18 Q Your brother shooting. They are shooting.

19 A Uh-huh. (Affirmative.)

20 Q Did you know Kemper Holliday?

21 A Like person wise?

22 Q Yes, sir.

23 A No, sir.

24 Q The gentleman is dead; correct?

25 A Yes.

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Calderone Bracey-direct by Meadors

1 Q Did you know Barbados back there, who was
2 walking back at that time? The fellow that got
3 hit back here, did you know him?

4 A No, sir.

5 Q Did you know Mr. McCray?

6 A No, sir.

7 Q Did you know any of those individuals?

8 A No, sir.

9 Q Did you shoot anybody?

10 A No, sir.

11 Q After you got shot, but there was a plan
12 to rob; correct?

13 A Yes, sir.

14 Q Guns were drawn in there; correct?

15 A Yes.

16 Q You did rob; correct?

17 A Yes.

18 Q Shots were fired; correct?

19 A Yes, sir.

20 Q And somebody died.

21 A Yes, sir.

22 Q So the guns were loaded when you came in;
23 weren't they?

24 A Yes, sir.

25 Q You didn't kill anybody.

Calderone Bracey-direct by Meadors .

1 A No, sir.

2 Q After you got shot, what happened? What
3 did you do?

4 A I got up and ran.

5 Q Were you hurting?

6 A Yes.

7 Q Did you go outside?

8 A Yes, sir.

9 Q Where did your brother go?

10 A I don't know.

11 Q If you had been successful, if this plot
12 had been successful and nobody was dead and you
13 got the money and drugs, how were you going to
14 leave the house?

15 A What do you mean?

16 Q Well let's just say you went in and there
17 was a successful plan. Everybody was robbed. Or
18 you robbed them, you got how ever much money and
19 drugs, how were you going to leave this place and
20 go home? How were you going to get back?

21 A We was going to call Mr. Goodwin.

22 Q And that's how you had gotten there;
23 right?

24 A Yes, sir.

25 Q And how were you going to call him?

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Calderone Bracey-direct by Meadors

1 A My cell phone that he gave us. Well gave
2 my brother.

3 Q He gave your brother his cell phone.

4 A Yes.

5 Q And you were to call him when you got
6 through?

7 A Yes, sir.

8 Q Why?

9 A Because he was going to give us -- he was
10 going to come get us.

11 Q To come get you.

12 A Yes, sir.

13 Q Now did you hear the phone go off while
14 you were doing this robbery?

15 A No, sir, I didn't.

16 Q What were you doing?

17 A Duct taping them.

18 Q Do you remember a police office coming out
19 there when you outside and talking to you?

20 A Yes, sir.

21 Q And do you remember him reading your
22 Miranda Rights as you were lying on the ground
23 after being shot?

24 A Yes, sir.

25 Q Do you remember him asking you what

Calderone Bracey-direct by Meadors

1 happened?

2 A Yes, sir.

3 Q And did you tell him who -- did you tell
4 him that you and somebody planned to rob the
5 place?

6 A Yes, sir.

7 Q And who did you tell him?

8 A Vernon Goodwin.

9 Q Did you use Vernon's name, or did you use
10 a relationship?

11 A I used his name.

12 Q So you and a cousin?

13 A Yes.

14 Q You said your cousin?

15 A Yeah.

16 Q Who were you referring to?

17 A Really it was me and my brother, but I was
18 trying to protect them.

19 Q And who had told you to plan it and come
20 there?

21 A Vernon Goodwin.

22 Q Now is he your cousin?

23 A Yes.

24 Q Who is Mario?

25 A Mario is my brother.

000487

Calderone Bracey-direct by Meadors

1 Q Where did you go after you were shot?

2 A To the wood line; to the woods.

3 Q It is a terrible question, where did you
4 go after the police got there?

5 A To the wood line.

6 Q After that, where did you go? Where were
7 you taken? Maybe that's a better way to say it.

8 A To the hospital.

9 Q Okay. That's all I was trying to do. You
10 went to the hospital.

11 A Yes, sir.

12 Q And after that, did you go to Just Care?

13 A Yes.

14 Q Did you go to a detained medical facility?

15 A Yes, sir.

16 Q And how long were you there?

17 A Two months.

18 Q You couldn't leave; could you?

19 A No, sir.

20 Q Now after that, did you have an occasion
21 when you got better to talk to Dominick West?

22 A Yes, sir.

23 Q And I just want to show you a date here.

24 February 16th 2010, is that your signature?

25 A Yes, sir.

000488

Calderone Bracey-direct by Meadors

1 Q And is that Dominick's signature?

2 A Yes, sir.

3 Q Did you give a statement to Dominick then?

4 A Yes, sir.

5 Q And at that point, is it fair to say that
6 you were feeling better?

7 A Yes, sir.

8 Q Had you been operated on?

9 A Yes, sir.

10 Q How much money did get off of these folks?

11 But physically, you picked up cash; didn't you?

12 A Yes, sir.

13 Q As a result of you going in there with

14 your brother, as a part of the plan with

15 Mr. Kelley and Mr. Goodwin, Kemper Holliday is

16 dead.

17 A Yes, sir.

18 Q Right? Who is your attorney?

19 A Tim Murphy.

20 Q Tim Murphy? Mr. Tim Murphy?

21 A Right.

22 Q Did you appear before His Honor, Howard P.

23 King, last week and enter a plea?

24 A Yes, sir.

25 Q ----- To -----

000489

Calderone Bracey-direct by Meadors

1 voluntary manslaughter?

2 A Yes, sir.

3 Q Did you fire a weapon?

4 A No, sir.

5 Q But you entered a plea to voluntary
6 manslaughter. Judge Howard P. King sentenced you
7 to 30 years; correct?

8 A Yes.

9 Q As a condition of that, Mr. Manning,
10 Investigator Mims, Investigator Gardner, you
11 agreed to testify and tell the truth; correct?

12 A Yes.

13 Q Did you know any of the victim's names?

14 A No, sir.

15 MR. MEADORS: I beg the court's
16 indulgence.

17 Q How many of these licks or robberies had
18 you done before?

19 A None.

20 Q What were you wearing?

21 A An all black tee shirt and black pants,
22 bedroom slippers and a camouflage jacket.

23 Q Bedroom slippers?

24 A Yes, sir.

25 Q Looking at State's 13, do those appear to

Calderone Bracey-direct by Meadors

1 be your slippers?

2 A Yes, sir.

3 Q State's 12.

4 A Yes, sir.

5 Q A bedroom slipper.

6 A Yes, sir.

7 Q How do you feel about Kemper Holliday's
8 death?

9 A I feel sorry. Real sorry.

10 MR. MEADORS: I beg the court's indulgence.

11 Q After you left Just Care, and that's a
12 hospital where you can't leave; that's where they
13 keep inmates; right?

14 A Yes.

15 Q After you left there, where did you go?

16 A Sumter County.

17 Q Sumter County Lee/Regional Detention
18 Center. And at that point, did you see Vernon
19 Goodwin?

20 A Not when I got there. A couple of
21 months.

22 Q At some point after you got there, did you
23 see Vernon Goodwin?

24 A Yes.

25 Q And at some point were you all in the same

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Calderone Bracey-direct by Meadors

1 pod, or whatever they call it?

2 A Yes.

3 Q Were you able to communicate?

4 A Yes."

5 Q And did he ask you to do something?

6 A Yes.

7 Q And what did he ask you to do?

8 A To write a letter telling them that he had
9 nothing to do with it.

10 Q He asked you to do that.

11 A Yes.

12 Q And you all were just sitting there
13 talking, and he tells you, Write me a letter."
14 Write something saying he didn't do it?

15 A Yes, sir.

16 Q Did you do that?

17 A Yes.

18 Q Did you give it to him?

19 A Yes.

20 Q Why did you do that?

21 A Because he wanted it.

22 Q Do you do everything he tells you? Well
23 was that a lie there? Was it a lie that you just
24 said he didn't have anything to do with it? Was
25 that a lie?

Calderone Bracey-direct by Meadors

1 A Yeah, it was.

2 Q You did that just because he told you to.

3 A Yes, sir.

4 Q How old are you?

5 A 26.

6 Q And since Just Care to that time, did you
7 have any other conversation with Mr. Goodwin
8 besides that?

9 A No.

10 Q Did you put a date to sign that letter or
11 anything?

12 A No, sir.

13 Q Now I want you to look at the family, I
14 want you to look at the jury, and tell them is the
15 person in this courtroom that came over to your
16 auntie's house On December 14th, 2009, and talked
17 with you and your brother and Mr. Kelley -- or
18 first of all, talked to you and your brother and
19 told you, suggested to you to do a lick. Is the
20 person in this courtroom where you went to their
21 house and he brought out two 9 millimeters, one
22 with a scope, a gloves, a skully, and is the
23 person that directed you over to Odell Court in
24 Rembert, and did you know where that was?

25 A No, sir.

000493

Calderone Bracey-direct by Meadors

1 Q And is the person who gave you his cell
2 phone and told you to call when it is over, is
3 that person in the courtroom?

4 A Yes, sir.

5 Q Would you please point him out?

6 A (Witness indicates.)

7 Q You are pointing to Mr. Goodwin by
8 Mr. Hastie?

9 A Yes, sir.

10 MR. MEADORS: And we would like the
11 record to so reflect.

12 THE COURT: The record will so reflect.

13 Q How did you get there?

14 A Cameren Kelley.

15 Q And what kind of car was it again?

16 A A blue.

17 Q And is the person who was present when you
18 and Mr. Goodwin and your brother were talking
19 about doing a lick, the person who participated in
20 this conversation, the person who actually drove
21 you over there in his car, is that person in the
22 courtroom?

23 A Yes, sir.

24 Q And who is that?

25 A Cameren Kelley.

Calderone Bracey-direct by Meadors

1 Q And let me ask you, what was the plan
2 about where they were going to be, if anywhere,
3 while you all were doing the lick? What were they
4 going to be doing?

5 A Driving up and down the road.

6 Q Waiting on what?

7 A Waiting on us to call them to tell them we
8 were done.

9 THE COURT: Cross Examination, Mr. Sullivan?
10 Cross Examination by Mr. Sullivan:

11 Q Let me get this straight, Mr. Bracey. You
12 are saying that you gave a statement to law
13 enforcement. And then you wrote another statement
14 and said that statement was a lie. And now you
15 are saying that the statement that you wrote
16 saying that the first statement was a lie, is a
17 lie; is that right?

18 A Yes, sir.

19 Q You wrote a statement to law enforcement.

20 A Yes, sir. And that statement is the
21 truth.

22 Q You wrote another statement saying that,
23 the statement to law enforcement was a lie that
24 you testified; didn't you?

25 A I didn't -- I wrote that statement

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Calderone Bracey-cross by Sullivan

1 because he told me to write it. But the first
2 statement is the truth.

3 Q Okay.

4 A But he is trying to make it that it is a
5 lie.

6 Q Okay, but I don't think you are answering
7 my question. You wrote the second statement
8 saying that the statement to law enforcement is a
9 lie; didn't you?

10 A Yes, sir.

11 Q And now you're saying that that statement;
12 that second statement is a lie.

13 A Yes, sir.

14 Q And you expect the jury to believe a word
15 you say?

16 MR. MEADORS: Yes, sir, Judge. We object
17 to that.

18 THE COURT: Sustained.

19 Q What did -- what was Mr. Kelley supposed
20 to get out of this? What did he do?

21 A I don't know. You would have to ask
22 Vernon Goodwin.

23 Q You have a pretty good reason to sit up
24 there and lie today; don't you?

25 ~~A I don't have a reason to lie. That was~~

Calderone Bracecross by Sullivan

1 the truth. What would I try to lie for?

2 THE COURT: No, sir, don't ask questions; just
3 answer the questions.

4 Q But you entered a guilty plea earlier this
5 week; didn't you?

6 A Yes, sir.

7 Q To these charges. You still have some
8 charges pending; don't you?

9 A Yes, sir.

10 Q And if you don't testify like you are
11 supposed to, those charges are still going to be
12 pending; aren't they?

13 A Yes, sir.

14 Q Let me ask you this. Is this all just a
15 big act?

16 A No, sir.

17 Q In court today?

18 A No, sir.

19 Q So you won't end up getting more time?

20 A No, sir.

21 Q You seemed like you are pretty, you said
22 you are sorry for Kemper Holliday's death?

23 A Yes, sir.

24 Q Okay. And you seemed like you are pretty

25 veneer right now. Is this how you were when you

Calderone Bracey-cross by Sullivan

1 went to rob that place?

2 A No, sir.

3 Q Is this you we are seeing right now?

4 A Yes, sir.

5 Q You wouldn't want to publicize or have,
6 you wouldn't want people to know you were going to
7 rob his place; would you?

8 A No.

9 Q That's not something that you would want
10 to get around, that you were going to rob this
11 place on Odell Road.

12 A No, sir.

13 Q So it is fair to say that the people that
14 know about that, the better chance it would be
15 about getting back to law enforcement that you did
16 it?

17 A No, sir.

18 Q Okay. So if a lot of people knew you were
19 going to do this, that wouldn't make it any more
20 likely that the police would know. You didn't
21 want Mr. Kelley to know about this; did you?
22 Because he could tell the police about it.

23 A He was there.

24 Q Is that right? You got shot several
25 times; didn't you?

Calderone Bracey-cross by Sullivan

1 A That's correct.

2 Q You talked to the police that night.

3 A Yes, sir.

4 Q And you were laying on the ground.

5 A Yes, sir.

6 Q You told the police that you and your
7 cousin went there to rob the place; didn't you?

8 A Yes, sir.

9 Q It wasn't your cousin. You lied to
10 protect Carlton; didn't you?

11 A Yes, sir.

12 Q The written statement that you gave to the
13 police that wasn't until around Feb -- about half
14 way through February; wasn't it?

15 A It was February 11th.

16 Q So that was a few months after the
17 incident occurred; was it?

18 A Yes.

19 Q Did you think about how you were going to
20 explain everything to law enforcement between that
21 time?

22 A No, I told the truth.

23 Q You didn't tell the police in your
24 statement or when you talked to Dominique West

25 anything about Kelley being in on the planning of

Calderone Bracey-cross by Sullivan

1 the robbery; did you?

2 A No, he was the driver. He was the
3 get-away.

4 Q You didn't say anything about him being
5 around when there were conversations going on
6 about robbing the place; did you?

7 A You ain't never asked me.

8 Q You didn't say anything in your statement
9 or otherwise verbally in your statement to the
10 police when this, right after this happened, about
11 discussing the robbery in the car; did you?

12 A No, sir.

13 Q You never told the police Mr. Kelley had
14 any part in the place; did you?

15 A No, sir.

16 Q Isn't it true, Mr. Bracey, that you all
17 took Mr. Goodwin's cell phone out of the center
18 console?

19 A No, sir.

20 Q It was cold outside when you---

21 A Yes, sir.

22 Q You were wearing a big jacket.

23 A Yes, sir.

24 Q So you could put stuff in. So somebody

25 ~~who looked at you may not be able to tell what was~~