

Untonyo Johnson #217138

AB-08

Lieber Correctional Institution

P.O. Box 205

Ridgeville SC 29472

Kenneth A. Richstad, Clerk

Court of Appeals

P.O. Box 11629

Columbia, SC 29211

**RECEIVED**

SEP 24 2018

SC Court of Appeals

Dear Court of Appeals,

At this present moment I, Untonyo Johnson, the appellant pray that your court system allow me to submit a Supplemental Brief within my own behalf because upon receiving my Initial Brief from the Appellant attorney I realized that he failed to file some automatic reversible errors in my direct appeal.

The first issue I wish to state on my own behalf is the Brady Claim, because the prosecutor in connection to this case violated his constitutional obligations regarding disclosure, because when evidence is obviously very valuable to the defense, the prosecution must share that evidence even if not asked.

Now if you would please TAKE NOTICE, to a Warrant Hold/Release Sheet that was issued to South Carolina Department of Corrections, by Calhoun County Sheriff's Department, signed

and dated, by Captain S. Graham, on July 21, 2016 you can clearly see that these original charges were actually dropped and this legal documentation ordered the appellant's release from custody a free man with no more active warrants for him in Calhoun County.

By this prosecutor failing to file this legal document with the court system denied the appellant's defense attorney the right to properly cross-examine this Law Enforcement officer at the trial of this hearing, because if you will please TAKE NOTICE, to the fact that the prosecutor used this officer's testimony to improperly influence the jury into believing that the victim knew exactly who shot him, but I truly believe that if the trial court and jury knew of this Warrant Hold/Release Sheet provided by this same officer then the outcome of this guilty verdict would have been different.

My second issue I wish to file on my own behalf is on the law, because it can be clearly seen that these charges are legally insufficient. Legal Insufficiency is applicable in this case because please note: that the lead investigator and Captain of investigations both testified under oath that within the whole two year pendency of the investigation that there was never any physical or forensic evidence found to place the appellant at the scene of this crime or ever being in possession of any weapon and now we can add on top of that with the Warrant Hold/Release Sheet provided by the third law Enforcement officer in connection to testify in the state behalf at this trial hearing.

It can be clearly seen that there is no evidence to prove that anyone followed the victim to the other gas station that the victim admits to stopping to on the way to his mamma's house for the first time in this case at trial. Tr. 93, 15-16 - Tr. 43, 7-9.

Did anyone pick up on the fact that investigating officers executed an insufficient search warrant on the appellant's vehicle and found no physical or forensic evidence of a weapon.

Please TAKE NOTICE, of the fact that within the close of Calhoun County Sheriff's Department's investigation of this case the Captain of investigation and the lead investigating officer over this case both testified under oath that they never found any physical or forensic evidence that places the appellant at the scene of the shooting or in possession of any weapon. Tr. 138, 1-4 - Tr. 150, 24-25 - Tr. 151, 1-4

With that much proven it only leaves the state with the victim's word of mouth. Tr. 99, 13-21 and an unknown subject that should have deemed the investigation of this case incomplete because. Tr. 67, 22-24 it appears that upon the victim leaving from the gas station on Chestnut Street he picked up someone that remained with him until sometime after the shooting incident, but the victim and prosecutor in this case failed to inform any investigating officers about Tr. 135, 2-13 in which denied this case to be fully investigated before a sworn jury was empaneled to prosecute anyone on these charges

Trial court erred in their decision to allow an incomplete investigation to be presented to a jury for deliberation without

any evidence to prove the victim committed this crime Tr. 154, l. 20

Based upon the evidence presented thus far, at this juncture I am not persuaded to your position as there is some evidence for the jury to consider as to whether the state has reached its burden to establish the defendant's guilt

So your Motion is respectfully denied

It has also been brought to my attention of another Brady violation. Upon review of the objection made on page 101-102 brings up the fact that the prosecutor failed to provide the appellant the video recording of the victim's statement taken at the hospital by Captain John Regales. This can be proven because this item is listed within the evidence list and never turned over to the defense, and the reason why is because law enforcement officers are the ones to make the amendment to the victim's written statement to conceal the fact that Captain John Regales executed an insufficient search warrant on the appellant's vehicle, and the prosecutor in this case abused his discretion in open court to help assist at this concealment. See Tr. 150, l. 18 - Tr. 49, l. 25 - Tr. 50, l. 24 - Tr. 107, l. 25 - Tr. 108, l. 24. As you can see the investigator admitted to taking the victim's statement, but the prosecutor used a brief foundation witness to testify as an investigator to mislead the trial court enabler to conceal the fact of the video recording of the victim that would expose the illegal act committed

in this case or investigation of this case.

Antony Johnson,

9-19-18

## Statement of issues on Appeal

Prosecutor violated his Constitutional obligation regarding disclosure. Brady Claim (holding that, when evidence is obviously very valuable to the defense, the prosecution must share that evidence even if not asked.)

Trial Court erred in denying the defense a direct verdict because legal insufficiency is applicable in this case because the evidence presented by the prosecution was not enough or sufficient to prove all the necessary elements of the crime for which appellant was convicted.

Prosecutor violated his constitutional obligation regarding disclosure. Brady Claim (holding that, when evidence is obviously very valuable to the defense, the prosecution must share that evidence even if not asked.)

### Relevant Facts

On October 7, 2015 appellant was arrested on these three charges. On July 21, 2016 on behalf of, Calhoun County Sheriff's Department, Captain Stanley Graham, who was the actual officer that took the victims original statement provided South Carolina Department of Corrections with a Warrant Hold/Release Sheet. Please TAKE NOTICE, to the fact that the legal actions requested within that documentation ordered the appellant's release from custody a free man stating that he no longer had anymore active warrants for Calhoun County.

Please TAKE NOTICE, to the fact that the prosecutor in this case never filed that legal documentation with the court system. Even upon the illegal detention of the appellant on December 9, 2016 and that can be proven by a February 27, 2017 transcript of Record for a bond reduction hearing for the same charges I was legally release from custody on, and please note that the appellant's defense attorney never knew about this legal documentation throughout the pendency of the trial. In fact the appellant never obtained this legal documentation until March of 2018.

Trial Court erred in denying the defense a direct verdict because legal insufficiency is applicable in this case because the evidence presented by the prosecution was not enough or sufficient to prove all the necessary elements of the crime for which appellant was convicted.

### Relevant Facts

Within the trial of this case the prosecutor used Captain Stanley Graham to support the victims level of certainty in identifying the appellant as the person who committed this crime. Tr. 114, 2.10

Now Please TAKE NOTICE, to the Warrant Hold / Release Sheet that the appellant discovered within the South Carolina Department of Correction in March of 2018 that was signed and dated on July 21, 2016. Note that this legal documentation was never filed with the court system by the prosecutor in connection to this case, and upon review of the legal action requested in this document it can be proven that this investigator came to the conclusion that the victims original statement was not trustworthy to further prosecute the appellant, and ordered his release from custody a free man with no pending charges from Calhoun County.

Within the trial of this case the prosecutor stated that the appellant followed the victim from the store. Tr. 124, 6.25 - Tr. 125, 1.25 - Tr. 132, 12.18

Now Please TAKE NOTICE, to this same officers testimony on cross. Tr. 134, 2.24 - Tr. 136, 6.25 - Tr. 137, 1.25 - Tr. 148, 14.22

Sheriff

Thomas S. Summers, Jr.



*Dropped*

CALHOUN COUNTY SHERIFF'S OFFICE

SCDC 803 896 2072  
Attn: Ms Henryhand

WARRANT HOLD/RELEASE SHEET

DATE 7-21-16

SUBJECT NAME Antonyo Johnson DOB

SOCIAL SECURITY NO. \_\_\_\_\_

REQUESTING OFFICER Cpt. S. Graham

CURRENT CHARGE \_\_\_\_\_

REASON FOR HOLD/RELEASE warrants 2015A0910100 224, 225,  
226 Have been served. No active warrants on  
Subject.

DATE OF LIFT \_\_\_\_\_ COUNTY Calhoun



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Proceedings . . . . . 4  
Certificate Page . . . . . 13

EXHIBITS

NO.	DESCRIPTION	I.D.	EVID.
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No exhibits marked during proceeding.

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## TRANSCRIPT OF RECORD

1  
2 (Whereupon, the proceeding was commenced at 11:09

3 a.m.)

4 MR. LUPTON: All right. We're ready, Bakari?

5 MR. SELLERS: Yes. Your Honor, thank you this -- this  
6 morning. My name is Bakari Sellers. I represent the  
7 defendant in this case, Untonyo Johnson, who is charged  
8 with attempted murder, possession of a weapon by a felon,  
9 and possession of a weapon during a violent crime.

10 Your Honor, this arrest was made, if I'm not mistaken,  
11 on October 7th of 2015. He was given a \$250,000 bond, Your  
12 Honor. We've been going back and forth in negotiations  
13 with the state. This case is in a posture that it's ready  
14 for trial. But as we mentioned to you off the record,  
15 we'll put on the record that we will be seeking consent  
16 from the state to do an evaluation.

17 But even more importantly, we say that Mr. Johnson is  
18 not a danger to the community and he's not a flight risk.  
19 Ironically enough, while Mr. Johnson was behind bars on  
20 this bond, he was sentenced for another crime in Berkeley  
21 County. And in -- in one of the more bizarre scenes I've  
22 ever seen from the Department of Corrections, once he was  
23 finished that sentence, they released Mr. Johnson.

24 The reason that I bring that to your attention is  
25 because while he was out, what he did was he went and found

1 a job. He worked; he helped raise his kids. He posed no  
2 threat to the community, no threat to anyone. It was  
3 simply a mistake by the Department of Corrections. He was  
4 supposed to be remanded back on his bond.

5 Your -- Your Honor, I -- I've seen -- I've been here  
6 in Orangeburg County, Bamberg County. I -- I've seen  
7 convicted -- or -- or murderers get quarter-million-dollar  
8 bonds, Your Honor. We would -- we would ask for something  
9 that's not punitive, but something that serves its purpose.  
10 We would ask for a 25- to 50-thousand-dollar bond so he can  
11 be out to help me prepare for trial.

12 And if -- if the state consents, which I believe they  
13 will, to this evaluation, it will actually speed that  
14 process up at the Department of Mental Health, Your Honor.

15 THE COURT: And -- and the evaluation would be for the  
16 -- a -- a M'Naghten evaluation ---

17 MR. SELLERS: Correct.

18 THE COURT: --- or -- okay.

19 MR. SELLERS: Well, we've had -- we have all that  
20 paperwork drafted. I just wanted to speak to the solicitor

21 ---

22 THE COURT: All right.

23 MR. SELLERS: --- before we got that far. But I -- I  
24 do think that a \$250,000 bond is more than punitive, Your  
25 Honor. And -- and I -- I think that being that he has

1 actually been out during this time frame -- and if we want  
2 to put him on an ankle monitor, that's fine. But I -- I --  
3 I think that a -- a lower bond will serve -- serve the  
4 purpose of the Court.

5 THE COURT: Well, I -- how long was he out?

6 (Whereupon, Mr. Lupton and Mr. Sellers conferred.)

7 THE COURT: You -- you -- you say he was out ---

8 MR. SELLERS: Four months.

9 THE COURT: Okay.

10 MR. SELLERS: Accidentally released ---

11 THE COURT: All right.

12 MR. SELLERS: --- I guess that's a ---

13 THE COURT: Okay. And position of the state,  
14 Solicitor?

15 MR. LUPTON: Your Honor, I have no problem with him  
16 having an evaluation. I think that for abundance of  
17 caution, if -- if they feel that it's necessary and they've  
18 raised it in court, as they have, that having that issue  
19 resolved is the safest for the protecting the case.

20 Your Honor, with regards to the bond, we would oppose  
21 it. He did not voluntarily turn himself in after he was  
22 mistakenly released. He knew he wasn't supposed to -- or  
23 he should've known that he hadn't posted bond on these  
24 Calhoun charges.

25 The only reason he was caught is he showed up,

1 demanding his property from the -- when he had been  
 2 arrested before. So assuming that he just sort of decided  
 3 that this was a happy, everything magically disappeared, he  
 4 still didn't address that problem. So the fact that he was  
 5 out and was taken back into custody, he was taken back into  
 6 custody very much against his will.

7 I was on the phone with the jail while he was being  
 8 taken into custody. He was fussing and not physically  
 9 fighting, but he was fussing and fighting and -- and  
 10 raising Cain about that.

11 With regards to danger to the community, his first law  
 12 enforcement contact by his rap sheet shows 1994, assault  
 13 and battery with intent to kill, burglary-second,  
 14 distribution of crack cocaine, for which he received 15 and  
 15 13-year concurrent sentences. When he got finished with  
 16 that, he went back in for -- in 2007. He got a -- a PWID  
 17 cocaine, 2012, PWID crack. 2015, he got a -- a marijuana  
 18 and possession of stolen vehicle, for which he got the  
 19 sentence down in Berkeley, which resulted in him going to  
 20 the Department of Corrections.

21 Additionally, with regards to the fact that we had the  
 22 -- the -- the age of this case. At least for Calhoun  
 23 County, this is a very old case. And it would've been  
 24 addressed sooner. But when he was sentenced in Berkeley  
 25 County and went off to the Department of Corrections, it

1 sort of ---

2 MR. SELLERS: --- lingered.

3 MR. LUPTON: He was -- it -- it -- it did linger  
4 somewhat. But it was because he was incarcerated on other  
5 charges. We were waiting for him to come back ---

6 THE COURT: Right.

7 MR. LUPTON: --- and then now that -- once he was back  
8 and we realized he was back -- because he ---

9 MR. SELLERS: Yeah.

10 MR. LUPTON: --- came in at the beginning of this year  
11 and was recommitted on the original bond ---

12 THE COURT: Okay.

13 MR. LUPTON: --- we began getting it ready for trial.  
14 We would've been -- but for the mental health evaluation,  
15 we would've been trying this in March, at the March 13  
16 term.

17 MR. SELLERS: And Your -- Your Honor, if I just may  
18 clarify one thing that the state said, when he was released  
19 from the Department of Corrections, they -- they run a  
20 check, supposedly, and he was told there was no detainers  
21 on him. And so there was no reason to believe -- for him  
22 to believe that there was any reason for him to show up and  
23 turn himself in for anything. He was just released from  
24 the Department of Corrections and told that they ran every  
25 check.

1 I know that was a mistake. He -- he is aware now,  
2 when he went down to collect his property and he was locked  
3 back up. And I'm not saying that he deserves no bond at  
4 all, Your Honor. I'm actually making argument that  
5 \$250,000 is more than excessive. And I'm saying that the  
6 same task can be done, Your Honor, for a bond of \$50,000.

7 MR. LUPTON: And, Your Honor, additionally, with  
8 regards to danger to the community, going -- and I  
9 understand we're not here to try the case. But the  
10 allegations ---

11 THE COURT: Allegations ---

12 MR. LUPTON: --- in this case ---

13 THE COURT: Right.

14 MR. LUPTON: Your Honor, with me is the victim, Mr.  
15 Mark Edmonds. This defendant -- and this part is -- we --  
16 we know there's no dispute about this. He came into a  
17 convenience store where the victim's former girlfriend  
18 worked. And he was cussing and being belligerent to his --  
19 the victim's ex-girlfriend. There were children present.

20 This was inappropriate behavior in a store. The  
21 victim confronted him; told him to stop. There was a  
22 confrontation that did not turn into a fight -- physical  
23 fight at that time. But there was a confrontation with  
24 some words from the -- from the defendant.

25 Defendant left and then we have video of him a short

1 time later. As the victim leaves that store in his car, we  
2 see the victim being followed by the defendant in his car.

3 THE COURT: Okay.

4 MR. LUPTON: About 15/20 minutes or so later, after  
5 they both got to Calhoun County, the victim pulls up to a  
6 stop sign. Defendant pulls up beside him; yells some  
7 comments, referencing back to the convenience-store  
8 argument; and fired five shots into his car. Before  
9 speeding off in his direction, hit the victim twice.

10 Based on those allegations, the following from the  
11 store, I think that there is some danger to the community.  
12 If the Court is inclined to reduce it at all, I don't think  
13 that 50,000 is appropriate. I think something still closer  
14 to the 250 is appropriate.

15 MR. SELLERS: And -- and, Your Honor, we -- we dare  
16 not litigate this case in your courtroom. However, it --  
17 they have images from a -- a gas station of two cars  
18 pulling out. They have no images and no witnesses for the  
19 next 20 to 25 minutes. This case has one witness in it  
20 whatsoever. They have no physical evidence.

21 So, I mean, I -- I've seen a lot of cases. And I --  
22 this one doesn't have all -- all of that strength. But for  
23 the purposes of this discussion, I do think that \$250,000  
24 is excessive. I think that the Court can serve its purpose  
25 with a lower bond. And we would simply state that Mr.

1 Johnson, to prepare for trial and other things, is -- is  
2 hopefully entitled, Your Honor, to a -- a lower bond. And  
3 we would dispute those facts, if, in fact, that time comes  
4 when we will have a trial in Your Honor's court.

5 THE COURT: All right. I'm going to reduce the bond  
6 to 100,000. I'm inclined to also order the ankle monitor.  
7 Let me hear from the state on -- on ---

8 MR. LUPTON: We would ---

9 THE COURT: --- what is it ---

10 MR. LUPTON: --- that is with no contact ---

11 THE COURT: I assume there's already a no-contact ---

12 MR. LUPTON: Well, he ---

13 THE COURT: --- order?

14 MR. LUPTON: --- would not have a no-contact because  
15 he never made bond. But we would ask that the bond include  
16 no contact with the victim or the female that was involved  
17 in this. And I can get the Court ---

18 THE COURT: Okay.

19 MR. LUPTON: --- her name as well.

20 MR. SELLERS: And we would even add that my client has  
21 no reason to go back to that convenience store, if -- if

22 ---

23 THE COURT: All right. There's three conditions we'll  
24 add, then?

25 MR. SELLERS: That's ---

1 MR. LUPTON: Thank you, Your Honor.

2 MR. SELLERS: We don't have a problem with that, Your  
3 Honor.

4 THE COURT: The victim; the -- the female; this -- the  
5 convenience store? All right. Mr. Sellers, you'll prepare  
6 an order?

7 MR. SELLERS: Yeah. I'll get it to you, a short  
8 order.

9 THE COURT: Okay.

10 MR. LUPTON: Thank you, Your Honor.

11 MR. SELLERS: Thank you.

12 (Whereupon, the proceeding was concluded at 11:19  
13 a.m.)

14 --- END OF TRANSCRIPT OF RECORD ---

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**CERTIFICATE**

I, THE UNDERSIGNED MARYANN S. NEVERS, CERTIFIED  
VERBATIM REPORTER - MASTER, CERTIFICATE OF MERIT,  
OFFICIAL COURT REPORTER FOR THE EIGHTH JUDICIAL  
CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY  
CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND  
COMPLETE TRANSCRIPT OF RECORD IN THE HEARING OF THE  
CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT  
COURT FOR CALHOUN COUNTY, SOUTH CAROLINA, ON THE 27TH  
DAY OF FEBRUARY, 2017.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,  
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



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MARYANN S. NEVERS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

AUGUST 26, 2018

M. EDMONDS ON REDIRECT

1 SOLICITOR: Your Honor, by him asking isn't it true you  
2 gave a written statement saying it was green -- in the written  
3 statement green is crossed out and dark color is written in.

4 The statement says dark color. Now, he may have also  
5 said green at some point and they are certainly entitled to  
6 cross examine on that.

7 But I am entitled to point out that the statement says  
8 dark color. It was signed by the Defendant and it was cross  
9 examined as the Defendant's statement.

10 And so it's proper for me to be able to ask him questions  
11 about the statement and specifically about the color.

12 MR. SELLERS: Your Honor, it is extremely clear that he  
13 said to Mr. Graham that it was green, Your  
14 Honor. He stated that in his original statement to Mr.  
15 Graham that it was green.

16 After they did an investigation, Your Honor, they found  
17 out that the car is not green, and six or seven days later  
18 green is scratched out to say dark color.

19 THE COURT: We're getting the cart before the horse a little  
20 bit. You say there is evidence of that and I think he said  
21 he could have said that. I'm not saying the whole statement  
22 can come in and I suppose you can clarify it, but the question  
23 really is was this an amendment to the statement or was it  
24 given at the same time. You may ask him to clarify that.

25 SOLICITOR: Your Honor, it was presented on Cross

M. EDMONDS ON REDIRECT

1 Examination as his written statement. It was explained that  
2 his ex-wife wrote it but then he signed it as his statement,  
3 that it was his statement, and at the time he signed it green  
4 was crossed out.

5 He can certainly go into whether or not it was crossed  
6 out because of something he said or something that was discov-  
7 ered afterwards, but I think I'm entitled to go in the fact it  
8 says dark color in the statement.

9 THE COURT: That was Cross Examination though. He can  
10 cross examine him on the statement and if he admits to having  
11 said that he certainly can go into it.

12 MR. SELLERS: Actually, Your Honor, to be clear, I asked  
13 him about his conversations with Deputy or Captain Graham and  
14 that's when he stated -- I specifically stated when you were  
15 speaking to Captain Graham did you state that it was green.

16 Your Honor, I went to the statement to further go into  
17 but at no time, Your Honor, was the door issue opened.

18 THE COURT: In your questioning, he testified he gave a  
19 statement and signed a statement.

20 MR. SELLERS: Yes, Your Honor.

21 THE COURT: So based on that, if that is his statement,  
22 you can go into the circumstances of it and the circumstances  
23 of the redaction.

24 SOLICITOR: Thank you, Your Honor.

25 MR. SELLERS: Thank you.

J. REGALIS ON CROSS

1 Q. And that was executed and that is when the GSR kit was  
2 performed?

3 A. Yes, maam.

4 Q. And it was in fact negative for the presence of gunshot  
5 residue?

6 A. It was negative.

7 Q. And you didn't make any notations in your reporting-- I  
8 don't think I heard you say the vehicle had recently been washed  
9 or detailed?

10 A. No, maam.

11 Q. And the vehicle that you performed this kit on was what  
12 color?

13 A. I'm guessing green. No, it was blue -- blue in color.

14 Q. All right, and you met with Mr. Edmonds, the victim in  
15 this case, at the hospital?

16 A. Yes, maam.

17 Q. And you took his statement?

18 A. Yes.

19 Q. And in that statement Mr. Edmonds did not give any spe-  
20 cific details necessarily about the physical characteristics  
21 of the man that shot him?

22 A. No.

23 Q. Not physical characteristics. No.

24 Q. And I'll ask you, Captain Regalis, is there any question  
25 about the question that Mr. Sellers asked of Investigator

M. EDMONDS IN CAMERA

1 THE COURT: Any Redirect?

2 SOLICITOR: No, Your Honor.

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

4 (Witness excused from stand)

5 THE COURT: Anything else? Any further witnesses?

6 SOLICITOR: Your Honor, I'd call now Investigator Monroe.

7 HARRY JAMES MONROE, being duly sworn,

8 testified as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR:

11 Q. I show you State's Exhibits 1 and 2. Do you recall which of  
12 these two pictures were shown to him?

13 A. Yes, this is the picture here.

14 Q. You picked out State's Exhibit 2. All right, and where  
15 did you get that picture?

16 A. From Investigator Wausaw.

17 Q. You didn't show him the print of the pictures? You just  
18 showed him a photo from that picture on the screen?

19 A. Correct.

20 Q. So let's go into the details of that. Before you met  
21 with the victim or when you met with the victim, did you show  
22 him the picture immediately or did you talk to him first? How  
23 did that work?

24 A. I'm sorry.

25 Q. When you first got there did you talk to him?

HARRY MONROE IN CAMERA

1 A. Yes.

2 Q. Did he tell you who shot him?

3 A. Yes.

4 Q. Who did he tell you shot him?

5 A. He told me he had an argument at the gas station.

6 Q. All right, and did you show him that picture after he  
7 identified who had shot him?

8 A. I did.

9 Q. So it was after he told you who shot him that you showed  
10 him the picture?

11 A. Correct.

12 Q. All right. So did you in any way indicate that you  
13 thought this was the person or anything of that nature?

14 A. I did not.

15 Q. All right, and did you review the video from the store?

16 A. Yeah, I seen it one time.

17 Q. All right, and did he have an argument with anybody else  
18 at that store?

19 A. I saw no indication of any argument with anybody else.

20 Q. So this was the only person he had an argument with?

21 A. On the video, yes.

22 Q. All right. Nothing further.

23 THE COURT: Cross examination.

24 MR. SELLERS: No questions as far as this issue.

25 THE COURT: You may step down.

M. EDMONDS ON REDIRECT

1 Q. Did the Defendant challenge you to a physical fight?

2 A. He told me to step outside but I didn't do that.

3 Q. And what was your understanding of why you were supposed  
4 to step outside with him?

5 A. I thought it was to fight him but I told him I didn't  
6 have time.

7 Q. Okay, and then did the Ford Explorer, whatever color it  
8 was, did that shoot you?

9 A. Not the car but it was the driver of that car.

10 Q. Did you pay attention -- what did you pay attention to  
11 mostly?

12 A. The driver of the car.

13 Q. And is there any question as to who that driver was who  
14 shot you?

15 A. No, sir.

16 Q. And who was it?

17 A. Mr. Johnson.

18 SOLICITOR: Beg the Court's indulgence.

19 THE COURT: Okay.

20 (Brief pause)

21 SOLICITOR: No further questions.

22 THE COURT: You may step down.

23 (Witness excused from stand)

24 THE COURT: Call your next witness.

25 SOLICITOR: Harry Monroe. A brief foundation witness.

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HARRY JAMES MONROE, being duly

sworn; testified as follows:

DIRECT EXAMINATION

BY SOLICITOR:

CLERK: Please state your name.

WITNESS: Harry James Monroe.

Q. If I could get you to look over at the jury and speak up. Tell the jury who you are, sir.

A. My name is Harry James Monroe, and I am employed in maintenance of security cameras. Maintaining them that are under lease for Calhoun Oil.

Q. Okay, so you work for a company that owns what?

A. A number of gas stations and other businesses.

Q. And specifically does that company own the Shell and Bojangles establishment at 110 Chestnut Street over in Orangeburg?

A. Yes.

Q. And when you talk about being in charge of security maintenance does that particular Shell Station have security cameras?

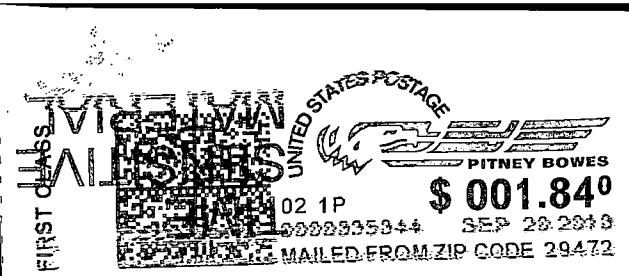
A. Yes.

Q. And were you working for them back in October of 2015 in that same capacity?

A. Yes.

Q. And in that capacity, are you aware of whether or not

Kenya Johnson #21138  
AB-03  
Corrections Institution  
P.O. Box 205  
Columbia, SC 29472



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