

 ORIGINAL

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
R. Lawton McIntosh, Circuit Court Judge

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JUL 29 2013

THE STATE,

SC Court of Appeals

RESPONDENT,

V.

JAMARIO QUINTON JONES,

APPELLANT

APPELLATE CASE NO. 2012-210189

RECORD ON APPEAL

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1 DEPUTY BANNISTER: Daniel Bannister.

2 B-A-N-N-I-S-T-E-R.

3 DIRECT EXAMINATION OF DANIEL BANNISTER BY MR. CAMPBELL

4 Q Deputy Bannister, are you employed with the Anderson
5 County Sheriff's Office?

6 A That's correct.

7 Q And how long have you been in law enforcement?

8 A I've been in law enforcement going on five years.

9 Q Has all that time been with the Anderson County
10 Sheriff's Office?

11 A No, I started with the City Police Department on the
12 ACE team, which is Aggressive Criminal Enforcement.

13 Q And after you were at Anderson City, did you go to
14 work at the Anderson County Sheriff's Office?

15 A That is correct. I started out in the patrol division
16 and then worked my way up to what I am on now, which
17 is a CATCH team, which is called A Criminal
18 Apprehension Through Community Help and also, the DUI
19 Enforcement Team.

20 Q And basically, what are your duties as a member of
21 this CATCH team, as you call it?

22 A We do a lot of different things, but the majority of
23 what we look for are narcotics and drunk driving.

24 Q Now, was that also what you were doing back when you
25 worked for the Anderson City Police Department?

DIRECT EXAMINATION OF DANIEL BANNISTER BY MR. CAMPBELL

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1 A That's correct.

2 Q The same type of job description?

3 A That is correct.

4 Q Now, were you in your capacity as you are today back
5 on April 15, 2011?

6 A On April 15, 2011, I was assigned to the patrol
7 division.

8 Q Now, what shift were you on that day?

9 A Alpha shift.

10 Q And do you recall whether it was a day shift or a
11 night shift?

12 A Night shift.

13 Q Now, on that day, did you have an occasion to become
14 involved in this case, this armed robbery?

15 A Yes. I was dispatched to a shooting in the area at
16 , Apartments and in the
17 area of building " ". While I was in route, dispatch
18 advised that there wasn't a shooting in the area, that
19 it was, in fact, an armed robbery and the suspects had
20 left the scene in a Green Honda. Also, while I was in
21 route, I was informed by dispatch that Belton City had
22 stopped a burgundy Honda and I also learned later that
23 a burgundy Honda had also been seen leaving the
24 apartment complex at the same time and someone thought
25 there were shots fired. Also, while I was in route, I

1 learned that there was a black male wearing a white
2 shirt and jeans and a black female wearing a burgundy
3 shirt and blue shorts were seen running behind Belton
4 EMS, and once confronted by Belton EMS employees ---
5 MR. SMITH: Your Honor, objection, based on hearsay.
6 THE COURT: Sustain the objection.

7 Q Now, as a result of this information, did you go to
8 Apartments?

9 A Yes, I did.

10 Q Now, when you arrived, approximately how long after
11 dispatch sent you, did you arrive at ?

12 A Approximately, eight minutes.

13 Q And now, when we're talking about Belton, is this the
14 county side of Belton or is this within the
15 jurisdiction of the Belton City Police Department?

16 A It's in the county side.

17 Q Now, when you arrived, which direction were you coming
18 from?

19 A I was coming from the Anderson side which would have
20 been Highway 20 and I don't know if anybody is
21 familiar with Belton, but when you come in Highway 20,
22 takes a right headed toward Belton. The
23 Belton Mart would actually be on the corner of
24 and Highway 20 and Belton EMS would be on the
25 other corner of and Highway 20.

DIRECT EXAMINATION OF DANIEL BANNISTER BY MR. CAMPBELL

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1 Q And how far, what's the distance, would you imagine,
2 from the corner of Highway 20 where the Belton Mart is
3 to the apartments?

4 A Just a couple hundred yards.

5 Q And how about from there to the EMS station?

6 A About the same, approximately, a couple hundred yards.

7 Q Now, when you arrived on the scene, were any of the
8 other officers present when you showed up?

9 A No.

10 Q So, when you arrived and you were the first officer on
11 the scene, what steps did you take next?

12 A The first thing I done is make contact with someone in
13 the apartment, which was . . . I made contact with a
14 Ronnie Bentley. My initial, once I stepped inside the
15 apartment, I went in to make sure, I did a safety
16 sweep of the apartment making sure there was no one
17 else hiding in there, possibly waiting for an ambush
18 situation and once everything was secured, I got
19 everybody out of the apartment, which there was Ronnie
20 Bentley and I believe there was a Taylor female and
21 two small kids. I got them out of the apartment and
22 secured the scene for investigations and forensics.

23 Q And when you say, secure the scene. What is the
24 purpose of that?

25 A To preserve any possible evidence.

1 Q And when you secure it, does that mean you don't let
2 anybody else go back in there?

3 A That's correct. Nobody in.

4 Q Now, did you speak to Ms. Bentley and Ms. Taylor
5 regarding the events that took place?

6 A That is correct.

7 Q And did they tell you what happened?

8 A Yes.

9 Q And, what, if anything, did they tell you?

10 MR. SMITH: Objection, Your Honor. Hearsay.

11 THE COURT: Sustained.

12 Q Now, as a result of this information, did you learn of
13 the description of the individuals that had left the
14 place?

15 A Yes, I did.

16 Q And how were they dressed?

17 A There was a black female with a burgundy shirt ---

18 MR. SMITH: Objection, Your Honor. Relevance and
19 based on hearsay.

20 THE COURT: Overruled.

21 Q Please continue.

22 A A black female wearing a burgundy shirt and blue
23 shorts and black male that had a white shirt and
24 jeans.

25 Q Now, at this point -- after you learned the

DIRECT EXAMINATION OF DANIEL BANNISTER BY MR. CAMPBELL

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1 description of the individuals that came into the
2 apartment, were you able to learn any names that were
3 associated with these individuals?

4 A Yes.

5 Q And what was that?

6 A The female's name was Melody Ellis.

7 Q How about the male? Were you able to learn the name
8 of that person?

9 A They didn't know the name of the man.

10 Q Now, when you went in, when you interviewed the
11 victims in the case when you arrived, what was their
12 demeanor like?

13 A They seemed pretty upset. I know one female was
14 crying. Ronnie Bentley, the initial person I made
15 contact with at the door, she was very upset. It took
16 me a couple minutes to get them calmed down to be able
17 to even tell me what happened that day.

18 Q When you made a sweep of the apartment, tell the
19 ladies and gentlemen of the jury what the apartment
20 looked like as you remembered or observed it.

21 A When I first walked in, when you walked into the
22 apartment, it was a very small foyer, like where two
23 people could stand, at max, and then you walk into the
24 living room and I noticed there was a broken window to
25 the right side with glass on the floor. Directly

1 across the living room was the kitchen and I noticed
2 the kitchen was in total disarray with drawers pulled
3 out and utensils and stuff laying on the floor.

4 Q And as a result of your observation of Ms. Bentley and
5 Ms. Taylor, did you observe any injuries upon them,
6 and also, either of the two small children that were
7 present in the apartment?

8 A Yes. On Ms. Bentley and Ms. Taylor, I did observe
9 knots on their foreheads that were consistent with
10 being kicked and also, on the small child, there were
11 also knots on the top of the forehead.

12 Q Now, both victims, both adult victims displayed
13 injuries?

14 A That's correct.

15 Q Now, after they told you what had taken place, did the
16 scene appear to match what they had told you had
17 happened?

18 A That is correct. I thought it was odd that, if the
19 events hadn't taken place, I don't think somebody
20 would leave glass laying in the floor, the kitchen in
21 total disarray. I have a kid myself.

22 MR. SMITH: Objection, Your Honor. Speculating.

23 THE COURT: I sustain.

24 Q Now, did you learn that this was actually an armed
25 robbery?

DIRECT EXAMINATION OF DANIEL BANNISTER BY MR. CAMPBELL

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1 A Yes.

2 Q And did they inform you that the individual actually
3 possessed a gun?

4 A Yes.

5 Q And which of the two suspects, did both of them or one
6 of the suspects possess a gun?

7 A The male subject displayed it.

8 Q And were they able to give you a description of the
9 weapon?

10 A As stated to me, it was what the police carried.

11 Q Now, after this then, did other law enforcement
12 officers arrive to assist you?

13 A Yes. Sergeant Holden arrived on scene.

14 Q And was he your supervisor?

15 A That is correct.

16 Q As well as Sergeant Holden, did any investigators come
17 out there to take over the scene?

18 A Yes. Forensics investigator Pridemore and also from
19 the Investigation Division, Tommy Johnson arrived on
20 scene.

21 Q Now, after the detective from CID, the Criminal
22 Investigative Division, shows up, do you normally turn
23 it over to them?

24 A That is correct.

25 Q And did you do that in this case?

1 A Yes. That is correct.

2 Q Now, did you, after Tommy Johnson showed up, did you
3 stick around the apartment complex or did you leave at
4 that point in time?

5 A I stuck around to make sure, you know, Mr. Johnson
6 didn't need any other assistance while I was there.
7 He did have a possible location of Melody Ellis, which
8 was one subject that was named to be a part of the
9 armed robbery. I did go to her residence, which I
10 believe was Drive, just a couple miles up from
11 the apartment and I wasn't able to locate anybody.

12 Q Now, also, while you were at the scene, did you talk
13 to any other witnesses that may have seen anything
14 involved in this case?

15 A Yes, I talked to one of the witnesses from Belton EMS,
16 a Jim Ritter.

17 Q And did he inform you or tell you what he saw?

18 A That's correct.

19 Q And the information that you learned from him, did you
20 pass it on to Detective Johnson?

21 A That is correct.

22 Q Now, while you were discussing the matter over with
23 the victims and you observed the crime scene, were you
24 able to determine a motive of why they were targeted
25 for a robbery or a burglary?

1 MR. SMITH: Objection. Calls for speculation.

2 THE COURT: Overruled.

3 A No. I did ask them several times. They did know
4 Ms. Ellis. I asked did they know any reason why they
5 would do it and they told me over and over again they
6 didn't have any idea.

7 Q And you stated that in your past history you've dealt
8 with narcotics and DUIs. When you spoke to the two
9 victims in the case, did they appear to be under the
10 influence of any type of alcohol or drugs?

11 A No, they didn't. I spoke to them, it was a good bit,
12 you know, gathering information. I spoke to both of
13 them separately, you know, and I did get close so
14 neither one of them could hear each other's story and,
15 therefore, I was real close to them and would be able
16 to smell any type of alcohol or drug. When I was
17 making my initial safety sweep of the apartment, you
18 know, being a part of my job with narcotics and DUIs,
19 my passion, that's what I'm looking for no matter what
20 kind of call I go to. Also, having kids myself, I
21 don't want anybody to have drugs where kids can get a
22 hold to them and possibly take them and I didn't see
23 anything, no paraphernalia, any drugs laying around
24 the apartment.

25 Q And the apartment that you went to, who was the renter

CROSS EXAMINATION OF DANIEL BANNISTER BY MR. SMITH

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1 of the apartment? Did you determine that?

2 A Ronnie Bentley.

3 Q And this crime did occur during broad daylight?

4 A Yes.

5 Q Deputy Bannister, I have no further questions for you
6 at this time. Please answer any questions Mr. Smith
7 may have.

8 THE COURT: Cross examination?

9 MR. SMITH: May it please the Court.

10 CROSS EXAMINATION OF DANIEL BANNISTER BY MR. SMITH

11 Q You had an opportunity to speak to Ms. Bentley and
12 Ms. Taylor, thoroughly, about what happened?

13 A Yes.

14 Q And did they share with you that they were in a
15 committed relationship?

16 A I didn't ask about that. I didn't find that relevant
17 to the case that I was dealing with.

18 Q Would you agree with me that the knots on the head
19 are, probably, very important to this case. Right?

20 A Yes.

21 Q And you have had an opportunity, based on your
22 investigation and so forth, to hear or know what
23 Ms. Harris has said about what happened? The other
24 co-defendant?

25 A Ms. Ellis? No.

CROSS EXAMINATION OF DANIEL BANNISTER BY MR. SMITH

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1 Q Ms. Ellis. My bad. There was a fight, wasn't there?
2 Ms. Ellis is a lesbian and so are the two victims and
3 that's why Ms. Ellis was there. Right?

4 A I don't know.

5 Q is not a good place to live. Is that
6 right? A lot of crime happens there, a narcotics
7 history. You happen to know that, right?

8 A It's slowed down over the years.

9 Q So, it has been, at least at some point, a very
10 dangerous place.

11 A Not near as bad as some apartment complexes around
12 Anderson.

13 Q How many times do you think you have you been out
14 there?

15 A I haven't been out there that much on drug complaints.

16 Q About how many cases?

17 A About four or five times.

18 Q In five years?

19 A I've had over a year working with the Sheriff's
20 office, which, that is the jurisdiction that's in.

21 Q And while working with the Sheriff's office, is there
22 an area you usually work?

23 A Yes.

24 Q How long did you work in the Belton area?

25 A It was the whole time I was assigned to the patrol

1

division.

2

Q You said earlier that the knots on the head illustrated that they were kicked in the head. Can you tell me what the difference between a knot on the head from a kick versus a punch is?

3

4

5

6

A It looks the same. Just from the stories that both of the victims told me.

7

8

Q Did you see any blood?

9

A No. Not that I can remember.

10

Q Did you see any missing teeth?

11

A Not that I can remember.

12

Q Are you aware that the window was broken by one of the victims so that they could yell out?

13

14

A That's correct.

15

Q And neither of them knew either of the defendants?

16

A One of them told me they knew the female, Ms. Ellis.

17

Q Which one told you that?

18

A I can't remember.

19

Q You can't remember that?

20

A No.

21

Q The child that was kicked, or whatever. Where was that injury at?

22

23

A On top of the child's head. Ms. Taylor was holding the small child as she was being assaulted by the female, Ms. Ellis.

24

25

CROSS EXAMINATION OF DANIEL BANNISTER BY MR. SMITH

78

1 Q Was Ms. Taylor sitting on the couch or was she lying
2 on the floor?

3 A She was sitting on the couch.

4 Q She was never on the floor?

5 A Not that I can recall.

6 Q What about the three-year-old child? Where was she?

7 A When I walked in, the three-year-old child come out of
8 the bedroom. At the time the armed robbery took
9 place, they stated to me that the child was in the
10 back bedroom.

11 Q So, the child was still in the back bedroom when you
12 got there?

13 A The child could have went back into the bedroom. I
14 didn't ask where the child was from the time they come
15 in the door from the time I got there.

16 Q So, there was an armed robbery and the children aren't
17 held by the parent? Is that right?

18 A The small child was. I don't, I can't recall about
19 the older child.

20 Q With regards to the kitchen, the cabinets were pulled
21 out. What does that mean?

22 A The drawers was pulled away from the cabinets.

23 Q All of them?

24 A Not all of them. There were a couple. I can't recall
25 exactly how many.

1 Q Where were they located at, the ones that were open?

2 A All the cabinets was on the right side of the kitchen
3 that was open, the drawers.

4 Q Obviously, I haven't been in the kitchen. So, when
5 you say, "the right side", the cabinets and drawers
6 that were the closest ones to the living room?

7 A The kitchen itself ain't but probably six feet deep
8 and, probably, four foot wide, a very small kitchen,
9 and there was, I guess, cabinets, I believe it was the
10 first or second cabinet that was pulled out, what I
11 call, what I call and is commonly known as, a junk
12 drawer. It just had a bunch of different stuff in it
13 and then there was a couple more drawers pulled out as
14 well.

15 Q And you said that all the ones on the right side were
16 pulled out?

17 A All the cabinets was on the right side. The drawers
18 was on the right side.

19 Q How many drawers were pulled out?

20 A The best I can recall, two or three.

21 Q How many were pulled out?

22 A The best I can recall, there was two or three that was
23 pulled out. As far as in the kitchen, I don't have a
24 clue how many, total.

25 Q The EMS building and the store, you would agree with

CROSS EXAMINATION OF DANIEL BANNISTER BY MR. SMITH

80

1 me that there is no way that a human being could see
2 unit " " from either of those locations. Right?

3 A I haven't looked at it that way. I don't know.

4 Q In regards to the store, between the store and Unit
5 " ", there's an apartment complex that's perpendicular
6 to Road. Is that right?

7 A There's a playground right behind it.

8 Q So, with that in mind, you clearly couldn't see
9 through that to the apartment complex, could you?

10 A I know the building that you are talking about that
11 sits perpendicular with . I can't state yes or
12 no either way.

13 Q With regards to the EMS building, that's right on, is
14 that 20?

15 A Highway 20. Yes.

16 Q And that's right on 20 and you, in order to see Unit
17 " ", you would have to see through all the apartment
18 complexes that are along the railroad. Right?

19 A Uh-huh.

20 Q As well as where the management unit is. Right?

21 A I don't know where the management unit's at.

22 Q So, you'd be able to see the EMS building from Unit
23 " "?

24 A I don't believe you would be able to see the front of
25 it. Possibly the back, but I couldn't state yes or no

1 on that, as well.

2 Q And nothing was said about the possibility that
3 Ms. Ellis, who had dealings with Ms. Bentley before,
4 simply just came to fight? Nothing like that?

5 A No.

6 MR. SMITH: Nothing further, Your Honor.

7 THE COURT: Redirect?

8 MR. CAMPBELL: No further questions.

9 THE COURT: May this officer be excused?

10 MR. CAMPBELL: Yes, Your Honor.

11 THE COURT: Mr. Smith, any objection?

12 MR. SMITH: No objection.

13 THE COURT: You are excused. Call your next witness,
14 please, sir.

15 MR. CAMPBELL: Your Honor, the State calls Hoyt
16 Thackston.

17 (After being duly sworn by the Clerk of Court, Hoyt
18 Thackston testified as follows:)

19 CLERK OF COURT: If you will take the witness stand
20 and state your name and spell your last name for the
21 record, please.

22 MR. THACKSTON: Do you want my full name?

23 CLERK OF COURT: No.

24 MR. THACKSTON: Okay. It's Hoyt Thackston.

25 T-H-A-C-K-S-T-O-N.

DIRECT EXAMINATION OF HOYT THACKSTON BY MR. CAMPBELL

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DIRECT EXAMINATION OF HOYT THACKSTON BY MR. CAMPBELL

1

2

Q Mr. Thackston, where are you employed?

3

A Belton EMS.

4

Q And how long have you been with EMS?

5

A Three years.

6

Q Now, are you originally from Anderson?

7

A No. I'm from Simpsonville.

8

Q You're from the Upstate?

9

A Yes.

10

Q What is your education and training?

11

A I have a Bachelors Degree in Zoology from Clemson

12

University and I am currently a National Registry

13

Emergency Medical Technician, Intermediate level, and

14

I'm completing the Paramedic level now.

15

Q Now, back on April 15, 2011, were you employed with

16

the Belton EMS Department?

17

A Yes.

18

Q And what position or capacity were you employed there

19

as?

20

A As an Emergency Medical Technician.

21

Q You were actually someone who responded to calls. Is

22

that right?

23

A Yes. I'm on an emergency truck, a 911 truck.

24

Q Now, on that day, did you have an occasion to talk to

25

law enforcement and give them information regarding

1 what you had seen earlier that day?

2 A Yes.

3 Q How did that come about or take place, your getting in
4 touch with law enforcement?

5 A We were in the office. I had my, I was leaning up
6 against the desk with my back to the window. Our
7 assistant director, Jim Ritter, was standing in the
8 doorway facing me and he said, "What the," and headed
9 down the hall towards the door and I turned around and
10 looked out the window. I didn't see anything in that
11 direction. I caught something out of the corner of my
12 eye as I went to turn, a black male in a white tee
13 shirt was running from the corner of the building
14 towards the railroad tracks, towards the parking lot,
15 and just as he got in front of me at the window, he
16 dropped a semi-automatic pistol on the sidewalk.

17 Q And do you recall what color this gun was?

18 A Yes. It was a black frame with a silver slide.

19 Q I'm going to show you, Mr. Thackston, what has been
20 marked as State's Exhibit No. 20. I'm going to let
21 you look at this. This is a weapon that is unloaded.

22 THE COURT: Just one second. Ladies and gentlemen of
23 the jury, on occasion, throughout this trial, there may be
24 a need to handle weapon or weapons. Let me tell you and
25 assure you that any weapons have been rendered inoperable.

DIRECT EXAMINATION OF HOYT THACKSTON BY MR. CAMPBELL

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1 They are not capable of firing and so you can rest assured
2 that there is no chance of them discharging. Thank you,
3 sir.

4 Q Mr. Thackston, does this weapon, State's Exhibit
5 No. 20, look similar to the weapon you saw this
6 individual drop on April 15, 2011?

7 A Yes.

8 Q And what you are referring to, you say the silver
9 slide, you are referring to this part right here?
10 (Indicating)

11 A Yes.

12 Q Now, when this individual dropped the gun, how close
13 to this person were you?

14 A Well, I was inside the building, but we were within
15 about four feet.

16 Q And was there anything blocking your observation of
17 this event taking place?

18 A No.

19 Q So, you were looking out the window?

20 A Yes.

21 Q When you say, four feet, stop me about how close I am
22 to you, as to how far you observed it. (Mr. Campbell
23 walks toward the witness)

24 A About right there.

25 Q And, basically, the wall and the window ---

1 A Well, I was leaned up against the window trying to see
2 in this direction and then caught him coming from my
3 right side and it landed about where your feet were.

4 Q And what did he do once this gun hit the pavement?

5 A He never missed a step. He scooped it up and kept
6 running and Jim Ritter had gone to the door. He had
7 seen a female run by the window.

8 MR. SMITH: Objection. He can't testify as to what
9 someone else witnesses.

10 THE COURT: Sustained.

11 Q Just describe what you witnessed or heard yourself.
12 Now, when the individual ran past you and you're
13 looking at him, were you able to get a look at his
14 face?

15 A No.

16 Q Were you able to give a description of the clothing
17 that he was wearing?

18 A Yes.

19 Q And what was that?

20 A He had on a white long tee shirt and bluejeans.

21 Q And did you see him with any other person?

22 A Later, I went outside and he caught up with a black
23 female. They were crossing the field between our
24 station and Belton Mart. He caught up with her at
25 Road.

DIRECT EXAMINATION OF HOYT THACKSTON BY MR. CAMPBELL

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1 Q Now, where did they go as you watched them?

2 A They went inside the Belton Mart and were there
3 probably less than a minute, came back out, went
4 around to the other side of the building and then we
5 noticed them go behind the building and there are mini
6 warehouses, saw them go between the Belton Mart and
7 the mini warehouse and the first warehouse blocked our
8 view. They were, they came out and we could see them
9 between the first and second one. They turned around,
10 went back on the other side of the mini, the Belton
11 Mini Mart and in just a few seconds, a car came
12 driving out and came back by the station.

13 Q Do you recall the color of that car?

14 A It was kind of a light green.

15 Q And after that, did you call 911?

16 A I didn't.

17 Q I'm sorry, I didn't catch your...

18 A I did not.

19 Q Okay. Did someone from EMS ---

20 A Yes.

21 Q --- call 911?

22 MR. SMITH: Objection.

23 THE COURT: Overruled.

24 Q When you are talking about Belton Mart, what kind of
25 store is it?

1 bays are and up here is the front of the building and
2 Highway 20 runs this way.

3 Q And in reference to your building here, where did you
4 see the individual drop the gun?

5 A Well, it's around the corner here. It's on the side
6 facing Highway No. 20.

7 Q And what does this indicate? What are these buildings
8 back here?

9 A Those are apartment buildings that, they are kind of
10 behind our station. They face

11
12 Q Is this the Apartments, or a part of them?

13 A Yes, sir.

14 Q I'll show you what has been marked as State's Exhibit
15 No. 14. What is that showing, sir?

16 A This is the bay side of our building.
17 Apartments are back here. This is our pad.

18 Q And this is just showing how close those Forest Oak
19 Apartments are in reference or relationship to your
20 EMS station.

21 A Yes. Our properties join.

22 Q Thank you, sir. If you will please take the stand.

23 (Witness complies) And Mr. Thackston, do these
24 pictures fairly and accurately represent how it looks
25 today as well as on April 15, 2011?

DIRECT EXAMINATION OF JIM RITTER BY MR. CAMPBELL

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1 Q The ravine, the only time that you saw this male, he
2 could only have been on the sidewalk. Is that right?

3 A Yes.

4 Q So, when he came from the sidewalk until you saw him
5 on the sidewalk. Right?

6 A Well, the only place I saw him was on the sidewalk.

7 Q Okay. So, the idea that he was down that hill, you
8 have no idea. Do you?

9 A No.

10 MR. SMITH: Nothing further, Your Honor.

11 THE COURT: Can this witness be excused?

12 MR. CAMPBELL: Yes, sir.

13 THE COURT: Mr. Smith?

14 MR. SMITH: Without objection.

15 THE COURT: Thank you, sir. Call your next witness.

16 MR. CAMPBELL: Your Honor, the State calls Jim Ritter.

17 (After being duly sworn by the Clerk of Court, Jim
18 Ritter testified as follows:)

19 CLERK OF COURT: If you would take the witness stand
20 and state your name and spell your last name for the
21 record, please.

22 MR. RITTER: My name is Jim, last name is Ritter.

23 R-I-T-T-E-R.

24 DIRECT EXAMINATION OF JIM RITTER BY MR. CAMPBELL

25 Q Mr. Ritter, it's obvious you are employed with an EMS

1 station.

2 A Yes, sir.

3 Q And where, exactly, are you employed at?

4 A Belton EMS.

5 Q And how long have you been with EMS?

6 A Fifteen years now.

7 Q And how long at the Belton station?

8 A Fourteen.

9 Q And what position do you hold there?

10 A I am the assistant director.

11 Q Now, were you working on the day of April 15, 2011?

12 A I was.

13 Q On that day, did you become involved in an
14 investigation that the Anderson County Sheriff's
15 Office was conducting regarding an armed robbery?

16 A Yes.

17 Q And what, what part did you play or how did you become
18 involved with this case?

19 A Just tell the story?

20 Q Well, let me break it down. First of all, when you
21 were working on February 15, 2011, was it late at
22 night or during the day time?

23 A It was during the day time.

24 Q And do you recall, approximately, what time of day it
25 was?

DIRECT EXAMINATION OF JIM RITTER BY MR. CAMPBELL

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1 A It was in the afternoon.

2 Q And the weather that day, was it cloudy, overcast,
3 rainy, clear?

4 A It was pretty clear if I remember correct.

5 Q You wouldn't have any problem seeing, would you?

6 A No. Not at all.

7 Q Now, when you're at this station, did anything happen
8 that drew your attention, that caused you to think
9 something out of the ordinary was going on?

10 A It did. I was sitting in the office and kind of
11 sitting where the window would be to the right of me
12 and I see a flash go by the window and it was kind of
13 odd to me and so, obviously, I jumped up to run out
14 the front door. I mean, we are EMS and so people do
15 come for help in different ways and things like that,
16 so...

17 Q And what direction, when you saw this flash, what did
18 this flash turn out to be?

19 A The flash ended up being a woman in a red shirt.

20 Q And what direction was she coming from?

21 A From behind. The window is over here and she was
22 coming back behind me heading south, I believe,
23 towards the store across the street.

24 Q And when you say she was coming from behind you, is
25 that from the direction where the railroad tracks are?

1 A Correct.

2 Q Now, when you saw her, what, if anything, was she
3 doing?

4 A Running. And when I had gotten up and went to the
5 door to see what was going on, actually, it wasn't her
6 I was face to face with.

7 Q And who was that?

8 A It would be, it was a black gentleman and he's sitting
9 over here in the courtroom.

10 Q So, this individual, referred to as the defendant in
11 this case in the gray shirt, is the person you came
12 face to fact with?

13 A Yes, sir. Approximately, two feet. We just about ran
14 each other over.

15 Q And was he running, walking? What was he doing?

16 A He was at a fast stride. At the time I opened the
17 door, I imagine it startled him as much as me, because
18 I wasn't expecting him to be there. He had put his
19 hands down to his sides and I asked him, I said, "Is
20 everything okay out here?" And he said, "Yes, sir,"
21 and then one of my fellow employees hollered, "He's
22 got a gun."

23 MR. SMITH: Objection, Your Honor. Hearsay.

24 THE COURT: Don't say what another person said,
25 please.

DIRECT EXAMINATION OF JIM RITTER BY MR. CAMPBELL

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1 Q Now, how was he dressed?

2 A A white, I believe it was a white tee shirt and he had
3 bluejeans on.

4 Q And when you saw him, this was outside, directly
5 outside your office at the EMS station. Is that
6 right?

7 A Correct.

8 Q And after you spoke to him, what did he do?

9 A At that time, when I heard somebody mention the gun---
10 MR. SMITH: Objection.

11 THE COURT: I sustain the objection. Do not say what
12 somebody else said. Okay, sir?

13 MR. RITTER: Okay.

14 Q What did you see him do after you came face to face
15 with him? What did he do?

16 A He ran.

17 Q In which direction did he run?

18 A Towards the girl in the red shirt.

19 Q And where was she running to?

20 A She was running towards the store.

21 Q And when you say, the store, are you talking about the
22 Belton Mart?

23 A The Belton Mart.

24 Q And what did they do when they got there?

25 A When they got there, we actually watched them go into

1 the store and they were in, approximately, well, I was
2 on the phone with dispatch for twenty seconds, thirty
3 seconds. Turned around and came out, went to the side
4 of the store where there was a vehicle they got into
5 and headed the opposite way that they came from back
6 towards Williamston.

7 Q And what color was this vehicle?

8 A It was a greenish-blueish type. The car was a four-
9 door.

10 Q And when you say you were on the phone with dispatch,
11 what are you referring to? What do you mean by
12 dispatch?

13 A 911.

14 Q Now, after that, did you do anything further, have
15 anything further or any other involvement in this
16 case?

17 A Other than what I saw and being on the phone with them
18 and giving them directions to which way they were
19 heading, you know, my concern was the girl. We didn't
20 know anything that was going on other than we thought
21 that in the beginning that this person was going after
22 the girl, which was not the case.

23 Q Did you go over to -- did you see law enforcement
24 arrive at the Apartments?

25 A I did.

DIRECT EXAMINATION OF JIM RITTER BY MR. CAMPBELL

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1 Q Did you eventually go over to Apartments
2 and speak with the officers there?

3 A I did.

4 Q And at that point you told them the information that
5 you had observed and learned ---

6 A Yes.

7 Q --- through your firsthand knowledge.

8 A Yes.

9 MR. CAMPBELL: Your Honor, I have no further questions
10 for Mr. Ritter.

11 Q Please answer any questions Mr. Smith may have.

12 THE COURT: Cross exam?

13 MR. SMITH: May it please the Court.

14 CROSS EXAMINATION OF JIM RITTER BY MR. SMITH

15 Q Mr. Ritter, the vehicle that they got into, that was
16 already at the Mart?

17 A No. Actually, it was not. When they went into the
18 store, and when I say it was not, I didn't see it at
19 the time. It could have been around the side of the
20 building, but when it had started backing up, that is
21 when they had come out of the store and come around
22 the corner and got into this vehicle.

23 Q So, you never saw this vehicle until it was leaving.

24 A I saw this vehicle -- when they came out of the store,
25 the vehicle, you have to understand, there's a

DIRECT EXAMINATION OF DEANGELO ACKER BY MR. CAMPBELL 106

1 THE COURT: Thank you, sir, you may be excused. Call
2 your next witness, please.

3 MR. CAMPBELL: We call DeAngelo Acker.

4 (After being duly sworn by the Clerk of Court,
5 DeAngelo Acker testified as follows:)

6 CLERK OF COURT: If you would take the stand and state
7 your name and spell your last name for the record, please.

8 MR. ACKER: My first name, DeAngelo, and Acker is my
9 last name. A-C-K-E-R.

10 DIRECT EXAMINATION OF DEANGELO ACKER BY MR. CAMPBELL

11 Q Mr. Acker, how old are you?

12 A Twenty-three.

13 Q And where do you live?

14 A

15 Q And who do you live with?

16 A My Mama.

17 Q And that's Carolyn Acker?

18 A Uh-huh.

19 Q You have to speak into the mike so they can
20 understand. Okay?

21 A Okay.

22 Q Now, DeAngelo, do you go by a certain type of
23 nickname?

24 A Dee.

25 Q What's that?

DIRECT EXAMINATION OF DEANGELO ACKER BY MR. CAMPBELL 107

1 A Dee.

2 Q And I want to talk to you about the day of April 15,
3 2011. Do you recall that day?

4 A Yes, sir.

5 Q Now, do you recall what you did that morning?

6 A Well, I woke up that morning and I was down at my
7 girlfriend's house in Falls and then I talked
8 to Mario and he told me he was in Belton and stuff
9 like that and I came on down the road.

10 Q Let me step back. When you say, Mario, who are you
11 referring to?

12 A Jamarío Jones.

13 Q And is that him in the courtroom?

14 A Yes, sir.

15 Q And how long have you known Mr. Jones?

16 A Well, I can't, I've known him more than six months,
17 probably about a year.

18 Q And does he go by Mario or Jamarío?

19 A Mario, Jamarío.

20 Q Both of them?

21 A Yes, sir.

22 Q Now, you say you talked to him earlier that day, how
23 did you talk to him? Was it by phone or in person?

24 A By phone.

25 Q And did he call you or did you call him?

1 A I think I called him. I can't really remember. I
2 know I talked to him coming down the road, but he
3 might have called me. I really can't remember.

4 Q Okay. And when he called you, did he tell you where he
5 was located?

6 A Yes, sir. He said he was in Belton.

7 Q And did you see him in person later that day?

8 A Yes, sir. He was at my house.

9 Q Okay. He was at your house. Was it in the morning or
10 afternoon?

11 A It was around afternoon.

12 Q And when you saw him, was anybody else with him?

13 A Yeah. When he came through the front door, it was him
14 and Ms. Ellis.

15 Q And how do you know Ms. Ellis?

16 A That's my cousin.

17 Q And did you speak to Mr. Jones, Mario, at your house?

18 A Yes, sir.

19 Q Now, at this point, when you spoke to him, had law
20 enforcement already shown up at your house?

21 A No, sir.

22 Q What did y'all talk about when he showed up?

23 A Nothing, they just came through the front door and he
24 handed me the pistol and told me to put the pistol on
25 top of the refrigerator and just left it at that.

DIRECT EXAMINATION OF DEANGELO ACKER BY MR. CAMPBELL 109

- 1 Q Did you think this was odd?
- 2 A It kind of was, but I didn't really pay it no
3 attention.
- 4 Q And what color was the pistol?
- 5 A It was silver and black.
- 6 Q And had you seen this pistol before?
- 7 A Yes, sir. It was his old lady's pistol.
- 8 Q When you say, old lady, who is that?
- 9 A His girlfriend.
- 10 Q What's her name?
- 11 A Candice.
- 12 Q Do you know her last name?
- 13 A I think -- Brown, I think.
- 14 Q And when had you seen this pistol before?
- 15 A She had it. It was her pistol.
- 16 Q Had you ever seen Mario with it before?
- 17 A No, sir.
- 18 Q So, but that day, he was the one that had it in his
19 hand when he gave it to you.
- 20 A Yes, sir.
- 21 Q Was Candice around at that time?
- 22 A No, sir.
- 23 Q I want to show you what's been marked for
24 identification, State's Exhibit No. 20. Could you
25 please identify this, sir?

1 A That's the pistol.

2 Q Is this the same pistol? Is this the one that Mario
3 handed you on the afternoon of April 15, 2011?

4 A Uh-huh. Yes, sir.

5 Q You have to use words, because she is taking
6 everything down.

7 A Yes, sir.

8 Q Now, have you ever held this gun before?

9 A Yes, sir.

10 Q Prior to that day, before that day?

11 A Yes, sir.

12 Q You ever shot it?

13 A Yes, sir.

14 Q Now, when he gave it to you, what, if anything, what
15 did he ask you to do with the gun?

16 A He just told me to put it on top of the refrigerator.

17 Q Did you do that?

18 A Yes, sir.

19 Q Did he tell you why he wanted you to put it on top of
20 the refrigerator?

21 A No, sir.

22 Q Now, after you did that, did y'all go anywhere
23 together?

24 A Yeah. We walked to the store.

25 Q And while you were walking to the store, did y'all

DIRECT EXAMINATION OF DEANGELO ACKER BY MR. CAMPBELL 111

1 hold a conversation or talk to one another?

2 A Yeah. That's when he told me he had robbed somebody.

3 Q And after that, you went to the store and came back to
4 your house?

5 A Yes, sir.

6 Q And shortly after that, did law enforcement come by
7 your house?

8 A Yes, sir.

9 Q And were you present when he was arrested?

10 A Yes, sir.

11 Q Was Melody Ellis also with him when he was arrested?

12 A Yes, sir.

13 Q And where were they arrested at? Was it at your
14 house, actually?

15 A Yes, sir.

16 Q Was Mr. Johnson here, was he the one that arrested
17 him?

18 A Yes, sir.

19 Q And do you know Detective Johnson?

20 A Yes, sir.

21 Q How do you know him?

22 A From BHP.

23 Q And what do you know him as?

24 A The correction officer.

25 Q And what do you call him?

1 A O.J.

2 Q And after they arrested him, did you talk to Mr.
3 Johnson?

4 A Yes, sir.

5 Q And did you tell him about the pistol?

6 A No, sir, not from the beginning, because I didn't know
7 what was really going on.

8 Q But did he speak to you?

9 A Yes, sir.

10 Q After he spoke to you, did you inform him about the
11 gun?

12 A Yes, sir.

13 Q And did you show him where the gun was hidden?

14 A No, I didn't show him where it was at, because that's
15 when they got the okay to go through the house from my
16 Mama and they told us we couldn't go back in the
17 house.

18 Q But you told him where to look?

19 A No. They didn't never ask me. No, I don't think
20 nobody, the only thing, really, nobody ever asked me
21 where was the pistol at. They were asking like, go in
22 front of the house when they seen them standing in the
23 doorway and stuff.

24 Q And they were arrested right at your front door?

25 A Yes, sir.

DIRECT EXAMINATION OF SHAWN STALLO BY MR. CAMPBELL

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1 MR. CAMPBELL: The state calls Shawn Stallo.

2 (After being duly sworn by the Clerk of Court, Shawn
3 Stallo testified as follows:)

4 CLERK OF COURT: If you would take the witness stand
5 and state your name and spell your last name for the
6 record, please.

7 It's Shawn, S-H-A-W-N, Stallo, S-T-A-L-L-O.

8 DIRECT EXAMINATION OF SHAWN STALLO BY MR. CAMPBELL

9 Q Mr. Stallo, where are you employed?

10 A I'm a federal agent with the Bureau of Alcohol,
11 Tobacco, Firearms and Explosives. We are commonly
12 referred to as the ATF.

13 Q And where do you work out of?

14 A I'm assigned to the Greenville Field Office and work
15 primarily in the Anderson County area.

16 Q And what exactly is your job description or duties
17 here in Anderson County?

18 A I focus primarily on violent crime at the Federal and
19 State levels. I do firearm investigations, arson
20 investigations and explosives investigations.

21 Q Now, before you became an ATF agent, did you have any
22 previous or prior law enforcement experience?

23 A I was a Special Agent with the Georgia Bureau of
24 Investigation for, approximately, six years.

25 Q And when you say Georgia Bureau of Investigations,

1 what is that kin to in the State of South Carolina?

2 A It's the State Law Enforcement Division similar to
3 your SLED, the South Carolina Law Enforcement Division
4 here in South Carolina.

5 Q And how long did you work there?

6 A Approximately, six years.

7 Q And what type duties or jobs did you do there?

8 A Again, mostly violent crimes, occasionally political
9 crimes, robberies, things of that nature.

10 Q Now, would a part of your job description be to assist
11 local law enforcement agencies here in Anderson
12 County?

13 A Yes, sir. I do.

14 Q Now, did you have an occasion to assist the Anderson
15 County Sheriff's Office in the investigation of
16 Jamario Jones and the case we're here today on?

17 A Yes, sir.

18 Q Now, as a part of your duties, do you have the ability
19 or the authority to, what they call, trace firearms?

20 A Yes, sir.

21 Q And in this case, were you asked to do that?

22 A I was.

23 Q And can you just briefly describe for the ladies and
24 gentlemen of the jury, what you refer to as firearms
25 trace? What does that mean?

DIRECT EXAMINATION OF SHAWN STALLO BY MR. CAMPBELL

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1 A Despite what most people think, there is no national
2 gun registry. When we trace a firearm, we are able to
3 trace it to the last federal firearms licensee and to
4 whom it was sold. For example, a pawn shop or
5 Grady's, they are a federal firearms licensee. They
6 sell that firearm, we are able to trace it to whom it
7 was sold to. Now, that doesn't mean that firearm
8 can't be transferred or moved around after that. You
9 may sell it to a friend or in the newspaper, which is,
10 in the State of South Carolina, legal. That's not
11 traceable of that nature.

12 Q So, is it under Federal law or State law, is it
13 against, if you purchase a weapon, is it against the
14 laws that I give it to someone else, a family member
15 or a friend?

16 A Not in the State of South Carolina. In some
17 circumstances, it may be, but in Federal law, it's not
18 as well, as long as you do not engage in the business
19 of selling firearms as your business, then you have to
20 get a license. Without that, you are free to trade
21 and swap and things of that nature.

22 Q Now, in this case, did you do a firearms trace?

23 A I did, sir.

24 Q I'm going to show you what's been marked State's
25 Exhibit No. 20, Mr. Stallo. I'm going to show you

1 this. Would you please identify this, sir. It's
2 unloaded, by the way.

3 A This is a Highpoint .380 pistol, semi-automatic that I
4 traced. I believe it was in April or May of 2011.

5 Q So, this is the weapon that you did a firearms trace
6 on?

7 A Yes, sir.

8 Q And when you do a firearms trace, you learn certain
9 information about the purchase or the selling of this
10 gun. Is that correct?

11 A Yes, sir.

12 Q And in this case, what caliber, I mean, what brand or
13 manufacturer is this gun?

14 A It's a Highpoint firearm, CF .380, a .380 caliber,
15 semi-automatic pistol.

16 Q And were you able to determine, was this gun sold
17 legally here in the State of South Carolina?

18 A Yes, sir. It was.

19 Q Do you recall when that was?

20 A It was in February of 2011. I believe it was February
21 4, 2011.

22 Q And where was this gun purchased?

23 A At the B&B Pawn Shop, which is on Main Street here in
24 Anderson, South Carolina.

25 Q And were you able to determine who the purchaser was?

DIRECT EXAMINATION OF SHAWN STALLO BY MR. CAMPBELL

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1 A Yes, sir. I was.

2 Q And who was that?

3 A That was a Ms. Candice Brown.

4 Q And this gun here was bought legally. Is that your
5 testimony?

6 A Yes, sir. It was a purchase an individual made at B&B
7 Pawn Shop in Anderson, South Carolina in February of
8 2011.

9 Q Now, after this gun was purchased, this was the gun
10 that was recovered in this ongoing investigation by
11 the Sheriff's Office. Is that right?

12 A That's what I understand. Yes, sir.

13 Q And as a result, the Sheriff's Office asked you to do
14 this firearm's trace.

15 A Yes, sir.

16 Q So, this gun was recovered and what your information
17 is, it was potentially used in a crime.

18 A Correct.

19 Q Now, after you did this firearms trace on this weapon
20 did you also assist the deputies in the Sheriff's
21 Office investigating this case?

22 A Yes. I was pretty much, from the get-go, involved in
23 the investigation.

24 Q And in this case, did you interview witnesses?

25 A Witnesses, potential suspects, et cetera.

CROSS EXAMINATION OF SHAWN STALLO BY MR. SMITH

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1 Q Now, do you know, when you did this firearms trace,
2 where this weapon was recovered?

3 A I do. A residence off of Street here in
4 Anderson.

5 Q And to get it straight from you, there is no law that
6 says a legal purchaser of a weapon can't transfer it
7 or give it to someone else?

8 A You cannot purchase a weapon for someone else. That
9 would be a straw purchase which is illegal, but if you
10 purchase a firearm, have it for a little while, you
11 might say you don't like it, want to sell it, horse
12 trade it to my buddy, that, as long as that person is
13 not prohibited, that's fine. In the State of South
14 Carolina, that's fine.

15 Q Agent Stallo, I don't have any further questions. If
16 you will please answer any questions Mr. Smith may
17 have.

18 THE COURT: Cross examination?

19 MR. SMITH: May it please the Court.

20 CROSS EXAMINATION OF SHAWN STALLO BY MR. SMITH

21 Q Agent Stallo, tell me what you understand to have
22 occurred at the beginning of this incident. What was
23 the reason for Melody Ellis, to your knowledge, going
24 over to Ronnie Bentley's house?

25 A Based on our investigation, it was a robbery.

CROSS EXAMINATION OF SHAWN STALLO BY MR. SMITH

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1 Q Excuse me?

2 A It was a drug robbery.

3 Q That was the purpose?

4 A That was, what I believe, what Melody Ellis' purpose
5 was:

6 Q Did she get along well with the defendant?

7 A I did an interview with her and no, she did not.

8 Q Why is that?

9 A According to her statement?

10 Q Yes.

11 A When I interviewed her, she told me that she was
12 involved in a dramatic relationship with her over the
13 years in a small community and they didn't get along
14 well.

15 Q And have you had an opportunity to go over all of
16 Ms. Ellis' statements?

17 A I believe I have. I believe I have.

18 Q Have you seen one statement where she doesn't say that
19 her purpose was to go over and fight this woman? One
20 statement.

21 A No. I don't think I've seen one statement.

22 Q So, she has been consistent from the immediate
23 aftermath of this until today. Is that right?

24 A Her statements have. Yes, sir.

25 Q Other than that, you don't know anything that happened

1 invasion and a robbery where Mr. Jones was culpable
2 and was a co-defendant in this matter. That's what I
3 gleaned from the investigation.

4 Q That's your interpretation. Right?

5 A Based on my experience and the information that was
6 presented to me. Yes, sir.

7 Q The information that was presented to you. That
8 included a lack of forensic evidence. Didn't it?

9 A If memory serves, I don't know that -- forensics being
10 fingerprints or -- we had a firearm.

11 Q Anything.

12 A A recovered firearm.

13 Q No. I'm not talking about the firearm.

14 A Oh, from the crime scene?

15 Q Yes.

16 A I don't know that there was any forensic evidence.

17 Q So, there was no evidence other than the victim's
18 statements. Right?

19 A The victim's statements and the photographs that were
20 taken of the house in disarray and then witness
21 statements showing one of the victims screaming out
22 the window after the altercation. I think she pushed
23 the window out and was screaming to call 911.

24 Q After the altercation.

25 A Robbery, altercation.

1 that, through your interpretation, this was a drug
2 robbery.

3 A I believe that's what the suspects talked about prior
4 to entering the residence. Yes.

5 Q And you took statements from Ms. Ellis who told you,
6 "I went just to fight." Right?

7 A Correct.

8 Q Yet, your interpretation was that it was a drug
9 robbery.

10 A That's what -- In my interpretation based on our
11 investigation, what was in the minds of the two
12 suspects that were arrested in this case were, they
13 believed there were drugs in the house and monies.

14 Q I don't know if this is something new in the agency.
15 Can you tell me how you are allowed to read minds?

16 A Well, this was mostly based on prior investigations
17 we've conducted, but mostly on witness -- I'm sorry --
18 victim interviews that said that, explained to me,
19 that when they were going through the residence,
20 "Where's it at?" "Where is this?" and opening the
21 drawers and ransacking the place to a degree and this
22 is based on my experience with other investigations
23 we've worked in the community, that a lot of these
24 daytime robberies are for narcotics, because people
25 think that the police will never be called, so it's

1 statements in the police car to the jail. Didn't she?

2 A I'm not certain, but she did give me an interview.

3 Yes. I spoke with her for an hour or so.

4 Q At any time, did she waiver from the fact that the
5 purpose of going over there was to fight another
6 woman?

7 A No.

8 Q And did she, in fact, fight another woman?

9 A There was an altercation. I don't know if it was a
10 fistfight or more of a, somebody held a gun to
11 someone's head and there wasn't much of a fight there,
12 according to the victim.

13 Q According to the victims.

14 A Yes.

15 Q The victims have had marijuana? Do you recall,
16 through your investigation and speaking to the
17 victims?

18 A Yes.

19 Q And do you recall that one of the victims talked about
20 the marijuana?

21 A If memory serves, one of the victims said that there
22 was maybe user amounts of marijuana in the residence
23 in the past. To my knowledge, no marijuana or any
24 other drugs were discovered inside the residence or
25 paraphernalia, items that would be used to manufacture

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1 discounting everything that Melody Ellis said about
2 going over to fight that girl. Isn't that right?

3 A Yes.

4 MR. SMITH: I have no further questions, Your Honor.

5 THE COURT: Thank you, sir. You may be excused. Call
6 your next witness, please.

7 MR. CAMPBELL: Darcel Taylor.

8 (After being duly sworn by the Clerk of Court, Darcel
9 Taylor testified as follows:

10 CLERK OF COURT: If you would take the witness stand
11 and state your name and spell your last name for the
12 record, please.

13 MR. TAYLOR: My name is Darcel Taylor. My last name
14 is spelled T-A-Y-L-O-R.

15 DIRECT EXAMINATION OF DARCEL TAYLOR BY MR. CAMPBELL

16 Q Ms. Taylor, where do you currently live?

17 A I stay in , South Carolina.

18 Q I'm sorry. I didn't hear you.

19 A , South Carolina.

20 Q . Okay. And how old are you?

21 A I'm 27 years old.

22 Q And do you have any children?

23 A I have two girls.

24 Q And what are their names?

25 A My oldest, she's four now, her name is Minor 1

1 and my youngest is two now and her name is Minor2

2

3 Q And are you employed?

4 A Yes, I am.

5 Q And where are you employed at?

6 A I'm employed at Comfort Care Providers, it's a home
7 healthcare agency, and I am the office administrator.

8 Q Now, on April 15, 2011, were you still living at your
9 address?

10 A At that time, I was in Spartanburg County.

11 Q Okay. And were you employed back in your same
12 capacity in your employment on April 15, 2011?

13 A Yes. I was working two jobs at that time. I was
14 working at BMW on third shift and I had been working
15 there five-and-a-half years and then I started part-
16 time with my company I'm with now, Comfort Care
17 Providers.

18 Q And currently, are you working with BMW any more?

19 A No. I had an accident after this accident. I fell
20 and busted the back of my head and I had to get
21 stitches.

22 Q Now, back in April of 2011, you were friends with
23 Ronnie Bentley?

24 A Yes, I am.

25 Q And she had an apartment, apartment at

1 Apartments?

2 A Yes, sir.

3 Q Would you occasionally go stay over there?

4 A Yes, I would on certain days, like, BMW had work flex
5 shifts and I would have long weekends and on long
6 weekends, I would go down and it would be Thursday,
7 Friday, Saturday and Sunday, Monday, then work would
8 start back up on Tuesday and if I was already working
9 my part-time job already, I'd go back and forth and
10 commute from Anderson County to Greenville County.

11 Q And when you would go see Ms. Bentley, would you take
12 your children with you?

13 A Yes, I would.

14 Q You are the primary caregiver for these two children?

15 A Yes, I am. They stay with me, they live with me, I
16 take them to the doctors, I do everything for them.
17 I'm all they have.

18 Q Now, you said you live in , are you originally
19 from Greenville County?

20 A No, I'm not.

21 Q Where are you from?

22 A I'm originally from Detroit, but I've been raised back
23 and forth between Detroit and Greenville because my
24 Dad is from Detroit and my Mom, she's from Greenville,
25 South Carolina.

1 Q And prior to this, did you have any contacts in
2 Anderson County besides knowing Ms. Bentley?

3 A No. I only know her and her family and that's all.

4 Q Do you know, or did you know at the time, Jamario
5 Jones?

6 A No, I did not. Not until he came into her home that
7 day.

8 Q So, prior to April 15, 2011, you didn't know this man
9 sitting right here. Did you?

10 A No, sir.

11 Q Did you know his co-defendant in this case, Melody
12 Ellis?

13 A No. I did not.

14 Q Now, about what time on the day of April 15, 2011, did
15 you first see Mr. Jones?

16 A The first time ever on April 15th, it was probably
17 around 12:30 or 1:00 and me and my, at the time she
18 was a one-year-old, and we were sitting down watching
19 T.V. and I had a big old teddy bear that we would lay
20 on and the T.V. was directly in front of us and the
21 door is kind of diagonal and I heard a knock at the
22 door and, Ronnie, she came and she answered the door
23 and once again said, "Byrd doesn't live here," and
24 shuts the door.

25 Q And at that point in time, did you get a good look at

1 him?

2 A Yes, I did.

3 Q How was he dressed?

4 A He had a white tee shirt on, he had a low hair cut and
5 he had dark blue jeans on and I seen he had a chip in
6 his tooth.

7 Q Now, after -- did Ronnie let him in the house, in the
8 apartment?

9 A No. The first time, no. She just said, "No, Byrd
10 doesn't live here. I told you that before." And
11 shut the door.

12 Q And the apartment that you were staying at, Ms.
13 Bentley's, could you just briefly describe it for the
14 ladies and gentlemen of the jury?

15 A I mean, the living room is, it's a big huge living
16 room, but the kitchen is small. It's like the size of
17 from here to the ending of that post. (Indicating)
18 That's how big the kitchen is. And then there's the
19 kitchen sink, the stove. It's built for one person
20 and it's for her, but like I said, me and her are
21 friends and me and my kids would come down and she
22 would watch my kids on occasion, because I don't
23 really have nobody to watch them and so they would
24 have their little stuff over in the corner to the
25 left-hand side and in the kitchen, a little princess

1 table that they would eat at and she had one sectional
2 couch that went around the whole living room and then
3 you go to the back, there's her drawers, a walk-in
4 closet that you can put everything in, her bathroom
5 and then her back room and plus I bought a smaller
6 toddler bed for my kids to sleep in when they were
7 there.

8 Q So, he came to the door and he left. Did you see him
9 anytime shortly after that?

10 A After the first knock, then the second knock came.
11 Ronnie, she was on the phone with her sister, because
12 she was getting ready to go talk to her landlady about
13 something and her sister, her and her sister, they
14 were talking on the phone and then ---

15 MR. SMITH: Objection, Your Honor, speculation.

16 THE COURT: Sustained.

17 Q Ms. Bentley was on the phone, and while she was on the
18 phone, what happened next?

19 A Well, she was on the phone and she said, "Well, I'll
20 be right back and there was a knock on the door and I
21 said, "Get the door again," and then next thing you
22 know, the only thing I seen was a black gun and a
23 black glove holding the gun and he said, "Give it up."
24 Excuse my language, but he said, "Give it up. Where
25 the fucking money at? Where's the fucking money at?"

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1 And he told her to turn around. She drops her phone
2 and I didn't know what was going on at the time and I
3 was just holding my little girl and she starts crying
4 and he says, "Come on, you know what this is." And he
5 says, "Come on, get in here." And he makes her come
6 in, leave from the door, makes her go into the kitchen
7 and says, "Get face down." She gets face down on the
8 kitchen floor and the next thing you know, once she
9 was positioned on the floor, that's when his, whoever
10 she is, comes in and she shuts the door and she locks
11 it behind her and then she comes in ranting and
12 raving, "Oh, so you think you all are bad, talking
13 shit, da, da, da, da," and then he comes back out
14 pointing the gun and points at me. They are
15 alternating, she's in there taunting her and he comes
16 out and asks me "Where's the money at?" And I tell
17 him there's no money, there's nothing in here, and he
18 goes back in, puts the gun back to the back of her
19 head and she comes out and says, "Well, baby girl, I
20 know you know where it's at, give it up." And I'm
21 like, "Nothing's in here. There is nothing in here."
22 I'm holding onto my little girl, because she's crying.
23 My three-year-old, at the time, she's in the back
24 watching Spongebob and she, like I always told her,
25 "just stay in your room and just watch T.V.," and she

1 leaves and goes back into the kitchen with Ronnie. He
2 comes out and he has the gun on me, but he's still
3 searching around the apartment and he's asking,
4 "Where's it at, where's it at?" And I told him, "I
5 don't have anything, there's nothing there, there's no
6 money." And it just keeps continuing and the next
7 thing you know, the girl, she comes back out asking me
8 one last time, asking like it's one last time and I'm
9 still sitting down and she was kneeling down towards
10 me and with her doing that, I'm thinking she's just
11 going to go back and do whatever, but she comes back
12 and next thing you know I see a foot go full force and
13 comes at my face, so I cover my child, because she's
14 still on my left side and I'm still getting kicked in
15 the face and that's when my three-year-old comes
16 around and then she sees me and she says, "Mommy,
17 what's going on?" And then she stops finally and goes
18 back to the kitchen where Ronnie was and starts
19 kicking here, all on her left side, starts kicking her
20 on her left side and he comes back out with the gun
21 and he didn't know my three-year-old was right there
22 and so he swung to the left and came back and put the
23 gun on me and then he went to the back and he goes to
24 the back and he's checking the closet that's right
25 there when you walk through the hall, he goes to back

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1 and I get up with my one-year-old and I walk to the
2 back and I'm checking on my daughter, because that's
3 the only thing I'm worried about and he's pointing the
4 gun at me and telling me, "Sit down. Sit down." And
5 I'm like, there's nothing in here, there's nothing in
6 here. That's the only thing I can keep repeating and
7 at this time, I'm trying to calm both my kids down and
8 I keep telling my three-year-old to go back in the
9 room and then that's when he goes back to the kitchen
10 and he's still searching in the cabinets and stuff and
11 she comes and she's pulling on me and telling me to go
12 in the kitchen and check and making me open up and go
13 through the refrigerator, the drawers and everything.
14 We always would have money there on the side just in
15 case and she is still taunting her and while she's
16 still kicking her, kicking Ronnie while she's on the
17 ground, Ronnie has not moved once, because he said he
18 would blow her head off if she moved and then she was
19 talking and just saying, "Oh, you think you're bad,
20 talking about me in the streets," and just saying all
21 this other stuff and telling me, "Why you with this
22 loser," and all this irrelevant stuff and if you come
23 to fight somebody and then she was like, "Ain't
24 nothing in here. This bitch ain't got nothing, she
25 ain't worth shit and then she says, "Come on," and

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1 then he seen that I slid my phone underneath my teddy
2 bear because I was trying to call for help, but he
3 locked my phone. Somebody went through my purse,
4 because it was beside the door. We have a chair
5 that's right beside the door and I just said, "Please,
6 just leave my phone. Just leave my phone," because he
7 already had hers and he left my, he gave me my phone
8 and told me, "Don't call the police." I can't call
9 nobody, because it's locked. Once they ran out, I'm
10 still holding my daughter. I locked the door. I put
11 the chain on it and I go back there and I check on
12 Ronnie, because she's just bleeding all from the side
13 of her head and she has knots and bruises all down her
14 body. Then I look, I seen my little girl. She was
15 bleeding from the top right-side of her head where she
16 got kicked at. She has a permanent scar on the top of
17 her head now and a knot still there. My three-year-
18 old, now who is four, she is having, just keeps
19 saying, "Mommy, what's going on? What's going on?"
20 And I don't know what to tell her and I didn't know
21 anything that happened to me, but when somebody comes
22 into your home or whatever, I have this result now. I
23 have no top teeth. They cut them and they are
24 deteriorating now, so with all that I'm going through
25 extensive surgery that I can't pay for, because yeah,

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1 I just left my job for a year now, well, this month
2 will be a year and so without insurance, they want you
3 to pay \$1800.00 up front. And my little girl, I had
4 to take her to the doctor just to make sure nothing
5 was damaged with her and taking my youngest to make
6 sure -- she suppresses everything and Ronnie's just
7 worried about us and everybody was outside. It was a
8 bright day. You could see what was going on and
9 nobody calls the police. For her sister to have to
10 hear on the phone and her sister and Mom come over
11 there. It doesn't make sense. After that, I don't
12 know where they went or how they went. I just knew
13 everybody in the whole apartment complex was outside.
14 There was a guy who kept asking about, was outside
15 trying to be like, "Oh, what's going on," looking
16 around and you don't know what's going on, but
17 somebody said they heard a gunshot because the window
18 got broken when they were throwing stuff all over the
19 place and there was glass everywhere and all over my
20 kid's toys.

21 Q Now, Ms. Taylor, when you saw him come in the second
22 time, you say you saw the gun. He also had gloves on
23 his hands?

24 A The first time ---

25 MR. SMITH: Objection. Leading.

THE STATE OF SOUTH CAROLINA VERSUS JAMARIO QUINTON JONES

1 THE COURT: Re-phrase, please.

2 Q Ms. Taylor, when you saw him the second time, when he
3 came to the door, did Ronnie voluntarily let him come
4 through the door?

5 A No. She was just answering the door and the next
6 thing you know, a gun is right there, and so when
7 somebody tells you to move, get back, turn around, you
8 know what this is, you're going to turn around and not
9 do anything because you are fighting for your life,
10 because that's how the gun was, pointed at her in her
11 face while she had the phone up to her head and says,
12 "Turn around. You know what this is." And so, the
13 door is forcefully pushed open instead of inviting
14 somebody in.

15 Q And when you saw him with the gun, was he wearing
16 anything?

17 A He just had black gloves on this time, I guess to
18 cover up, but he didn't have no mask on, his face was
19 clear as plain as day, he still had on the white tee
20 shirt and blue jeans on.

21 Q And that's how he was dressed when you saw him
22 earlier?

23 A Yes, sir.

24 Q Just a few minutes prior to that.

25 A Yes, sir.

1 Q So, the only difference was, he had gloves on this
2 time.

3 A That's the only difference.

4 Q Do you think he knew your kids were there?

5 A I'm not sure. I can't state or say, but once he saw
6 my three-year-old, he started getting shaky.

7 Q And the co-defendant who's known as Ms. Ellis, the
8 girl that you saw in there.

9 A Uh-huh.

10 Q How was she dressed?

11 A She had on a burgundy, she had long dreads pulled back
12 in a ponytail, she had on a burgundy Bojangles shirt,
13 because it had the Bojangles logo and everything in
14 yellow written on the back and Bojangles written on
15 the bottom. I'm not sure if it was navy blue or
16 black, but they were Dicky shorts with black shoes.

17 Q And how long after -- he was in the apartment first.
18 Is that right?

19 A Yes, sir.

20 Q How long was he in the apartment before she showed up?

21 A Before she showed up, it was thirty seconds to a
22 minute, because he made sure she was secured on the
23 ground and next thing you know, she walks in, she
24 shuts the door and she locks it.

25 Q And when you saw her, did she have any type of weapon

1 in her hands?

2 A She didn't have anything in her hands.

3 Q So, the only person you saw with a weapon was him.

4 A Yes, sir.

5 Q And that was a gun?

6 A Yes, sir.

7 Q Now, can you describe the gun that you saw?

8 A I just remember seeing a black gun and it was pointed
9 at the back of her head, pointed at my face and just
10 going all over the room, because just to make you to
11 stay somewhere, telling you to sit down, don't move.
12 That's all I remember.

13 Q And when the gun was pointed at you, were you holding
14 your child, your one-year-old child, in your arms at
15 that time?

16 A Yes, sir. I never let go of my daughter. She stayed
17 on my side. If a child is crying, they are not going
18 to want to get down from a parent.

19 Q And when the three-year-old came out of the back
20 bedroom -- Minor 1 is her name?

21 A Yes, sir.

22 Q Did I say that right?

23 A Uh-huh. Minor 1

24 Q When Minor 1 came out of the room, did he point the
25 gun at her?

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1 A He swung -- when he seen her say, "Mommy, what's going
2 on," because that's when she seen the girl attacking
3 me, then he swung over the left and then came back to
4 me to make sure I sat back down because I was getting
5 up before I could tell her to just sit down, go back
6 into your room and he said, "No, you sit down, stay
7 right there." I'm not going to sit down. Those are
8 my kids and if he had to kill me for that, then that
9 would have been that, but I'm still going to protect
10 my kids.

11 Q And do you know exactly what they were looking for?

12 A He came in and say, "Give me all your money and give
13 up the weed," but there's nothing there. I'm not
14 going to have my kids around something -- I work two
15 jobs, for God's sakes. I'm a single parent and so if
16 I'm selling or if anybody's selling, why would I have
17 need to have this and I'm paying my taxes, I'm doing
18 all this. There's no such reason for me to even go --
19 why would I want to risk my life?

20 Q Would you have even taken your kids over to Ms.
21 Bentley's house if there was evidence of drug use or
22 drug dealing?

23 A No. I would not.

24 Q And was there any?

25 A No. There was not.

1 Q And after you -- after they left and you locked the
2 door -- about how long were they in the apartment,
3 from your recollection?

4 A They were in there for a good thirty minutes going on
5 an hour and with all that noise and people were
6 outside, nobody did anything.

7 Q And did you yell out, after they left, for someone to
8 call 911?

9 A No. Ronnie, she yelled out, because she was so upset
10 and she was bleeding. That's when we all started
11 noticing the scars and everything and she was like,
12 "Y'all standing out there. Y'all call the police,"
13 because nobody had called the police that we knew of.

14 Q And did law enforcement respond?

15 A Yes, they did, because her sister had called the
16 police and her Mom was calling the police and they had
17 got there -- her Mom and sister had arrived two
18 minutes right after they had ran out the door.

19 Q And law enforcement showed up pretty quickly after
20 they left. Is that right?

21 A They did.

22 Q And you spoke to the detectives on the scene?

23 A Yes, sir.

24 Q And you described to them what had happened or taken
25 place as you remembered it or recalled it?

DIRECT EXAMINATION OF DARCEL TAYLOR BY MR. CAMPBELL 163

1 A Yes. I did.

2 Q And you also gave them a description of the suspects
3 or the two individuals that came to the apartment and
4 attacked y'all.

5 A Yes.

6 Q And prior to this, had you ever seen the other girl,
7 the Ellis girl?

8 A Prior to this -- I stay to myself. I've never seen
9 her. I don't know nobody in Anderson County. I don't
10 know you, (indicating juror) I don't know anybody
11 before today.

12 MR. CAMPBELL: Court's indulgence, please.

13 Q Ms. Taylor, this man seated right here, (indicating)
14 Mr. Jones, is that the man that came through the door
15 on ---

16 A Yes, sir.

17 Q --- April 15, 2011?

18 A Yes, sir. It is.

19 MR. CAMPBELL: Your Honor, for the record, I don't
20 know if I did this prior to this, but let the record
21 reflect that she is referring to Mr. Jones, the defendant
22 in this case.

23 THE COURT: Right. So reflected.

24 MR. CAMPBELL: I have no further questions. Your
25 Honor, may Mr. Smith and I approach?

CROSS EXAMINATION OF DARCEL TAYLOR BY MR. SMITH

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1 THE COURT: Yes, sir.

2 (Bench conference off the record)

3 (Break)

4 THE COURT: Is the defense ready to proceed?

5 MR. CAMPBELL: Yes, sir.

6 THE COURT: Are you ready to proceed?

7 MR. SMITH: Yes, sir.

8 THE COURT: Bring the jury in, please.

9 (Jury in at 11:13 a.m.)

10 THE COURT: All right, Mr. Smith, are you ready for
11 cross examination?

12 MR. SMITH: Yes, sir. May it please the Court.

13 CROSS EXAMINATION OF DARCEL TAYLOR BY MR. SMITH

14 Q Good morning, Ms. Taylor.

15 A Good morning.

16 Q With regard to that morning, when Mr. Jones and Ms.
17 Ellis came into the residence, where were you sitting?

18 A I was sitting in the middle of the couch. It's a
19 sectional couch and I was in the middle of it.

20 Q Can you tell me where the door is?

21 A The door is diagonal, the door is like -- say this
22 corner is the door (indicating), and then diagonally
23 the couch goes all around the living room and I'm on
24 the couch and then the teddy bear is right here and my
25 little girl is beside me and the T.V. is in front of

CROSS EXAMINATION OF DARCEL TAYLOR BY MR. SMITH

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- 1 Q Do you take your two-year-old now for counseling, as
2 well?
- 3 A No. I don't.
- 4 Q How many visits with Dr. Levine have with ---
- 5 A Dr. Nevine. "N".
- 6 Q Nevine.
- 7 A "N" as in Nancy.
- 8 Q How many visits did Minor1 have with him?
- 9 A She only had three visits.
- 10 Q With regard to the first time Mr. Jones was at the
11 residence, where were you at that point?
- 12 A The first time?
- 13 Q Yes.
- 14 A When he knocked on the door that first day?
- 15 Q Sure.
- 16 A I was ---
- 17 Q Now, wait. You did say about noon. Right?
- 18 A Yeah, that's what I'm saying. The first day, when he
19 knocked the first time. The same day when he knocked
20 the first time.
- 21 Q I'm sorry. Okay. Yes.
- 22 A I was in my same position on the couch, because it was
23 my day off, so I wasn't going nowhere, I was lounging
24 around.
- 25 Q And you know for a fact that he didn't have gloves on

1 watching T.V. with my child and Ronnie was walking out
2 the door while she was answering it and ---

3 Q So, right at that moment, you started changing your
4 password and someone got into your account or
5 something of that nature?

6 A No. I was just taking it off. I mean, I was at home.
7 I was just sitting and doing nothing watching T.V.
8 with my child and so I always have my phone in my hand
9 or my phone is beside me, so I mean, I can play apps
10 or my games, I can change my password on my phone. I
11 can do a whole bunch of stuff on my phone and so at
12 that time, I was just changing my password and when I
13 was in the midst of doing that, it got locked. When
14 you're in the midst of changing your password, it gets
15 locked and you don't know the new password to it, you
16 can't get in your phone.

17 Q No one took that phone from you. Right?

18 A It got taken at the end, because he seen that I had
19 my phone underneath my teddy bear and I told him to
20 give me my phone back and he gave me my phone and he
21 said, "Don't call the police."

22 Q So, he was robbing you and he gave you a way to call
23 the police and he simply said, "Don't call the
24 police?"

25 A Well, yes. It sounds stupid, but I don't know why he

DIRECT EXAMINATION OF RONNIE BENTLEY BY MR. CAMPBELL 198

1 MR. CAMPBELL: Your Honor, the State calls Ronnie
2 Bentley to the stand.

3 (After being duly sworn by the Clerk of Court, Ronnie
4 Bentley testified as follows:)

5 CLERK OF COURT: If you would take the witness stand
6 and state your name and spell your last name for the
7 record, please.

8 MR. BENTLEY: My name is Ronnie Bentley.
9 B-E-N-T-L-E-Y.

10 DIRECT EXAMINATION OF RONNIE BENTLEY BY MR. CAMPBELL

11 Q Ms. Bentley, how old are you?

12 A Twenty-four.

13 Q And where are you from?

14 A I'm from Anderson.

15 Q Did you go to school here?

16 A I did.

17 Q Where did you go to school?

18 A I went to Westside.

19 Q And where do you currently live?

20 A Still at my address,

21 Q And I know you're real soft spoken, you'll have to
22 speak up.

23 A Okay.

24 Q Now, you're living today where you were living on
25 April 15, 2011?

1 A That's not my residence. I'm staying with my sister.

2 Q Do you still have that apartment?

3 A Yes, sir.

4 Q Why are you staying with your sister now?

5 A Because I don't want to go home.

6 Q What for? The reason why.

7 A Because I got robbed.

8 Q Is that why we're here today? Are you talking about
9 this robbery?

10 A Yes, sir.

11 Q Now, how long have you had the apartment at the
12 Apartments?

13 A Three years.

14 Q Three years? Okay. And in April of last year when
15 you were staying there, Ms. Taylor would bring her
16 kids over there every now and then and spend the
17 weekend with y'all?

18 A She did.

19 Q Now, do you know Jamario Jones?

20 A I don't.

21 Q Had you met him prior to April 15, 2011?

22 A I met him April 13th.

23 Q Please tell the ladies and gentlemen of the jury about
24 that.

25 A I met him April 13th through my cousin, whose name is

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1 Quenton Byrd. I was introduced to Jamario as his
2 cousin. We just said, "Hey," and that was that.

3 Q Did he come into your apartment?

4 A No.

5 Q Was it outside the Apartments?

6 A It was. It was at a friend's house.

7 Q Now, you said Quenton Byrd. Does he live in the area?

8 A He said that he lives across the street from our
9 apartments.

10 Q Can you see it from your apartment?

11 A I can.

12 Q Now, when you saw him on April 13th -- you said, April
13 13th?

14 A Uh-huh.

15 Q How long did you talk to him?

16 A Just to know his name.

17 Q And prior to that date or prior to being introduced to
18 him by Quenton Byrd, you hadn't seen him before?

19 A No.

20 Q Now, when was the next time that you had the
21 opportunity to see Mr. Jones?

22 A The next day, on the 14th.

23 Q Okay. And what was that about?

24 A He came to my door and asked me was Byrd there. I
25 told him Byrd wasn't there.

1 Q And when he came to your door, was he by himself?

2 A He was.

3 Q Did you let him into your apartment?

4 A No. I did not.

5 Q How long did the conversation or meeting with him at
6 your door last?

7 A No more than three seconds.

8 Q I'm sorry. I didn't hear you.

9 A Nor more than five or six seconds.

10 Q So, you just told him Byrd wasn't there and closed the
11 door?

12 A Uh-huh.

13 Q Now, your apartment, are you on the first floor or
14 second floor of your apartment building?

15 A Second floor.

16 Q And how close do you think you are to the Belton Mart,
17 the little convenience store down the road?

18 A Nor far at all. It's walking distance.

19 Q How about the Belton EMS station?

20 A Walking distance.

21 Q Now, after you saw him, I guess it would be the day of
22 April 14th, when he came to your door, did you see him
23 at any other time the rest of that day?

24 A No. Not that day.

25 Q When was the next time you saw him?

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- 1 A April 15th.
- 2 Q And on that day, can you just tell the ladies and
3 gentlemen of the jury what you did earlier that day?
- 4 A I went to Anderson with my friend, the same friend
5 that I met him at her house. I went to Anderson. I
6 went to my sister's house, because I had a meeting
7 with my rent lady when I got back home.
- 8 Q And you came back home.
- 9 A Uh-huh.
- 10 Q Was Ms. Taylor at your apartment when you got home?
- 11 A She was.
- 12 Q Were her two children there?
- 13 A They were.
- 14 Q Now, when you came back from Anderson, you went back
15 to your apartment?
- 16 A Yes, sir.
- 17 Q At any point while you were in your apartment, did you
18 have an occasion to come into contact, again, with Mr.
19 Jones? When was the next time you saw him?
- 20 A When he knocked on my door.
- 21 Q And do you know, approximately, what time of day that
22 was?
- 23 A It had to be about two, two ten, maybe.
- 24 Q Was it before the opportunity you had to meet with
25 your landlady?

1 A Yes.

2 Q Now, when you saw him, can you please describe what he
3 looked like, how he was dressed?

4 A He is a black male. He had a low-cut.

5 Q When you say, low-cut, what are you talking about?

6 A He didn't have as much hair as he has now. It was
7 shorter than that. He had a white tee shirt on and
8 bluejeans.

9 Q And this was in the daylight hours. Is that right?

10 A It was.

11 Q And when you saw him this time, what, if anything, was
12 said between the two of y'all?

13 A When he came to my house and knocked the first time?

14 Q Yes, ma'am.

15 A He asked me where Byrd at.

16 Q Was this the same thing he had asked you the day
17 before?

18 A It was.

19 Q And what did you tell him?

20 A I told you the other day that Byrd doesn't stay here.
21 I slammed my door and locked it.

22 Q Did you think this was peculiar or funny?

23 A It was. I didn't know why he would come to my house.

24 Q When you met him the first time on April 15th, this
25 time, did you allow him to come into your apartment?

1 A No.

2 Q Now, after you closed the door, what, if anything,
3 were you doing next?

4 A I kissed the girls and my cell phone rings and I'm
5 talking to my sister and I hear a knock on my door and
6 I go to my door and it's Jamaro standing at my door
7 with a gun in my face and he said, "Get the fuck off
8 the phone." I dropped my phone instantly and he was
9 lowering me in the kitchen telling me to get the fuck
10 on the ground.

11 Q Now, I want to step you back just a second. When he
12 knocked on the door the second time and you opened it,
13 you were on the telephone?

14 A I was.

15 Q And you were talking to you sister.

16 A I was.

17 Q Now, did you say anything to your sister while you
18 were on the phone with her?

19 A No.

20 Q Why not?

21 A I was shocked.

22 Q And how was he dressed this second time, when you saw
23 him the second time?

24 A Still the same way, a white tee shirt and bluejean
25 pants.

1 Q Except this time, he had a gun. Is that right?

2 A Yes. He had a black gun and black gloves.

3 MR. SMITH: Objection.

4 THE COURT: Re-phrase.

5 Q What did he have with him this time that he didn't
6 have the previous time you had seen him?

7 A He had black gloves on and a gun.

8 Q Do you know what kind of gun it was?

9 A Like a police gun.

10 Q And what color was it?

11 A Black.

12 Q Now, when he came to the door the second time with the
13 gun, did he force his way into your apartment?

14 A He did.

15 Q You didn't allow him to come in voluntarily, did you?

16 A No.

17 Q What, if anything, did you do with the phone that you
18 were holding?

19 A I dropped it.

20 Q And did you say anything to your sister prior to
21 dropping the phone?

22 A She had hung up.

23 Q So, your conversation with your sister was very short?

24 A Uh-huh.

25 Q You have to use words, because she is taking down

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1 everything you say for the record, so you have to use
2 words, please, ma'am. Okay?

3 A Okay.

4 Q Now, so you were on the phone and the phone call had
5 ended, the conversation had ended with your sister.

6 A It did. When I dropped my phone, I guess she hung up,
7 because she wasn't on the phone.

8 Q But you didn't tell her, "I have to go" or "I have to
9 get off the phone."

10 A No.

11 Q Now, when he came in, did he lay hands on you?

12 A No. He didn't.

13 Q What did he do?

14 A He directed me to the kitchen with the gun and told me
15 to get the fuck on the floor and going through my
16 kitchen and scrambling through everything.

17 Q Did he put you on the floor?

18 A He did.

19 Q I'm sorry, I couldn't hear you.

20 A He did.

21 Q Okay. Did he ask you or make you get on the floor?

22 A He told me to get the fuck on the ground, or motioned
23 me with the gun.

24 Q At any point, when he had the gun held to you, was it
25 to the back of your head?

- 1 A It was.
- 2 Q Did he ever actually touch you physically with the
3 gun?
- 4 A No. Not with the gun.
- 5 Q And what was going through your mind at this time?
- 6 A That I was going to be dead.
- 7 Q Were you scared?
- 8 A I was.
- 9 Q And did he tell you what reason or why he was there?
- 10 A No. He said, "Where's the money?" "Where's the
11 weed?" I told him I didn't have anything.
- 12 Q Did you have any money?
- 13 A The money that he took.
- 14 Q And did you have any weed?
- 15 A No.
- 16 Q And when you're talking about weed, are you talking
17 about marijuana?
- 18 A Uh-huh.
- 19 Q You have to use words again, ma'am.
- 20 A Yes.
- 21 Q And you didn't have any in the house?
- 22 A No.
- 23 Q Now, while this was going on, did anybody else, when
24 he first knocked on the door, was anybody else with
25 him?

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1 A No. Not that I recall.

2 Q Let me ask you this: Is Jamarion in the courtroom
3 today?

4 A Yes. He's right there.

5 Q You are referring this man with the gray shirt?
6 (Indicating)

7 A Yes, sir.

8 Q The defendant in this case?

9 A Yes, sir.

10 Q And this is the man who robbed you back in 2011?

11 A Yes, sir.

12 Q And when he came to the door the second time, did he
13 do anything to try to hide his identity or who he was?

14 A No. Just wearing the gloves.

15 Q Nothing over his face or anything like that?

16 A No.

17 Q Now, as this was going on, or prior to that, when he
18 came to the door the second time, was anybody else
19 with him that you could see?

20 A No.

21 Q Did anybody else come into your apartment while this
22 was taking place?

23 A They did.

24 Q And who was that?

25 A Melody Ellis.

1 Q Now, you didn't know Mr. Jones, but did you know Ms.
2 Ellis?

3 A I know of her.

4 Q And did you previously know her?

5 A I know of her. We dated the same women.

6 Q Now, did you and her have something ongoing, a feud or
7 something like that?

8 A Well, we're two studs.

9 Q Did either one of you have an argument pending with
10 each other, did y'all have a running feud?

11 A No.

12 Q And when she came in, did she say anything to anybody
13 in the room?

14 A She said something to me.

15 Q What did she say?

16 A She told me that I already knew what this was, where
17 the fuck is the money, I'm riding around in \$20,000.00
18 cars, you go around talking about me having sex with
19 men, I rob you in broad daylight. She was kicking me
20 and told me to get the fuck up and fight her. I was
21 like, how am I supposed to fight you when you have a
22 gun at my back and she said he has the gun.

23 Q At any point, did she have a weapon?

24 A She didn't

25 Q So, Mr. Jones was the one that held the gun on you the

1 entire, or had the gun the entire time?

2 A Yes, sir.

3 Q Now, you said she was kicking you. Where, about, what
4 part of your body were you kicked?

5 A She kicked me on the left side of my face and after
6 I'd been kicked many times, I covered my face with my
7 left arm and had a big bruise here where she was
8 kicking my arm then.

9 Q Now, when this was going on and she was assaulting
10 you, what was Mr. Jones doing?

11 A He was walking around the house with the gun, coming
12 back and forth, making sure I wouldn't move.

13 Q And, at any point, did he start going through your
14 drawers in the kitchen?

15 A He did. He started going through my drawers and then
16 he started going through my back pockets to make sure
17 if I had money in those.

18 Q And was he able to get any money?

19 A He did.

20 Q Approximately, how much?

21 A Twenty dollars.

22 Q Did he get it out of your drawers?

23 A He got money out of the drawers and ---

24 MR. SMITH: Objection. Leading.

25 THE COURT: Overruled. Go ahead.

- 1 Q As he was going through the drawers, you indicated he
2 was looking for money.
- 3 A Yes. He was.
- 4 Q Did he get any money out of your drawers in the
5 kitchen?
- 6 A He did.
- 7 Q Approximately, how much was that?
- 8 A Three and a quarter, maybe.
- 9 Q And you also stated that he went through your pockets.
- 10 A He did.
- 11 Q And as he was going through your pockets, where were
12 you?
- 13 A I was still laying down on the ground.
- 14 Q And did he still have the gun in his hand?
- 15 A He did.
- 16 Q Did you reach into your pockets and pull the money out
17 or did he reach into your pockets?
- 18 A He pulled my money out.
- 19 Q And where was your money? Was it in the front pocket
20 or your back pocket?
- 21 A I believe it was in my back pocket, on the lefthand
22 side.
- 23 Q Approximately, how much did he get off your person?
- 24 A Twenty dollars.
- 25 Q And so, total, he got close to \$350.00?

1 A Yes.

2 Q You don't know the exact amount, do you?

3 A No.

4 Q And the money that he got, was it all cash?

5 A It was.

6 Q Did Ms. Ellis also participate in going through the
7 drawers?

8 A She did.

9 Q Now, besides the kitchen drawers, did they go through
10 any other parts of your apartment?

11 A They were taking turns going back and forth. I mean,
12 I was on the ground, but they did go in and out the
13 kitchen.

14 Q Could you hear them?

15 A Yeah, I heard them.

16 Q Did you ever look up and see what was going on?

17 A No, I was just praying that he wouldn't shoot me.

18 Q Now, at some point, did they eventually leave your
19 apartment?

20 A They did.

21 Q And did you see them leave?

22 A I heard them leave. I was still on the ground.

23 Q You still haven't looked up at this point in time?

24 A No.

25 Q And after they left, what, if anything, did you do

1 next?

2 A I got up and went to the window and I seen that the
3 window was broke and I just yelled out somebody call
4 the police. All y'all out there, somebody call the
5 police. It seemed like the whole apartment complex
6 was like right there in front of my window. I mean,
7 they heard all this and nobody called the police.

8 Q That kind of upset you?

9 A It did.

10 Q Did -- now this window we're talking about, was it a
11 normal window? Was it broken or was it not broken?

12 A It was broken. It wasn't broken before the incident
13 happened.

14 Q Well, let's talk about the window. The window, prior
15 to them coming in, was anything wrong with that
16 window?

17 A No.

18 Q Was the glass broken in the window?

19 A No.

20 Q And after they left, was anything wrong with the
21 window?

22 A It was shattered.

23 Q And did you see it get shattered or how it got
24 shattered?

25 A No.

1 Q Did you hear it?

2 A I heard a lot of commotion.

3 Q Did you hear the glass break?

4 A I heard a loud bang. That's all I heard. I never got
5 up, because I was scared.

6 Q So, you never looked up to see exactly what was
7 happening?

8 A No.

9 Q But after they left, did you notice the condition of
10 the window?

11 A I did.

12 Q And what was it?

13 A It was shattered.

14 Q And was there glass on the floor?

15 A Yes.

16 Q And did you yell out this window?

17 A I did.

18 Q And the window, does this window face the road as you
19 come into the apartment complex?

20 A Yes.

21 Q Now, did you, yourself, call 911?

22 A No. I did not.

23 Q Do you know who called 911?

24 A No. I'm thinking maybe my sister or my Mom, because
25 right after I yelled out the window, there was another

1 knock on my door and I went to my door and I was like,
2 don't go to the door. I was like, we just got robbed,
3 like, what's going on, and it was my sister and my Mom
4 at the door. She was telling me that they had told
5 her somebody was up there with a gun. She was
6 pregnant at the time, but she comes up there.

7 Q Now, what type of injuries did you receive or sustain
8 as a result of this robbery and assault?

9 A Just like my face injury.

10 Q Any other parts of your body?

11 A My arm.

12 Q And was it was just your left side, as you're
13 indicating, or your right side, too?

14 A My left side.

15 Q And after you saw your mother and your sister shortly
16 thereafter when they knocked on the door, did law
17 enforcement come?

18 A They did.

19 Q And did you speak to them?

20 A I did.

21 Q Did you see Detective Johnson there?

22 A I did.

23 Q And did you give them permission to search your house?

24 A I did.

25 Q And when they went to search your house, were you

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1 inside your apartment?

2 A No.

3 Q So, it was just law enforcement themselves?

4 A Yes.

5 MR. CAMPBELL: Court's indulgence just a second.

6 THE COURT: Yes, sir.

7 Q Ms. Bentley, I want to show you a series of
8 photographs and for the record, I have shown these to
9 Mr. Smith.

10 THE COURT: Any objection?

11 MR. SMITH: No, sir.

12 THE COURT: Admitted without objection.

13 Q Ms. Bentley, I'm going to show you these photographs.
14 First, I want you just to briefly identify them, know
15 what they look like or know what they are of and if
16 they accurately represent what they depict and then
17 I'll ask you to come off the stand and we'll explain
18 what they are.

19 A Okay.

20 Q I'm going to show you what's marked as State's Exhibit
21 Nos. 17, 18, and 19. Could you please ma'am identify
22 what these are.

23 A Those are bruises on my arm where she kicked me.

24 Q Well, first of all, are these pictures of you in these
25 three photographs?

1 A They are.

2 Q And these photographs represent some of the injuries
3 you received as a result of this altercation, robbery?

4 A Yes.

5 Q And these photographs here were not taken the day of
6 the assault. Were they not?

7 A No.

8 Q It was a couple of days later?

9 A Yes.

10 MR. SMITH: Objection. Speculation.

11 THE COURT: I overrule on the basis of the objection.

12 Go ahead.

13 Q I'm going to show you what has been marked ---

14 MR. SMITH: Objection to hearsay.

15 THE COURT: Overruled.

16 Q Marked State's Exhibit Nos. 4, 5, 6, 7, 8, 9, 15, and
17 16. I don't want you to explain this. I just want
18 you to look at them and just tell me what these
19 pictures, as a group, represent.

20 A This is where I stayed.

21 Q Just look at them first and then we'll go through
22 them. These photographs represent where you lived?

23 A Yes.

24 Q And they fairly and accurately represent your
25 apartment complex and your apartment?

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1 A Yes.

2 MR. CAMPBELL: Your Honor, may I have the witness step
3 down and have her explain a little more in detail?

4 THE COURT: Yes, sir. Please, step down. (Witness
5 complies)

6 Q All right. Ms. Bentley, I want to show you these
7 photographs on that display up there. If you could
8 please describe what this photograph is depicting.

9 A I have a bruise right here.

10 THE COURT: Identify the exhibit number, please, sir.

11 MR. CAMPBELL: That's number 17, Your Honor.

12 A I have a bruise here, much bigger. I have knots here.

13 Q And these photographs here, they were not taken the
14 day of the incident. Is that right?

15 A No. They weren't.

16 Q Do you recall how many days after the fact they were
17 taken?

18 A It might have been almost a week.

19 Q And you are still showing a bruise on the inside of
20 your arm.

21 A Yes.

22 Q State's Exhibit No. 18, what is that depicting?

23 A That's a bruise.

24 Q Is this the bruise on the inside or outside of your
25 arm?

1 A Outside.

2 Q Now, you're going to have to speak up.

3 A That's the outside.

4 Q I'm going to show you what has been marked as State's
5 Exhibit No. 19. What is that depicting, ma'am?

6 A The same bruise.

7 Q Just at a different angle?

8 A Yes.

9 Q Now, I'm going to show you two photographs that you
10 acknowledge are pictures of your apartment at

11 . This is State's Exhibit No. 4. Could you
12 please just identify this, please, ma'am, what it
13 shows.

14 A The complex, but you can't see my apartment in this
15 picture.

16 Q And these apartment buildings are two-story?

17 A Yes.

18 Q Approximately, how many apartment buildings are there
19 in the Apartment Complex?

20 A Nine units. Eight apartments in every unit.

21 Q So, there are four apartments upstairs and four units
22 downstairs?

23 A It is.

24 Q And what is this over here? What building is this?

25 A That's the office.

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- 1 Q And your apartment is in this building right here?
- 2 A Yes.
- 3 Q Which, where would your apartment be located?
- 4 A Right there.
- 5 Q Upper right-hand corner?
- 6 A Yes.
- 7 Q I'll show you what has been marked as State's Exhibit
- 8 No. 5. Can you show me which, look at this photograph
- 9 and tell us where your apartment is located?
- 10 A Right here.
- 11 Q And the window that you talked about being broken, is
- 12 it shown in this photograph?
- 13 A It is.
- 14 Q Which one is it?
- 15 A The first one.
- 16 Q And that's the window you yelled out of for someone to
- 17 call 911?
- 18 A Yes.
- 19 Q State's Exhibit No. 6. What is that depicting?
- 20 A That's my apartment complex.
- 21 Q That's just showing your building and the apartments
- 22 in there?
- 23 A Yes.
- 24 Q State's Exhibit No. 7. What is that depicting?
- 25 A That's my apartment.

1 Q Is that the backside or the front side?

2 A Front side.

3 Q Is this the back right here? This area?

4 A Yes.

5 Q Now, what does this look like? Is it an open field or
6 is it ---

7 A It's an open field.

8 Q State's Exhibit No. 8.

9 A That's the stairway that you would take to get to my
10 apartment.

11 Q And show, this picture, is this the bottom of the
12 stairs or the top of the stairs?

13 A That's the bottom.

14 Q And if you were to go up these stairs, where would
15 your apartment be located?

16 A This hallway, there's another apartment right here and
17 mine's the next one.

18 Q This area right here, what is that depicting?

19 A That's where the field is.

20 Q That's the backside of your unit?

21 A It is.

22 Q So, the breezeway just goes straight through?

23 A Uh-huh.

24 Q You have to use words.

25 A Yes.

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1 Q Photograph, Exhibit No. 9. What is that showing?

2 A That's my apartment's storage area.

3 Q Is this showing that at an angle from the ground up?

4 A Yes, sir.

5 Q Looking upwards?

6 A Yes.

7 Q State's Exhibit No. 15. What does this picture show?

8 A That's the backside of my apartment and that's the
9 field.

10 Q And you were saying it was showing on one of the
11 previous photographs, State's Exhibit No. 8, is this
12 the back area you are referring to?

13 A Yes, sir.

14 Q And when you come past this field, what's on the edge
15 of this field?

16 A That's the railroad tracks.

17 Q State's Exhibit No. 16.

18 A That's the backside.

19 Q Just a closer version of the previous picture?

20 A Yes.

21 Q If you will just retake the stand, please. (Witness
22 returns to witness stand)

23 MR. CAMPBELL: Your Honor, at this time I would like
24 to move State's Exhibit Nos. 17, 18, 19 into evidence.

25 THE COURT: Any objections?

1 MR. SMITH: No, sir. Not to the ones I just saw.

2 MR. CAMPBELL: These are the photographs I just handed
3 Mr. Smith. Nos. 4, 5, 6, 7, 8, 15 and 16.

4 THE COURT: Is exhibit 9 in there anywhere?

5 MR. CAMPBELL: I have No. 9 here.

6 THE COURT: All right. Is there any objection to
7 State's Exhibit Nos. 4 through 9 and 15 through 19?

8 MR. SMITH: No objection, Your Honor.

9 THE COURT: Thank you, sir. Admitted, without
10 objection.

11 (Whereupon, Eleven 6x4 photographs are entered into
12 evidence as State's Exhibit Nos. 4, 5, 6, 7, 8, 9, 15, 16,
13 17, 18, and 19, without objection)

14 Q Now, Ms. Bentley, after this took place on the 15th,
15 did you cooperate with law enforcement after the fact
16 and tell them the events that took place as you
17 recalled them?

18 A I did.

19 Q And did you go back or speak to officers on several
20 occasions regarding this?

21 A Yes.

22 Q Did you get a good look at Ms. Ellis when she came
23 into your apartment?

24 A I did.

25 Q How was she dressed?

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1 A She had a burgundy shirt. I think it was a Bojangle's
2 shirt. I think black shorts and she had on boots,
3 some kind of boot.

4 Q At any point, did you see her with any type of weapon?

5 A No. I didn't.

6 Q And she was the one who physically assaulted you, but
7 has he ever laid hands on you, physically?

8 A Besides going into my pockets.

9 Q Besides that?

10 A No, sir.

11 Q He never struck you or anything like that?

12 A No.

13 Q And while this was going on, do you recall where Ms.
14 Taylor was sitting?

15 A Yes.

16 Q Where was she?

17 A She was on the couch in front of the door.

18 Q And could you see what was taking place, what was
19 happening to her and her two children?

20 A No.

21 MR. CAMPBELL: I have no further questions. Ms.
22 Bentley, if you would answer any questions Mr. Smith may
23 have.

24 THE COURT: Cross examination?

25 MR. SMITH: May it please the Court.

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION OF RONNIE BENTLEY BY MR. SMITH

3 Q Ms. Bentley, can you tell me what a stoke is?

4 A A what?

5 Q A stoke.

6 A A stoke?

7 Q Yeah.

8 A I don't know.

9 Q I guess I didn't understand that, either. Have you
10 ever met Melody Ellis before?

11 A I have.

12 Q And how do you know her?

13 A We dated the same girls.

14 Q You dated the same girls?

15 A We did.

16 Q And that's because you are both, what?

17 A We're lesbians.

18 Q I'm sorry. I didn't mean that. I thought there was a
19 term you used.

20 A We're studs.

21 Q Oh, okay. With regards to Ms. Ellis, was that the
22 first time you saw her?

23 A No. I see her.

24 Q Have you ever -- when was the first time you met her?

25 A I've never really met her, but I know of her. I've

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1 seen her around.

2 Q You've never met her?

3 A No.

4 Q Do you recall giving a statement to Special Agent
5 Stallo, along with Ms. Taylor?

6 A Yes.

7 Q And everything you told him was the truth, fact.
8 Right?

9 A It was.

10 Q Did you ever tell him that Ms. Ellis robbed you of
11 marijuana before?

12 A No.

13 Q Did you tell him that you broke the window and yelled
14 and screamed out to help you?

15 A No.

16 Q Do you have an on-going feud with Ms. Ellis?

17 A No.

18 Q Would this be the third time she beat you up?

19 A No.

20 Q Was it a black gun?

21 A Was it a black gun?

22 Q Yes.

23 A It was.

24 Q And I want to make sure I heard you, on April 13th, a
25 Wednesday, you met Mr. Jones at a cousin's house or a

1 friend's house?

2 A A friend's.

3 Q That was April 13th?

4 A It was.

5 Q Do you remember what time of day it was?

6 A I'm not sure.

7 Q And then April 14th, which of course would have been a
8 Thursday, Mr. Jones came to your place for the first
9 time just to scout it out. Is that right?

10 A Yes.

11 Q What time did he come by? Was it in the afternoon?

12 A Yes.

13 Q About 2:00?

14 A I'm not sure.

15 Q But definitely in the afternoon on April 14th.

16 A He did.

17 Q So, you definitely met him on the 13th?

18 A I did.

19 Q And referring to the statement or discussion you had
20 with Special Agent Stallo, you've never met Jamario
21 prior to Thursday, April 14th. Is that right?

22 A That's right.

23 Q All right. So, the 13th story you just told me about,
24 meeting him at a friend's house, that's not right?

25 A Yes. I met him on the 13th.

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- 1 Q Oh, so you met him on the 13th. So, when you told
2 Special Agent Stallo that you met him on the 14th,
3 that would be wrong?
- 4 A I met him on the 13th. He came again on the 14th.
- 5 Q And he came again on the 15th?
- 6 A Yes.
- 7 Q What time was the first visit to your door on April
8 15th?
- 9 A It was a little bit -- it was almost 2:00.
- 10 Q And what time was the second visit?
- 11 A It was 2:00.
- 12 Q I thought you said something about a realtor or
13 something of that nature. Did you say something like
14 that?
- 15 A A what?
- 16 Q Someone was coming over to your house at -- oh, the
17 landlady. Is that right?
- 18 A Yes.
- 19 Q When was she supposed to come over?
- 20 A I was supposed to go to her around, like, 2:30.
- 21 Q And you never showed up?
- 22 A No, because I had got robbed.
- 23 Q Right. Did you have the opportunity to hear Ms. Taylor
24 testify? Did you hear Ms. Taylor have a chance to sit
25 up there and talk?

- 1 A Yes.
- 2 Q How long were Ms. Ellis and Mr. Jones in your home?
- 3 A I'd say no more than 20 minutes.
- 4 Q And you heard her say 30 minutes to an hour, right?
- 5 A Uh-huh.
- 6 Q But that was wrong?
- 7 A Apparently.
- 8 Q Apparently. With regard to Belton Mart, how far is
9 that from Unit " "?
- 10 A It's not far at all. It's within walking distance.
- 11 Q Could you try to give me a mathematical number?
- 12 A It's just walking distance. I don't know how many
13 feet.
- 14 Q You would agree with me that if you walked out the
15 front of the apartment " ", where you live at, you
16 could not see Belton Mart from your apartment.
- 17 A I can. I can't see the front of the store, but I can
18 see the store. If I walk out my complex, I'm seeing
19 the store. I can see the store.
- 20 Q Isn't there an apartment complex perpendicular to the
21 road between your apartment " " and Belton Mart? You
22 can't look through it, can you?
- 23 A It's a road, Road, and there's another road
24 that goes here, and then there's a storage building
25 and then the store.

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1 MS. CAMPBELL: I have no further questions.

2 THE COURT: Thank you, ma'am. You may step down if
3 there are no further questions.

4 MR. SMITH: Nothing further, Your Honor.

5 THE COURT: Call your next witness, please.

6 MR. CAMPBELL: The State calls Mark Gregory.

7 (After being duly sworn by the Clerk of Court, Mark
8 Gregory testified as follows:)

9 CLERK OF COURT: If you will take the stand and state
10 your name for the record, please.

11 MR. GREGORY: My name is Mark Gregory. Last name
12 spelling is: G-R-E-G-O-R-Y.

13 DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL:

14 Q Mr. Gregory, it's obvious by the badge you are wearing
15 you are in law enforcement.

16 A Yes, sir. I am.

17 Q And where are you employed?

18 A Anderson County Sheriff's Office.

19 Q And how long have you been employed there?

20 A Approximately, ten years, sir.

21 Q And prior to that, were you in law enforcement?

22 A Yes, I was.

23 Q And where was that?

24 A Pendleton Police Department.

25 Q And any other type of experience that you have with

1 law enforcement?

2 A Yes, sir. Military Police Investigator in the United
3 States Marine Corp.

4 Q How long did you do that for?

5 A Four years, sir.

6 Q And your job, what would you call your job description
7 right now with the Sheriff's Office?

8 A I work on a Federal Task Force with the Department of
9 Justice, specifically, the F.B.I. and other federal
10 agencies involved in law enforcement.

11 Q And Agent Stallo with the Alcohol, Tobacco and
12 Firearms, do you work with him?

13 A Yes, sir. I do.

14 Q Now, on April 15, 2011, were you working with the
15 Sheriff's Office?

16 A I was.

17 Q And do you recall what day of the week that was?

18 A Friday.

19 Q Now, how did you first become involved in this case,
20 the reason why you are in court today?

21 A That afternoon, we were working on another case, Agent
22 Stallo and I and some other investigators. We heard a
23 call for service go out over the radio. It sounded
24 like a burglary in progress, per Investigator Johnson
25 who arrived on scene. He told dispatchers that he was

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1 on ---

2 MR. SMITH: Objection. Hearsay.

3 THE COURT: Sustained.

4 Q As a result of Detective Johnson arriving on the
5 scene, did you make any type of contact with him?

6 A Yes, sir. I did.

7 Q And what was the purpose, or why were you calling him?

8 A I called him to ask him if he needed any assistance
9 with the investigation that he was out on.

10 Q And did he, at that time?

11 A He said that he would call me back and let me know
12 what I could do to help him later on.

13 Q Did you go to the Apartments?

14 A Not at that time. No, sir.

15 Q That's what I'm referring to, April 15, 2011.

16 A Correct. No, sir, I did not.

17 Q Now, after you spoke with him on the phone, you went
18 about investigating what you were in the middle of.

19 Is that correct?

20 A That is correct.

21 Q At some point, did you have an occasion to become
22 involved in this case?

23 A Yes, sir, I did.

24 Q And what day was that?

25 A Friday. It would have been the same day, Friday

1 afternoon.

2 Q And, approximately, what time of day was it?

3 A Seven o'clock to eight o'clock, in that time frame,
4 sir.

5 Q And how did you become involved? What, if anything,
6 did you do?

7 A I asked Investigator Johnson if he needed assistance.
8 I went to the Sheriff's Office on his direction and
9 read Miranda to the defendant and obtained a written
10 statement from him, sir.

11 Q I'm going to get into detail about that. Now, at this
12 point in time, you went back to the law enforcement
13 center. Right?

14 A That is correct.

15 Q Is that here in Anderson County?

16 A Yes, it is.

17 Q And when you arrived, was Mr. Jones already in
18 custody?

19 A Yes, sir.

20 Q Is Mr. Jones in the courtroom today?

21 A Yes, he is.

22 Q Could you please identify him, sir.

23 A He's the defendant, sitting behind the computer screen
24 right there. (Indicating)

25 MR. CAMPBELL: May the record reflect he, in fact,

1 referred to Mr. Jones?

2 THE COURT: Record so reflects.

3 Q So, prior to going to the law enforcement center, had
4 you seen him before that, that day, I mean, on the
5 15th?

6 A No, sir. I had not.

7 Q So, the first time you laid eyes on him was that night
8 of April 15, 2011?

9 A That is correct.

10 Q And when you saw him, was it at the actual law
11 enforcement center or was it over at the jail?

12 A It was at the actual Law Enforcement Center, at the
13 Sheriff's office building.

14 Q And where did you see him at, at the Law Enforcement
15 Center?

16 A He was in the interview room. We have two interview
17 rooms at the Sheriff's office. He was in one of those
18 two rooms.

19 Q And where is that located at the Sheriff's office?

20 A The interview room is on the second floor. When you
21 come up the stairs, the room directly in front of the
22 staircase door would be the interview room.

23 Q And at this point in time, he is in custody. Is that
24 correct?

25 A That is correct.

1 Q Now, when you saw him, was he handcuffed?

2 A I don't recall if he was handcuffed in the front or
3 back. I don't recall that.

4 Q Was he in an orange jumpsuit?

5 A No, sir. He was not.

6 Q Do you recall how he was dressed?

7 A White tee shirt, bluejeans.

8 Q Now, to your knowledge at this point, had anyone
9 spoken to Mr. Jones?

10 A To my knowledge, no. Can you re-phrase the question,
11 as far as speaking with him?

12 Q To your knowledge had anyone else talked to him prior
13 to you introducing yourself to him?

14 A I would imagine people spoke to him.

15 MR. SMITH: Objection. Anything further would be
16 speculation.

17 THE COURT: Sustained.

18 Q So, you met him at the Law Enforcement Center and did
19 you have an opportunity to talk to him?

20 A Yes, sir.

21 Q Did you introduce yourself?

22 A I did, sir.

23 Q And did you introduce yourself as a deputy with the
24 Anderson County Sheriff's office?

25 A That is correct.

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1 Q How were you dressed?

2 A I was dressed in plain clothes. I don't remember
3 exactly what I was wearing. My uniform is plain
4 clothes uniform.

5 Q And did you advise him of the reason why you wanted to
6 talk to him?

7 A Yes, I did.

8 Q And what, if anything, did you tell him?

9 A I explained I was Mark Gregory of the Anderson County
10 Sheriff's Office. It seems like you are in some
11 trouble, you know, from the way it appears. I'd like
12 to talk to you about whatever has happened with you.

13 Q And did you talk to him?

14 A I did.

15 Q And prior to talking to, whether it's Mr. Jones or
16 anybody else, do you go through a procedure? Is there
17 a procedure you go through to talk to a person?

18 A Yes, sir. There is.

19 Q And what is the purpose or reason why you go through a
20 procedure prior to talking to them?

21 A We go through a procedure when someone is in custody
22 called a Miranda. It's a procedure to allow an
23 individual to know what their rights are. We read
24 down their rights from a sheet of paper and ask if
25 they understand their rights. At that time, if they

1 do or do not understand their rights, excuse me -- if
2 they do understand their rights, they go ahead and
3 sign a piece of paper that says, "I understand my
4 rights." After that, we go into what we call a Waiver
5 of Rights. It's "do you want to talk," more or less.
6 It goes through some wordage and if they do want to
7 talk to me after understanding what their rights are,
8 they sign the next line.

9 Q And you do this prior to engaging in conversation
10 with, in this case, Mr. Jones, but with any suspect?

11 A Any suspect that is in custody, sir.

12 Q Now, did you do that in this case?

13 A Yes, sir. I did.

14 Q And was an Advisory of Rights Form signed?

15 A Yes, sir. It was.

16 Q And after this was signed, did Mr. Jones agree to
17 voluntarily speak with you?

18 A Yes, sir. He did.

19 Q And did he speak to you?

20 A Yes, sir.

21 Q And as a result of your conversation, was it reduced
22 down to words?

23 A Yes, sir. It was.

24 Q At that point in time, was he given an opportunity to
25 review it?

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1 A That is correct.

2 Q And did he sign it?

3 A Yes, sir. He did.

4 Q Now, I'm going to show you two exhibits and we are
5 going to go through them.

6 MR. CAMPBELL: Your Honor, for the record, State's
7 Exhibit No. 1 is the Advisory of Rights Form. State's
8 Exhibit No. 2 is the first statement. I have shown this to
9 Mr. Smith.

10 THE COURT: Okay.

11 Q Now, Investigator Gregory, I'm going to show you what
12 has been marked State's Exhibit No. 1.

13 MR. CAMPBELL: Your Honor, may I have the witness step
14 off the stand and we can just go through them all at one
15 time?

16 THE COURT: Yes, sir.

17 Q Investigator Gregory, if you will just step off the
18 stand and we'll go through these together.

19 A Yes, sir.

20 Q First of all, and I know you are not on the stand
21 where the microphone is in front of you and I need you
22 to speak up for the ladies and gentlemen of the jury.

23 MR. SMITH: May we approach, Your Honor?

24 THE COURT: Yes, sir.

25 (Bench Conference Off the Record)

1 please.

2 (Jury in at 2:29 p.m.)

3 MR. CAMPBELL: Your Honor, may I proceed?

4 THE COURT: Yes, sir.

5 CONT. DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

6 Q Deputy Gregory, if you will please step back off the
7 stand, sir.

8 (Witness complies) (Mr. Campbell projects document on
9 large screen in front of jury)

10 Q Now, Deputy Gregory, I know you are not at the
11 microphone, and so your are going to have to speak up
12 loudly so the ladies and gentlemen of the jury can
13 hear you as you explain this, so as you explain it,
14 please talk to them. This courtroom is hard to hear
15 in.

16 A Yes, sir.

17 Q Now, I'm going to show you what's been marked --
18 first, I want you to identify this. This is what's
19 been marked State's Exhibit No. 1. Can you please
20 identify what this is, sir?

21 A This right is here a form called Miranda. It advises
22 a person who is custody of their rights.

23 Q And how do you know this form is the one that was used
24 in this case?

25 A This form right here comes blank, of course. It's

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1 then filled out by the person I'm giving their rights
2 to. The top right-hand corner here is the defendant's
3 name, Jamarion Jones. Personal information; tells me
4 he can read and write, he completed ninth grade and
5 it's also signed by the defendant, Jamarion Jones.
6 After he understands what his rights are, at the
7 bottom is where he signs that he talked to me.

8 Q Is your signature on this also?

9 A Yes, sir. It is.

10 Q Now, first, as you were stating, Deputy Gregory, this
11 form here is done by the Sheriff's office?

12 A That is correct.

13 Q And the information that you have on here of Jamarion
14 Quinton Jones, his address, date of birth, social
15 security, where did this information come from?

16 A This information would have come from the defendant
17 himself. I would ask him these questions: What is
18 your name, date of birth, phone number, and such.

19 Q And what is the purpose of why you go through and get
20 this information from a person before you talk to
21 them?

22 A To understand who you are giving rights to, you have
23 to know who is receiving these rights, that identifies
24 this piece of paper to the person.

25 Q And you said you've been at the Sheriff's office at

1 least ten years?

2 A That is correct.

3 Q And during those ten years, have you made arrests on
4 individuals under the influence of alcohol or on drugs
5 of some sort?

6 A I have.

7 Q And in this case, when you were speaking to Mr. Jones,
8 did he appear to be under the influence of anything
9 that would prohibit him or interfere with his ability
10 to understand or speak to you?

11 A No. He did not appear to be under the influence.

12 Q If he had been, would you have taken a statement from
13 him?

14 A I would have probably spoken to him long enough to
15 find out exactly what was going on. Of course the
16 last question is: Are you under the influence of
17 drugs or alcohol at this point and if he had said yes,
18 I would have terminated the interview.

19 Q And if he had said yes or you had felt he was under
20 the influence of alcohol or drugs, would you have
21 terminated the interview?

22 A I would have.

23 Q This information right here, was this elicited from
24 him or did you get this from some other source?

25 A I obtained that information from the defendant

1 himself.

2 Q And as you obtained this information, did it also help
3 you understand he was in full control of his faculties
4 or abilities to communicate with you?

5 A It does. It lets me know he's coherent enough to
6 answer simple questions that any person should be able
7 to answer when they are not under the influence of
8 something.

9 Q Okay. And after you get this information, you write
10 down the date and time you start on this. Is that
11 right?

12 A That is correct.

13 Q And can you just please explain the process as you
14 went through this with him on April 15, 2011, and you
15 can show it on the form right here.

16 A Absolutely. The first thing that we do is identify
17 the form, identify yourself: I'm Mark Gregory of the
18 Anderson County Sheriff's Office, before I speak with
19 you, you need to understand your rights. You need to
20 know what they are. So, that's when I let them know
21 what this form is, specifically. I put it in front of
22 them. I fill out the place the interview is going to
23 take place and here on this form, specifically, is 305
24 Camson Road, which is the Sheriff's office's address
25 and the date was April 15, 2011, and the time is

1 7:55 p.m. On the other, opposite, side of the sheet,
2 you see this information here. This is information
3 that I received from Mr. Jones by speaking to him.
4 I'm going to obtain this information first before I go
5 into Miranda so I can follow this sheet along to the
6 person it comes from. The first right -- Once I
7 obtain information, personal information, before
8 Miranda, I go in and let them know that they have
9 rights, they don't have to talk to me and they need to
10 know what their rights are. The first right that I
11 read is: You have the right to remain silent. The
12 second one: Anything you say can be used against you
13 in court. The third one: You have a right to speak
14 to a lawyer for advice before you are asked any
15 questions and have with you during questioning. The
16 fourth one: If you cannot afford a lawyer, one will
17 be appointed for you before any questioning, if you
18 wish. If you decide to answer questions now without a
19 lawyer present, you will still have the right to stop
20 answering questions at any time. You also have the
21 right to stop answering at any time until you speak
22 with a lawyer. And then I say, "Do you understand
23 your rights?" And they give me a yes or no. If he
24 tells me yes, I put the date and the time and I ask
25 him to sign that which is right here. He signs when.

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1 he understands his rights. After I ask him if he
2 understands his rights, we move into the Waiver of
3 Rights. Here I explain to him, you understand your
4 rights, you don't have to talk to me. If you want to
5 talk to me, I need you to sign this and I go into
6 reading the Waiver of Rights. And the Waiver of
7 Rights states: I have read this statement of my
8 rights and I understand what my rights are. I am
9 willing to make a statement now and answer questions.
10 I do not want a lawyer at this time. I understand and
11 know what I am doing. No promises or threats have
12 been made to me and no pressure or coercion of any
13 kind has been used against me. I ask him again, do
14 you understand what this is? Do you want to speak to
15 me? If he says, yes, I date it, time stamp it, have
16 him sign at the bottom and then I witness both spots.

17 Q And this is the statement that he signed on April 15,
18 2011?

19 A Yes, sir. That is correct.

20 MR. CAMPBELL: Your Honor, at this time, I would move
21 State's Exhibit No. 1 into evidence.

22 THE COURT: Any objection?

23 MR. SMITH: No, sir.

24 THE COURT: Thank you, sir.

25 (Whereupon, an Advisory of Rights Form is entered into

1 evidence as State's Exhibit No. 1, without objection)

2 Q Now, Deputy Gregory, if you will take the stand,
3 please, sir. (Witness complies) Now, at this point
4 in time, did you take a statement from him?

5 A Yes, sir. I did.

6 Q And he didn't ask for a lawyer or wish to not speak to
7 you. Is that right?

8 A I'm sorry. Say that again, please.

9 Q At any point, prior to making his statement, did he
10 ask for a lawyer?

11 A No, sir. He did not.

12 Q And at this point, did he agree, after you went
13 through the Advisory of Rights Form, agree to talk to
14 you?

15 A That is correct. He did.

16 Q And did he give you a statement of his version of why
17 he was there and what took place?

18 A That is correct. He did give a written statement.

19 Q And when you take a written statement, what is the
20 procedure that you go through when you take a
21 statement from an individual?

22 A The first thing I do, again, is get personal
23 information again from them and make sure it matches
24 up with the Miranda Form that I administered prior to
25 taking the statement. The next line I fill out is:

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1 This statement is being written by Investigator M. or
2 Mark Gregory. I draw a little "x" and have them sign
3 it to let this person know that I am writing this
4 statement for them so they can concentrate on the
5 events that had happened and so we can put it on the
6 paper legibly.

7 Q And do you normally write the statement out from a
8 person you are taking a statement from?

9 A I either write it or type it.

10 Q And why do you do this? Why wouldn't you let the
11 individual that you are taking the statement from
12 write it for themselves?

13 A When you are taking a statement from an individual,
14 events can happen so quickly that they start spouting
15 off what had transpired in a very quick manner. I
16 have to slow that process down, let them speak,
17 collect their thoughts and make sure that what they
18 are telling me is what they want to say versus putting
19 everything down on paper and just saying, you know,
20 this is what happened.

21 Q And is a part of this process, does it allow them to
22 concentrate on telling you the story?

23 A Yes, it does.

24 Q And did you talk to him about the events of why he was
25 there?

1 A Yes, I did.

2 Q And he gave you a statement of what that was. Is that
3 right?

4 A He gave a statement. Correct..

5 Q I'm going to show you what has been marked as State's
6 Exhibit No. 2. If you could first identify what this
7 is, sir.

8 A This is the written that I took from Jamarion Jones on
9 April 15, 2011.

10 Q And how do you know that's the statement you took from
11 him?

12 A According to the date, April 15, 2011, and it's in my
13 handwriting and I can identify it that way.

14 Q And is his signature on it?

15 A It is. It's in two spots.

16 Q Now, after you finished speaking with him, you put
17 down on paper what he told you. Is that right?

18 A That is correct.

19 Q And that's what's indicated on State's Exhibit No. 2?

20 A That is correct.

21 Q And after you finished writing this on paper, did you
22 give him an opportunity to review it and make any type
23 of corrections that he may want to make?

24 A Yes. I always do.

25 Q And in this case, did he make any corrections in this?

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1 A No. He did not.

2 Q And did you give him an opportunity to review it and
3 read it?

4 A Yes, I did.

5 Q And after he did this, did he sign it as his
6 statement?

7 A Yes, he did.

8 MR. CAMPBELL: Your Honor, at this time, I'm going to
9 move State's Exhibit No. 2 into evidence.

10 THE COURT: Admitted.

11 (Whereupon a statement by Jamarion Jones, dated April
12 15, 2011, is admitted into evidence as State's Exhibit No.
13 2, without objection)

14 MR. CAMPBELL: And at this time I would have Deputy
15 Gregory read it to the jury.

16 THE COURT: You may step down. Did you want him to
17 step down or stay on the stand?

18 MR. CAMPBELL: I'm going to have him read it from the
19 stand, Your Honor.

20 THE COURT: I'm sorry. Excuse me. You may publish it
21 to the jury.

22 MR. CAMPBELL: Thank you, Your Honor.

23 Q Since State's Exhibit No. 2 has been admitted into
24 evidence, Deputy Gregory, if you will please relay or
25 tell the ladies and gentlemen of the jury what that

1 State's Exhibit No. 2 states.

2 A Yes, sir. The document that is in my hand is a
3 statement that I took from the defendant, Jamario
4 Johnson. The top lefthand corner gives personal
5 information that states his name, other identifying
6 information.

7 MR. CAMPBELL: Your Honor, I think it might be best to
8 have him step off the stand to go through this.

9 THE COURT: All right, sir.

10 Q Deputy Gregory, if you will step off the stand and
11 I'll let you go through it and I want you to publish
12 it or read it to the jury once this thing fires up.
13 (Projects statement on large screen)

14 A In the top lefthand corner is personal information:
15 Jamario Jones, , Belton, South
16 Carolina. Date of birth is . He's twenty-
17 one years old and B/M stands for black male. Cell
18 phone number is: . Social Security Number
19 is: . He completed the ninth grade and
20 states he can read and write. Then I go into the
21 date. It's in the top right-hand corner, April 15,
22 2011. This is page number one. Then we go into the
23 first sentence that I always put on a statement: This
24 statement is being written, was written by
25 Investigator M. Gregory for Jamario Quinton Jones in

1 his own words. I then have him sign this to make sure
2 he understands I am writing this statement for him and
3 I go in and say -- excuse me. He went on to say and I
4 wrote on this piece of paper: I woke up at 9:00 a.m.
5 today. I went outside to lift weights. I went back
6 into the house and sat down and watched T.V. My old
7 lady, Candice Brown, got off work at 12:00. Candice
8 works at Love and Care Nursery. I was at Candace's
9 house. Candice lives at
10 I spent the night there last night. Candice and me
11 sat in her house. I don't know what time we sat there
12 'till. I told Candice I wanted to go check my Mama
13 and, go and check on my Mama in Belton. Me and
14 Candice and her friend Tiffany, I don't know her last
15 name, all rode to Belton in Candice's burgundy Honda
16 Accord four-door. We drove to to see
17 my Mama. I sat at her house for thirty minutes to an
18 hour, because I was putting old clothes and stuff
19 under the house. Melody called me and said she wanted
20 a ride somewhere. I told my old lady to go pick up
21 Melody. Candice drove out to the country near Camelot
22 to pick up Melody. Melody told me that she had to go
23 to is some apartments up the
24 street. Candice dropped Melody off and came back to
25 my Mama's house. Me and Candice sat at my Mama's

1 house and played on the computer. Me and Candice left
2 my Mama's house and that is when we saw Melody and
3 Byrd run across the street. I asked Melody what she
4 was running for and Byrd kept running towards his
5 house. Byrd lives in a duplex across the street from
6 the apartments. Melody answered me when I asked her,
7 Melody answered me when I asked her what she was
8 running for and Melody said she needed a ride to her
9 house. Melody lives on Camelot. I was on the road
10 from and Melody got in the car and we drove
11 to Camelot. End of statement. Signed, Jamarion Jones.

12 Q Deputy Gregory, if you will please take the stand.

13 (Witness complies) Now, after you took his statement,
14 what did you do next?

15 A I made sure it was correct and made sure he didn't
16 want to change anything, cross anything out, make
17 other corrections to the statement and then I took the
18 statement and went and spoke to Investigator Johnson.

19 Q And what was the purpose of that?

20 A He was the lead investigator in the case and I wanted
21 to let him know where I was at with helping him in his
22 investigation. I turned the paperwork over to him.
23 Also, Mr. Jones had asked me to see if ---

24 MR. SMITH: Objection, Your Honor. Anything Officer
25 Johnson said would be hearsay.

DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

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1 THE COURT: Overruled.

2 Q Please continue.

3 A Mr. Jones had asked me to see if Investigator Johnson
4 would come speak with him.

5 Q Did he call him Investigator Johnson?

6 A No. He did not.

7 Q What did he call him?

8 A O.J.

9 Q So, he wanted to speak to O.J., who is Investigator
10 Johnson.

11 A That's correct.

12 Q And did you go talk to Investigator Johnson?

13 A Yes, I did.

14 Q And did you relay this information to him?

15 A Yes, I did.

16 Q Do you know if Detective Johnson went and spoke to
17 him?

18 A He did.

19 Q Were you present when this took place?

20 A No, I was not.

21 Q Now, that night, that day of April 15, 2011, after you
22 had taken this statement, you gave it to Detective
23 Johnson?

24 A That is correct.

25 Q Did you do anything further, have any further

1 involvement in this case that day, that night?

2 A No, sir. I did not, that night.

3 Q Did you also continue to help Detective Johnson in the
4 investigation of this case?

5 A Yes, I did.

6 Q And as a result of that, did you go to the apartment
7 complex?

8 A Yes, I did.

9 Q And what was the purpose of doing that?

10 A We went to the apartment complex, because we wanted to
11 see for ourselves what it looked like and when we
12 arrived on scene, we noticed some posters that said,
13 "This property is under video surveillance." At that
14 time, we knocked on the manager's door and asked her
15 if there was video surveillance to the apartment
16 complex and she said, "yes".

17 Q And as a result of this, did you review the video --
18 well, first of all, did they have any video
19 surveillance of April 15, 2011?

20 A Yes. They did.

21 Q And did you, yourself, actually review it?

22 A I did.

23 Q And when you reviewed it, was it on their equipment?

24 A It was.

25 Q As a result of viewing this, did you have a time frame

1 that you were looking at?

2 A Yes, we did. It would have been the time frame when
3 the call for service went out.

4 Q And as a result of looking at that video, did you,
5 were you able to see any information that helped you
6 in the investigation of this case?

7 A Yes, I was.

8 Q What did you do with the videos that the apartment
9 complex had?

10 A We, once we viewed the videos, we transferred the
11 videos to thumb drives and then, ultimately,
12 transferred those images from the thumb drive to a CD.

13 Q And you were the one that transferred it from the
14 thumb drive?

15 A Yes.

16 Q And as a result, you made two disks and provided them
17 to us. Is that right?

18 A That is correct.

19 Q I want to show you what has been marked State's
20 Exhibit Nos. 21 and 22. Deputy Gregory, are these two
21 DVDs, is this what you provided to us in discovery as
22 a result of viewing the apartment complex's video
23 surveillance?

24 A Yes, it is.

25 Q As a result of that, that's information that helped

1 you, you were able to observe information on these
2 videos that helped you in the case, the investigation
3 of this case?

4 A Yes.

5 MR. CAMPBELL: Your Honor, I want to move State's
6 Exhibit Nos. 21 and 22 into evidence.

7 THE COURT: Any objection?

8 MR. SMITH: No, sir.

9 THE COURT: Exhibit Nos. 21 and 22 admitted, without
10 objection.

11 (Whereupon, two DVDs are entered into evidence as
12 State's Exhibit Nos. 21 and 22, without objection.)

13 MR. CAMPBELL: At this point in time, Your Honor, I'm
14 going to have Deputy Gregory step off the stand and set up
15 the video and play it. We are going to fast forward it
16 until strictly the time we need. It's rather lengthy and
17 it's just a short segment of it.

18 THE COURT: All right. You may step down, sir.

19 MR. CAMPBELL: First of all, I'm going to put it in.
20 This is State's Exhibit No. 21. This is marked Disk "A".

21 Q Deputy Gregory, once we get it playing, as it goes
22 along, if you will please identify what you are
23 observing and if you need to stop it at any point in
24 time, please let us know so we can do that.

25 A Yes, sir.

DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

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1 (Playing video, State's Exhibit No. 21, Disk "A" on
2 large screen)

3 Q Deputy Gregory, we are going to start it a little
4 before it. If something takes place, please let us
5 know what you are observing or what peeks your
6 interest and explain it to the ladies and gentlemen of
7 the jury. If we need to pause it, we will.

8 A Yes, sir. This is Apartments, which is in
9 Belton, South Carolina, in Anderson County. There's
10 one, two, three buildings here on this camera. This
11 camera is at the very top of the office. The building
12 that this camera is mounted on is the office itself
13 and it's pointed directly down this sidewalk. This
14 building here, not these apartments, but the whole
15 building is just four apartments. So, for one
16 building, there are two apartments on the bottom --
17 excuse me. Four apartments on the bottom and four
18 apartments on the top. There are eight apartments
19 total for one building. What you are going to see is,
20 you are going to see a car. It should be in a few
21 seconds. If you could pause it a second, please.
22 This angle is where you will see the car. The car
23 will come down here and let out two people. One
24 person walks to the back of this building and one
25 person walks to the front of the breezeway. You can

1 play it. These two people are the defendants, Jamario
2 Jones and ---

3 MR. SMITH: Objection, Your Honor. Foundation.
4 May we approach?

5 THE COURT: Yes, sir. Stop that video, please. Would
6 you take the jury back to the jury room, please, Madam
7 Forelady?

8 (Jury out at 2:54 p.m.)

9 MR. SMITH: There is no foundation to say -- I've got
10 eagle eyes. I can't see anybody, let alone the defendants.
11 He's stating that's who it is. How is that possible? I
12 didn't even see it when he was saying it. Are we talking
13 about the far, not this apartment complex here, but the
14 next one down? I saw somebody with green on or something
15 of that nature.

16 THE COURT: Well, it did sort of look like green and
17 then turned white. Let me ask the officer. Would you mind
18 stepping around, officer?

19 DEPUTY GREGORY: Yes, sir, Your Honor. Where to?

20 THE COURT: Right there is good. First, do you have
21 any objection as to the authenticity or any rules of
22 evidence as to the admissibility of this videotape?

23 MR. SMITH: No. He's already laid the foundation
24 where it came from and so forth, although, I think the
25 person from the apartment complex could tell us that, but

DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

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1 other than that, certainly.

2 THE COURT: Let me just say this: As to the
3 authenticity, if he can say that it purports to be what it
4 is and he gave the basis behind it, I think it's adequately
5 authenticated. That's on both thresholds.. Okay?

6 MR. SMITH: Yes, sir.

7 THE COURT: There's been no evidence that the
8 duplicate is improper or there's no argument it's improper.

9 MR. SMITH: No, sir.

10 THE COURT: So, your argument, as I understand it, and
11 that's what I'm trying to get to is, that he has identified
12 subjects on this tape as being the defendant and another
13 co-defendant, although when you look at it, you can't ---

14 MR. SMITH: I don't know how he can authenticate that.

15 THE COURT: Okay. Well, I don't know if that's the
16 issue, authentication. I think it's a case of
17 identification and weight, frankly. I'm going to ask the
18 officer, though, if they can, is there any indication of a
19 date stamp or time stamp on that?

20 DEPUTY GREGORY: Yes, Your Honor.

21 THE COURT: Okay. Could you give us that as a part of
22 what you are saying and that will be subject to your cross
23 examination. I note your objection. For the record, too,
24 Exhibit No. 2, the statement of the defendant, the Defense
25 has already objected to it and there's no reason to object

1 to it again.

2 MR. SMITH: Yes, sir.

3 THE COURT: All right. It's 3:00, let's take about a
4 10 minute break and then we'll come back and start up
5 again.

6 (Brief Break)

7 THE COURT: Are you ready to proceed with your direct?

8 MR. CAMPBELL: Yes, sir.

9 THE COURT: Are you ready, Mr. Smith?

10 MR. SMITH: Yes, sir.

11 THE COURT: Bring us the jury, please.

12 (Jury in at 3:15 p.m.)

13 THE COURT: Mr. Campbell.

14 MR. CAMPBELL: May it please the Court.

15 CONT. DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

16 Q Deputy Gregory, let me step back a little bit, lay a
17 little bit of background so the jury will understand
18 what we're looking at, what you were looking for.

19 Okay?

20 A Yes, sir.

21 Q This video that we are showing is the actual video
22 that you copied from the apartment complex. Is that
23 correct?

24 A That is correct.

25 Q And you witnessed this video or looked at it prior to

DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

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1 downloading it to your thumb drive.

2 A That is correct.

3 Q Now, what date in question were you looking at, when
4 you went to look at this video?

5 A Friday, April 15, 2011, around 1:30 to 1:50 p.m.

6 Q Now, on this video at the bottom it does say 2011,
7 actually 2011-04-15. That indicates April 15, 2011.

8 Is that correct?

9 A That is correct.

10 Q And the time of 13:55:11, what exactly does that
11 equate to?

12 A It equates to military time. 12:00, being 12:00 in
13 the afternoon. The number being 13, means 1:00 in the
14 afternoon.

15 Q Now, so this number then would be 1:56 based on their
16 time stamp. Is that correct?

17 A That is correct.

18 Q And in your experience, have you ever gotten videos
19 from other places before?

20 A Yes. I have.

21 Q Now, the time stamps on these videos that you've
22 received, are they always, do they coincide with your
23 time stamps?

24 A No, they do not.

25 Q Based on what dispatch and other officers give you?

- 1 A Yes, sir. We often compare watches, all of us would
2 be about the same time, but they would be off a few
3 seconds or even a minute or two. The same with store
4 surveillance, surveillance here, and then the
5 Sheriff's office dispatch times that are generated
6 from the computers.
- 7 Q So, there would be a little discrepancy involved in
8 the actual time frame.
- 9 A That is correct.
- 10 Q Now, when you got this video, did you get this video
11 the very next day, April 16, 2011, or was it several
12 days after the fact?
- 13 A No, it would have been the 18th, April 18, which would
14 have been a Monday.
- 15 Q And when you went to review this video, were you
16 looking for anything in particular?
- 17 A Yes.
- 18 Q And what was that?
- 19 A We were looking specifically for a maroon car, looking
20 for a maroon car that dropped off at least two people.
- 21 Q And in this case, do you have a description of what
22 these people were wearing or what you were looking for
23 when you viewed this video?
- 24 A Yes.
- 25 Q And what was that?

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1 A A black male, a black female, wearing a white shirt or
2 gray shirt and bluejeans.

3 Q And in this video, this video was taken from the point
4 of view of the apartment office?

5 A That is correct.

6 Q The actual -- do you know the distance between the
7 apartment office to this apartment building?

8 A Roughly twenty yards, twenty meters.

9 Q Does this video portray, is it kind of a close-up view
10 of it or far away view?

11 A Far away.

12 Q Does this video camera, the angle, does it show, what
13 it depicts in the pictures, is it farther, does it
14 look farther away or does it look closer to you?

15 A The video camera makes it look a little bit farther
16 away than it actually is.

17 Q And in this, can you actually identify or pick out the
18 faces of the people that you were looking for?

19 A No, you cannot.

20 Q So, what were you looking for then, to begin with?

21 A Looking for descriptions of people that would have
22 been consistent with the descriptions of the people
23 that were arrested on Friday, April 15, 2011.

24 Q And that's what you were looking for in this video and
25 what you are testifying to?

1 A That is correct.

2 Q Now, I'm going to go ahead and -- Now, when we are
3 viewing this, you can't say for a fact that's actually
4 Mr. Jones and Ms. Ellis. Is that right?

5 A That is correct.

6 Q But what are you saying, then, what are you indicating
7 is that you think these two people that you see in
8 this video are them. What are the grounds for your
9 belief?

10 A From the totality of the circumstances surrounding the
11 events of April 15, 2011.

12 MR. SMITH: Objection, Your Honor. It should be based
13 on what he sees, not the totality of the circumstances.

14 THE COURT: Overruled.

15 Q Detective, if you will go ahead and, we'll go ahead
16 and play the video. If you will just describe what
17 this indicates to you or what it shows to you.

18 A Yes, sir. What you will see for about a split second,
19 about ten seconds, is a car come through the bare area
20 of the trees and it will stop in this general area.

21 (Indicating) Two people are getting out of the car
22 now, walking closest to the building. I do not know
23 the building number here. This person who is dressed
24 in the darker clothing of the two will walk to the
25 back of the building. The person wearing the white

DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

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1 tee shirt walks toward the front of the building.

2 This building, again, has eight apartments in it.

3 Four on the bottom, four on the top, separated by a
4 breezeway that goes all the way through the middle of
5 the apartments, through the apartment building.

6 Q And do you see this car leave in this video?

7 A It would have already left. If you go back to 1356, I
8 believe, about ten seconds, you may be able to view
9 the vehicle leave here. (Rewind) The two people leave
10 the vehicle and you'll see the shadow of a vehicle go
11 through this tree, right there. (Indicating)

12 Q All right. Now, I'm going to show you what has been
13 marked State's Exhibit No. 22. This is also taken
14 from a different camera in the apartment complex. Is
15 that correct?

16 A That is correct.

17 Q And what does this video, this DVD, what angle is it
18 going to show?

19 A This DVD the Solicitor is holding, that I'm holding
20 now, this is going to depict the angle from the front
21 of the office to the parking lot.

22 Q The entrance into the apartment complex?

23 A It will be one of the two entrances to the apartment
24 complex. Yes.

25 MR. CAMPBELL: Your Honor, at this time we are going

1 to put it on the computer and play it.

2 THE COURT: Just one second. Are you seeking to
3 introduce it?

4 MR. CAMPBELL: I thought it already had.

5 THE COURT: I have "A". I don't have "B". Do you
6 have "B"? (Speaking to court reporter)

7 COURT REPORTER: I have "B".

8 THE COURT: Go right ahead, please, sir.

9 (The second video, State's Exhibit No. 22, is played
10 for the jury on the large screen)

11 Q What is this depicting?

12 A This video camera, which is the office -- can you
13 pause it -- this video camera here is the office for
14 the apartment complex that the manager works out of.
15 The mailboxes are in this vicinity as well. The
16 camera is pointing up to the main entrance of the
17 apartment complex which is up here. This vehicle that
18 drives off would be the vehicle that you saw through
19 the trees on the opposite video camera. This gives
20 you a better angle to depict what kind of vehicle it
21 is. If you could back it up a second.

22 Q And did you get a description of what make and model
23 this type of vehicle is?

24 A From when?

25 Q Did you get a description of what make and model this

DIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL

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1 car is?

2 A It's a burgundy Honda Accord.

3 Q And did that come from Mr. Jones' statement?

4 A I'd have to look at it to refresh my memory. This,
5 again, is the vehicle that you saw with the other
6 video camera going through the trees. It is a
7 burgundy Honda Accord. This is the vehicle that let
8 out the two people that you saw walking to the
9 apartment on the prior disk.

10 (Stop playing the video)

11 Q Detective, if you would please take the stand.

12 (Witness complies). Now, Deputy Gregory, if you will
13 step off the stand, please, because I'm going to show
14 you State's Exhibit No. 4. First, please describe
15 what this is indicating, what it is showing.

16 A The main part of this picture is the building where
17 you would have seen the two people walk to that got
18 out of the burgundy vehicle.

19 Q If you would please show where the video camera angle
20 is from that first video that we were looking at.

21 A The first video angle is going to be from right here.

22 Q Is that the camera that was shooting the first video
23 that we saw?

24 A That is correct. Right here there is a small speck on
25 the photograph, which is the camera on the office that

1 points in this direction.

2 Q And is this the building -- right here, is this the
3 victim's building, where she resided at the time?

4 A Yes, it is.

5 Q And is this the building that we saw the two
6 individuals get out of the car and walk towards?

7 A Yes, it is.

8 Q And the other video camera, what direction would it
9 have been shooting from in the second video?

10 A It would have been pointing out in this direction, if
11 you can see, pointing out.

12 Q So, the roadway is out this way?

13 A That is correct.

14 Q Please take the stand. (Witness complies)

15 MR. CAMPBELL: Court's indulgence, please.

16 THE COURT: Yes, sir.

17 Q I have no further questions. Please answer any
18 questions Mr. Smith may have.

19 THE COURT: Mr. Smith.

20 MR. SMITH: May it please the court.

21 CROSS EXAMINATION OF MARK GREGORY BY MR. SMITH

22 Q Officer Gregory. Would that be appropriate or is it
23 Detective?

24 A Either way, sir, is fine.

25 Q I want to be right. Officer Gregory, you took a

REDIRECT EXAMINATION OF MARK GREGORY BY MR. CAMPBELL 280

1 Q This is just another tool that you used in your
2 investigation to piece together this case?

3 A That is correct.

4 Q And when you do a case, whether Mr. Jones' case or
5 anybody else's, do you strictly rely upon what the
6 victim's themselves say to you before you make an
7 arrest?

8 A I do not.

9 Q What do you do before you make an arrest?

10 A We want to corroborate information, we want to make
11 certain the puzzle pieces are actually fitting
12 together with other evidence out there.

13 Q In the past, have you ever had victims lie to you?

14 A Yes.

15 Q And based on what they tell you, do you make an arrest
16 based on what they say to you?

17 A No, I do not.

18 Q And why is that?

19 A It's not right. We try to give everybody an
20 opportunity to give their side of the story and I can
21 only imagine if we went off everybody's word all the
22 time.

23 Q So, in this case, prior to an arrest being made, not
24 only you, but all the investigators working the case
25 look at what you call, "the totality of the

1 circumstances," to see if all the facts match?

2 A Yes.

3 Q And this is done prior to making an arrest?

4 A From what you have. Yes.

5 Q Does your investigation end at that point in time? Do
6 you stop investigating?

7 A No, sir.

8 Q Why not?

9 A There's always more to the investigation. You must
10 continue on, you must find evidence like we have here
11 with the videos or anything else that may exist and
12 you have to rule out things.

13 Q And did you do that in this case?

14 A We did, specifically, yes.

15 MR. CAMPBELL: I have no further questions.

16 MR. SMITH: May it please the Court.

17 RE-CROSS EXAMINATION OF MARK GREGORY BY MR. SMITH

18 Q Things at play.

19 A I'm sorry. Could you speak up?

20 Q Things at play. What things are you speaking of?

21 A In the sentence that I just stated, things at play
22 about an investigation?

23 Q Yes, sir. What do you mean by that?

24 A Certain things happen in certain investigations.

25 There could be a car pulled over. There could be

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 288

1 Has anybody ever been related by blood or marriage or have
2 you ever had a personal or social relationship with Captain
3 Arnett Jones? If so, would you raise your hand. (No
4 response) Very good. Any additional voir dire request
5 from the State?

6 MR. CAMPBELL: No, Your Honor.

7 THE COURT: From the Defense?

8 MR. SMITH: No, sir.

9 THE COURT: Very good. Are you ready to proceed?

10 MR. CAMPBELL: Yes, sir.

11 THE COURT: Call your next witness.

12 MR. CAMPBELL: Your Honor, the State calls Detective
13 Tommy Johnson to the stand.

14 (After being duly sworn by the Clerk of Court, Tommy
15 Johnson testified as follows:)

16 CLERK OF COURT: If you would take the witness stand,
17 state your name and spell your last name for the record,
18 please.

19 DETECTIVE JOHNSON: Thomas L. Johnson, III.

20 J-O-H-N-S-O-N.

21 DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL

22 Q Detective Johnson, you are employed by the Anderson
23 County Sheriff's Office?

24 A Yes, I am.

25 Q And how long have you been employed with law

1 enforcement?

2 A Approximately, eighteen years with the Sheriff's
3 office.

4 Q Any other law enforcement experience prior to that?

5 A Two years with The South Carolina Department of
6 Corrections and five years with the South Carolina
7 Department of Motor Vehicles.

8 Q Now, talking about your experience with the Anderson
9 County Sheriff's Office, what position or capacity
10 have you held in, I believe you said, eighteen years?

11 A Yes, sir.

12 Q What positions have you held during that time?

13 A Originally, a patrol deputy assigned to Alpha Shift, a
14 school resource officer at T.L. Hanna, then in 2001 I
15 took the position of school resource officer at
16 Belton-Honea Path High School and in 2008 I moved to
17 the investigations division.

18 Q And when you say, school resource officer, what
19 exactly is that type of position?

20 A Basically, what that is, is designed as a threefold
21 teacher, counselor and law enforcement officer, but a
22 law enforcement officer first at the school. I was
23 assigned to the BHP High School basically to handle
24 situations at the school, instruct students in law
25 related issues and counsel students on law related

1 issues.

2 Q And while you're, in this case, a school resource
3 officer at Belton Honea Path High School, do you
4 become or form a bond with the students?

5 A Yes, sir.

6 Q And in this case did the students have a name that
7 they called you?

8 A Yes. The nickname actually started at T.L. Hanna and
9 carried over to BHP, it's O.J. It stands for Officer
10 Johnson. It's just a short version for the students
11 and that's what the students know me in that area by.

12 Q Now, the current position you're in now, what type of
13 investigations do you handle at the C.I.D. or Criminal
14 Investigation Division?

15 A I handle various cases pertaining to property crime
16 offenses, burglaries, robberies, shootings and
17 homicides.

18 Q Now, how did you first become involved in this case
19 that we are dealing with today?

20 A On April 15th, I was in the Belton area. I responded
21 to a call at Road Apartments because I was in
22 the area. As I got there, Belton City had stopped a
23 vehicle just down the road which fit the description
24 that was given out on a BOLO, which is a "Be on the
25 Lookout For", a certain type of suspect vehicle. When

1 I arrived there, I spoke to officers on the scene,
2 which I believe was Officer Turner and I forget the
3 other officer's names. I believe there were three
4 officers there. The information that I obtained at
5 that point identified that this was the vehicle that
6 was at the apartments, which was a red in color Honda.
7 They also were able to identify at least one of the
8 individuals that were in the car with the defendant in
9 this case, Jamario Jones. They referred to him as
10 Mario. From that point, I proceeded to the incident
11 location.

12 Q Now, in this case, were you actually assigned this by
13 any type of supervisor, anybody higher up than you at
14 the Sheriff's office?

15 A No, sir. Generally, what happens is, if you arrive on
16 scene and you are an investigator, then it
17 automatically is your case. There were two other
18 detectives that were on call that day. Seeing that
19 they were still in the Anderson area, I was the
20 closest one and so I responded to it and took control
21 of the scene when I got there.

22 Q Now, you said you first responded at first to a car
23 being stopped to a BOLO being put out, is that by the
24 dispatchers?

25 A It was. It was by our dispatcher on Channel 1.

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 292

1 Q And when you responded to this red Honda, how many
2 people were in that car?

3 A There were two females in the vehicle.

4 Q And do you know their names?

5 A I do. One was Candice Brown and the other was Tiffany
6 Petty.

7 Q Did either one of them have a relationship with Mr.
8 Jones?

9 A My understanding is that Candice Brown is his spouse.
10 That's the way it's listed on his booking sheet.

11 Q Now, I believe you testified they told you his name
12 was Mario at the scene?

13 A That's correct. Tiffany Petty at the scene referred
14 to him as Mario. Tiffany was also a student at BHP
15 during my time there and when she referred to Mario,
16 she also said ---

17 MR. SMITH: Objection. Hearsay.

18 THE COURT: Sustained.

19 Q Now, do you know Mr. Jones?

20 A I do.

21 Q How long have you known him?

22 A Since he started BHP High School. I've had, sat in on
23 several hearings, administrative hearings at school.
24 I've actually arrested him in 2002 for public
25 disorderly conduct in school.

1 Q Now, do you know him as Mario or Jamario?

2 A I know him as both. Jamario is his given name, but
3 also, I know him as Mario.

4 Q And so you had a relationship with him while he was at
5 BHP?

6 A Yes, sir.

7 Q And after this, did you go to the
8 Apartments?

9 A I did. I left the vehicle stop and went to
10 Apartments. Once I arrived on scene, Detective
11 Hendricks showed up on scene. She interviewed the
12 victims. I briefly got some basic information,
13 basically because it was my understanding there was an
14 armed robbery committed and there may be a subject
15 running through the woods or the local area and the
16 community that was armed and I had to assess whether
17 that was correct. I did call for K-9 units to come
18 out and asked for additional assistance to come to the
19 scene.

20 Q Now, I know people get an idea about how a crime scene
21 is handled based upon what they see on T.V. and we
22 know that T.V. is not true. Would you please just
23 explain to the jury about when a, in this case, you as
24 a lead case investigator arrive on scene and you take
25 charge, what procedures or processes do you go through

1 once you get there?

2 A. The first thing you want to do is, you want to find
3 out, obviously, you make contact with the detective
4 that arrived on scene before me. You start
5 ascertaining information from him, speaking with
6 witnesses at the scene to discover what happened. In
7 this case, like I said, we discovered there was
8 possibly one if not two armed suspects running in the
9 woods. We do know of one pistol that one of them had,
10 described as a black male with a white shirt and
11 bluejeans on and armed with a handgun and had fled out
12 into the area. While we were there we started
13 receiving information from dispatch radio that there
14 were other witnesses within a few hundred yards from
15 the apartment complex and they called in and said
16 they'd seen a black male with bluejeans and a white
17 shirt and that he was armed. We obtained written
18 consent from Ms. Bentley, which is a voluntary written
19 form where she gives permission for us to go in, just
20 because it's a crime scene. She was in control of the
21 residence. She lives there and so she has the
22 authority to give us permission to be there. At that
23 time, myself and forensics investigator Pridemore
24 entered the residence and started processing the
25 scene. Forensics officer Pridemore, basically the way

1 it works, when you go in to the scene, everything is
2 photographed. Everybody is out of the scene, there's
3 nobody in the scene at which point we let them go in
4 and do overall photographs and documentation of it and
5 then we go in and do a general walk through of the
6 scene just to see what's in the scene.

7 Q Now, you mentioned photographs in this case. Were
8 photographs taken?

9 A Yes, they were.

10 Q And what, if anything, happened to those photographs?

11 A It's my understanding there was some sort of computer
12 software failure on our forensics computer which all
13 our crime scene photographs many months ago and not
14 only on this case but numerous other cases, the
15 photographs were lost. The computer, from my
16 understanding, was taken and images were tried to, I
17 don't know the proper terminology, but they tried to
18 recover those photographs and they were unsuccessful
19 in doing so.

20 Q Now, the photographs that we have were taken several
21 days later or after the fact. Is that correct?

22 A That's true.

23 Q Now, when you arrived at Apartments, did
24 you have an opportunity to speak with Ms. Bentley and
25 Ms. Taylor?

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 296

1 A I did, briefly.

2 Q And did you also observe two small children?

3 A I did.

4 Q And did you, were you able to, based on your direct
5 observation, see if they had sustained or received any
6 type of injuries?

7 A I did. I observed several, you could describe them as
8 knots, bumps, bruises, things like that. I did not
9 see any blood on the child, but I did see a small
10 maybe a contusion or something that I would classify
11 as that, on the child, on the three-year-old.

12 Q Like a cut?

13 A A cut. I'm sorry, on the small child, the one-year-
14 old.

15 Q Now, when you arrived, are you from the Belton-Honea
16 Path area?

17 A No, sir. I'm not. I've worked in that area, like I
18 said, since 2001 in high school and made a lot of
19 relationships as far as acquaintances through the high
20 school and through coaching football and things like
21 that.

22 Q I want to talk a little bit about the area. When you
23 come in -- what direction did you come in from
24 Anderson?

25 A I came in from, I actually came in from Broadway

1 School Road which comes up to Highway 20, which is
2 directly across from the Belton Mart and Road
3 Apartments.

4 Q And how far is the Belton Mart from the apartment
5 complex.

6 A I would say from my information, probably a hundred to
7 two hundred yards.

8 Q Is the Belton EMS station right there also?

9 A Yes. As soon as you pull onto Road, you're at
10 the Belton Mart and if you look left about one hundred
11 fifty, maybe two hundred, yards across the field is
12 the Belton EMS station and then the apartment complex
13 and so it's sort of like a triangle, is the way they
14 sit.

15 Q Now, when you are investigating a crime, you don't do
16 all the work by yourself. Do you?

17 A No, sir. There's just too much. You have to rely on
18 other individuals, such as in this case, Agent Stallo
19 with ATF and an Agent Gregory, they followed up leads
20 while I was working other parts of the case.

21 Q And in this case, you spoke with the victims.

22 A I did.

23 Q Now, as a result of your conversations, did you
24 identify suspects in this case as potential people who
25 committed this crime?

1 A We did.

2 Q And who were the names that popped up?

3 A Quenton Byrd's name popped up, but that was assigned
4 to Agent Stallo and Agent Gregory of the Sheriff's
5 office and they followed up on that and subsequently,
6 he was ruled not a suspect in this case.

7 Q Any other people identified as potential suspects?

8 A Melody Ellis was and Mr. Jones were the only other
9 two.

10 Q Now, as a result of talking to the victims in this
11 case, did you learn that -- they identified Mr. Jones
12 as being the individual with the gun. Is that right?

13 A That's correct.

14 Q And you learned that he had gloves on.

15 A That's correct.

16 Q Now, you processed, were you present when the crime
17 scene was processed?

18 A I was. When I first arrived and we got started on the
19 crime scene, going through it, Officer Pridemore began
20 his process, which was normally, they are the ones
21 that collect for prints and evidence like that. I do
22 a general walk-through. When I walked through the
23 house, the house was in disarray, the kitchen area was
24 in disarray with cabinets open and drawers pulled out.
25 The bed back in the bedroom had been, it appeared that

1 it had been moved and jostled around.

2 Q Now, when you went through this apartment, did you see
3 any other signs of illegal activity ongoing in this
4 apartment?

5 A No, sir. When I walk through an apartment, the first
6 thing that I -- I didn't see any evidence of any kind
7 of bongs or pipes or things like that that would
8 indicate any kind of narcotics in the residence. I
9 didn't see any baggies, I didn't see any type of drug
10 paraphernalia such as that and there was no odor of
11 any type, you know, like a marijuana smell was not in
12 the apartment.

13 Q As a result of you and Investigator Pridemore
14 processing this crime scene, were y'all able to lift
15 some fingerprints from the kitchen area?

16 A Not that I recall. I think most of them were smudges,
17 from what I recall.

18 Q But prints were lifted?

19 A Yes. There were partials.

20 Q As a result of that, did you have them attempted to be
21 compared with Mr. Jones and Ms. Ellis?

22 A I did.

23 Q And what was the result of that?

24 A They came back negative.

25 Q And when you say negative, what does that mean?

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 300

1 A It means they didn't match specifically to Mr. Jones
2 or Ms. Ellis, but that's not uncommon on crime scenes.
3 It could have been the victim's fingerprints, it could
4 have been acquaintances of the victims that had been
5 in the house, it could have been there the day before,
6 three days before, a week before. It just depends on
7 when you've cleaned, because cleaning under door
8 handles and places like that, folks don't really think
9 about cleaning there. You wipe a counter down and
10 you're done. So, it could be a fingerprint that was
11 there from five months ago that hadn't been cleaned
12 off.

13 Q And do you know, were these prints of sufficient
14 quality to make a comparison?

15 A The partials were, but as far as I know they did not
16 match back to the defendant.

17 Q Now, if a person was wearing gloves, would they leave
18 fingerprints?

19 A No. They would actually, they would not leave any
20 type of fingerprints, it would be more of a, it would
21 look like a smear based on what I've seen in my
22 experience of many years. It kind of looks more like
23 a smear, depending on the gloves. In some cases,
24 there are specific types of gloves that there may be a
25 pattern like rubberized hand grips, things like that

1 making that pattern on there, but I didn't see any of
2 that.

3 Q Now, were you able to determine if anything was taken
4 during this crime?

5 A There was cash money taken from the residence,
6 approximately \$350.00 between Ms. Bentley and what was
7 in the kitchen area.

8 Q Anything else taken?

9 A Not that I recall.

10 Q Now, after you processed the crime scene, what was the
11 next step or process that you took in the
12 investigation of this case?

13 A During the processing of the crime scene, Investigator
14 Hendricks was conducting an interview with the
15 victims, individually, and once we finished processing
16 the crime scene, at that point, we came back out and
17 again, I was briefed by Investigator Hendricks. We
18 started getting -- if I could back up. The traffic
19 stop, when I first arrived there, the vehicle was
20 actually towed. Belton City made an actual arrest on
21 Ms. Brown based on unrelated charges, based on driving
22 under suspension. We started getting phone calls from
23 a tow company stating someone was calling trying to
24 know how to get this vehicle. It was a male's voice.
25 They did not identify themselves or who they were. We

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1 were able to obtain that number and I was able to put
2 a team together to go, based on that, we felt that may
3 be Mr. Jones. We can't prove it was Mr. Jones, but we
4 felt it would be. We went to the residence over on
5 the north side of Anderson where the phone number came
6 back from.

7 Q And what, if anything, came about because of that?

8 A We -- it was not -- the number at that residence had
9 not been changed on our 911 system and that's how we
10 took the number and searched our 911 system to find
11 out the residence and it turned out to be an eighty-
12 year-old white female that lived there and we kind of
13 surprised her and she advised us that she had not had
14 that number in a while so, at that point, I had to go
15 back and continue the investigation trying to find
16 leads on it.

17 Q And what was the next break that you received in this
18 case?

19 A Once we spoke with the elderly female, we left, I left
20 and went back to the detention center where I spoke
21 with Ms. Brown who in return said that he may be at
22 his cousin's house and that's on

23 . I did notify the team and when I say
24 team, it's a conglomeration of Anderson City Police
25 Officers and Anderson County Officers and we were in

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1 route there to Street just to check the area
2 to see if Mr. Jones may be in the area.

3 Q And did you, yourself, go to
4 Street?

5 A Yes, sir. As I was coming down South Street,
6 I actually see a city police car sitting in front of
7 the immediate area where this residence is with his
8 blue lights on. My first impression was that they had
9 already found him, so as I pulled up on the scene, I
10 looked to my right and I seen Mr. Jones, who I know by
11 face, by recognition, standing on the front porch of
12 DeAngelo Acker's house. I get out, I go up and talk
13 to Officer Kevin Looney from Anderson City, who was
14 actually on a Moped stop in front of this residence
15 and just so happens to be there when I arrived and I
16 immediately tell Mr. Looney that the two suspects are
17 on the front porch. Ms. Ellis is on the front porch
18 with her dreads. I described her to him, I described
19 Mr. Jones and myself and Kevin Looney, I don't know if
20 it was a reserve officer or a training officer with
21 him, took Mr. Jones and Ms. Ellis into custody at
22 DeAngelo Acker's house.

23 Q Now, when you arrived and you talked about Officer
24 Looney with the Anderson City Police Department. Was
25 this just coincidence?

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 304

1 A It was. Officer Looney was actually on duty that
2 night, had not been a part of our team looking for
3 them. We actually had -- he had no indication of what
4 was going on. When I pulled up, he thought I was just
5 checking on him to see that he was okay, which is not
6 uncommon in our business. We may pull up, roll the
7 window down, just signal to them or we may get out
8 just to make sure for their safety, what's going on,
9 so he actually thought I was checking on him.

10 Q And, approximately, what time of day is this?

11 A I'd say this was around 5:30, 6:30 in the evening.

12 Q Still daylight?

13 A Yes. It was still daylight.

14 Q And at this point in time, Mr. Jones and Ms. Ellis are
15 just listed as suspects. Is that right?

16 A That's correct.

17 Q At this point, you didn't know if they were actually
18 involved or not, you just thought they possibly could
19 be?

20 A I had a suspicion they possibly could be.

21 Q And as a result of this, you took both of them into
22 custody?

23 A We took both of them into custody and detention and
24 took them back to the Sheriff's Department where Mr.
25 Jones was placed in interview room No.2 and Ms. Ellis

1 was taken to Investigator Lacy Holden's office.

2 Q Now, while you were on the scene at

3 Street -- let me back up. Is that considered
4 the south side of Anderson?

5 A It is.

6 Q Now, did you do any type of investigation while you
7 were at that residence?

8 A Yes. While we were at that residence, I was informed
9 that Mr. Jones had actually handed a gun to DeAngelo
10 Acker where he lives with his mother at that
11 residence. I spoke with Ms. Acker, advised her, she
12 said she did not want any type of weapon like that
13 that may have been used in a crime or something in her
14 house. She provided written consent for us to go into
15 her house and retrieve this. We were told it was on
16 top of the refrigerator. We went down the hallway
17 with Ms. Acker, who was present. DeAngelo also came
18 into the kitchen, identified the weapon and said it
19 was on top of the refrigerator where we found it. It
20 was black in color with a silver stripe or silver
21 slide, a loaded .380 Highpoint automatic, semi-
22 automatic. I'm sorry.

23 Q As a result of this, did you recover this gun?

24 A I did.

25 Q And did you take this gun into evidence?

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 306

1 A I took the gun into evidence. We had to clear the
2 weapon on scene just for everyone's safety. We
3 removed the magazine and there were five live rounds
4 in the gun.

5 Q Now, I'm going to show you what has been marked for
6 identification as State's Exhibit No. 20.

7 MR. CAMPBELL: Your Honor, for the record, State's
8 Exhibit No. 20 is actually comprised of two parts, the
9 pistol as well as the clip with some ammo. For
10 identification and for court exhibit purposes, I had Ms.
11 Rice to list the bullets and the clip as State's Exhibit
12 No. 20-A, just for identification purposes while we are
13 dealing with this.

14 THE COURT: Yes, sir.

15 Q Now, Detective Johnson, I'm going to show you what has
16 been marked as State's Exhibit No. 20 and No. 20-A. I
17 want you to please look at it first and see if you can
18 identify it.

19 A (Witness complies) Yes, this is the gun that was
20 recovered from the refrigerator at DeAngelo Acker's
21 house and this is the magazine that was taken out of
22 the weapon along with the five rounds, including the
23 one in the chamber.

24 Q As a result of this, did you take this gun into
25 evidence?

1 A We did.

2 MR. CAMPBELL: Your Honor, at this time, I'm going to
3 move State's Exhibit Nos. 20 and 20-A into evidence.

4 THE COURT: Any objection?

5 MR. SMITH: No, sir.

6 THE COURT: Admitted, without objection.

7 (Whereupon, a pistol is admitted into evidence as
8 State's Exhibit No. 20 and a magazine with bullets is
9 admitted into evidence as State's Exhibit No. 20-A, without
10 objection)

11 Q Now, after you took possession of this pistol, you
12 entered this into evidence with the Sheriff's office.
13 Is that right?

14 A Yes.

15 Q Did you also request that these items be
16 fingerprinted?

17 A I did.

18 Q And what, if anything, came about due to your request?

19 A There were no fingerprints found on the weapon.

20 Q How about the clip and the magazine and the ammo?

21 A No, sir.

22 Q Now, after this, did you go back to the Law
23 Enforcement Center?

24 A I did. I left once we completed our investigation at
25 Ms. Acker's house, we provided her a copy of the

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 308

1 consent to search and left there. I went back to the
2 Sheriff's Department where myself and Investigator
3 Holden began an interview with Melody Ellis, the co-
4 defendant.

5 Q Now, did you transport anybody back to the Sheriff's
6 Office yourself?

7 A No, sir. No one left with me in my vehicle.

8 Q Now, when you arrived, were the two individuals, Ms.
9 Ellis and Mr. Jones, were they taken to the Detention
10 Center or to the Law Enforcement Center?

11 A They were taken to the Sheriff's Department, to the
12 second floor. Mr. Jones was in interview room No. 2
13 and Ms. Ellis was taken to Investigator Holden's
14 office.

15 Q Now, is your office also on the second floor?

16 A Yes, sir.

17 Q How long did you speak with Ms. Ellis?

18 A We began her interview when I got there -- give me one
19 second, I have those notes with me, I believe. I
20 think it was around 8:00, something like that, a
21 little bit after, when we started talking to Ms.
22 Ellis. During this interview, Detective Gregory came
23 down the hall and notified me that Mr. Jones wanted to
24 speak with me. He actually referred to me as O.J. and
25 I proceeded to talk to Mr. Jones.

1 Q And did Investigator Gregory, did he give you a
2 statement that he had already taken from Mr. Jones?

3 A He provided it to me. Yes, sir.

4 Q And was this statement initially done at your request?

5 A Yes. It was.

6 Q I mean, you asked Investigator Gregory to go talk to
7 Mr. Jones first?

8 A While we were doing the scene, once we took him into
9 custody, I advised, I called Investigator Gregory on
10 the phone and told him we were going to be tied up for
11 a while and the defendants were back at the office and
12 if he would, go ahead and begin the interview with Mr.
13 Jones.

14 Q And he did that at your request?

15 A Yes, sir.

16 Q And as a result, the statement that you heard
17 yesterday was the statement that he got from Mr.
18 Jones?

19 A That's correct.

20 Q Now, after this interview process that Mr. Jones
21 conducted with Investigator Gregory, what was the time
22 difference between the two, when you went to speak
23 with Mr. Jones?

24 A Five, ten minutes, tops. I talked with Investigator
25 Gregory just a few minutes, and then I went in to

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 310

1 speak to Mr. Jones.

2 Q And during this break, was Mr. Jones in the same room
3 that he was when Investigator Gregory talked to him?

4 A Yes. He was still in the interview room No. 2.

5 Q Now, when you talked to -- you talked to Mr. Jones,
6 obviously.

7 A Yes, sir. I did.

8 Q And what steps or procedures did you go through prior
9 to talking to him?

10 A I got his personal information, again, from him and
11 put it on the statement form. I then reviewed Miranda
12 with him just to make sure that he understood he was
13 still under the Miranda from the form he signed with
14 Investigator Gregory. I asked him, I know at least
15 once if not twice, are you sure you don't want to talk
16 to a lawyer before you talk to me? At which point, he
17 advised me he had made a mistake or inaccurate
18 information that he had given to Investigator Gregory
19 and he wanted to change a part of his statement.

20 Q As a result of that, did you do another Advice of
21 Rights form with him?

22 A No, sir. I did not do another form.

23 Q But did he say he understood his rights and wanted to
24 speak to you?

25 A Yes, sir. He said he understood his rights and that

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 311

1 he wanted to change a part of his statement because he
2 had given inaccurate information on the first
3 statement.

4 Q And how long after the first statement he gave you,
5 was this?

6 A Approximately, five or ten minutes.

7 Q As a result, did you take a statement from him?

8 A I did.

9 Q And did you do this on a statement form?

10 A Yes, sir.

11 (Mr. Campbell shows document to Mr. Smith)

12 Q I'm going to show you what's been marked for
13 identification, State's Exhibit No. 3, Detective
14 Johnson. Could you please identify this, please, sir?

15 A This is the original statement that I took from
16 Jamario based on his request to talk to me.

17 Q And this is the original?

18 A Yes, sir.

19 Q Now, in this, how do we know this is Mr. Jones'
20 statement?

21 A On the top lefthand corner, I took his personal
22 information from him. It says, "Jamario Quinton
23 Jones, , Belton, South Carolina,
24 20627. Date of birth was . B/M stands for
25 black male. Cell phone number: . Social

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 312

1 Security Number: . Those are identifying
2 indicators that he provided to me.

3 Q This wasn't something that you wrote off the previous
4 statement?

5 A No, sir.

6 Q And what was the purpose of why you elicited this
7 information a second time?

8 A So, one is for comparison to make sure I'm getting the
9 proper information so I can see he's not lying. He
10 may have given some different information on the first
11 statement as far as who he was. It's just a part of
12 the investigation.

13 Q Now, at this point, did he give you, tell you what he
14 wanted to change or correct?

15 A Yes, sir. He did.

16 Q And how did that go about?

17 A I asked him, "You requested me. What's going on?" He
18 said that he wanted to change his statement. I said,
19 "Okay, which part?" And then he started talking to me
20 about which part of his statement he wanted to change.

21 Q As a result of that, did you put this down in writing?

22 A I did.

23 Q And as a result of that, did you go back over it with
24 him?

25 A I did. I went back over with him orally and let him

1 view it.

2 Q And were any corrections made?

3 A There were actually two parts in there. I think they
4 were just words, spelling, where I had started to put
5 a different word than he provided. In other words, he
6 changed it and we scribble those out and we made sure
7 as we went back over the statement before they sign a
8 completed statement form, that this is what they want
9 to say, this is how they want it said and that these
10 are errors and we have them scribble it out and
11 initial above it.

12 Q And after you went through this process and put it
13 down in writing, he had a chance to review it?

14 A Yes, sir.

15 Q And after he had a chance to review it, did he sign
16 the statement?

17 A Yes, he did.

18 MR. CAMPBELL: Now, at this point, Your Honor, I would
19 like Detective Johnson to read the statement. First of
20 all, I'm going to move State's No. 3 into evidence.

21 THE COURT: Any objections?

22 MR. SMITH: No, sir.

23 THE COURT: Admitted, without objection.

24 (Whereupon, a statement by Jamario Jones is entered
25 into evidence as State's Exhibit No. 3, without objection)

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 314

1 Q Detective Johnson, would you please read the statement
2 that Mr. Jones gave you on April 15, 2011.

3 A We start in the upper lefthand corner where the
4 identifying information is: Jamario Quinton Jones,

5 , Belton, South Carolina. Date of

6 birth is . Black male. Cell phone number:

7 . Social Security Number: .

8 It says he completed the ninth grade and he can read

9 and write. The date of the statement is April 15,

10 2011, and it's page number 1. He initialed the

11 beginning of the statement with JJ. It says: This

12 statement is being written for me by Detective T.L.

13 Johnson. In my statement where I said I was in the

14 car with Candice when we saw Byrd and Melody running,

15 I was wrong. It was Byrd, Melody and me running away

16 from the apartment complex. Byrd went to his house

17 and Melody and me walked to the store. I tried to

18 call Candice from the store phone, but she did not

19 answer. I saw Torry -- and then there's a scribble

20 mark where there was an error made in the statement

21 with the initials of JQJ over the top of that -- and

22 Byrd in a green car. Byrd was like, come on. Byrd

23 had come in and bought a cigarette. They took us to

24 Melody's house off of . I asked Teresa

25 to give us a ride to the south side. I went in

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 315

1 Teresa's house and got Candice's .380 pistol. Teresa
2 carried Melody and me to my friend's house "Dee". He
3 lives on Street. I went in -- and here
4 again is another scribble mark, JQJ above it where an
5 error was made -- to Dee's house and gave him the gun.
6 I told "Dee" to put the gun on the refrigerator.
7 "Dee" took the gun and put it on the refrigerator.
8 End of statement. There are three "x" and his
9 initials JQJ indicating that's the end of the
10 statement and nothing can be added. There's also two
11 fill marks, which are two crossed lines on the
12 statement where they cross and four smaller lines on
13 the statement where we require them to put their
14 initials. That's just fill space and nobody can go in
15 to change their statement. At the bottom of the
16 statement, it's signed Jamario Jones.

17 Q Now, after you have received the second statement with
18 some corrections that he wanted to make, did that end
19 your investigation?

20 A No, it did not. That was just an additional piece to
21 the investigation.

22 Q Now, at this point, had he already been taken to the
23 Law Enforcement Center?

24 A He was at the Sheriff's Department. Yes, sir.

25 Q I'm sorry. Had he been taken to the Detention Center?

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 316

1 A No, sir. He was still at the office at that point.

2 Q After he gave this, what was the next process that
3 y'all went through?

4 A We went back through all the information to
5 collaborate the witnesses' statements, all the
6 information was collected at the scene, at which
7 point, it was determined that we felt there was
8 probable cause to charge both defendants with the
9 crime.

10 Q And in this case, were you the person that took out
11 the warrants against Mr. Jones?

12 A Yes, I was.

13 Q And you took him out for three charges?

14 A That's correct. Burglary, first degree, armed
15 robbery, and possession of a weapon during the
16 commission of a violent crime.

17 Q As a result of this, was Mr. Jones booked into the
18 Anderson County Detention Center?

19 A Yes, he was.

20 Q And as a part of that process as they are booked in,
21 they give certain information to the booking people?

22 A Yes, they do. They give pertinent information that
23 goes in the booking file: Name, date of birth,
24 driver's license number, things like that. Spouse.
25 There's an inventory of property on them when they

1 enter the jail or what's taken from them when they
2 enter the jail and placed in the property safe at the
3 jail.

4 Q Did Mr. Jones indicate who his next of kin was?

5 A He did. He listed Candice Brown as his spouse and
6 next of kin, which is an area found on the booking
7 sheet, kind of like for emergency contact information
8 or things like that in case they need to contact
9 someone.

10 Q And did he also list what his employment was?

11 A He did. He listed his employment as unemployed.

12 Q And when they process a person in at the jail, do they
13 take items that are on that person into evidence?

14 A They take the items that are made aware of in
15 inventory and in this case it was \$202.00 in cash that
16 was in his inventory that we thought came from the
17 robbery and it was taken into evidence, along with his
18 clothing and things of that nature that he had on that
19 was pertinent to the crime as far as being probable
20 evidence in this case.

21 Q Now, after this arrest was made on Mr. Jones, was Ms.
22 Ellis also charged?

23 A Yes, she was. Once we finished her statement also,
24 then yes, she was arrested also.

25 Q Was she charged with the same crimes?

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 318

1 A Yes, sir. She was.

2 Q Now, did you stop at this point in time?

3 A No, sir. The investigation continued on for a couple
4 days after that, or several days. It took a total of
5 several days. We had to review video. When I got the
6 video, I believe it was Monday afternoon after Mr.
7 Gregory obtained the video. I viewed it and there
8 were several other things we continued to do.

9 Q Okay. Now, you learned that there were two adults and
10 two children in the apartment when this crime was
11 committed.

12 A That's correct.

13 Q Did you attempt to talk or have someone in your
14 department speak to the little girl, the three-year-
15 old?

16 A I did. I requested Investigator Michael Collins, who
17 investigates sex crimes and been trained to do
18 forensic interviews, to do a forensic interview with
19 the child.

20 MR. SMITH: I'm going to object if he's going to speak
21 for someone else.

22 MR. CAMPBELL: I'm not going there. I'm just going to
23 ask him what he did.

24 THE COURT: All right.

25 Q As a result, did you get anything from this video?

1 MR. SMITH: Objection. Hearsay.

2 THE COURT: Don't go into what he said.

3 MR. CAMPBELL: That's as far as I'm going to go with
4 that.

5 THE COURT: All right.

6 Q Now, besides that, did you, yourself, also talk with
7 the victims?

8 A I did talk to both victims.

9 Q And you got the apartment video.

10 A I did. From the complex.

11 Q Did you also attempt to get the police reports from
12 Belton P.D.?

13 A I did. I attempted to get a copy of the police report
14 from Belton and I also attempted to get a police
15 report from Kevin Looney. I believe it was supplied
16 as to why he was on Street at that
17 time.

18 Q And based upon what you know, did you ever get a
19 description of what the two individuals were wearing
20 at the time this crime was committed?

21 A Yes. From the initial traffic stop when I went to
22 respond to it is where I obtained the information on
23 who Jamario Jones was, along with the description, and
24 I got descriptions from individuals at the apartment
25 complex at the scene and from there, we were able to

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 320

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take that.

Q Were you able to determine what these individuals were wearing?

Q Yes, I was.

Q And what was that?

A Mr. Jones was wearing a white tee shirt and bluejeans. Ms. Ellis was wearing a red or burgundy colored Bojangles shirt and shorts.

Q And when you arrested Mr. Jones at Street, what color of clothes or what kind of clothes was he wearing?

A He as wearing bluejeans and a white tee shirt.

Q You also, as a part of your investigation, asked that a firearms trace be done on this weapon?

A I did. I sent the firearm trace to ATF.

Q And what was the purpose or why did you go through doing that?

A We like to find out, you know, go back and find out the last person the gun was registered to. Also, whether it comes back stolen or something like that. We like to call the individual and find out, you know, how did this gun get here.

Q And in this case, you learned that the registered owner was Candice Brown?

A That's correct.

1 Q Who is listed as his spouse?

2 A That's correct, as Mr. Jones' spouse.

3 Q Now, approximately, from the time that you initially
4 got the call to the time the arrests were made, how
5 many hours are we talking about here?

6 A I'd say between probably six or seven hours.

7 Q But that didn't end your investigation, your
8 investigation took a lot longer.

9 A We don't stop with an arrest. We continue on to make
10 sure everything collaborates each other and everything
11 you know, matches up, because ---

12 Q When you say, everything matches up, did you go
13 through the statements that were given, whether by the
14 suspects or the victims and try to look at it as
15 compared to the evidence as you observed it?

16 A Yeah, if you look at statements that people give you
17 and it's kind of like putting together a jigsaw
18 puzzle, you take this statement, compare it to this
19 statement, compare it to this statement and compare it
20 to this statement to see if the information matches,
21 if there are discrepancies in the statements to kind
22 of see where you're at and that kind of gives you a
23 better indication of what went on.

24 Q And in this case, did you do that?

25 A I did.

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 322

1 Q And what was the information that was consistent to
2 you?

3 A The information that was consistent with me was Mr.
4 Jones and Ms. Ellis entered the apartment, Mr. Jones
5 was armed prior to coming to the apartment, that they
6 went to commit a robbery, based on the fact that I
7 felt they had bad intel of drugs and narcotics or
8 money in the residence. They fled from the scene,
9 were seen fleeing from the scene in the general area
10 by the EMS folks and the fact that several hours later
11 they're at Melody Ellis' cousin's house, DeAngelo
12 Acker's, in which he provides to go to him and speaks
13 to Mr. Acker, telling him that he just committed a
14 robbery.

15 Q: And when he gave you, the two statements that he gave
16 to law enforcement, to Detective Gregory and also to
17 yourself, it corroborated most of that information.
18 Is that right?

19 A Most of the information. It places him at the scene
20 there at the apartment. The only thing it does not
21 incorporate is the gun in his hand. He states that
22 gun was picked up later after he left the apartment
23 complex.

24 Q But doesn't he, in the two statements, actually admit
25 to committing the crime?

1 A He does not admit to committing the crime. No, sir.

2 Q But he gives you information before, he gives you
3 information that you can back up before the crime and
4 after the crime.

5 A Yes, sir. He gives me information that I can
6 collaborate with witness statements before the crime
7 and after the crime, other than actually committing
8 the crime.

9 Q So, that was the only part that was actually left out?

10 A That's correct.

11 Q And when you observed, when you went into the actual
12 apartment, , did you observe, there's been
13 testimony about a broken window.

14 A I actually observed it when I first arrived on scene.
15 It stood out. It was on the top right of the victim's
16 apartment.

17 Q And why did it stand out to you?

18 A Just the way the glass was kind of hanging out of the
19 window and the way it had broken and there were pieces
20 of glass laying on the ground.

21 Q And were you ever able to determine why this crime was
22 committed during broad daylight?

23 MR. SMITH: Objection. Calls for speculation.

24 THE COURT: Lay your foundation, please, sir.

25 MR. CAMPBELL: I'll just back up.

DIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 324

1 Q Now, Detective Johnson, in your experience, and I know
2 there is some information that has come up about drugs
3 and you have testified on direct examination that you
4 saw no evidence of that.

5 A That's correct.

6 Q In your experience, have you arrested people that were
7 doing drugs?

8 A Yes, sir. I have.

9 Q And is it your experience, that people that are doing
10 something illegal, do they typically call law
11 enforcement when they become a victim?

12 A In my experience, it happens one of two ways: one,
13 they don't call if they are distributing or have
14 narcotics in the house or two, when they do call and
15 realize, I shouldn't have called, they sign a
16 complaint of withdrawal.

17 Q And how long after the initial dispatch was sent out
18 over the radio, did the officers arrive?

19 A It was, approximately, eight minutes, eight to ten
20 minutes for the first officer to get there and I
21 believe the first one there was actually Deputy
22 Bannister and then when I got there, the two victims
23 were still highly emotional, very upset, agitated to
24 the point they were trying to, needed to calm down
25 before we could actually sit down and talk with them.

1 Q And based upon what they told you and other detectives
2 on the scene, did the evidence that you personally
3 observed in the apartment match the description of
4 what they described to you?

5 A They did.

6 MR. CAMPBELL: Court's indulgence, please?

7 THE COURT: Yes, sir.

8 MR. CAMPBELL: Your Honor, that's all the questions I
9 have for this witness.

10 MR. SMITH: Permission to approach, Your Honor?

11 THE COURT: Yes, sir.

12 (Brief Bench Conference Off the Record)

13 THE COURT: Madam Forelady, ladies and gentlemen of
14 the jury, we're going to take about a 10 minute break. If
15 you would go back to your jury room and make yourself
16 comfortable. If you need anything, let us know. Officer,
17 you can't speak with anybody during the break. Okay, sir?

18 INVESTIGATOR JOHNSON: I understand, sir.

19 (Jury out at 10:24 a.m.)

20 THE COURT: We'll be in recess for about 10 minutes.
21 If you need additional time, just send word down, please.

22 MR. SMITH: Yes, sir. Thank you, Your Honor.

23 (Brief Break)

24 THE COURT: All right, Mr. Smith. Are you ready to
25 proceed?

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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- 1 Q And it's your belief that they used the railroad
2 tracks as a means of getting away. Isn't that right?
- 3 A It is.
- 4 Q So, seemingly, you investigated the ravine or ---
- 5 A We went back there and looked at the ravine.
- 6 Q Did you find any black gloves?
- 7 A I did not.
- 8 Q Did anybody from your office find black gloves?
- 9 A No. There were no black gloves turned in.
- 10 Q So, the only testimony or anything that we know about
11 black gloves comes from the victims. Is that right?
- 12 A That's correct.
- 13 Q And so, black gloves, seemingly, and correct me if I'm
14 wrong, would not allow a person to leave a
15 fingerprint. Right?
- 16 A If the gloves were on, no.
- 17 Q So, the only reason we know about black gloves are the
18 two ladies.
- 19 A Correct.
- 20 Q Did Melody Ellis have gloves at all, to your
21 knowledge?
- 22 A Not to my knowledge.
- 23 Q And you heard the testimony indicating that she came
24 in, closed the door, locked it and then, seemingly,
25 the first one out. Did you ever find a fingerprint of

1 hers on anything?

2 A No, sir.

3 Q Forensics is pretty important. Isn't it?

4 A It is. It goes along with a part of the puzzle.

5 Q And what did forensics find for you in this particular
6 matter?

7 A They found some partials that were matched, not
8 matched, but compared to Mr. Jones and Ms. Ellis.
9 They found numerous smudges all over the apartment and
10 smudges are, basically, when you touch something, you
11 pull away from it and rather than leaving a print, it
12 leaves a smear and those are unidentifiable and there
13 were numerous of those found inside the apartment.

14 Q So, you got nothing. Right?

15 A No, sir. I have two victims ---

16 Q No.

17 A You're talking about forensics?

18 Q Fingerprints or ---

19 A No. They were not matched to either one of the
20 partials.

21 Q Three hundred and fifty dollars. Is that about the
22 amount of money?

23 A That's what the victims stated. Yes, sir.

24 Q Okay. And, of course, you know what was in Jamarion
25 Jones' and Melody Ellis' pockets prior to that

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 entrance into the apartment?

2 A No, sir. I do not.

3 Q And, according to you, you found, what, \$202.00 ---

4 A That's correct.

5 Q ---on Jamario? And do you know what the serial
6 numbers of the money lost by the victims were?

7 A No, sir. I don't think, in today's society, I don't
8 think anybody sits down and writes serial numbers from
9 their money now.

10 Q So, you have absolutely no knowledge of whether the
11 money he had came from that house or that apartment.
12 Do you?

13 A I know the money was processed by our forensics unit.

14 Q Yes.

15 A There was no obtainable or usable prints processed off
16 of the money.

17 Q Not even from the people that allegedly had the money,
18 initially?

19 A No, sir.

20 Q So, you don't know the money that Mr. Jones had in his
21 pockets an hour prior to this incident. Right?

22 A No. I don't know if he had it prior to this incident
23 or not.

24 Q Once again, all you have is the statements of the
25 victims. Right?

1 A The statements of the victims, along with other
2 supporting evidence from both witnesses around the
3 scene. And when I say that, what I'm articulating is,
4 yes, I have their statements from inside, what
5 occurred inside the apartment, and then there is other
6 supporting evidence from individuals that transported
7 Mr. Jones to the scene, what they saw at the scene,
8 what the EMS people saw at the scene, what happened
9 several hours later when Mr. Jones was discovered and
10 then we have the information of him being moved from
11 there to the scene.

12 Q All of those people that you just discussed, not one
13 individual can tell us that the money that he had was
14 not his. Right?

15 A That's correct.

16 Q So, you would agree with me, at this point, that the
17 victims are the key to this case.

18 A Not necessarily. They are a part of this case.

19 Q You have no way of telling me that Mr. Jones stole
20 money from them, unless they say so. Isn't that
21 right?

22 A They say so.

23 Q Exactly.

24 A But that's only a part of the investigation in this
25 case.

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 Q That's the only way you know this.

2 A I have cases, I've worked cases in the past where I've
3 had one victim and that's it, but you take that
4 combined with the other parts of the case to lead you
5 to the determination that this happened.

6 Q Okay. The black gloves, once again, the only way we
7 know about black gloves is the victims.

8 A Uh-huh.

9 Q The teeth. It was unknown that they were broke out at
10 the time of the incident?

11 A Well, when I say, "broke out," some people may
12 visualize broke out as -- chipped is different from
13 broke out. Broke out is dependant on how they
14 describe it. I was made aware of it at the
15 preliminary hearing. At the initial scene, the
16 victims were actually, individually, were sitting in
17 the car with Investigator Hendricks. I spoke with
18 them through the window, because I was trying to do a
19 trace on one of the victim's cell phones that was
20 taken to try to get a beam off a tower, which did not
21 pan out.

22 Q Thanks for bringing that up. The phone that was
23 allegedly taken, did you ever find that?

24 A No, sir. But it's not uncommon for people to throw
25 those away when they run from a scene.

1 Q Really?

2 A Yeah.

3 Q In a ravine?

4 A No. You've got trash cans, you could throw it in a
5 ravine, you could throw it out the window going down
6 the road. I mean, there's a time frame there that
7 they could have disposed of whatever it was.

8 Q Can you share with us the time frame that they had to
9 dispose of it?

10 A I can tell you that when we initially received the
11 call at two and then my time frame would be when I
12 took him into custody on Street.

13 Q So, you didn't find the phone.

14 A No, sir.

15 Q You didn't find the black gloves.

16 A No, sir.

17 Q But the victims told us that that's what you should
18 know what to find. Right?

19 A They told me -- that was their description, not
20 necessarily what I should find.

21 Q Do you believe that the gun is silver?

22 A No. I said the gun was black with a silver slide,
23 which that has a silver stripe down the slide.

24 Q That's silver?

25 A In my interpretation, it is. Yes, sir.

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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- 1 Q I thought silver was shiny.
- 2 A It depends on what color. I mean, it's silver.
- 3 Q That's not gray?
- 4 A I consider it silver.
- 5 Q You heard the testimony of both of the victims.
- 6 A Yes, sir.
- 7 Q They both said "black guns". Is that a black gun?
- 8 A If you point the barrel at you, it would be.
- 9 Q What if you're there for a half-hour or an hour?
- 10 You'd get a good look at that gun. Huh?
- 11 A I don't really think they were worried about that. If
- 12 you've got a gun to your head, I think you would be
- 13 more concerned with whether he's going to pull the
- 14 trigger.
- 15 Q You wouldn't be focused on the gun?
- 16 A No. I'd be more focused and worried about whether
- 17 he's going to kill me.
- 18 Q So, in order to see a finger on the trigger, you would
- 19 have to look at the gun.
- 20 A You could glance at it and see it. Yes.
- 21 Q So, a half-hour or an hour, you couldn't see that
- 22 there was a silver stripe?
- 23 A That's their interpretation of what the gun looked
- 24 like, but that's not uncommon in stressful situations.
- 25 Q Your office is extremely thorough. Right?

1 A To a degree. Yes, sir.

2 Q But you were unaware that this lady had chipped teeth?

3 A It wasn't brought to my light at the scene, but here
4 again, I had my basic information. I had already
5 established who were possible suspects in this case.
6 I understood that he was armed. He was out on the
7 street and it was my major concern for this community
8 for the safety around them.

9 Q Please answer my question, yes or no.

10 A I did not know until the preliminary hearing.

11 Q So, it wasn't really that important. Right?

12 A It was important, but it was not brought to light to
13 me at the scene.

14 Q How long were, how long were Jones and Ellis gone from
15 the apartment before the call was made to the police?

16 A I don't know that time frame. All I know is the
17 initial call for service and the responding deputies.

18 Q So, you don't know how much time that Ms. Bentley and
19 Ms. Taylor had between the time they left and the time
20 they called. Right?

21 A I only have the information that is on the report and
22 the time in our cad system as to when they made their
23 911 call. If you're asking from the time that the
24 defendants fled the scene? No, sir.

25 Q Right. And with regard to the drawers that were

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 pulled out, we don't have any prints.

2 A No, sir. Other than, there were some partials
3 collected from inside the residence that were never
4 matched.

5 Q So, the victims could have pulled the drawers out. Is
6 that right?

7 A Well, they lived there. They probably pulled them out
8 everyday.

9 Q Oh, I'm not asking ---

10 A Are you saying, in this instance?

11 Q Yes. They could have pulled them out.

12 A If that's your interpretation of what happened, they
13 could have. That's not mine.

14 Q Well, I understand what your interpretation is, but
15 I'm asking you, could they have done that?

16 A It's feasible.

17 Q And with regard to the wrinkled bed, do you really
18 know what did that?

19 A Based off of what I was told and what I saw.

20 Q Based on the witnesses' statements.

21 A Yes.

22 Q How much money did Ms. Ellis have?

23 A I don't recall that she had any.

24 Q So, \$202.00. And so he spent \$133.00 on the train
25 tracks?

1 A I don't know.

2 Q Did you find any money on the tracks where they just
3 tried to get rid of that, too?

4 A No, sir. I don't think that someone who commits a
5 crime of that nature would actually throw what they
6 just robbed, away.

7 Q That wouldn't seem reasonable. Would it?

8 A No.

9 Q Well, you only found \$202.00.

10 A That's correct.

11 Q If you know the police are coming and you are a felon,
12 do you think you might be scared?

13 A I don't think ---

14 Q Especially, if you have a gun.

15 A I don't think that I could give you an honest answer
16 on that, because I'm not a felon.

17 Q Okay. The victim's were agitated. Right?

18 A Excited, yes. Agitated, excited.

19 Q Could it be because they just got beat up?

20 A Could be.

21 Q And you have had the opportunity to review all the
22 statements and Special Agent Stallo has helped you,
23 and so forth. Right?

24 A That's correct.

25 Q And Melody Ellis has talked to anybody that's wanted

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 to listen to her. Is that right?

2 A Pretty much. Yes.

3 Q And her story, as opposed to others, has remained the
4 same the entire time. Hasn't it?

5 A Yes, sir.

6 Q And that story is that, she went over to beat up
7 Ronnie Bentley. Right?

8 A Correct.

9 Q And did she beat up Ronnie Bentley?

10 A There was a physical altercation.

11 Q Were there any marks on Ms. Ellis?

12 A I did not see any, but...

13 Q And so, Ms. Ellis had the upper hand and made a fool
14 out of -- well, not a fool, but she beat up
15 Ms. Bentley. Would you say that, with all the welts
16 or knots or whatever around her head?

17 A I'd say she assaulted her. Yes.

18 Q Is it an assault instead of a fight when someone wins?
19 Is that how that works?

20 A No. It's an assault whenever someone unwantingly
21 touches someone else.

22 Q Are you aware that this was the third time that this
23 happened, that she beat her up?

24 A That who beat who up?

25 Q Ms. Ellis beat up Ms. Bentley.

1 A She had stated to us in her interview that she had
2 assaulted her before. There had been a altercation
3 several years ago or ---

4 Q You heard the testimony of Ms. Bentley when she said
5 that they were two studs.

6 A That's correct.

7 Q As a man, and you've gotten in a fight before, are you
8 embarrassed when you get beat up?

9 A That happened to me when I was a youth. Yes, sir.

10 Q Embarrassing?

11 A Not really.

12 Q You just took it like a man?

13 A Yeah.

14 Q Is it possible that this has happened before and since
15 she, obviously, can't deal with her physically, she
16 could get back at her with the police? Does that
17 sound right? Could it be possible?

18 A It could be possible, but in this case, I don't think
19 it was. I think that maybe Ms. Ellis did go over
20 there to start a fight, but Mr. Jones decided to play
21 the upper hand and gain something from it.

22 Q Perhaps, something.

23 A Perhaps.

24 Q So, really this case, once again, boils down to the
25 statements of the victims. Correct?

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 A As far as what took place in the apartment. Yes, sir.

2 Q You heard Ms. Bentley state that she met Mr. Jones on
3 April 13th, a Wednesday, at her friend's, I believe.

4 Did you hear that?

5 A I did.

6 Q And you also heard that Mr. Jones had been over to
7 their apartment the previous afternoon to scout the
8 place, to see if Byrd was there. You heard that.

9 Didn't you?

10 A I heard that testimony. Yes, sir.

11 Q And taking the victim's word for what it is, you
12 believe that occurred, both of those situations: Ms.
13 Bentley meeting Mr. Jones April 13th at her friend's
14 house. Right? You believe that.

15 A Based on her testimony, yes, sir.

16 Q So, you agree. And on the 14th, you believe that Mr.
17 Jones came to their apartment asking for Byrd.

18 A Yes, sir.

19 (Mr. Smith shows document to Mr. Campbell)

20 MR. SMITH: May I approach, Your Honor?

21 THE COURT: Yes, sir.

22 Q Investigator Johnson, could you tell me what that is?

23 A This is a Anderson County Booking Report from the
24 Anderson County Detention Center.

25 Q And who is it on?

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 A It's on Jamarion Quinton Jones.

2 Q Is that the defendant right over there?

3 A It is.

4 Q When was Mr. Jones detained, according to this
5 document?

6 A His date of initial booking was April 6, 2011 at
7 18:30 hours.

8 Q When was he released?

9 A It says the release time was April 14, 2011 at 16:04,
10 which would have been approximately 4:00 in the
11 afternoon.

12 Q Thank you, sir.

13 MR. SMITH: I would like to introduce this as
14 Defendant's Exhibit No. 1.

15 THE COURT: Any objection?

16 MR. CAMPBELL: No, Your Honor.

17 THE COURT: Admitted as Exhibit No. 1.

18 (Whereupon, a booking report is admitted into evidence
19 as Defense Exhibit No, 1, without objection)

20 Q So, now, we've just learned that Mr. Jones was in jail
21 until 4:00 on the afternoon of the 14th. Does that
22 change any of your thoughts about this case?

23 A As far as what happened on the incident date, no, sir,
24 it does not.

25 Q Not one bit?

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 A No, sir.

2 Q Okay. So, Ms. Bentley, how would you describe Ms.
3 Bentley's testimony based on what you've just learned?

4 A Other than what she said on the stand as far as what
5 happened on these three previous days, they were not a
6 part of my investigation until ATF Agents Stallo and
7 Gregory were involved in that.

8 Q Was she under oath when you were talking to her
9 outside this courtroom?

10 A When was this?

11 Q I don't know. That's what I'm saying. Whenever you
12 talked to her before, was she ever under oath other
13 than in this courtroom?

14 A No.

15 Q So, you would agree with me that it's of the utmost
16 importance to tell the truth in court.

17 A I would.

18 Q And you would agree with me that Mr. Jones could not
19 have been met at a friend's house on the 13th.
20 Wouldn't you?

21 A I would agree with that, but I would also agree with
22 the fact that people do get dates, as far as like
23 that, or dates, wrong. And I'm not saying that's what
24 happened, but I would agree with you.

25 Q She met him one day, he comes to her house the next

1 day, and then comes to her house the following day and
2 so there are three days there. Was there any question
3 of that in the testimony?

4 A Based on what she said, no.

5 Q And as we discussed earlier, the victims are the only
6 ones that are providing information on the gloves, the
7 money, and what went on in that apartment. Isn't that
8 right?

9 A What went on in the apartment. Yes, sir.

10 Q Do you have any doubt in what Ms. Bentley said, now?

11 A No. Looking back on the case, I don't. I still, just
12 like I said, you take pieces of the puzzle and you put
13 it together.

14 Q That's pretty big pieces now missing, wouldn't you
15 agree?

16 A Not involving the incident date. No, sir.

17 Q Mr. Johnson, or Investigator Johnson, you earlier told
18 us that you had dealings with Jamarion Jones, but of
19 course, you stated that you did not tell Ms. Brown
20 that, "you were going to get him". Right?

21 A That's correct. I did not.

22 Q But now that you've learned that he was in jail, it
23 doesn't push you one bit from your stance that he did
24 this. Does it?

25 A No, sir. It does not.

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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- 1 A Okay. That's what I'm looking at.
- 2 Q Page two of three.
- 3 A Page what?
- 4 Q Two of three.
- 5 A Page two of three.
- 6 Q Or, down at the bottom, actually.
- 7 A Okay. (Looks at document) In the report, Ms. Bentley
8 actually states that she does not sell large amounts
9 of marijuana, however, she does have marijuana for
10 personal use.
- 11 MR. SMITH: May I approach, Your Honor?
- 12 THE COURT: Yes, sir.
- 13 Q Make sure we're looking at the same thing. Could you
14 do me a favor and read this right here. (Indicating)
- 15 A "Bentley said that Ellis had robbed her of marijuana,
16 approximately, four years ago. Bentley was delivering
17 some marijuana to Ellis. Bentley gave the marijuana
18 to Ellis and Ellis ran off without paying Bentley."
- 19 Q That's plenty, sir. Thank you. So, they do have a
20 past.
- 21 A They do.
- 22 Q And dealt with drugs, apparently.
- 23 A Apparently so.
- 24 Q Did Ms. Bentley say that when she was up on the stand?
- 25 A I don't recall, sir. I really don't.

1 A It could be inconsistencies. It could be...

2 Q Lies?

3 A I'm not going to classify them as lies. It could be
4 inconsistencies.

5 Q Please share with me how it was possible for Ronnie
6 Bentley to meet Jamario Jones on April 13th at her
7 friend's house. Please share that with us.

8 A I don't know. That was not a part of my initial part
9 of the investigation. That came after the fact.

10 Q I understand that. So, you can't explain it.

11 A That -- I can't explain it. No, sir.

12 Q Do you believe it happened?

13 A Do I believe it?

14 Q Yes.

15 A Based on what you've shown me, no, sir. I don't
16 believe it now.

17 Q So, you don't believe Ms. Bentley.

18 A No, I don't believe that that happened. I do believe
19 that the robbery took place.

20 Q So, Mr. Jones is going to jail, because that
21 definitely happened, according to Ms. Bentley.

22 A No, sir. I'm just saying I believe the facts of my
23 case, what I found in my investigation that proves
24 that Mr. Jones and Ms. Ellis went to that house, based
25 on bad drug intelligence, and committed an armed

CROSS EXAMINATION OF TOMMY JOHNSON BY MR. SMITH

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1 and the witness statements and things collected. Yes,
2 sir. I do.

3 Q Would you agree with me that there are only two
4 victims that can talk?

5 A There are two victims that can talk about what
6 happened and there's evidence that leads up to, the
7 time of, and then afterwards.

8 Q You have no fingerprints indicating that my client
9 touched anything in that house, or that apartment.

10 A No, sir.

11 Q You found no black gloves at all ---

12 A No, sir.

13 Q --- that he allegedly wore. Right?

14 A No, sir.

15 Q You've got him with \$202.00, when, allegedly, there
16 was \$350.00 gone. Right?

17 A That's correct.

18 Q She said that a phone was stolen. Did you find a
19 phone?

20 A No, sir.

21 Q Do we know that a phone was stolen?

22 A Yes, we do, because we actually contacted Sprint. She
23 said the phone was stolen and then we contacted Sprint
24 trying to do traces on it to see if we could get GPS
25 off of it.

1 Q How did that work for you?

2 A Didn't work.

3 Q Yeah. Where did you find it? You didn't find it at
4 all. Did you?

5 A No, sir.

6 Q So, Ms. Bentley is still the star witness for you?

7 A Their information provided at the time and statements
8 from them, along with others. Yes, sir.

9 Q And Ms. Taylor's chipped teeth, you didn't learn of
10 that until the pre-lim.

11 A That's correct.

12 Q Have you ever had any teeth problems, tooth problems?

13 A No, sir.

14 Q Have you ever been hurt? Do you know when you've been
15 hurt, instantly, or do you find out a month later?

16 A I know when I'm hurt instantly, but I don't complain
17 about it and some people do and some people don't.

18 Q Do you believe that Mr. Jones and Ms. Ellis were in
19 that residence for a half-hour to an hour?

20 A I don't -- I believe they were in the residence as far
21 as the time frame. Here again, it's left up to the
22 individual's perception.

23 Q And the child, you never saw blood on the child?

24 A I did not.

25 Q And is it in any of your reports, even?

REDIRECT EXAMINATION OF TOMMY JOHNSON BY MR. CAMPBELL 364

1 Q Now, when you went to DeAngelo Acker's house. You
2 were present, you talked to everybody there at the
3 house. Is that right?

4 A Yes, sir. That's correct.

5 Q And did you ever possibly consider that DeAngelo Acker
6 was involved?

7 A I had some suspicions at first until, basically, we
8 sat down and talked and he told me what had occurred
9 there at the house and that his mother had also told
10 me what occurred there.

11 Q And based upon that, you didn't bring a warrant out on
12 Mr. Acker. Did you?

13 A No, sir. I did not.

14 Q Did you have any information that Mr. Acker was even
15 present at Apartments?

16 A No, sir. I did not.

17 Q In fact, he told you that Mr. Jones committed a
18 robbery.

19 A He did.

20 Q Now, during the cross examination, there was a lot of
21 information brought out about whether or not he had on
22 gloves or not. When he was arrested, he didn't have
23 any gloves. Did he?

24 A No, sir.

25 Q And the EMS workers didn't say whether or not he had

1 talk about this with anybody about this case. Thank you.

2 (Jury out at 11:47 a.m.)

3 THE COURT: All right. Any motions?

4 MR. SMITH: The defense moves for a Directed Verdict
5 based on their lies, to use that term, because there was no
6 question he was in jail on April 13th and 14th and they are
7 the only eyewitnesses to these alleged crimes, the only
8 eyewitnesses. I don't care what happened outside that
9 apartment, everything derives from inside that apartment.
10 These ladies, obviously, mis-remember. There's no way that
11 Ms. Bentley met the defendant on Wednesday. He was in jail
12 on the 14th when he allegedly came by and knocked on the
13 door asking for Byrd. Beyond a reasonable doubt, there's
14 no way he could have been there. So, they are the only
15 eyewitnesses and clearly, I don't know what perjury is, but
16 I don't know what else to say, but she obviously did not
17 see him on the 14th. She testified she saw him in the
18 afternoon, 2:00 in the afternoon and that's impossible.
19 So, based on those things, we'd ask for a directed verdict.

20 THE COURT: I'm going to deny your motion. The issues
21 have to go to credibility of the witnesses. Credibility is
22 a question of fact for the jury to determine based on
23 evidence presented by the State. The evidence is capable
24 of more than one inference, especially viewed in the light
25 most favorable to the State. That's a question for the

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1 jury to determine. That being said, anything else from the
2 State I need to determine now before we take a lunch break?

3 MR. CAMPBELL: The only thing is Deputy Pridemore.
4 Mr. Smith has mentioned that if we hadn't reached him by
5 twelve, he could leave. He has to fly out of Atlanta to
6 fly to Oklahoma. It has something to do with a funeral, and
7 I just wanted to know if we were going to release him. I'd
8 like to clarify that.

9 MR. SMITH: May it please the Court, we can release
10 him now.

11 THE COURT: Very well, Mr. Smith. He is released.
12 Someone who knows how to communicate with him, just let him
13 know, please. Anything further from the Defense?

14 MR. SMITH: No, sir.

15 THE COURT: All right. We'll be in recess until 1:15
16 and then we'll resume. Do you think we'll, without placing
17 you under any obligation, do you have an idea, generally,
18 how many witnesses you may have?

19 MR. SMITH: It could be zero. It could be eight.

20 THE COURT: I'll ask you at that point, for your
21 client to make a determination as to whether or not he
22 wishes to exercise his Fifth Amendment privileges or
23 whether he wants to waive those and testify. Okay, sir?

24 MR. SMITH: Yes, sir.

25 THE COURT: All right. We'll be in recess until 1:15.

1 heard by you or considered by you in this case, but at the
2 end of all your deliberations, after weighing all the
3 evidence, whether direct or circumstantial or a
4 combination, if you are not convinced of the guilt of the
5 defendant beyond a reasonable doubt, you must find the
6 defendant guilty. I mean, excuse me, not guilty.

7 Now, in performing your function as finders of fact,
8 it is essential that you must determine credibility of the
9 witnesses. You must consider which evidence you are going
10 to believe and which evidence you are going not to believe.
11 You have a right to disbelieve all or a part of any
12 witness' testimony. You may believe all of any witness'
13 testimony. In making that decision of the credibility of
14 witnesses, you may, but you're not required, to take into
15 account a number of factors and let me give some of those
16 factors to you. Was the witness able to hear or see or
17 know the things about which that witness testified, how
18 well was the witness able to recall and describe those
19 things about which they testified, what was the witness'
20 manner while testifying, in other words, what was that
21 witness' demeanor. Is there some reason some witness would
22 want to give testimony that would help or hurt one side or
23 the other, did the witness have an interest in the outcome
24 of this case or any bias or any prejudice concerning any
25 party or any matter involved in this case. You may

1 Now, in order to establish criminal liability,
2 criminal intent is required. For example, the mental state
3 required to be proven by the State for a particular crime
4 might be purpose, intent, knowledge, recklessness or
5 criminal negligence. Criminal intent must be proven by the
6 State beyond a reasonable doubt. Criminal intent is always
7 a matter that must be determined by you, the jury, from the
8 circumstances surrounding the situation shown to have
9 existed. Let me say that again. Criminal intent is always
10 a matter that must be determined by you, the jury, from the
11 circumstances surrounding the situation shown to have
12 existed. Now, there is no way to prove intent to a
13 mathematical certainty. There is no way that medical
14 science can dissect a person's brain to determine what that
15 person had in mind. So, the law says that criminal intent
16 may be inferred from the circumstances shown to have
17 existed.

18 Now, that is how you make a determination of whether
19 or not the element of intent was present. It is not
20 necessary to establish intent by direct or positive
21 evidence, but intent may be established by inference in the
22 same way as any other fact by taking into consideration the
23 acts of the parties and all the facts and circumstances of
24 the case. Criminal intent is a mental state, it is a
25 conscious wrongdoing. It's up to you to determine what the

to your jury room. At this point, do not begin your deliberations. We're going to go through all the evidence to make sure you have it. Buck will bring back a note or word to you that you may begin your deliberations when you can. At this point, go back to your jury room, except Mr. Clark. Mr. Clark if you would stay right here, please, sir, but you go back to your jury room, otherwise.

(Jury out at 3:13 p.m.)

THE COURT: All right. Let me first thank the attorneys, all the attorneys for their preparation and hard work in this case. That makes my life a lot easier when everybody is prepared and ready to go. You tried a good case, both sides, regardless of how it turns out. With that being said, would you guys both, or all three of you, go through the evidence and make sure we have all of it. (Attorneys comply) Mr. Clark. (Judge McIntosh dismisses the alternate off the record)

Let me see the attorneys. Is there any reason that we send the gun back there? I think there is and it's disabled. I want one of the officers to check it and make sure it is, whoever is best to make sure it won't shoot anybody.

MR. CAMPBELL: We removed the bullets.

THE COURT: Right. And the bullets will stay out. Is that okay with you, Mr. Smith?

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MR. SMITH: Yes.

THE COURT: All right. I assume that's -- it's good? All right. Thank you. (Deputy checked the gun and confirmed it's disabled) We're in recess. If y'all start to go anywhere, leave your numbers so we can call you.

FIRST QUESTION FROM THE JURY

THE COURT: We have a note from the jury. They want to hear the jury charges. I've taken the liberty of just making a clean copy. I want y'all to look at them. If they ask for them, I'll send them back to them. That's what I normally do if they ask for them. Any objection from the State by my doing that?

MR. CAMPBELL: Is it the whole jury charge or just the actual charges?

THE COURT: It's the whole thing. In fact, there's case law that says I can't send back bits and pieces.

MR. CAMPBELL: Okay. I have no problem with it.

MR. SMITH: If it's by case law.

THE COURT: Well, that was more geared to me sending back the statute. I've always interpreted it to mean if I'm going to let them look at it, they get the whole thing. Okay?

MR. CAMPBELL: I'd rather they go through what you actually said than try to go through and make it up on their own.

THE COURT: Listen, here's the only difference between what I told them and what was in the book, in this, is that I have one part that has to do with the fact that there is an indictment that they have to, they can't infer guilt from that. I usually combine that with multiple indictments and the fact that they have to decide each one on their own. I just put both those in separately. I'm glad to let y'all look at them right quick if you want.

MR. CAMPBELL: I have no objection, your Honor.

MR. SMITH: No, sir.

THE COURT: Okay. Other than that, I would propose instead of stopping them, going ahead and sending them back and telling them to resume and telling them to go forward. Any exceptions from the State?

MR. CAMPBELL: No, Your Honor.

THE COURT: From the Defense?

MR. SMITH: No, sir.

THE COURT: All right. (Hands document to the bailiff)

VERDICT

THE COURT: I know the lawyers know, but regardless of the verdict, there is not to be any outcry from any other person in the courtroom, please.

(Jury in at 4:41 p.m.)

THE COURT: Madam Forelady, we understand there is a

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verdict. Is that correct?

MS. EDWARDS: Yes.

THE COURT: Is it unanimous?

MS. EDWARDS: Yes.

THE COURT: Would you pass it to the bailiff, please.

(Bailiff hands document to the Judge) Would you publish the verdict, please?

CLERK OF COURT: Yes, sir. The State of South Carolina in the county of Anderson, Court of General Sessions. The State of South Carolina versus Jamarion Quinton Jones, defendant.

We have the verdict form. We, the jury, under Indictment 2011-GS-04-01211 unanimously find that the defendant, Jamarion Quinton Jones is guilty of burglary in the first degree.

We, the jury, under Indictment 2011-GS-04-01210, unanimously find that the defendant, Jamarion Quinton Jones is guilty of armed robbery.

We, the jury, under Indictment 2011-GS-04-01212, unanimously find that the defendant, Jamarion Quinton Jones is guilty of possession of a weapon during the commission of a violent crime, Anderson County, Dated today, signed by Negar T. Edwards, foreperson.

THE COURT: Madam Foreperson, ladies and gentlemen of the jury, was that your verdict in the jury room and is

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THE COURT: I'm going to make this a Court's Exhibit for this file. Mr. Smith, do you have anything you want to tell me about this gentleman?

MR. SMITH: I'll spare you the details regarding this case, Your Honor. With regard to his prior charges, the child neglect, it was his child is my understanding. The armed robbery was something we were ready to go to trial with based on the facts in that matter, but we found we worked out the case in the manner that would best suit everybody. Bottom line, he didn't hurt anybody, he hasn't killed anybody. Clearly, it's a victimless crime in our society. However, the fact that he hasn't hurt anyone should be taken into consideration. He's a young man. Any time he has I hope it will have an effect in a positive manner.

THE COURT: Mr. Jones, what do you have to say?

MR. JONES: Nothing, sir.

THE COURT: Do you have anything you want to say to these victims?

MR. JONES: No, sir.

THE COURT: Mr. Jamarion Quinton Jones, the jury, having found you guilty by unanimous verdict, under Indictment 2011-GS-04-1210, armed robbery, the sentence will be twenty years. In addition to that, under §16-1-110, there will be an additional two years to that.

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That will be concurrent with Indictment No. 2011-GS-04-1211, burglary first. The sentence will be two years plus an additional two years under §16-1-110, subsection (1)(d) in that a crime was committed within 270 days of your release from your YOA sentence. Under Indictment 2011-1212, possession of a weapon during a violent crime, the sentence is five years, consecutive to both the above indictments. Good luck to you, sir.

MR. CAMPBELL: Your Honor, may I ask, what was the burglary? I didn't catch that.

THE COURT: Two. There was twenty plus two, they were concurrent and I made the weapons consecutive.

MR. CAMPBELL: I'm sorry. I didn't hear you.

THE COURT: That's okay.

FEBRUARY 16, 2012 - RE-SENTENCING HEARING

THE COURT: Mr. Jones, can you hear me? This is Lawton McIntosh. (Video conference)

MR. JONES: Yes, sir.

THE COURT: Can you see me?

MR. JONES: Yes, sir.

THE COURT: All right. Mr. Campbell, I want you to tell us what's going on, please, sir.

MR. CAMPBELL: May it please the Court, Your Honor. I had filed a motion for the repeat offender act on Mr. Jones. After the sentencing yesterday, I went back and

reviewed the statute just to double check for my own self, basically, and while he does technically qualify under the two, he was initially charged with armed robbery, but he pled to strong armed robbery. It turns out that's a Class D felony. It can only go towards Classes A, B and C, so I'm asking the Court to remove the two years that was enhanced by that. When I found out after double checking, I called Mr. Smith last night and told him what was going on and we wanted to bring it before Your Honor this morning.

THE COURT: Very good. All right. Mr. Smith, do have anything that you want to add to that, at all?

MR. SMITH: Not to this, sir.

THE COURT: I understand. All right. Mr. Jones, I added two years under S.C. Code §16-1-110 to your twenty year sentence. I am removing those two years from Indictment 2011-GS-04-1210, which is the armed robbery indictment and Indictment 2011-GS-04-1211, which is the burglary first degree indictment. The sentence will remain twenty years, concurrent, on Indictments 1210 and 1211 and a five year consecutive sentence for the possession of a weapon during the commission of a violent crime under Indictment 1212. You have ten days to appeal this sentence. Anything further from you, Mr. Smith?

MR. SMITH: Not at this time, sir.

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1 THE COURT: This is a motion filed by Mr. Smith in the
2 matter of The State of South Carolina versus Jamarion
3 Quinton Jones. It's a motion for reconsideration of my
4 prior denial of his motion for a directed verdict as well
5 as a motion for a new trial. Mr. Smith, I want to hear you
6 on your motion for reconsideration of my denial of your
7 directed verdict motion, please, sir.

8 MR. SMITH: May it please the Court. Your Honor, it's
9 our contention, of course, that the matter shouldn't have
10 reached the jury and the reasons for that belief are that
11 the State provided nothing but suspicion or their opinions
12 which are not sufficient for purposes of providing the
13 necessary evidence to get past a directed verdict.

14 The two people that witnessed the crime gave perjured
15 testimony that was fabricated to create the illusion of a
16 crime. Clearly, the victims could have manufactured the
17 alleged disarray in the apartment. I never saw any
18 pictures of the disarray, and so therefore, I could not
19 find whether there were clues that it was manufactured.
20 The State, obviously, admitted they could have done that.
21 They broke out a window simply for the purpose of showing
22 that they were scared. The alleged intruders were gone at
23 that point. There was no reason. They could have simply
24 lifted the window up, but they broke it and not only did
25 they break the window, they then lied about breaking the

1 window and tried to hang that on my client, as well.

2 Their lies were not simply impeaching lies, they were
3 part and parcel of the crimes that they alleged my client
4 had committed. There was no evidence, whatsoever, that a
5 cell phone was taken, because they never found a cell
6 phone. With regard to the drug intel that was offered, the
7 drug intel came from the victims themselves who have shown
8 in no uncertain terms that they are free of credibility.

9 There was no forensic evidence. Of course, they said
10 that my client had black gloves on. There has never been a
11 sighting of a black glove. They were two hundred and fifty
12 yards from the place when they were seen by EMS. EMS
13 didn't see any black gloves. Detective Johnson said he did
14 a thorough search of the ravine which they traveled to get
15 to EMS and black gloves were not found and so the idea of
16 their existence is questionable, at best.

17 The money that was allegedly taken was \$350.00. My
18 client had \$202.00 and change. The other co-defendant
19 pursuant to Detective Johnson's testimony was that she
20 didn't have any money, so from 350 to 202, Detective
21 Johnson admitted, of course, that there was no way that
22 they could prove that the money he had in his pocket was
23 from that apartment and there was no way he could prove
24 that the money wasn't in his pocket all day.

25 There was circumstantial evidence, no circumstantial

1 evidence that a robbery was committed based on the fact
2 that there's no way to prove that anything was taken and,
3 of course, one of the elements of robbery is the taking of
4 something, so there's no proof that there was a taking.
5 With that, there's no proof of intent to commit a crime,
6 because there was nothing taken and so if the robbery is
7 not committed, then the burglary is gone and if those two
8 are gone, then the gun is gone as well.

9 The idea that nothing was taken from the home shows
10 that there was no intent, as I said, eliminating violent
11 crimes. The evidence merely raises suspicion of his guilt
12 and I don't question that there were suspicious acts on
13 that particular day. My client was afraid of having a gun
14 and seeing the police again and Detective Johnson
15 illustrated that that fear was legitimate, based on the
16 fact that he didn't care what the eyewitnesses saw, because
17 that was irrelevant to him. It was clear the crime was
18 committed despite the perjured testimony of the star
19 witnesses.

20 State versus Shirach is the case on point here. The
21 suspicion that was raised, while great, simply is not
22 evidence and based on the lack of evidence and the failure
23 to prove that there was any taking or an intent to take,
24 it's our belief that a directed verdict would have been the
25 proper finding at that time.

1 THE COURT: All right. I'm denying your motion for
2 reconsideration of the directed verdict. At the time, and
3 still, I felt like there was both direct and substantial
4 circumstantial evidence of the defendant's guilt in this
5 matter.

6 Clearly, there was evidence contrary to that in this
7 case, as you brought out. It's not the job of the Court at
8 a directed verdict stage to weigh the evidence, but simply
9 to look at the existence or non-existence of evidence and I
10 find that there was evidence of each and every element of
11 the crimes charged, both direct and/or circumstantial,
12 especially viewed in the light most favorable to the State,
13 and it was a question for the jury to determine. Okay?
14 That being done, let's go to your motion for a new trial.

15 MR. SMITH: Yes, sir. We respectfully request a new
16 trial based on a couple of things. We have discovered new
17 evidence and while that new evidence was discovered during
18 trial, it was at a time where nothing could be done about
19 that.

20 THE COURT: Did you request a continuance at trial?

21 MR. SMITH: I did not.

22 THE COURT: Why not?

23 MR. SMITH: I can't answer that right at this moment,
24 sir.

25 THE COURT: What is, supposedly, this new evidence?

1 MR. SMITH: The new evidence is that the victims
2 offered perjured testimony and with that in mind and the
3 lack of pictures and other things.

4 THE COURT: Hold on. The victims offered perjured
5 testimony. Specifically, tell me what you mean that there
6 is new evidence with regard to that, please?

7 MR. SMITH: I was unaware that they would offer
8 perjured testimony.

9 THE COURT: Specifically, what are you saying they did
10 to perjure themselves?

11 MR. SMITH: They lied, saying that ---

12 THE COURT: I understand what perjured means. What
13 testimony are you referring to that constitutes new
14 evidence is what I'm asking.

15 MR. SMITH: Yes, sir. The victim, Bentley, said that
16 she met my client on Wednesday, April 13, 2011. He was in
17 jail. And she was at Yolanda's house and so it was not
18 just a lie, she offered a story, I mean, gave facts and
19 names and so forth. So, that illustrates an ability to
20 manufacture evidence, such as pulling out drawers and
21 things of that nature. It's my belief that having a new
22 trial will allow me to properly discover what other things
23 might have been manufactured and, as I said ---

24 THE COURT: Hold on. Let me make sure I understand
25 your argument. You are saying that because the newly

1 discovered evidence which constitutes, which comes from
2 this lady saying that he was there on the 11th, testifying
3 that at trial, that that may lead to other newly discovered
4 evidence that has yet to be discovered?

5 MR. SMITH: Yes, sir. I mean ---

6 THE COURT: I'm denying that motion based on that. I
7 also find that you cross examined, thoroughly, these
8 witnesses as to the inconsistencies in their testimony and
9 you were able to bring up the fact that this gentleman was,
10 allegedly, incarcerated at the time, through other
11 testimony, and so I'm denying that motion. Let's move to
12 your alternative motions.

13 MR. SMITH: As you know, Your Honor, the State wished
14 to quell my opportunity to go into my defense and my
15 defense was that two lesbian ladies had an ongoing issue of
16 some sort and fought on several occasions. Lesbians are a
17 part of society. They are not like a chewed up body of a
18 child that is offered for inflammatory purposes. They are
19 not prior convictions or something like that to illustrate
20 the character of the defendant. This was absolutely
21 necessary to my defense.

22 THE COURT: Let me stop you there. We had, and this
23 was put on the record, we had a meeting in chambers with
24 yourself and the State when this issue was discussed and I
25 told you that, based on what I was hearing, I felt it would

1 probably be excluded under Rule 403 of the Rules of
2 Evidence, however, because of the significant charges
3 involved, I would let you to attempt to get into it by way
4 of an in camera hearing and I told you that, before you
5 were to get into that, I wanted you to let me know and we'd
6 send the jury out and have an in camera hearing. Is that
7 not correct?

8 MR. SMITH: Yes, sir.

9 THE COURT: Okay. Did you, at any time, ask for an in
10 camera hearing during this trial?

11 MR. SMITH: I did not.

12 THE COURT: Why not?

13 MR. SMITH: Your Honor, in that same conference room,
14 you instructed me that should I cross the line, if you
15 will, that I would see sanctions that I'd never seen ---

16 THE COURT: No, sir. That's not true. During the
17 trial in the courtroom, in the presence of the jury, you
18 started to go into that issue that I told you, you could
19 not get into that in front of the jury. I told you I did
20 not want you going into this thing about lesbianism or
21 studs or any of that mess in the presence of the jury until
22 I was able to hear it in an in camera hearing and I would
23 make that determination as to whether or not I'd admit it.
24 Then, you go forth, right into it, in front of the presence
25 of the jury. I called you to the bench and I told you in

1 no uncertain terms that if you do that, I will sanction you
2 and I would have.

3 MR. SMITH: I don't know when I brought up -- the lady
4 brought up the fact that she was a stud. I didn't bring
5 that up.

6 THE COURT: That came up later. You're right. And
7 then after that came into it, then the issue was off the
8 table, but at the time, you went directly into it contrary
9 to my explicit instructions to you.

10 MR. SMITH: I don't know when that was.

11 THE COURT: You need to be able to review the record,
12 because I checked my notes and checked with my law clerk's
13 notes and that's what happened. That's my memory.

14 MR. SMITH: Well, that's your word, Your Honor. You
15 can't un-ring the bell. Okay? And ---

16 THE COURT: Well, that's what I was telling you, that
17 you can't un-ring the bell and that I did not want you to
18 bring that up in front of the jury until we had an in
19 camera hearing, which means, as you well know, outside the
20 presence of the jury, so I can listen to the testimony and
21 then your arguments as to whether or not it wasn't more
22 prejudicial than probative and I was never given that
23 opportunity to make that decision and also, I cautioned you
24 that if you violated my instructions to you as to the
25 conduct of that trial, you would be sanctioned and I did do

1 that. Okay, sir?

2 MR. SMITH: And that was done in that conference room
3 prior to ---

4 THE COURT: No, sir. It was not.

5 MR. SMITH: It was done the morning of Tuesday after
6 my opening statement.

7 THE COURT: Mr. Smith, my memory doesn't matter, that
8 doesn't matter either way, because the fact that you failed
9 to ask for an in camera hearing so we could listen to that
10 evidence, you waived that opportunity, and I am going to
11 find that you did so. Okay, sir?

12 MR. SMITH: Yes, sir.

13 THE COURT: All right. Anything further?

14 MR. SMITH: Just one moment, sir. (Looks at papers)
15 In addition, the State, of course after denying my ability
16 to go into that matter, in their closing, they mocked my
17 conspiracy theory regarding going over there just to fight
18 and by not being able to develop that, in my mind,
19 prevented me from showing the jury a plausible explanation
20 as to why this incident occurred and why they would
21 fabricate and would show why they fabricated this and, in
22 fact, lied and lied and lied and without having that
23 plausible explanation for the jury, the jury had nothing to
24 grasp onto and, obviously, the State took advantage of that
25 and said, "Oh, there's nothing here. Even they didn't make

1 this up, there's no reason for them to make this up."
2 Well, there was a reason for them to make it up and that
3 was, that lady kept getting beat up and she was tired of
4 getting beat up and that was my explanation to you on that
5 Tuesday as to my case.

6 THE COURT: Well, two things: By failing to ask for
7 an in camera hearing so I could listen to it, you waived
8 that opportunity. Also, that issue was brought up by the
9 witness herself and was delved into at that time without
10 objection from the State and so, to the extent that you
11 didn't follow my rulings and proper procedure, that was a
12 waiver on your part to an extent. Otherwise, it was
13 brought up and the jury heard it and so it was already in
14 the record. Any other basis for your motion?

15 MR. SMITH: No, sir.

16 THE COURT: I'm denying your motion for a new trial.
17 Thank you, sir.

18 MR. SMITH: Thank you.

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)
State of South Carolina,)
Plaintiff,)
vs.)
Jones, Jamario Quinton)
Defendant.)

A TRUE COPY
FEB 27 2012
[Signature]
CLERK OF COURT

COURT OF GENERAL SESSIONS
TENTH JUDICIAL CIRCUIT

**MOTION FOR RECONSIDERATION OF DENIAL
OF MOTION FOR DIRECTED VERDICT
AND MOTION FOR A NEW TRIAL**

Warrant Nos: J910005
J910006 and
J910007

TO: THE HONORABLE R. LAWTON MCINTOSH, RAME CAMPBELL AND JOSH ALLEN ATTORNEYS FOR THE STATE:

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the Defendant will move before the Honorable R. Lawton McIntosh, to reconsider his denial of a Motion for Directed Verdict on February 15, 2012 and, in the alternative, move for a new trial.

FACTS

That the Defendant was tried by a jury of his peers from February 13th through the 15th in Anderson County on the above-referenced warrants. The jury found the Defendant guilty on all counts. The Court sentenced him to twenty (20) years on a warrant for Armed Robbery and a warrant for 1st Degree Burglary, and ran them concurrently. The Court sentenced the Defendant to five (5) years for the Possession of a Weapon during the Commission of a Violent Crime, which is to run consecutively.

The undersigned moved for a Directed Verdict at the close of the State's case. The Motion was denied. This respectful request for reconsideration follows based on the State's failure to prove anything more than the suspicions and opinions of law enforcement.

Alternatively, the undersigned respectfully requests a new trial based on his inability to delve into his defense with the necessary zeal and thoroughness due to a fear of reprisal from the Court for putting forth said defense. At the very least, the chilling affect of the Court's warning inhibited the undersigned's ability to zealously advocate on behalf of the Defendant.

It is undisputed that the Defendant's co-defendant in the alleged incident for which he was tried has admitted on multiple occasions and to multiple people that the purpose of the visit to the apartment of the alleged victims was to fight one of the inhabitants. According to the testimony of one of the victims, the co-defendant and the victim are studs. This is a term for the dominant individual in a lesbian relationship. In fact, the co-defendant had assaulted the victim before due to an ongoing rift. "She had stated to us in her interview that she had assaulted her before." (Cross-examination of Tommy Johnson, p. 21).

The alleged crimes occurred in an apartment wherein the only witnesses were the victims. The victims stated that the Defendant had taken \$350.00 from them as well as a cell phone.

When the Defendant was arrested, he was found to have \$202.00 and change. The co-defendant did not have any money at the time of her arrest. He was not in possession of a cell phone. A cell phone was never found.

No fingerprints of the defendants were identified in the apartment. The victims alleged that the Defendant was wearing black gloves. The Defendant was not in possession of black gloves at the time of his arrest. Members of the EMS squad located approximately 250 yards from the apartment did not make note of the Defendant having any gloves. The State's lead investigator indicated that despite a thorough review of the area in which the defendants traveled to get to the EMS building, no gloves were located.

Victim Bentley stated that she met the Defendant on April 13, 2011, at her friend Yolanda's house. She stated that the Defendant came to the apartment on the afternoon of April 14, 2011 asking for "Byrd". She said that she was not sure if it was around 2:00 p.m., but it was definitely in the afternoon. She stated that "Byrd" was not there. The Defendant was in the Anderson County Detention Center on April 13th, as well as April 14th until 4:06 p.m.

Victim Taylor said that she sat in the bend of the L-shaped couch in the living room, which gave her a clear view of anyone who came to the door. She stated that she had a clear view of the Defendant when he came the first day, or the afternoon of April 14, 2011. The Defendant was incarcerated at that time.

Tommy Johnson took the statement of Deangelo Acker. Mr. Acker said that the Defendant came to his home. The Defendant often went to his home. Mr. Acker said that the Defendant told him to put his gun on top of the refrigerator. Mr. Acker keeps his gun on the refrigerator. The Defendant allegedly told Mr. Acker that "he had just robbed somebody".

Tommy Johnson left upon getting the statement and, apparently, did not pursue any further information that Mr. Acker may have acquired. Mr. Acker did not provide when the robbery occurred. Mr. Acker did not provide who was robbed. Mr. Acker did not provide where the robbery occurred. Mr. Acker did not provide was taken during the robbery. The police, however, did not contact Mr. Acker again following his signature to the statement.

ISSUES

Should the Court direct a verdict for the Defendant based on the fact that the State merely raised suspicion of the Defendant's guilt?

In the alternative, should the Court grant a new trial based on the Defendant's inability to use highly probative evidence in his defense?

DISCUSSION

The circuit court should not refuse to grant the directed verdict motion when the evidence merely raises a suspicion that the accused is guilty. "Suspicion" implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof. However, a trial judge is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis. *State v. Cherry*, 361 S.C. 588, 606 S.E.2d 475 (2004).

In this case, there were only two eye witnesses to the crimes which allegedly occurred inside a one bedroom apartment. The eye witnesses provided objective perjured testimony. To make matters worse, they manufactured testimony regarding the events surrounding the charges to ensure a finding of guilt.

Victim Bentley stated that she had met the Defendant at her friend Yolanda's house on April 13, 2011. She also stated that the Defendant had been to her apartment on the afternoon of April 14, 2011. This was complete and utter fabrication. The Defendant was incarcerated.

Victim Taylor stated she too saw the Defendant on the day before the event. She said that she was off from work. She also stated that she could see clearly from her vantage point on the couch and that she saw Mr. Jones. She also stated that at the time that the defendants entered the apartment, Victim Bentley was talking on the phone with her sister. Interestingly, when Victim Bentley took the stand following Victim Taylor, she stated that she had hung up the phone prior to the event.

The eye witnesses in this matter are absent of credibility. The remaining State law enforcement witnesses simply gave their opinion testimony. They admitted that there were no identifiable prints of the co-defendants in the apartment. They admitted that they never found the black gloves that the victims allegedly saw being worn by the Defendant. They admitted that the

drawers in the kitchen could have been pulled out by the victims. They admitted that the money possessed by the Defendant, which was a little over \$147.00 short of what was allegedly stolen, and that the co-defendant didn't have any money. Most importantly, they admitted that the testimony of the alleged victims was the only testimony regarding what went on in the apartment, or the crimes for which the Defendant has been charged.

Q. So, really this case, once again, boils down to the statements of the victims. Correct?

A. As far as what took place in the apartment. Yes, sir. (Cross-examination of Tommy Johnson, p. 22).

Based on the victims' perjured testimony, and the fact that the testimony in question was directly related to the allegations, the testimony they provided can only be considered as non-credible. Thus, the only remaining testimony for the State is that based on speculation, conjecture and surmise. There is no question as to the suspicious behavior of the Defendant. On the same token, there is no question as to the lack of any direct or substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which guilt may be fairly and logically deduced.

It should also be noted that the element of a taking was never proven. The State agreed with the fact that it was unknown if the money that the Defendant possessed when he was arrested was in his possession prior to the incident. Moreover, the State agreed that the cell phone that was allegedly stolen was never recovered.

Q. ...not one individual can tell us that the money that he had was not his. Right?

A. That's correct. (Cross-examination of Tommy Johnson, p. 14).

Q. The phone that was allegedly taken, did you ever find that?

A. No, sir. (Cross-examination of Tommy Johnson, p. 15).

The victims are the only people that saw the items that were allegedly stolen. Therefore, based on their previous fabricated testimony, it is unknown whether the items existed, or were in the apartment at the time of the incident, in the first place. The State is ~~unable~~ show suspicion, let alone guilt.

In the alternative to a reconsideration of the denial of the Motion for Directed Verdict, the Defendant hereby respectfully requests a new trial. This request is based on the inability to fully expound on the relationship of the parties and the fact that, while the perjury exuded by the victims was not after discovered evidence, it was evidence that: 1) would probably change the result if the defense had time to prepare for it since it did not come to light until the trial had begun; 2) was discovered after the trial began; 3) the exercise of due diligence would not have been sufficient to discover what the victims would say; 4) was material; and 5) was not merely cumulative or impeaching, since the lies were pertinent to the facts and circumstances related to the alleged offenses.

CONCLUSION

The jury's verdicts in this case can only be described as scary. The criminal justice system is based on the State providing proof beyond a reasonable doubt. Instead, what we have seen in this case, is a dismissal of the perjured testimony of the only eye witnesses to the alleged crimes. The jury deliberated for approximately thirty (30) minutes once they received the copy of the jury instructions. There were nine (9) witnesses in trial that lasted until lunchtime on the third day. It is clear that the jury was predisposed to its decision. It is the undersigned's belief that the jury's decision was not based on the evidence, but passion, prejudice or another random, unrelated factor. If proving that the only eye witnesses offered perjured testimony on the events

leading up to April 15th, and the events that took place on April 15th, does not cause doubt, there is no such thing.

WHEREFORE, the Defendant respectfully requests that the Motion for Reconsideration be granted based on the factors found herein. Alternatively, the Defendant respectfully requests a new trial so that he may further explore the issue of the relationship of the victims and the co-defendant that was either quelled, or at the very least chilled, and the issue of the many varying stories of the alleged victims.



DONALD L. SMITH (Bar #: 6699)
ATTORNEY FOR DEFENDANT
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Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

Anderson, South Carolina
February 27, 2012.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on JUL 26 2011, the Grand Jurors of Anderson County present upon their oath:

Weapons / Poss. weapon during violent crime, if not also sen

That Jamario Quinton Jones, did in Anderson County on or about April 15, 2011, while committing the crime of Armed Robbery, a crime of violence, have in his possession a firearm, all in violation of Section 16-23-490, Code of Laws of South Carolina, (1976), as amended.

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

Ranel Campbell
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JUL 26 2011, the Grand Jurors of Anderson County present upon their oath:

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

That Jamario Quinton Jones did in Anderson County, on or about April 15, 2011, willfully and unlawfully enter the dwelling of Ronni Bentley located at _____ in Belton, South Carolina, without consent and with the intent to commit a crime therein and/or when, in effecting entry or while in the dwelling or in immediate flight he or another participant in the crime is armed with a deadly weapon or explosive; and/or causes physical injury to a person who is not a participant in the crime; and/or uses or threatens the use of a dangerous instrument; and/or displays what is or appears to be a knife, pistol, rifle, shotgun, machine gun, or other firearm; and/or the burglary is committed by a person with a previous record of two or more convictions for burglary or housebreaking or a combination of both; and/or the entering or remaining occurs in the nighttime. This is in violation of §16-11-311 of the *South Carolina Code of Laws (1976)*, as amended.

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

Rachel Campbell
 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JUL 26 2011, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jamario Quinton Jones did in Anderson County, on or about April 15, 2011, while armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he/she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: approximately \$350.00 in cash from the person or presence of Ronni Bentley. This is in violation of §16-11-330(A) of the *South Carolina Code of Laws (1976)*, as amended.

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

Ramel Campbell
 ASSISTANT SOLICITOR



Anderson County Sheriff

Anderson County Booking Report

Booking #: 2011-002201

Date: 04/15/2011 Time: 23:49

MNI: 2464

Name: JONES, JAMARIO QUINTON

Sex: M Race: B Ethnicity: NON-HISPANIC DOB:

Age: 21 COB: ANDERSON POB: SC

Address: ANDERSON, SC, 29625

Phones:

Details: Height: 5' 7" Weight: 175 lbs Build: NORMAL Hair Color: BLACK Hair Style: SHORT Facial
Hair: GOATEE Eye Color: BROWN Complexion: LIGHT Glasses/Contacts: N

Identifiers: DL: ST: SC SSN: FBI: 60871PC5 SID: SC01730105 SC-FBI

Number: 60871PC5

Arrested By: JOHNSON

Booked By: J010 REEDJ

Searched By: REEDJ Time: 04/15/2011 23:49 DOYLEJ Time: 04/15/2011 23:49

Detained At: Time: 04/15/2011 23:49

Warrant: Count: 0

Case #: Anderson County Sheriff 11-020301

Charges:

Time: 04/15/2011 23:50 Offense: **16-11-0311 ~ 79 ~ Burglary / Burglary (After June 20, 1985) - First degree 496** Ref: 201120361 Warrant No.: J910006 Issued By: ACSO - T JOHNSON

Court GENERAL SESSIONS - NO BOND ARRANGED 6/18/2011 JUDGE COX/CHAU 1110

Time: 04/15/2011 23:50 Offense: **16-11-0330(A) ~ 139 ~ Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

1879 Ref: 201120361 Warrant No.: J910005 Issued By: ACSO - T JOHNSON

Court GENERAL SESSIONS - NO BOND

Time: 04/16/2011 21:07 Offense: **16-23-0490 ~ 549 ~ Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or de**

2653 Ref: 201120361 Warrant No.: J910007 Issued By: ACSO - T JOHNSON

Court GENERAL SESSIONS - NO BOND

Time: 04/27/2011 09:41 Offense: **56-01-0440 ~ 701 ~ Traffic / Driving without a license - 1st offense 2191** Warrant No.: 33328FI Count: 4080972

Court Date: 04/20/2011 00:00 MAGISTRATE SENTENCED TO TIME SERVED & CC SOD

Disposition: GUILTY Date: 04/20/2011 00:00

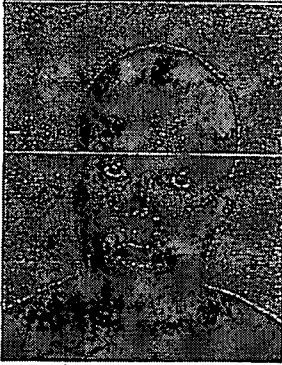
Time: 04/27/2011 09:42 Offense: **16-17-0725(C) ~ 1223 ~ Report / Giving false information to law enforcement, fire dept. or rescue dept. 1859** Warrant

No.: J899959 Count: 15216

Court Date: 04/20/2011 00:00 MAGISTRATE SENTENCED TO TIME SERVED & CC SOD

Disposition: GUILTY Date: 04/20/2011 00:00
 Time: 06/14/2011 15:33 Offense: **63-03-0620 ~ 2442 ~ Contempt / Contempt of Family Court by adult (civil remedy only) 645** Warrant No.: 10DR042434 Count: 15216
 Court Date: 06/14/2011 00:00 FAMILY COURT SENTENCED TO 6 MONTHS
 Time: 06/17/2011 18:33 Offense: **00-00-0000_6 ~ 8963 ~ Violation of YOA Conditional Release 6924** Ref: 10GS0400599, 09GS0402389, 10GS0400598 Warrant No.: Y04110013 Count: 15216
 Court GENERAL SESSIONS AFFIANT:BARKER

Photos:



Type: FACE
 Entered By: JVC BOOKING
 Time: 04/16/2011 00:42

Type: FACE
 Entered By: JVC BOOKING
 Time: 04/16/2011 00:42



Type: TATTOO
 Location: TAT R ARM
 Entered By: JVC BOOKING
 Time: 04/16/2011 00:42

Type: TATTOO
 Location: TAT R ARM
 Entered By: JVC BOOKING
 Time: 04/16/2011 00:42

Type: TATTOO
 Location: TAT L ARM
 Entered By: JVC BOOKING
 Time: 04/16/2011 00:42

Alias:

Alias Name:WALKER, DEVON

Notes:

TOOK SHEET ON 11/7/2011

Next Of Kin:

SPOUSE BROWN, CANDICE

Phones::

Details:

MOTHER JONES, STEPHINIE

Phones: 864-338-7901

Details:

Employer:

UNEMPLOYED

School:

ADULT ED.

Questions and Answers:

VISUAL	Y
MEDICAL QUESTION FORM COMPLETE?	Y

Property:

OTHER TAKEN BY ACSO

OTHER CIGS

PLACE IN BAGGY; FOUND IN GROIN
AREA



Anderson County Sheriff

Anderson County

Booking Report

Booking #: 2011-002202

Date: 04/16/2011 Time: 00:35

MNI: 13791

Name: ELLIS, MELODY SHERREL

Sex: F Race: B Ethnicity: NON-

HISPANIC DOB:

Age: 23 COB: ANDERSON POB: SOUTH CAROLINA

Address:

BELTON, SC, 29627

Phones:

4

Details: Height: 5' 8" Weight: 140 lbs Build: SLIGHT Hair Color: BLACK Hair Style: MEDIUM Eye Color: BROWN Complexion: MEDIUM Glasses/Contacts: N

Identifiers: DL:

ST: SC SSN:

FBI: 294403JD0 SID: SC01953514 FBI

Number: 294403JD0

Arrested By: JOHNSONT

Booked By: J010 REEDJ

Searched By: VAUGHNT Time: 04/16/2011 00:35

Detained At: Time: 04/16/2011 00:35

Warrant: Count: 0

Case #: Anderson County Sheriff 11-020361

Released By: J101 PROFFITTB Time: 06/17/2011 12:41 Disp: POSTED BOND Released To: ACES HIGH BAIL BONDS/ EAGLE EYE

Charges:

Time: 04/16/2011 00:37 Offense: **16-11-0311 ~ 79 ~ Burglary / Burglary (After June 20, 1985) - First degree 496** Ref: 201120361 Warrant No.: J910003 Issued By: ACSO - T JOHNSON

Court GENERAL SESSIONS BOND MUST BE SIGNED AT COURTHOUSE.

Bond: SURETY W/ ELEC. MONT. \$20000.00

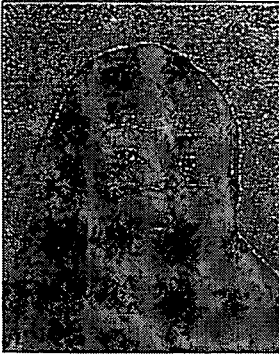
Time: 04/16/2011 00:37 Offense: **16-11-0330(A) ~ 139 ~ Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

1879 Ref: 201120361 Warrant No.: J910004 Issued By: ACSO - T JOHNSON.

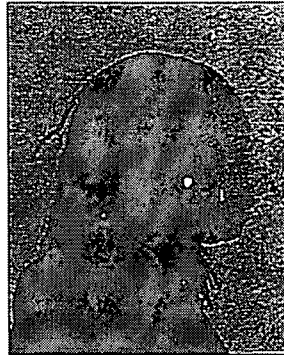
Court GENERAL SESSIONS BOND MUST BE SIGNED AT COURTHOUSE.

Bond: SURETY W/ ELEC. MONT. \$20000.00

Photos:



Type: FACE
Entered By: JVC BOOKING
Time: 04/16/2011 00:59



Type: FACE
Entered By: JVC BOOKING
Time: 04/16/2011 00:59



Type: TATTOO
Location: TAT ARM
Entered By: JVC BOOKING
Time: 04/16/2011 00:59

Notes:

USED PHONE DURING BOOKING

Next Of Kin:

MOTHER ELLIS, TEARAS

Phones:

Details:

Employer:

UNEMPLOYED

Property:

OTHER 2-TAMPONS

OTHER 3-HAIR TIES

CLOTHING1-WHITE T-SHIRT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 29th, 2013



Carmen V. Ganjehsani
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

JUL 29 2013

SC Court of Appeals

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMARIO QUINTON JONES,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Jennifer Ellis Roberts, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Jamario Quinton Jones #335879, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, on this 29th day of July, 2013.

Brandon Hall
Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 29th day of July, 2013.

Keith Henderson (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.