

ORIGINAL

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2018-001023

RECEIVED

JUN 06 2019

SC Court of Appeals

THE STATE,

APPELLANT,

v.

M'ANDRE COCHRAN,

RESPONDENT.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF GEORGETOWN) 2016-GS-22-793, 794

State,)
)
Plaintiff,) Transcript of Record
)
vs. ,) May 21, 2018
)
M'Andre Racquel Cochran,)
)
Defendant.)

B E F O R E:

Honorable Benjamin H. Culbertson
Georgetown County Courthouse
Georgetown, South Carolina

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Circuit Court Reporter

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1 (On the record, May 21, 2018.)

2 THE COURT: All right. What have we got?

3 MR. TODD: Thank you, Your Honor. The next matter before
4 the Court is State versus M'Andre Racquel Cochran. It's
5 regarding Indictment Number 2016-GS-22-00793, an indictment
6 for murder, and 794, an indictment for possession with a
7 weapon during the commission of a violent crime. Your Honor,
8 the Defense has filed a motion under the people -- the
9 Protection of Property Act. Your Honor, it's their motion.

10 THE COURT: All right. Anything before we get into the
11 testimony?

12 MR. HUMPHRIES: Your Honor, as both the State and the
13 Defense have agreed for the limited purpose of this hearing to
14 admit certain documents and exhibits that have already been
15 marked by the Court. I believe the State's are 1 through 212.

16 MR. TODD: That's correct.

17 MR. HUMPHRIES: And the Defense is 1 through 15 at this
18 time. If there are other exhibits throughout the course of
19 the trial, I'm sure we're going to be able to agree on those.
20 They just not -- they're not marked at present, but we agree
21 to admit those as evidence without laying foundation for the
22 limited purpose of this hearing.

23 THE COURT: All right. Is that correct?

24 MR. TODD: That's correct, Your Honor.

25 THE COURT: All right. State's Exhibits 1 through 212

1 and Defense Exhibits 1 through 15 are admitted into evidence
2 for the purposes of this motion hearing without objection.

3 (State's Exhibits Number 1 through 212 [see index for
4 description] and Defense Exhibits Number 1 through 15 [see
5 index for description] admitted into evidence for purposes of
6 motion hearing and appropriately marked.)

7 MR. TODD: Thank you, Your Honor.

8 THE COURT: All right. Anything else pre --

9 MR. HUMPHRIES: Your Honor, I know that you wish to, to
10 address my client regarding his Fifth Amendment privilege.

11 THE COURT: Right.

12 MR. HUMPHRIES: He will be the, the first witness for the
13 Defense, so at your pleasure.

14 THE COURT: All right. All right. Sir, if I could
15 please get you to stand and raise your right hand.

16 (Defendant sworn by the Court.)

17 THE COURT: All right. And your name is M'Andre Racquel
18 Cochran?

19 MR. COCHRAN: Yes, Your Honor.

20 THE COURT: All right. Am I pronouncing that correct?

21 MR. COCHRAN: Racquel.

22 THE COURT: Racquel. I apologize, Mr. Cochran. All
23 right. Mr. Cochran, I understand that this is a motion, your
24 motion in this case, and that you will be testifying, but
25 before we do that I need to go over some rights that you have

1 pursuant to the Fifth Amendment of the United States
2 Constitution. I advise you that as a witness you have the
3 right to invoke the protections given to you by the Fifth
4 Amendment to the Constitution of the United States. This
5 amendment and protection provides in part that no person shall
6 be compelled in any criminal case to be a witness against
7 himself. This provision means that you cannot be required to
8 be a witness against yourself. This is a personal right which
9 can only be claimed by you. You have the right to refuse to
10 answer any question asked of you which you think gives you
11 reasonable cause to believe that the answer to the question if
12 given might tend to incriminate you. If you wish to exercise
13 this right when a question is asked, you will state to the
14 Court that you refuse to answer the question because the
15 answer may tend to incriminate you. Now, do you understand
16 what I've explained to you?

17 MR. COCHRAN: Yes, Your Honor.

18 THE COURT: Do you have any questions about what I've
19 explained to you?

20 MR. COCHRAN: No, Your Honor.

21 THE COURT: All right. So when you take the stand, if
22 you take the stand, and there again, that is a right that you
23 have to accept or reject, but if you take the stand, if there
24 is a question you will need to invoke your Fifth Amendment
25 Right to remain silent if you wish to exercise your Fifth

1 Amendment Right to the United States Constitution. If you do
2 not invoke your Fifth Amendment Right to remain silent to any
3 particular question, then you have waived that right, and
4 anything that you say can be used against you in the trial of
5 this case. Do you understand that?

6 MR. COCHRAN: Yes, Your Honor.

7 THE COURT: All right. Do you have any questions that
8 you want to ask me about that?

9 MR. COCHRAN: No, Your Honor.

10 THE COURT: And do you need to speak to your attorneys
11 about it?

12 MR. COCHRAN: No, Your Honor.

13 THE COURT: All right. Anything further the Defense
14 wants placed on the record in that regard?

15 MR. HUMPHRIES: No, sir. That's certainly sufficient.

16 THE COURT: All right. Anything further the State wants
17 placed on the record in that regard?

18 MR. TODD: No, Your Honor.

19 THE COURT: All right. Thank you very much.

20 All right. Anything further or pretrial before we get
21 started?

22 MR. HUMPHRIES: Not to my knowledge.

23 THE COURT: I call it pretrial. I guess pre-evidentiary
24 in this motion hearing?

25 MR. TODD: No, Your Honor. I think we're ready to go.

1 THE COURT: All right. The Defense can call your first
2 witness.

3 MR. HUMPHRIES: Please, please the Court, Your Honor?
4 We'd call M'Andre Cochran.

5 THE COURT: All right. If I could get you to put him
6 under oath.

7 Whereupon, M'Andre Raquel Cochran was called to the
8 stand, duly sworn by the clerk and testified as follows:

9 THE CLERK: And would you please spell your last name for
10 the court reporter?

11 MR. COCHRAN: C-O-C-H-R-A-N.

12 THE CLERK: Thank you. Please have a seat and get as
13 close to the mike as you can. You can pull it up to you if
14 you need to.

15 MR. HUMPHRIES: Beg the Court's indulgence just one
16 moment, Your Honor.

17 THE COURT: All right.

18 DIRECT EXAMINATION

19 BY MR. HUMPHRIES:

20 Q State your name, full name for the record.

21 A M'Andre Racquel Cochran.

22 Q Are you currently employed at this time?

23 A Yes, sir.

24 Q And how are you employed? What do you do?

25 A Through a temp agency. We tops the cargo for the

1 flatliners.

2 Q Okay. Now, you're going to -- you're going to have to
3 try and keep your voice up. Okay?

4 A All right.

5 Q All right. Are you -- what is your marital status now?
6 Are you married, divorced, separated?

7 A Separated.

8 Q Okay. And who is your legal spouse?

9 A Casandra Cochran.

10 Q Okay. And how long have you and Casandra been married?

11 A Eight years.

12 Q Eight years? And do you have children with Casandra?

13 A Yes.

14 Q And how many children do you have?

15 A Three.

16 Q What are their sexes and their ages?

17 A A boy, nine, two daughters, seven and four, she about to
18 be five next month.

19 Q Okay. Let's, let's go back to June of 2016. Okay. Now,
20 in June of 2016 where were you residing?

21 A 4094 Old Pee Dee Road.

22 Q Say that again.

23 A 4094 Old Pee Dee Road.

24 Q Okay.

25 A Hemingway, South Carolina.

1 Q All right. And who did you live with at that residence?

2 A My wife and my kids.

3 Q Your wife and your kids? All right. Let's talk a little

4 bit about that house. What, what type of home was it?

5 A A mobile home.

6 Q A mobile home, and on whose property was that home
7 situated?

8 A My family.

9 Q Okay. And in fact did you have to get permission from
10 one of your family members in order to place your home there?

11 A Correct.

12 Q Who was that?

13 A My aunt, Barbara Thompson.

14 Q Okay. But as to the mortgage on that home, in whose name
15 was that home?

16 A Mine.

17 Q By yourself?

18 A Yes, sir.

19 Q Okay. And who paid those mortgage payments?

20 A Me.

21 Q And who stayed at that home?

22 A Me, my wife and my kids.

23 Q Okay. In June of 2016 where were you working?

24 A AGRU America.

25 Q AGRU America?

1 A Yes, sir.

2 Q All right. Tell the Court if you will what, what type of
3 business that is.

4 A It's like an assembly line making plastics for landfills
5 and stuff like that.

6 Q Okay.

7 A Yes, sir.

8 Q And what was your specific job there?

9 A To run machine, file the composite net material.

10 Q So you ran a machine that made composite net material.

11 A Yes, sir.

12 Q Did you work individually or with a partner?

13 A A partner.

14 Q That's what you always did?

15 A Huh.

16 Q Okay.

17 A On, on that machine though.

18 Q On that machine?

19 A Yeah.

20 Q Okay. Were there other jobs within that company that did
21 different things?

22 A Yes, sir.

23 Q Okay. What, what type of shifts, what hour long shifts
24 did you work?

25 A Mostly 12 or sometime 16 overtime.

1 Q Okay. Let, let me ask you, did you have the ability to
2 go in and work overtime when you wanted to or needed to?

3 A Yes, sir.

4 Q Okay. So it wasn't just the company saying when you
5 could do overtime but sometimes you could elect to do overtime
6 yourself?

7 A Correct.

8 Q Okay. Whose birthday is it in mid to late June?

9 A My wife.

10 Q Casandra?

11 A Uh-huh.

12 Q Okay. Now, the, the early morning hours of June 15th, did
13 you happen to go into work that day?

14 A Yes, sir.

15 Q Okay. Was that a regularly scheduled shift for you?

16 A No, sir.

17 Q Is that a shift that you elected to work?

18 A Yes, sir.

19 Q Okay. And so that would have been overtime?

20 A Correct.

21 Q Why did you choose to go in on that evening, that --
22 well, that early morning I guess midnight? Is that when you
23 went in or seven?

24 A Nah. It was the night before. It was like the 14th. I
25 went in, yes, sir, went.

1 Q So you went in about seven on the 14th?

2 A Yes, sir.

3 Q Okay. Tell the Court why you went in on that occasion to
4 work?

5 A To get some extra money because her birthday was coming
6 up that weekend. So I want to get some extra money get some
7 overtime and give her -- pay for that weekend.

8 Q Okay. So that was with the thought in mind that your
9 wife's birthday was coming up for the weekend and you wanted
10 to have some extra money?

11 A Yes, sir.

12 Q Okay. While you were at work did you have the occasion
13 to speak with your wife either by phone or by some sort of
14 text or messaging?

15 A Yes, sir.

16 Q Okay. Do you recall specifically what you talked about?

17 A Nah. Just how her night going or whatnot. That's it,
18 nothing in particular.

19 Q Talk about the kids, talk about yourself?

20 A Pretty much.

21 Q Okay. Some text messages?

22 A I don't think I text her that night because after I hang
23 up that, that was the last time I talked to her.

24 Q All right. When do, when do you recall having spoken
25 with her last?

- 1 A Around 12:30, something, something like around that
2 midnight time.
- 3 Q All right. Just, just around midnight?
- 4 A Yeah. To make sure she was home because she work nights,
5 so.
- 6 Q Okay. So you were checking to make sure she got home?
- 7 A Yes, sir.
- 8 Q Okay. Did she get home?
- 9 A Yes, sir.
- 10 Q Okay. Where'd you stay the night before?
- 11 A At my house, 4094 Old Pee Dee Road.
- 12 Q Where'd you stay the night before that?
- 13 A 4094 Old Pee Dee Road.
- 14 Q Where do you stay almost every night?
- 15 A At my residence, 4094 Old Pee Dee Road.
- 16 Q Okay. And if you know the answer to this that's fine.
17 If you don't that's fine. Is -- was your wife aware of how
18 long your shifts typically lasted?
- 19 A She usually do.
- 20 Q Okay. And that would be a 12-hour shift?
- 21 A Exactly.
- 22 Q If you go in at seven --
- 23 A Get off at seven.
- 24 Q -- clock out at seven.
- 25 A Or when I work overtime seven to 11, which according if I

1 stay over.

2 Q All right. So sometimes you can go into work just for
3 four hours?

4 A No. No. No. The 16, like --

5 Q Oh, 16.

6 A Yes, sir.

7 Q So you go in at seven, you come out --

8 A 11.

9 Q Got you.

10 A Yes, sir.

11 Q Had you made any particular plans about how long this
12 shift was going to be?

13 A No, sir.

14 Q Okay. Is it something you would usually call about to
15 your wife and say, "Hey, I'm going to stay a little longer or"
16 --

17 A No, sir.

18 Q Okay. All right. Let's talk about the early morning
19 hours of June 15th, 2016. Okay. When did you clock out?

20 A I think like five something. I'm not, I'm not exactly
21 sure.

22 Q Okay. Obviously that's not 12 hours, that's not 16
23 hours. Do you have the ability to clock out early when you're
24 working overtime?

25 A Yes, sir.

1 Q Okay. Why, why did you do that this time?

2 A I was tired. I had worked like, like four days straight,
3 something like that, and I was tired and left.

4 Q Let me ask you, you got a co-worker named Ronnie Smith?

5 A Correct.

6 Q Okay. Now, you previously told the Court that on this
7 machine where you're doing the composite netting, you have a
8 partner that works with you?

9 A Yes, sir.

10 Q Okay. Now, this morning, this June 15th, round about 5:00
11 o'clock in the morning, was there -- did some kind of issue
12 come up between you and Ronnie?

13 A Yes, sir.

14 Q All right. Tell the Court what that was.

15 A I was sleeping and the machine was cutting. He was
16 telling me to get up, and I got up and had a little
17 conversation, then they got that cut out the way and then I
18 left, right, because I ain't want to bother it.

19 Q All right. So let me make sure we all understand.

20 Ronnie is running the machine with you?

21 A Hum.

22 Q You fell asleep at work. When you fell --

23 THE COURT: You need to answer. You need to give a
24 verbal response.

25 A Oh, yeah. Yes, sir.

1 Q Okay. When you fell asleep at work, your machine ran
2 over?

3 A No. No, sir. It was ready to cut like.

4 Q It was ready to cut?

5 A Yes, sir.

6 Q All right. Is the cutting something that one person can
7 do or does it take two?

8 A Nah. It's automatic machine. Yes, sir.

9 Q Okay. And Ronnie woke you up?

10 A Yes, sir.

11 Q Was he aggravated?

12 A Yeah.

13 Q He was? Did you all have words?

14 A Yeah. A little bit like how we always talk, but I was
15 tired and aggravated, you know what I'm saying? So I left.

16 Q So you just decided to call it?

17 A Uh-huh.

18 Q Okay. Now, did you call Casandra and say, "Hey, Baby,
19 I'm coming home?"

20 A No, sir.

21 Q Okay. When you got home who did you expect would be in
22 your home?

23 A No one, just my wife and kids.

24 Q Okay. Did you expect your children to be at your home?

25 A Yes, sir.

- 1 Q Okay. Did you receive any calls, any messaging, anything
2 that would indicate to you that there was something, someone
3 other than your wife and children in your home before you left
4 your work?
- 5 A No, sir.
- 6 Q On the way home from work?
- 7 A No, sir.
- 8 Q When you got to your house?
- 9 A No, sir.
- 10 Q You're just coming home?
- 11 A Yes, sir.
- 12 Q All right. We're going to -- I'm going to show you a
13 series of pictures, and we're going to talk about them. Okay?
14 First of all, you said that your, your home is a mobile home?
- 15 A Yes, sir.
- 16 Q That you held the note on. Now, let me ask you, do you
17 own that home anymore?
- 18 A No, sir.
- 19 Q What happened to that home?
- 20 A It got repossessed.
- 21 Q Okay. Were you able to work after you were charged in
22 this incident for a while?
- 23 A No, sir.
- 24 Q Is that why it got repossessed?
- 25 A Correct.

1 Q Okay. I'm going to show you Defendant's One, which is in
2 evidence. Tell me if you can identify that photograph.

3 A Yes, sir.

4 Q What is that photograph?

5 A My home with three vehicles in the yard.

6 Q Okay.

7 MR. HUMPHRIES: And I'll send these up as a group --

8 THE COURT: All right.

9 MR. HUMPHRIES: -- once we go through them if that's all
10 right, Judge.

11 THE COURT: That's fine.

12 BY MR. HUMPHRIES:

13 Q Showing you Defendant's Two. Is that a closer up view of
14 the front of your house with the three vehicles?

15 A Correct.

16 Q All right. Let's talk about the vehicles. There is a
17 sort of a larger sport utility vehicle.

18 A Correct.

19 Q Whose vehicle is that?

20 A That's my mom's.

21 Q Who was driving that?

22 A I was.

23 Q Why were you driving it?

24 A My car was in the shop that day.

25 Q All right. There is another vehicle over here that looks

1 like it's parked towards the front door.

2 A It's right side a tree, yes, sir.

3 Q Yeah. Whose --

4 A That's ours.

5 Q -- whose vehicle is that?

6 A That's ours, me and my wife.

7 Q Okay. Now, there is a, a third vehicle, this lighter
8 brown sedan. Did --

9 A I didn't recognize that.

10 Q Well, let me ask you this, when you pulled up that
11 morning around five or so to your residence, was that vehicle
12 parked in that position?

13 A Yes, sir.

14 Q Okay. Did you recognize that vehicle?

15 A No, sir.

16 Q After you saw that vehicle what'd you do?

17 A Went to my front door. When I got to my front door it
18 was open.

19 Q All right. Let's talk a little bit about that. Your
20 front door was open?

21 A Yes, sir.

22 Q In, in what way was it open?

23 A Like not complete shut, but it was open like probably
24 like cracked. It wasn't completely shut.

25 Q Okay. Obviously then it was not locked?

1 A Correct.

2 Q Is this -- is that a normal condition of your door in
3 terms of your practices that house?

4 A No, sir.

5 Q Okay. You don't leave your door open?

6 A No, sir.

7 Q In the early morning hours?

8 A No, sir.

9 Q Okay. Talk a little bit about the lighting conditions.

10 This was round about 5:00 o'clock in the morning?

11 A Yes, sir.

12 Q Sun up yet?

13 A No, sir.

14 Q Okay. Describe the conditions, light, dark?

15 A Dark.

16 Q All right. You go to the front of your door and that's
17 shown in D-3?

18 A Yes, sir.

19 Q Defendant's Three. When you walk in your house what's
20 the first room you come into?

21 A The living room.

22 Q Okay. I'm showing you Defendant's Four. Is that your
23 living room?

24 A Yes, sir.

25 Q Okay. What were the condition of the -- I'm sorry -- the

- 1 condition of the lights?
- 2 A Still dark.
- 3 Q In the house?
- 4 A Still dark.
- 5 Q Okay. Any lights on?
- 6 A No, sir.
- 7 Q Okay. What was your, what was your state of mind then
- 8 after having seen a vehicle you didn't recognize and your
- 9 front door open?
- 10 A To protect my family because I had three kids and a wife.
- 11 So I'm, I'm assuming was a, a break in. That's the first
- 12 thought came to my mind.
- 13 Q Okay. So when you came in the house, go into the living
- 14 room, where do you go next?
- 15 A To the kitchen.
- 16 Q All right. And that's shown in Defendant's Five, another
- 17 view is Defendant's Six. Is that right?
- 18 A Correct.
- 19 Q All right. When you went in the kitchen what did you do?
- 20 A Armed myself with a knife.
- 21 Q Okay. Where'd you get that knife from?
- 22 A Out my kitchen block.
- 23 Q I'm showing you Defendant's Seven. Is that the block
- 24 that you took the knife from?
- 25 A Correct.

1 Q It's a knife set, knives, set of scissors?

2 A Correct.

3 Q Okay. After you did that, what did you next do?

4 A Went to my son's room because I occasionally sleep in
5 there.

6 Q All right. So you went to check on your son?

7 A Yes, sir.

8 Q And let's talk about how big was -- how many bedrooms
9 were in this house?

10 A Three.

11 Q Okay. How many bathrooms?

12 A Two.

13 Q You got a living room and there's a --

14 A A kitchen.

15 Q -- kitchen, eat-in kitchen?

16 A Yes, sir.

17 Q You got a table. All right. Showing you Defendant's
18 Eight. Is that the hallway going back to the kids' rooms?

19 A Correct.

20 Q Okay. Is that the hall that you immediately proceeded
21 down?

22 A Correct.

23 Q All right. Again, any lights on?

24 A No, sir. And my daughter room, their door was closed
25 what --

- 1 Q Their door was closed --
- 2 A Yes, sir.
- 3 Q -- when you went down there?
- 4 A Yes, sir.
- 5 Q Okay. In this picture it's open.
- 6 A Exactly.
- 7 Q But when you were there it was closed?
- 8 A Yes, sir.
- 9 Q Okay. You went first to your son's room.
- 10 A Son room.
- 11 Q Now, has anybody said anything, called out anything,
- 12 anything at this point?
- 13 A No, sir.
- 14 Q That's your son's room?
- 15 A Correct.
- 16 Q In Defendant's Nine?
- 17 A Yes, sir.
- 18 Q Was your son in his room?
- 19 A No, sir.
- 20 Q Was that unusual?
- 21 A Yes, sir, because I usually sleep in there.
- 22 Q All right. You went from your son's room?
- 23 A To my daughters' room.
- 24 Q And showing you Defendant's Ten. Does that reflect the
- 25 room of your daughters?

1 A Yes, sir.

2 Q Were your daughters in their room?

3 A No, sir.

4 Q Was that unusual?

5 A Yes, sir.

6 Q Did you expect them to be there?

7 A Yes, sir.

8 Q All right. So you've checked on your son. He's not
9 there.

10 A Correct.

11 Q You checked on your daughters. They're not there.

12 A Correct.

13 Q The house is still dark.

14 A Correct..

15 Q No one's called out to you?

16 A No, sir.

17 Q Where did you go after leaving your daughters' room?

18 A Towards my room.

19 Q You still in that hallway?

20 A Well, I walked through the living room and back to the
21 kitchen.

22 Q Okay. All right. Heading toward your --

23 A My room.

24 Q -- because you get to your bedroom sort of through the
25 kitchen; right?

- 1 A Kitchen. Yes, sir.
- 2 Q Okay.
- 3 A Through like kitchen and a washroom and --
- 4 Q It's right there together?
- 5 A Yes, sir.
- 6 Q Just beyond the washroom?
- 7 A Yes, sir.
- 8 Q Going to your room? All right. As you're approaching
- 9 your room do you call out for your wife?
- 10 A Yes, sir.
- 11 Q Does she respond?
- 12 A No, sir.
- 13 Q Did you call out in a loud voice?
- 14 A Yes, sir.
- 15 Q No response?
- 16 A No, sir.
- 17 Q Where did you go then?
- 18 A Towards my bed.
- 19 Q You actually went into your room?
- 20 A Yes, sir.
- 21 Q All right. Let's talk about the lighting conditions in
- 22 your bedroom. All right. What were you able to see? And I
- 23 want to show you Defendant's 11, 12 and then 13 is a better
- 24 lighted one, but 11 and 12, this is the door you come in?
- 25 A Correct.

1 Q That's the entrance to your bedroom?

2 A Yes, sir.

3 Q And then as you step into your bedroom that's the view
4 you would have had; is that correct?

5 A Yes, sir. Yes, sir.

6 Q And Defendant's 12. All right. As you step into that
7 room, again, light or dark?

8 A Dark.

9 Q Any lights on?

10 A No, sir.

11 Q Your wife has still not acknowledged your presence?

12 A No, sir.

13 Q Not spoken to you?

14 A No, sir.

15 Q Not called out in any way?

16 A No, sir.

17 Q What happens when you go inside that room?

18 A When I say like close to the bed, like, let me see, I was
19 probably --

20 Q Keep your voice up.

21 A I was probably right here.

22 Q Sort of at the foot of the bed?

23 A The foot. Yes, sir.

24 Q On Defendant's 13?

25 A Yes, sir.

- 1 Q Still are you able to determine who is in the bed?
- 2 A No, sir.
- 3 Q Or what their condition is?
- 4 A No, sir.
- 5 Q All right. So you're at the foot of your -- literally at
- 6 the foot of your bed?
- 7 A Correct.
- 8 Q What happens when she gets there?
- 9 A And a dude jump up out the bed and say, "Who the fuck is
- 10 you?" I like, "Who the fuck is me, who the fuck is you? This
- 11 is my house," and then that when he swung at me, that when I
- 12 defended myself.
- 13 Q Let me ask you, did you have -- were you able to see,
- 14 first of all, who the person was?
- 15 A No, sir.
- 16 Q Were you able to recognize the voice as that of a male?
- 17 A Correct.
- 18 Q Could you tell the general size of the male?
- 19 A Yes, sir. He was taller than me.
- 20 Q Taller than you?
- 21 A Yes, sir.
- 22 Q Was the light in the room sufficient to see if this
- 23 person had any weapons?
- 24 A No, sir.
- 25 Q Once you respond to him, what did he do?

1 A Swing at me.

2 Q This time he was out of the bed?

3 A Yes, sir.

4 Q Coming towards you?

5 A Correct.

6 Q Was there a point at which that you knew he was armed or
7 unarmed?

8 A No, sir.

9 Q So this is the altercation in your bedroom?

10 A Correct.

11 Q Okay. How did that altercation end?

12 A I just remember him jumping out the window, and I dropped
13 the knife on the carpet like.

14 Q Right there in the bedroom?

15 A Yes, sir.

16 Q Your threat -- the threat had ended?

17 A Yes, sir. Because he jumped through the window.

18 Q Okay. Did you wait there for law enforcement?

19 A Yes, sir.

20 Q Let me show you Defendant's 14. What's that?

21 A My closet with my clothes, my shoes and stuff.

22 Q In your house?

23 A Correct.

24 Q The house we're talking about now?

25 A Yes, sir.

- 1 Q Those are your clothes, your shoes, your equipment?
- 2 A Yes, sir. Yes, sir.
- 3 Q That's your house?
- 4 A Yes, sir.
- 5 Q Showing you State's or Defendant's -- that's a bad habit
- 6 -- Defendant's 15. Is this a copy of your mortgage statement
- 7 for that home?
- 8 A Correct.
- 9 Q Showing you as the, the mortgagee or the one who owns the
- 10 home?
- 11 A Correct.
- 12 Q Let's review just a minute. You left work early?
- 13 A Correct.
- 14 Q Keep your voice up..
- 15 A Correct.
- 16 Q You came home, found a vehicle that you were not familiar
- 17 with parked in your driveway?
- 18 A Correct.
- 19 Q You found your front door in an unlocked condition?
- 20 A Open, open, open.
- 21 Q Not just unlocked, open.
- 22 A Open. Yes, sir.
- 23 Q You armed yourself and you checked on your kids in both
- 24 their rooms, none of your kids were home?
- 25 A Correct.

1 Q You walked down the hall back through the kitchen, called
2 to your wife, she did not respond.

3 A Correct.

4 Q You went into your bedroom to the foot of your bed. You
5 could not see clearly enough to know who was in the bed?

6 A Correct.

7 Q Your wife didn't call out to you then?

8 A No, sir.

9 Q You were confronted by a male who was larger than you?

10 A Correct.

11 Q And he swung at you, and you defended yourself?

12 A Correct.

13 Q And that altercation ended when he jumped out of the
14 window?

15 A Correct.

16 Q You could not see if he was armed?

17 A No, sir.

18 Q And you remained there for law enforcement?

19 A Correct.

20 MR. HUMPHRIES: Beg the Court's indulgence.

21 THE COURT: All right.

22 BY MR. HUMPHRIES:

23 Q Mr. Cochran, you'll have the opportunity now to answer
24 any questions that the State has of you. Okay?

25 A Yes, sir.

1 Q Keep your voice up.

2 A All right.

3 THE COURT: All right. Cross examination.

4 MR. TODD: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. TODD:

7 Q Good morning.

8 A Good morning.

9 Q Mr. Cochran, how, 'how old are you?

10 A 29.

11 Q And where did you grow up?

12 A In Pee Dee Community, Hemingway City, Georgetown County
13 area.

14 Q So you've been here pretty much your whole life?

15 A Yes, sir.

16 q And when did you start working at AGRU America?

17 A March 7, 2000 -- well, I got -- I was -- I started in
18 December of 0 -- no, not 0, 2010, December of 2010, but I got
19 full time on March 7, 2011.

20 Q And tell us about this machine you worked on in June
21 2016. You said it takes two people to work that machine?

22 A Two. Yes, sir.

23 Q And what does it do exactly?

24 A It like it come out the machine like I can't explain
25 what. It make net, geocomposite net, and it comes through

1 with a compressed thing put the composite on. Then after it
2 wind a certain amount of feet it cut, then we wrap it up with
3 plastic.

4 Q And how long you'd been working on that machine?

5 A Five years, since I start.

6 Q Five years on that same machine?

7 A Hum.

8 Q Had you been working with the same guy?

9 A Yes, sir.

10 Q Okay. What was his name again?

11 A Ronnie.

12 Q Ronnie, and did you guys typically work the same shifts?

13 A Yes, sir.

14 Q Was that by request or just kind of worked out that way?

15 A Basically partners, we worked out that way. Yes, sir.

16 Q So you all had a good relationship?

17 A Yes, sir.

18 Q Now, why does it take two people to run that machine?

19 A Well, because like, actually it's like three people see
20 because one do, put the composite in the back with the
21 forklift and the front two people do the cutting in the
22 plastic.

23 Q Okay. So it definitely takes two people to cut the
24 plastic and --

25 A True. It wraps -- pretty much wrapping it the edge.

- 1 Q Okay. And you and Ronnie had been working that shift for
2 a while.
- 3 A No. No.
- 4 Q Okay. That machine for a while?
- 5 A Yes, sir.
- 6 Q On this day you were working 12-hour shifts; is that
7 correct?
- 8 A No, sir.
- 9 Q Okay. What were, what --
- 10 A That was overtime.
- 11 Q You were working overtime?
- 12 A Yes, sir.
- 13 Q What time were you supposed to be there?
- 14 A Overtime, you can go anytime you want in overtime.
- 15 Q Okay. Now, when you work overtime would you be working
16 with Ronnie at the same time or just whoever's on that
17 machine?
- 18 A Whoever's on that machine.
- 19 Q Okay. Do you recall what time you went in that day?
- 20 A I think 7 I think.
- 21 Q 7:00 o'clock. And the regular shift is 12 hours; is
22 that correct?
- 23 A Correct.
- 24 Q So your other crew members would plan on you working from
25 seven to seven; is that correct?

1 A That wasn't our crew. It was like -- oh, another crew we
2 worked overtime on.

3 Q Explain that to me. So -- I don't, I don't fully
4 understand how that works.

5 A Like it wasn't our shift to work that day.

6 Q Okay.

7 A I was with another crew because they had their whole crew
8 there but we went in to get overtime.

9 Q Okay. Was there anybody else coming in before 7:00
10 o'clock to take over that machine?

11 A The next crew.

12 Q And they would come in at seven?

13 A Yes, sir.

14 Q Okay. And at AGRU America do they work on 24-hour
15 shifts? I mean, is it --

16 A It's constant, yes, sir.

17 Q Constant working. So were you expected to work until
18 7:00 o'clock when the next crew came in?

19 A No, sir. Because I was overtime. Only the people who
20 are allowed -- who supposed to stay over the people who on
21 that shift stay the whole 12.

22 Q Okay. And you left at 5:00 o'clock.

23 A Correct, around that time.

24 Q Okay. 5:02, 5:03, something like that? Now, did -- was
25 Ronnie supposed to leave at the same time?

- 1 A Nah. He could have left when he want.
- 2 Q Could he have run the machine without you?
- 3 A Their whole crew was there. They had, we had enough
- 4 people.
- 5 Q Did you tell them you were leaving at 5:00 o'clock?
- 6 A No, sir.
- 7 Q Now, the night before when you went into work at 7 you
- 8 said you talked to Casi?
- 9 A Hum.
- 10 Q Sometime around midnight; is that correct?
- 11 A Correct.
- 12 Q And you have young children?
- 13 A Yes, sir.
- 14 Q Did you know where they were staying that night? Did she
- 15 talk to you about the kids at all that night?
- 16 A No. They should, should have been home.
- 17 Q Okay.
- 18 A That where I assume they was at.
- 19 Q Did you talk to your parents that night at all?
- 20 A No, sir.
- 21 Q Okay. Did you talk to them earlier that day?
- 22 A No, sir.
- 23 Q Did you talk to anybody from 12:00 o'clock until 5:00
- 24 o'clock the next morning?
- 25 A No, sir.

1 Q Not a single phone call? Okay. Now, how long does it
2 take you to get from AGRU America to your residence?

3 A About 20 minutes.

4 Q About 20 minutes. So do you have to change clothes or
5 anything when you leave or you just wear your normal clothes
6 home?

7 A Normal clothes.

8 Q Okay. What, what do your clothes typically consist of
9 when you work there?

10 A We had a -- we had uniforms.

11 Q Uniforms. Blue uniforms?

12 A Yes, sir.

13 Q Boots?

14 A Yes, sir.

15 Q Okay. Now, how long had you all -- you and Casi been
16 married before this incident?

17 A Eights years, well, seven then. Well, no, I lie. Six,
18 six years.

19 Q Six years. And would you all say you had a troubled
20 relationship?

21 A Not really. It was off and on, but what marriage don't
22 have up and downs, so. It was all right.

23 Q Okay. Up and down, did you fight a lot?

24 A Well, nah, no, no, sir.

25 Q Okay. Did you all spend a significant time away from

- 1 each other at times?
- 2 A No, sir.
- 3 Q Now, you did file for divorce?
- 4 A Yes, sir.
- 5 Q Okay. Do you recall when that was?
- 6 A I think '14.
- 7 Q 2014?
- 8 A I think so.
- 9 Q And what was your reason for the divorce?
- 10 A Partying too much.
- 11 Q Okay. Now, what did you put on the divorce document?
- 12 A What, what you mean by that?
- 13 Q Was it for one-year separation?
- 14 A Oh, yes, sir.
- 15 Q Okay. So you all had been apart for a year before you
- 16 filed for divorce?
- 17 A No, sir. I put that on there to file it. We was not
- 18 separated.
- 19 Q So you, you lied?
- 20 A Pretty much.
- 21 Q Okay. But you had had a troubled relationship with Casi;
- 22 is that correct?
- 23 A No, sir.
- 24 Q Did you sleep with her just in bed with her the day
- 25 before this incident, June 15th?

1 A I can't recall.

2 Q How about June 14th?

3 A Probably.

4 Q And at any time have you left the house and stayed with
5 your mom the month before that?

6 A No, sir.

7 Q You had been in that house every single night?

8 A Not every night, but sometime I stayed at my momma's
9 house but now I didn't say every night but most the nights,
10 probably like once, twice.

11 Q So sometimes you stayed with your mom?

12 A Hum.

13 Q And where would Casi stay when you stayed with your
14 mom?

15 A I don't know.

16 Q You don't know if she stayed at that, at, at your
17 residence?

18 A No, sir.

19 Q Do you know if she stayed with her dad?

20 A No, sir.

21 Q So you don't know where she was some nights?

22 A No, sir.

23 Q Do you think that's a normal relationship?

24 A No, sir.

25 Q Okay.

- 1 A It like twice, like once or twice, not every night.
- 2 Q Once or twice a week?
- 3 A No. Altogether.
- 4 Q Okay. Now, had you all had issues of fidelity at all?
- 5 A No, sir.
- 6 Q No question as to whether or not Casi was faithful?
- 7 A No, sir.
- 8 Q Were you faithful to Casi?
- 9 A Yes, sir.
- 10 Q Okay. Now, when you were driving home from work on that
- 11 night, a little after five, you say you didn't get any phone
- 12 calls at all?
- 13 A No, sir.
- 14 Q When you were pulling in the driveway you saw the other
- 15 vehicle?
- 16 A Correct.
- 17 Q Okay. And did you recognize that vehicle?
- 18 A No, sir.
- 19 Q Okay. Were you concerned about that vehicle?
- 20 A Yes, sir.
- 21 Q What, what was going through your mind?
- 22 A Like who car, just why is it in my yard.
- 23 Q Okay. Now, you say you went into the house, the door was
- 24 open?
- 25 A Correct.

1 Q Open as in wedged open or you had to -- or just not
2 locked?

3 A Open, wedge open, like it was not closed but it's open.

4 Q Okay. So you could just walk through the door?

5 A Correct.

6 Q Okay. Did you close the door behind you or do you
7 recall?

8 A I don't recall.

9 Q Okay. And you went directly to the kitchen?

10 A Correct.

11 Q And got a knife from the kitchen?

12 A Correct.

13 Q Red-handled, a red-handled knife?

14 A Correct.

15 Q Okay. And then you went to your children's bedrooms?

16 A Correct.

17 Q Okay. Whose bedroom did you go to first?

18 A My son.

19 Q Okay. And how old was he at the time?

20 A Seven, seven.

21 Q About seven years old. And when he wasn't in the room
22 did you call for him?

23 A Went to my -- no. I went to my daughters' room.

24 Q And you didn't call anybody's name out or anything?

25 A No, sir.

- 1 Q Okay. And you didn't call 911?
- 2 A No, sir.
- 3 Q Okay. So then you went to your daughters' room. Okay.
- 4 And do they both share that room?
- 5 A Yes, sir. Like they young. They would sleep together.
- 6 So I assume they was in their room, so.
- 7 Q Okay. And they weren't in that room?
- 8 A No, sir.
- 9 Q Okay. Did you turn the lights on?
- 10 A No, sir.
- 11 Q Okay. Was it dark in the room?
- 12 A Yes, sir.
- 13 Q So so dark you couldn't see or just --
- 14 A No. I touched the bed.
- 15 Q Oh, you, you touched their beds?
- 16 A My son's. Yeah. Yeah.
- 17 Q And you didn't call --
- 18 A No, sir.
- 19 Q -- 911. You didn't call out their names?
- 20 A No, sir.
- 21 Q Okay. So then you walked back through the rest of the
- 22 house, and at what point did you call out any names?
- 23 A When I got back in my room.
- 24 Q Okay. So you walked into your bedroom. Okay. And you
- 25 have the knife in your hand?

1 A Correct.

2 Q Okay. And what did you need the knife for?

3 A Protection because I didn't know who was in my house or
4 whatnot.

5 Q Okay.

6 A Because I'm assuming it's broken in. So I had three kids
7 and a wife. So I had to protect them.

8 Q Okay. So you walked into this bedroom. It was dark, and
9 could you see who was in the bed?

10 A No, sir.

11 Q Could you see anybody in the bed?

12 A No, sir.

13 Q And did you call Casi's name at all?

14 A Yes, sir.

15 Q Did she answer you?

16 A No, sir.

17 Q Did you call for your kids?

18 A No, sir.

19 Q Were you concerned your kids were in the room?

20 A Yes, sir.

21 Q Did you look for them?

22 A I, I couldn't really see because it was dark.

23 Q And you stated that a gentleman had jumped up?

24 A Correct.

25 Q And you exchanged words with him?

- 1 A Correct.
- 2 Q And what did you say to him?
- 3 A I didn't say nothing. He said something to me first.
- 4 Q Okay. And then you spoke back?
- 5 A Correct.
- 6 Q And when you first walked into the room the lights were
- 7 off?
- 8 A Correct.
- 9 Q And no one was standing up anywhere that you could see?
- 10 A No, sir.
- 11 Q So the only thing you could see was people in --
- 12 A The bed.
- 13 Q -- the bed. At that point in time did you believe a
- 14 burglar broke in and got in bed with your wife?
- 15 A I was -- thought -- wondering.
- 16 Q Did you believe your wife was in danger at that point in
- 17 time?
- 18 A Correct.
- 19 Q Did you believe your children were in danger at that
- 20 point in time?
- 21 A Correct.
- 22 Q Could you tell if the individual was sleeping or, or
- 23 what?
- 24 A Could have been dead, all I know. I don't know.
- 25 Q So that individual jumped up from the bed?

1 A Correct.

2 Q And tell us what happened from that point on.

3 A He jumped up and said, "Who the fuck is you?" I like,
4 "How you mean who the fuck I am. Who is you? This is my
5 house," and then he come toward me swinging and I protected
6 myself.

7 Q By doing what?

8 A Protecting myself. I -- like I don't know. We had a
9 scuffle and everything and then he jumped through the window,
10 then I dropped, dropped the knife.

11 Q Now, you stabbed him; is that correct?

12 A I guess so.

13 Q Do you know how many times you stabbed him?

14 A No, sir.

15 Q Do you know how many times you cut him?

16 A No, sir.

17 Q Do you know where you stabbed him?

18 A No, sir.

19 Q Did you stab him more than once?

20 A I can't recall. I don't know.

21 Q Did you stab him -- do you recall where you stabbed him?

22 A No, sir.

23 Q Did you call out for your kids at any point in time?

24 A No, sir.

25 Q At any point in time did you step back?

- 1 A Yes, sir.
- 2 Q Okay. And was the fight broken up at that point in time?
- 3 A He jumped through the window.
- 4 Q Okay.
- 5 A That, that's the last thing remember.
- 6 Q Now, at that point you say you dropped the knife.
- 7 A Correct.
- 8 Q Okay. Did you get hit?
- 9 A I'm probably sure -- I'm pretty sure I did.
- 10 Q Okay. Did, did you get cut by anything?
- 11 A I had a little -- some cuts on my hand.
- 12 Q Okay. Now, you recall there was -- it was a pretty
- 13 gruesome scene. Okay. And, and who turned on the lights?
- 14 A I don't know.
- 15 Q Okay. Did you call 911?
- 16 A No, sir.
- 17 Q From that second on what did you do?
- 18 A I called my mom and my dad and her father.
- 19 Q Whose phone did you use?
- 20 A Mine.
- 21 Q And but you did not call 911?
- 22 A No. Because she said she's called them.
- 23 Q Okay. Now, do you recall how tall the gentleman was that
- 24 was -- jumped up from bed?
- 25 A No, sir.

1 Q Okay. But you believe he was bigger than you?

2 A He was.

3 Q Okay. Wider than you, taller than you?

4 A Taller.

5 Q Taller. Six inches taller?

6 A Probably like four or five, you know what I'm saying,
7 should -- I don't know. He was taller than me.

8 Q Okay. Do you recall what he was wearing?

9 A No, sir.

10 Q Okay. Could you tell if he had shoes on?

11 A No, sir.

12 Q Could you tell if he had a hat on? Could you tell what
13 color he was?

14 A No, sir.

15 Q Okay. Couldn't tell if he was dark skin, light skin,
16 white guy?

17 A Huh-uh. No, sir.

18 Q Okay. Did your children ever sleep in bed with your
19 wife?

20 A Yes, sir, all.

21 Q Okay. Did you believe the children were in the room when
22 you walked in there?

23 A Yes, sir. Because they wasn't in their room.

24 Q How often did your children spend the night with your
25 parents?

- 1 A Sometime like once, twice a week if that.
- 2 Q So often?
- 3 A No. No. Not often. He was -- home, home with us most
- 4 the time.
- 5 Q But once or twice a week.
- 6 A True.
- 7 Q Would you agree that's fairly often, they were familiar
- 8 with your parents?
- 9 A Yeah. Yeah. Yes, sir.
- 10 Q Okay. And would this kind of free you all up for like a
- 11 date night or, or --
- 12 A True. Yes, sir. Like that, yes, sir.
- 13 Q Okay. Now, when you were separated from Casi who would
- 14 you stay with, your mom?
- 15 A Wasn't separated.
- 16 Q No. When you would, would separate. When you would --
- 17 A Oh, yeah. When I -- yeah. Yeah. Got you.
- 18 Q Okay. When you would stay somewhere else --
- 19 A Yeah.
- 20 Q -- would you typically stay with your mom?
- 21 A Correct.
- 22 Q Would the kids ever stay with you --
- 23 A No, sir.
- 24 Q -- and your parents?
- 25 A No, sir. Not at the same time while we separated.

1 Q Okay. Now, had you all been together for like Mother's
2 Day?

3 A Yes, sir.

4 Q Okay. What did you all do?

5 A Well, we went out to eat and then I buy some balloons and
6 stuff like that and a card.

7 MR. TODD: The Court's indulgence.

8 THE COURT: All right.

9 BY MR. TODD:

10 Q Now, going back to work just briefly, who is Morgan
11 Brunson?

12 A Supervisor.

13 Q Okay. Now, would you typically tell Morgan when you
14 would be working?

15 A No, sir.

16 Q Okay. So if you were going to leave at any particular
17 time would you not tell him when you were going to leave?

18 A No, sir.

19 Q Would he not know when you were going to come in?

20 A Sometime, sometime, sometimes not.

21 Q Okay. So if you were scheduled to work seven to seven
22 and you left early, was it policy just to leave or would you
23 have to tell him before you left?

24 A No. We could leave any time we wanted.

25 Q Okay. Now, you recall your cell phone number back at

- 1 this time?
- 2 A No, sir.
- 3 Q Okay. Now, as far as you staying at your mom's house,
- 4 now you said you do it every once in a while. Was that a
- 5 weekly?
- 6 A No, sir.
- 7 Q Okay. So randomly or, or --
- 8 A Yes, sir.
- 9 Q Okay. Was there any reason you would go and stay with,
- 10 with her?
- 11 A No. Well, it was have a altercation when she'd act like,
- 12 when we had arguments.
- 13 Q So you and Casi would get in an argument and you would go
- 14 over there?
- 15 A Yeah. And then I go, correct.
- 16 Q Okay. And had you argued with Casi recently before this
- 17 event or --
- 18 A No, sir.
- 19 Q So you guys were on --
- 20 A Good. Yes, sir.
- 21 Q --- good terms.
- 22 A Yes, sir.
- 23 Q Okay. That's all the questions I have.
- 24 THE COURT: All right. Redirect?
- 25 MR. HUMPHRIES: Yes, Your Honor. Beg the Court's

1 indulgence.

2 REDIRECT EXAMINATION

3 BY MR. HUMPHRIES:

4 Q Mr. Cochran, let's talk, let's talk a bit about this
5 altercation you had with Mr. Kelly. When he challenged you
6 verbally, when he, when he said what he said to you, and you
7 said what you said back to him, what was his physical reaction
8 to you?

9 A Swinging like coming towards me.

10 Q Okay. So he came towards you?

11 A Correct.

12 Q Now, this, this altercation that you all are in, is this
13 something where you all are standing up an arms-length away
14 and swinging away or is --

15 A Yes, sir. Like --

16 Q -- does it evolve to something else?

17 A I'm, I'm -- I think it was close like because like right
18 here like face to face.

19 Q Close to each other?

20 A Yes, sir.

21 Q All right. Do you recall whether or not there was a
22 point -- well, let me ask you this, do you know, based on the
23 way the altercation took place, did you know that you had
24 stabbed him?

25 A No, sir.

1 Q You obviously knew after he jumped out the window that
2 there was blood.

3 A Correct.

4 Q How quickly did this altercation take place from the time
5 he challenged you verbally to the time he approached you and
6 swung at you?

7 A Like two seconds.

8 Q Happened quickly?

9 A Yes, sir.

10 Q You ever left work early before?

11 A Yes, sir.

12 Q You had been reprimanded for leaving work early before?

13 A Reprimanded, no, sir.

14 Q But you've left work early before?

15 A Correct.

16 Q This would not have been the only occasion?

17 A No, sir.

18 Q Why would you have left work early before?

19 A The same, tired.

20 Q Tired, and in fact you had fallen asleep this evening;
21 didn't you?

22 A Yes, sir.

23 Q That's all.

24 THE COURT: All right. You may step down.

25 All right. Defense can call your next witness.

1 MR. HUMPHRIES: Your Honor, that is the, that is the sum
2 total of our evidence in our, in our case in chief at this
3 time.

4 THE COURT: All right. Let me see the attorneys for a
5 second.

6 (Whereupon, a bench conference is held.)

7 THE COURT: All right. We'll go ahead and we'll be in
8 recess until 1:00 o'clock.

9 ***** OFF THE RECORD *****

10 (On the record.)

11 THE COURT: All right. Anything before we get started?

12 MR. HUMPHRIES: Nothing from the Defense, Your Honor.

13 MR. TODD: Nothing, Your Honor.

14 THE COURT: All right. The State can call your first
15 witness.

16 MR. TODD: Thank you, Your Honor. The State calls
17 Michael Thacker.

18 Whereupon, Michael Thacker is called to the stand, duly
19 sworn by the clerk and testified as follows:

20 THE CLERK: Please state your full name again and spell
21 your last name for the Court.

22 MR. THACKER: Michael Thacker, T-H-A-C-K-E-R.

23 THE CLERK: Thank you very much. Please have a seat.

24 THE COURT: All right, sir.

25 DIRECT EXAMINATION

- 1 BY MR. TODD:
- 2 Q Mr. Thacker, what is your current job with the Sheriff's
- 3 Office?
- 4 A I handle, excuse me, crime scene and evidence.
- 5 Q And how long have you been in that position?
- 6 A For the total about 16 years.
- 7 Q And on this occasion how did you get involved with this
- 8 case?
- 9 A For this case particular I was called to assist with the
- 10 -- not the initial scene, but to go to the hospital and as
- 11 well to the detention center for evidence collection.
- 12 Q Okay. So you didn't actually go out to the crime scene
- 13 in this case at all?
- 14 A I did not.
- 15 Q Okay. So your primary duty in this was to take pictures
- 16 as well as you do hold the evidence in the evidence room; is
- 17 that correct?
- 18 A That's correct.
- 19 Q Okay. So do you recall approximately what time you got
- 20 to the hospital?
- 21 A I don't recall the exact time.
- 22 Q Did you go there first or did you go to the detention
- 23 center first?
- 24 A I'm pretty sure that I went to the detention center
- 25 first.

1 Q Okay.

2 A I could refer to my notes if you'd like.

3 Q Please do.

4 A Yes, sir. Okay.

5 Q Okay. You went to the detention center; is that correct?

6 A That's correct.

7 Q Okay. And that was the first place you went to?

8 A Yes.

9 Q Do you recall approximately what time you got there?

10 A As far as the time I, I don't have the exact time.

11 Q Okay. It was early in the morning?

12 A Yes.

13 Q Okay. Now, you didn't interview Mr. Cochran; did you?

14 A I did not.

15 Q Okay. Your primary purpose there was to take pictures;
16 is that correct?

17 A Take pictures, yes, sir, and collect some evidence.

18 Q If you would, please, take a look at State's 191 through
19 212. Now, as you look through those, beginning with the first
20 picture, would you name the picture and tell the Judge what
21 we're looking at?

22 A Certainly. This first picture, State's 191, and this is
23 a photograph of Mr. Kelly that I took from the --

24 Q Mr. Cochran?

25 A I'm sorry. I apologize. I have to get -- keep my stuff

1 straight there. S, State 191 this is an arm from detention
2 center Mr. Cochran.

3 Q Okay. And what is the significance of that picture?

4 A This, this particular picture identification of his arm
5 and the tattoo.

6 Q Okay. Thank you.

7 A And --

8 MR. TODD: And Your Honor, would you like us to pass the
9 picture directly to you or do you want them all at one time?

10 THE COURT: However you want to do it, whatever you
11 prefer.

12 BY MR. TODD:

13 Q I can hand them to you, do all at one time. If you would
14 just place them in a stack.

15 A Sure. Certainly.

16 Q Okay.

17 A This State's Exhibit 192, these are a photograph of the
18 hands of Mr. Cochran and on, on the photograph to depict the
19 suspected blood on the hands.

20 The next one, Exhibit 193, and this is the right palm
21 interior part of the hand Mr. Cochran. Again, for
22 identification of potential suspected blood or any other
23 evidence that might accumulate from that, and, and as well to
24 show any other -- or any type of injuries that could have been
25 observed, which none, none were observed for me at that point.

1 The next, State's 194, and that's the inside palm area of
2 Mr. Cochran's hand with some suspected blood present. The
3 next is State's 195, and this is both hands, the back of the
4 hands, and State's 196 is just a photograph, excuse me, Mr.
5 Cochran shoulder, head. State's 197 is a scale photograph of
6 the left cheek area of Mr. Cochran with suspected blood
7 present there. State 198, this is another photograph with
8 scale of left cheek of Mr. Cochran with suspected blood, and
9 State 199, again, the left cheek area of Mr. Cochran without a
10 scale, with the suspected blood present, and State 200 is a
11 scaled photograph, excuse me, of Mr. Cochran's arm with a
12 small injury. State 201 is the same injuries there on the arm
13 without a scale from Mr. Cochran, and State 202 is mid-range
14 photograph of this small injury on Mr. Cochran's arm, State
15 203 the right back of the hand of Mr. Cochran. State 204 is
16 the inside palm area of Mr. Cochran on the right hand. It's
17 suspected blood present, and this next is State's 205. This
18 is a closer scaled version, photograph of inside of the hand
19 with suspected blood present, and State 206, a scale
20 photograph of the inside of the hand Mr. Cochran, right hand,
21 scaled with the suspected blood area. This is State 207 is a
22 left interior part of the hand of Mr. Cochran with the
23 suspected blood present.

24 State 208 is the back side of the left hand of Mr.
25 Cochran, and State 209 is a scaled photograph on the interior

1 side, palm side, left hand of Mr. Cochran with suspected blood
2 present, and State 210 is a photograph of a tattoo of Mr.
3 Cochran on his arm and with some suspected blood present.
4 State 211 is another photograph as the previous with the
5 suspected blood on the arm, and State 212 a scale photograph
6 of the suspected blood of the arm Mr. Cochran.

7 Q Now, you took all these pictures at the detention center;
8 is that correct?

9 A Yes.

10 Q And while you were taking these pictures were you also
11 looking for any injuries that Mr. Cochran may have had on his
12 body?

13 A Yes.

14 Q And you had stated that you saw one injury, you saw one
15 injury on the Defendant's arm. Did you see any bruises or
16 anything else other than that small, small cut?

17 A I did not have anything noted other than that one small
18 injury from the arm.

19 Q And in normal circumstances if you saw anything else
20 would you make note of that in your report and would you take
21 pictures of it?

22 A Yes.

23 Q Okay. Did you see him with his shirt off or anything or
24 was it just, just with his clothing on?

25 A Yeah. This was with the -- as, as it was with, with the

1 injuries.

2 Q Okay. And again, you didn't interview him at all?

3 A I did not.

4 Q Okay. You didn't ask any questions about anything other
5 than to move his body around; is that correct?

6 A Yeah. The only conversation we had was based on I was
7 letting him know that I was there to take photographs and
8 collect some swabs and collect the clothing.

9 Q Okay. And, and you don't have a body cam or anything,
10 any listening devices or anything in your normal course of
11 business for those things?

12 A No.

13 Q Okay. And you didn't on this occasion; is that correct?

14 A I did not.

15 Q And if you would please take a look at State's 138
16 through 190, look at these pictures, explain to the Judge the
17 significance of these pictures and what each one depicts,
18 please.

19 A The first, State's 138, that's a photograph of Mr. Kelly
20 at the Georgetown Hospital. This photograph here is initial
21 photograph for identification purposes.

22 Q And when you arrived on scene there, Mr. Kelly was not
23 alive; is that correct?

24 A That is correct.

25 Q Okay. He had already been deemed deceased?

1 A Yes.

2 Q Okay. And the significance of you taking these pictures
3 is, is for what?

4 A For these photographs will be documentation of, of any
5 injuries for, for the most part and, secondarily,
6 identification. You know, I didn't have or may not always
7 have all the information at any given time what's pertaining
8 to a case. So these would cover the injuries and also
9 identification purposes with tattoos and such like that.

10 Q Okay. Please continue.

11 A All right. And the second -- okay, we got State 139.
12 This is a photograph of Mr. Kelly's chest area depicting a
13 tattoo and also some suspected blood in that area.

14 And State 140, this is a photograph of Mr. Kelly's face,
15 and this would be for identification as well as any
16 documentation of any injuries that may have been present.

17 Q In that picture did you see any possible injuries?

18 A I didn't see any, any injuries on the front area, no.

19 And State 141 is a inner arm, left arm with a tattoo, and
20 State 142 is a back side of left arm depicting a tattoo of Mr.
21 Kelly. State 143 would be the right inner arm with a tattoo.
22 It also depicts suspected blood that's present there.

23 State 144, the back side of Mr. Kelly's right arm with
24 suspected blood, small injury and the tattoo; State 145 is a
25 photograph of the torso of Mr. Kelly from the left side with

1 an injury present.

2 Next is State 146. That's a mid-range photograph of Mr.
3 Kelly's left torso area with an injury present there in the
4 rib, rib area, and State 147 is a photograph of the upper,
5 upper body of Mr. Kelly. It's depicting one injury there from
6 the right side of his chest as well as his face and torso, and
7 State 148 it's a photograph taken from the right side of Mr.
8 Kelly depicting the injury on the right side of the chest, and
9 State 149 is a photograph of Mr. Kelly on the -- from the
10 right side, and there's a -- at this time taking this
11 photograph potential for injury in the head area, had not been
12 moved at that point, but just for documentation of that, and
13 State 150, this is the lower body area of Mr. Kelly with the
14 legs. That's suspected blood present there in those areas.
15 State 151 is a mid-range photograph of Mr. Kelly's right hand
16 with an injury to the top of the hand on the, on the back
17 side, and State 152, this is Mr. Kelly's inner left hand with
18 suspected blood as depicted in this photograph, and State 153
19 it's a photograph of Mr. Kelly's right hand with a large wound
20 on the thumb area. It's on the inner, inner side of that
21 area.

22 State's 154 it's a mid-range photograph of Mr. Kelly's
23 left hand on the, the back side of the hand with an injury to
24 the back of the hand near the, the wrist area. The next,
25 State 155, this, again, is the left hand showing the back side

1 of the hand and the, and the side with the pinky area with the
2 larger wound on the back of the hand and there's some smaller
3 sharp instrument wounds on the outside areas of the pinky
4 finger and on the ring finger, and State 156, this is a close-
5 up with a scale of one of the sharp injury wounds on the torso
6 area of Mr. Kelly, and State 157 is a photograph of the same,
7 so a secondary photograph, the same injury. State 158 it's a
8 mid-range photograph without scale of the injury to the --
9 that was previously noted on the left side of Mr. Kelly in the
10 rib area. State 159 this is the larger, larger wound on the
11 left side of the chest of Mr. Kelly. State 160, it's a close-
12 up of the larger wound on the left side of the chest of Mr.
13 Kelly with scales introduced; State 161, same photograph of
14 the large wound on the left side of the chest with scale of
15 Mr. Kelly.

16 State 162 is a close-up photograph with scale of the
17 injury on the back of Mr. Kelly's left hand, and State 163
18 photograph of the back of the left hand with scale of the
19 injury to Mr. Kelly. State 164 is a photograph without scale
20 left hand on the back of the hand showing the injury as well
21 as the smaller injuries on the pinky and the ring finger.
22 State 165 these are close-up, excuse me, photograph with the
23 scale depicting the, the smaller injuries on the pinky area on
24 the left hand. State 166 is, again, another photograph with
25 scale of the injury from hand and a close-up photograph;

1 State 167 scale photograph, close-up photograph of the
2 injuries on that pinky finger on the hand. State 168 is
3 another photograph on the injuries to the pinky finger with
4 scale, and State 169 this is the, the larger wound that --
5 between the wrist and the, and the thumb of Mr. Kelly on his
6 hand. It's with scale. It's a close-up photograph, and State
7 170 it's a photograph of the same of the injury, the larger
8 injury on the hand and the thumb to the wrist area
9 approximately with the scale. State 171, and this is a scaled
10 photograph, close-up photograph of an injury on the back of
11 the hand on Mr. Kelly, and State 172 it's a photograph, again,
12 of the same injury on the hand of Mr. Kelly with scale. State
13 173 it's a scaled photograph on the inside of the hand where
14 the, the fingers and the, and the palm meet of the injury that
15 -- across those fingers. It's with scale.

16 State 174 it's a photograph of those injuries, again,
17 with scale on the inside of the hand. State 175 this would be
18 a mid-range photograph. There's a scale included of the right
19 hand on the interior side of the hand depicting the injuries
20 that go across that area between where the fingers and the
21 palm meet, and State 176, this is another mid-range photograph
22 of the right hand, you know, this is depicting the larger
23 injury on the back side of the thumb towards the wrist and as
24 well as the area where the palm and the fingers meet on the
25 inside palm area of Mr. Kelly. State 177, this is an interior

1 side of Mr. Kelly's finger with scale of an injury, and State
2 178 is a photograph of the same area of the finger with scale.
3 State 179 photograph with scale, it's a close-up photograph of
4 an injury on Mr. Kelly, on his arm, and State 180, it's a
5 photograph of Mr. Kelly on the, the right elbow area with an
6 injury. State 181, again, is a photograph of a small injury
7 with scale of Mr. Kelly with some blood, suspected blood
8 present, and State 182, same photograph. It's just another
9 photograph taken of the same injury with scale, a close-up
10 photograph. State 183 is a close-up photograph with scale of
11 Mr. Kelly depicting this injury which appears to be from a
12 sharp instrument, and State 184, same photograph. It's
13 another photograph of the same injury, a close-up photograph
14 with scale, and State 185 is a close-up photograph of an
15 injury with scale. State 186 is a photograph of the injury,
16 again as the previous one, with a scale. It's a close-up
17 photograph. State 187 is a photograph of an injury with
18 scale. It's a close-up photograph of Mr. Kelly. State 188
19 it's a photograph with scale. It's a close-up photograph of
20 the injury of Mr. Kelly in the scalp area. State 189 it's
21 another photograph, close-up photo with scale of the injury to
22 scalp area of Mr. Kelly, and State 190, this is a photograph
23 that's depicting the locking tag that I put on the bag after I
24 completed my photographs at the hospital, and this
25 photograph's depicting that it's still intact when it was at

1 the autopsy.

2 Q Thank you. And that was a lot of pictures you just went
3 over, and where would you say the majority of the injuries
4 were to Mr. Kelly?

5 A Well, there was two significant ones in my opinion on --
6 in the chest area, and most of them, most of the injuries I
7 found were on the hands.

8 Q And once you took these pictures you, I guess, buttoned
9 him up for -- to go to the examiner; is that correct?

10 A Yes.

11 Q Okay. And you didn't do any further examination from
12 this point on on Mr. Kelly at all?

13 A No.

14 Q Okay.

15 A I did not.

16 Q And as far as your involvement with this case I know you
17 took some other pictures, but this was kind of the meat of
18 what you did?

19 A That's correct.

20 Q Okay. That's all the questions I have.

21 THE COURT: All right.

22 MR. HUMPHRIES: No questions.

23 THE COURT: All right. You may step down.

24 A Thank you, Your Honor.

25 THE COURT: All right. The State can call your next

1 witness.

2 MR. TODD: Morgan Brunson.

3 Whereupon, Morgan Brunson was called to the stand, duly
4 sworn by the clerk and testified as follows:

5 THE CLERK: Thank you. Please state your full name and
6 spell your first and last name for the Court.

7 MR. BRUNSON: I'm Morgan Brunson, first name M-O-R-G-A-N,
8 last name Brunson, B-R-U-N-S-O-N.

9 THE CLERK: Thank you. Please have a seat.

10 DIRECT EXAMINATION

11 BY MR. TODD:

12 Q Good afternoon, Mr. Brunson.

13 A Good afternoon.

14 Q Tell me a little bit about yourself. Where are you from?

15 A I'm Morgan Brunson from Andrews, South Carolina, resident
16 of Georgetown, South Carolina now, work at AGRU America for 19
17 years, been a supervisor about 16 years.

18 Q And you know Mr. Cochran?

19 A Yes, sir.

20 Q And how long have you known Mr. Cochran?

21 A I don't know exactly how long, long as he been at AGRU
22 America, but up front I don't know how much years he was
23 there, but I've known him for a while.

24 Q Okay. And when did you come to meet him, when he began
25 working with your, with your shift, I guess?

1 A Yes, sir.

2 Q And what is your current position there?

3 A I'm a supervisor, production supervisor.

4 Q And how long have you been in that position?

5 A About 15, 16 years up in there.

6 Q You've been there a while?

7 A Oh, yes, sir.

8 MR. TODD: The Court's indulgence.

9 MR. HUMPHRIES: No objection, Your Honor.

10 MR. TODD: Your Honor, State's Exhibit 213, we agree to
11 put this into evidence.

12 THE COURT: Any objection?

13 MR. HUMPHRIES: No, sir.

14 THE COURT: State's Exhibit 213 admitted into evidence
15 without objection. For the purposes of this motion hearing;
16 correct?

17 MR. TODD: That's correct, Your Honor.

18 MR. HUMPHRIES: Yes, sir.

19 THE COURT: All right.

20 MR. HUMPHRIES: You know, and just to be fair that would
21 be the, the basis of any ruling in terms of admissions.

22 THE COURT: All right.

23 (State's Exhibit Number 213 [Disciplinary Records - AGRU
24 America] admitted into evidence for purposes of hearing.)

25 BY MR. TODD:

1 Q Sir, if you would, take a look at this exhibit and tell
2 me what this is.

3 A This is a, a -- warning right here that M'Andre Cochran
4 had left the job without notice me because I was the
5 supervisor in charge that night. He left around about 5:02
6 that morning.

7 Q Okay. And what, what night was that specifically? Is it
8 on that form?

9 A This is -- the date of the notice was -- that's July the.
10 15th, July the 15th year '16.

11 Q Is that July or June?

12 A June, my fault, June.

13 Q Thank you. And, and it says on there that he, he left
14 without notice; is that --

15 A Yes, sir.

16 Q And what does -- when you work a shift with someone, are
17 you supposed to give them notice when you're going to leave?

18 A Give the supervisor notice before you leave.

19 Q Okay. And on that shift was he supposed to be there for
20 a particular amount of time?

21 A From 7 a.m. to 7 p.m.

22 Q Okay. And did you talk to him a little bit that day?

23 A I talked to him earlier that night.

24 Q Okay.

25 A You know, yes.

1 Q What was his demeanor?

2 A It was good to me, you know, I mean, smiling, we laugh,
3 you know, but during the night, but that's all.

4 Q Just a normal day at the job?

5 A Normal day we would have.

6 Q Okay. And this machine that he worked on, I understand
7 it took about three people to work that machine?

8 A Yes, sir.

9 Q Okay. Can you do it with two people?

10 A It'd be hard on the third man to be doing two people, be
11 hard, very hard, but we don't do it with two people.

12 Q And if someone was going to leave early, would they
13 normally give you notice before they left?

14 A Yes, sir.

15 Q And would you bring someone else in to cover that, that
16 time or would you just --

17 A I just pull my lead man off the floor and let him fill in
18 that spot and I take over both position.

19 Q Now, did you see him leave?

20 A No, sir.

21 Q Okay. So you didn't get a chance to talk to him before?

22 A No, sir.

23 Q Okay. So to the best of your knowledge he was there one
24 minute, gone the next?

25 A Yes.

1. Q And whose name is at the bottom of this?

2 A Morgan Brunson.

3 Q That's you?

4 A That's me.

5 Q That's all the questions I have. Thank you so much.

6 A Thank you.

7 THE COURT: Cross.

8 MR. HUMPHRIES: Very briefly.

9 CROSS EXAMINATION

10 BY MR. HUMPHRIES:

11 Q Good afternoon, Mr. Brunson.

12 A Good afternoon.

13 Q My name is Fran Humphries. I represent M'Andre. Let me
14 ask you, this shift, was this, to the best of your
15 information, was this shift that went from seven in the
16 evening on the 14th of June to seven in the morning on the 15th
17 of June, was that a regular shift for M'Andre or was it
18 overtime to the best of your knowledge?

19 A To the best of my knowledge, auxiliary overtime.

20 Q Okay. And is there a difference -- auxiliary overtime,
21 is that what you called it?

22 A Yeah. Auxiliary overtime.

23 Q Okay. And is that something that at least certain
24 employees at AGRU America can do at their own election by just
25 saying, "Hey, I want to come in," or "Hey, I'm coming in to

1 work"? How does that, how does the auxiliary overtime work?

2 A Auxiliary overtime work is that we have a schedule that
3 it's like extra hours for the employee --

4 Q Uh-huh.

5 A -- to come in to help out because, basically, we got ten
6 people on each shift, and if everything running, we need that
7 12th man to make up that 12th man two people off another shift
8 come in.

9 Q Okay. All right. And on this evening Ronnie Smith -- do
10 you know a Ronnie Smith?

11 A Yes.

12 Q Is that -- was that somebody that M'Andre used to work
13 with regularly?

14 A Yes, sir.

15 Q Okay. In fact, they worked that machine together;
16 correct?

17 A Together.

18 Q Okay. Do you, do you have any personal knowledge, do you
19 have any personal knowledge of any conflict that Ronnie and
20 M'Andre may have had around about 5:00 o'clock in the morning?

21 A No, sir.

22 Q Okay. All right. How would you -- of course he's not
23 there anymore.

24 A Right.

25 Q We understand why. How would you characterize him as an

1 employee overall for the time he was there?

2 A A good hard worker.

3 Q Thank you, Mr. Brunson.

4 A Thank you.

5 THE COURT: Redirect?

6 MR. TODD: No, Your Honor.

7 THE COURT: All right. You may step down.

8 A All right. Thank you.

9 THE COURT: Thank you.

10 The State can call your next witness.

11 MR. TODD: Your Honor, the Court's indulgence. Your
12 Honor, may I approach real quick?

13 THE COURT: All right.

14 MR. HUMPHRIES: I don't have an objection to Mr. Brunson
15 being excused.

16 MR. TODD: May he be excused from the subpoena?

17 THE COURT: Yeah. He's free to go. Thank you.

18 (Whereupon, a bench conference is held.)

19 THE COURT: All right. Let's take about a five, ten-
20 minute break.

21 ***** OFF THE RECORD *****

22 (On the record.)

23 THE COURT: All right. Mr. Todd, the State can call your
24 next witness.

25 MR. TODD: Thank you, Your Honor. The State calls Ronnie

1 Smith.

2 Whereupon, Ronnie Smith is called to the stand, duly
3 sworn by the clerk and testified as follows:

4 THE CLERK: Please spell your full name for the court.

5 MR. SMITH: R-O-N-N-I-E, S -- S-M-I-T-H.

6 THE CLERK: Thank you, Mr. Smith. Please have a seat and
7 talk close to the mike, okay?

8 MR. SMITH: All right. Thank you, ma'am.

9 DIRECT EXAMINATION

10 BY MR. TODD:

11 Q Good afternoon, Mr. Smith.

12 A Good afternoon.

13 Q Tell us a little bit about yourself. Where are you from?

14 A I'm from Sampit, a little town called Sampit.

15 Q A little town called Sampit, just outside of Georgetown?

16 A Out of Georgetown, yes, sir.

17 Q How long you lived there?

18 A All my life.

19 Q All your life?

20 A Right. After I got out of high school, I moved to Myrtle
21 Beach. I stayed in Myrtle Beach for 26 years, and I moved
22 back eight years ago.

23 Q And when did you start working at AGRU America?

24 A Eight years ago.

25 Q Eight years ago. You're still there today; right?

- 1 A Yes, sir.
- 2 Q They treat you good?
- 3 A Yes, sir.
- 4 Q All right. And tell us a little about, about what you do
- 5 there.
- 6 A We make liner rolls for landfills and ponds and stuff
- 7 like that, highways.
- 8 Q And you work on a machine?
- 9 A Yes.
- 10 Q And how many people does it take to run that machine?
- 11 A The machine I run take three people.
- 12 Q Okay. What do those three people do?
- 13 A Well, me and -- the guy work up front we, we -- one of us
- 14 do the paperwork and we both when the machine cut we hook,
- 15 hook it back up, wrap the roll, put the stickers on it, weigh
- 16 it up and, and push it out the way and then wait for the next
- 17 one.
- 18 Q And tell us about your shifts. You work 12-hour shifts?
- 19 A Yes, sir.
- 20 Q And has it been like that since you started?
- 21 A Yes, sir.
- 22 Q Okay. Now, you worked with Mr. Cochran; is that correct?
- 23 A Yes, sir.
- 24 Q Okay. How long did you work with him?
- 25 A For -- well, I work with him on the machine that I run

1 work on the machine four years.

2 Q Okay. And was he there about the same time?

3 A He came a little bit after I did.

4 Q Okay. Did you typically work the same shifts as he did?

5 A Yes. He was on my, he was on my shift.

6 Q Okay. So you got to know him pretty good; right?

7 A Right.

8 Q And you guys were friends you would say?

9 A We, we was good friends, yeah.

10 Q Okay. Now, do you recall the last day you worked?

11 A I can't remember the date, but I remember -- I, I
12 remember a little bit that night when he came in.

13 Q So that would have been June 14th, 2016?

14 A Yes.

15 Q Okay. Tell us about that night.

16 A I mean, when he came in I mean he was like a little
17 tired, and I been like, "Man, something bothering you? You
18 want to talk about it?" He was like, "Nah, ain't nothing
19 bothering me." So I left him alone, and then after a while he
20 came back to hisself, we were laughing, talking, working, and
21 5:00 o'clock came and we was taking a roll off, and I turned
22 around he was going to the clock. I say, "Hey, man, where you
23 going at," and he just left.

24 Q Just walked out? He walk or run or what did he do?

25 A I mean, he like little trot.

1 Q Little trot? Now, were you expecting him to work a
2 certain amount of hours?

3 A Yeah.

4 Q Like till seven?

5 A Seven, yeah.

6 Q Is that typically when you guys would work together you'd
7 work 12-hour shifts?

8 A Yes.

9 Q And do you recall what time you got there on the 14th?

10 A I think it was like seven, a little before seven.

11 Q Okay. And was he there before you? Do you recall?

12 A I can't remember.

13 Q Okay. But he definitely left before you did?

14 A Yes.

15 Q And at any time that night did he talk about leaving
16 early?

17 A No. No.

18 Q Okay. Had he ever left early before?

19 A Yes.

20 Q Would you usually --

21 A We all, we all had left early before.

22 Q Okay. Would you all usually talk about it before you
23 would leave?

24 A I mean, if we had something planned or something like
25 that he know we already let the supervisor know and, and we

1 leave it like that.

2 Q Okay. So at no time were you expecting him to leave?

3 A No.

4 Q That's all the questions I have. Thank you.

5 THE COURT: All right. Cross examination.

6 CROSS EXAMINATION

7 BY MR. HUMPHRIES:

8 Q Good afternoon, Mr. Smith. I'm Fran Humphries. I
9 represent M'Andre. You all worked together a pretty long
10 time?

11 A Yes.

12 Q Four years. Now, you've already said that when he came
13 in he was tired?

14 A Yes.

15 Q Sort of perked up a little bit after that?

16 A Right.

17 Q Do you recall everything about that night?

18 A No.

19 Q Okay. You do recall him leaving early?

20 A Right.

21 Q Do you recall -- well, let me ask you this, you all were
22 good buddies at the time; right?

23 A Yeah.

24 Q Did you all sometimes fuss back and forth?

25 A No.

1 Q No. Do you recall having had -- that, that M'Andre had
2 fallen asleep when the machine cut off and you had to go wake
3 him up?

4 A Yeah.

5 Q Okay. Do you recall if you all had any kind of words?
6 Did you fuss at him or anything about that?

7 A I can't remember.

8 Q Okay. I appreciate it. Thank you, Mr. Smith.

9 A All right.

10 THE COURT: Redirect?

11 MR. TODD: No, Your Honor.

12 THE COURT: All right. You may step down.

13 MR. TODD: May Mr. Smith be released from his subpoena?

14 THE COURT: Any objection?

15 MR. HUMPHRIES: Please, Your Honor.

16 THE COURT: All right. He's free to go.

17 The State can call your next witness.

18 MR. TODD: Thank you, Your Honor. Ms. Casandra Cochran.

19 Whereupon, Casandara Cochran was called to the stand,

20 duly sworn by the clerk and testified as follows:

21 THE CLERK: And we need you to please spell and state
22 your full name again and spell it for the Court.

23 MS. COCHRAN: Casandra Cochran, C-A-S-A-N-D-R-A, C-O-C-H-
24 R-A-N.

25 THE CLERK: Do you need some water?

1 MS. COCHRAN: No.

2 DIRECT EXAMINATION

3 BY MR. TODD:

4 Q Now, you go by Casi; is that right?

5 A Yes, sir.

6 Q Okay. Tell us a little bit about yourself. Where are
7 you from?

8 A I'm from Aynor. I have three children. I work on the
9 beach.

10 Q Where do you work?

11 A At a resort.

12 Q Have you been in that line of business for a while?

13 A Uh-huh.

14 Q Okay.

15 THE COURT: You need to answer yes or no.

16 A Yes.

17 THE COURT: All right. Thank you.

18 Q Okay. Now, I want to go back in time to June 14th, 2016.

19 Do you remember that day?

20 A Not details, but yeah.

21 Q Generally do you remember that day?

22 A Uh-huh. Yes.

23 Q Now, you remember the 15th very clearly; is that correct?

24 A No.

25 Q Do you remember an incident that took place on the 15th?

- 1 A Yeah.
- 2 Q Okay. Well, let's go back to the 14th. Do you recall
- 3 working that day?
- 4 A Yeah.
- 5 Q Okay. And do you recall what time you got off work?
- 6 A 11. I worked the 3 to 11 shifts.
- 7 Q Okay. And on that night did you have your children?
- 8 A No. I was at work.
- 9 Q Okay. And when you came home were your children supposed
- 10 to be there?
- 11 A No. M'Andre momma was keeping them.
- 12 Q And was that arranged before you went to work that day?
- 13 A I don't know. I think it was a school day. So she had
- 14 them since they got out of school I want to say. Well, I, I
- 15 don't know.
- 16 Q Okay.
- 17 A Or either they was in summer camp. I hadn't had them any
- 18 that day.
- 19 Q Okay. You hadn't had them all that day?
- 20 A Uh-huh. No.
- 21 Q Okay. So M'Andre's mother did.
- 22 A Yes.
- 23 Q Was that a normal occurrence? Did she watch the kids a
- 24 lot?
- 25 A Yes.

1 Q Okay. And where did you live back then?

2 A In Pee Dee.

3 Q Okay. And is that the house that you and M'Andre had
4 purchased together I guess?

5 A Yes.

6 Q Okay. Do you recall when you purchased that house?

7 A We did March 2015, I think, March or April.

8 Q Now, when you all purchased that house, you all were
9 living together?

10 A Yes.

11 Q Okay. And your three children?

12 A Yes.

13 Q Okay. And in the house it was a three-bedroom house; is
14 that correct?

15 A Yes.

16 Q Now, where did everybody sleep?

17 A The -- our son had his own room. Our daughters had a
18 room together and then we had a room.

19 Q Okay.

20 A But they would sleep -- usually all three of them would
21 sleep in the same room or either in the bed with us.

22 Q Okay. So it was common for them to come in the room with
23 you?

24 A They were smaller, yeah.

25 Q Okay. And M'Andre worked these long hour, 12-hour

- 1 shifts; is that correct?
- 2 A Yes.
- 3 Q So were there occasions where he wasn't there all night?
- 4 A Their, their shift changed. They rotated from day shift
- 5 to night shift.
- 6 Q Okay.
- 7 A So, yeah.
- 8 Q And on the days where you were working late and M'Andre
- 9 was working late, would his mother usually keep the kids?
- 10 A Yes.
- 11 Q And that was just kind of an understanding?
- 12 A Yes.
- 13 Q Okay. Now, how long had you and M'Andre been married in
- 14 June 2016? Do you recall?
- 15 A Six years.
- 16 Q Okay. And those six years had not been perfect; had
- 17 they?
- 18 A No.
- 19 Q Okay. Had you on occasion slept in separate beds?
- 20 A Yes.
- 21 Q Okay. Had you all been separated for a while?
- 22 A We did like the summer of 2015 that was our first real
- 23 separation, either 20 -- I think 2015 whenever he filed for
- 24 the separation.
- 25 Q Okay.

1 A 2015 or 2014.

2 Q So that was the first time you all had been separated for
3 a while?

4 A Uh-huh. Yes.

5 Q Now, tell us a little bit about your relationship with
6 M'Andre. Did he sleep in the same bed with you every single
7 night?

8 A Yes, if we stayed there.

9 Q Okay. But if you weren't staying there?

10 A Yeah. Or either he would sleep on the couch or sometimes
11 in the bed with one of the children.

12 Q Okay. On occasion did he sleep at his mother's house?

13 A Yes.

14 Q How often was that?

15 A Just if we were arguing he would just move in with her.

16 Q Okay.

17 A Or go to her house.

18 Q Would he stay there for one night at a time or multiple
19 nights?

20 A Depending on how it went. The summer of 2015 we were
21 done for months.

22 Q For months?

23 A Uh-huh.

24 Q Okay.

25 A I want to say May till I think like November. I don't

- 1 know.
- 2 Q So you all had separated. He hadn't lived at the house
3 for a while?
- 4 A Yeah. Yes.
- 5 Q Okay. So primarily you would stay in that house with
6 your children?
- 7 A Yes. And my cousin moved in when he moved out.
- 8 Q Okay. And where did he stay when he moved out?
- 9 A At his momma's house.
- 10 Q Okay.
- 11 A I guess.
- 12 Q And she was just down the road?
- 13 A Yes.
- 14 Q Okay. Now, going to the 14th we're talking about, had
15 M'Andre stayed with you the night before?
- 16 A I don't remember. I don't think he -- I think he was on
17 like night shift like that, but I don't remember. I don't
18 even think I stayed there that night.
- 19 Q Okay. Do you recall where you --
- 20 A The 13th through the 14th.
- 21 Q Do you recall where you stayed before that?
- 22 A It would have been at Christina's house, a coworker.
- 23 Q Okay. Now, at that point in time was your marriage a
24 little shaky?
- 25 A Yeah. We were just on and off. It was kind of like a

1 day to day thing.

2 Q So there was no guarantee he would have come home every
3 night?

4 A Correct. Like he -- I was going out and stuff, and we
5 had already filed the legal separation.

6 Q Okay. So you were separated from him at that point in
7 time?

8 A We, we had the legal separation but we got -- I don't
9 even remember when he filed it, but we did get back together
10 after that.

11 Q Okay. Were you planning on M'Andre coming home on the
12 15th?

13 A No.

14 Q Okay. Where did you believe he would stay that day?

15 A I don't -- I think he was on night shift, but I don't
16 think I even planned on coming home that night.

17 Q Okay.

18 A So he wouldn't have came anywhere.

19 Q So if you weren't going home, he typically would not have
20 come home either?

21 A I don't -- I mean, I don't know.

22 Q Okay. Were you seeing somebody else at that time?

23 A No. Not like boyfriend, girlfriend, no.

24 Q Were you having relations with other people at that time?

25 A Yes.

- 1 Q Who were you having relations with?
- 2 A Mr. Kelly.
- 3 Q Okay. And how long had you been seeing Mr. Kelly in, in
- 4 that way?
- 5 A I don't know.
- 6 Q Days?
- 7 A A couple of weeks, couple of months, maybe a month,
- 8 couple of weeks.
- 9 Q Maybe a month?
- 10 A Yeah.
- 11 Q On the 14th did you invite Mr. Kelly over to the
- 12 residence?
- 13 A Yes. We talked about it while we were at work.
- 14 Q Okay. So you worked with Mr. Kelly?
- 15 A Yes.
- 16 Q And you worked with him that night?
- 17 A No. I believe he was off that day.
- 18 Q But you had talked to him?
- 19 A Yeah.
- 20 Q Was it through text, was it through phone calls, both?
- 21 A I think both.
- 22 Q Okay. Did you talk to your husband that night?
- 23 A I did when I got off.
- 24 Q Okay. Did you tell him where you were going?
- 25 A No. I, I thought I planned on going out, but I asked him

1 if I needed to go get the children from his momma.

2 Q Okay. So he knew that the children were at his momma's
3 house?

4 A Yes.

5 Q So you explained that to him?

6 A Yeah. He was at work and I was at work.

7 Q Okay.

8 A So.

9 Q So clearly the children would have been --

10 A Yeah. They -- yeah, they were with her.

11 Q Okay. Did you have a babysitter other than M'Andre's
12 mom?

13 A Not really. I mean, his sister would watch, but she
14 lives in the same house so.

15 Q Okay.

16 A And my friend Christina would from time to time.

17 Q But typically it would be --

18 A It was his momma.

19 Q -- his mother?

20 A Yeah.

21 Q Okay. Were they a close family?

22 A Yeah.

23 Q Okay. So they watched out for each other's kids and
24 things like that?

25 A Yes.

- 1 Q Okay. So on this night both of you all know the kids
2 were over at his mom's house?
- 3 A Yes.
- 4 Q Okay. And what time do you recall coming home?
- 5 A I came straight home.
- 6 Q Okay. What time would that have been?
- 7 A Coming from the beach probably about an hour.
- 8 Q Okay. Now, did you come straight home or did you stop
9 off anywhere or do you recall?
- 10 A I don't remember, but I got home early so.
- 11 Q Okay. And do you recall what time you invited Mr. Kelly
12 over?
- 13 A We had talked about it I think that day because he didn't
14 work that day, but by the time I got home he said it would be
15 an hour or so I think.
- 16 Q Okay. And specifically what did you tell him?
- 17 A Nothing. That I was going to sleep. I think I took a
18 Tylenol and I was drinking and I would leave the front door
19 unlocked.
- 20 Q Okay. So you expected him to come over?
- 21 A Yes.
- 22 Q Okay. And do you recall roughly what time he come --
23 came over or not?
- 24 A No. I didn't talk to him.
- 25 Q Okay. Okay. But you definitely left the door unlocked

1 for him to come in?

2 A Yes.

3 Q Okay. And tell us about the events the early morning of
4 June 15th. Were you awakened? Tell us about that.

5 A Yes. Emmett tapped me and said, "Somebody's at the
6 door," and I said, "When did you get here," and he said,
7 "Somebody's at the door." By that time he was getting out of
8 bed, and it was pulling me out the bed because we were wrapped
9 in the covers. He stood up. M'Andre came in, and they
10 started fighting.

11 Q Now, do you recall the lighting in there? Was it well-
12 lit or was it dark?

13 A It was dark. I have black, blackout curtains. So it
14 blacked. It was completely dark.

15 Q Now, did you hear M'Andre make any noise coming in other
16 than footsteps?

17 A I didn't even hear the footsteps, like I was just
18 awakened.

19 Q When you woke up was he at the door? Was he at your bed?

20 A He -- he -- yeah -- when -- by the time he said that he
21 was already at the door.

22 Q Okay. Now, how quickly did he go from being at the door
23 to the confrontation?

24 A I don't know.

25 Q Instantly?

- 1 A Yeah. Kind of like I guess walking.
- 2 Q Okay. Now, as far as the second M'Andre walked in the
- 3 bedroom, did you recognize who it was?
- 4 A I didn't think about that, but I mean, I couldn't see
- 5 him, but you could see the shadow but --
- 6 Q You couldn't make out his face?
- 7 A No. It was dark.
- 8 Q Okay. But you knew who it was?
- 9 A Yeah. I guess.
- 10 Q Okay. Now, do you recall what Mr. Kelly had on?
- 11 A I hadn't seen him.
- 12 Q Okay. But you weren't surprised when he tapped your
- 13 shoulder and told you to wake up?
- 14 A I wasn't, but I knew he was coming, so I, you know.
- 15 Q It didn't startle you. It just --
- 16 A Yeah.
- 17 Q -- is that what you're saying?
- 18 A Uh-huh.
- 19 Q Okay. Now, tell us as specifically as you can the events
- 20 that happened after M'Andre walked into the room.
- 21 A They started fighting, like they both were swinging. I
- 22 was trying to break it up. Emmett said, "What the fuck, he
- 23 stabbed me or shot me." He jumped out the window. I turned
- 24 the light on and M'Andre was standing there.
- 25 Q Were there any exchange of words before M'Andre came in?

1 A I don't remember. I, I don't remember.

2 Q Now, was Mr. Kelly, you said he was wrapped in the covers
3 with you?

4 A Yeah. Like when you like jump up quick like it kind of
5 snatched it.

6 Q Okay. Was he standing up when Mr. Cochran came in or was
7 he still kind of halfway in the bed?

8 A He had already made it completely standing up.

9 Q Okay. And you said you tried to break up the fight?

10 A Uh-huh. Yeah.,

11 Q And what happened from that point on?

12 A Once he said that he -- it -- they stopped fighting and
13 then he jumped out the window.

14 Q Okay. So he just turned around and jumped out the
15 window?

16 A When he said he stabbed him I turnt on the light and I
17 looked and I saw the blood and then he jumped out the window.

18 Q Now, where did you go from that point?

19 A I ran to my front door and out the front door.

20 Q Okay. And who were you looking for?

21 A I was looking for Emmett.

22 Q Okay. And where was Mr. Cochran during that time?

23 A I don't, I don't know if he had came outside or if he was
24 still inside or I think we both were outside at that point.

25 Q Okay. Were both of you all looking for Mr. Kelly?

1 A I don't know if -- I, I think he was following me. I'm
2 looking for Emmett and he's following me.

3 Q Okay. Now, did you see the knife that Mr. Cochran had in
4 his hand?

5 A When I turnt on the light in the room.

6 Q Okay. And you didn't see it before then?

7 A No. I didn't -- they were punching each other. It
8 didn't look like he was -- I didn't know he had the knife.
9 Like I don't -- they looked like they were just punching each
10 other, it was swinging.

11 Q Now, had you and Mr. Cochran ever discussed the fact that
12 you all were seeing different people?

13 A I mean, we've got into it a bunch of times about females
14 and males.

15 Q So you believe he was seeing other people?

16 A Yes.

17 Q And he believed you were seeing other people?

18 A Yes.

19 Q Was it normal for Mr. Cochran to leave work early?

20 A Not really because if you left they wouldn't have that
21 person. So, no, not really. Like if we had something planned
22 or if he had something planned he would.

23 Q So --

24 A But I mean, or if he didn't feel good like he would come
25 home sometime and use the bathroom and go back so.

1 Q He's a pretty hard working individual?

2 A Yes.

3 Q So that would be out of character for him to leave early?

4 A If it -- if they were in the auxiliary thing then it
5 would have been overtime. So sometimes he would do one day of
6 it. I mean, I don't, I don't know.

7 Q Okay. Now, at this period of time June 2016, were you
8 and, and Mr. Cochran -- I mean, would you say you were kind of
9 reconciled or was it you all were seeing -- staying apart more
10 than together?

11 A Staying apart more than together because I was -- I had a
12 coworker in Conway and I was staying with her a lot. The
13 children had just started camp. So his momma would really
14 have them so, and my truck didn't have air conditioning. So I
15 would just ride to work with her.

16 Q Okay. So it was not your traditional husband, wife
17 relationship where both of you all came home every night?

18 A No, but because he did a lot of night shifts. Even when
19 we were good it wasn't like traditional.

20 Q Okay.

21 A Because they would do seven nights at work, and when you
22 get up I'm leaving.

23 Q But you could typically see him every day?

24 A Some days I wouldn't if I had to get up at or be
25 somewhere at work at seven. By the time I got off at three,

1 did stuff with the children, he would be gone.

2 Q Now, once this incident occurred, did you move out of the
3 house?

4 A Yes.

5 Q Okay. And, and you moved away from that area?

6 A Yes.

7 Q Okay. And your kids still spend a lot of time with your
8 husband's family; is that correct?

9 A He, he has them now.

10 Q Okay.

11 A So he keeps them on -- I only get them on my days off
12 now.

13 Q Okay. And you work a good bit?

14 A I work, yeah, five days a week. So I get them about two
15 days.

16 Q Okay.

17 MR. TODD: The Court's indulgence.

18 THE COURT: All right.

19 MR. TODD: Thank you. Please answer any questions Mr.)
20 Humphries may have.

21 THE COURT: Cross examination.

22 MR. HUMPHRIES: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. HUMPHRIES:

25 Q Good afternoon, Ms. Cochran. You've been in the

1 courtroom. You know what my role is. You know that I
2 represent M'Andre?

3 A Yes.

4 Q I've got a few questions for you. Let me start by
5 asking, do you recall after this incident, after it all
6 occurred that when you were sitting in the yard, the front
7 yard of the house and talking with, I believe, primarily
8 Sergeant Carter who is -- Sergeant Carter is -- there you are,
9 sorry. Do you recall that, that time together when she was
10 there with you and, and you were just sort of talking while
11 law enforcement was there doing their thing going in and --
12 can you see her? Do you remember?

13 A No. I don't even remember a female officer.

14 Q You do not?

15 A No. Once they -- I mean, it could have been.

16 Q Right. Right. Right.

17 A Yeah.

18 Q And, and, all right, and so, let me, let me, let me --

19 A It was a bunch of officers, yeah.

20 Q Okay. Let me, let me preface it by saying this, it's
21 okay if you don't remember. Okay. I just need to know that
22 you don't remember.

23 A Okay.

24 Q Okay. All right. Is that fair?

25 A Yes.

1 Q I'm not, I'm not trying to trick you. I just need to
2 know whether you recall something, whether you recall that
3 that's not the way it was or whether you just don't remember.

4 A Okay.

5 Q Fair enough?

6 A Yes.

7 Q Okay.

8 A So it was a lot of officers that could have --

9 Q No question, lots of officers, folks in and out, people
10 walking up to you asking a couple of questions, walking away.
11 Do you recall having been sort of in the front yard for a
12 period of time --

13 A Yes.

14 Q -- before they took you to the police department?

15 A Yes.

16 Q Okay. All right. Now, your birthday was coming up; was
17 it not?

18 A Yes.

19 Q Okay. One of the things that happens in a criminal case
20 is that the information that the State has about the case is
21 provided to the Defense --

22 A Yeah.

23 Q -- including audio and videotapes from car cameras, from
24 body cams, the cameras they wear on their chest. So let's
25 talk -- I'm going to ask you about some things that I believe

1 the tape says that you said and just tell me whether you
2 recall having said it or whether you don't recall it. Okay?

3 A Okay.

4 Q Or if I'm wrong --

5 A Okay.

6 Q -- please tell me if I'm wrong, okay? Let's, let's do
7 this. Do you recall having told law enforcement when you were
8 in the yard that you and M'Andre wanted to work things out and
9 your birthday was coming up?

10 A I could have said that. I don't recall.

11 Q Okay. And listen, a lot of things were said.

12 A Uh-huh.

13 Q Okay. And I know it was a very stressful time and --

14 A We did plan to spend my birthday together because
15 father's day was either the same day or the day before.

16 Q Fair enough. Fair enough. Do you recall having told law
17 enforcement that M'Andre had never met Emmett?

18 A Yes.

19 Q Okay. And that M'Andre may have known that you were
20 talking to someone at work but he didn't know the extent of
21 the relationship?

22 A Yes.

23 Q Is that fair?

24 A Uh-huh.

25 Q Okay. And, and I don't say this to embarrass you, you

1 did tell law enforcement and you've told us that that evening
2 you had had -- you'd been drinking?

3 A Uh-huh.

4 Q And that your plan was to take a Tylenol PM. Did you
5 take a Tylenol PM?

6 A I can't remember.

7 Q Okay. That's fine, but you remember talking --

8 A I believe I did take something though.

9 Q Yeah.

10 A Yeah.

11 Q And all right. Do you recall that you told law
12 enforcement that you, and, and I think you told us this, that
13 you and M'Andre spoke on the phone after you got off work?

14 A Yes.

15 Q And that you prior to that had been texting about work or
16 I think you even asked him to bring home toilet paper. Does
17 that sort of ring a bell?

18 A I don't remember, I don't remember us texting, but I know
19 we talked.

20 Q Okay.

21 A We talked twice. I think he called me once while I was
22 at work and I called him back when I got off. I can't
23 remember.

24 Q Okay. He actually called you?

25 A It could have been that I called him, but I'm not sure,

1 but when I was at work I think he called me, but it could have
2 been.

3 Q All right. But in any event you all talked?

4 A Yes.

5 Q And you had a call around midnight. Does that sound
6 about right?

7 A Could have been.

8 Q Okay.

9 A I mean, I don't -- when I got off work maybe we talked
10 once I got there or it could have been soon as I got off work.
11 I don't remember, but I know we talked afterwards.

12 Q Okay.

13 A So after 11.

14 Q All right. And do you recall having told law enforcement
15 that and you don't -- you already said you don't recall who
16 called, but in that conversation do you recall having told law
17 enforcement that you all talked, you talked about picking up
18 the kids?

19 A Yes.

20 Q And that you were going to take a PM because you want to
21 sleep?

22 A Yes.

23 Q Okay. All right. Fair enough. Now, let's talk a bit
24 about what you recalled telling law enforcement that morning
25 about the -- what happened in the house. Okay?

- 1 A Okay.
- 2 Q You said on a number of times that it was very dark in
- 3 the house.
- 4 A I -- yes. I had blackout curtains.
- 5 Q Right. And when you say blackout curtains, those are the
- 6 kind of curtains that allow people that work on shifts to
- 7 pretend like it's still nighttime when it's daytime?
- 8 A Yeah. When the sun's out it's still doesn't get --
- 9 Q Right.
- 10 A -- bright. It gets bright --
- 11 Q And that's what you -- right.
- 12 A -- but not that bright. Yeah.
- 13 Q Okay. So that was -- and that's what you had in your
- 14 room?
- 15 A Yes. At the one window we had, yeah.
- 16 Q Okay. All right. Do you recall -- well, let's talk a
- 17 bit about Emmett coming over. No question you all texted
- 18 and/or called that evening and you said you were going to
- 19 leave the door open for him.
- 20 A Yes.
- 21 Q Or unlocked?
- 22 A Yes.
- 23 Q Okay. You didn't recall that he had ever even come in
- 24 the house?
- 25 A No.

- 1 Q Right. Because you were already asleep?
- 2 A Yes.
- 3 Q You'd been drinking a little bit and you took the Tylenol
- 4 PM.
- 5 A Yes.
- 6 Q Sort of put you out?
- 7 A Yes.
- 8 Q Okay. Now, do you recall when law enforcement asked you
- 9 when M'Andre called out in the house that you did not answer
- 10 him?
- 11 A No. I don't recall it, but I didn't say anything.
- 12 Q You don't -- all right. So you don't recall having told
- 13 law enforcement in the yard that when M'Andre called out you
- 14 did not say anything?
- 15 A Yeah. I could have -- yeah. I would have told them I
- 16 didn't say anything because I didn't say anything.
- 17 Q That's -- okay. All right. All right. I'm sorry. We
- 18 were agreeing and I missed it. I'm sorry.
- 19 A I -- yeah. I don't know what they asked me, but I, I
- 20 didn't say anything until after I was trying to break it up.
- 21 Q Right. So you didn't say anything at all? Okay. Do you
- 22 recall having told law enforcement that it was so dark in the
- 23 room that you didn't, you didn't see the knife in M'Andre's
- 24 hand?
- 25 A Yes. I didn't see it.

- 1 Q You did not see it? And M'Andre would have had the same
- 2 view of Emmett; is that fair to say? You all were in the same
- 3 room?
- 4 A Yes.
- 5 Q Okay. And your testimony today is that Emmett was
- 6 already out of the bed by the time M'Andre got in the room?
- 7 A Yes.
- 8 Q Standing up? And that they went to fighting?
- 9 A Yeah. Like he came in. He stood up. I'm in shock and
- 10 they just started swinging.
- 11 Q Okay.
- 12 A I don't -- like I -- I'm still in a daze.
- 13 Q Sure.
- 14 A Like I -- yeah.
- 15 Q And I -- and listen, I understand that. I understand
- 16 that, you know, we're sitting here today. It's, it's, it's
- 17 well-lit, everybody, I mean, it's very emotional, I'm not
- 18 taking away from that, but we have time to think before we
- 19 respond, that kind of thing, and I know that night that didn't
- 20 exist for you. It was a dark room.
- 21 A Yeah, but I wasn't saying -- M'Andre just kept saying,
- 22 "Who the F are you?"
- 23 Q Right.
- 24 A And I'm saying stop.
- 25 Q Okay.

- 1 A But that was once they started fighting.
- 2 Q I got you. Okay. In fact, you didn't see a knife until
- 3 you cut the light on.
- 4 A Yes.
- 5 Q That's fair to say?
- 6 A I didn't.
- 7 Q Okay.
- 8 A Yeah.
- 9 Q You told law enforcement that, that Emmett and M'Andre
- 10 didn't know each other and wouldn't recognize each other.
- 11 A Correct.
- 12 Q You told law enforcement, if you recall, that when you
- 13 left the house it was still dark when you went outside, when
- 14 you went to the neighbor's house.
- 15 A It -- yeah. It was still dark outside.
- 16 Q Okay. And you've known M'Andre to leave work early on
- 17 occasion but usually was planned. Is that fair?
- 18 A Yes. I mean, I don't -- if he planned it, you know,
- 19 like.
- 20 Q Right. Right. Right.
- 21 A Yeah.
- 22 Q But, but on this evening you would have expected him to
- 23 work at least till seven in the morning; is that fair?
- 24 A Yes.
- 25 Q Okay.

1 MR. HUMPHRIES: Beg the Court's indulgence just one
2 moment.

3 THE COURT: All right.

4 MR. HUMPHRIES: Thank you, ma'am.

5 THE COURT: Redirect?

6 MR. TODD: No, Your Honor.

7 THE COURT: All right. You may step down.

8 All right. The State can call your next witness.

9 MR. TODD: Thank you, Your Honor. A.J. Kohut.

10 Whereupon, Albert J. Kohut was called to the stand, duly
11 sworn by the clerk and testified as follows:

12 THE CLERK: Thank you. Would you please state your full
13 name and spell it for the Court?

14 MR. KOHUT: Albert J., A-L-B-E-R-T, middle initial J,
15 last name Kohut, K-O-H-U-T as in Tom.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. TODD:

19 Q Officer Kohut, where are you currently employed?

20 A Georgetown County Sheriff's Office.

21 Q And what's your current duties?

22 A Currently I'm the school resource officer at Waccamaw
23 High School.

24 Q Okay. And how long have you been at Waccamaw High School
25 in that capacity?

1 A This is my first year.

2 Q Okay. Now, before that you were in investigations; is
3 that correct?

4 A Yes, sir.

5 Q And how long were you in investigations?

6 A Approximately five years.

7 Q Okay. So on June 15th, 2016, what was your role that day?

8 A I was the on-call investigator for the sheriff's office
9 that evening.

10 Q And what does that mean when you're the on-call
11 investigator?

12 A When the supervisor for patrol has an incident where they
13 think an investigator needs to come out to either process a
14 crime scene or, or, you know, something to that level, they
15 contact the on-call, and we respond from our residence and go
16 out and do whatever has to be done for that particular scene.

17 Q Now, on that day where did you go?

18 A I went to I believe it was 4092 Old Pee Dee Road.

19 Q And what section of Georgetown County is that?

20 A That's out in -- I guess that's like past Pleasant Hill.
21 That's way out there towards like Hemingway.

22 Q Okay.

23 A I was out there earlier in the evening for a different
24 call.

25 Q Okay. Now, once you arrived on scene tell us a little

1 bit about what, what you did.

2 A The first thing I do is I spoke to the supervisor who was
3 on scene, which was Sergeant Carter, just to get a basic
4 synopsis what was going on. Actually I believe we spoke on --
5 her and I spoke on the phone. The cell phone service wasn't
6 great out there. There was other deputies on scene. I spoke
7 with them as well, tried to ascertain what exactly occurred
8 and what was going on. I learned that the victim in the
9 incident had already been transported from the scene to the
10 hospital and the suspected individual was still on scene in a
11 patrol vehicle detained. I advised to have him removed from
12 the scene and taken to the detention center for his safety and
13 everyone's safety and security of the crime scene.

14 At that point I notified my supervisor that, you know, I
15 had a, a situation going on involving a stabbing, and I had
16 multiple scenes at once. The victim was found in the roadway.
17 I also have the trailer and the property between the trailer
18 and the roadway, and I had a victim at a hospital. So I have
19 that as part of a scene, and I have my suspect on his way to
20 the jail. So that is another scene. So I requested
21 assistance. I believe that's when Lieutenant Nelson contacted
22 Investigator Thacker and had him respond out to handle the
23 subject at the jail and also the individual at the hospital.
24 Q Now, when you arrived on scene, what officers were there?
25 Do you recall?

- 1 A First and foremost, at the time Deputy Mentz, Highway
2 Patrol Mentz was there. I believe there was, there was a
3 highway patrol unit there, too. I don't recall who it was. I
4 want to say later on Deputy Higgins was there. Deputy Taylor
5 was there. We had, we had the roadway shut down. So I had a
6 lot of, lot of people there dealing with traffic. You know,
7 the majority of the area around the trailer itself, the
8 residence itself was already taped off, but I also had to deal
9 with the roadway as well.
- 10 Q Okay. So as the investigator you talked with the other
11 officers on scene?
- 12 A Yes. Uh-huh.
- 13 Q And I guess you kind of debriefed them on what's going
14 on, and the victim wasn't there when you arrived; is that
15 right?
- 16 A No, sir.
- 17 Q Okay. He'd already been --
- 18 A Yes, sir.
- 19 Q -- taken to the hospital? Now, Mr. Cochran was there; is
20 that correct?
- 21 A Yes, sir.
- 22 Q Do you recall where he was?
- 23 A I believe he was in the back of one of the patrol units.
24 I didn't really speak to him.
- 25 Q Okay. And you didn't interview him on scene or anything

1 before he left?

2 A No, sir.

3 Q Okay. Now, you said the crime scene was already secured.

4 A Uh-huh.

5 Q Did you talk to Casi?

6 A Eventually. I got a briefing from her, you know, to get
7 her status, make sure she wasn't injured, advised her quickly
8 as possibly as to what I was going to be doing about securing
9 the scene, asked for permission to go into the residence, did
10 a quick scan of the residence, and as best as I could, I told
11 her I would get back to her, but obviously I had other things
12 that I had to secure. My number one priority at that point
13 was we had the roadway closed. There was a bend up in the
14 roadway. It's now between 7 and 7:30 in the morning.
15 Traffic's going to start picking up. So I wanted to process
16 as much as I could in the roadway in order to open the roadway
17 up again for safety reasons and preservation of the evidence.

18 Q So you focused on the roadway first?

19 A Yes, sir.

20 Q And there was other officers out there that were just
21 primarily doing road work?

22 A Yes, sir.

23 Q So they wouldn't necessarily be involved in the
24 investigation of the, the crime.

25 A No. They were just securing traffic for me.

1 Q Now, once that was cleared up did you go in the residence
2 at all?

3 A Yes, sir.

4 Q Okay. And what did you do inside the residence?

5 A I start off by -- the exterior and the roadway took
6 several photographs, took some swabs, that kind of stuff.
7 Then going over to the property, start with an exterior
8 photographing of the, of the area from a -- from the roadway
9 and then generally work towards the residence. I photographed
10 the vehicles in the driveway, including their license plates,
11 worked my way up to the front door, photographed the front
12 door, did as best as I could a 360 around the trailer to
13 photograph it. There's some high shrubs and stuff in the back
14 and there was, from memory, there was standing water in the
15 back of the property, but I trudged through it, did as best as
16 I can, worked my way, I believe I worked my way
17 counterclockwise around the trailer, finishing up towards the
18 bedroom window where it was determined that the victim had
19 jumped out of, photographed all that exterior, back up to the
20 front door and then began to go inside and photograph the
21 interior of the residence.

22 Q So there's a lot of photographs?

23 A Yeah. There was about as many as I've ever taken.

24 Q Okay. Does 137 photographs sound reasonable?

25 A That sounds very accurate.

1 Q Would you just briefly glance through these and make sure
2 these are the photographs that you took?

3 A Yes, sir.

4 Q Okay.

5 A Do you want me to keep going on the interior as I'm going
6 through these or do you just want me to go through them first?

7 Q If you can. I don't want to distract you at all, and I
8 don't need you to tell me --

9 A Individually.

10 Q Just tell me are those your pictures?

11 A Okay. As I went into the interior of the residence
12 normal protocol on something like that is to, you know, start
13 on one side and photographing everything. You're
14 photographing the hallways, the bedroom doors, the bedrooms.
15 Going in toward -- I started on the, the side, I believe,
16 where the children's bedrooms were, worked my way back up the
17 hallway back into the -- what would be the living room area,
18 then into the kitchen area and then back into the master
19 bedroom where the main incident scene was. Usually afterwards
20 I'll go back through to see if there's anything that I want to
21 go over again, maybe find, you know, a changing of lighting, a
22 different angle you might see a blood spot or a suspected
23 blood spot, go back, photograph that, you know, just try to
24 document as much as you can for preservation and, and
25 documentation of evidence. Then I proceeded back outside

1 attempting to follow to see if there was a trail from the
2 window to the roadway. I did discover outside of the window
3 on the ground a large area of pooling what I suspected to be
4 blood. I made the judgment that that was probably the impact
5 point of when Mr. Kelly came out the window. I did have some
6 difficulty tracking out into the roadway. The trail would
7 come and go. There was a lot of grass and stone, and I wasn't
8 really able to pick up the full trail, then picked up again
9 out towards the roadway, and again, going back just second
10 photographing anything I can. At that point secured my camera
11 from the general crime scene photographs and start
12 concentrating on collecting evidence within and without --
13 inside and outside of the incident scene.

14 Q Okay. So through all that you established that the crime
15 scene where the stabbing took place where did you believe that
16 was?

17 A In the master bedroom.

18 Q And did you find any blood throughout the rest of the
19 house or primarily in that room?

20 A There was little bits and pieces here and there. I found
21 a lot of clothing. In the master bedroom it was, you know,
22 again it was, you know, more prevalent there, the -- and on
23 the exterior of the house from where Mr. Kelly had exited and
24 then again out into the roadway. On, on Mrs. Cochran's
25 clothing, you know, she had quite a bit of blood on her, on

1 her clothing as well and on her person.

2 Q Now, did Ms. Cochran seem to be cut in any way? Did she
3 have any injuries on her that you could tell?

4 A I saw no injuries on her, and I asked her again. When we
5 discussed what had occurred, when I did finally really have an
6 opportunity to talk with her, drawing a picture in my mind it
7 appeared she attempted to step in between the two individuals
8 knowing what, what we were dealing with and at that point I
9 had already been notified of the situation at the hospital
10 with Mr. Kelly being deceased. Ms. Cochran kept asking me if
11 I knew the status. I was reluctant to tell her the status at
12 that time. I didn't feel it was an appropriate time for that,
13 but I, in my mind, picturing that she was stepping in between
14 and knowing that we have a knife on the ground and we have one
15 person deceased, I was concerned about injuries, checked as
16 thoroughly as possible. I didn't see any injuries on her, on
17 the blood I believed was transferred to her, and she said to
18 me clearly that she felt no pain and had no injuries, so.

19 Q So the blood on her body you believe was consistent with
20 transfer, not necessarily her having injuries?

21 A Yes, sir.

22 Q And at the time it backed up her story; is that correct?

23 A Yes, sir.

24 Q Okay. And you did interview Ms. Cochran; is that
25 correct?

1 A Yes. I did, sir.

2 Q Okay. And you audio and videotaped that interview?

3 A Yes, sir.

4 Q Now, with everything that happened, her demeanor seemed
5 to be with it, I guess?

6 A She was, she was calm. I mean, she was obviously upset
7 and emotional, but she was calm and she was very, you know,
8 very detailed in her description of, of what was occurring.

9 Q Okay. So, so as far as her recollection of the
10 incidents, there's no question there was anything else or to
11 your mind there was no question there was anything else
12 interfering with her recollection?

13 A No, sir.

14 Q Okay. Now, once you secured the crime scene, did you
15 take her clothes from her at any point in time?

16 A I believe from the scene she was taken to the sheriff's
17 office. Investigator Thacker met with her and the victim's
18 advocate in her office and he took her clothing. She was
19 advised when she left that we were going to be needing -- I
20 was going to be needing to collect her clothing. So she was
21 able to get a change of clothes to bring in with her so she
22 could do that, and I believe Investigator Thacker took
23 possession of her clothing.

24 Q Okay. Now, you also made contact with Mr. Cochran; is
25 that correct?

- 1 A Yes. I did.
- 2 Q Okay. And where did you make contact with him?
- 3 A It was much later in the day. I had already obtained
- 4 warrants for him. I had him brought over to the sheriff's
- 5 office from the county jail. I put him in the interview room,
- 6 which was also audio and video recorded, and I sat down and
- 7 spoke with him. I read him his rights as per Miranda, had him
- 8 sign the form. He stated clearly that he understood his
- 9 rights, but he told me he did not wish to speak to me till he
- 10 knew what he was being charged with. I believe at that moment
- 11 in time I don't believe Mr. Cochran knew that Mr. Kelly was
- 12 deceased. So when I advised him of the charges he got very
- 13 emotional and said that he, he didn't want to talk. So at
- 14 that point the, the interview was over, you know, I'm not
- 15 going -- I, I -- you know, he's -- if he's requesting the
- 16 retention of an attorney I'm not going to ask him any more
- 17 questions.
- 18 Q And as far as Mr. Cochran's demeanor and his well-being,
- 19 did he seem intoxicated or anything of that nature?
- 20 A No, sir.
- 21 Q So he was, he was very with it I guess would be the best
- 22 way --
- 23 A He, he was remarkably calm until I notified him of the
- 24 charges, and then again he got, he got a little emotional, you
- 25 know, about the charges. Boy, I took a lot of pictures.

1 Q I didn't want to interrupt you while you were looking
2 through them.

3 MR. TODD: The Court's indulgence, Your Honor.

4 THE COURT: All right.

5 MR. TODD: I just want him to clarify that he, he took
6 all these pictures, make sure.

7 A Yes. I'm almost there, Your Honor. There's light at the
8 end of the tunnel, folks. We're almost there. Yes. These
9 are all my photos.

10 Q Thank you, sir.

11 THE COURT: All right. Thank you.

12 Q And that's all the questions I have right now. Please
13 answer any questions Mr. Humphries may have.

14 THE COURT: Cross examination?

15 MR. HUMPHRIES: No questions. Thank you, Your Honor.

16 THE COURT: All right. You may step down.

17 A Your Honor, give this to --

18 THE COURT: That's what these were in?

19 MR. TODD: Yes, sir.

20 THE COURT: All right. I'll take them right here. Thank
21 you.

22 A Thank you, sir.

23 THE COURT: All right. The State can call your next
24 witness.

25 MR. TODD: Your Honor, that's the State's last witness.

1 THE COURT: All right. Mr. Humphries, anything in reply?

2 MR. HUMPHRIES: No, sir.

3 THE COURT: All right. I'm going to take it under
4 advisement, take a review of these, re-read the statute and
5 I'll let you know my decision.

6 MR. HUMPHRIES: Your Honor, can I provide -- well, I
7 don't want to insult you. I've got some cases that had -- are
8 -- but I'm sure you have all these cases.

9 THE COURT: Yeah. I pretty much.

10 MR. HUMPHRIES: Curry, Douglas.

11 THE COURT: Yeah.

12 MR. HUMPHRIES: You've got all those.

13 THE COURT: I've got all that, and I'll take a look at
14 it.

15 MR. HUMPHRIES: Yes, sir. And if you don't --

16 THE COURT: Okay.

17 MR. HUMPHRIES: -- and if you don't require argument
18 we're, we're satisfied.

19 THE COURT: Okay. I mean, if you want to make an
20 argument --

21 MR. HUMPHRIES: It's --

22 THE COURT: -- but I'm pretty well apprised of the
23 situation.

24 MR. HUMPHRIES: Yes, sir. I, I, I'm aware of that. No,
25 sir. We're fine.

1 THE COURT: Okay. All right. I'll let you all know my
2 decision. Okay?

3 MR. HUMPHRIES: Thank you, Your Honor.

4 THE COURT: All right. Thank you.

5 MR. TODD: Thank you, Your Honor.

6 (Adjourned.)

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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Hearing held in the case of State versus M'Andre Raquel Cochran, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on May 21, 2018.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

Grace L. Hurley, CVR-CM-M
Official Reporter

July 22, 2018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF GEORGETOWN	)	INDICTMENT NOS. 2016-GS-22-0793, 794
	)	
STATE	)	MOTION FOR HEARING PURSUANT TO
	)	PROTECTION OF PERSONS AND PROPERTY
versus	)	ACT, SECTION 16-11-410, <i>et sequi</i> , CODE OF
	)	LAWS OF SOUTH CAROLINA
M'ANDRE R. COCHRAN,	)	
	)	
Defendant.	)	

FILED
 GEORGETOWN COURT
 2018 FEB 13 AM 9:51
 ALMA Y. WHITE
 CLERK OF COURT

By this motion the Defendant, M'Andre R. Cochran, through his Counsel of Record, Francis A. Humphries, Jr. and William H. Monckton, VI, moves for a hearing pursuant to the Protection of Persons and Property Act, Section 16-11-410, *et sequi*, Code of Laws of South Carolina, 1976, as amended, hereinafter "the Act".

The Defendant was arrested and subsequently indicted for the offenses of Murder and Possession of a Weapon During the Commission of a Violent Crime in connection with an incident which occurred in his residence on or about June 15, 2016. Defendant asserts he forcefully ejected an intruder who caused him, by virtue of the alleged victim's intrusion into his home in the nighttime hours and other relevant circumstances, to reasonably believe he was in imminent danger of losing his life or sustaining serious bodily injury. The intruder, who is the alleged victim, was fatally wounded by the Defendant while being ejected.

Defendant asserts he is entitled to immunity from prosecution pursuant to "the Act" and moves this Honorable Court to grant a hearing on the merits establishing this right of protection to which the Defendant submits he is entitled.

I SO MOVE:


 Francis A. Humphries, Jr./Date 2/12/18
 Counsel for Defendant
 1300 Professional Drive, Suite 102
 Myrtle Beach, South Carolina 29577
 SC Bar No. 12921


 William H. Monckton, VI/Date 2/12/18
 Counsel for Defendant
 1300 Professional Drive, Suite 102
 Myrtle Beach, South Carolina 29577
 SC Bar No. 65167

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
INDICTMENT NUMBERS: 2016GS2200793
2016GS2200794

State of South Carolina)
vs.)
M'Andre Racquel Cochran,)
Defendant.)

ORDER GRANTING
IMMUNITY FROM PROSECUTION

2018 MAY 22 PM 2:35
CLERK OF COURT
JESSIE L. COLE

In this case, the defendant is charged with murder and possession of a weapon during the commission of a violent crime. Before the court is the defendant's motion for immunity from prosecution under the *Protection of Persons and Property Act*.¹ The motion came for hearing before the undersigned on May 21, 2018. Present at this motion hearing were the defendant, represented by attorneys Francis A. Humphries and William H. Monckton, VI, and the State represented by Assistant Solicitor Richard D. Todd, Jr..

Based upon a preponderance of the evidence presented at the motion hearing, I do hereby find the following salient facts:

FINDINGS OF FACT

On June 15, 2016, the defendant arrived at his residence around 5:30 a.m. He saw a car that he did not recognize in the front yard. The front door to his residence was open. The defendant entered his residence, went to the kitchen and got a knife. The defendant then went to his son's bedroom and found no one there. He then went to his daughters' bedroom and, likewise, found no one there. He then went to his and his wife's bedroom. As he entered his bedroom, a male got out of the bed, yelled, "Who the f*** are you?" and assaulted the defendant.

¹ Code of Laws of South Carolina 1976 §16-11-410, et seq.

An altercation ensued with the defendant stabbing the victim. The victim jumped out of the bedroom window and was found dead near the residence.

At the time of this incident, the defendant resided in the residence with his wife and their children; though the children often stayed with the defendant's parents when the defendant and his wife were both working. Occasionally, the defendant stayed with his parents as well when he and his wife had an argument.

On June 15, 2016, at the time of this incident, the victim was an invitee of the defendant's wife.²

CONCLUSIONS OF LAW

Code of Laws of South Carolina 1976 §16-11-450(A) states, in part, that "[a] person who uses deadly force as permitted by the provisions of this article or another applicable provision of law is justified in using deadly force and is immune from criminal prosecution...for the use of deadly force...." Code §16-11-440(C) states as follows:

A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be...has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person....

In this case, the defendant was not engaged in an unlawful activity and was attacked "in another place where he has a right to be" (i.e., his residence).³ Therefore, he had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force if

² The defendant's wife testified that she invited the victim to the residence but told him that she was going to bed. She told the victim that she would leave the front door open for him. At the time of this incident, the victim was in bed with the defendant's wife.

³ Under Code §16-11-440(B), the defendant is not entitled to the presumption of "reasonable fear of imminent peril of death or great bodily injury" granted under Code §16-11-440(A) since the victim was an invitee and, likewise, lawfully entitled to be in the defendant's residence. However, the defendant is still entitled to the protections granted under Code §16-11-440(C). See *State v. Manning*, 418 S.C. 38, 791 S.E.2d 148 (2016); *State v. Jones*, 416 S.C. 283, 786 S.E.2d 132 (2016); *State v. Curry*, 406 S.C.364, 752 S.E.2d 263 (2013).

he reasonably believed it was necessary to prevent death or great bodily injury to himself. The undisputed facts in this case are that: 1) the defendant arrived at his residence at 5:30 a.m.; 2) a car the defendant did not recognize was at the residence; 3) the front door to the residence was open; 4) the defendant's children were not in their bedrooms; and, 4) immediately upon the defendant's entry into his bedroom, he was assaulted by the victim. Based upon these facts, the defendant's fear of death or great bodily injury was reasonable and, as a matter of law, the defendant was entitled to "stand his ground and meet force with force, including deadly force" to protect himself. Therefore, I conclude as a matter of law that the defendant is immune from prosecution in this case pursuant to Code §16-11-450(A).

NOW, THEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED that the defendant is immune from prosecution in this case; it is further

ORDERED, ADJUDGED AND DECREED that the indictments in this case are dismissed, with prejudice.

AND IT IS SO ORDERED, ADJUDGED AND DECREED.



Benjamin H. Culbertson
Presiding Judge

May 22, 2018
Georgetown, SC

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2016-GS22-00793

The State of South Carolina

County of Georgetown

J. Austin Thomas

16G00490

COURT OF GENERAL SESSIONS

AUGUST, 2016 TERM

123

ARREST WARRANT NUMBER

2016A2210800039

CDR: 0116 §16-03-0010, 0020

DOI: 8/15/2016

THE STATE

vs.

M'ANDRE RACQUEL COCHRAN

4094 OLD PEE DEE ROAD

HEMINGWAY, SC 29554-4227

DOB: 9/8/1988

SSN: 250-87-7566

B / M

ACTION OF GRAND JURY

TRUE BILL

ATTORNEY: William Henry Monckton VI

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

Forrest Holcomb
Foreperson of Grand Jury

Date: 8-31-16

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

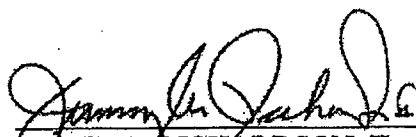
At a Court of General Sessions, convened on August 31, 2016, the Grand Jurors of Georgetown County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That M'Andre Racquel Cochran did in Georgetown County, on or about June 15, 2016, willfully, feloniously, and intentionally kill the victim, Emmitt Kelly (Deceased), with malice aforethought, either express or implied, by means of stabbing the victim in the head and torso, and the victim did die as a proximate result thereof on or about June 15, 2016 in Georgetown County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH JUDICIAL CIRCUIT

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WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2016-GS22-00794

The State of South Carolina
County of Georgetown

J. Austin Thomas

16G00490

COURT OF GENERAL SESSIONS
AUGUST, 2016 TERM

THE STATE

vs.

M'ANDRE RACQUEL COCHRAN
4094 OLD PEE DEE ROAD
HEMINGWAY, SC 29554-4227
DOB: 9/8/1988
SSN: 250-87-7566
B / M

ATTORNEY: William Henry Monckton VI

Indictment for

POSSESSION OF WEAPON
DURING THE COMMISSION OF A
VIOLENT CRIME

Jimmy A. Richardson, II, Solicitor

ARREST WARRANT NUMBER

2016A2210800040

CDR: 0549 §16-23-0490

DOI: 8/15/2016

ACTION OF GRAND JURY

TRUE BILL

Twitt H. H. H.
Foreperson of Grand Jury
Date: 8-31-16

VERDICT

Foreperson of Petit Jury
Date:

Scanned

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on August 31, 2016, the Grand Jurors of Georgetown County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That M'Andre Racquel Cochran did in Georgetown County, on or about June 15, 2016, possess and visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2018-001023

THE STATE,

APPELLANT,

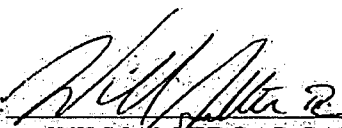
v.

M'ANDRE COCHRAN,

RESPONDENT.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

BY: 

WILLIAM EDGAR SALTER, III
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June 6, 2019

STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM GEORGETOWN COUNTY
The Honorable Benjamin H. Culbertson, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2018-001023

THE STATE,

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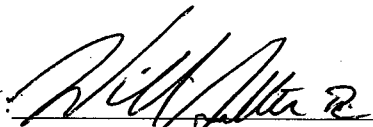
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