

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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S.C. SUPREME COURT

Appeal from Pickens County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL TAQUARIUS RENCHER,

APPELLANT

APPELLATE CASE NO. 2017-000869

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
State’s Exhibit No. 11 (Photograph)

State of South Carolina,)
)
Plaintiff,)
v.) Case No. 17-GS-39-00791
)
Michael Taquarius Rencher,)
)
Defendant.)

TRANSCRIPT OF JURY TRIAL

The within JURY TRIAL in the above-captioned matter was held March 27-30, 2017, before The Honorable Edward Miller in Courtroom 4 of the Pickens County Courthouse in Pickens, South Carolina; attended by counsel as follows:

APPEARANCES:

**Brandi Hinton, Assistant Solicitor
Durham Hill, Assistant Solicitor
...Appearing for State of South Carolina**

David Cantrell, Public Defender
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1 (STATUTORY JURY QUALIFICATION AND
2 JURY SELECTION BY JUDGE VERDIN)
3 (DEFENDANT PRESENT)

4 THE COURT: Mr. Rencher, I see that you
5 have not been arraigned in this case. That
6 is a formality that we will go through today,
7 it takes about thirty seconds. Raise your
8 right hand, please.

9 DEFENDANT: (Complies).

10 THE COURT: Do you swear to tell the
11 truth?

12 DEFENDANT: Yes, sir.

13 THE COURT: You have to speak up a
14 little bit.

15 DEFENDANT: Yes, sir.

16 THE COURT: This is Indictment 2017-GS-
17 39-0791, State of South Carolina, County of
18 Pickens, the State versus Michael Taquarius
19 Rencher. It is an indictment for voluntary
20 manslaughter and it alleges that you did, in
21 Pickens County, on or about 11 September 2014
22 willfully, unlawfully and without malice
23 aforethought kill Cameron Flores by means of
24 stabbing the victim with a knife and that
25 Cameron Flores died as a proximate result

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1 thereof.

2 This carries a mandatory minimum of two
3 to thirty years; is a Violent Offense, which
4 impacts parole eligibility; it is a Most
5 Serious Offense. If you get convictions for
6 two or more Most Serious Offenses, you're
7 eligible for life in prison without parole.
8 Do you understand?

9 DEFENDANT: Yes, sir.

10 THE COURT: All right, you've entered a
11 plea of Not Guilty to this charge. Do you
12 understand?

13 DEFENDANT: Yes, sir.

14 THE COURT: Anything else?

15 MR. CANTRELL: No, Your Honor.

16 THE COURT: All right, anything else
17 before we get the jury in here?

18 SOLICITOR HINTON: No, Your Honor.
19 We do have a *Jackson v. Denno*. I would just
20 ask that we be allowed to do that before they
21 are sworn in.

22 THE COURT: Anything from the defense?

23 MR. CANTRELL: Your Honor, I have a
24 Motion which would be a Motion to dismiss
25 based on failure to turn over evidence or the

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1 spoiliation of evidence. We've got that
2 issue and a couple of others that I think
3 you're aware of, that we need to do at some
4 point during the trial.

5 THE COURT: Well, I don't know what I'm
6 aware of. Tell me.

7 SOLICITOR HINTON: Your Honor, I believe
8 that Mr. Cantrell would like to introduce
9 some evidence as character trait(s) of the
10 victim. I have a Motion to exclude that
11 evidence.

12 We also have an issue with the recorded
13 interview. It does say in three places the
14 word "murder". I cannot redact it, it's not
15 in a format that can be redacted. I've
16 contacted IT and we're completely unable to
17 do that.

18 I don't believe that prejudices the
19 defense in any way for the jury to know that
20 it was originally a murder and now we are
21 trying a voluntary manslaughter.

22 I don't know Mr. Cantrell's position on
23 that but I'd ask that we be able to enter the
24 tape as a whole.

25 THE COURT: The tape?

1 SOLICITOR HINTON: The recorded interview
2 of the defendant, Your Honor. I'm sorry.

3 MR. CANTRELL: Video and audio. Your
4 Honor, I would object. I do think that the
5 use of -- he was in fact charged with murder
6 but obviously they are not going forward on
7 that. In the video and audio Mr. Rencher is
8 told by the officer that he is in fact being
9 charged with murder. There are a couple
10 other references where they make reference to
11 murder.

12 THE COURT: How is he going to be
13 prejudiced?

14 MR. CANTRELL: Quite frankly, Your
15 Honor, we don't know how well the jury will
16 receive that, or receive it, except they'll
17 know that he was charged with murder.

18 THE COURT: And this was in an inter-
19 view prior to the involvement of the
20 Solicitor's Office in the case?

21 MR. CANTRELL: Yes, sir. It was
22 within three or four hours of the original
23 call. It is custodial and it was in the
24 Pickens City police department conference
25 rooms -- or room.

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1 THE COURT: Well, I haven't seen it.
2 How long does it last?

3 SOLICITOR HINTON: The actual
4 conversations are not that long. The
5 videotape is a while because the detective
6 steps out for a while. I have the actual
7 markings of the statement, which are only a
8 few seconds long each. The total is probably
9 about a thirty or forty-minute process.

10 MR. CANTRELL: The video itself is
11 probably closer to fifty minutes but I think
12 when the detective goes out to do something,
13 I think he is out about twenty to twenty-five
14 minutes of that time. So there's about
15 twenty-five minutes of Mr. Rencher sitting in
16 the conference room. I think that where
17 there is activity on the video it's twenty
18 minutes, give or take.

19 SOLICITOR HINTON: I think that's true.

20 THE COURT: So the total, with the
21 absence of the officer, is fifty minutes?

22 SOLICITOR HINTON: Yes, sir.

23 MR. CANTRELL: About that, I believe.
24 Yes, sir.

25 THE COURT: Well, do you want to do the

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1 *Jackson v. Denno*, get the jury sworn; then
2 take care of all these other issues while we
3 send them to lunch?

4 SOLICITOR HINTON: That would be
5 fine, Your Honor. I don't intend to
6 introduce the video in that, but I can make a
7 copy available to Your Honor. Unless you'd
8 like for me to introduce it. Of course I
9 can.

10 THE COURT: No, if you can cover
11 the voluntariness of it.

12 MR. CANTRELL: I think the
13 *Jackson v. Denno* should be fairly short.

14 THE COURT: All right, let's get
15 that done.

16 SOLICITOR HINTON: Thank you, Your Honor.
17 The State would call Detective Peppers to the
18 stand.

19 (WITNESS TAKES STAND)

20 JAMES PEPPERS, having been sworn to tell
21 the truth, and nothing but the truth,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY SOLICITOR HINTON:

25 Q. Detective Peppers, where are you

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1 employed?

2 A. I work for the City of Clemson
3 Police Department.

4 Q. How long have you been employed
5 there?

6 A. Approximately sixteen years.

7 Q. In your employment there did you
8 have occasion to speak with Michael Rencher?

9 A. Yes, I did.

10 Q. Was that in reference to a criminal
11 investigation?

12 A. Yes, it was.

13 Q. Where did you have the opportunity
14 to speak with him?

15 A. Actually in the interview room at
16 the police department.

17 Q. And was that interview audio and
18 video recorded?

19 A. Yes.

20 Q. And on that audio and video
21 recording, do you advise him of his rights?

22 A. Yes.

23 Q. And do you do that both orally and
24 on paper?

25 A. Yes.

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1 Q. I am going to show you what has been
2 marked as State's Exhibit 12. Do you
3 recognize that document?

4 A. Yes, I do.

5 Q. Can you tell me what document is?

6 A. This is a rights form, a *Miranda*
7 waiver of rights form that we use at the
8 Clemson Police Department.

9 Q. Is that what you used with Mr.
10 Rencher?

11 A. It is.

12 Q. Is his signature on there?

13 A. Yes, it is actually on there after
14 each right that he signed and then in the
15 waiver section agreeing to talk to me without
16 an attorney, he also signed it there.

17 Q. Do you mind reading into the record
18 what that waiver of rights says?

19 A. Do you want me to read the *Miranda*
20 rights?

21 Q. Yes, sir.

22 THE COURT: Detective, before you
23 begin, please see if you can pull that
24 microphone closer so that we can hear you.

25 WITNESS: (Complies).

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1 THE COURT: Thank you.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR HINTON:

4 Q. Yes, please, sir.

5 A. The first one says, "You have a
6 right to remain silent."

7 The second one says, "Anything that you
8 say can and will be used against you in a
9 court of law."

10 (Reading):

11 "You have the right to talk to a lawyer
12 for advice before we ask you any questions
13 and have him or her with you during the
14 questioning.

15 If you have no money to pay for a lawyer,
16 the court will appoint one to represent you
17 without cost.

18 If you decided to answer questions now,
19 without a lawyer present, you will still have
20 the right to stop answering questions at any
21 time.

22 You also have a right to stop answering
23 at any time until you talk to a lawyer."

24 Then it says, "I have read this statement
25 of my rights and understand", and then the

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1 signature by Mr. Rencher.

2 Q. Did he sign that?

3 A. He did.

4 Q. Is there a second part to that form?

5 A. The second part is the Waiver of
6 Rights, (reading): *"I am willing to answer*
7 *questions and make a statement. I do not*
8 *want a lawyer at this time. I understand and*
9 *know what I am doing. No promises or threats*
10 *have been made to me. No pressure or*
11 *coercion of any kind has been used against*
12 *me."* Then Mr. Rencher signed that form.

13 Q. Is that dated?

14 A. It is.

15 Q. What is the date and time on that
16 form?

17 A. October 11th of 2014 at ---

18 Q. It says October 11th, was that the
19 accurate date that you spoke to him?

20 A. Yes. The initial part of it was
21 started at about 3:55 a.m. on that day.

22 Q. Did you speak to him in October or
23 September?

24 A. September.

25 Q. So the fact that it says October,

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1 was that a scrivener's error?

2 A. Yes.

3 Q. So you did in fact speak to him on
4 September 11th, 2014?

5 A. Yes.

6 Q. Did Mr. Rencher indicate at all that
7 he had any infirmities, physical or mental,
8 that would affect his understanding of what
9 you were talking to him about?

10 A. No, he didn't.

11 Q. Did he seem under the influence or
12 any drugs or alcohol that would affect his
13 ability to understand?

14 A. No.

15 Q. Did you threaten him in any way?

16 A. I did not.

17 Q. Did you promise him anything in
18 exchange for his testimony?

19 A. Nothing.

20 Q. Do you believe that he fully
21 understood the rights that he was waiving?

22 A. Yes.

23 Q. And, to be clear, he was in custody
24 at the time of this discussion; correct?

25 A. Yes.

1 Q. Did you take his handcuffs off while
2 y'all spoke?

3 A. Yes.

4 Q. Did you deprive him of any food or
5 water?

6 A. I did not.

7 Q Did you deprive him of the use of a
8 restroom?

9 A. No.

10 Q. All in all, about how long did this
11 interview take place?

12 A. Twenty, twenty-five minutes.

13 Q. All right. That's all that I have.
14 Answer any questions that Mr. Cantrell may
15 have.

16 CROSS EXAMINATION

17 BY MR. CANTRELL:

18 Q. Just one question just to be clear
19 as far as his condition and that sort of
20 thing. He did -- he had been injured, is
21 that correct?

22 A. None that he required any medical
23 attention to, never requested any kind of
24 medical attention.

25 Q. He did have an injury, did he not?

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1 A. He had a small scratch on his head.

2 Q. No further questions. Thank you.

3 SOLICITOR HINTON: That's all that I
4 have.

5 THE COURT: You can step down.

6 (WITNESS STEPS DOWN)

7 SOLICITOR HINTON: No further
8 witnesses from the State?

9 THE COURT: From the Defense?

10 MR. CANTRELL: Nothing, Your Honor.

11 THE COURT: Any Motions?

12 MR. CANTRELL: Your Honor, I would
13 move to -- no Motion, Your Honor.

14 THE COURT: Okay. I'm going to find
15 that there were proper admonitions about the
16 rights.

17 Anything else before we bring the jury,
18 swear the jury -- what else were we going to
19 be doing?

20 SOLICITOR HINTON: I know Mr.
21 Cantrell has a Motion to dismiss and then I
22 have the Motion as to character evidence of
23 the victim.

24 MR. CANTRELL: Your Honor, I would
25 appreciate your guidance. The Motion to

1 dismiss based on spoiliation of evidence is a
2 due process matter. I think the case law and
3 process may require that that be done before
4 the jury is sworn.

5 THE COURT: How long will it take?

6 MR. CANTRELL: Actually if we could
7 get right into it, fifteen minutes, I'd
8 think.

9 THE COURT: Let's do it.

10 MR. CANTRELL: Your Honor, to move
11 forward on the motion, I would recall
12 Detective Peppers.

13 THE COURT: Come on back. You're still
14 under oath.

15 (WITNESS TAKES STAND)

16 JAMES PEPPERS, having been sworn to tell
17 the truth, and nothing but the truth,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. CANTRELL:

21 Q. Detective Peppers, we just went
22 through briefly testimony about you taking
23 the statement of Michael Rencher.

24 A. Yes, sir.

25 Q. That was in fact during the early

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1 morning hours of September 11th, 2014; is that
2 correct?

3 A. That's correct

4 Q. And during that process you
5 questioned Mr. Rencher and he responded to
6 your questions for approximately twenty to
7 twenty-two minutes, or about that; is that
8 correct?

9 A. That's correct.

10 Q. When you were winding up your
11 interview or interrogation of Mr. Rencher,
12 you did, did you not, ask him about an injury
13 or -- an injury that he'd indicated to you
14 that he had on the back of his head?

15 A. He indicated, yes, something on the
16 back of his head.

17 Q. In fact, during his statement to
18 you, he told you, did he not, that he had
19 been hit several times on the back of his
20 head by the alleged victim in this case,
21 Cameron Flores?

22 A. Yes, he did. He also said that it
23 really hadn't fazed him very much.

24 Q. Well, that will be something that
25 maybe the judge can listen to on the video

1 because did he not say that he was hit
2 several times and he didn't know what was
3 going on?

4 A. I don't remember him ever saying
5 that he didn't know what was going on.

6 Q. As you were concluding that initial
7 part of the interview, you asked him to let
8 you look at his head; didn't you?

9 A. Yes, sir, I did.

10 Q. After you looked at his head, you
11 told him that you were going to take pictures
12 of that.

13 A. Correct.

14 Q. Of his injury?

15 A. Yes, sir, -- or attempt to.

16 Q. You left. Quite frankly, you were
17 out of the room for twenty, twenty-five
18 minutes or so, I guess looking for a camera
19 or doing other work but you left ostensibly
20 to go get a camera; right?

21 A. Correct.

22 Q. Then you did come back into the room,
23 the interview room, and take several pictures
24 of Mr. Rencher's head, the injury that he was
25 pointing out to you?

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1 A. Correct.

2 Q. I guess, very simply at this point
3 in time tell us, tell the court where those
4 pictures are.

5 A. Uh, the one that I was trying to
6 take of his head just actually never did come
7 out. I was using a little, small basic
8 camera and it just didn't -- didn't come
9 through.

10 Q. Well, was there anything to print?

11 A. (No verbal response).

12 Q. Was it a digital camera?

13 A. Yes.

14 Q. So you could have printed out what
15 it showed?

16 A. No, because it didn't print. I guess
17 basically because of his hair and not very
18 good lighting, I guess it didn't turn out
19 well enough to show anything.

20 Q. You took it to the printer?

21 A. (No verbal response).

22 Q. You said you took it where now?

23 A. Through the computer but it didn't
24 turn out well enough to see.

25 Q. Did you save the memory stick or

1 whatever was on the camera to present to
2 anyone to review that?

3 A. I did not because there was nothing
4 actually that you could see, to review.

5 Q. Be that as it may in your opinion,
6 you did not preserve anything from these
7 photographs that you took?

8 A. Correct, other than the ones that we
9 have.

10 Q. Which are full front pictures.

11 A. Yes.

12 Q. Nothing of the injured area?
13 Nothing of the back of his head?

14 A. No, sir.

15 MR. CANTRELL: No further questions
16 at this time.

17 CROSS EXAMINATION

18 BY SOLICITOR HINTON:

19 Q. Detective Peppers, you did take
20 other photos of the defendant; correct?

21 A. Correct.

22 Q. Those have been turned over,
23 correct?

24 A. Correct.

25 Q. And then the interview that you did,

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1 was that also recorded?

2 A. Yes.

3 Q. Was it also video-recorded?

4 A. Yes.

5 Q. Can you see the Defendant on that
6 video?

7 A. Yes.

8 Q. At any time did he ask you for any
9 sort of medical attention?

10 A. He did not.

11 Q. Did he ever complain to you of any
12 pain?

13 A. He did not.

14 Q. Did he ask you for a band-aid or a
15 rag?

16 A. No, he did not.

17 Q. So your testimony is what was the
18 injury, and I'll use that as a loose term,
19 that you observed on the defendant at that
20 time?

21 A. I would say a very small scratch/
22 cut.

23 Q. Where was that located?

24 A. About his head.

25 SOLICITOR HINTON: That's all that I

1 have.

2 MR. CANTRELL: Your Honor, may I?

3 THE COURT: Yes.

4 REDIRECT EXAMINATION

5 BY MR. CANTRELL:

6 Q. You said a small scratch or a cut.

7 So there was an injury there?

8 A. Yes, there was something there but
9 it was just in his hair and I couldn't get a
10 picture of it.

11 Q. On the video there had been no
12 mention of the cut until you brought it up
13 and said, 'you mentioned something about your
14 head.' So there had been some discussion
15 about that injury prior to going in for the
16 video; is that correct?

17 A. No, sir. I think he'd mentioned
18 something about being hit on or about his
19 head, so I wanted to check and see if he had
20 any kind of injuries.

21 Q. Well, at some point you said 'let me
22 look at the back of your head' and you
23 mentioned something about him being injured
24 before you had seen it, is that not correct?

25 A. Correct, but that came about

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1 because during the interview with him he said
2 that he'd been hit about the head. That's
3 the reason why I wanted to look at his head.

4 Q. So you weren't surprised to find
5 some injury back there, because he'd already
6 reported being hit?

7 A. He'd just mentioned being hit. I
8 wanted to see what kind of injuries that he
9 had, if he did have an injury if he'd been
10 hit.

11 Q. Now, the pictures that you turned
12 over were absolute full-face from the front,
13 nothing that was taken of the head?

14 A. Just his full face, yes.

15 Q. Were there any other steps taken or
16 any other evidence taken that didn't develop
17 or that didn't come out like you expected,
18 that you discarded or have not turned over?

19 A. No, sir.

20 Q. Just the pictures of the back of his
21 head where there was a recorded injury?

22 A. Actually if I remember right, the
23 injury -- I don't think that it was at the
24 back but was (indicating).

25 Q. So now you're saying ---

1 A. I'm not -- that's right. Back in
2 here (indicating behind left ear).

3 MR. CANTRELL: No further questions.

4 THE COURT: All right, you can step
5 down. Well, let me ask you this. The
6 pictures that you do have, were they taken
7 with the same camera?

8 WITNESS: Yes, they were.

9 THE COURT: And they turned out fine?

10 WITNESS: Well, they were full
11 facial to the front.

12 THE COURT: So it wasn't a problem with
13 printing out the picture, it was a problem
14 with the quality of the photograph?

15 WITNESS: I would say so, because of
16 his hairstyle -- his hair and the injury, it
17 was hard to get -- I couldn't get a good shot
18 of it. I attempted to but it didn't turn
19 out.

20 THE COURT: You may step down.

21 (WITNESS STEPS DOWN)

22 MR. CANTRELL: Your Honor, two
23 things.

24 THE COURT: Any other evidence?

25 MR. CANTRELL: Your Honor, I think

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1 if you review the video that gets us up to
2 the point of the officer asking about the
3 injury, looking at the back of his head, then
4 saying, 'I'm going to go get a camera and
5 take pictures of that.' The officer brought
6 it up. The officer looked at the back of his
7 head and the officer, on his own, said 'I am
8 going to go get a camera and take pictures of
9 that.'

10 Like I said, it took twenty-five minutes
11 but he did come back and take pictures.

12 Also about the timeline that has been
13 testified to, this would have been about
14 three or four hours after the incident. So
15 that would account for blood drying or
16 something like that.

17 THE COURT: That's an argument. Do you
18 have any other evidence?

19 MR. CANTRELL: I would ask the Court
20 to look at the video.

21 THE COURT: That's it?

22 MR. CANTRELL: Yes, sir, as far as
23 the evidence for the court to ---

24 THE COURT: Any from the State?

25 SOLICITOR HINTON: As far as

1 evidence, Your Honor?

2 THE COURT: Yes, related to this.

3 SOLICITOR HINTON: Not as far as
4 evidence, no.

5 MR. CANTRELL: Your Honor, I may need
6 to correct myself. I don't know if this was
7 -- this was stipulated. Ms. Hinton is aware,
8 and Mr. Richardson who had this case
9 previously, that a year or more ago I
10 contacted the solicitor's office about these
11 pictures. What had happened is that I had
12 secured the services of a forensic
13 pathologist who had reviewed all the evidence
14 in this case, documentary, video, everything.
15 The response was -- and this was Dr. Brett
16 Woodard of Anderson county, of Anderson. Dr.
17 Woodard got back in touch with me and
18 specifically asked for the pictures of the
19 injury because he had seen the video and
20 understood that pictures had been taken.
21 That was going to be essential to him being
22 able to provide information to the court,
23 which he has not been able to do. The
24 solicitor's office has been aware of this for
25 a long time. I don't believe that they have

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1 an issue with the fact that that is why I was
2 asking for the pictures. That makes it a
3 substantial and integral part of our defense.
4 That is -- I wrote a stipulate to that and I
5 would submit to the court that is the reason
6 these pictures are so important to us.

7 THE COURT: Okay. And this doctor is
8 going to testify to, what?

9 MR. CANTRELL: Quite frankly, we
10 weren't sure until he saw the tape and
11 reviewed all the evidence. This was a
12 specific piece of evidence that he asked for.
13 They could not produce it.

14 So I submitted his review of the file
15 from the standpoint of an expert in forensic
16 pathology. Quite candidly, Your Honor, we
17 believe that having that information would
18 have assisted us in the preparation of a self
19 -defense defense. They just don't have it.

20 THE COURT: So a forensic pathologist.
21 Is he a witness in this case?

22 MR. CANTRELL: I have not listed him
23 and don't intend to call him because he has
24 nothing to present on this at this point,
25 because he did not receive that evidence.

1 He's not prepared to testify to an injury
2 without receiving that. I could have
3 subpoenaed him to be here to tell you that
4 but, just quite frankly, I didn't.

5 THE COURT: What was a forensic
6 pathologist going ---

7 MR. CANTRELL: Your Honor, my intent
8 was -- and I believe that he could have,
9 because I've seen it in the past, -- present
10 testimony to substantiate self-defense based
11 on the photographs and a complete review of
12 the records in the file.

13 THE COURT: Why is the -- there is no
14 denying by the State, that I have heard yet,
15 that there is an injury. What is the
16 prejudice of not having the photographs?

17 MR. CANTRELL: Quite candidly because
18 the doctor needed that to form his expert
19 opinion. Beyond that, I can't say.

20 THE COURT: You know, I'm not going to
21 let a guy testify as to an expert opinion as
22 to a legal conclusion? Self-defense.

23 What was the guy going to testify to? I
24 would not allow him to get up here and say as
25 an expert, a forensic pathologist, that he

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1 was not guilty because it was self-defense.

2 MR. CANTRELL: I believe -- his
3 testimony ---

4 THE COURT: What was he going to
5 testify to, that's what I'm ---

6 MR. CANTRELL: Basically from the
7 review of the evidence -- just like any
8 pathologist can review the evidence in the
9 case and give his opinion as to evidence in
10 the case, including the injury to the
11 defendant here. As to the circumstances
12 surrounding -- not giving a legal conclusion
13 but a professional medical opinion as a
14 forensic pathologist.

15 THE COURT: Why would the degree of
16 injury be important?

17 MR. CANTRELL: Quite honestly, Your
18 Honor, I don't know. I can't speak to that
19 because, again, we never got any information
20 that would allow him to make a determination.
21 All I can say is that after he received the
22 entire contents of the file, that was the one
23 thing that he asked for and it was the one
24 thing that has not been provided.

25 SOLICITOR HINTON: Judge, I agree. I

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1 think it's out of his purview as a forensic
2 pathologist, or any expert, to draw a legal
3 conclusion as to whether or not the defendant
4 acted in self-defense. That's a question for
5 the jury. Only the jury can make that
6 determination.

7 I think that Mr. Cantrell can certainly
8 argue to the jury that this picture has been
9 lost, make an issue of it. I don't think
10 that a dismissal is appropriate. And if the
11 picture didn't come out, either way, I don't
12 know how he is prejudiced by that. If there
13 is some injury that you can't see on a
14 photograph that ---

15 THE COURT: Well, the problem is --
16 that's a unilateral decision. It might have
17 benefitted the State, it might have
18 benefitted the Defendant. Regardless of the
19 quality of the photograph, it should not have
20 been destroyed.

21 SOLICITOR HINTON: I don't disagree, Your
22 Honor. But I think that's fodder for cross,
23 not a Motion to dismiss.

24 THE COURT: I am going to deny your
25 Motion to dismiss based on that. I am going

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1 to watch the video. As of now, you haven't
2 enunciated any legal or any expert opinion
3 that would -- that the failure to provide
4 this photograph prejudiced your client to the
5 extent that the case should be dismissed.

6 MR. CANTRELL: Your Honor, the only
7 thing that I could add that I didn't
8 enunciate is that as part of his evaluation,
9 because of the circumstances and the nature
10 of the allegations, which of course I know
11 you're not aware of yet, that in causing the
12 injury that this would relate to defense
13 wounds and reactions and -- the entire
14 physical nature of what transpired.

15 THE COURT: That's all well and good
16 that you say that. There's nothing in the
17 record -- what a lawyer says is not evidence
18 and the -- I don't know -- if the injury
19 existed and the officer had never attempted
20 to take a meaningful photograph, your guy
21 doesn't have the expertise to make those --
22 to come up with an expert opinion?

23 MR. CANTRELL: Your Honor, I think
24 the problem is that we don't have that
25 opportunity and can't have it because they

1 didn't ---

2 THE COURT: What I am saying is, if
3 he'd never taken the photograph -- and what
4 does the degree of injury have to do with
5 whether or not it was a defensive maneuver.
6 I can't find any nexus here.

7 MR. CANTRELL: There again I think
8 the only way to get to that nexus is to have
9 the pictures and then for the court to be
10 told that there is a connection, or there is
11 not a connection, based on the doctor's
12 review of the full record. We don't have the
13 full record to show that.

14 THE COURT: Okay, well, I think you
15 made a -- I'm not -- I'll review the video.
16 You are entitled to charge on spoliation of
17 evidence.

18 MR. CANTRELL: That -- I would
19 certainly request that charge.

20 THE COURT: Okay.

21 MR. CANTRELL: Subject to my
22 objection on ---

23 THE COURT: Anything else before we
24 break? Or before I ---

25 SOLICITOR HINTON: Not unless you

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Welcome By The Court

1 want to get on the victim's character
2 evidence prior to ---

3 THE COURT: The jury is sitting back
4 there. We're not -- we can swear them and
5 cut them loose now, or not?

6 SOLICITOR HINTON: I believe we can, Your
7 Honor.

8 MR. CANTRELL: I think so; yes, sir.

9 THE COURT: Okay. Bring them in.

10 (JURY IN @ 12:24 P.M.)

11 THE COURT: Ladies and gentlemen,
12 welcome up here to the third floor of the
13 Pickens County Courthouse.

14 My name is Ned Miller. I'm one of your
15 Thirteenth Circuit judges. I'm pleased to be
16 over here handling a week of General Sessions
17 court, which is commonly referred to as
18 criminal court.

19 The case has been introduced to you, the
20 case of the State of South Carolina versus
21 Michael Taquarius Rencher on the charge of
22 voluntary manslaughter.

23 There are some things that I want to tell
24 you and to remind you of. That is that this
25 docket is not evidence. You should take no

1 the oath to you. After we do that, we are
2 going to excuse you to go to lunch. We have
3 some legal issues that we have to take up out
4 of your presence. I ask that you be back at
5 a quarter until 2:00, that will give you an
6 hour and ten minutes -- is that enough time
7 for everybody? (Affirmative responses).

8 All right, stand and take your oath.

9 (WHEREUPON JURY SWORN)

10 THE COURT: See you after lunch.

11 (JURY OUT @ 12:33 P.M.)

12 THE COURT: Anything else before we
13 break?

14 SOLICITOR HINTON: Judge, we do have a
15 Motion. It's my understanding that Mr.
16 Cantrell intends to introduce some
17 photographs of some marijuana and pills that
18 were taken on scene where this incident
19 occurred. I don't want to put words in his
20 mouth but I believe that his intention is
21 draw the conclusion that the victim was a
22 drug dealer.

23 MR. CANTRELL: Nothing pertaining to
24 the pills. The presence of drugs is
25 something, obviously, that is ---

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1 THE COURT: Who took the photographs?

2 MR. CANTRELL: Well, law enforcement.

3 SOLICITOR HINTON: The issue that I have
4 is that I don't know that it is a pertinent
5 trait of a homicide as required under
6 404(a)(2), because the drugs cannot
7 necessarily be connected to the victim, none
8 of them were found on him. They were found
9 in the apartment where he was couch surfing
10 for a little bit but didn't always -- didn't
11 have a permanent residence there. I don't
12 mind it coming in that the drugs were found
13 at the house or that the victim had drugs in
14 his system, because I think he's allowed to
15 do that but I think pictures as to where
16 these drugs were located is not relevant
17 because they are not a pertinent trait of the
18 victim.

19 THE COURT: This was at the crime
20 scene?

21 SOLICITOR HINTON: Yes. Yes, Your
22 Honor, but there was no evidence that this
23 crime was because any drugs were ---

24 THE COURT: I understand that but -- I
25 mean, (pause). I can't tell you what to put

1 up in your case but we have wide latitude in
2 cross-examination and I can't think -- tell
3 me how under a 403 analysis how those
4 pictures of the crime scene should be
5 excluded?

6 SOLICITOR HINTON: I don't think that
7 they should necessarily be excluded. I just
8 want them to be limited that they're not to
9 draw any conclusion that the victim is a drug
10 dealer.

11 THE COURT: I can't tell the jury what
12 to conclude. That's up to them.

13 SOLICITOR HINTON: I just don't want
14 Mr. Cantrell to draw that conclusion for the
15 jury, because I don't think that it's a
16 pertinent trait of the ---

17 THE COURT: Well, you can get up and
18 argue -- we'll see how it plays out, it's
19 kind of early to say. I can't see any reason
20 why -- absent some potential for prejudice,
21 ---

22 SOLICITOR HINTON: I just don't know what
23 probative value drugs found in a laundry room
24 closet where this did not occur, how ---

25 THE COURT: Okay. You've put me on

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1 notice of that.

2 SOLICITOR HINTON: Okay. And one other
3 thing that I think that we were going to try
4 to stipulate to, I think it is undisputed
5 that this altercation began because the
6 victim thought that the defendant had been
7 involved in some auto break-ins involving his
8 car. I think that under *State v. Bush*, 211
9 SC 455, that you can bring up prior
10 difficulties between the two but that you
11 cannot bring up the details.

12 So I think what we're close to
13 stipulating to is that the victim believed
14 that Mr. Rencher had been involved in some
15 auto break-ins and that was the confrontation
16 that occurred that kicked this whole thing
17 off. And that after the investigation by the
18 Clemson City Police Department that no
19 charges had been made regarding those auto
20 break-ins. But I don't think any more
21 particular details can come in.

22 THE COURT: I'm operating in a vacuum.
23 I don't know how it's going to come in.

24 SOLICITOR HINTON: I believe that Mr.
25 Cantrell wants to get in his fingerprints,

1 that fingerprints were run and all that. If
2 we do that, I think that we go off on the
3 tangent of when can you pull a fingerprint,
4 how hard is it to run. I think that the fact
5 that the defendant has not been charged, nor
6 has anyone, gets him to where he wants to go.

7 MR. CANTRELL: Your Honor, we do
8 think that it is a substantial part of this
9 case. The victim had accused the defendant
10 of being the one that broke into his car. We
11 are essentially stipulating to that and
12 stipulating that there was no evidence that
13 led to any charges.

14 My preference would be to -- there
15 certainly is no evidence that led to Michael
16 Rencher. The fact is that the victim did
17 accuse Mr. Rencher of breaking into his car a
18 month before this, and there was no evidence
19 to charge anyone in that case. I think that
20 probably will cover what I need to cover.

21 SOLICITOR HINTON: I think that is
22 sufficient.

23 Your Honor, this video is on kind of a
24 weird application. It can be played on this
25 laptop here. If you want to try it on your

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Welcome By The Court

1 own, that's fine. It's just that it is kind
2 of a weird ---

3 THE COURT: Is it on a CD?

4 SOLICITOR HINTON: It is, Your Honor.

5 THE COURT: I didn't bring my ---

6 SOLICITOR HINTON: This is hooked up to a
7 speaker and it can play on this.

8 MR. CANTRELL: Are you talking about
9 just for the Judge's purposes?

10 SOLICITOR HINTON: Yes, just for the
11 Judge's purposes.

12 MR. CANTRELL: I have the laptop that I
13 played it on that I can turn over to you.
14 I'll do my best to show you how I played it,
15 and get out of your way.

16 THE COURT: Whatever y'all want.

17 SOLICITOR HINTON: I don't think that we
18 would introduce it until tomorrow, Your
19 Honor. So if it's -- if it would be helpful
20 for you to take it with you ---

21 THE COURT: I don't want to take
22 evidence.

23 SOLICITOR HINTON: I have another copy.

24 THE COURT: Yeah, I could take it.
25 Anything else?

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Welcome By The Court

1 SOLICITOR HINTON: Nothing from the
2 State?

3 MR. CANTRELL: Nothing at this time.

4 THE COURT: All right. Take an hour
5 and four minutes, then come back and you can
6 make your brief, non-argumentative opening
7 statements.

8 (LUNCH RECESS)

9 (DEFENDANT PRESENT)

10 SOLICITOR HINTON: Your Honor, I will go
11 ahead and pass up the copy of the interview
12 that we have for you.

13 THE COURT: Okay.

14 MR. CANTRELL: Your Honor, we have
15 agreed to sequester the witnesses and they're
16 all out of the courtroom.

17 THE COURT: All right.

18 SOLICITOR HINTON: Other than Detective
19 Peppers, who is the lead on this case.

20 THE COURT: Okay. Bring in our jury.

21 (JURY IN @ 1:55 P.M.)

22 THE COURT: Ladies and gentlemen,
23 welcome back. We are ready to proceed with
24 the trial at this time.

25 MR. HILL: May it please the Court,

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Opening Statement by Solicitor Hill

1 ladies and gentlemen of the jury. In the
2 early morning hours of September 11th, 2014,
3 Cameron Flores gets off work and heads over
4 to his buddy's apartment to hang out and
5 crash on the couch, spend the night, like
6 he'd done for the past week or so. Little
7 did he or anybody else know that later on
8 Michael Rencher would show up at his
9 apartment.

10 Shortly after Michael Rencher shows up at
11 the apartment, an agreement happens between
12 Cameron Flores and Michael Rencher, where
13 Cameron Flores punches Michael Rencher. What
14 happens next is the reason why Michael
15 Rencher is sitting in that chair over there,
16 because he reached over, grabbed a kitchen
17 knife off the kitchen counter and shoved it
18 seven and a half inches into Cameron Flores'
19 chest, hitting his spine and killing him.

20 Today we are here for the State's case
21 against the Defendant, Michael Rencher, on
22 the charge of voluntary manslaughter. The
23 judge, who has gone over a little bit of this
24 with you, later will explain the law to you.

25 He will also explain a little bit of our

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Opening Statement by Solicitor Hill

1 roles in the case. It is our role to
2 present the State's case as the solicitors.
3 It is our burden to prove to you beyond a
4 reasonable doubt that Michael Rencher did
5 this crime.

6 Now, what is beyond a reasonable doubt?
7 It is not beyond all doubt, it's not beyond
8 any doubt. Rather, it's proof that leaves
9 you firmly convinced of the Defendant's
10 guilt. It is our job as the State to prove
11 that to you. It's not an impossible burden.
12 It's the same burden in every other criminal
13 case in this country.

14 It is your role, as the judge has
15 mentioned, to determine the truth. You are
16 the finders of fact in this case. It is your
17 job to listen to all the testimony, review
18 all the evidence and decide what the truth
19 is. All that evidence and testimony is going
20 to come from this witness stand right here
21 today. I ask that you carefully think about
22 and view all that evidence.

23 There is no doubt that Michael Rencher
24 killed Cameron Flores. I ask that you pay
25 careful attention to the details in deciding

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Opening Statement by Solicitor Hill

1 what truly is important in this case and what
2 truly is not.

3 Now, Brandi and myself would like to
4 thank each and every one of you for your
5 service on the jury here this week. We know
6 that it can be a little inconvenient. Our
7 system does not work without twelve people
8 like you who are willing to take the time out
9 of their days to make the sacrifice to be a
10 part of this jury, and we thank you for that.

11 Now, at the end of this case we are going
12 to be back up here in front of you. After
13 you have heard all the evidence and all the
14 testimony, we are going to ask you to do one
15 thing. That is to determine the truth and
16 find Michael Rencher guilty of voluntary
17 manslaughter. Thank you.

18 MR. CANTRELL: Ladies and gentlemen,
19 I will join in with our appreciation for you
20 being here. Nothing in this system works
21 without you, the jury. Jury service is
22 obviously the most important thing that we
23 all have to do here today, is to listen to
24 and address what happened on September 11th,
25 2014.

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Opening Statement by Mr. Cantrell for the Defense

1 What you are going to hear throughout the
2 testimony, I believe, is that -- number one,
3 there is some doubt and some question about
4 whether there was an argument or not. In
5 fact, I think that it is pretty clear that
6 there was no argument whatsoever.

7 But what did happen is that Michael
8 Rencher, seated here, was in a place -- not
9 of his own choosing, he followed in with a
10 friend. He was with people not of his own
11 choosing, his friend knew these people. Once
12 inside things happened that Michael did not
13 start, did not create. But what Michael
14 ended up doing when it was all over with was
15 fighting for his life, fleeing for his life.

16 What you've got to do is listen from now
17 to when you go back to that jury room,
18 whenever that might be, to deliberate is to
19 listen to the evidence, to the testimony, so
20 that you can decide the fact. So that you
21 can determine that there was no argument. So
22 that you can determine that Michael Rencher
23 did not go to this place for any reason other
24 than because his friend was going there. And
25 that Michael Rencher did not leave this place

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Opening Statement by Mr. Cantrell for the Defense

1 except to save his own life. Because of
2 those circumstances, I am going to ask you
3 find Michael Rencher not guilty. Thank you.

4 THE COURT: Call your first witness.

5 SOLICITOR HINTON: The State would call
6 Adele Henderson.

7 (WITNESS TAKES STAND)

8 ADELE HENDERSON, having been sworn to
9 tell the truth, and nothing but the truth,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR HINTON:

13 Q. Adele, what is your last name?

14 A. Henderson.

15 Q. Adele, I want to go back to
16 September 11th, 2014. Where were you living
17 at the time?

18 A. Paw Path Lane.

19 Q. What city is that in?

20 A. Clemson.

21 Q. How long had you been living there?

22 A. I believe about two years.

23 Q. Who lived there with you at that
24 time?

25 A. Ben Smith, Cameron McKinney and

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1 Sean.

2 Q. On that day, the evening of the 10th
3 of September, what had you been doing that
4 evening?

5 A. I had been at work, then came home.

6 Q. Once you got home, what did you
7 start doing?

8 A. I opened a bottle of wine, poured a
9 glass of wine, left it on the kitchen
10 counter; started cleaning, doing random
11 things around the house -- mostly over there
12 -- and then I took the trash out.

13 Q. When you took the trash out, tell
14 me what happened?

15 A. I went over the parking lot and met
16 our neighbor and a boy that I didn't actually
17 know. They met in the parking lot and they
18 asked if Ben was home. I said 'hold on, I'll
19 go see if he's free to see you.'

20 Q. Did you do that?

21 A. Yes.

22 Q. Your neighbor, what was his name; do
23 you recall?

24 A. I do not recall.

25 Q. His friend, had you ever seen his

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1 friend before?

2 A. No.

3 Q. Did you at some point let them in?

4 A. Yes.

5 Q. When they came into the apartment,
6 tell me where they went?

7 A. They went straight to the kitchen.

8 Q. Who else was in the kitchen at that
9 time?

10 A. At that time it was Ben and Cameron
11 Flores.

12 Q. What did you do once they went into
13 the kitchen?

14 A. I just continued doing what I needed
15 to do, kind of tiding up. I don't really
16 recall all of it. I know I wasn't getting
17 any help with it.

18 Q. Did you notice anything about
19 anyone's demeanor when your neighbor and his
20 friend walked into the apartment?

21 A. I noticed -- I mean, I noticed that
22 Cameron Flores seemed to get a little tense,
23 but nothing -- no. Just a little tense is
24 all.

25 Q. All right. Did you stay in the

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1 kitchen the entire time?

2 A. No.

3 Q. What did you end up doing?

4 A. I stayed in the living room for the
5 most of it and then ended up going upstairs.

6 Q. Okay. Did you at any point see any
7 altercation in the residence?

8 A. No.

9 Q. Did you ever come back downstairs?

10 A. Not until -- not until things
11 happened.

12 Q. Tell me what prompted you to come
13 back downstairs?

14 A. I heard a lot of commotion. I heard
15 furniture crashing. And two pet cats just
16 came flying up the stairs, they were really
17 spooked.

18 Q. When you came downstairs, what did
19 you see?

20 A. I saw Cameron Flores laying at the
21 bottom of the stairs. He looked unconscious,
22 kind of -- it looked like he was convulsing.

23 Q. What did you do as a result of what
24 you saw?

25 A. I tried to figure out what was going

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1 on. Everybody had run outside. I dialed
2 911, then I passed the phone off to Ben.

3 Q. I am going to show you a copy of
4 State's Exhibit 1. Have you listened to this
5 before?

6 A. Yes.

7 Q. What is that?

8 A. That is the 911 call.

9 Q. Is that a true and accurate
10 depiction of what was going on at the time?

11 A. Yes.

12 Q. As you were speaking to 911, what
13 was going in front of you?

14 A. Obviously it was a big blur. I just
15 remember that it was a lot of panic. Cameron
16 was not responding to the CPR. At this time
17 I thought that he was having a seizure, we
18 all thought that. Just a lot of chaos.

19 Q. When you got downstairs, did you see
20 any weapons at all on Cameron Flores?

21 A. I did not.

22 Q. Prior to all this happening did you
23 see any weapons out in the open, in the
24 apartment?

25 A. Uh, no.

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1 Q. Are there -- is there a weapon
2 downstairs in the apartment?

3 A. There was my shotgun that was back
4 in the closet but it was nowhere near where
5 anything happened.

6 Q. Okay. And when you say in the
7 closet, do the doors close or -- can you be
8 a little bit more descriptive?

9 A. I'm sorry. I say the closet. It
10 was in the laundry area with the folding
11 doors. I don't know if they were open or
12 not, but I believe that they were closed.

13 Q. And in what area of the laundry
14 closet was that shotgun?

15 A. It was back aside the wall by the
16 water heater.

17 Q. Is it out in the open?

18 A. No, it would have been tucked away.

19 Q. At some point in response to your
20 911 call, do officers arrive on the scene?

21 A. I do not recall if it was the
22 paramedics got there first but I do know that
23 while we were on the phone that someone got
24 there.

25 Q. All right. And once people arrived,

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1 where did they put you?

2 A. They put me in the kitchen.

3 Q. And while you were in the kitchen
4 did you notice any blood in the area?

5 A. I did not see any blood.

6 Q. Did you notice any clothing items in
7 the kitchen area?

8 A. No.

9 Q. Do you notice anything in the
10 kitchen area that was in disarray?

11 A. There were the two bar stools that
12 were knocked over. Other than that, I don't
13 believe so.

14 Q. Adele, that's all that I have.
15 Please answer any questions that Mr. Cantrell
16 may have.

17 CROSS EXAMINATION

18 BY MR. CANTRELL:

19 Q. Miss Henderson, you knew the one
20 person that you saw outside but you don't
21 remember who they were?

22 A. Not that I know. I recognized him,
23 I knew that he was one of our neighbors but I
24 can't recall his name.

25 Q. And you did not know the other

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1 individual?

2 A. I did not.

3 Q. And that ended up being Michael
4 Rencher; correct?

5 A. Yes.

6 Q. What time did you say that you got
7 home that night?

8 A. I do not recall.

9 Q. No idea?

10 A. Well, I would have gotten off work,
11 so shortly after.

12 Q. But you went back in to check with
13 Ben, to see if it was okay that these people
14 come in?

15 A. Yes.

16 Q. Who did you tell him was outside?

17 A. I told them that the neighbor was
18 outside.

19 Q. How did he know which neighbor you
20 were talking about?

21 A. I believe at the time that I knew
22 his nickname. Now, I don't. He had a
23 nickname.

24 Q. This person and Michael Rencher came
25 in and went into the kitchen?

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1 A. Yes.

2 Q. And immediately Cameron Flores
3 starts getting agitated or angry or ticked,
4 as you said.?

5 A. Not angry or ticked.

6 Q. A while ago you said ticked, isn't
7 that what you said?

8 A. "Tense, a little tense."

9 Q. Tense?

10 A. Tense; (affirmative nod).

11 Q. Did that continue?

12 A. To be honest, not that I was aware
13 of. Though I was not around that much, so --
14 (pause).

15 Q. Do you know anything that happened
16 after they first walked in?

17 A. I know that they stayed in the
18 kitchen for a while.

19 Q. But you were not in there?

20 A. Right, I was not.

21 Q. So would it be safe to say that your
22 testimony only leads up to the time that
23 these two gentleman walked into the kitchen
24 and that beyond that you know nothing?

25 A. Not until I walked down the stairs.

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1 Q. After everything had happened?

2 A. Right.

3 Q. And when you walked down the stairs,
4 where did you say Cameron Flores was?

5 A. When I ran down the stairs? Like --
6 he was ---

7 Q. The first time that you saw him,
8 where was he?

9 A. He was laying at the foot of the
10 stairs.

11 Q. And you had heard a commotion but
12 you didn't know what was going on?

13 A. I didn't. No.

14 Q. Where were the other people that
15 lived in the apartment?

16 A. Sean was in his room asleep.
17 Cameron McKinney was not home. He didn't get
18 home until right as this happened.

19 Q. I am talking about when you came
20 down the stairs and saw Cameron Flores on the
21 floor. Where was Cameron McKinney?

22 A. He had just walked up.

23 Q. Where was Ben?

24 A. I believe that he ran outside, came
25 back inside.

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1 Q. So you have no idea what may have
2 been going on, what Ben may have been doing
3 before that?

4 A. Right.

5 Q. Now, you indicated that at some
6 point throughout this that CPR wasn't
7 working. Is that what you said?

8 A. Correct.

9 Q. But did you not tell the 911
10 Operator on this tape that y'all did not know
11 how to do CPR, that that had not been done?

12 A. Ben and I tried and we did not know
13 how to do. Then when Sean came in, who is a
14 certified nursing assistant, he was able to
15 do it properly.

16 Q. When he came in, was 911 already on
17 the phone?

18 A. Yes.

19 Q. But before that -- before that there
20 was no one there that knew CPR? Or you're
21 saying that y'all tried?

22 A. Correct.

23 Q. And you did not tell the 911
24 Operator that y'all had done CPR?

25 A. Can you repeat that?

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1 Q. You did not tell the 911 Operator
2 that you did not try to administer CPR?

3 A. I did not tell them that I did not
4 try, correct.

5 Q. Okay. How long was it from the time
6 that you saw Cameron until 911 was called?

7 A. Immediately. You know, within less
8 than a minute.

9 Q. So if Cameron McKinney got home
10 about a quarter until 1:00, that would be
11 about the time that you called because you
12 saw him coming in the door?

13 A. Yes.

14 Q. Is that correct?

15 A. (No verbal response).

16 Q. About 1:45?

17 A. Yes.

18 Q. There was no delay or no other
19 activity going on before y'all called 911?

20 A. No.

21 Q. And I think you testified that you
22 -- that there were no other guns in your
23 apartment that night?

24 A. There were two .45s that belonged to
25 Ben but they were not out, I don't believe.

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1 Q. Did the police find them and take
2 them with them?

3 SOLICITOR HINTON: Objection. If she
4 knows.

5 CROSS EXAMINATION CONTINUED

6 BY MR. CANTRELL:

7 Q. To your knowledge, did the police
8 find or take either of those guns?

9 A. I do not know.

10 Q. But Ben did have guns in the
11 apartment?

12 A. Yes.

13 Q. There was a cellphone on the counter
14 during the time, whose cellphone was that?

15 A. I have no idea right now.

16 Q. Do you know whether it was yours or
17 not, or just no idea at all?

18 A. No idea at all.

19 Q. Now, just to be clear, you did not
20 stay in the kitchen with them. You just went
21 about your work around the apartment, then
22 went upstairs?

23 A. I may have lingered for a little;
24 but I didn't hold any conversations with
25 them, no.

1 Q. In fact, you told the police that
2 you were listening to music, hanging out
3 talking, before you went upstairs?

4 A. I know that we were listening to
5 music. I wasn't really with them though.

6 MR. CANTRELL: If it pleases the
7 court, just one second -- (reviewing
8 exhibits).

9 CROSS EXAMINATION COINTINUED
10 BY MR. CANTRELL:

11 Q. Were you aware of what, if any,
12 drugs were in that apartment that night?

13 A. I do know that there was marijuana.

14 Q. Where was that?

15 A. I don't know.

16 Q. Were you aware of any pills or other
17 types of drugs there?

18 A. No.

19 Q. While you were there, did you or
20 anyone else in your presence consume any type
21 of drugs?

22 A. I do not recall. Not me though.

23 Q. Do you recall if you saw Cameron
24 Flores consume any type of drug?

25 A. I don't recall.

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1 Q. You just don't recall any of that?

2 A. No.

3 Q. If they had, would that have stuck
4 out in your mind?

5 A. Probably not.

6 Q. Who had a dog?

7 A. Ben.

8 Q. Did you help take care of the dog?

9 A. We all did, yeah.

10 Q. Did you ever feed him?

11 A. Yes.

12 Q. Did you ever feed him Milkbone?

13 SOLICITOR HINTON: Judge, may we approach
14 real quick?

15 THE COURT: Yeah.

16 (OFF RECORD BENCH CONFERENCE)

17 CROSS EXAMINATION CONTINUED

18 BY MR. CANTRELL:

19 Q. Ms. Henderson, did you ever feed
20 this dog Milkbone that you had there for him?

21 A. The dog treat?

22 Q. Yes.

23 A. No, those were very old. We never
24 gave him those.

25 Q. So why was the box sitting there?

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1 A. I don't know.

2 MR. CANTRELL: (Tenders document to
3 be marked as Exhibit).

4 COURT REORTER: Defendant's Exhibit 1
5 for identification.

6 CROSS EXAMINATION CONTINUED

7 BY MR. CANTRELL:

8 Q. Is this the Milkbone box that was
9 sitting in your apartment?

10 A. I would assume so.

11 Q. Can you check what's in the Milkbone
12 box?

13 SOLICITOR HINTON: Objection, Judge.

14 WITNESS: I don't remember ---

15 SOLICITOR HINTON: He is asking her to
16 identify what is in there. She said that she
17 doesn't know.

18 THE COURT: She hasn't answered the
19 question yet.

20 CROSS EXAMINATION CONTINUED

21 BY MR. CANTRELL:

22 Q. Do you know what that is in the
23 Milkbone box?

24 A. (Upon review), I can tell what it
25 is. Yes.

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1 Q What is that?

2 A. It looks like marijuana.

3 Q. Are you aware of any other drugs
4 that were there that night?

5 A. No, sir.

6 Q. So it's your testimony that you
7 don't recollect or remember seeing anyone
8 consume drugs?

9 A. No, sir.

10 Q. But if you had that would not have
11 stood out to you, is that what you said?

12 A. Yes.

13 MR. CANTRELL: Your Honor, at this
14 time I believe that I would have this
15 admitted as Defendant's Exhibit 4 (sic).

16 THE COURT: Without objection?

17 SOLICITOR HINTON: Yes, Your Honor.

18 (SO ENTERED AS DEFENDANT'S EXHIBIT 1)

19 CROSS EXAMINATION CONTINUED

20 BY MR. CANTRELL:

21 Q. And just to be sure that I am not
22 confused, Mr. Henderson, the person that
23 asked to come into the apartment was not Mr.
24 Rencher but his friend, who you recognized;
25 is that correct?

1 A. Yes, sir.

2 Q. And Mr. Flores became tense when Mr.
3 Rencher got there. Mr. Rencher didn't act in
4 any particular way at all, did he?

5 A. Not that I recall.

6 Q. After the commotion, the only thing
7 that you saw was Cameron Flores laying on the
8 floor and Mr. McKinney standing at the door.

9 A. I don't recall that he was standing
10 in the doorway. That's when he arrived.

11 Q. I want to ask you a question just
12 about the setup in the kitchen. When you
13 were there, the entire all this was going on,
14 were there knives on the kitchen counter?

15 A. We had cooking knives, yes. Ben had
16 a box of them.

17 Q. They were in a box?

18 A. A cut out box. He used to work in a
19 restaurant, so he had them in the house.

20 MR. CANTRELL: If we could mark
21 these?

22 COURT REPORTER: Defendant's Exhibits 2
23 and 3 for identification.

24 CROSS EXAMINATION CONTINUED

25 BY MR. CANTRELL:

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1 Q. Is this a picture of the kitchen
2 counter with the knives in the box?

3 A. Yes.

4 Q. And is this a picture of the kitchen
5 counter -- same kitchen counter?

6 A. Yes.

7 Q. What do you see on the right-hand
8 sided of the kitchen counter?

9 A. Those are knives.

10 Q. They are laying out on the counter,
11 correct?

12 A. Yes.

13 MR. CANTRELL: Your Honor,
14 without objection, I would move these in as
15 Defendant's Exhibits 2 and 3.

16 SOLICITOR HINTON: No objection.

17 THE COURT: So entered.

18 (SO ENTERED AS DEFENDANT'S EXHIBIT 2)

19 (SO ENTERED AS DEFENDANT'S EXHIBIT 3)

20 CROSS EXAMINATION CONTINUED

21 BY MR. CANTRELL:

22 Q. And all of those were there before
23 all of this, the knives and whatever was on
24 the counter?

25 A. Yes.

1 Q. Was there anything removed from the
2 counter after this incident?

3 A. Not that I recall. Not by me.

4 Q. Pardon?

5 A. Not by me.

6 Q. Was there anything removed by anyone
7 else?

8 A. Not that I recall.

9 Q. Was there anything on the counter
10 when you went upstairs that was not there
11 when you came back downstairs or was not
12 there when the police got there?

13 A. I don't know.

14 MR. CANTRELL: I have no further
15 questions, Your Honor.

16 THE COURT: Anything else?

17 REDIRECT EXAMINATION

18 BY SOLICITOR HINTON:

19 Q. Adele, when y'all called 911 did you
20 make any attempt to hide anything in the
21 apartment?

22 A. No.

23 Q. Did you make any attempt to hide any
24 drugs that were in the apartment?

25 A. No.

1 Q. Did you make any attempt to hide any
2 weapons in the apartment?

3 A. No.

4 Q. When you called 911, what was your
5 focus on?

6 A. Cameron.

7 SOLICITOR HINTON: That's all that I
8 have.

9 MR. CANTRELL: Your Honor, may I ask
10 a couple of quick questions.

11 THE COURT: If they relate to that
12 issue.

13 RECROSS EXAMINATION

14 BY MR. CANTRELL:

15 Q. When you said that you made no
16 efforts to hide anything in the apartment --
17 is that correct?

18 A. Yes.

19 Q. When you called 911, where were you
20 standing?

21 A. I was standing over Cameron.

22 Q. Where was Ben?

23 A. I don't recall at that moment.

24 Q. Did you say when you called 911 that
25 you dialed the phone and then handed the

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1 phone to Ben?

2 A. Right, I was -- I dialed it and
3 handed it off to him, so he was the first
4 person to talk to the operator. I was with
5 Cameron.

6 Q. You were all standing there, I
7 assume around Cameron at that point? Cameron
8 Flores?

9 A. I know that I was. I don't really
10 remember if they were or not.

11 Q. Do you remember any comment(s),
12 discussion or effort(s) to hide anything?

13 A. I don't.

14 Q. You do not?

15 A. (Negative gesture).

16 MR. CANTRELL: No further questions.

17 THE COURT: Thank you, ma'am, you may
18 step down.

19 SOLICITOR HINTON: May she be excused,
20 Your Honor?

21 THE COURT: Any objection to releasing
22 her from her subpoena?

23 MR. CANTRELL: None for this witness.

24 (WITNESS STEPS DOWN)

25 THE COURT: Call your next witness.

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Testimony of Adele Henderson - Cross Examination

1 SOLICITOR HINTON: Thank you, Your Honor.

2 The State would call Ben Smith.

3 (WITNESS TAKES STAND)

4 BEN SMITH, having been sworn to tell the
5 truth, and nothing but the truth, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR HINTON:

9 Q. Ben, speak up as best you can for
10 me. Okay?

11 A. Okay.

12 Q. On September 11th, 2014, where were
13 you living?

14 A. Paw Path Lane.

15 Q. In what city is that?

16 A. Clemson.

17 Q. Prior to early that morning, what
18 had you done on the night of September 10th,
19 2014?

20 A. Worked the early out shift at Ruby
21 Tuesday and came home.

22 Q. When you went home, did anyone go
23 with you?

24 A. Yes, my friend Cameron Flores.

25 Q. Did you guys work together?

1 A. We did. I got him a job up there.

2 Q. Was he a friend of yours?

3 A. Good friend.

4 Q. When you arrived home what did you
5 guys do?

6 A. Drank a couple of beers, started
7 relaxing.

8 Q. At some point -- when you get home,
9 who'all was there?

10 A. I think that it was just me and him
11 at first, then Sean came in after he got off
12 work.

13 Q. What about Adele, was she there?

14 A. Adele was there, yes.

15 Q. At some point does Adele approach
16 you about some other people coming into your
17 apartment?

18 A. Yeah, she does. She said that my
19 neighbor's nephew and somebody that she
20 didn't know were outside, asking to come in.

21 Q. Did you know who your neighbor's
22 nephew was?

23 A. Yeah, I knew him.

24 Q. Okay.

25 A. Who was that?

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Testimony of Ben Smith - Direct Examination

1 A. Lamar Woods.

2 Q. Did you know the other person with
3 Lamar Woods?

4 A. (Negative gesture).

5 Q. Is that a no?

6 A. (Affirmative nod).

7 Q. You have to speak.

8 A. "No." I'd never seen him before.

9 Q. Did you let them into the apartment?

10 A. Yes.

11 Q. When you let them into the
12 apartment, what did guys do?

13 A. Kinda sat around for a while.
14 Smoked a little bit.

15 Q. Smoked what?

16 A. Marijuana.

17 Q. And when you guys were hanging out,
18 where were you guys hanging out?

19 A. Mostly in the kitchen.

20 Q. And when you said that you guys
21 smoked marijuana, who smoked marijuana?

22 A. I'd say everybody but Adele and my
23 nephew, he didn't smoke.

24 Q. Who is your nephew?

25 A. Sean.

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Testimony of Ben Smith - Direct Examination

1 Q. Did Lamar Woods smoke marijuana?

2 A. I believe he did.

3 Q. The other guy, that you did not
4 know, did he smoke marijuana?

5 A. I believe so.

6 Q. Did Cameron Flores smoke marijuana?

7 A. (Affirmative nod).

8 Q. Is that a yes?

9 A. Yes, ma'am.

10 Q. And did you smoke marijuana?

11 A. Yes, I did.

12 Q. And to be clear, was Cameron
13 McKinney home at that point?

14 A. No, he worked late at Backstreets
15 downtown.

16 Q. All right. Did you guys all remain
17 in the kitchen area?

18 A. The guys did. Adele went upstairs,
19 just went back to her room, doing her own
20 thing.

21 Q. At some point -- when y'all were in
22 the kitchen, where would you be sitting?

23 A. I would be sitting on the bar stool
24 to the left of the counter.

25 Q. Who was sitting with you?

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Testimony of Ben Smith - Direct Examination

1 A. Cameron Flores.

2 Q. Where was the guy that you did not
3 know?

4 A. To the right of the counter, near
5 the faucet area.

6 Q. I am going to show you ---

7 COURT REPORTER: State's Exhibit 18
8 marked for identification.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR HINTON:

11 Q. Ben, I am going to show you what has
12 been marked as State's Exhibit 18. Can you
13 tell what that is?

14 A. A layout of my apartment.

15 Q. Is that fairly accurate?

16 A. Yes, pretty good.

17 Q. You said that you and Cameron Flores
18 were sitting to the left of the counter. Can
19 you point out where that was?

20 A. This is the counter, this is the
21 side. The other side of the counter is where
22 the appliances are. Barstools here and here.

23 Q. Where was the guy that you did not
24 know?

25 A. Right here.

1 Q. How did that guy get there? I mean,
2 did he -- did anybody tell him to go stand
3 over there?

4 A. No, he just kind of walked in and
5 that was the available space, I guess, as it
6 were.

7 Q. Lamar Woods, where was he?

8 A. He was here as well. And I can't
9 remember exactly when but he went to the
10 bathroom or had disappeared at some point.

11 Q. Where was the bathroom?

12 A. Bathroom (indicating). You have to
13 come out of the kitchen and it was just sort
14 of -- (indicating).

15 Q. So at some point it was just you,
16 Cameron Flores and the guy that you did not
17 know in the kitchen?

18 A. That's true.

19 Q. Tell me what happens when it is the
20 three of y'all in the kitchen?

21 A. I guess the whole thing that my
22 friend had been trying to tell me something
23 without talking. He'd known this guy before.
24 He'd robbed him on multiple occasions, broke
25 into his truck, stolen things from him. Had

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1 had bad dealings with him in the past. I'd
2 never seen him and I wasn't picking up what
3 he was putting down with this nonverbal
4 communication.

5 Eventually Cameron was, like, 'that's the
6 guy that has been robbing from me.' I was
7 like, 'calm down.' We were in my apartment,
8 we'd just got off work, let it slide.

9 He got upset and went and said a few
10 words to him and then, uh, ---

11 Q. Let me stop you right there. When
12 you said that he says a few words to him,
13 does Cameron get up?

14 A. Yeah, he got up and came around on
15 the other side of the counter to talk to him.

16 Q. When he is talking to him, were they
17 facing each other?

18 A. They were face to face, (affirmative
19 nod).

20 Q. All right, tell me what happens
21 after that.

22 A. I am not sure what was said but as
23 soon as the other guy started to respond, I
24 guess he didn't like what he said and, so, he
25 hit him once in the head.

1 Q. When you say that he hit him, tell
2 me who you are talking about. Who hit who?

3 A. My friend Cameron punched this guy
4 once in the head.

5 Q. And when you say Cameron, you mean
6 Cameron Flores?

7 A. That is who I mean, (affirmative
8 nod).

9 Q. Describe to me the punch that you
10 saw?

11 A. Just a quick shot, a quick jab. It
12 wasn't even enough to knock him down.

13 Q. This punch, did you see where on the
14 person who you didn't know -- where it landed?

15 A. At that point I was kind of starting
16 to get, you know, blown away by what was
17 going on. You know, everything starts
18 happening kind of quick when it starts
19 happening. But I'd assume that it hit him on
20 the head.

21 Q. Did it knock him down?

22 A. No.

23 Q. Did it make him stumble back into
24 the counter?

25 A. It's possible.

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1 Q. Did he seem disoriented?

2 A. Not especially.

3 Q. All right. Other than that one
4 punch, did you ever see Cameron Flores hit
5 him again?

6 A. He didn't have a chance to.

7 Q. All right. Tell me what you saw
8 after he punched him.

9 A. My friend was a bigger guy, so when
10 he was standing in front of the Defendant, I
11 couldn't even see him. My buddy was over two
12 hundred pounds and that guy is not, so I
13 couldn't even see him but it looked like
14 there was just kind of a shoving exchange and
15 then he ran out the door.

16 Q. When you say that he ran out the
17 door, who ran out the door?

18 A. Michael Rencher.

19 Q. So the person that we've been
20 talking about that you didn't know, was that
21 Michael Rencher?

22 A. It was Michael Rencher. Yes.

23 Q. All right. During the scuffle, does
24 Michael Rencher appear to be fighting back?

25 A. It looked more like he was just

1 getting around him at the time. I mean, I
2 didn't even know that there was any stab,
3 wound or anything. That's reflected in my
4 call. It was just really fast, real blurry.

5 Q. So was he able to get around Cameron
6 Flores?

7 A. He is.

8 Q. And does he get out of the door?

9 A. He got right out, no problem.

10 Q. And when we're talking about the
11 door that he went out of -- looking back at
12 State's Exhibit 18, can you show me what door
13 that he ran out of?

14 A. Out of the kitchen, out the front
15 door.

16 Q. Does he run past you?

17 A. He does.

18 Q. Where were you standing?

19 A. I was standing right here and backed
20 up past about right here and just let him go
21 right on out the door.

22 Q. When he goes out the door, what do
23 you do?

24 A. I looked over at my friend and seen
25 him kinda hyperventilating, standing there

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1 kinda doing this (demonstrating). At that
2 point, I -- it appeared that something might
3 have happened. I had a gun on me and I
4 pulled it out, you know, just to see if
5 something bad else was going to happen. Then
6 right as I got to the front door to look out,
7 to see that everybody was gone, Cameron
8 grabbed me from behind, back of the neck, and
9 said, "For the love of God help me." I put
10 the gun down and ---

11 Q. Let me stop you right there. When
12 you pulled that gun, did you point it at
13 Michael Rencher?

14 A. I didn't have a chance to brandish
15 it. The kid was fast.

16 Q So at what point did you -- where
17 was the gun located on you?

18 A. Waistband.

19 Q. Okay. At what point were you able
20 to get it out of your waistband?

21 A. As he was running right out the
22 door. He was gone, like a streak.

23 Q. Where was Lamar, where was he?

24 A. He had already exited the apartment.
25 He surfaced later. He'd just been kind of

1 like outside somewhere, lurking in the
2 bushes. He came out and talked to us, wanted
3 to make sure that nobody was upset with him
4 or anything. I just told him to go home, to
5 his uncle's house.

6 Q. And when the Defendant runs out of
7 your apartment, which way does he go?

8 A. As soon as you get out of the front
9 door, you have to take a right to get back to
10 the main road. So he took a right out of the
11 apartment, took another right and was gone.

12 Q. Did you see any weapon on Michael
13 Rencher at all during that?

14 A. I didn't see it but I know that he
15 took it with him because it wasn't there.

16 Q. Did you see it at all?

17 A. I didn't see it.

18 Q. Did you ever see him grab for a
19 weapon?

20 A. I didn't, (negative gesture).

21 Q. Did you see the victim, Cameron
22 Flores, have a weapon at all on him?

23 A. No. If he had, I don't know why he
24 would have punched somebody.

25 Q. When he grabs you and says, "for the

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1 love of God help me", what happened next?

2 A. What happened to him next?

3 Q. (Affirmative nod).

4 A. I just started worrying about him,
5 started trying to take care of the situation,
6 called 911 and got advice from them.

7 Q. But what happened -- where is
8 Cameron at that point? Cameron Flores?

9 A. You want me to show you on the?

10 Q. Sure.

11 A. I had walked back to the front door
12 and that's when I looked out. So he was
13 pretty much right here where he landed. He
14 came up behind me when I was standing at the
15 door, and that was it.

16 Q. Okay. All right. So at some point
17 do y'all call 911?

18 A. Oh yeah.

19 Q. When you get on the phone with 911,
20 what did you think had happened to your
21 friend?

22 A. I thought he'd had a seizure. I
23 thought he'd hyperventilated. I didn't know
24 anything like a stabbing had occurred. He
25 was just standing there, breathing hard. I

1 didn't know if he was having a panic attack,
2 if it was a seizure. I don't know.

3 Q. Okay.

4 A. Because there was no blood. There
5 was no blood, not until -- there was no
6 blood, not until after the 911 operator had
7 advised us to put his knees up to his chest
8 for comparison and other things like that.
9 There was no blood on his clothes and -- even
10 after that part, when we let his legs back
11 down, I guess like right when the officers
12 arrived, then there was blood on his leg. So
13 the actual chest wound never started leaking
14 blood.

15 Q. Okay. At any point did you try to
16 hide any weapons that were in that house?

17 A. I didn't care about anything but
18 trying to save my friend's life at that
19 point.

20 Q. So did you hide any drugs?

21 A. I didn't move anything. I was
22 staying right there on the ground with him
23 the whole time.

24 Q. At some point on this 911 tape, and
25 I'm going to show you State's Exhibit 1.

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1 Have you listened to this before?

2 A. Yeah.

3 Q. Is it a true and accurate copy?

4 A. Yes. It's a recording of that
5 night.

6 Q. At some point on this, do you say,
7 *"You can't hide everything, brother."*

8 A. Exactly what I said.

9 Q. What were you referencing when you
10 said that?

11 A. The weed that was in the house.

12 Q. Okay. And what were you trying to
13 convey by saying that?

14 A. I was saying 'don't worry about
15 that, we've got more important things to deal
16 with.' Life is more important than drug
17 charges.

18 SOLICITOR HINTON: Your Honor, at this
19 point the State would move State's Exhibit 1
20 into evidence and to publish it for the jury.

21 MR. CANTRELL: No objection.

22 (SO ENTERED AS STATE'S EXHIBIT 1)

23 (WHEREUPON STATE'S EXHIBIT 1

24 911 RECORDING TAPE PLAYED BEFORE JURY)

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR HINTON:

2 Q. After that 911 call, did officers
3 arrive on scene?

4 A. Yeah, they were there right shortly
5 after the paramedics.

6 Q. When the officers arrived, what did
7 they have y'all do?

8 A. They took us out in the parking lot,
9 where we stood until almost 6:00 o'clock in
10 the morning.

11 Q. At any point -- I want to be very
12 clear, Ben -- did you remove any weapons or
13 any drugs from Cameron Flores?

14 A. I didn't move anything. I mean,
15 I've already I was trying to save my friend's
16 life than to try to save myself any trouble
17 or anything like that. I don't care about
18 that.

19 SOLICITOR HINTON: Please answer any
20 questions that Mr. Cantrell may have.

21 CROSS EXAMINATION

22 BY MR. CANTRELL:

23 Q. Mr. Smith, I'm sorry but tell me
24 again what time you got home that night.

25 A. We were on the early-out shift.

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1 It's been a few years but I'd to say I was
2 home around 8:30 or so.

3 Q. You came home with Sean, I believe?

4 A. No, with Cameron Flores.

5 Q. Okay. I'm sorry. With Cameron
6 Flores?

7 A. Yes.

8 Q. Okay, so Cameron came home with you.

9 A. (Affirmative nod).

10 Q. And Adele was already there?

11 A. Correct.

12 Q. How long was it until anyone else
13 arrived?

14 A. Hours.

15 Q. Pardon me?

16 A. Hours.

17 Q. How many?

18 A. Close enough to where it was almost
19 the next day, so three hours? Three and a
20 half hours.

21 Q. And that was about the time that
22 Adele said that someone was outside asking to
23 come in?

24 A. She was taking out the trash, two
25 people approached her and asked if they could

1 come in. She came in and asked me. I didn't
2 see why not at the time.

3 Q. Who knew one of them was?

4 A. Yeah, I knew one of them.

5 Q. And that was Lamar Wood?

6 A. Correct.

7 Q. And you had no idea who the other
8 individual was?

9 A. I did not.

10 Q. At that point mostly everybody
11 stayed in the kitchen?

12 A. Yes.

13 Q. For about how long?

14 A. I'd say pretty much the whole time.
15 The only time anybody ever went anywhere was
16 to change music on the stereo in the living
17 room. I believe that was about it.

18 Q. How long was it before Adele went
19 upstairs?

20 A. Not really long. She wasn't very
21 happy that we had guests.

22 Q. And how soon after, uh, these people
23 -- well, let me back up. Prior to these
24 people coming, had you and Cameron Flores
25 smoked any marijuana or consumed any other

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1 drugs?

2 A. Well, we got home around 8:00, 8:30.
3 They got there around 11:15, 11:20, something
4 like that. I guess that's the window.

5 Q. During that period of time, did you
6 and Cameron Flores consume any drugs?

7 A. No.

8 Q. None at all?

9 A. I had a couple of beers.

10 Q. What about Cameron?

11 A. He had one or two. But he never was
12 a big drinker.

13 Q. He could have had one or two?

14 A. Yeah. I mean, it's an itinerary
15 that I haven't been trying to keep first and
16 foremost in my head after three years, but
17 I'm telling you to the best of my ability.

18 Q. And did you see him consume any
19 cocaine that night?

20 A. No. But he worked with several
21 unscrupulous characters. He may very well
22 could have got it on his shift.

23 Q. So you know that he had cocaine in
24 his system?

25 A. No, I didn't know that until after

1 the autopsy report came back. I'd already
2 quit messing with that, had stopped partying
3 years back.

4 Q. But you're saying that if he had it
5 that somebody slipped it to him. Is that
6 what you're saying?

7 A. No, that's not what I am saying. I
8 am saying that if he had it he did it away
9 from me, without me.

10 Q. Was Adele downstairs when y'all were
11 smoking marijuana?

12 A. No, she -- well, she might have been
13 there for a second but as soon as the guests
14 showed up, she was long gone.

15 Q. So you don't think she hung around
16 at all while they were there?

17 A. No, she wasn't super gregarious and
18 super friendly to people that she didn't
19 know.

20 Q. Before this altercation took place,
21 Mr. Flores was trying to tell you something
22 about one of the people there?

23 A. (No verbal response).

24 Q. Can I take it that you didn't
25 understand what he was saying at first?

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1 A. Didn't understand. Somebody is
2 kinda making faces at you like
3 (demonstrating), you don't know what they're
4 trying to tell you.

5 Q. In fact, the way that you found out
6 what he was trying to tell you is that he
7 typed it out on his phone and handed it to
8 you. Right?

9 A. It's possible.

10 Q. You don't remember?

11 A. I don't remember if he just told it
12 to me or ---

13 Q. If he had told it to you, he'd have
14 been saying it in front of Mr. Rencher and
15 Mr. Woods; right?

16 A. Or we could have gone back to the
17 living room to change the music on the stereo
18 and that's when he explained.

19 Q. Could have, but you don't know.

20 A. That's true. It's not something I
21 try to re-live every day.

22 Q. He could have typed it on the cell
23 phone and handed it to you?

24 A. Possibly.

25 Q. Have you heard a quote or are you

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1 familiar with a quote or anybody saying, "You
2 never know the people you've crossed or the
3 bridges you have burned." Do you remember
4 hearing that?

5 A. (Negative gesture).

6 Q. You've got to answer out loud.

7 A. Did somebody famous say it?

8 Q. You definitely -- I'm asking you if
9 you've heard that statement or if that
10 statement has been made, that you know of.
11 That you remember having been made in your
12 presence?

13 A. No.

14 Q. Absolutely not?

15 A. No.

16 Q. Now, are you telling us that Cameron
17 Flores hit Michael Rencher while they were
18 facing each other?

19 A. That's correct.

20 Q. Do you know where Mr. Rencher was
21 injured? Where his injury was?

22 A. No.

23 Q. If I told you that it was on the
24 back of his head or towards the back of his
25 head, could you explain that?

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1 A. Maybe a swipe or hook, there was
2 size difference, (negative gesture), it all
3 happened very quickly.

4 Q. So you don't remember a lot of what
5 happened?

6 A. I remember what I've shared with you
7 to the best of my ability.

8 Q. But you remember that you don't
9 think Cameron Flores liked what you perceived
10 that Michael Rencher said to him?

11 A. Well, I mean -- when somebody likes
12 what people say, they don't try to hit them
13 afterwards.

14 Q. But you didn't hear it?

15 A. No, I didn't.

16 Q. You don't know that he said anything
17 to him.

18 A. Well, I mean, I saw his mouth
19 moving. That doesn't mean that I heard what
20 the words were.

21 Q. What you did see was Mr. Flores
22 hitting Michael Rencher?

23 A. That's true.

24 Q. And I believe you said that of
25 course Cameron Flores was a good bit bigger

1 than Mr. Rencher?

2 A. (Affirmative nod).

3 Q. And then you said that there was
4 just shoving, an exchange of shoving and the
5 defendant ran out the door?

6 A. Correct.

7 Q. And you also said, I believe, that
8 Mr. Rencher was just trying to get around
9 this big guy and run out the door?

10 A. Well, that's what it looked like but
11 obviously he was stabbed somewhere in the
12 scuffle.

13 Q. I'm asking you what you saw.

14 A. Right. I didn't see much because my
15 friend had a rather broad back, but he got
16 stabbed in that altercation.

17 Q. Did you not say that it appeared
18 that Mr. Rencher was just trying to get
19 around him and run out the door. Is that not
20 what you just told the jury?

21 A. That is what I just told the jury.
22 He did get around him, he did get out and ran
23 on out.

24 Q. Was that you on the -- was that your
25 voice on the 911 call the entire time, other

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1 than Adele's?

2 A. No, there were -- you could hear my
3 voice, you could hear my nephew Sean's voice
4 and you could hear my roommate Cameron's
5 voice on there. Mine was, I guess, more
6 prominently featured on that call.

7 Q. Now, Mr. McKinney got there about
8 the time that Mr. Rencher was leaving?

9 A. Correct.

10 Q. What is Mr. McKinney's name?

11 A. Cameron.

12 Q. Okay. Does he ever go by Cam?

13 A. Yes.

14 Q. He does go by Cam?

15 A. Yes.

16 Q. So on this audio it sounds like you
17 said, 'Cam, hide everything.' Is that what
18 you said?

19 A. No. I said "you can't hide
20 everything."

21 Q. So by your testimony that means that
22 Cam thought that he needed to be hiding
23 stuff.

24 A. Well, that is not exactly how I see
25 it. I wasn't worried about hiding anything.

1 Q What had he started to hide?

2 A. Nothing.

3 Q. So why did you have to tell him not
4 to hide anything?

5 A. Just to make it plain and clear from
6 the get-go.

7 Q. So I guess the obvious question is
8 why did you think that he'd think about
9 needing to, or why did you think about
10 needing to?

11 A. Think about it. You have something
12 that is illegal, weed or whatever, people are
13 going to try to not get in trouble. And I'm
14 telling you all that I didn't care about
15 that.

16 Q. Did y'all start CPR once you'd got
17 on the phone with 911 and had been given
18 instructions on how to do that?

19 A. That's correct.

20 Q. Prior to that, you didn't know what
21 to do. You just need some instructions?

22 A. Right, that's why we called 911. We
23 wanted help for our friend.

24 Q. Did Cam move around the apartment or
25 did he stay right by your side the whole

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1 time? Cam McKinney?

2 A. He came in just as Michael Rencher
3 was running outside. He came in, you know,
4 rather confused. I just asked him to watch
5 the door to make sure nobody else was trying
6 to come back in. When it was concluded that
7 nobody was coming back in, he came and helped
8 with the resuscitation efforts.

9 Q. When you ran to the door, did you
10 still have your gun out?

11 A. Yeah, I did.

12 Q. Did Cam see that you had your gun?

13 A. No, because it would have already
14 been on top of the bookshelf by then.

15 Q. So you're saying that you'd put the
16 gun on top of a bookshelf but that you'd been
17 wearing it a long time before that?

18 A. I had been wearing it with a jacket
19 over it.

20 Q. Just curious, I know you were in
21 your own apartment but do you have concealed
22 weapons permit?

23 A. I had just finished the test at that
24 point. Me and my nephew had finished the
25 test. I still had the paperwork but I did

1 not have the official -- I hadn't sent it and
2 got it back, so that's why I'd only do that
3 in my own apartment.

4 Q. Can you tell what drugs were in your
5 apartment?

6 A. I only know about the weed.

7 MR. CANTRELL: (Tenders photographs
8 to solicitor).

9 SOLICITOR HINTON: (Upon review),
10 Judge, I do have an objection to the three
11 photographs that Mr. Cantrell intends to
12 introduce on the basis of relevance.

13 THE COURT: I tell you what. Now is
14 probably a good time for an afternoon break.
15 I will excuse you all to the jury room, take
16 a quick break. We'll get you back in a few
17 minutes.

18 (JURY OUT @ 3:04 P.M.)

19 THE COURT: Okay.

20 SOLICITOR HINTON: Your Honor, the next
21 are of pills and more marijuana. The
22 marijuana really isn't my concern. My
23 concern is the pills. There is no going to
24 be anyone that is going to be qualified to
25 testify as to what those pills are, so my

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1 that there were drugs in the apartment.

2 THE COURT: The police took the
3 pictures and I'm going to let him examine
4 this witness about them. If he doesn't know
5 what they are, he doesn't know what they are.

6 Let's take a couple minutes. Mr. Smith,
7 you may step down but don't discuss your
8 testimony with anyone.

9 WITNESS: Yes, sir.

10 (BRIEF RECESS)

11 COURT REPORTER: Your Honor, we have
12 premarked Defendant's Exhibits 4, 5 and 6 for
13 identification.

14 THE COURT: All right, let's bring the
15 jury in.

16 (JURY IN @ 3:16 P.M.)

17 THE COURT: Ladies and gentlemen, thank
18 you very much. Mr. Cantrell, resume your
19 cross.

20 MR. CANTRELL: Permission to approach
21 the witness, Your Honor.

22 THE COURT: Yes.

23 CROSS EXAMINATION RESUMED

24 BY MR. CANTRELL:

25 Q. Mr. Smith, let me ask you if you can

1 identify, first of all, the large jar in that
2 picture?

3 COURT REPORTER: Exhibit number?

4 DIRECT EXAMINATION CONTINUED

5 BY MR. CANTRELL:

6 Q. (Upon review), Exhibit 5.

7 A. Weed.

8 Q. Can you identify what's in the
9 smaller jar?

10 A. Looks like more weed.

11 Q. Do you know what those are, what
12 that is a picture of, Defendant's Exhibit 4?

13 A. No.

14 Q. How about these orange pills, can
15 you identify those?

16 A. (No verbal response).

17 Q. Can you tell me in picture number
18 six what this is?

19 A. A bag of aluminum foil.

20 Q. Is that all that you see when you
21 look at that, is aluminum foil?

22 A. I think it -- it is clearly
23 something wrapped in aluminum foil but I'm
24 not sure what it is.

25 Q. Okay.

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1 MR. CANTRELL: No further questions.

2 SOLICITOR HINTON: Very briefly, Your
3 Honor.

4 REDIRECT EXAMINATION

5 BY SOLICITOR HINTON:

6 Q. Ben, you testified that you placed
7 your gun on a bookshelf, is that correct?

8 A. That's correct.

9 Q. Looking at State's Exhibit 18, can
10 you use that same laser pointer to show me
11 where that bookshelf is?

12 A. (Indicating). The bookshelf was
13 right here, to the immediate left of the
14 front door.

15 Q. Okay.

16 A. It had a bunch of books, VHS tapes,
17 miscellaneous entertainment as it were. It
18 was about seven feet high. I sat my gun on
19 top of it, nobody even noticed it.

20 Q. What type of gun did you have?

21 A. H&K .45, USB.

22 Q. And that's the one that you had on
23 you?

24 A. Correct.

25 SOLICITOR HINTON: That is all that I

1 have.

2 THE COURT: Thank you, you may step
3 down.

4 SOLICITOR HINTON: May he be excused,
5 Your Honor?

6 THE COURT: Any objection to releasing
7 him from his subpoena?

8 MR. CANTRELL: Your Honor, I do want
9 -- it may be necessary to recall him.

10 THE COURT: All right. You may step
11 down but you can't leave, you're subject to
12 be recalled.

13 WITNESS: Like today you need me back
14 up here?

15 THE COURT: Probably not today. I have
16 no idea.

17 MR. CANTRELL: Your Honor, I would
18 say not today at all.

19 (WITNESS STEPS DOWN)

20 MR. HILL: The State next calls Sean
21 Melton.

22 (WITNESS TAKES STAND)

23 SEAN MELTON, having been sworn to
24 tell the truth, and nothing but the truth,
25 testified as follows:

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Testimony of Sean Melton - Direct Examination

1

DIRECT EXAMINATION

2

BY MR. HILL:

3

Q. Where did you currently live?

4

A. Currently I live at

5

in Pickens.

6

Q. If I take you back to September 11th,

7

2014, where did you reside at that time?

8

A. Paw Path Lane.

9

Q. Who did you live there with?

10

A. Benjamin, Cameron McKinney and Adele

11

Henderson.

12

Q. How long had you lived there?

13

A. Approximately two weeks.

14

Q. How did you know Ben?

15

A. He is my uncle.

16

Q. Were you at the apartment on

17

September 11th, 2014?

18

A. I was.

19

Q. And when did you arrive?

20

A. Middle of the evening after work.

21

Q. So who was there when you got there?

22

A. I believe just Adele.

23

Q. After you arrived, who else arrived

24

at the apartment?

25

A. Ben and Cameron Flores arrived a

1 little while later, after they got off of
2 work.

3 Q. And what were y'all doing?

4 A. We sat down and had a beer.

5 Q. After you sat down and had a beer,
6 what did you do after that?

7 A. I went to sleep.

8 Q. You said you had a beer?

9 A. (Affirmative nod).

10 Q. Were you sober?

11 A. Absolutely.

12 Q. So at the time that you went to bed,
13 who was in the apartment?

14 A. Cameron Flores, Ben and Adele -- and
15 myself.

16 Q. Did you fall asleep?

17 A. Yes.

18 Q. So what happened next?

19 A. I woke up to some shouting and
20 thought that they were being rowdy
21 downstairs. I tried to go back to sleep.
22 But I heard, in a couple of minutes,
23 persistence. I got up and put my pajamas on
24 and went downstairs to see what was
25 happening.

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1 Q. And what did you see when you went
2 downstairs?

3 A. As soon as I turned the corner at
4 the stairs, turned left, looked down, I saw
5 Flores's shoulders and head down on the
6 ground and Benjamin doing chest compressions.

7 Q. Who'all was at the bottom of the
8 stairs at that point?

9 A. At that point I could only see
10 Flores and Ben. But when I descended the
11 stairs, I could see Cameron McKinney and then
12 Adele was in the living room.

13 Q. Had 911 been called at that point?

14 A. I believe so.

15 Q. And what did you do next?

16 A. I asked what happened and they were
17 unsure, that he had just fallen down. So I
18 moved Ben out of the way and took over first
19 aid.

20 Q. Did you administer CPR?

21 A. I did.

22 Q. Why did you take over CPR?

23 A. Because I knew I was the most
24 qualified in the room. I'd been a nursing
25 assistant for a couple of years. I was

1 getting neither a pulse nor respiration.

2 Q. Did Cameron, at any point, ever
3 respond to CPR?

4 A. Cameron Flores?

5 Q. Correct.

6 A. No.

7 Q. While you were performing CPR what
8 was everybody else doing?

9 A. Ben was back and forth between
10 helping me or helping Adele with 911
11 responders. Cameron McKinney was holding
12 Flores' feet up to keep blood towards the
13 heart.

14 Q. And how long was it before
15 assistance arrived?

16 A. Five or ten minutes. Five, I guess.

17 Q. Then they took over CPR?

18 A. Yes.

19 Q. At what point did you notice that
20 Cameron Flores did not have a seizure?

21 A. Immediately. He was obviously not
22 having a seizure. He wasn't shaking or
23 convulsing at all.

24 Q. Other than law enforcement and EMS,
25 did you notice anybody else hanging around

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1 the apartment that didn't reside there, or
2 Cameron Flores?

3 A. During first aid or during the whole
4 night?

5 Q. After you came down the stairs,
6 throughout the rest of the evening?

7 A. Not while we were in the apartment.
8 But once law enforcement came and took us out
9 of the apartment, we did notice one of the
10 neighbors.

11 Q. Do you know who that was?

12 A. Yeah. I don't know his actual name
13 but they always called him "Michigan." He
14 lived a couple of doors down.

15 Q. You had not seen him prior to going
16 to bed that evening?

17 A. No, but I believe -- no, I did not
18 see him.

19 Q. So you mentioned that you went to
20 sleep?

21 A. (Affirmative nod).

22 Q. What did you specifically hear that
23 woke you up?

24 A. "Come on, boy, come on, boy." Over
25 and over again.

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1 Q. Then you went downstairs?

2 A. Yes.

3 SOLICITOR HILL: No further questions.

4 THE COURT: Cross?

5 MR. CANTRELL: No questions, Your
6 Honor.

7 THE COURT: Thank you, you can step
8 down.

9 SOLICITOR HINTON: May he be excused,
10 Your Honor.

11 MR. CANTRELL: Yes.

12 THE COURT: All right. Thank you.

13 (WITNESS STEPS DOWN)

14 THE COURT: Call your next witness.

15 SOLICITOR HILL: The State calls
16 Cameron McKinney.

17 (WITNESS TAKES STAND)

18 CAMERON MCKINNEY, having been sworn to
19 tell the truth, and nothing but the truth,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR HILL:

23 Q. Mr. McKinney, where did you live on
24 September 11th, 2014?

25 A. Paw Path Lane in Clemson.

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Testimony of Cameron McKinney - Direct Examination

1 Q. And where did you work at that time?

2 A. I worked at Backstreets Pub & Grill,
3 downtown Clemson.

4 Q. When did you arrive home from work
5 that night?

6 A. That night I worked to closing.
7 Closing was 11:00, so I got off somewhere
8 around midnight, or something like that, and
9 stayed for a drink or two. So I probably got
10 home around 1:00 or 1:30.

11 Q. As soon as you got home, what did
12 you observe?

13 A. Well, I didn't actually get in the
14 door. I pulled into the parking lot and got
15 out of the car. I was maybe ten, fifteen
16 feet outside of the door. The door swung
17 open and a couple of guys ran out. That is
18 really all that I saw of anything actually
19 happening.

20 Q. Did you recognize either of the two
21 people that you saw running out of the door?

22 A. One of them, I think his name was
23 Lamar. He was somebody -- he was like the
24 nephew of somebody that lived a couple of
25 doors down from us, so I had seen him a

1 couple of times before. That was the only
2 person that I recognized.

3 Q. Okay. And the individual that you
4 did not recognize, where did he go when he
5 went out the door?

6 A. He went straight past me through the
7 parking lot, out towards the road. So he
8 didn't -- as soon as the door opened up, Ben
9 was in the doorway. I turned around to see
10 where everybody was running to. He went
11 straight through the parking, out. I didn't
12 really pay too much attention at that point
13 because I looked back at the door to see what
14 was going on.

15 Q. How quickly did they come out of the
16 door?

17 A. They -- I mean, there was only one
18 person at a dead sprint, so I'm not too sure.
19 I turned around to see where he was going,
20 then looked back and -- it was sort of like
21 bang, bang, like a second and a half or so.

22 Q. And where did Lamar go?

23 A. I think he was just a little bit
24 outside of the door. I think he had run out
25 and ducked behind a car or something. He was

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Testimony of Cameron McKinney - Direct Examination

1 still in the parking lot. By the time I had
2 gone inside and saw what was happening and
3 walked back in the parking lot, it was like
4 he was still in the parking lot. He came out
5 and talked with us.

6 Q. So you see Ben in the doorway. You
7 walk inside and what do you see?

8 A. All I see is that Cameron Flores is
9 laid down on the floor at that point. On the
10 way in -- as soon as the door flew open, Ben
11 was in the doorway. By the time I got all
12 the way to the doorway, Cameron Flores had
13 grabbed Ben by the shoulder and had fallen
14 down. By the time I got inside, he was
15 already laying on the ground.

16 Q. And who'all -- at that point who all
17 did you see inside the apartment?

18 A. I think at that point it was just
19 Ben downstairs. Adele and Sean were both
20 there but they weren't downstairs when I
21 walked in.

22 Q. So you mentioned that Cameron came
23 up behind Ben ---

24 A. (Affirmative nod).

25 Q. Then what happened?

1 A. He grabbed him by the shoulder and
2 said something. I'm not too sure what he
3 said to him. But he just kind of crumpled up
4 and fell down at that point.

5 Q. What did you and Ben do then?

6 A. Before I realized it, somebody had
7 called 911. I think it was Ben that had
8 called 911 because, all of a sudden, somebody
9 was on the phone with paramedics. We though
10 he'd had some kind of anxiety attack or
11 seizure or something like that, so we had --
12 they'd started talking us through CPR and all
13 that kind of stuff, because we really had no
14 clue what was going on with him.

15 Q. Okay. And how long did it take for
16 someone else to come assist you with Ben?

17 A. It couldn't have been but just a few
18 minutes. I mean, we were on the phone and I
19 don't feel like we were on the phone for all
20 that long. Maybe like four minutes, five
21 minutes, something like that.

22 Q. While you were on the phone, who all
23 was downstairs?

24 A. While we were on the phone, Adele
25 had come downstairs from -- she had taken a

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Testimony of Cameron McKinney - Direct Examination

1 shower. Sean was already upstairs sleeping
2 by that time. While we were on the phone,
3 both of them came downstairs to see what was
4 going on.

5 Q. And when did you notice that Cameron
6 was not just having a seizure?

7 A. Well, we didn't notice anything
8 until the -- I think it was the police that
9 arrived first. They'd come in, lifted up his
10 shirt and you could see -- we noticed like
11 blood and everything. But sincerely up until
12 the sirens pulled into the parking lot, we
13 had no clue. We thought we were still just
14 trying to do CPR for someone who couldn't
15 breathe for some reason.

16 Q. Once law enforcement and EMS
17 arrived, where did y'all go?

18 A. After they got there, they told us
19 to clear away. They sat us down in the
20 kitchen on the other side of the downstairs
21 of the apartment. While they got him out,
22 Cameron that is, while they moved him out
23 they moved us out of the apartment, after-
24 wards, into the parking lot. We stayed there
25 until everybody had cleared the scene and

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1 then we were able to go back.

2 Q. Okay. So once law enforcement had
3 you all separated, prior to that point did
4 Ben instruct you to hide anything or to move
5 anything?

6 A. Uh, -- (pause) -- not to my
7 knowledge. I mean, everyone was gathered
8 around and nobody was really leaving where
9 Cameron was. As soon as it started looking
10 more and more serious, things were more or
11 less focused there. There might have been
12 like a thought here and there to move --
13 there was marijuana in the apartment and
14 there was something about hiding it or
15 something but I don't think anybody ever left
16 his side while all of this was happening. I
17 mean, (negative gesture).

18 Q. So once you noticed Cameron Flores
19 on the ground, what was your main focus?

20 A. Well, the main focus at that point
21 was CPR because -- there were two of us
22 working on him at a time, and one person on
23 the phone. Eventually they put 911 on
24 speaker and they were coaching us all through
25 it at the same time. You know, to my

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Testimony of Cameron McKinney - Direct Examination

1 knowledge everybody was just grouped right
2 around him.

3 Q. Now, I want you to be very clear.
4 Did you hide anything in that apartment that
5 night?

6 A. No.

7 Q. Did you see anyone else hide
8 anything in that apartment that night?

9 A. No. Everybody that was around me
10 stayed around me and Cameron. Everybody
11 stayed in one group.

12 Q. At any point did you see a weapon on
13 Cameron Flores?

14 A. Not on Cameron Flores. I knew that
15 Ben had one but I didn't know of Cameron
16 having one.

17 Q. Did you see anybody take a weapon
18 off of Cameron Flores that night?

19 A. No. Like I said, as soon as I
20 walked in, all I saw was Cameron fall down
21 and us starting CPR. This all happened in the
22 same one minute. No, I didn't see anybody
23 take anything off of him.

24 Q. Did you see a weapon on either of
25 the people that ran out of the apartment?

1 A. No.

2 SOLICITOR HILL: No further questions.

3 THE COURT: Cross.

4 CROSS EXAMINATION

5 BY MR. CANTRELL:

6 Q. So there may have been some comment
7 or discussion or something about hiding
8 something during all of this, is that right?

9 A. Yes, sir.

10 Q. You had just gotten there, right?
11 When you discovered Cameron Flores on the
12 floor and 911 on the phone?

13 A. Yes, sir.

14 Q. So you, yourself, would not have
15 known or thought that you had any reason to
16 hide anything, would you?

17 A. No. I hadn't been there the whole
18 night.

19 Q. So you didn't know what was where at
20 that point?

21 A. Correct.

22 MR. CANTRELL: No further questions.

23 Thank you.

24 SOLICITOR HILL: Briefly, Your Honor.

25 REDIRECT EXAMINATION

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Testimony of Cameron McKinney - Cross Examination

1 BY SOLICITOR HILL:

2 Q. Mr. McKinney, what was that
3 discussion about that you and Ben had?

4 A. Which discussion?

5 Q. About hiding anything?

6 A. There was a comment made of us
7 calling the paramedic and it was like what if
8 the cops showed up and found a substance -- I
9 can't remember what they were talking about
10 but there was a comment made, 'well, should
11 we hide any of this stuff.' And I think it
12 was Ben that said 'well, you can't hide
13 everything' or something to that effect. We
14 essentially came to the consensus at that
15 point that anything that they could have
16 found in there wouldn't have mattered more
17 than what was happening at the time. So
18 everybody there was -- there was a hint of
19 going back and hiding something but I'm not
20 exactly sure what that was.

21 Q. Was anything hidden?

22 A. I don't think so.

23 SOLICITOR HILL: That's all.

24 THE COURT: Thank you, you can step
25 down.

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Testimony of Cameron McKinney - Cross Examination

1 SOLICITOR HILL: May this witness be
2 excused, Your Honor?

3 MR. CANTRELL: No objection.

4 THE COURT: You're excused.

5 (WITNESS STEPS DOWN)

6 SOLICITOR HINTON: Your Honor, the State
7 would call Justin Shove.

8 (WITNESS TAKES STAND)

9 JUSTIN SHOVE, having been sworn to tell
10 the truth, and nothing but the truth,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR HINTON:

14 Q. Justin, you are a friend of Michael
15 Rencher; is that right?

16 A. Yes, ma'am.

17 Q. How long have you known Michael
18 Rencher?

19 A. About ten-plus years.

20 Q. All right. Try to speak into that
21 microphone.

22 A. About ten-plus years.

23 Q. Thank you. Are you guys close
24 friends?

25 A. Yes, ma'am.

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Testimony of Justin Shove - Direct Examination

1 Q. In the early morning hours of
2 September 11th, 2014, where were you?

3 A. In my apartment.

4 Q. Who was there with you?

5 A. My wife.

6 Q. Was she your wife at the time?

7 A. Yes, ma'am.

8 Q. At some point did you get a knock on
9 your door?

10 A. Yes, ma'am, around 2:00 o'clock in
11 the morning.

12 Q. Prior to that what were you doing?

13 A. Sleeping.

14 Q. And when you go to the door, who is
15 there?

16 A. Michael.

17 Q. Michael Rencher.

18 A. Yes, ma'am.

19 Q. When he knocks on your door, what
20 did he tell you?

21 A. He really didn't say much. Just
22 said that he needed a place to crash, that
23 was about it.

24 Q. Isn't it true that he said something
25 to you about getting into a little fight?

1 A. Yes, ma'am.

2 MR. CANTRELL: Your Honor, objection.

3 She's leading.

4 THE COURT: Don't lead.

5 SOLICITOR HINTON: Okay.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR HINTON:

8 Q. Do you recall what he said to you
9 about the fight that had occurred?

10 A. Yes, but that was later on when he
11 came inside.

12 Q. All right. When he came inside,
13 what did he tell you about the fight that
14 he'd been in?

15 A. He told me that he'd got into a
16 fight and -- he wasn't really saying much but
17 he seemed upset about it. I didn't really
18 push the issue. It was 2:00 o'clock in the
19 morning.

20 Q. And his exact words were that he got
21 into "a little fight".

22 A. I don't know his exact words from
23 two years ago.

24 Q. Okay.

25 SOLICITOR HINTON: (Tenders document to

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1 be marked as exhibit). ,

2 COURT REPORTER: State's Exhibit 19 for
3 identification.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR HINTON:

6 Q. Justin, do you remember meeting with
7 Lieutenant Crooks on September 11th, 2014, at
8 8:54 a.m.?

9 A. Yes, ma'am.

10 Q. Where did that meeting take place?

11 A. Downtown Clemson.

12 Q. At the police department?

13 A. Yes.

14 Q. Do you recall giving him a written
15 statement at that time?

16 A. Yes.

17 Q. I'm going to show you what has been
18 marked as State's Exhibit 19. Does that look
19 like your written statement?

20 A. Yes, ma'am.

21 Q. Does that look like your hand-
22 writing?

23 A. Yes, ma'am.

24 Q. Don't read it out loud but can you
25 just read over that real quick to refresh

1 your memory?

2 A. (Complies).

3 Q. Have you had a chance to read it?

4 A. Yes, ma'am.

5 Q. You can keep looking at it. Isn't
6 it true that you said in that written
7 statement that, (reading): "He then began to
8 tell me that he was at a buddy's house down
9 the road and that they got into a little
10 fight."

11 A. Yes, ma'am.

12 Q. And that was six hours after he'd
13 come to your apartment? Six or seven.
14 Correct?

15 A. I believe so, yes.

16 Q. And isn't it true that that is the
17 extent of what he told you about the
18 altercation?

19 A. Yes, ma'am. That was -- we only
20 talked for about five to seven minutes.

21 Q. And after you guys chitchatted, what
22 did you do next?

23 A. Well, while we were chitchatting, I
24 gave him some paper towels for his head.
25 That was about it. He wasn't really talking.

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1 I told him that I had to work in the morning.
2 I didn't know that it was -- the extent of
3 the situation. I told him that he could
4 crash on the couch and I'd give him a ride
5 somewhere before I went to work.

6 Q. So you gave him some paper towels?

7 A. Yes.

8 Q. Did you give him a Band-Aid?

9 A. No, I didn't.

10 Q. Did you call 911?

11 A. No, ma'am.

12 Q. Did you take him to the hospital?

13 A. No, ma'am.

14 Q. Did you give him any Tylenol?

15 A. No, ma'am.

16 Q. I guess at some point -- did you
17 wake up?

18 A. Yes, ma'am.

19 Q. Do you recall around what time?

20 A. Probably around 6:00 o'clock.

21 Q. And when you woke up, what did you
22 see?

23 A. He was gone.

24 Q. Anything unusual about the apartment
25 since he was gone?

1 A. No, ma'am.

2 Q. Was your front door open or closed?

3 A. He had left it cracked, yes.

4 Q. So it was open?

5 A. Yeah.

6 Q. When Mr. Rencher showed up at your
7 apartment, did you notice any weapons on him?

8 A. No, ma'am, he had nothing on him.

9 Q. Did he have a cell phone on him?

10 A. I believe that he had a cell phone.
11 I didn't see it. But everybody carries one,
12 so -- (pause).

13 Q. He didn't ask to use your phone or
14 anything, right?

15 A. No, ma'am.

16 Q. You are familiar with where he was
17 living at the time, right?

18 A. I believe it was his parents, yes.

19 Q. About how far of a walk is that from
20 where you were?

21 A. Probably about thirty to forty-five
22 minutes.

23 Q. At some point you contact the police
24 to speak with them. Correct?

25 A. Correct. I went straight to the

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Testimony of Justin Shove - Direct Examination

1 officers, the police department.

2 Q. And you are still in frequent
3 contact with Mr. Rencher?

4 A. Yes.

5 Q. In fact you guys have hung out as
6 frequently as last month?

7 A. Yes.

8 Q. Do you guys hang out on a daily
9 basis?

10 A. Not necessarily. Sometimes.
11 Depends on when we're busy.

12 Q. Mr. Shove, that's all that I have.
13 Please answer any questions that Mr. Cantrell
14 may have.

15 A. Okay.

16 THE COURT: Cross.

17 CROSS EXAMINATION

18 BY MR. CANTRELL:

19 Q. Mr. Shove, you indicated that when
20 Michael got to your front door that he was
21 pretty shaken up?

22 A. Yes, sir.

23 Q. Do you know him well?

24 A. Yes, sir.

25 Q. So you know when he is really shaken

1 up?

2 A. Right.

3 Q. And that is how he appeared to you?

4 A. Right, he looked like he'd seen a
5 ghost.

6 Q. Was he breathing heavy?

7 A. I don't know. He was just white.
8 I mean, he was breathing a little hard but I
9 don't know that it was heavy, heavy.

10 Q. Did he say anything or did you
11 notice the blood on the back of his head?

12 A. I noticed it. It was coming down
13 the side of his face.

14 Q. So you gave him some paper towels?

15 A. Yes, sir.

16 Q. He came to your apartment and
17 stayed?

18 A. Yes, sir.

19 Q. At least until you went to bed?

20 A. Yes, sir.

21 Q. How far is this from -- if you know
22 -- where this incident took place?

23 A. I know it's -- maybe like a five to
24 ten-minute walk from my house.

25 Q. A fairly short distance?

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Testimony of Justin Shove - Cross Examination

1 A. Yes, sir.

2 Q. When he got to your apartment, he
3 didn't ask you for a drink of water or paper
4 towels and then took off?

5 A. No.

6 Q. He came and stayed?

7 A. Yes, sir.

8 Q. Let me ask you to look at this
9 statement again if you still have it. You
10 referenced ---

11 A. I don't have it.

12 Q. (Tenders), you mentioned that he had
13 blood -- I think you pointed to your face.
14 But would you look at this statement and tell
15 me what you said at that point as to where
16 the blood was?

17 A. (Upon review), I said that I noticed
18 that he had some blood running down his head
19 and behind his ear.

20 Q. All right. So that would be behind
21 his ear?

22 A. Right.

23 Q. All right. No further questions.

24 Thank you.

25 REDIRECT EXAMINATION

1 BY SOLICITOR HINTON:

2 Q. So there wasn't blood coming from
3 the back of his head. It was behind his ear.
4 Correct?

5 A. I don't know exactly where the blood
6 was coming from.

7 Q. Where did you see it running down?

8 A. It was on his neck and his face.

9 Q. Sorry?

10 A. It was just on his face.

11 Q. Okay. You told them in your state-
12 ment that you saw blood running down his head
13 behind his ear.

14 A. (Affirmative nod).

15 Q. Okay. So that's not the back of his
16 head, it's behind his ear?

17 A. I guess.

18 Q. That's what you told police.
19 Correct?

20 A. Right.

21 SOLICITOR HINTON: Thank you.

22 THE COURT: You may step down.

23 (WITNESS STEPS DOWN)

24 THE COURT: Next witness.

25 SOLICITOR HILL: The State would now

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Testimony of Justin Shove - Redirect Examination

1 call Tommy Page.

2 (WITNESS TAKES STAND)

3 TOMMY PAGE, having been sworn to tell
4 the truth, and nothing but the truth,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR HILL:

8 Q. Where are you employed, Mr. Page?

9 A. Pickens County EMS.

10 Q. How long have you been employed
11 there?

12 A. I've been with Pickens County for
13 about five years.

14 Q. How is your current position?

15 A. Paramedic.

16 Q. Were you a paramedic on September
17 11th, 2014?

18 A. I was.

19 Q. And that is the same position that
20 you've held ---

21 A. Yes, sir

22 Q. On September 11th, 2014, did you
23 respond to a call to Paw Path Lane?

24 A. Yes, sir.

25 Q. Is that in Clemson, South Carolina?

1 A. Yes, sir.

2 Q. And what type of call did you
3 receive?

4 A. We were dispatched for what was
5 thought to be cardiac arrest requiring
6 transport.

7 Q. Who was the lead on that call?

8 A. I was.

9 Q. Being the lead on that call, what
10 does that mean?

11 A. That's means that I am responsible
12 for patient care, I was responsible for
13 making decisions and all the things relating
14 to taking care of the patient.

15 Q. Okay. When you arrived at the
16 scene, what did you observe?

17 A. We found a young male lying supine
18 just inside the doorway. He was not
19 breathing.

20 Q. Can you tell us what supine means?

21 A. He was laying with his back to the
22 ground, facing up towards the ceiling.

23 Q. Okay. And how did you immediately
24 treat that individual?

25 A. We initiated CPR. We cut away his

1 clothing to try to find where the blood was
2 coming from and did find a small one to one-
3 and-a-half inch laceration on the left side.
4 There was a piece of tissue protruding out
5 through that laceration. On initiation of
6 CPR, we did notice blood start flowing
7 through that laceration/wound on his left
8 side.

9 Q. Was that the only wound or injury on
10 the victim at that point?

11 A. That was the only injury that we
12 found. Yes, sir.

13 Q. So at what point when you arrived
14 did you notice that it was not a call for
15 cardiac arrest?

16 A. Well, he was in cardiac arrest at
17 that time. He had no pulse, he was in
18 cardiac arrest. We didn't know the nature of
19 the -- or the means by which his heart had
20 stopped until we'd arrived on scene and found
21 the injury there.

22 Q. Okay. And you stated that you
23 administered CPR?

24 A. Yes, sir. We performed CPR while on
25 the scene and all the way to the hospital.

1 Q. Why did you perform CPR?

2 A. To give the patient the best chance
3 of survival that we could. In order to
4 infuse the brain you have to have blood flow.

5 Q. Going back to when you noticed the
6 wound, how did you observe the wound?

7 A. Initially the wound -- when we cut
8 the shirt away, we saw the wound incision,
9 the laceration there and a small piece of
10 tissue protruding out of that laceration.
11 When we began CPR is when the blood actually
12 flowed from that wound for us. Obviously it
13 had flowed before we arrived because there
14 was a puddle on the floor.

15 Q. Where all was that blood located?

16 A. From about the chest up around the
17 torso.

18 Q. So when did you move the patient?

19 A. Once we realized that we needed to
20 get him to a surgeon to have any chance of
21 saving him, we rolled him to his side, placed
22 him on a spine board, strapped him down,
23 moved him to a stretcher and transported. We
24 were on scene less than ten minutes.

25 Q. As you were treating him, moving him

1 the ambulance, what type of treatment were
2 you providing to him?

3 A. Well, once we got him on the board,
4 on the stretcher, my partner climbed on the
5 side of the stretcher and we -- myself and
6 two rescue guys were moving the stretcher.
7 She stayed on the side of the stretcher and
8 continued to perform CPR as we were
9 transferring him to the ambulance.

10 Q. How long did it take for you all to
11 transport him to the hospital?

12 A. Less than fifteen minutes. I don't
13 have the report in front of me so I can't
14 give you an exact number.

15 Q. Did you treat him the entire time?

16 A. Yes, sir.

17 Q. And did the patient make any -- have
18 any type of response to the treatment?

19 A. He was completely unresponsive until
20 when we got him to the hospital.

21 Q. Once you got to the hospital, what
22 did y'all do?

23 A. We turned over care to the physician
24 and his team, and stayed back in case they
25 had any questions for us at that time. Once

1 we finished the transfer to the physician, we
2 went on and returned to on-call duty.

3 Q. Was that the extent of your involve-
4 ment?

5 A. Yes, sir.

6 SOLICITOR HILL: No further questions.

7 THE COURT: Cross?

8 CROSS EXMAINATION

9 BY MR. CANTRELL:

10 Q. Do you remember the time that you
11 received this call?

12 A. About -- not the precise time; no,
13 sir.

14 Q. Let me ask you to look at this,
15 however much of this that you'd like. Please
16 tell me if you can identify it and if it will
17 refresh your memory.

18 COURT REPORTER: Defendant's Exhibit 7
19 for identification.

20 CROSS EXAMINATION CONTINUED

21 BY MR. CANTRELL:

22 Q. Does that refresh your memory?

23 A. It's a patient care report.

24 Q. Does that refresh your memory on the
25 approximate time of the call?

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Testimony of Tommy Page - Cross Examination

1 A. Yes, sir. It looks like dispatch
2 received the call at 2:00 a.m., with us going
3 en route to the call at 2:02, arriving on
4 scene at 2:11.

5 Q. Thank you. I have no further
6 questions. Thank you, sir.

7 THE COURT: You may step down.

8 SOLICITOR HILL: May he be excused,
9 Your Honor?

10 MR. CANTRELL: No objection.

11 THE COURT: Yes, sir.

12 (WITNESS STEPS DOWN)

13 SOLICITOR HILL: The State will now
14 call Richard Gooch.

15 (WITNESS TAKES STAND)

16 RICHARD GOOCH, having been sworn to
17 tell the truth, and nothing but the truth,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY SOLICITOR HILL:

21 Q. Mr. Gooch, please state your name
22 for the record.

23 A. Lieutenant Richard Gooch.

24 Q. Where are you employed?

25 A. I work for the City of Clemson

1 Police Department.

2 Q. How long have you worked there?

3 A. Just over seventeen years.

4 Q. I believe that you said it with your
5 name, but what is your position with the City
6 of Clemson Police Department?

7 A. I am a Lieutenant, shift lieutenant.

8 Q. How long have you been a lieutenant?

9 A. May of 2010, I believe.

10 Q. So you were employed on September
11 11th, 2014?

12 A. Yes, sir.

13 Q. Did you respond to a call at Paw
14 Path Lane in Clemson?

15 A. I did.

16 Q. What was the call?

17 A. I believe that it was an EMS call,
18 an assist EMS call as we call it.

19 Q. On arrival, what did you observe?

20 A. There was a gentleman in the doorway
21 as soon as we approached the apartment, there
22 was a gentleman lying on the floor right
23 inside the doorway, in that area at that
24 address.

25 Q. Did you observe anybody outside of

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Testimony of Richard Gooch - Direct Examination

1 the apartment at that point?

2 A. There was.

3 Q. And did you go in the apartment?

4 A. No, I did not.

5 Q. You said that you noticed an
6 individual lying on the floor?

7 A. Yes, sir.

8 Q. What was he doing on the floor?

9 A. There were people doing CPR on him.
10 He was lying on his back.

11 Q. Were you able to identify the people
12 who were doing CPR on him?

13 A. No, I did not.

14 Q. At what point did any other officers
15 or EMS arrive on the scene?

16 A. Shortly after I did.

17 Q. Did you notice anything about the
18 individual's state who was lying on the
19 floor?

20 A. It looked like he was turning blue.

21 Q. And at any point did you observe any
22 wounds on that individual?

23 A. I did.

24 Q. What did you observe?

25 A. At some point we noticed that there

1 was blood leaking out from underneath him.
2 And I don't remember who, but I think it was
3 either an EMS worker or one of my guys that
4 cut his shirt open and we noticed a wound on
5 the left side of his abdomen.

6 Q. Okay. What did that wound look
7 like?

8 A. Looked like a small incision but
9 there was something protruding from it.

10 Q. So after you noticed the wound and
11 EMS was treating, what did you do then?

12 A. I went to the hospital with EMS and
13 the victim.

14 Q. Okay. As you left the scene, what
15 was everybody else doing on scene?

16 A. I don't even remember. There was a
17 lot going on.

18 Q. What type of condition did you
19 observe the patient to be in when you left
20 the scene?

21 A. I think he was unconscious when I
22 left.

23 Q. So why did you go -- where did you
24 go after -- after you left the scene, where
25 did you go?

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1 A. To the hospital.

2 Q. Why did you go to the hospital?

3 A. I thought -- initially when we were
4 there people were screaming that he wasn't
5 breathing. Initially we thought it was just
6 an EMS call for someone not breathing. But
7 when I saw the wound, I thought maybe that
8 had escalated into something more than that.

9 Q. So once you got to the hospital,
10 what did you observe?

11 A. I stood there while the nurses and
12 doctors were working on stabilizing the
13 victim. I stayed right outside the room. It
14 was really very long.

15 Q. How long were you there for?

16 A. I couldn't -- I don't even remember.

17 Q. When did you leave, do you know?

18 A. I think it was the charge nurse or
19 one of the head nurses that told me that he
20 was deceased, and I left shortly after that.

21 Q. And upon getting that news, what did
22 you do with it?

23 A. I am pretty sure I told one of my
24 supervisors. I may have even called them
25 before that.

1 Q. Was that the extent of your
2 involvement with the case?

3 A. Yes, sir.

4 Q. You mentioned that you took him to
5 the hospital, which hospital did you take him
6 to?

7 A. I -- they've changed the name of it.
8 I believe that it was Oconee Memorial
9 Hospital.

10 Q. Thank you.

11 SOLICITOR HILL: Nothing further at
12 this time.

13 THE COURT: Cross?

14 CROSS EXAMINATION

15 BY MR. CANTRELL:

16 Q. Lieutenant, how long after you got
17 there did the EMS or EMTs arrive?

18 A. I don't remember. Seemed like just
19 a short time after.

20 Q. Now, did you initially say that
21 initially you did not go into the apartment,
22 that you stayed outside?

23 A. Right.

24 Q. Why was that?

25 A. There were people doing CPR on the

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1 victim in the doorway, I didn't go past that.

2 Q. At that point there were apparently
3 some civilians of some sort?

4 A. Yes, sir.

5 Q. Did you talk to any of the
6 individuals that were there?

7 A. I don't remember. I was focused on
8 the person lying in the doorway and I don't
9 really remember what was going on around me.

10 Q. But as far as being focused, you
11 weren't providing direct attention to that
12 person, you were observing?

13 A. Yes, sir.

14 Q. Now, at some point while you were
15 there, was there a gun seized?

16 A. There was.

17 Q. Was it in plain view?

18 A. I don't remember.

19 Q. If your incident report indicates
20 that it was in plain view, would that make
21 you think that it was in plain view?

22 A. I believe so. Yes.

23 Q. Do you remember where or how it was
24 located?

25 A. No, sir.

1 Q. Could that have been Officer Johnson
2 or Officer Brown that possibly ---

3 A. I believe so. Yes, sir.

4 Q. I think you said that after going
5 to the hospital that was the end of your
6 involvement?

7 A. Yes, sir.

8 Q. Thank you, sir.

9 SOLICITOR HILL: Nothing further.

10 THE COURT: You may step down.

11 SOLICITOR HILL: May this witness be
12 excused, Your Honor.

13 MR. CANTRELL: No objection.

14 THE COURT: Yes.

15 (WITNESS STEPS DOWN)

16 THE COURT: You ---

17 SOLICITOR HINTON: Your Honor, may we
18 approach on scheduling?

19 (OFF RECORD BENCH CONFERENCE)

20 THE COURT: All right, ladies and
21 gentlemen, criminal court -- or any kind of
22 court -- doesn't run like a well-oiled
23 machine. The reason I say that is because we
24 don't punch a time clock. We try to keep
25 things running as smoothly as we can.

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Testimony of Ren Johnson - Direct Examination

1 thank you. We are now ready to proceed with
2 the trial, day two. All right, call your
3 next witness.

4 SOLICITOR HINTON: The State calls Ren
5 Johnson.

6 (WITNESS TAKES STAND)

7 REN JOHNSON, having been sworn to tell
8 the truth, and nothing but the truth,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR HINTON:

12 Q. Where are you currently employed?

13 A. City of Clemson Police Department.

14 Q. In what capacity?

15 A. Police officer.

16 Q. How long have you been employed
17 there?

18 A. A total of seven -- almost seven
19 years.

20 Q. So were you employed there on
21 September 11th, 2014?

22 A. Yes, ma'am.

23 Q. Did you respond to a call on that
24 date?

25 A. Yes, ma'am.

1 Q. Where did you respond?

2 A. To Paw Path Lane in reference to a
3 medical assist with EMS at the time.

4 Q. What city is that in?

5 A. That's in Clemson, South Carolina.

6 Q. And when you arrived on scene, tell
7 me what you saw.

8 A. When I arrived on scene, I saw the
9 victim laying in the floor right there at the
10 doorway. And I seen his friend trying to
11 resuscitate him with CPR.

12 Q. At that point when you arrived, what
13 do you do?

14 A. Myself and Officer Brown, we started
15 patient care, trying to revive the patient as
16 well; trying to check him and see what was
17 wrong.

18 Q. When you say patient care, what type
19 of care were you providing?

20 A. Basic until EMS arrived, CPR and
21 that type of thing.

22 Q. While you were performing do you
23 notice anything unusual?

24 A. Yes, we noticed a spot on his leg,
25 on his shorts, of blood. As we were rolling

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1 him over to check him, we noticed a pool of
2 blood up under him. That's when I cut his
3 shirt so that we could put the pads for the
4 AED on him, and I noticed the wound on his
5 abdomen there.

6 Q. At that point when you noticed the
7 wound, has EMS arrived on the scene yet?

8 A. They arrived shortly thereafter.

9 Q. Once they arrived, did you continue
10 with patient care?

11 A. No, I do not. I turn it over to
12 them.

13 Q. All right. After you turn over
14 patient care to EMS, what do you proceed to
15 do?

16 A. At that time we have everybody leave
17 the apartment. We had everybody exit,
18 secured the scene to make sure that nobody
19 else was in the apartment and waited for
20 investigators.

21 Q. Okay. When you secure the scene,
22 tell me exactly what that means?

23 A. We take tape and rope it off, crime
24 scene tape. We have everybody exit and we
25 don't let nobody back in.

1 Q. What is the purpose of that?

2 A. That way it don't contaminate the
3 scene and it's for safety issues.

4 Q. All right. What type of safety
5 issues did you potentially have in this case?

6 A. We located a firearm when we first
7 got there, inside the living room area.

8 Q. Okay.

9 A. We secured it. We didn't know if
10 any suspects were at large, we didn't know
11 where he was at.

12 Q. Let me back up. When you take that
13 -- when you located that firearm, did you
14 know at that time what type of injury you
15 were dealing with, with the victim?

16 A. No, I didn't.

17 Q. All right. I'm going to show you
18 what has been marked as State's Exhibit 18.
19 Can you look at that and tell me if you
20 recognize what that is?

21 A. (Upon review), yes.

22 Q. What is that?

23 A. That's the layout of the apartment,
24 the first floor of the apartment.

25 Q. The apartment that you responded to?

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Testimony of Ren Johnson - Direct Examination

1 A. Yes, ma'am.

2 Q. There is -- this red button is a
3 laser pointer, (tendering).

4 A. Okay.

5 Q. What type gun did you locate?

6 A. It was a .40 handgun, semiautomatic
7 pistol.

8 Q. Using that laser point, can you show
9 the jury where that was located?

10 A. Yes, it was laying right there
11 (indicating); on the table right there.

12 Q. Okay. What is that shape
13 representing?

14 A. Like a desk-type of some sort.

15 Q. Now I'm going to show you State's
16 Exhibits 2, 3, 4, 5, 6 and 7. If you will,
17 look through those and see if you recognize
18 what they show.

19 A. (Upon review), those are photographs
20 from the apartment that we responded to that
21 evening.

22 Q. All right. Are those a true and
23 accurate description of what you saw that
24 night?

25 A. Yes, ma'am.

1 Q. Looking at State's Exhibit 2, can
2 you tell the jury what that is?

3 A. That's the front door of the
4 apartment, as you walk up to the front of the
5 apartment there.

6 Q. Then State's Exhibit 3, can you
7 identify what that is?

8 A. That's as you enter into the
9 apartment, through the front door. That's
10 where the victim was laying, that is the pool
11 of blood.

12 Q. Can you use that laser pointer and
13 show where that pool of blood was?

14 A. (Indicating), that's the pool of
15 blood.

16 Q. And in what direction -- what
17 direction was his head and feet?

18 A. His head was up this way and his
19 feet were this way.

20 Q. Then State's Exhibit 4, what is that
21 a photo of?

22 A. That's going into the living room
23 area. That's the desk where the firearm was
24 located.

25 Q. Can you use that pointer to show

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Testimony of Ren Johnson - Direct Examination

1 where it was located?

2 A. The weapon was laying right there,
3 (indicating).

4 Q. Okay. Then State's Exhibit 5, can
5 you tell me what that is?

6 A. To the left is the bathroom, I
7 believe, and then this is going into the
8 kitchen area from the main living room.

9 Q. Can you tell me what this is here?

10 A. That's a sliding glass door on the
11 back of the apartment, that goes out to the
12 back of the apartment.

13 Q. Is this connected to another room?

14 A. It's the kitchen and dining room
15 areas.

16 Q. And State's Exhibit 6, can you tell
17 me what that is?

18 A. That is the kitchen area, the
19 counter.

20 Q. Can you tell me what this is?

21 A. That's a tray full of kitchen
22 knives.

23 Q. Okay. And then State's Exhibit 7,
24 can you tell me what that is?

25 A. That is kitchen knives laying on the

1 counter right there on the counter between
2 the dining room and kitchen area.

3 Q. And is that how those things looked
4 when you were there?

5 A. Yes.

6 Q. Okay. So those have not been
7 rearranged?

8 A. No.

9 SOLICITOR HINTON: Your Honor, at this
10 time the State would move two through seven
11 and eighteen into evidence.

12 MR. CANTRELL: No objection, Your Honor.

13 THE COURT: So moved.

14 (SO ENTERED AS STATE'S EXHIBIT 2)

15 (SO ENTERED AS STATE'S EXHIBIT 3)

16 (SO ENTERED AS STATE'S EXHIBIT 4)

17 (SO ENTERED AS STATE'S EXHIBIT 5)

18 (SO ENTERED AS STATE'S EXHIBIT 6)

19 (SO ENTERED AS STATE'S EXHIBIT 7)

20 (SO ENTERED AS STATE'S EXHIBIT 18)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR HINTON:

23 Q. Why did you take that .40 into
24 evidence, why did you secure it?

25 A. Safety reasons.

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Testimony of Ren Johnson - Direct Examination

1 Q. All right.

2 A. My safety as well as for everybody
3 else's there.

4 Q. At any point do you leave the
5 location?

6 A. Yes, ma'am.

7 Q. Where do you -- why did you leave?

8 A. We received a call in reference to a
9 possible assault just inside the city limits
10 of Clemson. The alleged victim's father had
11 called in and, so, at that -- at that time we
12 knew who we were possibly looking for.

13 Q. Okay.

14 A. The call stated that he was
15 assaulted on Paw Path Lane. Sergeant Colwell
16 and Officer Ables responded and observed the
17 father leaving and coming towards the
18 location where we were at.

19 Q. Okay. So do you proceed to go to
20 that location?

21 A. No. Sergeant Colwell advised me to
22 stay in service and check the area for a
23 suspect. I then waited to see if the father
24 was followed to that area.

25 Q. Do you know whether or not the

1 suspect was located at his house?

2 A. No, he was not.

3 Q. He was not located at his house?

4 A. No.

5 Q. All right. So I am going to show
6 you State's Exhibit 20. Can you identify
7 what that is?

8 A. That's a map of the general area,
9 which also showing where the incident
10 location was.

11 SOLICITOR HINTON: Your Honor, at this
12 time the State would move State's Exhibit 10
13 into evidence.

14 MR. CANTRELL: No objection.

15 THE COURT: All right.

16 (SO ENTERED AS STATE'S EXHIBIT 20)

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR HINTON:

19 Q. And if you will use that laser
20 pointer one more time, can you show me on
21 that map where the incident location was?

22 A. Right here, the red dot. Paw
23 Path Lane.

24 Q. Where were you stationed?

25 A. I stopped right here on Creekside

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1 Drive, parked in front of an apartment to
2 where I could see the entrance to Creekside
3 Drive right here.

4 Q. Tell me -- as you are parked there,
5 what do you see?

6 A. I see the vehicle -- I was advised
7 that the subject was driving a Ford Ranger.
8 I see it coming and it takes a left off of
9 Old Central Road. It came from this
10 direction, took a left onto Creekside Drive
11 and then took a left right here -- stopped
12 there for a short period of time. As I seen
13 them, there was one person in the vehicle at
14 the time. When he -- he was there a short
15 period of time and when he turned around and
16 come back out, there was two people in the
17 vehicle.

18 Q. Let me stop you right there. Tell
19 me again which way that it turns onto
20 Creekside Drive.

21 A. It comes and takes a left right
22 here.

23 Q. Okay. At the point that you spot
24 the truck, do you immediately turn on your
25 blue lights?

1 A. I do not. I get behind it -- I'm
2 waiting on another officer to head towards
3 me.

4 Q. Is the truck stationary or is it
5 moving?

6 A. It's mobile.

7 Q. Okay. Show me which direction it
8 goes.

9 A. It comes back out to Old Central
10 Rad, takes a right-hand turn onto Old Central
11 Road.

12 Q. Okay. Do you stop the vehicle?

13 A. Yes.

14 Q. Where?

15 A. I stopped it right here at Orchard
16 Apartments on Old Central Road. I initiated
17 a felony traffic stop on the vehicle there.

18 Q. Does that blue dot indicate where
19 you stopped that vehicle?

20 A. Yes, ma'am.

21 Q. All right. When you stopped the
22 vehicle, I want you to give me a description
23 of how far you are from that vehicle when you
24 stop it?

25 A. Not far. I mean, say just a car

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Testimony of Ren Johnson - Direct Examination

1 length and a half maybe; that way, I could
2 cover if anything were to happen.

3 Q. Tell me how you proceed throughout
4 that stop.

5 A. I get out, weapon drawn. I start
6 hollering loudly for the driver to get out,
7 to exit the vehicle with his hands up. Which
8 he does so.

9 Q. Who was the driver?

10 A. Mr. Rencher's father.

11 Q. And where is the passenger at that
12 point?

13 A. He was still in the vehicle.

14 Q. Was that at your instruction?

15 A. Yes. It's trained that we get one
16 suspect out at a time and that way we can
17 handle the situation better.

18 Q. Okay. So once you have the driver
19 exit the vehicle, what do you do?

20 A. Have him walk back towards me.
21 Sergeant Colwell and Officer Abels are there
22 at that time and they take him into custody.

23 Q. And are you quietly speaking to him?

24 A. No, ma'am. I'm hollering pretty
25 loudly, at the top of my lungs.

1 Q. And at that point is the driver
2 taken into custody?

3 A. Yes.

4 Q. And is the passenger out at that
5 point or at what point do you ask the
6 passenger to exit the vehicle?

7 A. As soon as we get the driver
8 detained and secure, then I start hollering
9 for the passenger to get out of the vehicle.

10 Q. And at any point are you quietly
11 speaking to him about getting him out of the
12 vehicle?

13 A. No.

14 Q. Does the defendant comply with your
15 demands?

16 A. Yes, ma'am.

17 Q. And at some point do you take him
18 into custody?

19 A. Yes, ma'am.

20 Q. Do you read him his *Miranda* rights?

21 A. Yes, ma'am.

22 Q. Can you tell me what you said to
23 him?

24 A. I read him his *Miranda* rights:
25 *You have the right to remain silent.*

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1 *Anything that you say can and will be used*
2 *against you in a court of law.*

3 *You have the right to an attorney. If*
4 *you cannot afford one, one will be appointed*
5 *to represent you.*

6 *Having these rights in mind, do you still*
7 *wish to speak with me?*

8 Q. Okay. And at any point did you
9 notice any injury on the defendant?

10 A. No, ma'am.

11 Q. At any point does the defendant
12 complain of any injury to you?

13 A. No, ma'am.

14 Q. At any point does he complain of any
15 pain to you?

16 A. No, ma'am.

17 Q. At any point does he tell you that
18 he needs medical assistance?

19 A. No, ma'am.

20 Q. At some point do you search the
21 vehicle?

22 A. Yes, ma'am.

23 Q. Tell me at what point you do that?

24 A. After we have everybody secured,
25 placed in the back seat of my patrol car,

1 handcuffed, myself and Officer Ables then
2 searched the vehicle.

3 Q. Do you obtain consent to search that
4 vehicle?

5 A. Yes.

6 Q. Who gives you consent?

7 A. The father.

8 Q. When you searched that vehicle, do
9 you find any evidence in it?

10 A. No, ma'am.

11 Q. Do you find a knife in it?

12 A. No, ma'am.

13 Q. Do you find any blood in it?

14 A. No, ma'am.

15 Q. Do you find any bloody clothes?

16 A. No, ma'am.

17 Q. Do you find any bloody towels?

18 A. No, ma'am.

19 Q. Do you find any evidence of any
20 altercation in that vehicle?

21 A. No, ma'am, not in the vehicle.

22 Q. After you searched the truck, what
23 do you do next?

24 A. At that point in time, at the
25 request of Detective Peppers, we take them

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1 back to the police department. I took them
2 into the interview room where I turned them
3 over to Lieutenant -- Detective Peppers.

4 Q. Do you speak to him on the way to
5 the police department?

6 A. No, ma'am.

7 Q. Can you show me on that map where
8 the police department is located?

9 A. The green dot here.

10 Q. And is that where you take them?

11 A. Yes, ma'am.

12 Q. Do you recall the time that you
13 stopped that vehicle?

14 A. Yes, ma'am.

15 Q. What time was it?

16 A. It was 2:30'ish, I believe. I'm not
17 a hundred percent certain. The call came in
18 about 2:00 and it was a short time after
19 that, but I can't remember exactly.

20 Q. If I showed you a copy of that
21 report, would that refresh your memory as to
22 what time?

23 A. Yes, it would.

24 Q. Take a look at that and see if that
25 refreshes your memory as to the time that you

1 stopped the vehicle.

2 A. Yes, ma'am. It was early morning,
3 actually 3:00 o'clock is what it says here.

4 Q. On what date?

5 A. September 11th at 3:00 o'clock a.m.

6 Q. What year?

7 A. 2014.

8 Q. Officer Johnson, that's all that I
9 have.

10 THE COURT: Ladies and gentlemen, I
11 need to take a short recess and speak with
12 somebody. Please remain in your seats.
13 Don't discuss the case. I'll be back with
14 you very quickly. Okay? For the record, it
15 is unrelated to this trial. Another judge
16 needs to speak with me.

17 (BRIEF RECESS)

18 (JURY OUT DURING RECESS)

19 (DEFENDANT PRESENT)

20 THE COURT: Thank you.

21 SOLICITOR HINTON: Judge, while you
22 were out, Mr. Cantrell let me know that he
23 was going to introduce video of the stop. I
24 just figured that while the jury was out, if
25 you wanted to go ahead and hear my objection.

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1 THE COURT: Okay.

2 SOLICITOR HINTON: Judge, it is riddled
3 with hearsay that I don't think qualifies
4 through any exception, so I would object on
5 that grounds. I think what they are trying
6 to elicit is the father's statement on that
7 tape of how they hit him, that they had guns,
8 so he had to stab them. That is hearsay. I
9 can't think of an exception that qualifies.
10 Therefore I would ask that it not be admitted
11 because it is hearsay.

12 MR. CANTRELL: Your Honor, very
13 candidly I had not thought about that as
14 being a reason for admitting it. Maybe I
15 should have. I do not. It has been
16 testified that at this point he'd never said
17 anything about being injured, anything about
18 his condition.

19 This video will show a -- something that
20 I am sure you and the attorneys involved
21 don't find uncommon. It was a traffic stop,
22 he calls it a felony traffic stop. There was
23 a lot of yelling, screaming. There was a gun
24 pointed. You see this young man getting out
25 of the car, walking backwards. I think if

1 the jury sees that that they will understand
2 why this young man didn't say anything about
3 anything, because he's at gunpoint, being
4 screamed at, on the side of the road in the
5 middle of the night.

6 To answer the solicitor's question that
7 it sounded like a conversation and he never
8 mentioned being hurt at all. There's a lot
9 of good reasons on the video, and it can't be
10 implicated otherwise, as to why this young
11 man didn't say a word.

12 And if the court -- and I had not thought
13 about hearsay as to what the father said, but
14 the video starts at the time that they have
15 the father in custody and then they start --
16 he starts screaming at my client to get out
17 of the truck. I just think that the jury
18 needs to hear that to understand -- to have a
19 real understanding of why Mr. Rencher may not
20 have mentioned any injuries.

21 THE COURT: All right. That eliminates
22 your hearsay objection.

23 SOLICITOR HINTON: Except for the fact
24 that the defendant then says, "He just told
25 you what I would have told you." So that

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1 leaves the jury wondering why we aren't
2 allowing in what ---

3 THE COURT: The father can testify to
4 what he said that night.

5 MR. CANTRELL: Yes, sir.

6 THE COURT: So ---

7 SOLICITOR HINTON: I don't see how the
8 father could -- it's still hearsay. What the
9 defendant told him is still self-serving
10 hearsay.

11 THE COURT: Well, I'm not trying to
12 defend *res gesti*, present-tense impression or
13 whatever. I haven't looked at the number.
14 But if it was in the heat of the moment, I
15 don't know -- you know, we'd have to play
16 that by ear as it comes up.

17 I think if you start it at his arrest --
18 it's impeachment. If I don't allow it,
19 what's the result of that?

20 SOLICITOR HINTON: Well, I think he could
21 elicit the same testimony by cross-examining
22 the officer about it.

23 THE COURT: Well, I -- absent some other
24 objection, -- I mean, I haven't see it. I
25 don't know what it looks like, but I haven't

1 heard a valid objection so long as it doesn't
2 violate the hearsay rule.

3 SOLICITOR HINTON: All right.

4 MR. CANTRELL: Your Honor, I think we
5 can probably agree that if it starts at the
6 time that Carmichael Rencher, the father,
7 gets off screen and -- and he indicated that
8 there was a point at which they started
9 telling this defendant to get out of the
10 truck. That would be the point that I am
11 concerned about starting with, from that
12 point forward.

13 SOLICITOR HINTON: And I would disagree
14 with that because I think that's when he's --
15 when he's talking is while the guy is getting
16 out of the truck. So. As long as the
17 father's statement isn't it, -- I mean, I
18 understand Your Honor's point. I don't know
19 when Mr. Cantrell wants to start it.

20 THE COURT: When the father is off
21 screen and he is getting out of the truck?

22 MR. CANTRELL: I mean, I think that
23 there is some point when he says 'hey, you in
24 the truck' or 'you in the truck'.

25 THE COURT: Do you have that cued up?

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1 MR. CANTRELL: We do not. In fact,
2 we got to the other -- the other DVD was
3 already in the laptop, so we wanted to ---

4 SOLICITOR HINTON: It's not in there.

5 MR. CANTRELL: It's not? Okay.

6 SOLICITOR HINTON: (Putting DVD into
7 laptop), -- (video playing, discussion
8 between counsel about where to start video).

9 THE COURT: Is that it?

10 SOLICITOR HINTON: As far as I know,
11 Judge.

12 THE COURT: All right.

13 SOLICITOR HINTON: Judge, do you need
14 me to tell the jury I'm ---

15 THE COURT: No, unless you want to.
16 I'll tell them. All right, bring in the
17 jury.

18 (JURY IN @ 10:41 a.m.)

19 THE COURT: Ladies and gentlemen,
20 welcome back. Thank you for allowing us to
21 take care of that matter. Mr. Cantrell,
22 cross-examination?

23 MR. CANTRELL: May it please the
24 Court.

25 CROSS EXAMINATION

1 BY MR. CANTRELL:

2 Q. Officer Johnson, I think if I
3 remember right that when you got to the scene
4 that the civilians were still administering
5 CPR to Mr. Flores and then you and your
6 partner took up that?

7 A. Yes.

8 Q. And you secured the scene, and that
9 was to be sure that nothing happened to the
10 scene or that nothing was changed?

11 A. Yes.

12 Q. You basically wanted it in the same
13 condition that it was presumably at the time
14 of the incident; is that right?

15 A. Yes, sir.

16 Q. Okay. Now, you indicated and you
17 showed us on the diagram that you found a
18 gun.

19 A. Yes, sir.

20 Q. A pistol?

21 A. Yes.

22 Q. And it was found on the desk in the
23 living room, is that where you observed it?

24 A. Yes.

25 Q. Did you look around the scene, did

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1 you check other places in the apartment, at
2 least the downstairs, for any other things
3 that may pose a risk or safety issue?

4 A. Not at that point. We done a scan
5 just to observe a firearm or anything.

6 Q. Okay. Did you or to your knowledge
7 was another firearm found on a tall bookshelf
8 or anything?

9 A. Not to my knowledge, no.

10 Q. Just on the desk ---

11 A. (Affirmative nod).

12 Q. --- and that was in plain view?

13 A. Yes.

14 Q. Now, when you were preparing to
15 leave the scene, I think you indicated that
16 you had received a call and that Michael
17 Rencher's father had called the Clemson
18 Police Department. Is that right?

19 A. Yes, sir.

20 Q. Are you aware that his father had
21 called three different times?

22 A. I was not aware of that.

23 Q. And I think you also said that it
24 was reported to you, and that was why you
25 took your actions, that Mr. Rencher,

1 Michael's father, reported that he had been
2 assaulted at or near this site. Correct?

3 A. Yes.

4 Q. And specifically why did you go sit
5 and observe where you did?

6 A. Because we knew the suspect was in
7 the area, somewhere on foot. Sergeant
8 Colwell advised me that his father was on the
9 way, that they had observed him leaving in a
10 Ranger, a Ford Ranger, and I -- I knew that
11 there was only one way in and only one way
12 out of the area.

13 Q. And the only reason that y'all knew
14 any of this was because Mr. Rencher had
15 called?

16 A. Yes.

17 Q. And that's why you knew where
18 Michael Rencher may be?

19 A. (Affirmative nod).

20 Q. Is that correct?

21 A. I knew that he was in the area
22 somewhere. I didn't know exactly where he
23 was.

24 Q. And that is why you knew that his
25 father may be in the area or coming to the

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1 area, because he'd notified the police
2 department?

3 A. Yes.

4 Q. And when he left the area, you saw
5 two people in the truck; correct?

6 A. Yes.

7 Q. And he turned and went out to the
8 right of that road?

9 A. Yes, sir.

10 Q. Do you know where Curtis Street
11 is?

12 A. I do. Yes, sir.

13 Q. Is there more than one route to get
14 there from where you were?

15 A. Yes, sir.

16 Q. And the route that he was taking,
17 would that get him to Curtis Street?

18 A. Yes.

19 Q. In fact, it was a little bit of a
20 shortcut, was it not?

21 A. About fifty-fifty either way.

22 Q. And the Clemson Police Department
23 already knew that that was where Michael's
24 father was when he called in?

25 A. Yes.

1 Q. Do you know whether it was reported
2 that Mr. Carmichael Rencher was going to be
3 bringing Michael back to his house? Is that
4 where he was supposed to meet the police?

5 A. I am not -- I just know that they
6 received a call and when they got there that
7 they observed him, Mr. Carmichael (Rencher)
8 leaving.

9 Q. Now, then, you're the one that
10 instituted the stop out on the road?

11 A. Yes, sir.

12 Q. How far after he'd turned out did
13 you stop him?

14 A. Quarter mile or so. I don't know.

15 Q. Was there any excessive speed on
16 anybody's part?

17 A. No.

18 Q. Was everybody going the normal
19 speed?

20 A. No.

21 Q. Everybody was going the normal
22 speed?

23 A. Yes.

24 Q. Including you, for that matter?

25 A. Yes.

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1 Q. But also Mr. Rencher?

2 A. Yes, sir

3 Q. And you started your blue lights?

4 A. (Affirmative nod).

5 Q. Did he pull over immediately?

6 A. He pulled over as soon as he found a
7 place to, yes.

8 Q. Was this a fairly narrow road up to
9 that point?

10 A. Yes, sir.

11 Q. Now, you had video in your vehicle;
12 is that correct?

13 A. Yes, sir.

14 Q. Are you familiar with video from
15 your vehicle?

16 A. Yes.

17 Q. Now, you testified when the
18 solicitor asked that Michael made no comments
19 about being hurt, being injured, needing
20 medical attention. Do you remember answering
21 those questions?

22 A. Yes, sir.

23 Q. And basically all the answers were
24 no, that he didn't ask for any of that. Is
25 that correct?

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1 A. Yes, sir.

2 MR. CANTRELL: With the court's
3 permission and based on the court's ruling, I
4 would like to start the video.

5 SOLICITOR HINTON: Your Honor, I would
6 ask that it be introduced into evidence
7 first.

8 MR. CANTRELL: May I have this
9 marked?

10 COURT REPORTER: Defendant's Exhibit 8
11 for identification.

12 CROSS EXAMINATION CONTINUED

13 BY MR. CANTRELL:

14 Q. The video that was taken from your
15 vehicle, was that an accurate reflection of
16 what happened that night?

17 A. Yes, sir.

18 Q. And is that the video that has been
19 presented in this court to the attorneys?

20 A. Yes, sir.

21 Q. It was your car video from your dash
22 camera?

23 A. Yes.

24 MR. CANTRELL: We move it into
25 evidence at this time.

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1 SOLICITOR HINTON: No objection.

2 THE COURT: Okay, Defendant's Exhibit 8
3 is admitted subject to all previous
4 objections.

5 (SO ENTERED AS DEFENDANT'S EXHIBIT 8)

6 CROSS EXAMINATION CONTINUED

7 BY MR. CANTRELL:

8 Q. Is that what happened that night?

9 A. Yes, sir.

10 Q. After that, he's cuffed. Is he
11 placed in your car at that time?

12 A. Yes, sir.

13 Q. And pretty soon after that
14 transported to the police department?

15 A. Yes, sir.

16 Q. And that was the nature of the
17 exchanged with Michael Rencher that night
18 with you out there on the scene?

19 A. Yes, sir.

20 Q. And in fact, at that point did he
21 say much of anything while he was in that
22 process?

23 A. He made a couple of statements there
24 right after I Mirandized him.

25 Q. But essentially that is what

1 transpired prior to him being put in the car
2 and being driven to the police department?

3 A. Yes, sir. And he was in the video
4 most of the time and you were not. But up
5 until the time that you got up to him, you
6 had your firearm pulled and you were focused
7 on him?

8 A. Yes, sir.

9 Q. Which is the way that you're taught
10 to do that at the Academy, isn't that right?

11 A. Yes, sir.

12 MR. CANTRELL: No further questions.

13 THE COURT: Any redirect?

14 SOLICITOR HINTON: Just briefly, Your
15 Honor.

16 REDIRECT EXAMINATION

17 BY SOLICITOR HINTON:

18 Q. Officer Johnson, after you get him
19 in the handcuffs, do you continue screaming
20 at him?

21 A. No, ma'am, I do not.

22 Q. I am going to show you State's
23 Exhibit 20, using that laser pointer again,
24 show us where the defendant was located --
25 where you saw the car come to get the

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1 defendant?

2 A. Right here, (indicating).

3 Q. And you've been to the scene,
4 correct?

5 A. Yes.

6 Q. And at any point when you were at
7 the scene -- well, let me ask you, where that
8 truck circled in to the actual crime scene,
9 what is the distance?

10 A. Between where he stopped to pick him
11 up and the crime scene?

12 Q. Correct.

13 A. A couple hundred yards.

14 Q. Is it walkable?

15 A. Yes.

16 Q. Is there a street that takes you up
17 to the crime scene?

18 A. Yes, there's a -- it's a big circle
19 that goes around.

20 Q. At any point when you were at the
21 crime scene, did the defendant ever walk up
22 to law enforcement?

23 A. No, ma'am.

24 Q. To your knowledge, did he make any
25 effort to go up to law enforcement while he

1 was in that two hundred yard area?

2 MR. CANTRELL: Your Honor, I would
3 object. He has no way to answer that.

4 THE COURT: If he has no knowledge of
5 it, he can testify to that.

6 SOLICITOR HINTON: That's all that I
7 have. Thank you.

8 THE COURT: Thank you, you can step
9 down.

10 (WITNESS STEPS DOWN)

11 THE COURT: Call your next witness.

12 SOLICITOR HINTON: The State calls
13 Officer Ross Ables.

14 (WITNESS TAKES STAND)

15 ROSS ABLES, having been sworn to tell
16 the truth, and nothing but the truth,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR HINTON:

20 Q. Today where are you employed?

21 A. Anderson County Sheriff's Office.

22 Q. When did you start there?

23 A. Yesterday.

24 Q. Prior to that, were you employed
25 with the Clemson City Police Department?

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1 A. Yes, I was.

2 Q. How long had you been there?

3 A. Approximately three years.

4 Q. So were you employed there on
5 September 11th, 2014?

6 A. Yes, I was.

7 Q. How long had you been on the force
8 at that time, do you know?

9 A. Since March.

10 Q. Did you have occasion to get
11 involved in a case that occurred at Paw
12 Path Lane?

13 A. Yes.

14 Q. And what was your job? Did you
15 respond to the scene, let me ask you that
16 first.

17 A. Yes, I did.

18 Q. When you got there, what were you
19 told to do?

20 A. My orders once I arrived on scene
21 was to assist in locating a weapon.

22 Q. Do you know what kind of weapon that
23 you were looking for?

24 A. A knife.

25 Q. All right. Did you find one?

1 A. No, I did not.

2 Q. At that point were you given further
3 instructions on what to do?

4 A. Yes. We ultimately received
5 information about the suspect and I left with
6 Officer Johnson.

7 Q. And when you left with Officer
8 Johnson, where did you go?

9 A. We went to the suspect's residence
10 or his parents' residence.

11 Q. Was the suspect there?

12 A. No, he was not.

13 Q. Were his parents there?

14 A. The mother was there.

15 Q. Was the father there?

16 A. No, he was not.

17 Q. Did you get information on where his
18 location was?

19 A. The only information that we
20 received was that he had left to go pick up
21 his son.

22 Q. And did you arrive where the father
23 was located?

24 A. Yes, I along with Officer Johnson.

25 Q. To be clear, you were not the first

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1 officer -- you were one of the first officers
2 on the scene, were you?

3 A. I was not ---

4 Q. Were you riding with him?

5 A. I was in field training, riding with
6 him. I was with Officer Johnson.

7 Q. Okay. As y'all are proceeding with
8 this stop, are things loud and chaotic?

9 A. I wouldn't say chaotic but it was
10 pretty, you know, ---

11 Q. Probably not a good term. What was
12 Officer Johnson tone when he is dealing with
13 the defendant?

14 A. Loud and clear.

15 Q. At some point do y'all obtain
16 consent to search the truck?

17 A. We did.

18 Q. Did you assist in that search?

19 A. I did.

20 Q. Inside you find a knife?

21 A. No, we did not.

22 Q. Did you find any blood?

23 A. Not to my recollection.

24 Q. If you had found blood, would you
25 have let somebody know?

1 A. Yes, we would have.

2 Q. Did you find any evidence relating
3 to this crime whatsoever?

4 A. Not that I can recall.

5 Q. Were you able to see, to put your
6 eyes on the defendant that night?

7 A. Yes.

8 Q. At any point did you see any injury
9 on him?

10 A. No, I did not.

11 Q. Did you hear him complain of any
12 injury?

13 A. No, I did not.

14 Q. Did you hear him ask for any medical
15 treatment?

16 A. No.

17 Q. Did you go with Officer Johnson to
18 transport him back to the police department?

19 A. I don't recall.

20 Q. That's all that the questions that
21 I have, please answer any questions that Mr.
22 Cantrell may have.

23 MR. CANTRELL: No questions for this
24 witness.

25 THE COURT: Thank you, sir. You

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1 may step down.

2 SOLICITOR HINTON: Your Honor, may he be
3 excused?

4 THE COURT: Yes.

5 (WITNESS STEPS DOWN)

6 SOLICITOR HINTON: The State would call
7 James Peppers.

8 (WITNESS TAKES STAND)

9 JAMES PEPPERS, having been sworn to tell
10 the truth, and nothing but the truth,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR HINTON:

14 Q. Detective Peppers, where are you
15 employed?

16 A. Clemson City Police Department.

17 Q. How long have you been there?

18 A. Approximately sixteen years.

19 Q. Sixteen?

20 A. Yes.

21 Q. How long have you been a detective
22 there?

23 A. Fifteen.

24 Q. Were you lead detective on a case at
25 Paw Path Lane in Clemson?

1 A. Yes.

2 Q. And is that in the County of
3 Pickens?

4 A. Yes.

5 Q. When you are the lead detective,
6 what does that mean?

7 A. Generally you are going to interview
8 the witnesses, try to get information about
9 the facts.

10 Q. Does that mean that you lead the
11 investigation of the case?

12 A. Correct.

13 Q. Is that what you did in this case?

14 A. Yes.

15 Q. And did you arrive on scene?

16 A. I did.

17 Q. Tell me when -- do you recall when
18 the initial call came out?

19 A. The initial call was around 2:00
20 a.m., which -- once the officers arrived they
21 notified dispatch to have an investigator
22 called out.

23 Q. Okay.

24 A. That is when I was notified.

25 Q. Do you know what the officers

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1 arrival time was on this call?

2 A. I can't remember the arrival time
3 exactly. I know that I arrived around 2:20,
4 I believe.

5 Q. Okay. And that was your arrival
6 time?

7 A. That was my arrival time.

8 Q. Were you the first officer on scene?

9 A. I was not.

10 Q. When you got there, did you speak to
11 anyone?

12 A. I did. Generally what I do is when
13 I get there is I talk to the officer(s) on
14 the scene. So the guy -- the very first
15 person that I spoke with was standing maybe a
16 door down from where the stabbing occurred,
17 uh, was Lamar Woods.

18 Q. Was Mr. Woods cooperative?

19 A. He was.

20 Q. Had he remained on the scene?

21 A. Yes.

22 Q. Did he appear sober?

23 A. Yes.

24 Q. Did you speak to anybody else?

25 A. The second person that I spoke to

1 was Ben Smith.

2 Q. Did he remain on the scene?

3 A. He did.

4 Q. Was he cooperative?

5 A. He was.

6 Q. And did he appear sober?

7 A. He did.

8 Q. At some point did you develop a
9 suspect in this case?

10 A. Yes.

11 Q. Who was that?

12 A. Mr. Rencher.

13 Q. Right. While you were out at the
14 scene, were you at all notified of the
15 victim's condition?

16 A. Yes, I was notified at the time I
17 was actually speaking to Mr. Smith.

18 Q. Did you remain on scene at all times
19 throughout this investigation?

20 A. I did until actually the time when
21 Mr. Rencher was stopped by Mr. Johnson. I
22 went there, to the felony stop and had Mr.
23 Johnson take possession.

24 Q. When you leave the scene, do other
25 officers remain on the scene?

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1 A. Yes, they were there the whole time
2 until the search warrant was actually
3 executed and we were done with the search.
4 There was somebody on the scene, (affirmative
5 nod).

6 Q. When you go to the location of the
7 stop, do you speak with anyone there?

8 A. Just briefly with Officer Johnson to
9 advise him that he needed to take Mr. Rencher
10 to the Clemson Police Department.

11 Q. Just to be clear, did you speak with
12 the defendant while you were there?

13 A. I did not.

14 Q. Did you speak with the defendant's
15 father at all while you were there?

16 A. I did not.

17 Q. I am going to show you State's
18 Exhibit 20. There is a laser pointer up
19 there. Can you show me -- and I know it is
20 kind of hard to see on this map -- where the
21 defendant's residence is?

22 A. Yes, it is actually right here.

23 Q. Where is the incident location?

24 A. The incident location was right
25 here, at Paw Path.

1 Q. And where did you proceed to the
2 stop?

3 A. Right here, this blue dot, on
4 Central Road.

5 Q. At some point does the defendant
6 arrive back at the police department?

7 A. He did.

8 Q. And at that point do you Mirandize
9 him?

10 A. Yes, in the interview room at
11 approximately around 3:55 a.m.

12 Q. Showing you State's Exhibit 12, --
13 look at that and tell me if you recognize
14 that?

15 A. Yes, this is the *Miranda* rights form
16 that we use at the Clemson Police Department.

17 Q. Is that a copy or the one that you
18 used with Michael Rencher?

19 A. Yes.

20 SOLICITOR HINTON: At this time, Your
21 Honor, the State would move State's 12 into
22 evidence.

23 MR. CANTRELL: No objection.

24 THE COURT: Okay.

25 (SO ENTERED AS STATE'S EXHIBIT 12)

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Testimony of James Peppers - Direct Examination

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR HINTON:

3 Q. Detective Peppers, can you read for
4 the jury what is on that Miranda form?

5 A. It says Clemson City Police
6 Department at the top, and then it says "Your
7 Rights". The first space is the date and
8 time, which was September 11th, 2014, at 3:55
9 a.m., (reading):

10 *You have the right to remain silent.*
11 *Anything you say can and will be used against*
12 *you in a court of law.*

13 *You have the right to talk to a lawyer*
14 *for advice before we ask you any questions*
15 *and have him or her with you during the*
16 *questioning.*

17 *If you have no money to pay for a lawyer,*
18 *the court will appoint one to represent you*
19 *without cost if you wish.*

20 *If you decide to answer questions without*
21 *a lawyer present, you will still have the*
22 *right to stop answering at any time.*

23 *You also have the right to stop answering*
24 *at any time until you talk to a lawyer.*

25 Then the next line says, "I have read

1 *this statement and my rights, and I under-*
2 *stand my rights."* Then the signature by Mr.
3 Rencher stating that he understood those
4 rights.

5 Q. All right. Is there a second
6 portion to that form?

7 A. There is a second section on here
8 that says Waiver of Rights and it says,
9 (reading): *"I am willing to make a statement*
10 *or answer questions. I do not want a lawyer*
11 *at this time. I understand and know what I*
12 *am doing. No promises or threats have been*
13 *made and no pressure or coercion of any kind*
14 *has been used against me."* Then there is a
15 signature by Mr. Rencher.

16 Q. What is the date on this waiver
17 form?

18 A. It actually says October 11, 2014,
19 but it should have been September.

20 Q. So what date did you actually speak
21 to him?

22 A. September 11th.

23 Q. Is the time on there correct?

24 A. Yes. The time that all the rights
25 are done, yes.

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Testimony of James Peppers - Direct Examination

1 Q. When you interviewed Mr. Rencher,
2 was it recorded at all?

3 A. Yes, audio and video.

4 Q. And what type of technique did you
5 use to talk to him?

6 A. Generally -- if somebody is acting
7 like they are going to talk, I would just ask
8 them to tell me about what happened, to start
9 from the beginning of the night and walk me
10 through it.

11 Q. Why do you use that type technique.

12 A. Generally because if you've got a
13 person who is going to talk, they are just
14 going to talk. Versus trying to pin them
15 down to one word answers or sentences.

16 Q. At the point that you started this
17 interview, what did you observe to be the
18 emotional state of the defendant?

19 A. Just kind of calm. Not upset.
20 Calm.

21 Q. At some point do you let him know
22 that the victim is deceased?

23 A. Yes.

24 Q. What is his reaction to that?

25 A. I think that he just kind of dropped

1 his head.

2 Q. Any tears?

3 A. No.

4 Q Let me show you what has been marked
5 as State's Exhibit 13. Do you recognize
6 that?

7 A. Yes.

8 Q. What is that?

9 A. That is a copy of a DVD.

10 Q. Have you reviewed that?

11 A. Yes.

12 Q. Is it as it happened?

13 A. Yes.

14 SOLICITOR HINTON: Your Honor, at this
15 time the State would move State's Exhibit 13
16 into evidence.

17 MR. CANTRELL: No objection.

18 (SO ENTERED AS STATE'S EXHIBIT 13)

19 THE COURT: Okay.

20 SOLICITOR HINTON: Your Honor, as
21 previously discussed with Mr. Cantrell, we
22 have loaded it onto the desktop.

23 THE COURT: All right.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR HINTON:

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1 Q. Detective Peppers, you have reviewed
2 this video?

3 A. Yes.

4 Q. Is there any downtime in this video?

5 A. Yes, there is.

6 Q. But does this show the complete
7 video?

8 A. Yes.

9 Q. (Video playing) -- Detective
10 Peppers, does that conclude the recorded
11 interview of the defendant?

12 A. Yes.

13 Q. Were you able to determine who
14 Booboo was that was mentioned in the video?

15 A. Yes, that was Mr. Flores.

16 Q. You looked at a place on the
17 defendant's head, is that correct?

18 A. Correct.

19 Q. Did you ask the defendant to show
20 you where on his head he said he was bleeding
21 from?

22 A. Yes.

23 Q. Does he do that?

24 A. Yes.

25 Q. And can you show the jury -- can you

1 get up and turn and show them where he showed
2 you that was?

3 A. Approximately right along in here
4 (indicating behind left ear, near top of
5 ear).

6 Q. So be clear on the record, right
7 behind the ---

8 A. Left ear, (affirmative nod).

9 Q. Do you take a photograph of that?

10 A. Yes, I did.

11 Q. What type of camera did you use?

12 A. Just a little small digital camera.

13 Q. And did you ever print that picture
14 out?

15 A. I attempted to but it didn't come
16 out, didn't develop well. It couldn't really
17 be seen because of his hairstyle.

18 Q. Explain to me -- when you said that
19 it didn't develop well, explain to me ---

20 A. It didn't show the small scratch
21 that he had in that area.

22 Q. Okay. So what did you observe on
23 the defendant when you looked at it in
24 person?

25 A. Just a tiny scratch.

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Testimony of James Peppers - Direct Examination

1 Q. Did you notice any bleeding coming
2 from it?

3 A. No, I did not.

4 Q. To be clear to the jury, that
5 picture was never turned over; correct?

6 A. Right.

7 Q. At the very end of that interview,
8 not while you were in that, but did you hear
9 the defendant say, twice, "My head hurts, my
10 head hurts."

11 A. Yes.

12 Q. At any other time does he complain
13 to you in person about any injury?

14 A. No, he did not.

15 Q. At any time did he ask you for any
16 treatment?

17 A. No, he did not.

18 Q. At any time does he ask you for any
19 treatment?

20 A. No.

21 Q. Now, shortly after you exited that
22 interview, does the defendant agree to tell
23 you where the weapon is?

24 A. Yes.

25 Q. And do you take him to go find it?

1 A. Correct, myself and Lieutenant
2 Crooks.

3 Q. And does the defendant tell you
4 where to go?

5 A. Yes, he does.

6 Q. I'm sorry, who did you say was with
7 you?

8 A. Lieutenant Crooks.

9 Q. I am going to show you State's
10 Exhibits 8, 9 and 10. Could you please look
11 at these and tell me if you recognize what
12 they are?

13 A. (Upon review), yes, I do.

14 Q. What are they?

15 A. Picture of a door with the number
16 on it, Apartment three steps with a
17 silver object underneath it, which was the
18 knife.

19 Q. Does that accurately depict where it
20 was located?

21 A. Yes.

22 SOLICITOR HINTON: Your Honor, at this
23 time the State would move State's Exhibits 8,
24 9 and 10 into evidence.

25 MR. CANTRELL: No objection.

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1 THE COURT: All right.

2 (SO ENTERED AS STATE'S EXHIBIT 8)

3 (SO ENTERED AS STATE'S EXHIBIT 9)

4 (SO ENTERED AS STATE'S EXHIBIT 10)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR HINTON:

7 Q. To be clear, where was the location
8 of this knife was located?

9 A. That was under the steps where his
10 friend Justin Shove stayed/lived.

11 Q. And before I show you the photos, on
12 State's Exhibit 20, using that laser pointer,
13 could you show me where that location is?

14 A. Yes, (indicating). That yellow dot.

15 Q. Where was the incident location?

16 A. Paws Path Lane, (indicating).

17 Q. About how far is that walking?

18 A. A couple hundred yard, walking.

19 Q. State's Exhibit 8, what is that a
20 photograph of?

21 A. That is the door that goes inside
22 the apartment.

23 Q. Whose apartment is that?

24 A. Justin's, his friend's.

25 Q. And is that the same Justin that

1 testified earlier?

2 A. Yes, it is.

3 Q. State's Exhibit 9, what is that?

4 A. That is the knife actually laying
5 under the steps.

6 Q. Using the laser pointer, show me
7 where it is?

8 A. That's the knife.

9 Q. And State's Exhibit 10, what is
10 that?

11 A. That is just actually a close up
12 photograph of the knife laying under the
13 steps.

14 Q. What type of knife is that?

15 A. It's a huge -- a butcher knife, I'd
16 called it.

17 Q. Okay. Once that is located, do you
18 take that into evidence?

19 A. I did not. Actually we had our
20 crime scene guy who'd followed us over -- Mr.
21 Rencher was put in one car and John Brown was
22 put finishing up on Paw Path and I had him
23 come over and he actually photographed those
24 and took possession of the knife.

25 Q. And we mentioned that there was a

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1 photo of the scratch on his head that was not
2 turned over. Correct?

3 A. Right.

4 Q. I am going to show you State's
5 Exhibit 11, do you recognize what that is?

6 A. Yes, it's actually a photo of Mr.
7 Rencher.

8 Q. Can you tell us why you took that
9 photograph?

10 A. Just to see -- to show that he
11 didn't have any other injuries to him.

12 Q. Okay.

13 SOLICITOR HINTON: Your Honor, at this
14 time, The State would move State's Exhibit 11
15 into evidence.

16 MR. CANTRELL: No objection.

17 THE COURT: Okay.

18 (SO ENTERED AS STATE'S EXHIBIT 11)

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR HINTON:

21 Q. Did you actually take that photo?

22 A. Yes.

23 Q. Is there any swelling on the
24 defendant?

25 A. Not that I noticed.

1 Q. Any bruising?

2 A. No.

3 Q. Any scratching?

4 A. None.

5 Q. Aside from the scratch right behind
6 his left ear, did you notice anything on the
7 defendant?

8 A. I did not.

9 Q. Did you take his clothes into
10 evidence?

11 A. Actually when they were booking him
12 in when we got back from retrieving the
13 knife, they actually took his clothes.

14 Q. Now, going back to Justin Shove's
15 apartment, did you have an occasion to ask
16 the defendant about going to Justin Shove's
17 apartment?

18 A. Yes.

19 Q. What did he tell you about it?

20 A. He said that he went, that he
21 knocked on the door but that nobody came to
22 the door.

23 Q. So he did not tell you that he spoke
24 to Justin Shove that night?

25 A. Correct.

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Testimony of James Peppers - Direct Examination

1 Q. Did you have occasion to -- well,
2 let me back up. You are aware that a .40
3 caliber handgun was found on the scene, is
4 that correct?

5 A. Yes.

6 Q. Okay. And are you familiar with
7 where it was located?

8 A. Yes.

9 Q. And are you familiar with where the
10 altercation took place in the apartment?

11 A. Yes.

12 Q. Let me show you State's Exhibit 18.
13 Again using that laser pointer, can you tell
14 me where that altercation took place?

15 A. The altercation actually took place
16 in this area (indicating).

17 Q. Can you tell me where .40 caliber
18 was located?

19 A. It would have been over in here
20 (indicating).

21 Q. Where it says Laundry, what is that?

22 A. That is actually where the washer
23 and dryer are located with double doors.
24 It's also a solid wall between there and the
25 living room.

1 Q. So did you have occasion to measure
2 the distance between where this altercation
3 took place and where that handgun as located?

4 A. Yes.

5 Q. And what was the distance?

6 A. It was like nineteen feet or some-
7 thing.

8 Q. I'm sorry?

9 A. Nineteen feet, I believe.

10 Q. Is it a straight shot?

11 A. It is not. You have to come from
12 the area where the altercation happened, come
13 out, make a right, then make a left and go
14 around the wall here.

15 Q. And during your investigation, did
16 it reveal that anyone other than Ben Smith
17 saw that altercation?

18 A. No.

19 Q. Are you familiar with the booking
20 process at the police department?

21 A. Yes.

22 Q. Do y'all have policies regarding
23 your booking process?

24 A. Yes.

25 Q. When someone complains of an injury

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Testimony of James Peppers - Direct Examination

1 during booking, what is your policy?

2 A. Generally to call EMS. EMS will
3 come to the office and check them out.

4 Q. Is that regardless of whether or not
5 you think that it is a legitimate injury?

6 A. Yes.

7 Q. Was EMS ever called for Mr. Rencher?

8 A. There was no need.

9 Q. When you were taking Mr. Rencher
10 over to Mr. Shove's apartment, was there any
11 discussion about the case?

12 A. No. The only thing was just
13 directions of where Justin actually lived.

14 Q. So aside from that recorded
15 statement that we just watched and his
16 letting you know where the knife was, has he
17 ever spoken to you about the case?

18 A. He has not.

19 Q. Detective Peppers, that is all that
20 I have. Please answer any questions that Mr.
21 Cantrell may have.

22 A. Okay.

23 CROSS EXAMINATION

24 BY MR. CANTRELL:

25 Q. Detective Peppers, you say that

1 Michael Rencher said that he knocked on
2 Justin's door and got no response. Are you
3 saying that's what he told you as far as this
4 interview?

5 A. Yes.

6 Q. And in listening to the interview,
7 the only time that he talked about knocking
8 on doors was before the site of the incident,
9 and he had gone to Lamar's uncle and his
10 uncle was not there. That is the only door
11 that he mentioned knocking on, was it not?

12 A. He mentioned going over there but he
13 actually mentioned knocking on Justin's door.

14 Q. Are you saying that he mentioned
15 knocking on Justin's door before he ever
16 talked about going into the scene of the
17 incident?

18 A. No, sir.

19 Q. So you're saying that came about
20 later?

21 A. Yes.

22 Q. On this audio?

23 A. Yes.

24 Q. The fact remains that he went to
25 Justin's apartment, correct?

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Testimony of James Peppers - Cross Examination

1 A. I found out later, after Justin came
2 in to the police department that he'd
3 actually spoke with Justin. But that night
4 he said that he did not.

5 Q. You're sure about that?

6 A. Yes.

7 Q. Okay. Now, you said that the
8 procedure at the Clemson Police Department is
9 that if someone complains of an injury that
10 you call EMS. Correct?

11 A. Correct.

12 Q. Did you call EMS when he complained
13 of an injury?

14 A. It is if they request. If they
15 request. But if it is a significant injury,
16 yes, we would.

17 Q. So it is not automatic like you said
18 a while ago. They have to request EMS treat-
19 ment?

20 A. Yes, unless we see something
21 significant enough that we feel like it has
22 to be treated.

23 Q. Did you report to booking that he
24 had reported an injury?

25 A. Yes, they knew that he had talked

1 about his head and they questioned him in the
2 booking process.

3 Q. Now, when you -- in this interview,
4 you said that you wanted to look at his head.
5 And anybody can look at the video and
6 determine where you were looking." But then
7 you said "I am going to take a picture of
8 that." Right?

9 A. Right.

10 Q. You were going to take a picture of
11 what you found on his head?

12 A. Yes.

13 Q. You used the same camera that you
14 used to take this picture?

15 A. Right.

16 Q. And you used flash on both pictures?

17 A. Yes.

18 Q. But nevertheless, you didn't produce
19 or develop whatever picture that there was
20 after that?

21 A. Correct, because of just not begin
22 able to see it with his hair being the length
23 it was and all.

24 Q. But you saw it?

25 A. With my eyes, yes.

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Testimony of James Peppers - Cross Examination

1 Q. But you say that the camera just
2 didn't pick it up.

3 A. (No verbal response).

4 Q. And you just didn't print it out,
5 whatever the camera showed?

6 A. Correct.

7 Q. And as the solicitor stated, there
8 is only one person that gave you any
9 information other than Michael about what
10 happened between Michael and Cameron Flores.
11 Correct?

12 A. Yes.

13 Q. Just to reiterate, it was Michael
14 that took you to where the knife was?

15 A. That's correct

16 Q. And it was Michael's father who
17 called the Clemson Police Department to
18 report what had gone on with Michael that
19 night?

20 A. Yes, I learned that later on.

21 Q. Let me back up to this thing about
22 Justin Shove. Michael mentioned Justin
23 Shove.

24 A. Yes.

25 Q. And going to his apartment?

1 A. Yes.

2 Q. So he didn't hide anything from you
3 about going there?

4 A. He mentioned -- when Justin came up
5 to me was -- yes, he did mention it. Yes, I
6 agree with that.

7 Q. This interview took place a little
8 bit after 4:00 the night of the incident?

9 A. That's right.

10 Q. And the original call came in some
11 two hours earlier than that?

12 A. That's correct.

13 Q. I don't have any further questions.
14 Thank you, Detective Peppers.

15 REDIRECT EXAMINATION

16 BY SOLICITOR HINTON:

17 Q. Detective Peppers, the original call
18 on this case did not come from Michael
19 Rencher's father, did it?

20 A. Correct.

21 Q. The original call came from Ben
22 Smith, correct?

23 A. Right.

24 Q. And in that call the defense has
25 referenced Mr. Rencher only says that someone

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Testimony of James Peppers - Redirect Examination

1 has assaulted his son. Correct?

2 A. Correct.

3 Q. He does not provide any further
4 details about the incident?

5 A. Does not.

6 Q. Thank you.

7 MR. CANTRELL: Your Honor, if I may.

8 THE COURT: Yes.

9 RECROSS EXAMINATION

10 BY MR. CANTRELL:

11 Q. Did Mr. Rencher not convey to the
12 police department that his son had been
13 assaulted at Paw Path Lane?

14 A. I just remember him saying that he
15 had been assaulted.

16 Q. Did you take the initial call or the
17 first call?

18 A. I did not. It came through
19 dispatch.

20 Q. So you wouldn't know if he told them
21 where the assault had taken place or given
22 them other information?

23 A. Correct.

24 Q. Admittedly his call was only an
25 after-the-fact call regarding his son and his

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Testimony of James Peppers - Recross Examination

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1 injuries or his assault. Correct?

2 A. Correct.

3 MR. CANTRELL: No further questions.

4 THE COURT: Sir, you may step down.

5 (WITNESS STEPS DOWN)

6 THE COURT: May I talk to the
7 lawyers for just a second?

8 (OFF RECORD BENCH CONFERENCE)

9 THE COURT: Call your next witness.

10 SOLICITOR HILL: The State calls Dr.
11 Michael Ward.

12 (WITNESS TAKES STAND)

13 MICHAEL WARD, M.D., having been sworn to
14 tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR HILL:

18 Q. Dr. Ward, where are you currently
19 employed?

20 A. I am employed by Pathology
21 Associates of Greenville, which is in
22 Greenville, South Carolina.

23 Q. What is your position there?

24 A. I am a forensic pathologist, so we
25 -- Pathology Associates has a contract with

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Testimony of Michael Ward, M.D. - Direct Examination

1 Greenville, Pickens and Laurens counties to
2 perform medical legal autopsies to determine
3 cause and manner of death.

4 Q. How long have you had that position?

5 A. Been there since 1995.

6 Q. In that position what do some your
7 job responsibilities include?

8 A. Our responsibility is to investigate
9 deaths that occur in these counties to
10 determine cause and manner or death. That
11 may include simply a records review but in
12 most cases an autopsy is performed with
13 microscopic examination as well as
14 toxicological analyses to determine any
15 natural diseases or trauma that may be
16 present in an effort to determine how and why
17 people die.

18 Q. Do you have a specific title there?

19 A. I am the chief medical examiner.

20 Q. Can you go through your educational
21 background for us?

22 A. Certainly. I have a bachelors
23 degree in Biology from the University of
24 Alabama.

25 I received my masters degree in Forensic

1 Science from the University of Alabama in
2 Birmingham.

3 I received my medical degree from the
4 University of South Alabama, which is in
5 Mobile.

6 I did a four-year anatomic pathology
7 residency at the Medical University of South
8 Carolina in Charleston.

9 And did a one-year fellowship in Forensic
10 Pathology at the University of New Mexico in
11 Albuquerque.

12 Q. Do you conduct autopsies as part of
13 your job?

14 A. Yes, I do.

15 Q. About how many autopsies have you
16 performed?

17 A. Well over five thousand.

18 Q. Have you ever been qualified as an
19 expert in Forensic Pathology before?

20 A. Yes.

21 Q. About how many times have you been
22 qualified to testify ---

23 A. I've been qualified to testify in
24 district and federal court well over a
25 hundred times.

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Testimony of Michael Ward, M.D. - Direct Examination

1 SOLICITOR HILL: Your Honor, at this
2 time the State would like to offer Dr.
3 Michael Ward as an expert in Forensic
4 Pathology.

5 MR. CANTRELL: No objection.

6 THE COURT: So qualified.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR HILL:

9 Q. Dr. Ward, you conducted an autopsy
10 on Cameron Flores on September 11th, 2014?

11 A. Yes, I did.

12 Q. Can you kind of go through the
13 process of how a body would get to you?

14 A. The coroner in each county is
15 responsible for determining whether a body
16 needs to be autopsied.

17 In this case, Candy Kelly, who is the
18 Pickens County Coroner requested that we
19 perform an autopsy on Mr. Flores. She made
20 arrangements for him to be transferred to
21 Greenville Memorial Hospital, where our
22 autopsy facility is.

23 At the time of autopsy, we perform an
24 external examination to evaluate basically
25 his height, weight, what he was wearing,

1 basically any identifying marks that may be
2 present; and then we begin the autopsy from
3 the outside in to determine the cause of
4 death.

5 Q. Okay. When you received the body,
6 what was the height and weight?

7 A. Mr. Flores weighed 180 pounds and
8 was 71 inches in length.

9 Q. How long is 71 inches?

10 A. It is 5'11".

11 Q. And would that be the exact height
12 and weight that the person, you examined,
13 would have been alive?

14 A. Yes.

15 Q. And there would have been no reason
16 for the body to have shrunk or to lost
17 weight?

18 A. No.

19 Q. What type of injury did you observe
20 on the body?

21 A. Mr. Flores had a stab wound to his
22 abdomen.

23 Q. Okay. And can you give us the
24 approximately location of where that injury
25 was on his abdomen?

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1 A. It was twenty-four inches from the
2 top of the head -- sorry, (review of file) --
3 and almost four a half inches to the left of
4 the midline. So basically it's in the left
5 upper quadrant of the abdomen, just below the
6 inferior margin of the ribcage. It was
7 obliquely oriented. So it was not
8 horizontal, it was not vertical, it was
9 obliquely oriented. Stab wound of the left
10 upper quadrant of the abdomen, which passed
11 from his left to his right.

12 Q. So what would that injury look like?

13 A. Do you mean the injury underneath?

14 Q. Or the injury itself from a
15 distance?

16 A. A stab wound looks like a slit,
17 incised wound or cut to the skin. By
18 definition, a stab wound is deeper than it is
19 long. An incised wound is longer than it is
20 deep. They both result from sharp force
21 injury. As you would anticipate, a stab
22 wound is deeper than it is long, so it's --
23 this was a two inch in length stab wound
24 which is left upper quadrant of the abdomen.
25 So if you look at it from a distance, it

1 would look like a little red cut in the skin.

2 Q. Was there anything protruding from
3 that injury?

4 A. I don't think so.

5 Q. Based on stab wounds, would it be
6 common for anything to be protruding from
7 anything like that?

8 A. With a stab wound to the abdomen,
9 intestinal contents of the intestinal tract
10 may at times protrude through the wound. I
11 do not recall if this did or not. It would
12 not be unexpected if it did.

13 Q. Can you go through kind of the path
14 of the wound, describing what it hit?

15 A. Certainly. This stab wound was to
16 the left upper quadrant of the abdomen as it
17 passed from Mr. Flores' left to his right and
18 from his front to his back. It incised or
19 cut the large intestine, the small intestine,
20 the mesentery of the small intestine, which
21 is the little fatty connective tissue which
22 holds the mesentery in place. It then
23 incised the inferior vena cava, which is the
24 large vein that returns blood from the legs
25 and the lower part of the body, back to the

1 heart. It incised the aorta, which is the
2 large artery that takes blood from the heart
3 to the rest of the body. It then incised the
4 anterior body of the second lumbar vertebra.
5 So it skims across the lumbar vertebra and it
6 terminates its course near the attachment of
7 the right kidney.

8 Q. What type damage would that type of
9 injury cause?

10 A. Well, the trauma to the intestinal
11 tract certainly potentiates the opportunity
12 for infection. You'd have fecal material
13 that spills into abdominal cavity. So down
14 the road you'd certainly have the potential
15 for infection.

16 But the trauma to the inferior vena cava
17 and to the aorta would result in a great deal
18 of very rapid blood loss. Mr. Flores had
19 eight hundred milliliters of blood lying free
20 in his peritoneal cavity as well as blood
21 within the tissue of the lung that was
22 trapped.

23 Q. And what about the incision to the
24 vertebra that you mentioned, what type of
25 damage would it cause?

1 A. It would cause virtually no trauma.
2 It's just a marker of where the knife went.
3 It did not damage the cord underneath.

4 Q. What is the consistency of that
5 vertebra?

6 A. It's bone.

7 Q. So were you able to determine how
8 deep the wound was?

9 A. Yes, I was.

10 Q. How deep was that?

11 A. The wound had a maximum wound depth
12 of seven and one-half inches from skin to the
13 termination of the wound track.

14 Q. You mentioned previously in your
15 testimony how the blade would have entered
16 the body. Can you determine from that in
17 what direction it would have come from?

18 A. The wound goes from Mr. Flores' left
19 side, crosses the midline and terminates on
20 the right side of the vertebral column, so it
21 goes from his left side -- from front to back
22 and then to the right. So it goes from Mr.
23 Flores' left to right and backward. So it
24 would have come from his left to his right.

25 Q. Is this wound consistent with what

1 would be like a direct puncture rather than
2 like a slice?

3 A. This is a very typical stab wound.
4 There is no extraneous cutting associated
5 with it, so it's very much just a single stab
6 wound to the abdomen without any slicing type
7 motion at all. That's correct.

8 Q. Did you observe any other types of
9 cuts or injuries on the body?

10 A. The only other injury was a
11 superficial scratch or abrasion to Mr.
12 Flores' left lower leg.

13 Q. Did you notice any defensive wounds
14 on the body?

15 A. He had no defensive-type injuries to
16 his hands or his arms.

17 Q. Okay. You mentioned his hands, you
18 observed the hands initially and noticed no
19 injuries?

20 A. That's correct.

21 Q. Based on your observations, what is
22 your opinion on how Cameron Flores died?

23 A. Mr. Flores died as the result of a
24 stab wound of the abdomen.

25 Q. And you mentioned the amount of

1 blood that Cameron Flores would have lost.
2 Would this type of blood loss occur
3 internally or externally?

4 A. Most of it would probably be
5 internal as the blood is collecting in the
6 free space of the peritoneal cavity. There
7 may be some external injury. The skin
8 certainly has capillaries and if you cut
9 yourself the skin will bleed. But most of
10 this rapidly accumulating blood is
11 accumulating in the abdominal cavity.

12 Q. So would you be surprised if
13 initially someone who suffered this type of
14 injury doesn't start bleeding externally
15 immediately?

16 A. I would not be surprised.

17 Q. And he would still be bleeding
18 internally?

19 A. That's correct.

20 Q. And how long would someone with this
21 type of injury be expected to live?

22 A. They will certainly live until they
23 lose enough blood to become unconscious.
24 Eventually they'd lose enough blood that they
25 would lose their heartbeat. It would not

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1 surprise me if this was in the order of a few
2 minutes.

3 Q. And would CPR have saved this
4 person's life?

5 A. No.

6 Q. Was it a factor in how he died?

7 A. I'm not sure that I understand that
8 question but the presence or absence of CPR
9 would not been -- CPR would not have been
10 effective in preventing this death once the
11 stab wound occurred.

12 Q. And would an initial delay in
13 providing this person CPR, would that have
14 any effect on whether or not he died?

15 A. It would not.

16 Q. Is it standard for y'all to run a
17 toxicology report?

18 A. It is.

19 Q. Did you run one on Mr. Flores?

20 A. We did.

21 Q. What was found to be in his system?

22 A. Toxicological examination of femoral
23 blood, retrieved at autopsy, demonstrated
24 marijuana, cocaine and a breakdown of cocaine
25 benzoylegonine.

1 Q. And what effect, if any, would this
2 have had on his death?

3 A. It contributed nothing to his death.

4 Q. Does the presence of cocaine or
5 marijuana in someone's system allow them to
6 exert any extra strength or force towards
7 another person?

8 MR. CANTRELL: I would object to
9 that, that is outside of his expertise.

10 THE COURT: How is it relevant?

11 SOLICITOR HILL: Your Honor, I believe
12 it's relevant in that he can testify as to
13 the effects of cocaine and marijuana.

14 THE COURT: You can ask him that
15 question.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR HILL:

18 Q. Going back to the wound and the
19 amount of blood loss, would you expect an
20 instrument used in this type of incident to
21 have a high amount of blood on it?

22 A. Surprisingly very often an
23 instrument used to create a single stab wound
24 often has very little blood on it. As the
25 knife goes in and then it pulled back out,

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1 the skin is still pressing against the knife
2 and the blade of the knife gets wiped off.

3 The second stab wound and any following
4 stab wounds, now that the skin is bloody then
5 the knife often becomes very bloody.

6 But frequently the first stab wound there
7 might be traces of blood that you can find
8 microscopically but often leaves very little
9 visible blood on the blade itself.

10 Q. Okay. And the person who would have
11 caused this wound, would he have likely done
12 this with his right or his left hand?

13 MR. CANTRELL: Objection, Your Honor.

14 THE COURT: Lay a foundation so he can
15 describe what his expert opinion is.

16 DIRECT EXAMINATION CONTINUED
17 BY SOLICITOR HILL:

18 Q. At the end of your examination,
19 again what did you determine the manner of
20 death to be?

21 A. Manner of death would be homicide.

22 SOLICITOR HILL: Please answer any
23 other questions that Mr. Cantrell has.

24 CROSS EXAMINATION

25 BY MR. CANTRELL:

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1 Q. Dr. Ward, I think you've already
2 indicated this. This injury was one very
3 distinct stab wound, and that was all;
4 correct?

5 A. That's correct.

6 Q. That's all. Thank you.

7 THE COURT: All right, thank you.

8 SOLICITOR HILL: May he be excused?

9 MR. CANTRELL: No objection.

10 THE COURT: You are released from your
11 subpoena.

12 (WITNESS STEPS DOWN)

13 THE COURT: Call your next witness.

14 SOLICITOR HINTON: Thank you, Your
15 Honor. The State would call Robert Crooks.

16 (WITNESS TAKES STAND)

17 ROBERT CROOKS, having been sworn to tell
18 the truth, and nothing but the truth,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR HINTON:

22 Q. Where are you employed?

23 A. Clemson City Police Department.

24 Q. In what capacity?

25 A. Lieutenant in Investigations.

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Testimony of Robert Crooks - Direct Examination

1 Q. How long have you been with the
2 Clemson City Police Department?

3 A. Thirty-two years.

4 Q. How long have you been a lieutenant?

5 A. Oh, -- for years.

6 Q. Did you have occasion to assist
7 Detective Peppers in a homicide that occurred
8 at Paw Path Lane?

9 A. I did.

10 Q. As part of your assistance with him,
11 did you go with him to a location off
12 Creekside Drive?

13 A. I did.

14 Q. Who'all went with you?

15 A. Just myself, Detective Peppers and
16 the defendant.

17 Q. The Defendant Michael Rencher, right
18 here?

19 A. Yes.

20 Q. How did y'all travel there? Were
21 you in the same car?

22 A. Yes. Detective Peppers was driving.

23 Q. When you got to the location at
24 Creekside Drive, did you get out of the car?

25 A. No, I sat in the vehicle with the

1 defendant.

2 Q. Okay. And in the time that you sat
3 with him, did he ever complain of any injury
4 to you?

5 A. No, ma'am.

6 Q. Did he complain of any pain?

7 A. No, ma'am.

8 Q. Did he request any medical
9 assistance from you?

10 A. No, ma'am.

11 Q. And did y'all discuss the case at
12 all?

13 A. Not at all.

14 Q. Can you give me an idea of his
15 overall demeanor while y'all were there?

16 A. Quiet.

17 Q. Did you also obtain a search warrant
18 in this case?

19 A. I did.

20 Q. What location was the search warrant
21 for?

22 A. Paw Path Lane.

23 Q. Did you execute that search warrant?

24 A. No, I didn't execute it. It was
25 Officer Brown. John Brown.

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Testimony of Robert Crooks - Direct Examination

1 Q. Why did you not execute it?

2 A. Because I obtained it, so you don't
3 execute it if you obtain it.

4 Q. Is there a reason for that?

5 A. Well, uh, not necessarily other than
6 if you obtain it, you just don't execute it.

7 Q. Is that policy?

8 A. Well, it just says that, uh, the
9 executing person who actually signed it don't
10 execute it.

11 Q. Okay. As part of the search
12 warrant it says that?

13 A. Right.

14 SOLICITOR HINTON: Thank you. Please
15 answer any questions that Mr. Cantrell may
16 have.

17 MR. CANTRELL: I have no questions.
18 Thank you.

19 SOLICITOR HINTON: Your Honor, may he
20 be excused?

21 MR. CANTRELL: No objection.

22 THE COURT: You may step down.

23 (WITNESS STEPS DOWN)

24 THE COURT: You are released from your
25 subpoena.

1 SOLICITOR HINTON: Thank you, Your Honor.

2 The State would call John Brown.

3 (WITNESS TAKES STAND)

4 JOHN BROWN, having been sworn to tell

5 the truth, and nothing but the truth,

6 testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR HINTON:

9 Q. Officer Brown, where are you
10 employed?

11 A. Clemson City Police Department.

12 Q. How long have you been there?

13 A. Almost six years.

14 Q. What is your duty over there?

15 A. I'm the evidence tech.

16 Q. Tell me a little bit about how, just
17 in general, evidence collection works?

18 A. You go to the scene, you collect
19 everything. You put everything in separate
20 bags, label it.

21 Once it's taken back to the police
22 department, you check it into the system.
23 It is given identification labels and put up
24 until further processing.

25 Q. And when you say that it is put up,

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Testimony of John Brown - Direct Examination

1 is it secured?

2 A. Yes.

3 Q. How is it secured?

4 A. It is in a locked building.

5 Q. Did you take the evidence in on the
6 case at Paw Path Lane?

7 A. Yes, I did.

8 Q. And did you follow the procedure
9 that you just stated that you did, in this
10 case?

11 A. Yes.

12 Q. When you arrived on scene, what --
13 what do you do?

14 A. Once I got on scene, I had to wait
15 until a search warrant was obtained.

16 While on scene, I received a call from
17 Lt. Gooch in reference to receiving the
18 victim's clothing from the hospital. I then
19 went up there and took pictures, retrieved
20 the clothes.

21 Q. And when you say you took pictures,
22 you took pictures of the body?

23 A. Yes.

24 Q. Now I'm going to show you what has
25 been marked as State's Exhibit 15.

1 MR. CANTRELL: No objection.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR HINTON:

4 Q. Do you recognize what that is?

5 A. Yes.

6 Q. What is that?

7 A. It's a photograph of the victim.

8 Q. Okay. And was this picture

9 originally in color?

10 A. It was.

11 SOLICITOR HINTON: Your Honor, at this
12 time the State would move State's Exhibit 15
13 into evidence.

14 MR. CANTRELL: No objection.

15 THE COURT: Without objection, State's
16 Exhibit 15.

17 (SO ENTERED AS STATE'S EXHIBIT 15)

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR HINTON:

20 Q. Is that a photograph of the stab
21 wound?

22 A. Yes, it is.

23 Q. And above that, what is that?

24 A. That is a scale, scaling the stab
25 wound.

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Testimony of John Brown - Direct Examination

1 Q. Is that kind of standard procedure?

2 A. It is, (affirmative nod).

3 Q. Okay. Aside from that photo being
4 black-and-white, is that how it appeared to
5 you?

6 A. Yes.

7 Q. Where did you take that photo?

8 A. At Oconee Memorial Hospital.

9 Q. After you went to Oconee Memorial
10 Hospital, what did you do next?

11 A. Once I collected all of the
12 evidence, I returned back to the scene.

13 Q. And when you say collect all the
14 evidence, do you mean the victim's
15 belongings?

16 A. The victim's belonging, (affirmative
17 nod); just the clothes, yes.

18 Q. And when you arrive back on scene,
19 what do you do?

20 A. Once the search warrant was obtain-
21 ed, I then took photographs of the exterior
22 of the residence. Then I also took pictures
23 of the interior of the residence.

24 Q. As part of your job, do you search
25 the residence?

1 A. I do. But once -- I had to wait
2 until the search warrant got there.

3 Q. So once the search warrant was
4 obtained, did you search the residence in
5 this case?

6 A. I did.

7 Q. Now, at the time that you go to
8 search the residence, are you aware of what
9 kind of case that you are dealing with?

10 A. I was.

11 Q. And what information did you have
12 about what type of case that you were dealing
13 with?

14 A. That I was dealing with a stab
15 wound.

16 Q. At that point did you locate any
17 drugs in the apartment?

18 A. Yes, I did.

19 Q. Where were those located?

20 A. They were located in the laundry
21 room.

22 Q. I am going to show you State's
23 Exhibit 18. Do you recognize this?

24 A. Yes, that's a scale -- a nonscale
25 drawing of the residence.

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Testimony of John Brown - Direct Examination

1 Q. Did you do this drawing?

2 A. I did.

3 Q. Is this based on what you saw in the
4 apartment?

5 A. Yes.

6 Q. There's a laser pointer up here,
7 with a little red button.

8 A. Okay.

9 Q. Can you show the jury where the
10 laundry closet is?

11 A. The laundry closet is right there
12 (indicating).

13 Q. And where are the entrances and
14 exits to that residence?

15 A. That's the front door, that's the
16 back sliding glass door.

17 Q. The items -- the shapes in the
18 living room, what does that represent?

19 A. (Indicating): that would be a
20 bookshelf; that would be a couch; that would
21 be an end table; that would be kind of like a
22 recliner; that would be more like an ottoman,
23 that you rest your feet on; that's a little
24 table; that was a TV stand; that was a desk;
25 and that right there was a tall lamp.

1 Q. And then that laundry closet, is
2 that an open space?

3 A. It actually had doors on the laundry
4 closet, across from -- right in here.

5 Q. Is that a solid wall?

6 A. On the back side?

7 Q. Yes.

8 A. Yes.

9 Q. All right. And can you show where
10 the blood was found in that apartment?

11 A. Right here in front of the front
12 door.

13 Q. Any other blood found in that
14 apartment?

15 A. No.

16 Q. Is that part of your duties as you
17 work the scene, to find that?

18 A. It is.

19 Q. So was there any blood in the
20 kitchen?

21 A. There was not any that I found.

22 Q. You mentioned that drugs were found
23 in the laundry room.

24 A. (Affirmative nod).

25 Q. Did you take those out and

1 photograph them?

2 A. I did.

3 Q. At some point are you notified that
4 the weapon in this case has been located?

5 A. Yes, I was notified by Detective
6 Peppers.

7 Q. And when you were notified of that,
8 where did you go?

9 A. I went to Creekside Drive,
10 Apartment .

11 Q. Okay. And when you got there, did
12 you photograph that scene as well?

13 A. Yes, I did.

14 Q. I am going to show you State's
15 Exhibits 8, 9 and 10 -- I'm sorry, State's 9
16 and 10. Do those look familiar?

17 A. Yes, they do.

18 Q. Did you take those?

19 A. I did.

20 Q. Does that accurately represent how
21 the knife was found?

22 A. It does.

23 Q. Did you move it at all prior to
24 taking those pictures?

25 A. No, I didn't.

1 Q. Did you take that knife into
2 evidence?

3 A. I did.

4 Q. Since you took it into evidence, has
5 it been stored in the Clemson City Police
6 Department evidence locker?

7 A. It has, (affirmative nod).

8 Q. Has it been tampered with at all?

9 A. It has not.

10 Q. What is it currently in?

11 A. It's in a box.

12 Q. Prior to that, prior to you getting
13 it ready for court what was it in?

14 A. It was in a paper bag, labeled and
15 sealed.

16 Q. Did you remove it for any other
17 reason other than for court?

18 A. I did not.

19 Q. I am going to show you State's 14.
20 Can you tell me what that is?

21 A. That is a weapon that was found at
22 the scene.

23 Q. And then what else is in that box?

24 A. That is actually the original
25 packaging that it was in.

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1 Q. And the original packaging -- you
2 said that it was labeled. What is it labeled
3 with? How do you know that it belongs to
4 this case?

5 A. It's got the name of the defendant,
6 it's got the case number on it. And the
7 incident is also -- that's my writing. It
8 has another label on it that has the case
9 number, item recovery date, who it was
10 submitted by and the description.

11 Q. And aside from you putting it in
12 that box, is it in the condition that it was
13 in when you found it?

14 A. Yes.

15 SOLICITOR HINTON: Your Honor, at this
16 time the State would move State's Exhibit 14
17 into evidence.

18 MR. CANTRELL: Without objection.

19 THE COURT: All right. State's Exhibit
20 14, without objection.

21 (SO ENTERED AS STATE'S EXHIBIT 14)

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR HINTON:

24 Q. Did you also receive clothing from
25 the defendant in this case?

1 A. Yes.

2 Q. I'm sorry. Did you receive the
3 defendant's clothing?

4 A. Yes. I didn't actually enter it
5 into evidence, but I do have -- the clothing
6 was entered into evidence.

7 Q. And who entered that evidence?

8 A. Detective Peppers.

9 Q. Okay. And once it was entered into
10 evidence, has it remained in the evidence
11 locker?

12 A. Yes.

13 Q. Okay. Inside that bag -- is that
14 bag also labeled?

15 A. It is.

16 Q. What is it labeled with?

17 A. It has the case number on it, it has
18 the item, it has the recovery date, who it
19 was submitted by and a description.

20 Q. And has this bag been opened for any
21 purpose other than court?

22 A. No, it has not.

23 Q. I am going to show you what has been
24 marked as State's Exhibit 16. Do you
25 recognize that?

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Testimony of John Brown - Direct Examination

1 A. Yes.

2 Q. What is that?

3 A. The defendant's shirt.

4 SOLICITOR HINTON: Your Honor, at this
5 time the State would move State's Exhibit 16
6 into evidence.

7 MR. CANTRELL: No objection.

8 THE COURT: So entered, State's Exhibit
9 16.

10 (SO ENTERED AS STATE'S EXHIBIT 16)

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR HINTON:

13 Q. I am going to show you what has been
14 marked as State's Exhibit 17. Do you
15 recognize these?

16 A. Yes.

17 Q. What is that?

18 A. The defendant's shorts.

19 SOLICITOR HINTON: Your Honor, at this
20 time the State would move State's Exhibit 17
21 into evidence.

22 MR. CANTRELL: No objection.

23 THE COURT: Without objection, so
24 entered.

25 (SO ENTERED AS STATE'S EXHIBIT 17)

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR HINTON:

3 Q. Aside from collecting the evidence,
4 did you have any other involvement in this
5 case?

6 A. I did not.

7 Q. When you were on scene, did you also
8 locate a shotgun in the residence?

9 A. I did, (affirmative nod).

10 Q. Where was that located?

11 A. It was located in the laundry room.

12 Q. Okay. The same one where you found
13 the drugs?

14 A. Yes, same area.

15 Q. And tell me where -- was that out in
16 plain view?

17 A. No, it was not. It was kind of hid
18 in the laundry room. I mean you'd have to
19 physically look in the laundry room to see
20 it.

21 Q Okay. And by the time you got on
22 scene, were you aware that a .40 caliber Sig
23 had been taken into evidence by Johnson and
24 T.J. Brown?

25 A. After I talked to Officer Johnson

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1 and Officer T.J. Brown, they did advise me
2 that the gun was located and had been secured
3 in T.J. Brown's vehicle. I retrieved it and
4 I secured it in my vehicle.

5 Q. But when you got on scene, was that
6 gun still out?

7 A. No, it was secured already.

8 Q. So were you able to take any photo-
9 graphs of that gun, of where it was in that
10 apartment?

11 A. No, I was not.

12 Q. Officer Brown, that's all that I
13 have. Please answer any questions that Mr.
14 Cantrell may have.

15 CROSS EXAMINATION

16 BY MR. CANTRELL:

17 Q. Officer Brown, I think your
18 testimony was that you did find drugs in the
19 apartment?

20 A. Yes.

21 Q. But that they were all in one
22 confined area; is that right?

23 A. Yes, sir.

24 Q. Was this a variety of drugs?

25 A. It was.

1 MR. CANTRELL: Your Honor, permission
2 to approach the witness.

3 THE COURT: Yes.

4 CROSS EXAMINATION CONTINUED

5 BY MR. CANTRELL:

6 Q. I hand you what has been marked as
7 Defense Exhibit 4 and ask you if you know
8 what that is? First of all, is that a
9 picture that you took at the scene?

10 A. It is.

11 Q. Can you identify what is in that
12 picture?

13 A. I can. Yes, sir.

14 Q. What do you see in that?

15 A. I see a set of keys.

16 I see several white elongated pills.

17 I see a baggie with yellow or orange
18 pills.

19 I see a black soft-shell, kind of like,
20 book.

21 I see an orange medicine bottle with
22 green plant material.

23 I see a larger jar with a green plant
24 material.

25 Q. I show you State's Exhibit 6 and ask

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1 you if that is a photograph that you took?

2 A. Yes, sir.

3 Q. Can you tell us what is in that
4 picture?

5 A. I see a clear baggie with several
6 pieces -- which had a green plant substance
7 in it.

8 Q. Thank you. And number five, is that
9 just another picture, closer up of the first
10 picture you identified?

11 A. It's more of an overall picture of
12 it. Yes, sir.

13 Q. All of this was photographed on a
14 table but it was all found confined to one
15 area in the laundry room; is that correct?

16 A. Yes, sir.

17 Q. Now, did you say that you performed
18 a search of the premises after you got there?

19 A. When I got there, I was waiting
20 until the search warrant was actually
21 obtained before I started taking any
22 pictures.

23 Q. In your time there, during your work
24 there did you find any other guns of any sort
25 other than the two that you have referenced?

1 A. I did not, no.

2 MR. CANTRELL: I have no further
3 questions. Thank you, sir.

4 THE COURT: Anything else?

5 SOLICITOR HINTON: No, Your Honor. May
6 he be excused?

7 MR. CANTRELL: No objection.

8 THE COURT: You may step down and you
9 are excused.

10 (WITNESS STEPS DOWN)

11 SOLICITOR HINTON: Thank you, Your
12 Honor. The State rests.

13 THE COURT: All right. Ladies and
14 gentlemen, it is now a quarter until 1:00.
15 This is one of those times in the trial when
16 I need to discuss issues with the attorneys
17 outside of your presence, so this is very
18 convenient time to break for lunch.

19 I ask that you be back at 2:00 o'clock.
20 That gives you an hour and fifteen minutes.
21 Does that give you all enough time?

22 Remember, do not discuss the case. Do
23 not visit the scene. Do not talk to anybody.
24 Don't do any research.

25 We will see you back at 2:00 o'clock.

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1 Thank you.

2 (JURY OUT @ 1:45 P.M.)

3 THE COURT: Anything?

4 MR. CANTRELL: Your Honor, at this
5 point I would move for a directed verdict on
6 a couple of grounds.

7 First, I believe that there is sufficient
8 evidence, based on the testimony of State's
9 witnesses, to corroborate self-defense in
10 this matter. There's been nothing to refute
11 that.

12 Taking everything in the light most
13 favorable to the State, under proper
14 procedures, they have not met their burden as
15 to self-defense and we believe that requires
16 a directed verdict at this point.

17 THE COURT: I can't say that I agree
18 with you. There is a reasonable inference
19 from which the jury might determine something
20 else, so I deny your Motion. Anything else?

21 MR. CANTRELL: Yes, sir, I would move
22 for a directed verdict as to the charge of
23 voluntary manslaughter. Based on the
24 requirement of -- or based on the law
25 pertaining to voluntary manslaughter, there

1 is a requirement of something approaching or
2 something, in fact, occurring in the sudden
3 heat of passion upon sufficient legal
4 provocation. In this case there is no
5 testimony of any sort of heat of passion.
6 The only witness that testified, who saw or
7 knew what happened other than Michael Rencher
8 was Ben Smith. He never indicated anything
9 whatsoever that there was, on the part of
10 Michael Rencher, anything approaching a
11 violent, agitated, heat of passion type
12 response or reaction other than as he was
13 being hit he, in Mr. Smith's words, scuffled
14 with or shoved the victim. But nothing from
15 the standpoint of heat of passion. Again
16 that would go to the self-defense portion of
17 that discussion.

18 There was no testimony of any sort, much
19 less enough to allow the State to show that
20 they've presented enough at this state,
21 anything pertaining to the requirements for
22 voluntary manslaughter, specifically the
23 defendant acting in a heat of passion type
24 moment. That is based -- we heard what Mr.
25 Rencher said on the audio, but we heard Ben

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1 Smith and there were no other witnesses there
2 who said that Michael Rencher seemed anything
3 other than calm. He was not disturbed, he
4 was not agitated. It was the victim who was
5 disturbed and agitated and reacted -- or
6 acted. And, uh, once the altercation started
7 there was still no heat-of-passion type
8 response on Michael Rencher's part.

9 I just think that since there is simply
10 no evidence of that that the State has failed
11 their burden of proof at this stage and I
12 would ask that the court direct a verdict at
13 least as to voluntary manslaughter.

14 THE COURT: Well, that would be a
15 directed verdict as to everything since that
16 is all that there is.

17 SOLICITOR HINTON: Your Honor, as stated,
18 it is to be viewed in the light most
19 favorable to the nonmoving party. I think
20 that the statute requires a killing without
21 malice aforethought. It's case law that has
22 added these additional terms to the statute.
23 I think that the jury could infer -- and
24 there is enough to go to the jury that in
25 reacting to the punch that he received that

1 that was heat of passion, his reaction to
2 that. So I think that there is certainly
3 enough to go to the jury on voluntary
4 manslaughter and certainly I think there is
5 no evidence of a killing without malice
6 aforethought.

7 THE COURT: Okay. I am going to agree
8 with the State on that. I think that there
9 is enough to proceed to the jury. Mr.
10 Rencher, raise your right hand.

11 DEFENDANT: (Complies).

12 THE COURT: Do you swear to tell the
13 truth?

14 DEFENDANT: Yes, sir.

15 THE COURT: Put your hand down.

16 DEFENDANT: (Complies).

17 THE COURT: I want you to understand
18 that you have the absolute Constitutional
19 right to testify in your own defense.

20 You have an absolute equal Constitutional
21 right not to testify, and that cannot be held
22 against you. I will give a -- if your
23 attorneys requests it, I will give an
24 instruction to the jury with respect to that
25 percept of our laws.

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1 Now, whether or not you decide to testify
2 is a decision involving strategic decisions
3 and that is something that you need to
4 discuss fully with your attorney and go over
5 whatever ramifications may result if you did
6 testify and if you did not testify.

7 I want you to understand that is your
8 Constitutional right. I suggest, strongly
9 suggest, that you listen to the advice of
10 your counsel. But that Constitutional right
11 belongs to you, only you; and, at the end, it
12 is to be only you that gives it up or
13 exercises it if you.

14 I don't know if you've made a decision
15 whether or not to testify but -- are there
16 any impeachable offenses on his record?

17 SOLICITOR HINTON: No, Your Honor.

18 THE COURT: All right. Have you made a
19 decision or would you rather wait until the
20 end of lunch to ---

21 DEFENDANT: I would rather testify.

22 THE COURT: Okay. Well, I want you to
23 think about it over lunch, talk to your
24 attorneys, make sure that is your decision.
25 Okay?

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1 DEFENDANT: Yes, sir.

2 THE COURT: Be back at 2:00 o'clock.

3 (LUNCH RECESS)

4 (DEFENDANT PRESENT)

5 THE COURT: Have you made a decision?

6 DEFENDANT: Yes, sir.

7 THE COURT: Tell me what it is.

8 DEFENDANT: I am going to testify.

9 THE COURT: You are?

10 DEFENDANT: Yes, sir.

11 THE COURT: Do you have any questions
12 that you want to ask me with respect to your
13 rights?

14 DEFENDANT: No, sir.

15 THE COURT: Okay. Are you ready to go,
16 Mr. Cantrell?

17 MR. CANTRELL: Yes, sir.

18 THE COURT: State ready?

19 SOLICITOR HINTON: I am, Your Honor.

20 Can I just put one thing on the record, Your
21 Honor? I believe in Defense Exhibit 8 that
22 we watched from Minute 1:30 to Minute
23 2:57:00; just in case the jury wants to watch
24 again.

25 THE COURT: All right, thank you very

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1 much.

2 MR. CANTRELL: And, Your Honor, can I
3 speak with counsel just a minute about one
4 other thing?

5 THE COURT: Yes.

6 MR. CANTRELL: (Sidebar with
7 Solicitor Hinton). Thank you, Your Honor.
8 Your Honor, if it please the Court, we had
9 discussed previously, we just hadn't put
10 anything on the record, that the State and
11 Defense agree to a stipulation that there
12 were break-in's of the victim's vehicle
13 reported to the Clemson Police Department
14 prior to this, of course; that they were
15 investigated and that no charges were filed
16 as to those incidents. That would be the
17 stipulation and part of that -- the crux of
18 that is that that is what Mr. Flores was
19 angry about. So we just wanted to put that
20 in as a stipulation for the jury to know.

21 THE COURT: Well, get your co-counsel
22 to write it and we will publish it after ---

23 MR. CANTRELL: Yes, sir, I just
24 wanted to make sure that we covered that
25 before.

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1 THE COURT: Okay. Are you ready to go?

2 MR. CANTRELL: Yes, sir.

3 THE COURT: State ready?

4 SOLICITOR HINTON: Yes, sir.

5 THE COURT: Bring in the jury.

6 (JURY IN @ 2:08 P.M.)

7 THE COURT: Ladies and gentlemen,
8 welcome back. I hope you all had a very
9 pleasant lunch. We are ready to resume the
10 trial. Mr. Cantrell?

11 MR. CANTRELL: May it please the
12 court, Your Honor, I ask that Michael Rencher
13 step up and be sworn, please.

14 (WITNESS TAKES STAND)

15 MICHAEL RENCHER, having been sworn to
16 tell the truth, and nothing but the truth,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CANTRELL:

20 Q. Michael, how old are you?

21 A. I'm twenty-one (21).

22 Q. Where do you live?

23 A. Clemson.

24 Q. How long have you lived in Clemson?

25 A. All my life.

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1 Q. So you were born and raised here in
2 Pickens County, in Clemson?

3 A. Yes, sir.

4 Q. Are you going to school at this
5 time?

6 A. No, sir.

7 Q. Is it your plan to get your GED?

8 A. I am in GED classes right now.

9 Q. Oh, you are in GED classes right
10 now?

11 A. (Affirmative nod).

12 Q. Okay. I want to go back and ask you
13 to go back to September 11th, 2014. Of course
14 I know that you remember that date.

15 A. (Affirmative nod).

16 Q. But before what we're here about
17 transpired, tell us what you were doing
18 shortly before going over to this apartment
19 complex.

20 A. Before I went to Creekside?

21 Q. Yes.

22 A. I was at a friend's house, relaxing,
23 chilling.

24 Q. Just hanging out at their house? Is
25 that right?

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1 A. Yes, sir.

2 Q. Was there a decision made by you and
3 anyone else to go over to Creekside?

4 A. Yeah, I decided to go to Creekside
5 to meet my friend.

6 Q. What friend was that?

7 A. P.J.

8 Q. Did it end up that was where P.J.
9 was?

10 A. No, he was in Ridgecrest but I had
11 gotten mistaken.

12 Q. So you went to the wrong apartment
13 complex?

14 A. Yes, sir.

15 Q. Okay. Did you see anybody there at
16 Creekside that you knew? Eventually?

17 A. Eventually? No, I didn't get to see
18 anybody. I knocked on Justin's door but he
19 didn't come to the door, so I called -- you
20 know, I called P.J. and asked him where he
21 was at, so -- you know, I ---

22 Q. So you went to whose door first?

23 A. Justin's.

24 Q. What is Justin's last name?

25 A. Shove.

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1 Q. So you went by his door when you
2 first got there?

3 A. Yes, sir.

4 Q. And he was not there?

5 A. (Negative gesture).

6 Q. You have to answer out loud.

7 A. No, sir.

8 Q. Did ---

9 A. Sorry.

10 Q. And T.J., he was in a different
11 complex?

12 A. Yes, he was in Ridgecrest.

13 Q. Did you run into or get with your
14 buddy Lamar at any point?

15 A. I met Lamar at my friend's house
16 before I walked to Creekside.

17 Q. Did he stay with you when you went
18 to Creekside or did y'all -- did you meet up
19 with him again later?

20 A. Yes, sir, we stayed together the
21 whole time.

22 Q. After you went by Justin's house and
23 determined that he wasn't there, did you go
24 to any other apartment?

25 A. Yes. We decided to go to his

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1 uncle's house and wait on P.J. because he
2 said that he was coming to get us.

3 Q. Whose uncle was this?

4 A. Lamar's.

5 Q. When you got to Lamar's uncle's
6 apartment, what happened?

7 A. He didn't come to the door. We
8 talked and -- he used by phone to call him,
9 like three times, but he never picked up the
10 phone. He never came to the door.

11 Q. Okay. So far, the folks that you
12 were planning on seeing, nobody was around;
13 is that right?

14 A. Nobody was there.

15 Q. So after that what did you and Lamar
16 do?

17 A. We sat there for a second, waiting
18 on P.J. Then we seen Adele walk outside.

19 Q. Is that Adele Henderson, who was
20 here yesterday?

21 A. Yes, sir.

22 Q. All right. Now, did you know her at
23 that time?

24 A. No, sir.

25 Q. So who spoke?

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1 A. Lamar.

2 Q. What did he do?

3 A. He asked her was her boyfriend in
4 the house?

5 Q. And what did she do?

6 A. She went inside. She let him know
7 that he was outside asking about him and ---

8 Q. She let who know?

9 A. Ben. Ben Smith.

10 Q. She ---

11 A. She let him know about it, I guess.
12 She came outside and just waved us in.

13 Q. Was this the apartment number ?

14 A. Where the incident happened?

15 Q. Yes.

16 A. Yes, sir.

17 Q. When you got in there, who was
18 there?

19 A. It was Ben, Adele and Cameron.

20 Q. Cameron Flores?

21 A. Yes, sir.

22 Q. And then you and Lamar went in,
23 correct?

24 A. Yes, sir.

25 Q. So what did you do when you went in?

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1 What did you'all do?

2 A. We was just talking, chilling.

3 Q. What room were you in?

4 A. I was in the kitchen. They were
5 like on the other side of the counter.

6 Q. When you say "they", who would that
7 be?

8 A. Ben and -- Cameron was like on the
9 same side with me and Lamar.

10 Q. With you?

11 A. (Affirmative nod) and Lamar.

12 Q. So we're talking up where it says
13 kitchen, is that correct?

14 A. I believe. I was looking at it
15 earlier. I can hardly see it.

16 Q. You need glasses, right?

17 A. Yes, sir.

18 Q. You have glasses, don't you?

19 A. I do. I do, but not on me.

20 Q. You don't wear them a lot, when
21 you're supposed to; is that right?

22 A. (Affirmative nod). No, sir.

23 Q. Were you on the side of the counter
24 where the sink is? Were you standing over in
25 the sink area?

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1 A. Yes, sir.

2 Q. Who else was in that area?

3 A. Lamar and Cameron.

4 Q. Let me show you this picture marked
5 as Defendant's Exhibit 3. First of all, tell
6 me if you recognize that as being the kitchen
7 area.

8 A. Yes, sir.

9 Q. Is that -- can you see the sink in
10 the background?

11 A. Yes, sir.

12 Q. Is that -- to the right of this
13 picture, is that where you were standing?

14 A. I was like right there in the
15 corner.

16 Q. And Lamar was in that area also?

17 A. He was right beside of me, almost.

18 Q. And Cameron was where?

19 A. Right beside of Lamar. Probably a
20 foot behind Lamar.

21 Q. Now, do you recognize that there is
22 a magazine of some sort sitting there?

23 A. Yeah, it was like Top Twenty
24 something serial killers, or something.

25 Q. Whose magazine was that, as far as

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1 you know?

2 A. I don't know. It was one of theirs.

3 Q. Is that where you were standing,
4 near that magazine?

5 A. Yes, sir, I was reading it.

6 Q. So y'all were just chilling in the
7 kitchen, hanging around, talking and
8 listening to music? Is that accurate?

9 A. Yes, sir.

10 Q. At some point was there any conver-
11 sation -- or let's call it communication --
12 between Ben and Cameron that you didn't
13 totally understand?

14 A. I saw Cameron hand him like a flip-
15 phone. I saw him like type something on the
16 phone and he handed it him. Ben just closed
17 the phone and sat it down.

18 Q. So Ben read what Cameron had put on
19 the phone?

20 A. Yes, sir.

21 Q. Could you tell if they were
22 communicating or was Cameron behind you, out
23 of your sight?

24 A. No, I couldn't really see Cameron
25 but, you know, out of my periphery I could

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1 kind of see Ben.

2 Q. Once Cameron handed the phone to Ben
3 and he sat it down, was there anything said?
4 Was there anything unusual said, or anything
5 that you didn't understand?

6 SOLICITOR HINTON: Objection.
7 Hearsay, Your Honor.

8 THE COURT: He can't say what -- that's
9 hearsay.

10 DIRECT EXAMINATION CONTINUED

11 BY MR. CANTRELL:

12 Q. Let me just simply ask you, was
13 there some talk by Ben that you didn't know
14 what he was saying or understand what he was
15 talking about?

16 A. Yes, sir.

17 Q. Did that start to make you
18 uncomfortable?

19 A. To a certain extent. Not really.
20 Yeah, I'd say kind of a little bit.

21 Q. When it happened, when you were
22 starting to have this sense of discomfort,
23 were you able to do anything or did something
24 else start happening right away?

25 SOLICITOR HINTON: Objection, Your

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1 Honor. Leading.

2 THE COURT: Don't lead. Ask what he
3 did.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. CANTRELL:

6 Q. After the comments that made you
7 uncomfortable, what happened next?

8 A. Not too long after, Adele had showed
9 me a picture in a magazine and like three
10 seconds after that I got hit.

11 Q. You started getting hit in the head?

12 A. Well, the first punch was to my face
13 and the other one was to my head.

14 Q. Who was hitting you?

15 A. Cameron Flores.

16 Q. Was Lamar still standing there?

17 A. No, he was -- as soon as I got hit,
18 he ran.

19 Q. So you saw him leave as soon as you
20 got hit?

21 A. (Affirmative nod), he was like the
22 last thing that I seen, was him running.

23 Q. Was there anyone else that was
24 behind you that could have been hitting you
25 other than Cameron?

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1 A. No.

2 Q. Do you have any idea how many times
3 you were hit?

4 A. I really wouldn't be able to tell
5 you.

6 Q. When you were hit, how did your body
7 react?

8 A. I instantly, like -- my head like
9 instantly dropped into the corner. That
10 picture that you showed me, it dropped right
11 into the corner (indicating).

12 Q. Were you able to raise it up?

13 A. No.

14 Q. Why was that?

15 A. Because I was getting hit.

16 Q. We heard in the interview or the
17 interrogation from the video that you said
18 something about 'I didn't feel it.'

19 A. (Affirmative nod).

20 Q. Does that mean that you didn't know
21 that you were being hit or that it wasn't
22 hurting, or what does that mean when you say
23 'I didn't feel it'?

24 A. I would say it was like, just, shock
25 of the moment. I was kinda scared-like. You

1 know, I was really scared. It was just -- I
2 don't know, it was just that everything
3 happened so fast.

4 Q. Up to that point, did you have any
5 idea that Cameron was angry or about to hit
6 you or attack you in any way?

7 A. No, sir.

8 Q. In fact, were you looking at this
9 magazine the second that he hit you?

10 A. Yes, sir.

11 Q. Now, as he was hitting you -- let me
12 back up. Did you have your glasses with you
13 that night?

14 A. Yeah, I had them on my shirt.

15 Q. You didn't have them on? On your
16 face?

17 A. No, sir.

18 Q. Again, is that something that you
19 commonly do? You may have them but you
20 didn't like wearing them?

21 A. I never liked wearing them. They
22 gave me a headache.

23 Q. And, uh, -- as you were hit, do you
24 have any idea what happened to your glasses?

25 A. I have no clue.

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1 Q. Let me show you this picture of
2 Defendant's Exhibit 2 and ask if you
3 recognize this, that as being the counter
4 area?

5 A. Yes, sir.

6 Q. Do you see a pair of glasses in that
7 picture?

8 A. Yes, sir.

9 Q. Are those -- do you know whose
10 glasses those are?

11 A. Yes.

12 Q. Whose are they?

13 A. They're mine.

14 Q. And that is in the container next to
15 the wall on the kitchen cabinet (sic)?

16 A. Yes, sir.

17 Q. Did you put them there?

18 A. No, sir.

19 Q. They were on your shirt at the time
20 that you started getting assaulted?

21 A. Yes, sir.

22 Q. After that did you see them again
23 until you saw this picture?

24 A. No, sir.

25 Q. Now, as you were being hit and your

1 head was down, your testimony was that you
2 couldn't raise your head up because you were
3 being hit? Is that correct?

4 A. Yes, sir.

5 Q. What did you do next? While you
6 were being hit, what did you do next?

7 A. Really, uh, as I was being hit it
8 was a blur. It was really -- I was just
9 really scared. I didn't know how to react to
10 it, to be honest.

11 Q. To the best of your recollection,
12 how did you react or what did you do? What
13 happened?

14 A. I just grabbed the closest thing to
15 me.

16 Q. What did that turn out to be?

17 A. It ended up being a knife.

18 Q. Was that the knife that we saw
19 earlier?

20 A. Yes, sir.

21 Q. And what did you do with it?

22 A. I just swung it towards where I was
23 being hit from.

24 Q. At the moment that you were doing
25 it, did you realize that was happening or

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1 what was going on?

2 A. Not really.

3 Q. And you swung one time?

4 A. Once.

5 Q. And what did you do next after that?

6 A. I just felt it hit and stop, and I /
7 ran.

8 Q. Where did you run?

9 A. Towards the living room, out the
10 door.

11 Q. Did you keep on running when you got
12 out the door?

13 A. Actually when I got to road, I
14 turned around and I seen Ben standing at the
15 door. I tried to tell him that I was sorry
16 but, you know, he told me to 'just get out of
17 here.'

18 Q. What were you sorry for?

19 A. Hurting his friend, you know, -- I
20 guess.

21 Q. When you left, was Cameron still
22 standing up?

23 A. I never seen Cameron really after it
24 happened. I never really seen him again.

25 Q. Did you have any idea if he was hurt

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1 or, if so, how badly?

2 A. I probably knew that he was hurt but
3 I didn't think that it was that bad.

4 Q. Why would you think that he was
5 hurt?

6 A. I swung a knife towards someone who
7 was hitting me and -- you know, it was a
8 knife.

9 Q. You realized at that time that it
10 was a knife?

11 A. The only -- when I -- I realized
12 that it was a knife when I got near Justin
13 Shove's house.

14 Q. Where was the knife?

15 A. It was in my hand.

16 Q. It had been in your hand the whole
17 time since you'd left the apartment?

18 A. The whole time. Yes, sir.

19 Q. That's what you -- if you were
20 apologizing, that's what you were apologizing
21 for, if you'd hurt Cameron Flores?

22 SOLICITOR HINTON: Objection, Your
23 Honor. Leading.

24 THE COURT: Don't lead.

25 DIRECT EXAMINATION CONTINUED

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1 BY MR. CANTRELL:

2 Q. Let's back up just a little bit. In
3 the apartment, did you see drugs?

4 A. Yes, sir.

5 Q. Where were they the last time that
6 you saw them?

7 A. Everywhere.

8 Q. Were they in the kitchen?

9 A. Yes, sir.

10 Q. Were they on that counter?

11 A. Yes, sir.

12 Q. Did you see a gun in that apartment?

13 A. Yes, sir.

14 Q. Where was it the last time that you
15 saw it?

16 A. Right there on the bench, on the
17 counter.

18 Q. On the counter?

19 A. Yes, sir.

20 Q. Now, how much do you weigh?

21 A. I think probably -- at the time I
22 was probably like a hundred thirty-five
23 (135).

24 Q. How tall were you?

25 A. I believe 5'10", 5'11".

1 Q. Did Cameron Flores strike you as
2 being bigger than you?

3 A. I would say so; yes, sir.

4 Q. You heard Ben's testimony about how
5 big Cameron was. Would you concur with that?
6 That he was that big?

7 A. (Affirmative nod).

8 Q. He was big?

9 A. Yes, sir.

10 Q. Now, when you started -- well, let
11 me back up. You were in the kitchen area
12 near the sink, behind the counter. Is that
13 correct?

14 A. Yes, sir.

15 Q. And Cameron Flores was there behind
16 you, is that right?

17 A. Yes, sir.

18 Q. Had you ever been in this apartment
19 before?

20 A. No, sir.

21 Q. Before you got there -- let me ask
22 you this, before you got there did you have
23 any idea who lived there?

24 A. No, sir.

25 Q. Did you have any idea that Cameron

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1 Flores, whom you had known in the past, would
2 be there?

3 A. No, sir.

4 Q. So you were behind the counter,
5 Cameron Flores is there behind you, and once
6 the hitting starts Lamar left. Is that
7 right?

8 A. Yes, sir.

9 Q. You did not have your glasses on?

10 A. No, sir.

11 Q. And the next thing that happened was
12 the assault, the attack, and you just swung
13 around and ---

14 SOLICITOR HINTON: Judge, again,
15 leading.

16 THE COURT: Don't lead. Just ask him
17 what he did.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. CANTRELL:

20 Q. After the incident that you
21 described, you ran out the door and went to
22 Justin's house; is that correct?

23 A. Yes, sir.

24 Q. Was Justin there then?

25 A. Yes, sir. I actually was so scared

1 that I was knocking on the neighbor's door
2 for like five minutes.

3 Q. Okay.

4 A. Then I realized that I was knocking
5 on the wrong door.

6 Q. Did anybody come to the neighbor's
7 door?

8 A. No.

9 Q. Okay. Then did you get to Justin's
10 door?

11 A. Yes, sir.

12 Q. In the meantime, what had you done
13 with the knife?

14 A. I'd just -- I'd just set it some-
15 where. I set it somewhere.

16 Q. Later on you showed it to the
17 police; is that right?

18 A. Yes, sir, I told them that -- the
19 vicinity that it would be in.

20 Q. Did Justin come to the door?

21 A. Yes, sir.

22 Q. What did you do?

23 A. I was just really -- I was out of
24 breathe from running and it was just really
25 hard to tell him anything. I just came in

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1 and laid down on his couch.

2 Q. So did you saw very much at all?

3 A. No, I didn't really say much.

4 Q. He testified that you said something
5 about being in a little fight. Do you think
6 that you said something along those lines?

7 A. Really, I said something -- I said
8 'something just happened, something just
9 happened.'

10 Q. Did you ask him for paper towels or
11 did he volunteer to give you paper towels?

12 A. He volunteered.

13 Q. Did you see -- what did you see on
14 the paper towels after you used them?

15 A. Blood. He said that there was blood
16 running down my head. I didn't even know.

17 Q. Were you able to feel any injury at
18 that point or did you just find out that you
19 were bleeding?

20 A. I just found out I was bleeding, my
21 face was hurting.

22 Q. Did you -- what was the next thing
23 that you did after Justin went to bed?

24 A. I laid on his couch. I accidentally
25 got blood on his couch, so I cleaned it.

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1 Then I called my dad.

2 Q. Do you remember how long you had
3 been there, approximately, when you called
4 your dad?

5 A. Probably -- I'd say probably ten to
6 fifteen minutes, probably ten minutes.

7 Q. When you called your dad, what did
8 you ask him to do?

9 A. Well, I asked him to call the police
10 and let them know what had just happened. I
11 didn't want to get in no trouble.

12 Q. Did you tell your dad what had just
13 happened?

14 A. Yes, sir.

15 Q. Did you stay there at Justin's after
16 you called your dad, for any length of time?

17 A. Yes, sir.

18 Q. About how long do you think that you
19 stayed?

20 A. I stayed there probably twenty
21 minutes, until my dad showed up.

22 Q. How did you know that your dad was
23 there?

24 A. I told him to call me when he was
25 out there.

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1 Q. Now, when did -- how far was he from
2 Justin's when he called you?

3 A. He was a little bit away. I would
4 say probably fifty to seventy yards.

5 Q. Were you still in Justin's apartment
6 when he called you?

7 A. Yes, sir.

8 Q. Now, let me back up a little bit.
9 How far is Justin's apartment from Paw
10 Path? Just a guess.

11 A. I'd probably say probably like a
12 football field and a half, probably. Like a
13 football field.

14 Q. So when your dad got there, you
15 walked from Justin's apartment up this
16 distance to where he was parked; is that
17 right?

18 A. Yes, sir.

19 Q. Do you remember, did you walk? Did
20 you run?

21 A. I actually ran because I was still
22 kind of terrified actually.

23 Q. Once you got in the truck, what did
24 your dad do?

25 A. He just started telling me that ---

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1 SOLICITOR HINTON: Objection.

2 THE COURT: No, you ---

3 DIRECT EXAMINATION CONTINUED

4 BY MR. CANTRELL:

5 Q. You can't tell me what he said. You
6 can't testify to what he said, or what anyone
7 said. What did he do?

8 A. He -- we started to go home.

9 Q. Which way did you go home?

10 A. We took a right out of Creekside.

11 Q. Is that the way you'd normally go
12 home from Creekside?

13 A. Yes, sir.

14 Q. And did he drive the normal speed?

15 A. Yes, sir.

16 Q. Do you remember approximately how
17 far y'all got before he was pulled over?

18 A. About probably -- probably two
19 hundred yards, I'd say.

20 Q. Did you hear the siren and see the
21 blue lights when they went off?

22 A. Yes, sir.

23 Q. Did your dad pull over at the first
24 available spot?

25 A. Yes, sir.

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1 Q. You've seen the video. Did that
2 seem to pretty well accurately reflect what
3 you remember happening out there, as far as
4 you being taken into custody?

5 A. Yes, sir.

6 Q. The volume, the loudness, the
7 lights, everything?

8 A. Yes, sir.

9 Q. Did you communicate with any or all
10 of the officers while you were out there on
11 the side of the road?

12 A. Not much. Not much.

13 Q. Did you respond if they asked you
14 questions?

15 A. Yes, sir.

16 Q. Other than that do you think that
17 you had any communication with them?

18 A. No, sir, not that I really know of.

19 Q. When you called your dad and asked
20 him to call the police, did you have any idea
21 that the police were involved or that they
22 could possibly be looking for you or
23 anything?

24 A. No, sir.

25 Q. Now, after you were stopped, were

1 you taken to the Clemson Police Department?

2 A. Yes, sir.

3 Q. Is that where this interview took
4 place that we saw on the video?

5 A. Yes, sir.

6 Q. And at that time, do you have any
7 idea how long it was since you'd last been at
8 Paw Path Lane? Do you know how much time had
9 passed?

10 A. I wouldn't know. Everything to me
11 just happened so quick.

12 Q. You heard the discussion, you heard
13 the audio and video?

14 A. (Affirmative nod).

15 Q. Did that accurately reflect what
16 happened and what was said at the interview?

17 A. The interview?

18 Q. Yes, with Detective Peppers?

19 A. Yes, sir.

20 Q. Did you at any point in that inter-
21 view say something along the lines of "I wish
22 I had left."

23 A. Yes, sir.

24 Q. What were you talking about? What
25 point in your time over at Paw Path Lane were

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1 you talking about? When would you have even
2 had the thought of leaving?

3 A. When Ben started talking weird.

4 Q. How soon was that before Cameron
5 actually started hitting you?

6 A. Probably a minute. Probably not
7 even a minute, probably thirty seconds.

8 Q. If you'd had the time, looking back
9 at it at the time that you were talking to
10 Detective Peppers, did you still wish that
11 you could have left at that point?

12 A. Of course.

13 Q. I am going to back up a little bit,
14 Michael. When you went to Paw Path Lane,
15 was it your idea to go to that particular
16 apartment?

17 A. No, sir.

18 Q. Did you know who lived in that
19 apartment?

20 A. No, sir.

21 Q. Did you know that Cameron Flores
22 would be in that apartment?

23 A. No, sir.

24 Q. Once you got in, did you have any
25 idea that there was any bad blood or any

1 issues between you and anyone in that
2 apartment?

3 A. No, sir.

4 Q. In fact, in the video with Detective
5 Peppers, you indicated some type of
6 communication a while back with Cameron
7 Flores. Can you tell us what that was about?

8 A. Yeah. Cameron got robbed and I seen
9 it, I watched it. He got robbed. I really
10 don't know why but he thought that I had
11 something to do with it just because I was
12 out there. There was a lot of people out
13 there. There was like over a hundred people
14 outside. I don't see why he would just
15 randomly pick me.

16 Q. Did you have anything to do with it?

17 A. No, sir.

18 Q. Did you know that it was going to
19 happen?

20 A. No, sir.

21 Q. Did you know anything about it or
22 learn anything more about it after it
23 happened, other than that he had been robbed?

24 A. That's all that I really seen, was
25 him getting robbed.

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1 Q. For your purposes or for your part,
2 was that the end of that situation?

3 A. (No verbal response).

4 Q. Was that the end of what happened
5 that night?

6 A. Yes, sir, after I called him. After
7 I called him and told him that I had nothing
8 to do with it, I thought that was the end of
9 it.

10 Q. How did you get word that he might
11 have thought that you knew about it?

12 A. Because the person that robbed him,
13 he said that he was looking for me and that
14 person. So I was kind of confused ---

15 Q. Cameron said that?

16 A. Yes, so I was kind of confused why
17 he thought that I had ---

18 Q. So you let him know?

19 A. Yeah, that I had nothing to do with
20 it.

21 Q. Did that appear to resolve it at
22 that point?

23 A. Yeah. He never said anything else
24 to me.

25 Q. Again, did he say anything to you

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1 when you came into the apartment that night?

2 A. No, sir.

3 Q. Did you get the idea or do you have
4 any way of knowing if he recognized you at
5 that point?

6 A. We had -- you know, we went to
7 Daniel together so, you know, you always
8 recognize somebody that you went to school
9 with.

10 Q. Okay. Do you think beyond that,
11 being at Daniel?

12 A. No, sir.

13 Q. After Lamar left that night, have
14 you seen or heard from him much since then?

15 A. I haven't heard or seen anything
16 from him since then.

17 Q. He was a friend of yours up to that
18 point?

19 A. He was a pretty good friend,
20 (affirmative nod).

21 Q. Going back one last time. When you
22 were behind the counter and started to be
23 hit, how long was it before you realized what
24 was going on?

25 A. I don't know, it was just like

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1 instant terror. I didn't really realize
2 anything.

3 Q. If you wanted to get away from what
4 was happening to you, was there any direction
5 you could go other than the way that you
6 eventually went?

7 A. No, I would have had to get past
8 Cameron -- and Ben, actually.

9 Q. And once you swung back, that's when
10 the opening came and you ran immediately?

11 A. I actually didn't run immediately.
12 I seen Ben standing there with the gun and it
13 scared me, so I froze. He just told me to
14 the get the -- I don't want to say, but just
15 to get out. I just ran.

16 Q. So you saw the gun, saw it briefly
17 and then ran once he ---

18 A. --- told me to get out.

19 Q. Was there any other route that you
20 could have done? Any other direction that
21 you could have run to get out of the kitchen?

22 A. I wasn't thinking about any other
23 route besides the one I came in through.

24 Q. I mean to get out of the kitchen
25 area, was there any other area you could have

1 gone other than straight that direction?

2 A. I mean, -- like the back door,
3 (negative gesture). I didn't even know that
4 they had a back door until they showed it on
5 the pictures.

6 Q. But based on what you knew, that was
7 the only way you knew?

8 A. Yes, sir.

9 Q. Did you have time to get angry or
10 flustered or anything?

11 A. No, sir.

12 Q. Okay. I don't have any further
13 questions but answer any that the solicitor
14 may have for you. Okay?

15 A. Yes, sir.

16 CROSS EXAMINATION

17 BY SOLICITOR HINTON:

18 Q. Mr. Rencher, your testimony is that
19 when you got to the apartment at Paw Path
20 Lane that you came in through the front door;
21 is that correct?

22 A. Me and Lamar, yes.

23 Q. On State's 18, when you come in
24 through the front door there is no path to
25 the kitchen other than straight down through

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1 this hallway; correct?

2 A. I can hardly see it, but yeah.

3 Q. I'll bring it to you.

4 A. (Upon review), yes.

5 Q. So the only path to the kitchen is
6 down that hallway; correct?

7 A. Besides the back door. Yes, ma'am.

8 Q. Besides the back door?

9 A. (Affirmative nod).

10 Q. Okay. Now, on State's Exhibit 5,
11 this is the back door. Correct?

12 A. You'll probably have to bring it to
13 me. It doesn't look like the back door,
14 looks like the door that I came in through.

15 Q. (Tenders State's Exhibit 5 to
16 Defendant).

17 A. Oh, this door right here?

18 Q. Yes. That is the back door, right?

19 A. Yes, ma'am.

20 Q. So it is your testimony that you saw
21 the serial killer magazine on the counter.
22 Correct?

23 A. Yes, ma'am.

24 Q. And you saw the drugs everywhere.
25 Correct?

1 A. Yes, ma'am.

2 Q. But you never noticed a double
3 sliding glass door as you walked towards the
4 kitchen?

5 A. It wasn't my focus.

6 Q. It wasn't your focus?

7 A. It wasn't my focus at all.

8 Q. You have a hard time seeing without
9 your glasses, was that your testimony?

10 A. Yes, ma'am.

11 Q. You didn't have your glasses on that
12 night when you were in the kitchen, is that
13 correct?

14 A. They were on my shirt.

15 Q. Okay. But you could read a magazine
16 about serial killers?

17 A. I had to lean down closer.

18 Q. Okay. Just wanted to be clear on
19 that. You said that your first punch -- that
20 the first punch that connected to you was to
21 your face, is that correct?

22 A. Yes, ma'am.

23 Q. And then your testimony was that he
24 hit you behind your head. Correct?

25 A. After the first punch.

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1 Q. So is your answer 'yes', that he hit
2 you behind your head after that?

3 A. Yes, ma'am.

4 Q. Can you speak into that microphone
5 for me?

6 A. Yes, ma'am.

7 Q. And you watched your videotaped
8 interview, correct?

9 A. Yes, ma'am.

10 Q. And at no point in that interview
11 did you show Detective Peppers any place on
12 your face where you had been hit. Correct?

13 A. No, sir. No, ma'am.

14 Q. That's all right.

15 A. No, ma'am. Sorry. I figured he
16 could see it because it was my face.

17 Q. That would be -- I'll bring it to
18 you, (tendering photograph). That would be
19 the same face in Exhibit 11, correct? Is
20 that your face?

21 A. - Yes, ma'am.

22 Q. Was that your face that night?

23 A. Yes, ma'am.

24 Q. Okay. Can you show me where on your
25 face he would have seen that injury on you?

1 A. I mean, I was hit like right here,
2 so -- I would think -- I would think so.

3 Q. But you said that he could see it so
4 you didn't feel like you needed to point it
5 out to him. Correct?

6 A. (Affirmative nod), no. I said I
7 felt like he probably could see it.

8 Q. You also never pointed out any
9 injury on the back of your head. Correct?

10 A. I did. I showed it to him.

11 Q. On the videotaped interview you
12 showed him the back of your head?

13 A. Yes, ma'am, it was like kind of the
14 back side of my head.

15 Q. So not the back of your head but the
16 side of your head?

17 A. It was like basically the back but
18 it was the side.

19 Q. Basically the back, but it was the
20 side?

21 A. Right here (indicating behind top of
22 left ear).

23 Q. All right. You saw Detective
24 Peppers come in and take that photograph of
25 your head. Right?

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1 A. Yes, ma'am.

2 Q. And at no point did you say, 'No,
3 it's not right here, it's back here.'

4 A. He plainly seen it before he went
5 and got the camera.

6 Q. As plainly as he saw the injury to
7 your face?

8 A. It was -- there was blood coming
9 from it.

10 Q. You said that you don't know what
11 happened to your glasses but that these are
12 certainly them in this picture; is that
13 correct?

14 A. Yes, ma'am.

15 Q. Showing you Defendant's Exhibit 2;
16 those glasses aren't broken, are they?

17 A. No, ma'am. They weren't on my face
18 when I got hit.

19 Q. I understand. You said that you
20 were getting hit, so you grabbed a knife and
21 you swung it. Correct?

22 A. Yes, ma'am.

23 Q. All right. Then you ran out the
24 door. Correct?

25 A. Yes, ma'am.

1 Q. And then you told Ben that you were
2 sorry. Is that what you said?

3 A. Yes, ma'am.

4 Q. Your counsel asked you what you said
5 that you were sorry for and your testimony
6 was 'for hurting his friend, I guess.' Was
7 that your testimony?

8 A. Yes, ma'am.

9 Q. And you said that you didn't realize
10 that you had a knife in your hand until you
11 got to Justin's house?

12 A. Yes, ma'am.

13 Q. So you knew that you had stabbed him
14 but you didn't know that you had the knife?

15 A. I didn't know that I still had it.

16 Q. You knew that you'd grabbed a knife,
17 you just didn't realize that you still had it
18 in your hand. Correct?

19 A. (Affirmative nod).

20 Q. And you said that you sat the knife
21 somewhere. Right? Was that your testimony?

22 A. Yes, ma'am.

23 Q. I will show you State's Exhibit 9,
24 (tendering). Do you see that?

25 A. Yes, ma'am.

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1 Q. Do you see the knife?

2 A. Yes, ma'am.

3 Q. Is that where you set the knife?

4 A. Yeah, I guess. I wasn't really
5 thinking.

6 Q. So you didn't set the knife
7 somewhere, you threw it under a set of
8 stairs?

9 A. Well, I didn't throw it. I just set
10 it there. I wasn't thinking about where I
11 was putting it, I just put it somewhere.

12 Q. Right, you just hid it under a set
13 of stairs. Correct?

14 A. No, ma'am. I wasn't hiding it, I
15 was just putting it somewhere.

16 Q. If you weren't hiding it, why didn't
17 you just put it on the top of the steps?

18 A. Because I was actually like ducking
19 down by the stairs. I was ducked down by the
20 stairs.

21 Q. Were you hiding?

22 A. Yeah, I was hiding from Ben.

23 Q. From Ben. And you testified that
24 you saw the gun right in front of Ben on the
25 counter. Correct?

1 A. Yes, ma'am.

2 Q. And you never mention that to
3 Detective Peppers, correct?

4 A. I don't recall.

5 Q. Did you watch the same interview
6 that we did?

7 A. Yes, ma'am.

8 Q. Did you ever mention a gun to
9 Detective Peppers?

10 A. No, ma'am.

11 Q. You also never mentioned to him that
12 you were bleeding when you got to Justin's
13 house. Correct? On that interview?

14 A. No, ma'am.

15 Q. And you also never mentioned to him
16 that you cleaned Justin's couch because it
17 had your blood on it. Correct?

18 A. No, ma'am.

19 Q. Okay. And you were here when Justin
20 testified, correct?

21 A. (Affirmative nod).

22 Q. And when Justin gave you paper
23 towels, after he gave you paper towels, he
24 testified that he went to bed. Correct?

25 A. Yes, ma'am.

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1 Q. And he testified that when he woke
2 up that the door was open.

3 A. Yes, ma'am.

4 Q. Did you leave the door open when you
5 left?

6 A. I don't recall.

7 Q. So you remember to clean the couch
8 but you don't remember whether or not you
9 opened or closed the door?

10 A. I do not remember. I was just
11 trying to get home, really, so I could tell
12 what happened.

13 Q. And you also testified that you were
14 just trying to get past Ben. Correct?

15 A. No, that doesn't sound correct.

16 Q. That is not what you said?

17 A. That sounds a little -- I don't
18 remember those words.

19 Q. Didn't you say that you had to get
20 past Cameron and then you had to try to get
21 past Ben?

22 A. Yes.

23 Q. But that wasn't in your interview
24 either, with Detective Peppers?

25 A. (No verbal response).

1 Q. You didn't tell him that you also
2 had to get past Ben. Is that correct?

3 A. That's correct.

4 Q. First you said that the gun was on
5 the counter in front of him. Then you said
6 that Ben had a gun and you froze. Is that
7 correct?

8 A. That's correct.

9 Q. But you didn't tell Detective
10 Peppers that either, did you?

11 A. No, ma'am.

12 Q. In fact you told Detective Peppers
13 that you turned around and you told Ben that
14 you were sorry.

15 A. Yes, ma'am.

16 Q. So your testimony today is that you
17 were trying to run past someone who was
18 pointing a gun at you and you decided to turn
19 around and tell them that you're sorry. Is
20 that your testimony?

21 MR. CANTRELL: Objection, Your Honor.
22 She is not stating accurately what the
23 testimony was.

24 THE COURT: That's for the jury to
25 determine. Go ahead.

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1 DEFENDANT: Could you ask that again
2 for me, please?

3 CROSS EXAMINATION CONTINUED
4 BY SOLICITOR HINTON:

5 Q. You stated twice in your direct
6 examination that either a gun was in close
7 proximity to Ben or that Ben was holding a
8 gun at you. Yet you also testified that you
9 turned around and told him that you were
10 sorry.

11 A. I never said that he was holding the
12 gun at me. I said that he had a gun in front
13 of him. He had a gun.

14 Q. You didn't say, "Ben had a gun and I
15 froze."

16 A. Yeah, he had a gun.

17 Q. Okay. So you turn around and tell
18 someone who is holding a gun that you're
19 sorry?

20 A. It all happened really fast, and I
21 looked back.

22 Q. So you decided to turn around and
23 told him that you were sorry?

24 A. Yes, ma'am.

25 Q. You said in your direct testimony

1 that you were really scared and you said that
2 you were so scared that you knocked on the
3 neighbor's door; you said that you had
4 "instant terror"; and then you said that you
5 were horrified. Is that correct?

6 A. It sounds like that was out of
7 order.

8 Q. Okay. In any order that you choose,
9 did you say those words?

10 A. I said those words; yes, ma'am.

11 Q. And at any point in your interview
12 with Peppers, did you ever mention those
13 words to him?

14 A. Yes, ma'am.

15 Q. You told him that you were scared?

16 A. Yes, ma'am.

17 Q. Do you remember when you told him
18 that?

19 A. I said -- in quotes, I said that I
20 was scared, that I didn't know what to do.

21 Q. Actually you said, *"Like once he hit*
22 *me, I seen him running out of the corner of*
23 *my eye. I seen him run and then, I don't*
24 *know, it was just like I seen it and I*
25 *grabbed it."* -- and then you make a stabbing

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1 motion -- *"I didn't know what else to do."*

2 At no point did you tell him that you were
3 scared. Right?

4 A. I thought I did. I remember telling
5 him that I was scared.

6 Q. You recall that?

7 A. Yes, ma'am.

8 Q. That's your testimony?

9 A. (Affirmative nod).

10 Q. And you said on multiple occasions,
11 *"Yeah, he was hitting me. I wasn't even like*
12 *really feeling it."* You said that three
13 times. Correct?

14 A. Yes, ma'am, I said that.

15 Q. You also testified, *"He must have*
16 *hit me more than once because my head was*
17 *bleeding."* Correct?

18 A. Yes, ma'am.

19 Q. Going back to this interview, you
20 were very specific about what you did and
21 what happened. Correct? Prior to you
22 getting to Creekside?

23 A. Yes, ma'am.

24 Q. In fact, you tell Detective Peppers
25 that you were at the house chilling, that

1 your boy came and smoked a Black & Mild with
2 you, he texted your phone, uh, that he left
3 because somebody called him and that he went
4 to shower, then a dude came and 'we got in
5 the car.' Then the dude came back from
6 taking a shower, 'like he walked up to the
7 house and we left, it was on that same road.
8 We were chillin, then another one of my
9 homeboys came, we was chillin, then we went
10 to chill with my homeboy P.J., it was boring,
11 that's right by Ingles, I thought he said
12 Creekside, so I was getting ready to walk and
13 my homeboy came and he was like you can walk
14 with me 'cause we cool. So we walked up and
15 knocked on the dude's door.' Is that what
16 you said?

17 A. I wouldn't say that's a quote but
18 that's close to what I said.

19 Q. Then you get to Creekside, you call
20 your friend and you say, you know, 'Where are
21 you?' He says, 'I'm at Ridgecrest' and you
22 tell him that you need a ride there and he
23 says that he will come get you. Correct?

24 A. Yes, ma'am.

25 Q. Then you go to the uncle's house and

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1 he doesn't answer the door. Correct?

2 A. Yes, ma'am.

3 Q. And then y'all were there and some
4 white girl walks over and Lamar asks if her
5 boyfriend is there. Correct?

6 A. She actually walked outside to take
7 the trash out.

8 Q. And Lamar asked if her boyfriend was
9 there?

10 A. Yes, ma'am.

11 Q. So you are incredibly detailed
12 leading up to walking into Paw Path Lane.
13 Correct?

14 A. Yes, ma'am.

15 Q. And you remembered every detail
16 about what had happened. Correct?

17 A. Yes, ma'am.

18 Q. And you were truthful about every
19 detail?

20 A. Yes, ma'am.

21 Q. Okay. Yet you never mentioned to
22 Detective Peppers anything about a gun.
23 Correct?

24 A. Yes, ma'am.

25 Q. Anything about being jumped.

1 Correct?

2 A. True.

3 Q. Anything about being scared.

4 Correct?

5 A. I actually remember saying I was
6 scared, but in the interview -- I guess not.

7 Q. In the interview you never said
8 anything about being scared. Correct?

9 A. I did but -- you probably didn't
10 hear me but I did say that I was scared.

11 Q. And you're saying that that
12 interview that we watched is accurate.
13 Correct?

14 A. Yes, ma'am.

15 Q. And you said that you called your
16 father, right?

17 A. Yes, ma'am.

18 Q. And you told Detective Peppers on
19 the interview that you called your father.
20 Correct?

21 A. Yes, ma'am.

22 Q. And you told Detective Peppers that
23 you called him "because he's always telling
24 me to call him if something happened",
25 correct?

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1 A. Yes, ma'am.

2 Q. And your testimony is that you had
3 called him and asked him to call the police,
4 wasn't that your testimony?

5 A. No, I said I told him -- that my dad
6 told me to call whenever something happens.
7 Something had happened, so I called him.
8 And, you know, I told him to call police and
9 let them know that I had been -- I told him
10 what had happened before I told him to call
11 the police.

12 Q. And you told him everything that had
13 happened?

14 A. (No verbal response).

15 Q. Is that right?

16 A. Yes, ma'am. Sometime he doesn't
17 listen.

18 Q. Well, this was important. Right?

19 A. I guess he was really just -- I
20 don't know, in shock that I said something
21 like that.

22 Q. You don't know, really, how he felt.
23 Right?

24 A. I do not.

25 Q. But you told him everything that had

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1 happened?

2 A. Yes, ma'am.

3 Q. And that was on the phone call prior
4 to him picking you up; is that right?

5 A. Yes, ma'am.

6 Q. Did he call you from the house, did
7 he call you while he was on the road from a
8 cell phone. Do you know?

9 A. When he picked me up?

10 Q. No, when you guys talked about what
11 had happened.

12 A. I was in Justin's house.

13 Q. Did you call your dad on a cell
14 phone?

15 A. Oh, -- yes, ma'am.

16 Q. On his cell phone?

17 A. I called his cell phone, right.

18 Q. From your cell phone?

19 A. Yes, ma'am.

20 Q. Just to be clear, at no point did
21 you call police?

22 A. No, ma'am.

23 Q. And at no point did you walk back up
24 to Paw Path Lane and tell them that you had
25 just been assaulted. Correct?

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1 A. No, ma'am. I felt like that might
2 have been a bad idea.

3 Q. So you were desperate to tell your
4 story. You said you wanted to get home to
5 tell what happened. Correct?

6 A. Yes, ma'am.

7 Q. And you were given that opportunity
8 to tell what happened. Correct?

9 A. In the interview.

10 Q. And Detective Peppers asked you
11 twice if there was anything that you wanted
12 to add. Correct?

13 A. (No verbal response).

14 Q. Do you recall that?

15 A. I really don't recall.

16 Q. But what you told him in that
17 interview was your entire statement.
18 Correct?

19 A. I wouldn't say it was the entire
20 statement but it was really what happened,
21 the basics.

22 Q. So you told him what happened,
23 correct?

24 A. The basics, (affirmative nod).

25 Q. So you told him what happened?

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1 A. Yes, ma'am.

2 Q. And it wasn't until today, in 2017,
3 that you stated that a gun was present, at
4 all, to Detective Peppers; that you were
5 jumped, or afraid of being jumped, or scared
6 or anything like that. Correct?

7 A. I wouldn't have had a chance to tell
8 him.

9 Q. You know how to call him, don't you?

10 A. I don't know his number.

11 Q. 911?

12 A. Yeah, but that's for emergencies, I
13 thought.

14 Q. Is this not an emergency, you
15 passing on this type of information isn't an
16 emergency?

17 A. I was taught, I was always told to
18 call my dad when something bad happened, so
19 that's what I did.

20 Q. Okay.

21 A. I always knew to call him.

22 Q. Then you voluntarily spoke to the
23 police, right?

24 A. Yes, ma'am.

25 Q. And your recorded interview is all

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1 that you told them. Correct?

2 A. (Affirmative nod).

3 Q. Correct?

4 A. Yes, ma'am.

5 Q. That's all that I have.

6 THE COURT: Redirect?

7 MR. CANTRELL: None, Your Honor.

8 THE COURT: Thank you. You can step
9 down.

10 (WITNESS STEPS DOWN)

11 THE COURT: This is a good time for our
12 afternoon break. Ladies and gentlemen,
13 please don't discuss the case. We will be
14 back with you shortly.

15 (JURY OUT @ 3:03 P.M.)

16 THE COURT: Do you have some more
17 evidence?

18 MR. CANTRELL: No, Your Honor.

19 THE COURT: We will take a short break
20 and be back.

21 (BRIEF RECESS)

22 (DEFENDANT PRESENT)

23 (OFF RECORD BENCH CONFERENCE)

24 THE COURT: Bring in our jury.

25 (JURY IN @ 3:30 P.M.)

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1 THE COURT: Ladies and gentlemen of the
2 jury, I told you yesterday that we don't
3 punch a clock and that we try to organize
4 things so that we have a smooth flow.

5 I also told you yesterday that a trial
6 has multiple parts. We have now completed
7 the first two parts of the trial. Opening
8 statements are done. All of the testimony
9 and all of the evidence that is going to be
10 presented in this case is now before you.

11 It is 3:30 and the next three parts of
12 the trial are the closing arguments of the
13 attorneys, my charge to you on the law and
14 then your deliberations. We are right at
15 sort of the tipping point of when we should
16 start or not start that sort of thing. In
17 order for that to flow, we are going to break
18 for the evening and come back tomorrow
19 morning and do our arguments, charge and your
20 deliberations.

21 Please remember what you have sworn to
22 do. That is, to not discuss the case with
23 anyone. It's human nature that the more that
24 you learn about something, the deeper that
25 you get into a case like this, the more

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1 temptation that there is to discuss it, talk
2 about it, try to get it settled in your
3 mind. Please don't do that. Please don't go
4 on the internet, please don't visit the
5 scene.

6 We will see you all back at 9:30 in the
7 morning. I hope you have a pleasant night.

8 (JURY OUT @ 3:32 P.M.)

9 THE COURT: All right, any Motions or
10 anything like that?

11 MR. CANTRELL: Your Honor, at this
12 time I would renew my Motion for a directed
13 verdict as to the charge before the court.

14 THE COURT: All right. Same rulings.
15 I want to discuss the jury charge. Any
16 requests to charge?

17 MR. CANTRELL: Your Honor, I can do a
18 little more work, or not. I am requesting an
19 involuntary manslaughter charge, the self-
20 defense charge and, as we discussed earlier,
21 a charge as to spoiliation. I think those
22 are all appropriate and those are the three
23 specific charges that I would request in
24 addition to the standard charges.

25 MR. HILL: Your Honor, we would oppose

1 a charge on involuntary manslaughter. I
2 don't believe the defendant is entitled to a
3 charge or involuntary manslaughter. I
4 believe that the absence of an intent to
5 cause harm is what distinguishes involuntary
6 and voluntary manslaughter. There has been
7 no testimony here that he didn't intend to
8 cause any harm.

9 I think based on the nature of the
10 offense that he needs to assert more than
11 just a mere assertion not to cause any harm
12 based on the *Sams* case, which is 410 SC 303.

13 I would also say that this case is
14 distinguishable from the *Light* case, which is
15 cited at 378 SC 641. In that case there was
16 a struggle over the weapon and in this case
17 there was no such struggle.

18 THE COURT: I am not inclined to charge
19 it, Mr. Cantrell, based on the *Smith* case,
20 315 SC 547.

21 If you have some law that comes out in
22 the morning, then we will do it if you can
23 show me that under the facts of this case it
24 should be charged. I don't see that.

25 Anything else from the State?

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Charge Conference

1 SOLICITOR HINTON: Yes, Your Honor.
2 As to the spoiliation charge, we don't think
3 that he is entitled to that either. We cite
4 *State v McBride*, which is a South Carolina
5 Court of Appeals case, 786 SE 2nd 435. In
6 that case the victim's shirt -- this was a
7 sexual assault. The victim's shirt
8 allegedly contained some deodorant from the
9 offender, who allegedly sexually assaulted
10 her. That was bagged and delivered to the
11 police department, and I don't believe that
12 was in dispute in the case; however, it was
13 not available at the time of trial. The
14 court, relying on *State v Breeze*, which is
15 379 SE 538 said that, (reading): "*In order*
16 *to establish a due process violation, the*
17 *defendant must demonstrate that State*
18 *destroyed the evidence in bad faith or that*
19 *the evidence possessed an exculpatory value*
20 *apparent before the evidence was destroyed*
21 *and that the defendant cannot obtain other*
22 *evidence of comparable value by other means.*"

23 It also cautioned the Court that adverse
24 inference charges are rarely permitted in
25 criminal cases.

1 Your Honor, I don't think that any
2 establishment of bad faith has been made.
3 Nor do I think that it could be exculpatory
4 because there is other evidence that gets us
5 to the same conclusion, that there was blood,
6 that he had to wipe his head off, that his
7 friend Justin saw it. So I think that he
8 could obtain evidence of comparable value by
9 other means without having ---

10 THE COURT: That was 379 SC ---

11 COURT REPORTER: --- 538.

12 SOLICITOR HINTON: Yes, Your Honor.

13 *State v Breeze.*

14 MR. KING: May it please the court.
15 Your Honor, in the *McBride* case, the evidence
16 that was destroyed was clearly not
17 exculpatory. It was just random items that
18 had no direct involvement in the case. In
19 this case, we're talking about a picture of
20 an injury on the defendant's head which if an
21 expert had it they could decide whether or
22 not it was a defensive wound, it could be put
23 in front of the jury as to how big it is,
24 etc. We have nothing to show the jury. It
25 had to have had some form of exculpatory

1 value given that this was an altercation.
2 There is testimony by the only witness that
3 saw what happened, Ben Smith, that the
4 alleged victim threw the first punch, hit the
5 defendant, and any injury that happened has
6 to have some exculpatory value. That is
7 under the -- the *McBride* case and the *Breeze*
8 cases both discuss exculpatory value. And,
9 Judge, that's just for the due process
10 violation of spoiliation.

11 Yes, spoiliation isn't normally charged
12 in criminal cases. It's usually reserved for
13 civil cases. However in this case, because
14 the destroyed evidence had exculpatory value,
15 it is vital that we charge the jury with
16 spoiliation.

17 THE COURT: I'm going to look at those
18 cases overnight and make a decision.

19 I'm going to charge the duties of the
20 judge and jury; that the indictment is not
21 evidence; credibility of the witnesses;
22 expert witnesses; -- if you want something on
23 the statement of the Defendant, give ---

24 MR. KING: No, sir.

25 THE COURT: All right. I'll charge the

1 presumption of innocence, reasonable doubt,
2 -- do you want circumstantial evidence?

3 SOLICITOR HINTON: No objection.

4 THE COURT: All right. And then if
5 y'all want to present some sort of fine-tuned
6 self-defense?

7 SOLICITOR HINTON: Judge, I know that
8 it can be all encompassing. I'm sure Your
9 Honor has shortened it but I just want to
10 make sure that only the pertinent parts of
11 this case are read.

12 THE COURT: All right. We will look
13 into that first thing in the morning. Is
14 there anything else that y'all can think of
15 that you want charged?

16 SOLICITOR HINTON: Not from the State,
17 Your Honor.

18 MR. KING: Not from the defense, Your
19 Honor.

20 THE COURT: All right. So there is a
21 question of involuntary manslaughter,
22 spoilation and fine-tuning self-defense.
23 Okay. See y'all at 9:30.

24 (COURT IN RECESS)

25 (TRANSCRIPT CONTINUED NEXT PAGE)

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Charge Conference

1

2

MARCH 29, 2017

9:30 A.M.

3

4

(DEFENDANT PRESENT)

5

THE COURT: All right. Anything?

6

MR. CANTRELL: Your Honor, we do have

7

some charge requests.

8

THE COURT: All right.

9

MR. KING: If it pleases the Court, we

10

have four requests that I'd like to hand up

11

to ---

12

THE COURT: Have you shared them with

13

the State?

14

SOLICITOR HINTON: I have a copy, Your

15

Honor.

16

THE COURT: All right.

17

MR. KING: May I make it a Court's

18

exhibit?

19

THE COURT: Sure, you can do that.

20

COURT REPORTER: Court's Exhibit 1.

21

(SO ENTERED AS COURT'S EXHIBIT 1)

22

MR. KING: There are four of them but

23

they are labeled one, two, four and five.

24

The first one is the relevant factors of

25

self-defense. We'd ask that you charge all

1 four of these factors.

2 The first one is words accompanied by
3 hostile acts which may be sufficient to
4 constitute a threat or physical attack or in
5 some cases a threat of serious bodily harm.
6 The testimony was that -- by Mr. Smith that
7 Mr. Flores said something to Mr. Rencher
8 before punching him. A punch is certainly a
9 hostile act. The words, thought we don't
10 know what they were, the jury certainly must
11 be speculating on them. We believe that is a
12 relevant factor.

13 I believe the State is in agreement on
14 the second and third relevant factor.

15 As to the fourth one, threats made by the
16 assailant -- again, the testimony was that
17 Mr. Flores made some sort of statement before
18 punching him. Plus Mr. Rencher's testimony
19 was ---

20 THE COURT: Go ahead. I'm sorry.

21 MR. KING: You're fine. Plus Mr.
22 Rencher testified that Mr. Flores had put
23 out, basically through the grapevine, that he
24 was looking for him and was upset about the
25 robbery. Those facts are sufficient to

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1 justify a threat by themselves.

2 Do you want to proceed to the next one,
3 Your Honor?

4 THE COURT: Yeah, go ahead.

5 MR. KING: Our next request to charge
6 is labeled number two. It's to the burden of
7 proof as to self-defense. It's a standard
8 charge from *State v Wiggins*, 330 SC 538, and
9 it is from 1998. It just says that current
10 law requires the State to disprove self-
11 defense once raised by a defendant beyond a
12 reasonable doubt. It charges that a
13 defendant is presumed to be innocent until
14 proven guilty beyond a reasonable doubt.
15 *"If you have any reasonable doubt that the*
16 *State has shown that the defendant did not*
17 *act properly in self-defense, you must find*
18 *the defendant not guilty."*

19 As to our third charge, Judge, it is
20 labeled number four. As we discussed
21 yesterday, it is the spoiliation of evidence
22 charge. This is the standard one with the
23 inference that says, (reading): *"When*
24 *evidence is lost or destroyed by a party, you*
25 *may infer that the evidence which was lost or*

1 *destroyed by a party would have been adverse*
2 *to that party."*

3 There is a criminal case, *State v Reeves*,
4 which is 414 SC 118 from 2015, where this
5 charge was given to the jury. In that case
6 there were missing statements, clothing and
7 law enforcement failed to maintain and
8 preserve the crime scene.

9 In *Reeves* the Court did not address
10 whether the missing evidence was exculpatory
11 or not. It was within the discretion of the
12 judge to give the charge, and the trial judge
13 did give this specific charge on spoliation
14 of evidence. In the Supreme Court's Opinion,
15 footnote number five does say that the Court
16 did not address the propriety of the specific
17 charge.

18 We certainly think based on the evidence
19 that it was -- that Detective Peppers did
20 take a picture, that it was of his own
21 decision to take the picture and then made
22 his own decision, *sui sponte*, to delete the
23 picture, that Mr. Rencher is entitled to this
24 specific charge.

25 Now, I understand that charges with

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1 inferences in criminal cases are very
2 significant, so I've crafted an additional
3 charge, which is the fourth charge that I
4 have and it is labeled number five. Our case
5 law, as you know, does not a spoiliation
6 charge without the inference that it is
7 adverse to the destroying party.

8 I've taken a stab at crafting a new
9 charge -- like I said, this has no case law
10 to back it up, but it does not include the
11 inference. This request to charge is,
12 (reading): *"When evidence is lost or*
13 *destroyed by a party, you may place whatever*
14 *weight to the absence of that evidence that*
15 *you deem appropriate when you weigh all the*
16 *evidence together."*

17 It removes the inference. It gives the
18 opportunity for the jury to hear that they
19 can address the issue of the destroyed
20 evidence if they wish. It does not give them
21 any direction as to how they determine it
22 other than that they can address it with the
23 weight of all the other evidence.

24 THE COURT: All right. Thank you.

25 SOLICITOR HINTON: Your Honor, as to

1 the relevant factors of self-defense, the
2 State has no objection to the prior
3 difficulties or the relative size being
4 charged.

5 We would object to the "words accompanied
6 by hostile acts" and "threats made by the
7 assailant" because we think that there is no
8 evidence, either by the State or the defense,
9 with any specificity as to words that were
10 stated, just that there was some sort of
11 conversation.

12 That conversation could have been
13 completely neutral. We don't have any
14 testimony as to that. The defendant took the
15 stand. He could have easily testified as to
16 what those words or threats were.

17 There is no testimony as to that, so we
18 would ask that you not charge those as we
19 think that it is not in accordance with the
20 evidence. Your Honor does have the right to
21 exclude any charges that don't relate to the
22 evidence in the case.

23 As far as the burden of proof as to self-
24 defense, the State would prefer that you just
25 charge what I am sure is your standard burden

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1 of proof because it would include, (reading):
2 "On the other hand, if you have no doubt as
3 to the defendant's guilt after considering
4 all the evidence, including self-defense,
5 then you must find the Defendant guilty."

6 We would prefer the charge that charges
7 both proving it beyond a reasonable doubt and
8 not.

9 As far as spoliation, Your Honor, this
10 case is clearly distinguishable from Reeves.
11 In Reeves there was copious amounts of
12 evidence that certainly could have been
13 exculpatory that was lost. In our case we
14 don't have that, so we would ask that Your
15 Honor deny spoliation as we think that it is
16 a very extreme measure, used in the most
17 unusual circumstances. The defense has shown
18 no bad faith on the part of the State's
19 witness. In addition to that, they were able
20 to bring out other evidence that was
21 sufficient to get the point across that he
22 had an injury to the side of his head.

23 THE COURT: Okay. I am not going to
24 charge spoliation.

25 But I want to caution law enforcement to

1 bring the evidence to court. You cannot --
2 when you collect evidence, you can't make the
3 determination about -- a picture that was 'no
4 good' should be here to be examined. So I'm
5 not going to limit defense's argument with
6 respect to that. The importance of bringing
7 evidence to court cannot be emphasized
8 strongly enough. Even if it is a terrible
9 picture, you bring it and show it. If it's
10 got no relevant merit, then that is a
11 determination that should be made here in the
12 courthouse.

13 Okay. I am not charging involuntary man-
14 slaughter. I just don't think that there are
15 facts to support it.

16 With respect to the self-defense, it is
17 the law of the State that the State -- it's
18 been raised and the four factors are there,
19 which I think arguably are here. The State
20 does have the burden of disproving it.

21 You know, the question about whether or
22 not -- size and age, no problem; prior
23 difficulties, no problem; words accompanied
24 by hostile acts -- what do you say about
25 that?

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1 MR. KING: Your Honor, Mr. Smith said
2 -- he testified that there were words
3 exchanged. He could not remember. He did
4 not hear that at the time. So there was
5 testimony that there were words exchanged and
6 the jury certainly can speculate as to what
7 the words were. It was followed by a punch
8 and that -- that lists facts that are
9 sufficient for this relevant factor.

10 THE COURT: Yeah, I'm -- it's. I'll
11 charge it. If I don't charge it, it could
12 come back. Anything else before we start?

13 SOLICITOR HINTON: What about this
14 threat by the assailant, Your Honor?

15 THE COURT: What threats? Yeah, I
16 don't know about any threats.

17 MR. KING: There was one statement
18 that Mr. Flores shared right before punching
19 Mr. Rencher, and Mr. Rencher's testimony
20 about how he was told that Mr. Flores was out
21 looking for him because of this alleged
22 robbery that happened.

23 THE COURT: Who testified to that?

24 MR. KING: Mr. Rencher did.

25 SOLICITOR HINTON: That is not a

1 threat by the assailant either, Your Honor.
2 That's something that he hears through the
3 grapevine. I don't think that's what that
4 charge entails.

5 MR. KING: It's like -- it's like when
6 the Godfather says he is looking for someone
7 on a robbery or whatever, it's an implication
8 that it's a threat.

9 SOLICITOR HINTON: Judge, if I may, I
10 think in his recorded interview that his
11 exact words were that he called him and said,
12 "Yeah, because I heard you were looking for
13 me. I didn't have anything to do with it.
14 You really don't have to be looking for me,
15 you're looking for the wrong person."

16 There was no testimony that the victim
17 responded by saying, 'well, I'm going to kill
18 you.'

19 THE COURT: It's a stretch so I'm not
20 going to charge threats. I don't see where
21 can ---

22 SOLICITOR HINTON: And just for
23 clarification, Your Honor, on the burden of
24 proof of self-defense, will you also include
25 in your charge that if they have no

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1 reasonable doubt then -- all that part of it
2 too?

3 THE COURT: Here it what I say,
4 (reading): *"The Defendant has raised the*
5 *defense of self-defense. Self-defense is a*
6 *complete defense if it is established and you*
7 *must find the Defendant not guilty. The*
8 *State has the burden of disproving self-*
9 *defense by proving by proof beyond a*
10 *reasonable doubt. If you have a reasonable*
11 *doubt of the Defendant's guilt after*
12 *considering all of the evidence, including*
13 *the evidence of self-defense, then you must*
14 *find the Defendant not guilty. On the other*
15 *hand, if you have no reasonable doubt of the*
16 *Defendant's guilt after considering all the*
17 *evidence, including the evidence of self-*
18 *defense, then you must find the Defendant*
19 *guilty."*

20 SOLICITOR HINTON: Thank you, no
21 objection.

22 THE COURT: Anything else?

23 SOLICITOR HINTON: Nothing from the
24 State.

25 MR. CANTRELL: No, Your Honor.

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1 THE COURT: Are y'all ready?

2 SOLICITOR HINTON: Yes, Your Honor.

3 MR. CANTRELL: I was just going to
4 say, Your Honor, that since we're about to do
5 closing arguments, I would at this point
6 request that the State open on the law
7 pursuant to State ---

8 THE COURT: You open and you reply, no
9 new material in your reply.

10 SOLICITOR HINTON: Your Honor, I
11 thought that it was that I could only rely to
12 anything new that was raised by the defense?

13 THE COURT: Yeah, you reply but you
14 can't bring anything new.

15 SOLICITOR HINTON: Yes. Thank you.

16 THE COURT: Bring in the jury. Ready?

17 SOLICITOR HINTON: Yes, Your Honor.

18 MR. CANTRELL: Yes, sir.

19 (JURY IN @ 10:11 A.M.)

20 THE COURT: All right, ladies and
21 gentlemen, welcome back. As I told you
22 yesterday, we've completed the first two
23 parts of the trial. Opening statements and
24 now all the evidence and testimony that is
25 going to be presented is before you.

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1 We now move to the third part of the
2 trial, which are the closing arguments of
3 these attorneys. Y'all have paid great
4 attention throughout the course of this trial
5 and I ask you to continue to pay attention to
6 the arguments of these fine attorneys.

7 SOLICITOR HINTON: Your Honor, may
8 it please the Court? Mr. Cantrell, Mr. King.

9 Sometime before September 11th, 2014,
10 Cameron Flores was robbed -- according to the
11 Defendant he was robbed in front of a hundred
12 people or more while the Defendant and others
13 watched.

14 September 11th, 2014, the victim is
15 hanging out at his friend's house, the
16 Defendant goes over there. He immediately
17 knows who the victim is, they went to school
18 together. Yet he chooses to hang out.

19 They smoke weed together; then there is a
20 confrontation, the victim says something to
21 the Defendant. The Defendant has come to a
22 place where the victim is after he's been
23 robbed and after he thinks that the Defendant
24 had something to do with it.

25 The Defendant is punched by the victim,

1 then he grabs a knife and he stabs him. He
2 runs out the door, turns around and tells the
3 owner of the house that he's sorry, then he
4 runs to his friend's/Justin's house, hides
5 the knife, then hides from the police. He
6 never calls 911. He calls his dad to pick
7 him up and get him out of the area.

8 That's what brought us to court today.

9 I want to briefly go over the law in this
10 case. The judge will charge you fully on the
11 law. This is just a brief overview so that
12 as we go through the facts of the case you
13 know what we are speaking about.

14 We are here on a voluntary manslaughter
15 charge. What that means is that the
16 defendant took the life of another. That is
17 not in dispute. The defendant took the
18 victim's life by stabbing him.

19 The State must prove beyond a reasonable
20 doubt that it occurred in the sudden heat of
21 passion and was based on sufficient legal
22 provocation. What does that mean? That
23 means that after the victim punched Cameron
24 Flores, the defendant was angry. He was
25 angry and he temporarily lost control. He

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1 lost control and he stabbed him. He could
2 not coolly reflect on what was going on, so
3 he impulsively stabbed him. It makes a
4 person who is ordinarily reasonable to become
5 enraged and causes them to temporarily lose
6 control.

7 You can consider the circumstances and
8 the relationship between the parties. These
9 people were not friends. You don't rob your
10 friend. You don't stand by while your friend
11 gets robbed by someone else. According to
12 the defendant, out of a hundred people that
13 were out there that night -- his words, not
14 mine -- the victim picked out the person who
15 robbed him as him. The State would assert
16 that's because the defendant had something to
17 do with it.

18 The defense is going to argue the defense
19 of self-defense. In order to prove self-
20 defense, three elements must be met. It is
21 the State's burden to disprove those elements
22 beyond a reasonable doubt. As long as the
23 State disproves any of those elements, then
24 self-defense fails.

25 The first element is that the defendant

1 must be without fault in bringing about the
2 difficulty. The State asserts to you that
3 fails because the defendant participated in a
4 robbery involving the victim days before this
5 crime.

6 MR. CANTRELL: Your Honor, I have to
7 object at this time. We are talking about
8 allegations that are not in evidence or that
9 have even been placed before the court in any
10 shape, form or fashion, that this defendant
11 robbed Cameron Flores. There is nothing in
12 the record that even comes close to that.
13 She just stated that he had robbed him.

14 THE COURT: Stick to the facts. The
15 jury will determine what the facts are and
16 the reasonable inferences from the facts.

17 SOLICITOR HINTON: The second
18 requirement is that he must have been in
19 imminent danger of serious bodily injury or
20 death, or that he must have thought that he
21 was.

22 The first is that he must have actually
23 been in imminent danger of serious bodily
24 injury or death. There has been no testimony
25 that he was actually injured to the point of

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1 serious bodily injury or death. He sought no
2 medical treatment, he never asked for any
3 help from anyone medically. That does not
4 apply.

5 The second part is that he believed that
6 he was in imminent danger of serious bodily
7 injury or death. That requires that a
8 reasonably prudent person of ordinary
9 firmness and courage have that same belief.
10 That fails as well. There is a complete lack
11 of injury. The defendant said multiple times
12 on his recorded statement that he wasn't
13 really feeling it. 'He was hitting me, I
14 wasn't really feeling it. I guess he must
15 have hit me a couple of times because I was
16 bleeding.' No medical attention was required
17 whatsoever. We have a photograph of the
18 defendant from two hours after this occurred
19 showing no injury to the defendant.

20 The defendant told you that he was
21 punched in the face. He told you that he was
22 punched repeatedly, that his head hit the
23 table. The State asserts to you that that is
24 not the photograph of someone who thought
25 that they were in imminent danger of serious

1 bodily injury or death.

2 Lastly, they must prove that there was no
3 other way to avoid the danger.

4 The defendant said in his videotaped
5 interview that he knew that he should have
6 left. He walked in. He knew that wasn't a
7 good situation for him to be in. He had an
8 opportunity to leave and he didn't do it. So
9 that element fails.

10 He could have waited outside. He could
11 have exited through the kitchen. There were
12 double glass doors there that he could left
13 through. He could have threatened the
14 victim, pushed past the victim, showed the
15 victim the knife. He didn't have to stab
16 him, and that's why he could have avoided the
17 danger. Yet, he didn't. He impulsively, in
18 the heat or anger, stabbed and killed Cameron
19 Flores.

20 Now, there have been a few Red Herrings
21 in this case. "Red herrings" are deliberate
22 attempts to distract you from the truth of
23 what is going on.

24 First is the drugs found in the
25 apartment. That has nothing to do with any

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1 reason why we're here. This is not a drug
2 deal gone bad. That has nothing to do with
3 the stabbing of Cameron Flores, not a thing.
4 It's an attempt to distract you from what
5 happened that night.

6 We have the photograph that is missing.
7 You can see on the video that Detective
8 Peppers took one. That would be important if
9 we didn't have the photograph that I just
10 showed you, if we didn't have the defendant's
11 videotaped interview where you can see him,
12 if we didn't have the defense's own exhibit
13 of the traffic stop where you can see the
14 back of his head where he was alleged
15 punched. That is an attempt to distract you
16 from what Michael Rencher did.

17 People lie for two reasons: they lie to
18 get what they want and to get out of trouble.

19 The defendant's first statement was on a
20 recorded interview. The importance of the
21 details that he gives before he gets into
22 what happened that night is that he is
23 incredibly detailed about what happened. He
24 remembers everything:

25 His friend came over.

1 They were getting ready to play games.

2 They smoked a Black-and-Mild.

3 That his friend called.

4 They went to take showers.

5 His friend came back after taking a
6 shower.

7 They were going to go to their friend
8 T.J.'s house. Is was boring there.

9 He thought that he said that he was at
10 Creekside, so they walked there.

11 His friend came by and said, 'Do you want
12 to walk with me.' They were cool, they
13 walked up that way.

14 Nobody came to the door, so he calls his
15 friend and his friend says, 'I will come get
16 you.'

17 So then they go to the uncle's house.

18 The uncle wouldn't open the door, so they
19 were hanging out and some white girl walks
20 outside.

21 That is important because it is
22 incredibly detailed.

23 Then we get to the crux of why we are
24 here. What he says, they were chilling,
25 everything was cool but then he had a

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1 feeling, it was in his gut, and he knew that
2 he should have left.

3 Then he knows that he hit him -- he
4 "didn't really feel it" but he knows that he
5 hit because his head was bleeding.

6 And he said, 'the dude that stays right
7 there collects knives, he had a bunch of
8 knives on the table.' Never once does he
9 mention any other weapon. Never once in his
10 interview does he mention anyone reaching for
11 a weapon. Never once does he mention Cameron
12 Flores reaching for a weapon. Never once
13 does he mention a gun. Never once does he
14 mention being afraid. Because he wasn't.

15 He said that he doesn't know -- he got
16 hit, he grabbed the knife and done like this
17 (gesture). He said 'I did it. I ran. I
18 turned around and I told the owner of the
19 house 'sorry.'

20 He doesn't say, 'I ran because the gun
21 was out, someone pulled a gun on me.' 'I ran
22 because I did it and then I told him that I
23 was sorry.'

24 He said on the stand that the interview
25 was accurate. That's what he testified to.

1 He also testified to that he'd told his
2 dad everything that had happened. Why is
3 that significant? His dad picked him up at
4 3:04. We know that to be true because that's
5 when the traffic stop happened. That's when
6 Officer Johnson told you that the traffic
7 stop happened, at 3:04.

8 This interview took place at 4:00 a.m.,
9 less than an hour after that traffic stop.
10 So it wasn't as if he didn't remember what
11 had happened. He had just told his dad
12 everything that had happened.

13 And if what he's said yesterday had
14 really happened, he would have told the
15 officer that.

16 But what did he get up and say? He got
17 up and said -- the defendant started to go
18 down the path that he was punched in the back
19 of the head. That didn't really ever pan out
20 because in his own interview he says "he
21 punches me in the face", "he punched me right
22 here, he was hitting me, he was hitting me."
23 He never points to the back of his head, he
24 said "he's hitting me." And he said, "and
25 here's where I was bleeding" and he points

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1 behind his ear.

2 This is not a picture of someone who has
3 been repeatedly punches. This was two hours
4 after it happened. There would be bruising,
5 there would be swelling, there'd be
6 scratches. There's nothing on him. You have
7 his clothes. There's no blood. There's no
8 ripping of his clothes. This was not a
9 beating.

10 He said he was hit behind his head and,
11 again, he points to right here. He tells you
12 on the stand, 'well, back of my head', 'the
13 side of my head', sort of thing. He says
14 that he was injured and that he was bleeding
15 there. I want to get to that in a minute
16 because I think that's important.

17 He said that he was sorry to Ben for
18 hurting his friend, yes. Then he saw a gun.
19 At first it was in front of Ben, then Ben was
20 pointing it at him. Each time he said
21 something, I responded 'that's not what you
22 told Detective Peppers.' Because that's the
23 first time that information came out. It's
24 real inconvenient (sic) that the day of his
25 trial, when he needs to get himself out of

1 trouble that he gets up there and tells you
2 this completely fabricated story that he's
3 never once said before.

4 He also proceeded to say that he didn't
5 know that he had the knife. He never told
6 Detective Peppers that. He told Detective
7 Peppers, 'I saw it, I grabbed and I stabbed
8 him.'

9 Then he sat the knife somewhere. I think
10 that's an interesting comment, and he stuck
11 by it that he sat it somewhere. This
12 (photograph) is not setting the knife
13 somewhere. He didn't go into Justin's house
14 and place it on the counter. He hid it under
15 a set of stairs at a different location.
16 That is indicative of guilt. He ran, he hid
17 the knife and he told you that he was hiding.

18 He called his dad. He called his dad to
19 take him home. Now, the defense asked
20 Officer Johnson wasn't he supposed to take
21 him home? 'I don't know.' That's what they
22 want you to believe. But, in reality, the
23 crime scene was at Paw Path Lane. This
24 yellow dot is where Justin Shove's house was.
25 That's where the defendant was located.

1 When the defendant came out, he went
2 right. The green dot is the police
3 department. He could have gone left. He
4 could have gone straight to the police
5 department. If the defendant's story is true
6 that someone is after him with a gun, don't
7 you think the safest place for you to go
8 would be the police department? Or to head
9 back to Paw Path Lane where police are
10 everywhere, go and tell them what happened.

11 But, no, instead he goes right because
12 that's the way that you get to his house.
13 You turn right. He was stopped right here.

14 The other thing, that's the way that his
15 dad came. Officer Johnson's testimony was
16 that his dad's truck came from this
17 direction. That is significant because he
18 had no intention of going to that police
19 department. He had every intention of going
20 home.

21 The defendant had an opportunity to tell
22 his story. He did.

23 This is the smoking gun in this case,
24 because this is the true defendant. Legally
25 emotional-less, legally unremorseful:

1 yawning, laying his head on the table. To me
2 it looked like he was sleeping at one point.
3 He doesn't even move when Detective Peppers
4 comes in there to take the photograph of him.

5 Detective Peppers telling him that
6 someone has died and he -- no remorse
7 whatsoever.

8 He doesn't jump up and down, 'No, you
9 don't understand. They were pointing a gun
10 at me. I had to save my own life. He was
11 beating me to a bloody pulp. You don't
12 understand!'

13 Detective Peppers asked him twice, 'Is
14 there anything else you want to say?' He
15 never added anything.

16 I think that it is important the way that
17 Detective Peppers asked him questions in that
18 interview. He didn't yell at him, he didn't
19 force him to talk, force him to say anything.
20 He said, 'Tell me what happened. Anything
21 else? Anything else?' He never said,
22 'that's not what happened, tell me what
23 really happened.' He let him tell his story.
24 That interview was Mr. Rencher's story, not
25 what he got up here and conveniently told you

1 yesterday -- three years later, the first
2 time anyone has heard that story.

3 He never called Detective Peppers back to
4 say, 'Listen, Detective Peppers, you've got
5 it all wrong. There was a gun there. He
6 pointed a gun at me. My life was at stake.
7 I did what I had to do.' Because it's not
8 true.

9 The State presented several witnesses.
10 The first were Adele Henderson, Ben, Sean and
11 Cameron McKinney. They don't have anything
12 to gain. They lost their friend. They've
13 already lost. They're not in trouble.

14 Yet they came here and told you truth-
15 fully wanted happened. And how do we know
16 that? Well, one, they admitted that there
17 were drugs in their apartment. That happens
18 to be a crime.

19 Ben admitted that he smoked weed. That
20 happens to be a crime too. He did that in
21 front of law enforcement and all of you, he
22 had no problem telling you that. As they
23 said over and over, 'we don't care about
24 that, what we cared about was our friend.'

25 You heard the 911 tape. It's hard to

1 listen to but the importance of it is that
2 that is a play by play of what is going on.
3 Ben and Cameron McKinney both told you that
4 there was a conversation about hiding stuff.
5 I assert to you that if they were trying to
6 hide it that they didn't do a very good job.
7 There was a bathroom right there by the den.
8 They could have flushed it. They could have
9 gone upstairs and hidden it in a closet,
10 hidden it under clothes. That's a Red
11 Herring, because that is not stuff that
12 mattered. What mattered was that Michael
13 Rencher murdered their friend that night, and
14 that's all that they cared about.

15 Another interesting thing about that 911
16 tape. If Ben had been pointing a gun at the
17 defendant, as the defendant asserts, and
18 there had been some exchange about Cameron
19 going over there to beat up Michael, if Ben
20 had been watching what went on, you -- you
21 can hear in that 911 tape the first time that
22 he realizes that he's been hurt. "Oh (bleep)
23 he's bleeding, why is he bleeding?!" If this
24 had been a calculated attempt for them to
25 jump Michael Rencher, Ben Smith would have

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1 known what went on with his friend. He
2 wouldn't have called in a seizure. 'I don't
3 know why he's bleeding, I don't know how to
4 do CPR.' They teach him how to do CPR on the
5 phone. "Come on, boy! Come on, boy!!" Then
6 the gut-wrenching reaction of realizing that
7 he has been stabbed, that this wasn't a
8 seizure at all. This was death.

9 That is how you know that what he is
10 saying is real and what he said is true.

11 Ben admitted to you that he had a gun,
12 that it was on his person. He told you,
13 'When I got to the door, he ran past me and
14 I got to that doorframe, I pulled it out
15 because I didn't know what was going on. But
16 he was gone. He was so fast, he was gone.'
17 I assert to you that that is the first time
18 that the defendant heard anything about a
19 gun. That was when he made the decision to
20 get up here and tell you about that. That's
21 why we'd never heard about it before, because
22 he didn't know that. Ben honestly told you
23 that's what happened.

24 Their statements were never impeached.
25 No one ever said, 'That's not what you said

1 in 2014.' That's because they told the same
2 story in 2014 until Monday when they
3 testified, and it was the truth.

4 The State's next witness was Justin
5 Shove, who has been sitting there behind the
6 defendant. Justin Shove is a close friend of
7 the defendant. He was the only State's
8 witness that was impeached. He was impeached
9 by me because, conveniently, he could not
10 remember that he told law enforcement that
11 the defendant told him that he was in a
12 little fight.

13 Why is that important? The defendant got
14 up here and told you, 'I ran. I hid the
15 knife when I was hiding because the guy had a
16 gun and he was looking for me.'

17 Justin never said, 'He rushed into my
18 apartment, lock the door, man, because
19 there's a guy coming after me with a gun.
20 Lock the door.' That's not what he said.

21 He strolled up to his buddy's house and,
22 as the defendant said, he was out of breath
23 because he had been running, not because
24 anything happened but because he'd been
25 running. He tells his buddy, 'Something

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1 happened, I got into a little fight.' He
2 hangs out for a little bit until his dad
3 comes to get him.

4 He gives him paper towels because he was
5 bleeding. The State has not denied that
6 there might have been blood on the defendant.
7 What the State think is more probable than
8 blood coming from the punch that admittedly
9 the victim threw is that he came when he
10 tired to hide that knife under that set of
11 stairs, because the blood didn't -- he didn't
12 notice it until he got to Justin's apartment.
13 It was a scratch, Detective Peppers told us.
14 It wasn't an open cut from a punch, it was a
15 scratch.

16 Justin gives him paper towels. He wasn't
17 worried about his condition. He doesn't
18 think he has been beat to a bloody pulp or
19 look terribly. He says, 'here's some paper
20 towels.' Went to bed, completely unconcerned
21 about his friend who was bleeding.

22 After that ---

23 JUSTIN SHOVE: (Stands up in
24 courtroom), -- Bullshit!

25 THE COURT: Uh-uh, take him out.

1 JUSTIN SHOVE: Bullshit.

2 THE COURT: Take him into custody.

3 UNIDENTIFIED FEMALE: Justin! Can I
4 have ---

5 THE COURT: No, ma'am, be quiet!

6 Ladies and gentlemen, please disregard that
7 emotional disruption. Go ahead.

8 SOLICITOR HINTON: Thank you, Your
9 Honor. After that, law enforcement
10 testified. They don't have anything to win
11 or lose in this case. While cases are
12 important to them, this is their job. They
13 testified as to what they knew.

14 Again, Detective Peppers demeanor with
15 the defendant is important, because the
16 defendant wasn't forced to say anything. He
17 wasn't forced into any kind of statement. He
18 let him talk, and -- he did.

19 Dr. Ward testified that the injury to the
20 victim was seven and a half inches deep.
21 That is not a slice, that is not a quick jab.
22 That is inserting a knife completely into the
23 victim. That is inserting a butcher knife up
24 to the hilt, as far as it will go. He didn't
25 leave it in there, he pulled it back out.

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Closing Argument by Solicitor

1 Stabbed in all the way to the spinal cord and
2 pulled it back out. That is what killed
3 Cameron Flores.

4 He testified that the defendant -- that
5 the victim was a hundred eighty pounds,
6 5'11". As the defendant told you, he is
7 5'11" and he was around a hundred thirty-
8 five. I don't know what he weighs now. It's
9 not a David and Goliath situation. Was there
10 a size difference? Sure. But we're not
11 talking about a massive size difference. The
12 judge will tell you that you can consider
13 that.

14 The judge will also tell you that you can
15 consider prior difficulties. The importance
16 of that is that that shows that the defendant
17 wasn't afraid of him. Because he didn't run
18 when he was getting robbed. He didn't have
19 any problem showing up at his house shortly
20 afterwards, a house that he was hanging out
21 at. He didn't say, 'I probably shouldn't be
22 here, that guy doesn't really like me.' He
23 wasn't afraid of him.

24 Nothing was going to save him. That was
25 Dr. Ward's testimony. A pathologist that has

1 performed well over five thousand autopsies
2 and testified in court hundreds of times as
3 an expert before, 'nothing was going to save
4 him.'

5 There are several facts in this case that
6 are not in dispute:

7 The defendant stabbed the victim.

8 He killed him.

9 He ran.

10 He never called law enforcement.

11 He hid the knife.

12 He hid out at Justin's.

13 He never mentioned a gun until yesterday.

14 And he never asked for medical attention.

15 As Mr. Hill told you earlier in this
16 case, we have the burden of proof, to prove
17 this case beyond a reasonable doubt.

18 Disproving self-defense is our burden,
19 and that's a burden that we gladly accept.

20 You must be firmly convinced that the
21 defendant is guilty of voluntary
22 manslaughter. You also must be firmly
23 convinced that this was not self-defense,
24 that at least one of those elements of self-
25 defense fails.

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Closing Argument by Mr. Cantrell for Defense

1 This is Michael Rencher on the night of
2 September 11th, 2014.

3 This is Cameron Flores.

4 This wasn't just a stab wound. This
5 isn't just a picture of a stab wound. This
6 was Cameron Flores' life.

7 I ask that you return a verdict of
8 guilty.

9 THE COURT: Mr. Cantrell.

10 MR. CANTRELL: May it please the
11 Court, ladies and gentlemen.

12 Sometimes it is hard to know where to
13 begin. A life was lost that night and nothing
14 that you do today will bring Mr. Flores back.
15 It's regrettable, it's sad, but nothing we do
16 today can change the loss of life.

17 You've been told that voluntary
18 manslaughter is -- and the judge will tell
19 you what it is, but I believe that he will
20 say something along the lines that voluntary
21 manslaughter is the unlawful killing of a
22 human being in the sudden heat of passion
23 upon sufficient legal provocation. That is
24 the definition of voluntary manslaughter.

25 Self-defense. You've heard a little bit

1 about that. The defendant is without fault
2 for what happened. The defendant is in
3 actual imminent danger of losing his life or
4 in sustaining serious bodily injury, or
5 actually believes that he is in such danger;
6 believing as a reasonably person in his
7 position would believe. Lastly, that he has
8 no other possible means of avoiding this
9 thing.

10 Those are two very important definitions
11 that you will receive from the judge. For our
12 purposes, I believe they're accurate.

13 Let me say up front that you the jury put
14 yourself in the same position, faced with the
15 same decision or reaction, then your job is
16 done. Our judicial system allows you to make
17 those decision, allows you to make those
18 determinations based on what you've heard
19 here today.

20 Being a juror is an awesome and very
21 responsibility. You are to make those
22 determinations. You make those decision, and
23 only you. As the judge will tell you, you
24 are the triers of fact. You make those
25 decisions.

1 I'm not going to try to spin or turn your
2 heads around with what I'm about to tell you.
3 I'm going to ask you, plead with you to
4 listen and remember everything that you
5 listened to and make your own determination
6 of what happened.

7 It's not going to be my intent to shock
8 you, it's not going to be my intent to
9 intimidate you. It's not going to be my
10 intent to play on your emotions, it's sad.
11 My intent is ask you to take the evidence
12 before you and make a reasonable decision.
13 That's all that anyone can or should ask you
14 to do.

15 As the judge will tell you, it's the
16 State's burden to prove guilt beyond a
17 reasonable doubt, to prove.

18 Let's just walk through this for a few
19 minutes. The testimony, let's follow the
20 testimony first:

21 You heard testimony from Adele Henderson,
22 who corroborates what Michael Rencher said.
23 She comes out and there's somebody she knew,
24 a neighbor or someone from the neighborhood,
25 someone she had no knowledge of who they were

1 -- that was Michael Rencher. The other
2 person said, 'Hey, is your boyfriend there?'
3 She went in to check and see if he was there,
4 she went in to check and see if it was okay
5 to invite these people in. She came out and
6 offered for them to come in.

7 Nowhere in her testimony or in anybody's
8 testimony is there any implication whatsoever
9 that, one, Michael Rencher that it was his
10 idea to be there, that it was his idea to go
11 in, that he had any clue as to who was in
12 there. In fact, his testimony was that he
13 had no idea who was there. No idea. He got
14 in and he recognizes Cameron Flores from
15 years ago.

16 Everything was fine, they were invited
17 in. They stayed. Adele verified that they
18 listened to music, drank -- she drank some
19 wine, but they had some drinks. She doesn't
20 mention the marijuana, although Ben did say
21 that he used marijuana and that Adele was
22 there when he did it.

23 And eventually -- everything is fine.
24 She doesn't think anything is up -- except
25 when Michael walks in. And she doesn't say

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1 that Michael changed his demeanor, she
2 doesn't say that Michael did anything.
3 Cameron Flores immediately changed his
4 demeanor, became tense. I thought she that
5 -- she said that he became tense immediately,
6 and this was quite some time before any
7 attack took place. She did notice that, she
8 did tell you that. And she knew why or
9 appeared to have an idea. But eventually she
10 leaves the room. No sure why.

11 Then we have Ben. You heard all of Ben's
12 testimony. In some respects he appeared to
13 be fairly open, in some respects he didn't
14 appear to be fairly open. You've got to
15 decide how much of his testimony is credible,
16 if any of it -- or all of it.

17 He testified essentially that these
18 fellows came in. I think he said that he
19 knew Lamar but he didn't know Michael, didn't
20 recognize him. And he also said 'we sat
21 around, we talked, we played music.' In
22 fact, he and Cameron went and changed the
23 music from time to time. Drank. He
24 indicated, 'yeah, I smoked a little weed.'
25 That Cameron did. He wasn't clear on who

1 else may have, they may have. They're
2 sitting there, again, talking and everything
3 is fine; it would appear to someone who did
4 not know. Michael Rencher had no idea that
5 there was anything wrong with him and Cameron
6 Flores at that point.

7 They're sitting there just talking. What
8 does Ben say, 'Then there was some sort of
9 communication. Cameron started acting
10 agitated -- animated.' What was going on?
11 He said that he didn't figure it out, that he
12 was mouthing words and he didn't know what
13 was going on. Finally he saw him mouth the
14 words, "That's the guy! That's the guy."
15 Finally Ben figured it out. Was it the
16 mouthing of the words? Was it the message on
17 the cell phone, the typed message that
18 Cameron handed to Ben?

19 Ben figured out what was going on and I'd
20 submit to you that at that point Ben became
21 an interested spectator, because he certainly
22 didn't imply anything to Michael. Ben didn't
23 imply anything to Michael that there was
24 anything wrong.

25 And at that point Cameron didn't imply

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1 anything. But Cameron knew. The way that
2 you know that Cameron knew something was
3 going on and the way that you knew Cameron
4 had someone on his mind was what Ben said,
5 what Adele said and what his actions were.

6 Then Ben tells you that Cameron went
7 around to where Michael was. To be honest
8 with you -- look at the pictures, but I
9 submit to you that this area here is not
10 much, if any, smaller or bigger than they
11 were standing. The sink over there where
12 this box is, Cameron was here. When he came
13 over this way, he would have had to go this
14 way to get out from the kitchen area --
15 probably about this size (indicating).

16 So we've got Michael standing next to the
17 kitchen counter. We've got Lamar somewhere
18 here. And Cameron Flores, a pretty big guy,
19 comes around in that area also. That's where
20 everything took place.

21 Now, if you believe everything that Ben
22 said, which I submit is a little bit hard to
23 do but if you believe Ben -- number one,
24 Cameron went over there. Number two, then he
25 and Michael faced each other. I submit that

1 is not quite possible, because regardless of
2 what has been implied the injury was to his
3 back side, back of Michael's head. So if
4 they're facing each other in an enclosed
5 area, he didn't reach around and hit him in
6 the back of the head while he was facing him.

7 It's more logical because the magazine
8 was there that somebody had showed Michael --
9 and I don't know if you noticed it, but -- he
10 wears glasses, but he hates wearing his
11 glasses so he had them on his shirt. He was
12 leaning over looking at a magazine.

13 What happened next, we know that Cameron
14 Flores struck Michael -- more than once. One
15 reason you know that is because Ben said so,
16 and because the evidence bears it out.

17 I will leave it to you to determine --
18 now, nobody has ever said that Michael was
19 beat to a bloody pulp, nobody has ever
20 implied that. But he was hit on the left
21 side of his head and face. I will leave it
22 to you to determine if there is a little bit
23 of swelling over there. But he did have an
24 injury to his head. The same camera that
25 took this picture took a picture of the back

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1 of his head. We do not have that. But the
2 officer thought that it was significant
3 enough to take a picture, he said 'I am going
4 to take a picture of that.' The officer made
5 that decision. So there was something there,
6 and it was not there before Michael Rencher
7 went into this apartment.

8 So Michael Rencher gets hit, several
9 times. He was not beat to a bloody pulp,
10 admitted. But he was hit several times.
11 His head was already down initially because
12 he was looking at the magazine. Then his --
13 and his head is going down, as it naturally
14 would when he was hit. He doesn't know what
15 to do. His glasses fall out of his shirt.

16 Immediately after he was hit, he sees his
17 buddy running out the door. He said out of
18 his peripheral vision, 'I see Lamar leave.'
19 He takes off, he doesn't leave the same time
20 that Michael does. Michael is being hit.

21 You'll see pictures, as have already been
22 admitted in evidence, of knives all over the
23 place. Remember, Michael didn't come there
24 with a knife. There were knives everywhere.
25 Those knives were the only thing, other than

1 a magazine, that was within Michael's reach.
2 Look at the pictures of what was on the
3 counter. Nothing else.

4 Michael is being hit. He's scared, the
5 fellow was bigger than him. He was in a
6 place that he'd never been before. He can't
7 see. He's being hit in the back of the head
8 more than once, he doesn't remember how many
9 times he was hit.

10 'Yep, I was a little confused at first.
11 I didn't feel it.' He told the officers
12 that. "I wasn't feeling it", is how he said
13 it. Fact of the matter, he might not have
14 known he was bleeding at the time but he knew
15 that he'd been hit. It drew blood, so he
16 knows he was bleeding, that he was being hit.
17 But he can't do anything because he can't
18 raise up. His friend has gone. He grabs
19 something -- he eventually knows that it was
20 a knife. And it was a knife because that was
21 the only thing there, it was the only thing
22 that he could use to defend himself. 'How am
23 I getting out of this? What can I do? I'm
24 being beaten on the back of my head. I'm
25 being hit by this fellow. I had no idea why,

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1 have no idea what's going on between us.'

2 He had no time to think.

3 At one point there is some discussion of
4 Michael saying in the interview, 'I should
5 have left. I wish I had left.' What he told
6 you was 'I heard Ben and Cameron talking
7 kinda funny, sounded like something strange.
8 I should have left then.' But within seconds
9 he was being hit in the back of the head.
10 So, yeah, he should have left. He wishes he
11 had left. He didn't want this to happen.
12 But he had no chance.

13 So his thoughts of leaving were there but
14 for a fleeting moment before he got hit in
15 the back of the head and couldn't leave.
16 Remember this small area, remember Cameron
17 Flores who was a good bit bigger, heavier.
18 He had nowhere to go while he was being
19 beaten. He reflexively grabbed something,
20 which was a knife, and swung around.

21 The hitting stopped and he immediately
22 left. But for Ben with his gun -- the fact
23 of the matter is that Ben told you that he
24 pulled his gun. He didn't say that he waited
25 until he got to the front door. He said that

1 he pulled his gun and ran to the door after
2 Michael left. He already had the gun out.
3 Michael said that he had already seen the
4 gun. Quite frankly, I don't think anybody
5 can deny that.

6 So Michael takes off the only way that he
7 had to go after the hitting stopped. And,
8 remember, what you've got to think about is
9 did he bring this on? No, he did not.
10 Showing up at an apartment when you have no
11 idea who is there is not bringing it on.
12 Staying at an apartment when everything is
13 cool, everything is fine, nobody implies that
14 there was openly bad blood at any point. So
15 he didn't bring this on.

16 Then he is being assaulted, he is being
17 injured, he is scared to death, he is
18 terrorized, he doesn't know what to do. He
19 didn't have his glasses on, he can't see a
20 whole lot. Once he was being hit, all he
21 knows to do was grab, swing and run out the
22 way that he came in. That was his only
23 choice. That was his self defense. Ben had
24 a gun, Michael runs out. At some point he
25 turns and looks -- which anybody would have

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1 done. I mean, I'm scared to death and I'm
2 running from somebody but you turn around and
3 look at what you're running from. By then
4 Ben was at the doorway -- I think it was Ben.
5 Some people said that he ran out but Ben said
6 that he went to the doorway, didn't think he
7 went out. Anyway, Ben was standing in the
8 doorway. Michael says, "I'm sorry." Yeah,
9 I'm sure that he is. He's sorry about
10 everything that has happened.

11 But nothing Michael did or said implies
12 that he was, as voluntary requires, acting in
13 the sudden heat of passion. You don't reach
14 around and hit someone one time, with or
15 without a knife, if you're in the depths of
16 heat of passion. If you're in the depths of
17 heat of passion, if you're angry you're going
18 to strike and strike and strike.

19 Sad to say, the one strike that Michael
20 did is what took Cameron Flores' life because
21 of how it was, how it went in. Strictly by
22 accident. One strike simply to get him off
23 of him, so that he could get out.

24 Then if you under the depths or the
25 influence of heat of passion, you don't turn

1 around and apologize. Someone who is angry,
2 so angry that they're fighting someone in the
3 heat of passion. That was someone who was
4 sorry that they got caught up in a situation
5 that they had nothing to do, did nothing to
6 create and they're just trying to get the
7 heck out of there. In fact, he'd been told
8 to get the something out of there anyway. So
9 the fact that he turned around and looked at
10 Ben and said "I'm sorry" is nothing more than
11 a reaction on his part, not of somebody who
12 was angry, under the heat of passion or
13 anything approaching that.

14 Let's remember a couple more things about
15 Ben. He lied about the gun. He said that he
16 put it on a seven-foot shelf. No, he didn't.
17 It was on the desk in the other room, that's
18 where the police found it. Nobody else
19 reports finding any other guns. But he told
20 you that after taking it out of his waistband
21 and holding it that he put it up on the
22 shelf, to imply that was a safety measure.
23 That's not where police found it. Nobody
24 else moved it.

25 Why would he lie? Sometimes people lie

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1 for no reason. I don't know. But he was
2 concerned about the presence of the gun, but
3 he lied to you about it.

4 And I would submit to you that for some
5 reason he lied about the drugs. He
6 acknowledged to you that they were smoking
7 weed in the kitchen. I would submit that
8 there was some more stuff going on in the
9 kitchen either before Michael got there or
10 while he was there. If you look at the
11 pictures, there are no drugs on that counter.
12 You've already been told that drugs were in
13 there. There are no drugs on that counter.
14 Conveniently everything to do with drugs was
15 in one spot in a laundry room. So everything
16 got put in one place.

17 I tell you that, but I also tell you that
18 I don't know why. I don't know why they were
19 that concerned about it, why they were lying
20 or misleading. They just did. That's why
21 they had the discussion about hiding stuff on
22 the 911 tape when they knew, had no reason to
23 know -- I submit that Ben said, "Cam, hide
24 everything." Listen. I am not going to tell
25 you what to think, but you listen. No doubt

1 several people admitted that they talked
2 about hiding drugs. Why? I don't know, but
3 I do tell you that affects their credibility
4 and believability.

5 What may be more important is that you
6 heard officers talk about taping off the
7 scene to make sure that the scene was
8 preserved. The crime scene was not preserved
9 in the way that it was when the incident
10 happened because of all this moving around.
11 The last thing I am going to say about that
12 is, look at the pictures. You're going to
13 find Michael Rencher's glasses up in a tray.
14 These are glasses that he had on his shirt
15 when he was hit several times, over and over.
16 Those glasses didn't magically jump over into
17 the tray. Stuff was moved. Don't know why.
18 Don't know what impact that would have on
19 this evidence, but somebody must have thought
20 that it did because things were moved.

21 Drugs were present. Those were moved.

22 Consider that but then get past it
23 because still the fact remains of what did
24 Michael Rencher do and is he guilty of
25 anything other than defending his life?

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1 To follow the witnesses again, Sean knew
2 nothing. He just woke up and came down while
3 they were doing CPR, trying to revive Cameron
4 Flores.

5 Cameron McKinney came in about the time
6 that Michael was leaving. He says that he
7 saw Michael running out the door. That he
8 just ran. This is not someone running in the
9 heat of passion or someone who is so angry
10 that they can't control themselves. This
11 somebody running to get the heck out of
12 there. That's what Cameron saw.

13 Cam admitted that yes, there was some
14 discussion about hiding things. But
15 otherwise Cam saw Michael running, Michael
16 leaving. All that does is substantiate what
17 Michael told you, that he was scared to death
18 and he ran out. He saw Ben with the gun,
19 which caused him to pause a second but then
20 ran. "I'm sorry." Then he left.

21 Then where did Michael go? He didn't
22 just take off into the woods. And,
23 incidentally, he did not throw the knife out
24 into the bushes where nobody would ever see
25 it again. He didn't throw it into -- it's

1 called Creekside, I don't know if there is a
2 creek there or not, but he didn't throw it
3 along the way as he ran the hundred, two
4 hundred yards to Justin's house. He was not
5 trying to throw away evidence. He didn't
6 know it was evidence of a crime. Remember,
7 when he left he had no idea of what was going
8 on with Cameron. He didn't know the
9 condition or injury or anything, he just took
10 off.

11 And, interesting too, if you want to back
12 up to Ben. Ben didn't see all of that. Ben
13 told you that it was a shoving contest, that
14 there was pushing. Ben told you that Cameron
15 was a big boy and he was in the way, that at
16 some point he couldn't see Michael because
17 Cameron Flores was so big. That's what Ben
18 said. That Michael was just trying to get
19 out, trying to get around Cameron to get out.
20 That's what Ben told you, based on his
21 observations.

22 And when Michael got out he wasn't trying
23 to get rid of or hide the knife. He didn't
24 throw it in the bushes, throw it on a roof,
25 throw it in a creek. He carried it with him.

1 When he got to his friend's apartment, he
2 didn't want to carry it anymore. He was
3 still concerned, apparently, about Ben. But
4 he laid -- looking at these pictures, it
5 wasn't hid. How could you hide anything
6 under these steps, they are so open. The
7 knife was not hidden at all. These pictures
8 were taken a night and you can still clearly
9 see the knife. He was not trying to hide it,
10 he put it away. He remembered where he'd put
11 it because he took the police back to it.

12 He did go to Justin's. Justin believes
13 that he testified truthfully and believes
14 that he told you everything that he knew, I
15 assume, and has reacted. But the fact of the
16 matter is, his testimony is what it is.

17 'Yes, he came in. Yes, he was bleeding
18 behind his ear. Yes, he looked scared...' --
19 and I forget how he put it, maybe like he's
20 seen a ghost or something. He knew that
21 Michael was upset. But Michael was not
22 talking. Michael is a very quiet guy.

23 Again, Michael was not a person that was
24 in the heat of passion or so angry -- and
25 we're talking two or three minutes later --

1 that he was jabbering, talking, hyper. He
2 just said 'I've been in a little fight.' He
3 still didn't know Cameron's condition.

4 Justin gave him something for the back
5 of his head where he was bleeding. Michael
6 didn't ask for it. Michael didn't realize
7 the blood was there. How blood from a knife
8 could have gotten up here is beyond me,
9 especially considering the State's own
10 witness, the pathologist, said it had very
11 little if any blood on it. It was his blood.
12 I don't think that there is any doubt about
13 it. Bottom line, Justin saw blood, save him
14 a paper towel, and let him sit on the sofa.
15 He didn't know what happened. He just left
16 his friend there. A couple hours later when
17 he got up, Michael was gone. Please don't
18 ask how many times I might forget to shut the
19 door when I go out of the house. It would be
20 numerous. If I was in Michael's position
21 there is a chance that I would have
22 forgotten, totally, to shut the door.

23 He was going out to meet his dad. That's
24 another significant thing for a person who is
25 scared, terrorized and did nothing but defend

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1 themselves. He gets to the first place he
2 can to settle down, where here is some
3 safety. He doesn't know what's going on back
4 at this place, except that people are upset
5 and angry -- probably at him. The first
6 thing that he does is what a son would do,
7 call his dad, said 'call the police.' He
8 told him where he'd been. And, in fact, we
9 know that his dad did call the police and
10 told them what happened. That's what led to
11 them finding Michael. That is not the
12 actions of someone who out of sheer anger and
13 passion intentionally killed somebody.

14 So he calls his dad, he goes out the door
15 to go up and meet his dad. He had to walk, I
16 think he said, twenty-five to fifty yards to
17 get to his dad's car. He is not running, he
18 is not hiding at that point, he's going to
19 his dad.

20 Yes, his dad was taking him back home
21 because that's where he'd called the police
22 from. They'd told you they had the address.
23 And he took his son -- was attempting to take
24 his son back home. The officer said, 'yeah,
25 that was as close a route as any for him to

1 get back home.'

2 So, so far there are not actions on the
3 part of Michael Rencher of anything other
4 than someone who has been scared to death,
5 hit in the back of the head, reacted
6 defensively to get away from it. Then he's
7 not running off into the woods, he's not
8 running up the street. He doesn't just keep
9 running.

10 You heard testimony from various EMTs and
11 law enforcement about what they found there
12 at the scene. That sets the scene for you
13 after the fact, that Cameron Flores had
14 gotten to the front door, that CPR was
15 attempted.

16 You heard about the arrest, you saw the
17 arrest. Michael cooperated. Carmichael, his
18 father, pulled over as soon as possible when
19 the blue lights went on. That's what they
20 were waiting for, they were wanting the
21 police, they just thought that it would be at
22 their house. Michael gets out and complies
23 with everything that he is told to do. He is
24 walking backwards toward the camera. Again,
25 it's beyond me how you're expected to see

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1 anything on the back of his head with the
2 dashcam camera in the middle of the night
3 with blue lights flashing. There is no way
4 that there could be evidence, for or against,
5 of an injury in that video.

6 Then Michael goes in and talks to
7 Detective Peppers, for a considerable amount
8 of time. 'Time me what happened.' He does.

9 You have been told how significant it is
10 that he remembered everything at the
11 beginning. I submit to you that's when
12 you're expected to remember. He remembers
13 what happened when there was nothing
14 exciting, nothing extraordinary going on.
15 He remembers the details of that. He
16 complied and answered the detective's
17 questions, 'Here is what I did, here is who
18 went where.'

19 Then he tells the detective what happened
20 at the apartment. That is essentially the
21 same story that he told you here. He didn't
22 talk about the gun to the detective. He may
23 not have remembered at that point. At that
24 point he's still under a lot of stress and
25 trauma. But we know that it was there

1 because Ben confirmed it. Yeah, maybe
2 should. Maybe that would have changed things
3 a little bit. But he didn't. You could
4 tell. I don't think that you can sit there
5 and say that he was nonchalant or not
6 affected by all of this. We're talking about
7 a fellow that was somber -- he talks quietly
8 anyway, but he was talking quietly and trying
9 to recount for the officers what happened and
10 be truthfully about it.

11 He told him about the knife. Not that
12 'I grabbed a knife and I stabbed him' but
13 that 'I grabbed, there was a knife and I
14 stabbed him.' He didn't indicate that 'I was
15 looking for a knife.' That's all that was
16 there, so he grabbed it. He told the officer
17 that.

18 Quite frankly, he sat there for thirty
19 minutes -- nothing going on. I'm not sure
20 what he was supposed to do. He was being
21 questioned, in a police station. He's been
22 told that the person has died. I am not sure
23 what he is supposed to do. I've never been
24 in that situation, you've never been in that
25 situation. Is there a right way to react?

1 He sat there. He does look somber, he does
2 look totally wiped out. His head is hurting.
3 I don't know what is the 'correct' way to act
4 under those circumstances except to do what
5 he did. He answered the officer's questions,
6 told him the truth.

7 A short while later he took them to where
8 the knife was. He didn't have to do that,
9 but he did. That was on his own.

10 Just like it was on his own to call his
11 father, to ask his father to call the police.
12 Several times he tried to get them there to
13 see what had happened with his son. And, if
14 you remember, the officer said that Michael's
15 father said Paw Path Lane or Paw Path --
16 Lane. So they knew what they were dealing
17 with, primarily if not only because Michael's
18 father told them. That is not an indication
19 of somebody who has committed an act of
20 voluntary manslaughter.

21 The pathologist that you heard from just
22 confirmed medical things. But I think what
23 is significant is that it was a single wound,
24 that the path traveled created the damage
25 that did take his life, a single wound. That

1 is not something that could have been
2 orchestrated or be intentional for it to
3 travel that path, but that's what happened.
4 That is what the pathologist verified for
5 you.

6 Once again, all the actions that you know
7 about -- and the only thing that you know
8 about the altercation is what Ben told you
9 and what Michael told you. Oddly enough, the
10 stories are fairly similar. Cameron Flores
11 was behind Michael, Michael's injury was to
12 the back side of his head. Look at the video
13 and see where the officer is taking the
14 picture. Michael is laying with his head
15 down and he is taking the picture of back
16 here -- he is touching it. Look and see
17 where that is.

18 So the witnesses -- the two people that
19 were present. Cameron Flores started hitting
20 Michael. Michael says that he got hit
21 several times, he didn't know what to do, was
22 scared, shocked and reacted. Then he said
23 that Cameron Flores hit him, that he was
24 bigger than Michael, that there was shoving,
25 that Michael was just trying to get away from

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1 him, trying to get around him, to get out. I
2 submit to you that's all that it was. What
3 you've heard from those two witnesses is what
4 happened.

5 Remember the definition of voluntary
6 manslaughter, the unlawful killing of a human
7 being in the sudden heat of passion without
8 sufficient provocation. Heat of passion.

9 There are other definitions for heat of
10 passion. One is called an uncontrollable
11 impulse to violence. There was none of that
12 on the part of Michael Rencher unless you
13 take some twists and turns that are not
14 there.

15 It is not your job to -- you connect the
16 dots. You don't jump from one dot to the
17 other to get an answer. You must connect the
18 dots. You must be convinced in your own mind
19 beyond a reasonable doubt that all those dots
20 connect to the charge of voluntary
21 manslaughter. Listen to the definition and
22 determine if that applies to Michael Rencher.
23 I submit to you that it does not.

24 I would submit to you that if you listen
25 to the definition of self-defense that you'll

1 determine that does apply, in all respects.

2 Based on everything you've heard, based on
3 the acknowledged actions of the various
4 people involved, especially Michael Rencher.
5 There was nothing else that he could do.

6 Put yourself in that little cubicle over
7 there, under those circumstances of somebody
8 who is bigger and heavier than you, who is
9 hitting you, what would you do?

10 You would not want the result that came
11 of this. But you don't know that ahead of
12 time, you cannot know that ahead of time.
13 What would you do to respond, to react, to
14 get away from the person who is hitting you?
15 What would you do?

16 Considering all the evidence I this case,
17 I ask that you return a verdict of Not
18 Guilty.

19 THE COURT: Before we proceed, we have
20 one final brief replay argument from the
21 State and the charge on the law. I think
22 that we've been going for a pretty good
23 while, so we are going to take a short break.
24 Don't discuss the case yet. We will be back
25 very shortly.

1 (JURY OUT @ 11:13 A.M.)

2 THE COURT: All right. We are going to
3 take a short break. When we start back, no
4 one is to come in or go out after this.

5 If there is another outburst during the
6 reply argument, you will be taken into
7 custody. Take a short break.

8 (BRIEF RECESS)

9 (DEFENDANT PRESENT)

10 THE COURT: State ready?

11 SOLICITOR HINTON: Yes, sir.

12 THE COURT: Bring in the jury.

13 (JURY IN @ 11:26 A.M.)

14 THE COURT: Ladies and gentlemen,
15 please pay attention.

16 SOLICITOR HINTON: Very briefly I
17 want to address three points that the defense
18 brought up in their closing argument.

19 First is the gun that Ben had. Ben was
20 very clear that it was a .45 and the gun
21 found on the desk in the den was a .40. As a
22 gun owner, you know that those are very
23 different guns. Ben didn't lie about where
24 he put his gun. He put his gun on top of
25 that bookshelf. Why wasn't it found during

1 the search is because John Brown testified
2 that by the time that he got on the scene
3 with that search warrant that he already knew
4 that he was dealing with a stabbing and no
5 one had ever mentioned a gun, so he wasn't
6 looking for a gun. He only saw that .40 that
7 was laying on the desk in the den.

8 Mr. Cantrell said that the defendant
9 didn't have his glasses, that he had a real
10 hard time seeing. He testified yesterday and
11 he couldn't see anything that I put up on the
12 projector, he had to see it close up. He
13 knows a awful lot about what Ben was doing
14 with that gun to have had no glasses on. He
15 knows an awful lot to have run out the door,
16 turned around to see what Ben was doing when
17 he can't even see a piece of paper a short
18 distance from him. The glasses are a Red
19 Herring. It was the defendant's choice not
20 to wear them and that has nothing to do with
21 this case.

22 He also said that when he was at Justin's
23 house that he had no clue what was going on.
24 You will have the 911 tape back there with
25 you. You can clearly hear on that 911

1 tape sirens in the background. He was two
2 hundred yards away, that was his testimony.
3 He absolutely knew what was going on. He
4 absolutely could hear those sirens, just he
5 chose to remain silent.

6 THE COURT: Mr. Foreman, ladies and
7 gentlemen of the jury, during this trial you
8 and I have certain duties to perform. As the
9 trial judge, it is my responsibility to
10 preside over the trial of the case and to
11 rule on the admissibility of any evidence
12 offered during the trial.

13 It is also my duty to charge you the law
14 applicable to this case. It is your duty as
15 jurors to accept and apply the law precisely
16 as I now state it to you.

17 As I told you in my opening comments, if
18 you think you have any ideas as to what the
19 law is or what you think the law ought to be
20 and it differs from what I now tell you that
21 the law is, you have sworn an oath to set
22 aside your own opinion and apply the law
23 exactly as I state it to you.

24 I also remember you that in every case
25 tried in this court before a jury, the jury

1 is the sole and exclusive judge of the facts.
2 A trial judge is not allowed to have an
3 opinion about the facts in a case. Please
4 don't think by anything that I have said or
5 done throughout the course of the trial that
6 I have such an opinion. I do not. It's up
7 to you all to determine the truth and
8 credibility of the witnesses.

9 I instruct you that the fact that the
10 defendant was arrested, charged and indicted
11 in this case is not evidence of guilt, nor
12 does it create any presumption or inference
13 of guilt. These documents are simply the
14 formal written instruments which contain the
15 charge made against a defendant. They serve
16 as the formal documents by which this case is
17 processed or brought here to court for
18 resolution.

19 Necessarily, y'all must determine the
20 credibility or believability of the witnesses
21 who have testified. It becomes your duty as
22 jurors to evaluate the evidence and determine
23 which evidence convinces you it is true.

24 In determining the believability of the
25 witnesses, you may believe one witness over

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1 several or several over one.

2 You may believe a part of the testimony
3 of a witness and reject the remaining part.
4 You may believe the testimony of a witness in
5 its entirety or reject the testimony of a
6 witness in its entirety.

7 You may consider whether a witness has an
8 interest in the result of the trial, whether
9 the witness is prejudiced towards the State
10 or the defense, the opportunity that a
11 witness had to have seen the matters and
12 things about which the witness has testified,
13 and the way that a witness acts on the
14 witness stand or what we call a witness'
15 demeanor.

16 The Rules of Evidence ordinarily do not
17 permit witnesses to testify to opinions or
18 conclusions. An exception to this rule
19 exists for witnesses we call experts. A
20 witness who by education or experience has
21 become expert in some art, science or
22 profession may give an opinion as to the
23 subject in which the witness has been
24 qualified as an expert. They may also give
25 the reasons for that opinion. You should

1 consider opinion(s) given by an expert
2 witness like any other evidence, giving it
3 the weight that you think it deserves.

4 Now, the Defendant has pled not guilty to
5 this indictment. That plea puts the burden
6 on the State to prove the Defendant guilty.

7 A person charged with committing a
8 criminal offense in South Carolina is never
9 required to prove themselves innocent.

10 I charge you that it is a cardinal and an
11 important rule of the law in South Carolina
12 that a defendant in a criminal case will also
13 be presumed to be innocent of the crime for
14 which the indictment was issued unless guilt
15 has been proven by evidence satisfying you of
16 guilt beyond a reasonable doubt.

17 A reasonable doubt is the kind of doubt
18 which would cause a reasonable person to
19 hesitate to act. Reasonable doubt may arise
20 from the evidence which is in the case or
21 from the lack or absence of evidence in the
22 case and the jury must determine whether or
23 not reasonable doubt exists as to the guilt
24 of the defendant.

25 The State has the burden of proving each

1 and every element of a crime beyond a
2 reasonable doubt. Any reasonable doubt that
3 you may have in your deliberations should be
4 resolved in favor of the defendant.

5 There are two types of evidence which are
6 generally presented during a trial: direct
7 evidence and circumstantial evidence.

8 Direct evidence directly proves the
9 existence of a fact. It does not require
10 deduction.

11 Circumstantial evidence is proof of a
12 chain of facts and circumstances indicating
13 the existence of a fact.

14 Crimes may be proven by circumstantial
15 evidence. The law makes no distinction
16 between the weight and value to be given to
17 either direct or circumstantial evidence.
18 However, to the extent that the State relies
19 on circumstantial evidence, all of the
20 circumstances must be consistent with each
21 other and when taken together point
22 conclusively to the guilt of the accused
23 beyond a reasonable doubt. If the
24 circumstances merely portray a defendant's
25 behavior as suspicious, the proof has failed.

1 The State has the burden of proving the
2 defendant guilty beyond a reasonable doubt.
3 This burden rests with the State regardless
4 of whether the State relies on direct
5 evidence, circumstantial evidence or some
6 combination of the two.

7 The Defendant is charged and indicted for
8 voluntary manslaughter. To prove voluntary
9 manslaughter the State must prove beyond a
10 reasonable doubt that the defendant took the
11 life of another in the sudden heat of passion
12 based on sufficient legal provocation.

13 Both heat of passion and sufficient legal
14 provocation must be present at the time of
15 the killing to constitute voluntary
16 manslaughter.

17 Sudden heat of passion may for a time
18 affect a person's self control and
19 temporarily disturb a person's reason. The
20 sudden heat of passion must be the type that
21 would make an ordinary person unable to
22 coolly reflect on his action and would
23 produce an uncontrollable impulse to do
24 violence.

25 Sufficient legal provocation must be the

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1 type that would make a personal of ordinary
2 reason and caution become enraged and lose
3 control temporarily. The provocation needed
4 for voluntary manslaughter must come from
5 some act of, or relate to, the victim.
6 Words alone, however vulgar and insulting,
7 are not enough to be legal provocation.

8 Where death is caused by the use of a
9 deadly weapon, the words must be accompanied
10 by some overt, threatening act which could
11 have produced the heat of passion.

12 The exercise of a legal right, no matter
13 how offensive it is to another, is never
14 sufficient legal provocation for voluntary
15 manslaughter.

16 If the heat of passion had cooled or if
17 there was enough time between the
18 provocation, if anything, and the killing for
19 the passion of a reasonable person to cool
20 the killing would not be voluntary
21 manslaughter.

22 In deciding whether a reasonable person
23 would have had enough time to cool off, you
24 should consider all the circumstances
25 surrounding the killing. You may consider

1 the nature of the provocation, if any; the
2 defendant's mental and physical state; and
3 the circumstances and relationships between
4 the parties.

5 Now, the Defendant has raised the defense
6 of self-defense. Self-defense is a complete
7 defense. If it is established, you must find
8 the Defendant not guilty.

9 The State has the burden of disproving
10 self-defense by proof beyond a reasonable
11 doubt. If you have a reasonable doubt of the
12 defendant's guilt after considering all of
13 the evidence, including the evidence of self-
14 defense, then you must find the defendant not
15 guilty.

16 On the other hand, if you have no
17 reasonable doubt of the defendant's guilt
18 after considering all the evidence, including
19 the evidence of self-defense, then you must
20 find the defendant guilty.

21 The following elements are required to
22 establish self-defense:

23 First, the defendant must be without
24 fault in bringing on the difficulty. If the
25 defendant's conduct was the type which was

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1 reasonably calculated and did provide a
2 deadly assault, the defendant would be at
3 fault in bringing on the difficulty and would
4 not be entitled to an acquittal based on
5 self-defense.

6 Secondly, a second element of self-
7 defense is that the defendant was actually in
8 imminent danger of death or serious bodily
9 injury or that the defendant actually
10 believed he was in imminent danger of death
11 or serious bodily injury.

12 If the defendant was actually in
13 imminent danger, it must be shown that the
14 circumstances would have warranted a person
15 of ordinary firmness and courage to strike
16 the blow to prevent death or serious bodily
17 injury.

18 If the defendant believed he was in
19 imminent danger of death or serious bodily
20 injury, it must be shown that a reasonably
21 prudent person of ordinary firmness and
22 courage would have had the same belief.

23 In deciding whether the defendant
24 was, or believed that he was, in imminent
25 danger or serious bodily injury, you should

1 consider all the facts and circumstances
2 surrounding the crime, including the physical
3 condition and the characteristics of the
4 defendant and the victim.

5 Next, the final element of self-
6 defense is that the defendant had no other
7 way to avoid the danger of death or serious
8 bodily injury than to act as the defendant
9 did in this particular circumstance.

10 There is no duty to retreat from the
11 aggressor unless the use of deadly force is
12 employed, so in order to be entitled to claim
13 self-defense the defendant must have had no
14 other probable way to avoid the danger of
15 death of serious bodily injury, including the
16 duty to retreat from the harm if that
17 opportunity exists prior to employing the use
18 of deadly harm to protect one's self.

19 Now, I would tell you that words
20 accompanied by hostile acts may, depending on
21 the circumstances, establish self-defense.

22 Evidence of prior difficulties between
23 the person defended and the victim may be
24 considered in deciding whether a threat
25 existed, whether the defendant had a reason

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1 to believe a threat existed, and how serious
2 that threat was.

3 The relative sizes, ages and weights of
4 the parties may be considered in deciding the
5 apparent or actual need for force in self-
6 defense and the amount of force needed.

7 Ladies and gentlemen, I want to tell you
8 that there are two possible verdicts that you
9 can reach in this case. There is no
10 significance whatsoever in the order in which
11 I state these possible verdicts, it is simply
12 that one must be stated first. The possible
13 verdicts are either Guilty or Not Guilty.

14 I want to tell you that your verdict must
15 be unanimous. All twelve of you must agree.

16 Your verdict cannot be based on sympathy,
17 passion, prejudice, emotion or any other
18 consideration that is not in the evidence in
19 this case. You have no friends to reward and
20 you have no enemies to punish.

21 Mister Foreman, at this time I am going
22 to excuse you all to the jury room. Please
23 do not commence your deliberations just yet.
24 I need to go over my charge on the law with
25 the attorneys, to make sure that I didn't

1 misstate something or omit something.

2 We have a verdict form which I will send
3 back, which I think is self-explanatory. If
4 you have problems with it, let me know and we
5 will straighten that out.

6 When the jury has reached an unanimous
7 verdict or -- I'm getting ahead of myself.
8 When this verdict form comes back to you with
9 the evidence in the case, you may begin your
10 deliberations.

11 When the jury has reached an unanimous
12 verdict, knock on the door and we will
13 receive you back in the courtroom.

14 So at this time, please retire to your
15 jury room -- with the exception of the two
16 alternates, I ask that you remain with us.

17 (JURY OUT @ 11:44 A.M.)

18 THE COURT: Ladies, you were required
19 to be here throughout the course of the
20 trial. You're just as qualified as each of
21 those twelve people. You have earned the
22 right to go back there. I hope that you
23 understand that generally we have alternates
24 on a multi-day trial in case of sickness or
25 some other calamity. Fortunately,

1 unfortunately the law only allows twelve, so
2 at this time I am happy to inform you that
3 you've completed your service for the week.
4 You are free now to talk about the case or to
5 not talk about the case. If someone comes
6 and approaches you to discuss the case,
7 bothers you, please let our clerk of court
8 know and we'll fix that problem because we
9 are not going to have anyone be intimidated
10 or harassed because of their service. Again,
11 I thank you very much for your service this
12 week. You are free to stay or go, whichever
13 you want.

14	(ALTERNATES EXCUSED)

15 THE COURT: Any exceptions or
16 objections to the charge from the State or
17 the Defense?

18 SOLICITOR HINTON: None from the
19 State.

20 MR. CANTRELL: Your Honor, none but
21 to renew the previous ---

22 THE COURT: Okay. All right. Y'all go
23 through the evidence and make sure that it is
24 all there.

25 (COUNSEL APPROVAL OF EXHIBITS)

1 (JURY IN DELIBERATIONS @ 11:59 A.M.)

2 (NOTIFIED OF JURY NOTE @ 12:25 P.M.)

3 (DEFENDANT PRESENT)

4 THE COURT: We have received a jury
5 note, several notes.

6 The first one is, "Can we have the
7 definition of self-defense read again?"

8 I'm printing out three copies of the
9 entire charge and sending it back, so they'll
10 have that.

11 COURT REPORTER: The jury note is
12 Court's Exhibit 2.

13 (SO ENTERED AS COURT'S EXHIBIT 2)

14 THE COURT: The second one, "There was
15 a picture shown yesterday with pill bottles
16 and a bag with tinfoil. It is not in our
17 pictures."

18 That was a defense exhibit marked for
19 identification and never entered into
20 evidence. I am going to write on this note
21 and send it back to them that 'this picture
22 was marked for identification and never
23 entered into evidence.'

24 COURT REPORTER: Court's Exhibit 3.

25 (SO ENTERED AS COURT'S EXHIBIT 3)

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1 COURT REPORTER: Marking the printed
2 charge as Court's Exhibit 4.

3 (SO ENTERED AS COURT'S EXHIBIT 4)

4 SOLICITOR HINTON: Your Honor, the State
5 has no objection to your response to the note
6 or sending back the charge.

7 MR. CANTRELL: None from the defense,
8 Your Honor.

9 THE COURT: All right, take it on back
10 and we will at-ease.

11 (JURY IN DELIBERATION)

12 (NOTIFIED OF JURY NOTE @ 12:45 P.M.)

13 (DEFENDANT PRESENT)

14 THE COURT: We have another note from
15 the jury. It reads, "Did Cameron (victim)
16 have a ring on his hand?"

17 I don't remember anybody testifying to
18 that. It's not in the picture, so my
19 response would be, "You have all the evidence
20 that has been presented."

21 SOLICITOR HINTON: No objection from
22 the State, Your Honor.

23 MR. CANTRELL: Yes, sir, that's fine.

24 COURT REPORTER: Court's Exhibit 5.

25 (SO ENTERED AS COURT'S EXHIBIT 5)

1 (JURY IN DELIBERATION)

2 (NOTIFIED OF JURY QUESTION @ 1:15 P.M.)

3 (DEFENDANT PRESENT)

4 THE COURT: Another note.

5 COURT REPORTER: Court's Exhibit 6.

6 (SO ENTERED AS COURT'S EXHIBIT 6)

7 THE COURT: And another.

8 COURT REPORTER: Court's Exhibit 7.

9 (SO ENTERED AS COURT'S EXHIBIT 7)

10 THE COURT: Let's bring in the jury.

11 (JURY IN @ 1:17 P.M.)

12 THE COURT: Ladies and gentlemen, I
13 have your two questions. I understand that
14 you want to review the video again. There is
15 an electronic copy on this computer. So
16 y'all want to want the whole thing or --
17 there's a lot of dead time, do you want to
18 watch that?

19 FOREMAN: The beginning and the end,
20 sir, and also -- I'm not sure but there was a
21 transcript of that. Are we able to have the
22 transcript?

23 THE COURT: No, sir. That's not in
24 evidence. All right, your second question
25 was, (reading): "Justin's testimony was

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1 impeached by the solicitor. What does that
2 mean?"

3 Impeachment has been defined as the
4 process of challenging the credibility of a
5 witness. That's the definition of impeach-
6 ment. I want to tell you that we cannot
7 answer whether or not the testimony was
8 impeached. That is for y'all to determine.
9 The believability or credibility of a witness
10 is entirely up to you.

11 I would tell you that the questions, the
12 comments and the arguments of the lawyers is
13 not evidence. Okay?

14 Okay, we will now play the video. Stay
15 on top of it and y'all tell us when you want
16 to stop.

17 (VIDEO REPLAYED FROM BEGINNING TO WHERE
18 DETECTIVE PEPPERS TOOK PHOTOGRAPH OF
19 DEFENDANT'S HEAD)

20 (JURORS TALKING WITH EACH OTHER)

21 THE COURT: All right. If y'all need
22 to discuss something or -- for a lot of
23 reasons, I am going to excuse y'all back to
24 your jury room. Your deliberations need to
25 be in private, I don't know if you were

1 discussing something you saw or not but your
2 deliberations need to be in private. If you
3 want to watch more of it, let us know. Let
4 me know if you want to watch the rest of it.
5 Retire and let me know.

6 (JURY OUT @ 1:42 P.M.)

7 (JURY IN DELIBERATION)

8 THE COURT: Let's bring in Mr. Shove.

9 (JUSTIN SHOVE INTO COURTROOM)

10 THE COURT: Mr. Shove, how you doing?

11 JUSTIN SHOVE: I've been better.

12 THE COURT: This is, I understand, an
13 emotional case, that you have a friendship
14 with one of the parties. Let me tell you
15 something, this is your court system. This
16 is your institution of government, it belongs
17 to you and it belongs to every other person
18 in this courtroom. If you don't show respect
19 for it, then it lessens your institution of
20 government. Okay.

21 JUSTIN SHOVE: Yes, sir.

22 THE COURT: And I hope -- I hope you've
23 learned something today. You can be angry
24 with me. Get in line and take a number.

25 JUSTIN SHOVE: I am not angry with

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1 you, sir. Not at all.

2 THE COURT: The lesson you need to
3 learn from this is to control your emotions
4 no matter what the situation. Anything you
5 do, any reaction that you make out of an
6 emotional response to something generally is
7 not good. Some judges would -- I could stick
8 you in jail for six months, and that is not
9 uncommon. So I hope you will reflect on this
10 and recognize the bigger picture involved.
11 Okay?

12 JUSTIN SHOVE: Yes, sir.

13 THE COURT: It's very serious. How was
14 the pizza?

15 JUSTIN SHOVE: It was pretty good.

16 THE COURT: Okay. Well, I'm going to
17 cut you loose.

18 JUSTIN SHOVE: Awesome.

19 THE COURT: And around here, show
20 respect.

21 JUSTIN SHOVE: Yes, sir.

22 THE COURT: Show it around every
23 institution of your government that works for
24 you, even if you don't like the short-term
25 effect of what is going on. Control

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1 yourself. It will make you a better person,
2 a better man and make everybody around you
3 better. Okay?

4 JUSTIN SHOVE: Yes, sir.

5 (JUSTIN SHOVE RELEASED FROM CUSTODY)

6 (JURY NOTE RECEIVED AT 5:29 P.M.)

7 (DEFENDANT PRESENT)

8 COURT REPORTER: Court's Exhibit 8.

9 (SO ENTERED AS COURT'S EXHIBIT 8)

10 THE COURT: We have a note asking,
11 (reading): "We have not reached a decision
12 at this point. Should we continue to
13 deliberate tonight or come back tomorrow?"

14 They've been going five hours. I think
15 we'll let them come back in the morning.

16 (JURY IN @ 5:31 P.M.)

17 THE COURT: Mister Foreman, ladies and
18 gentlemen of the jury, I got your note.
19 You've been going hard for about five hours.
20 I think it would probably be a good decision
21 to break at this time and let you all go
22 home, relax, collect your thoughts and resume
23 in the morning. Okay.

24 I again caution and now stress the
25 incredibly vital importance that you follow

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1 your oath and not discuss this with anyone,
2 that you not look anything in books or on the
3 internet, don't discuss it on social media,
4 don't go visit the scene. This is what is so
5 difficult wondrous and magnificent with out
6 jury system. Have a good night, relax, put
7 this out of your mind. Have a good night's
8 sleep. Be back at 9:30 in the morning and we
9 will crank it up at that time.

10 MR. CANTRELL: Your Honor, may we
11 approach for a second?

12 THE COURT: Yes.

13 (OFF RECORD BENCH CONFERENCE)

14 THE COURT: There may be some news
15 coverage out there. It might be very
16 tempting to read about it but nobody knows
17 this case like you do, no one in the world.
18 So don't look at any news coverage.

19 If somebody for some reason approaches
20 you or contacts you in any way, find out who
21 that is and they will be dealt with severely.

22 Have a pleasant night.

23 (JURY OUT @ 5:40 P.M.)

24 (TRANSCRIPT CONTINUED NEXT PAGE)

25

1 MARCH 30, 2017 9:30 A.M.

2

3 (JURY IN DELIBERATIONS @ 9:30 a.m.)

4 (DEFENDANT PRESENT)

5 (NOTIFIED OF JURY QUESTION)

6 THE COURT: All right, we have a
7 question from the jury. It reads, "May we
8 have the definition of heat of passion?"

9 There's a definition in the charge that
10 I gave them but apparently they want further
11 explanation.

12 COURT REPORTER: Court's Exhibit 9.

13 (SO ENTERED AS COURT'S EXHIBIT 9)

14 THE COURT: This is a quote from *State*
15 *v Cole*, 338 SCC 97 at Page 101, (reading):
16 "...which mitigates a felonious killing to
17 manslaughter, while it need not dethrone
18 reason entirely or shut out knowledge and
19 volition, must be such as would naturally
20 disturb the sway of reason, and render the
21 mind of an ordinary person incapable of cool
22 reflection, and produce what, according to
23 human experience, may be called an
24 uncontrollable impulse to do violence."

25 SOLICITOR HINTON: Judge, I don't

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1 have any problem with that other than the
2 first part. It kind of blends it, that it is
3 a lesser change. Maybe we could just give
4 them the part about how they define "sudden
5 heat of passion." I don't remember the exact
6 words.

7 THE COURT: Are you referring to,
8 "which mitigates a felonious killing to
9 manslaughter"?

10 SOLICITOR HINTON: Correct.

11 THE COURT: Remove that language?

12 MR. CANTRELL: I think that I could
13 probably concur that is something you don't
14 need. The rest of that I think is something
15 that -- that I'd expect it to be.

16 THE COURT: Okay.

17 CLERK: You want me to make copies?

18 THE COURT: Yeah.

19 COURT REPORTER: Just attach it to the
20 question?

21 THE COURT: That's fine. Okay, y'all
22 take a look at that before we send it back.

23 SOLICITOR HINTON: (Upon review),
24 that's fine.

25 MR. CANTRELL: Yes, sir. No

1 objection.

2 THE COURT: Send it back. We'll be at-
3 ease.

4 (JURY IN DELIBERATION)

5 (NOTIFIED OF JURY QUESTION)

6 (DEFENDANT PRESENT)

7 COURT REPORTER: Court's Exhibit 10.

8 (SO ENTERED AS COURT'S EXHIBIT 10)

9 THE COURT: Okay, bring them in.

10 (JURY IN @ 10:40 A.M.)

11 THE COURT: I've gotten your note that
12 you're unable to reach an agreement, to agree
13 on a verdict in the case. As I instructed
14 you earlier, your verdict must be unanimous.
15 When a matter is in dispute, it isn't always
16 easy for even two people to come to an
17 agreement. So when twelve people must agree,
18 it becomes even more difficult. In most
19 cases absolute certainty cannot be reached,
20 nor expected.

21 However, you have a duty to use every
22 reasonable effort to reach a unanimous
23 verdict. In doing this, you should consult
24 with one another, express your own view and
25 listen to the opinions of your fellow jurors.

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1 Tell each other how you feel and why you feel
2 that way. Discuss your differences with open
3 minds.

4 Although the verdict of the jury must be
5 unanimous, every one of you have the right
6 to your own opinion. The verdict you agree
7 to must be your own verdict, the result of
8 your own convictions. You should not give up
9 firmly-held beliefs merely to be in agreement
10 with your fellow jurors.

11 The majority should consider the
12 minority's position and the minority should
13 consider the majority's position. You should
14 carefully consider and respect the opinions
15 of each other and re-evaluate your position,
16 the reasonableness, the correctness and the
17 impartiality. You must lay aside all outside
18 matters and re-examine the questions before
19 you based on the law and the evidence in this
20 case.

21 I would tell you that if you do not agree
22 on a verdict in a case, I must declare a
23 mistrial. In that case, it does not mean
24 that anybody wins. It just means that at
25 some future time we will try this case with

1 some other jury sitting where you now sit.
2 The same participants would come. The same
3 lawyers would ask basically the same
4 questions, and get basically the same
5 answers. We will go through the whole
6 process again. You were selected in the same
7 manner and from the same source as any future
8 will be and there is no reason for me to
9 suppose that the case would ever be submitted
10 to twelve more intelligent, impartial,
11 conscientious or competent jurors than you
12 are, or that more or clearer evidence would
13 be produced on one side or the other.

14 With all due respect, I therefore ask you
15 to return to your deliberations with the hope
16 that you can arrive at a verdict within a
17 reasonable time. Thank you very much.

18 (JURY OUT - IN DELIBERATIONS)

19 THE COURT: We will be at-ease.

20 (NOTIFIED OF VERDICT)

21 (DEFENDANT PRESENT)

22 THE COURT: I understand that we have a
23 verdict. Before I bring the jury in, I want
24 to tell the audience that while you might
25 feel strong emotions one way or the other, no

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1 matter what the verdict, if you cannot
2 contain yourself -- and by that I mean sit
3 quietly while the verdict is published and
4 afterwards, then leave now.

5 Bring in the jury.

6 (JURY IN)

7 THE COURT: Mister Foreman, I
8 understand that you've reached a verdict?

9 FOREMAN: We have.

10 THE COURT: Please hand it to the
11 clerk.

12 FOREMAN: (Complies).

13 THE COURT: The Clerk will please
14 publish.

15 CLERK: Indictment 2017-GS-39-791,
16 State of South Carolina versus Michael
17 Rencher. As to the charge of Voluntary
18 Manslaughter, "We, the jury, find the
19 Defendant guilty."

20 If this is your verdict and if it is so
21 still your verdict, say you all by raising
22 your right hand.

23 (UNANIMOUS RESPONSE FROM JURORS)

24 THE COURT: Thank you, ladies and
25 gentlemen. I want to thank you for your

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1 service. You get called up here and you
2 don't know if you're going to be asked to
3 serve or not. It is an awesome responsi-
4 bility, a difficult task which until you've
5 sat on a jury no one can understand. I hope
6 that you will feel a deep, deep satisfying
7 sense of civic pride that you have performed
8 this incredible service for your community.

9 I am happy to tell you that here on
10 Thursday afternoon that you are free for the
11 week. At this time I would excuse you all to
12 your jury room. You are free to stay, to go,
13 whatever you prefer to do. Thank you very
14 much.

15 Before they go, anything further from the
16 state for the jury?

17 SOLICITOR HINTON: No, Your Honor.

18 THE COURT: From the defense?

19 MR. CANTRELL: No, sir.

20 (JURY EXCUSED)

21 THE COURT: Do you have a sentencing
22 sheet?

23 SOLICITOR HINTON: Yes, Your Honor.

24 THE COURT: Ready, Mr. Cantrell?

25 MR. CANTRELL: Yes, sir. Your Honor,

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1 for the record, I renew all previous Motions
2 and objections.

3 THE COURT: I rule the same. That
4 jury worked incredibly hard and it was an
5 extraordinarily close call. Very difficult.
6 I believe my prior rulings were appropriate
7 and I will let them stand.

8 MR. CANTRELL: Yes, sir.

9 THE COURT: How many days does he get
10 credit for?

11 SOLICITOR HINTON: Your Honor, he did
12 ninety-nine (99) days active and then he has
13 been on house arrest ever since. I don't
14 have that exact number of days.

15 MR. CANTRELL: I think we have eight
16 hundred thirty (830) days on house arrest,
17 plus now three (3) days back in custody.

18 SOLICITOR HINTON: I did not include
19 those.

20 THE COURT: All right. I will be happy
21 to hear from the victims.

22 SOLICITOR HINTON: Yes, Your Honor,
23 the victim's mother, Barbara Melton, would
24 like to address the court.

25 BARBARA MELTON: Cameron wasn't a

1 perfect child but he wasn't one to be in
2 trouble all the time. He got frustrated,
3 obviously, from the break-in that he felt
4 this subject had done. I'd just talked to
5 him the day before and he had mentioned his
6 name to me.

7 He was getting his life to where it
8 needed to be. I was supposed to meet with
9 him within six hours of the incident to help
10 him get his own place. He'd just got a
11 promotion at his work to the job he'd always
12 wanted, as a chef. He was supposed to start
13 college the next month. He was really
14 getting everything in line to become the
15 adult that he wanted to be. He was a good
16 kid.

17 It's unfortunate but I pray that he'll
18 get the hardest punishment that he can get.

19 THE COURT: Thank you, ma'am. I am
20 sorry for your loss. It's tragic.

21 MR. CANTRELL: Your Honor, there's no
22 need for me to review or restate anything
23 about the facts or the allegations because
24 certainly you were here, you heard everything
25 from both sides as to what happened.

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1 Uniquely in this case there wasn't a
2 great deal of difference in what happened --
3 the testimony about what happened. There was
4 some difference. A great deal of difference
5 in the interpretation of some of the
6 circumstances and -- some of the -- I guess
7 you would almost say emotions or human
8 reactions, which I think was the crux of the
9 matter, and probably for the jury for the
10 past eleven hours.

11 So I don't feel the need -- I know that
12 you've heard all of that and that you
13 understand that.

14 I think it is important -- while still
15 taking all of that into account, I think it's
16 important that you hear what you have not
17 heard about Michael Rencher.

18 I will start from the personal stand-
19 point. I'm represented him for two and a
20 half years now. He's always been just as
21 polite and courteous as you heard him on this
22 witness stand. That was the real Michael
23 Rencher. He's always been respectful. His
24 demeanor has always been -- I'd say a bit
25 subdued. But, again, he's been courteous, a

1 bit humorous.

2 To give you a very, very small example
3 because things happen spontaneously. Things
4 happen when people are not trying to react in
5 a certain way, and you can really see the
6 inner person. Yesterday, as the court knows,
7 we were here waiting for the jury to
8 deliberate. Probably around 1:00 or 2:00
9 o'clock, after everyone else, the jurors,
10 court personnel and everyone else had eaten
11 pizza, Michael and I went back to talk
12 privately in the conference room behind you
13 and there was pizza there. After getting
14 permission from the deputies, I asked if he
15 could have some pizza and they said that he
16 could. He opened a box that had three pieces
17 of pepperoni pizza left. I told him to take
18 it. He said 'no, I don't want to take their
19 last pizza, the last pieces of pizza that
20 they have.' That was the true person that
21 you see here before you, is a person that
22 thinks that way.

23 What didn't come out in trial, of course,
24 is that he is an artistic young man. He's
25 got a great ability in art, drawing. Though

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1 he didn't get his high school diploma, he is
2 currently working on his GED; on his own,
3 that's not something that I told him to do
4 for court purposes. He's been doing that for
5 a while, working on his GED.

6 I think as the court heard in the
7 testimony, this is a young man that respects
8 family. 'Daddy told me to call if I ever
9 needed help, if there was trouble, or was in
10 trouble.' Words to that effect. So that's
11 what he did, at nineteen years of age.

12 He has a great deal of support from his
13 mother and father who have been here. Your
14 Honor, he has a great deal of support from
15 the community, and you can see that. This is
16 true and sincere. Nothing more, nothing less
17 than people who care about Michael Rencher,
18 Michael Rencher and his family. These people
19 didn't have to be here these last few days.
20 That speaks volumes about not just his family
21 but Michael himself.

22 Michael has a baby on the way. He's
23 doing everything that he can to move forward.
24 Michael is a young man that has, for the last
25 almost two and a half years, lived under

1 house arrest.

2 He had no prior criminal record at the
3 time of this incident and in the past two and
4 a half years, he's had no criminal record.
5 Your Honor, to my knowledge he's had nothing
6 close to violation of his house arrest. He's
7 done what is expected of him. He's done what
8 he's been told to do. He's been respectful,
9 polite and a good, decent human being in the
10 meantime. That is the inside of this person
11 that you see here.

12 We've heard about what happened on
13 September 11th, 2014. For everyone, for the
14 family of Cameron Flores but I'd also have to
15 say for Michael and his family, but for a few
16 minutes everybody's world would be totally
17 different. The jury has spoken their verdict
18 based on what how they interpret those few
19 minutes, but that is not all there is to
20 Michael Rencher.

21 I would like for the court to take all of
22 that into account. He has been in jail for a
23 substantial period of time from the
24 beginning. He has been on bond with GPS
25 monitoring, house arrest for a very long

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1 period of time and he's handled that. He has
2 proven to you and to everyone around that he
3 has handled that.

4 There is nothing else that has ever been
5 presented or brought out, in the trial or
6 otherwise, about Michael himself that would
7 show that he is a person of violence, that he
8 is a person of vengeance, that he is not a
9 person of -- he is what you've seen.. He is,
10 I truly believe, what I've described to you
11 and we ask the court to take all of that into
12 account in any way that the court can see
13 fit.

14 I have to admit that I probably have any
15 number of people who'd be happy to speak on
16 his behalf. I hope and believe that I have
17 said in my own words what they would have
18 said about this man that they love and
19 support. I would ask the court to take that
20 into account.

21 I don't know if Michael can or has
22 anything to say. I will leave that up to
23 him.

24 THE COURT: Yes, sir?

25 DEFENDANT: I understand that it is a

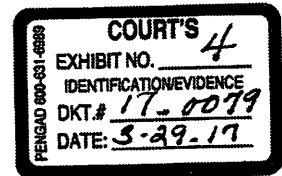
1 life lost. I understand that it is a life
2 lost, so I can't really blame anyone. I can
3 honestly say that if I could take it back, I
4 would. I would give anything. That's the
5 God's truth, but there is nothing that I can
6 do. I honestly -- I know they may not want
7 to hear it but to his family I am
8 (emotional), I can't explain how sorry I am.
9 I can't. If I could take it back, I would.
10 I would rather be in Cameron's shoes. To his
11 family, I really apologize. I really and
12 sincerely apologize.

13 THE COURT: No doubt, this is a very
14 tough case. Twelve (12) years.

15 (TRIAL CONCLUDED)

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**CRIMINAL CLOSING - VOLUNTARY MANSLAUGHTER WITH
SELF-DEFENSE**



DUTIES OF JURY AND JUDGE

LADIES AND GENTLEMEN OF THE JURY, DURING THIS TRIAL, YOU AND I HAVE CERTAIN DUTIES TO PERFORM. AS THE TRIAL JUDGE, IT IS MY RESPONSIBILITY TO PRESIDE OVER THE TRIAL OF THIS CASE AND TO RULE ON THE ADMISSIBILITY OF THE EVIDENCE OFFERED DURING THIS TRIAL.

IT IS ALSO MY DUTY TO CHARGE YOU THE LAW APPLICABLE TO THIS CASE. IT IS YOUR DUTY AS JURORS TO ACCEPT AND APPLY THE LAW AS I NOW STATE IT TO YOU. IF YOU THINK YOU HAVE ANY IDEA AS TO WHAT THE LAW IS OR WHAT THE LAW OUGHT TO BE AND IT DOES NOT AGREE WITH WHAT I TELL YOU THE LAW IS, YOU MUST FORGET THAT IDEA BECAUSE YOU ARE SWORN TO ACCEPT THE LAW AND APPLY THE LAW EXACTLY AS I STATE IT TO YOU.

IN EVERY CASE TRIED IN THIS COURT BEFORE A JURY, THE JURY IS THE SOLE AND EXCLUSIVE JUDGE OF THE FACTS. A TRIAL

JUDGE CANNOT COMMENT ON OR MAKE ANY STATEMENT ABOUT THE FACTS IN A CASE.

CHARGE, ARREST, INDICTMENT – NOT EVIDENCE

I INSTRUCT YOU THAT THE FACT THE DEFENDANT WAS ARRESTED, CHARGED AND INDICTED IN THIS CASE, IS NOT EVIDENCE OF GUILT IN THIS CASE, NOR DOES IT CREATE ANY PRESUMPTION OR INFERENCE OF GUILT. THESE DOCUMENTS ARE SIMPLY THE FORMAL WRITTEN INSTRUMENTS WHICH CONTAIN THE CHARGE MADE AGAINST A DEFENDANT. THEY SERVE AS THE FORMAL DOCUMENTS BY WHICH THIS CASE IS PROCESSED OR BROUGHT INTO THIS COURT.

CREDIBILITY OF WITNESSES

NECESSARILY, YOU MUST DETERMINE THE CREDIBILITY OR BELIEVABILITY OF THE WITNESSES WHO HAVE TESTIFIED IN THIS CASE. IT BECOMES YOUR DUTY TO EVALUATE THE EVIDENCE AND DETERMINE WHICH EVIDENCE CONVINCES YOU IT IS TRUE. IN DETERMINING THE BELIEVABILITY OF THE WITNESSES, YOU MAY BELIEVE ONE WITNESS OVER SEVERAL OR SEVERAL OVER ONE. YOU MAY BELIEVE A PART OF THE TESTIMONY OF A

WITNESS AND REJECT THE REMAINING PART. YOU MAY BELIEVE THE TESTIMONY OF A WITNESS IN ITS ENTIRETY OR REJECT THE TESTIMONY IN ITS ENTIRETY. YOU MAY CONSIDER WHETHER THE WITNESS HAS AN INTEREST IN THE OUTCOME OF THE TRIAL, WHETHER THE WITNESS IS PREJUDICED TOWARD EITHER THE STATE OR THE DEFENDANT, THE OPPORTUNITY FOR THE WITNESS TO HAVE SEEN THE MATTERS AND THINGS ABOUT WHICH THE WITNESS HAS TESTIFIED, AND THE WAY THE WITNESS ACTS ON THE WITNESS STAND.

EXPERT WITNESSES

THE RULES OF EVIDENCE ORDINARILY DO NOT PERMIT WITNESSES TO TESTIFY TO OPINIONS OR CONCLUSIONS. AN EXCEPTION TO THIS RULE EXISTS FOR WITNESSES WE CALL "EXPERT WITNESSES". A WITNESS WHO, BY EDUCATION AND EXPERIENCE, HAS BECOME EXPERT IN SOME ART, SCIENCE, PROFESSION, OR CALLING MAY STATE AN OPINION AS TO RELEVANT AND MATERIAL MATTER, IN WHICH THE WITNESS CLAIMS TO BE AN EXPERT, AND MAY ALSO STATE THE REASONS FOR THE OPINION.

YOU SHOULD CONSIDER ANY EXPERT OPINION RECEIVED IN EVIDENCE IN THIS CASE AND, LIKE ANY OTHER EVIDENCE, GIVE IT THE WEIGHT YOU THINK IT DESERVES.

PRESUMPTION OF INNOCENCE

THE DEFENDANT HAS PLED NOT GUILTY TO THIS INDICTMENT, AND THAT PLEA PUTS THE BURDEN ON THE STATE TO PROVE THE DEFENDANT GUILTY. A PERSON CHARGED WITH COMMITTING A CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE THEMSELVES INNOCENT.

I CHARGE YOU THAT IT IS A CARDINAL AND AN IMPORTANT RULE OF THE LAW THAT THE DEFENDANT IN A CRIMINAL TRIAL WILL ALWAYS BE PRESUMED TO BE INNOCENT OF THE CRIME FOR WHICH THE INDICTMENT WAS ISSUED UNLESS GUILT HAS BEEN PROVEN BY EVIDENCE SATISFYING YOU OF GUILT BEYOND A REASONABLE DOUBT.

REASONABLE DOUBT

A REASONABLE DOUBT IS THE KIND OF DOUBT WHICH WOULD CAUSE A REASONABLE PERSON TO HESITATE TO ACT. REASONABLE DOUBT MAY ARISE FROM THE EVIDENCE WHICH IS IN THE CASE OR FROM THE LACK OR ABSENCE OF EVIDENCE IN THE CASE AND THE JURY MUST DETERMINE WHETHER OR NOT REASONABLE DOUBT EXISTS AS TO THE GUILT OF THIS DEFENDANT. THE STATE HAS THE BURDEN OF PROVING EACH

AND EVERY ELEMENT OF A CRIME BEYOND A REASONABLE DOUBT AND ANY REASONABLE DOUBT THAT YOU MAY HAVE IN YOUR DELIBERATIONS SHOULD BE RESOLVED IN FAVOR OF THE DEFENDANT.

DIRECT AND CIRCUMSTANTIAL EVIDENCE

THERE ARE TWO TYPES OF EVIDENCE WHICH ARE GENERALLY PRESENTED DURING A TRIAL—DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. DIRECT EVIDENCE DIRECTLY PROVES THE EXISTENCE OF A FACT AND DOES NOT REQUIRE DEDUCTION. CIRCUMSTANTIAL EVIDENCE IS PROOF OF A CHAIN OF FACTS AND CIRCUMSTANCES INDICATING THE EXISTENCE OF A FACT.

CRIMES MAY BE PROVEN BY CIRCUMSTANTIAL EVIDENCE. THE LAW MAKES NO DISTINCTION BETWEEN THE WEIGHT OR VALUE TO BE GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE, HOWEVER, TO THE EXTENT THE STATE RELIES ON CIRCUMSTANTIAL EVIDENCE, ALL OF THE CIRCUMSTANCES MUST BE CONSISTENT WITH EACH OTHER, AND WHEN TAKEN TOGETHER, POINT CONCLUSIVELY TO THE GUILT OF THE ACCUSED BEYOND A REASONABLE DOUBT. IF THESE CIRCUMSTANCES MERELY PORTRAY THE

DEFENDANT'S BEHAVIOR AS SUSPICIOUS, THE PROOF HAS FAILED. THE STATE HAS THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT. THIS BURDEN RESTS WITH THE STATE REGARDLESS OF WHETHER THE STATE RELIES ON DIRECT EVIDENCE, CIRCUMSTANTIAL EVIDENCE, OR SOME COMBINATION OF THE TWO.

VOLUNTARY MANSLAUGHTER

IF YOU FIND THAT THE STATE HAS FAILED TO PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT COMMITTED MURDER, YOU MAY CONSIDER WHETHER THE STATE HAS PROVED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT COMMITTED VOLUNTARY MANSLAUGHTER.

TO PROVE VOLUNTARY MANSLAUGHTER, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT TOOK THE LIFE OF ANOTHER IN THE SUDDEN HEAT OF PASSION BASED ON SUFFICIENT LEGAL PROVOCATION. BOTH HEAT OF PASSION AND SUFFICIENT LEGAL PROVOCATION MUST BE PRESENT AT THE TIME OF THE KILLING TO CONSTITUTE VOLUNTARY MANSLAUGHTER.

SUDDEN HEAT OF PASSION MAY, FOR A TIME, AFFECT A PERSON'S SELF-CONTROL AND TEMPORARILY DISTURB A

PERSON'S REASON. THE SUDDEN HEAT OF PASSION MUST BE THE TYPE THAT WOULD MAKE AN ORDINARY PERSON UNABLE TO COOLY REFLECT ON HIS ACTIONS AND WOULD PRODUCE AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE.

SUFFICIENT LEGAL PROVOCATION MUST BE THE TYPE THAT WOULD MAKE A PERSON OF ORDINARY REASON AND CAUTION BECOME ENRAGED AND TO LOSE CONTROL TEMPORARILY. THE PROVOCATION NEEDED FOR VOLUNTARY MANSLAUGHTER MUST COME FROM SOME ACT OF, OR RELATED TO, THE VICTIM.

WORDS ALONE, HOWEVER VULGAR OR INSULTING, ARE NOT ENOUGH TO BE LEGAL PROVOCATION. WHERE DEATH IS CAUSED BY THE USE OF A DEADLY WEAPON, THE WORDS MUST BE ACCOMPANIED BY SOME OVERT, THREATENING ACT WHICH COULD HAVE PRODUCED THE HEAT OF PASSION.

THE EXERCISE OF A LEGAL RIGHT, NO MATTER HOW OFFENSIVE IT IS TO ANOTHER, IS NEVER SUFFICIENT LEGAL PROVOCATION FOR VOLUNTARY MANSLAUGHTER.

IF THE HEAT OF PASSION HAD COOLED, OR IF THERE WAS ENOUGH TIME BETWEEN THE PROVOCATION, IF ANY, AND THE KILLING FOR THE PASSION OF A REASONABLE PERSON TO COOL, THE KILLING WOULD NOT BE VOLUNTARY MANSLAUGHTER. IN DECIDING WHETHER A REASONABLE

PERSON WOULD HAVE HAD ENOUGH TIME TO COOL OFF, YOU SHOULD CONSIDER ALL THE CIRCUMSTANCES SURROUNDING THE KILLING. YOU MAY CONSIDER THE NATURE OF THE PROVOCATION, IF ANY; THE DEFENDANT'S MENTAL AND PHYSICAL STATE; AND THE CIRCUMSTANCES AND RELATIONSHIPS BETWEEN THE PARTIES.

SELF-DEFENSE

THE DEFENDANT HAS RAISED THE DEFENSE OF SELF-DEFENSE. SELF-DEFENSE IS A COMPLETE DEFENSE AND, IF IT IS ESTABLISHED, YOU MUST FIND THE DEFENDANT NOT GUILTY. THE STATE HAS THE BURDEN OF DISPROVING SELF-DEFENSE BY PROOF BEYOND A REASONABLE DOUBT. IF YOU HAVE A REASONABLE DOUBT OF THE DEFENDANT'S GUILT AFTER CONSIDERING ALL THE EVIDENCE, INCLUDING THE EVIDENCE OF SELF-DEFENSE, THEN YOU MUST FIND THE DEFENDANT NOT GUILTY. ON THE OTHER HAND, IF YOU HAVE NO REASONABLE DOUBT OF THE DEFENDANT'S GUILT AFTER CONSIDERING ALL THE EVIDENCE, INCLUDING THE EVIDENCE OF SELF-DEFENSE, THEN YOU MUST FIND THE DEFENDANT GUILTY.

THE FOLLOWING ELEMENTS ARE REQUIRED TO ESTABLISH SELF-DEFENSE.

(1) WITHOUT FAULT

FIRST, THE DEFENDANT MUST BE WITHOUT FAULT IN BRINGING ON THE DIFFICULTY. IF THE DEFENDANT'S CONDUCT WAS THE TYPE WHICH WAS REASONABLY CALCULATED TO, AND DID, PROVOKE AN ASSAULT, THE DEFENDANT WOULD BE AT FAULT IN BRINGING ON THE DIFFICULTY AND WOULD NOT BE ENTITLED TO AN ACQUITTAL BASED ON SELF-DEFENSE.

(2) IMMINENT DANGER

THE SECOND ELEMENT OF SELF-DEFENSE IS THAT THE DEFENDANT WAS ACTUALLY IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY OR THAT THE DEFENDANT ACTUALLY BELIEVED HE WAS IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.

IF THE DEFENDANT WAS ACTUALLY IN IMMINENT DANGER, IT MUST BE SHOWN THAT THE CIRCUMSTANCES WOULD HAVE WARRANTED A PERSON OF ORDINARY FIRMNESS AND COURAGE TO STRIKE THE BLOW TO PREVENT DEATH OR

SERIOUS BODILY INJURY. IF THE DEFENDANT BELIEVED HE WAS IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY, IT MUST BE SHOWN THAT A REASONABLY PRUDENT PERSON OF ORDINARY FIRMNESS AND COURAGE WOULD HAVE HAD THE SAME BELIEF.

IN DECIDING WHETHER THE DEFENDANT ACTUALLY WAS, OR BELIEVED HE WAS, IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY, YOU SHOULD CONSIDER ALL THE FACTS AND CIRCUMSTANCES SURROUNDING THE CRIME, INCLUDING THE PHYSICAL CONDITION AND CHARACTERISTICS OF THE DEFENDANT AND THE VICTIM.

(3) NO OTHER WAY TO AVOID DANGER

THE FINAL ELEMENT OF SELF-DEFENSE IS THAT THE DEFENDANT HAD NO OTHER PROBABLE WAY TO AVOID THE DANGER OF DEATH OR SERIOUS BODILY INJURY THAN TO ACT AS THE DEFENDANT DID IN THIS PARTICULAR INSTANCE.

DUTY TO RETREAT

IN ORDER TO BE ENTITLED TO CLAIM SELF-DEFENSE, THE DEFENDANT MUST HAVE HAD NO OTHER WAY TO AVOID THE DANGER OF DEATH OR SERIOUS BODILY

INJURY, INCLUDING THE DUTY TO RETREAT FROM THE HARM, IF THAT OPPORTUNITY EXISTS.

WORDS ACCOMPANIED BY HOSTILE ACTS

WORDS ACCOMPANIED BY HOSTILE ACTS MAY, DEPENDING ON THE CIRCUMSTANCES, ESTABLISH SELF-DEFENSE.

PRIOR DIFFICULTIES

EVIDENCE OF PRIOR DIFFICULTIES BETWEEN THE PERSON DEFENDED AND THE VICTIM MAY BE CONSIDERED IN DECIDING WHETHER A THREAT EXISTED, WHETHER THE DEFENDANT HAD A REASON TO BELIEVE A THREAT EXISTED, AND HOW SERIOUS THAT THREAT WAS.

SIZE AND AGE

THE RELATIVE SIZES, AGES, AND WEIGHTS OF THE PARTIES MAY BE CONSIDERED IN DECIDING THE APPARENT OR ACTUAL NEED FOR FORCE IN SELF-DEFENSE AND THE AMOUNT OF FORCE NEEDED.

JURY VERDICT

THERE ARE _____ POSSIBLE VERDICTS WHICH YOU MAY FIND IN THIS CASE: (*list possible verdicts*). THERE IS NO SIGNIFICANCE WHATSOEVER IN THE ORDER IN WHICH I STATE THESE POSSIBLE VERDICTS; IT IS SIMPLY THAT ONE MUST BE STATED FIRST.

LADIES AND GENTLEMEN, YOUR VERDICT MUST BE UNANIMOUS, ALL TWELVE OF YOU MUST AGREE. YOU SHOULD CONSIDER THE EVIDENCE CALMLY AND WITH MEASURED REASON, WITHOUT PASSION, PREJUDICE, BIAS OR EMOTION. YOU HAVE NO FRIENDS TO REWARD AND NO ENEMIES TO PUNISH.

MR./MADAM FOREPERSON, WHEN THE JURY AGREES ON THE VERDICT, YOU WILL WRITE THE VERDICT ON THE BACK OF THE INDICTMENT AND SIGN YOUR NAME AS FOREPERSON. THEN KNOCK ON THE JURY ROOM DOOR AND INFORM THE BAILIFF THAT YOU HAVE REACHED A VERDICT. AT THAT TIME, WE WILL RECEIVE YOU BACK INTO THE COURTROOM.

I ASK THAT YOU NOW RETURN TO YOUR JURY ROOM BUT DO NOT BEGIN DELIBERATIONS UNTIL YOU ARE TOLD BY THE CLERK OR THE BAILIFF TO DO SO. THERE ARE SOME MATTERS WHICH MUST BE DISCUSSED WITH THE ATTORNEYS BEFORE YOU BEGIN YOUR DELIBERATIONS.

WITNESSES

James Peppers

Clemson Police Department

9/11/2014

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

DOB:
SSN:

ACTION OF GRAND JURY

TRUE BILL

Date

MAR 21 2017

Michael S. Jones
Foreperson of Grand Jury

VERDICT

GUILTY

John K. ...
Foreperson of Petit Jury

Date: 3/30/17

DOCKET NO. 2017-GS-39-0791
BBH

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

MAR 21 2017

TERM 2017

THE STATE

vs.

MICHAEL TAQUARIUS RENCHER

Indictment for

0217

VOLUNTARY MANSLAUGHTER

VIOLATION § 16-03-0050

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
VOLUNTARY MANSLAUGHTER

At a Court of General Sessions, convened on **MAR 21 2017** the Grand Jurors of Pickens

County present upon their oath:

That MICHAEL TAQUARIUS RENCHER did in Pickens County, on or about the 11th of September of 2014, willfully and unlawfully, without malice aforethought, kill Cameron Flores by means of stabbing the victim with a knife and Cameron Flores died as a proximate result thereof. This is in violation of §16-3-50 of the South Carolina Code of Laws (1976) as amended.

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

Brenda Hunter

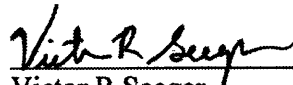
SOLICITOR

BAR # 77844

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of April, 2018.