

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Paul M. Burch, Circuit Court Judge

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S.C. SUPREME COURT

GREG K. ISAAC,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-000510

APPENDIX

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GRAY AMICK DIRECT BY MS. CAMPBELL

1 So I swabbed that, got no DNA or it wasn't any there.

2 Item 9.2, I did get some DNA, but it was too weak to

3 get a --

4 Q How does that happen?

5 A Just not enough DNA there. 9.3, another swab from the

6 door. It matched the victim in this case. 9.4, swab

7 from stereo glass, also, matched the victim. 9.5, swab

8 from glass lower right pane. I got no DNA on this, so.

9 Q Okay. Let me ask you this. These numbers that you
10 mentioned, the first three were one, two, three and
11 four and then it goes to 9.2, 9.3?

12 A Right.

13 Q What are those subpoints? Why are those there?

14 A Those are going to be -- item nine -- when you see a
15 sub item like that, it's the swab from a parent item.

16 The parent item looks like it's probably the door.

17 Q Okay.

18 A So swab -- take the door item and swab different areas
19 of the door.

20 Item 9.6, another swab from that door. I did not
21 get a DNA profile from that. Another similar swab, I
22 got no DNA from that swab. From the doorknob itself,
23 no DNA. And swab from another part of the exterior
24 jam, no DNA. And another swab, no DNA.

25 Q Okay. Move over to the next item number, which is?

GRAY AMICK DIRECT BY MS. CAMPBELL

1 A Twelve point two. So 12.2 is the swab from a leg of
2 the coffee table. There was some DNA extracted and it
3 was a mixture in this case.

4 Q Let ask you this, on that swab, do you test for the
5 presence of blood?

6 A No. So what we would do is look at the item, say, for
7 instance, if you see -- you would be able to see blood
8 if there was blood on here or a stain of some type that
9 you could for blood test. If we didn't test for it,
10 that means visually we didn't see any, so we just
11 swabbed what was submitted in that case, which I think,
12 looking at the description of that, was fingerprint
13 powder, so crime scene people would have come on, throw
14 some -- not get any detail and then swab that area and
15 submit that to us to try to get a DNA profile. I mean,
16 this -- this sample, that's what was done.

17 Q And I believe you said there was a mixture?

18 A Mixture, correct.

19 Q Is that unusual to get a mixture?

20 A No, we get mixtures all the time.

21 Q Okay. Moving on, what else did you note?

22 A Thirteen point one matched the victim. It was a
23 swab -- well, it was blood on the baseball cap. So
24 14.33, I have no DNA. That's the banister. Another
25 part of the banister, I got some DNA, but it was too

GRAY AMICK DIRECT BY MS. CAMPBELL

1 weak again. These two 16.1 and 16.2 are the victim's
2 fingernail scrapings and they matched the victim.

3 Q Is that unusual?

4 A No, not at all.

5 Q Why is that?

6 A Well, you're scraping that individual, you would expect
7 to get their DNA profile.

8 Q And in your experience, where is the scraping taking
9 from?

10 A Underneath the fingernails.

11 Q And in this case, it matched who?

12 A Matched the victim.

13 Q Okay.

14 A Eighteen is the standard from this Washington person.

15 20 -- 20.1, 20.2 were cuttings from socks. They both
16 matched the victim. And 22 paper from a drying --
17 there was nothing from that.

18 Q Moving to the rest of the --

19 A Item 23 is a pair of black sweat pants. There were
20 four cuttings from that and they all matched the victim
21 and they were all blood. 24.1, was a swab of a cell
22 phone. I got no profile from that. 24.2, a swab from
23 the key pad of the cell phone, I got no profile from
24 that. And 34 was a swab of a shell casing from a gun
25 or from ammunition and I got no profile from that.

GRAY AMICK DIRECT BY MS. CAMPBELL

1 Q Is that the extent of your testing in this case?

2 A Yes, I believe so.

3 Q So, basically, all the blood evidence you got in this
4 case matched who?

5 A Matched the victim, Antonio Corbitt.

6 Q Once you're able to get a match, is there any reason to
7 submit any further samples to be compared to it?

8 A For that particular piece of evidence?

9 Q For that evidence?

10 A No. If it's -- if we state that it matches so and so,
11 for instance, the victim, then it's not going to match
12 anybody else unless there is an identical twin. But
13 no, there's no reason to submit any other standards to
14 see if they match.

15 Q And again, these samples were submitted to you
16 properly?

17 A Yes.

18 Q And, finally, all the blood evidence in this case
19 matched whom?

20 A The victim.

21 Q Thank you, sir. I don't have anything further.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. SCHNEE:

25 Q Were you doing touch DNA back in 2005 and 2006?

TED POWELL DIRECT BY MS. WALKER

1 A Yes.

2 Q Okay. Did anyone ever ask you to test swatches from
3 someone's neck, is that on your list anywhere?

4 A In this case?

5 Q Yes.

6 A No, that's not on my list.

7 Q Okay. No further questions.

8 THE COURT: Anything further?

9 MS. CAMPBELL: Nothing.

10 THE COURT: Thank you, sir.

11 And your next witness.

12 MS. WALKER: The State calls Ted Powell.

13 THEREUPON;

14 TED POWELL,

15 after having been duly sworn, testified as follows:

16 THE CLERK: Have a seat in the witness stand.

17 State your name for the record.

18 THE WITNESS: My name is Joseph D. Powell,

19 P-O-W-E-L-L.

20 DIRECT EXAMINATION

21 BY MS. WALKER:

22 Q Good afternoon.

23 A Good afternoon.

24 Q Where do you work?

25 A I'm currently working with the Sumter County Sheriff's

TED POWELL DIRECT BY MS. WALKER

1 Office in forensics laboratory doing drug analysis
2 and -- analysis.

3 Q How long you been at, you said Sumter County?

4 A Yes, ma'am.

5 Q How long have you been at Sumter?

6 A A little over two years?

7 Q And where were you before then?

8 A Before that, I was over at the South Carolina Law
9 Enforcement Division, commonly call it SLED, where I
10 was supervisor of the trace evidence section.

11 Q How long did you work at SLED?

12 A Twenty-seven years.

13 Q And you say supervisor of trace evidence, can you
14 explain to pus what trace evidence is?

15 A Trace evidence is the analysis of various types of
16 material, such as paint, fiber, explosives. We at one
17 time performed hair analysis, gunshot residence, bullet
18 hole determination, various types of analysis which
19 means trace suggesting to a small amount and it takes
20 someone to be able to examine it with specialized
21 equipment.

22 Q Can you tell us what sort of specialized training or
23 education you had in trace analysis?

24 A Yes. I received my ACS certified degree in chemistry
25 from the University of Southern Mississippi. After

TED POWELL DIRECT BY MS. WALKER

1 receiving my degree in chemistry, I came to South
2 Carolina. And after a short period of time, I became
3 employed at SLED with extensive in-house training
4 program in their both drug analysis as well as trace
5 analysis. After completing my training, I was assigned
6 various counties throughout the state and throughout
7 the years, I've been involved with developing the
8 method still being used at SLED in the area of trace
9 analysis. I've also attended numerous schools around
10 the country in the areas of trace evidence and have
11 taught classes in the area of trace.

12 Q And have you been qualified as an expert for that area?

13 A Yes, I have.

14 Q How many times?

15 A I've been qualified approximately 300 times in the area
16 of trace evidence.

17 MS. WALKER: Your Honor, at this point, we would
18 offer this witness as an expert in trace evidence.

19 MR. SCHNEE: No objection.

20 THE COURT: He is so qualified.

21 BY MS. WALKER:

22 Q One of areas you mentioned was GSR?

23 A Yes, ma'am.

24 Q Can you explain to us what GSR is?

25 A Gunshot residue is the analysis of samples collected

TED POWELL DIRECT BY MS. WALKER

1 from either an object or a person to see if they've
2 been around a weapon or have discharged a weapon. When
3 you fire a weapon, there is a debris of material which
4 is admitted from that weapon, could be coming from the
5 end of the barrel, could be coming from the cylinder,
6 could be coming from various different areas. We have
7 a test to be able to analyze a person's, normally,
8 their hands because that's the object that closest to
9 the weapon to see if gunshot residue is present or
10 absent on the hands.

11 Q And how is that test conducted on the hands?

12 A Well, there's two parts to the test. The first part is
13 to go in and to collect what is called particle lifts.
14 Particle lifts is a flattened piece of aluminum with a
15 sticky adhesive, pretty much like Scotch tape. And
16 it's, actually, applied to the surface of the skin as
17 I'm demonstrating. You, basically, touch the skin
18 picking up any particles that may be on the surface of
19 the skin. After the area of the hand, which in this
20 case, I'm doing the left back, which was collected, you
21 would then follow up with cotton swabs, which has been
22 wetted with a weak acid solution to mop up any -- down
23 in the pores or too small for the life to pick up. You
24 follow the procedure for the palm and back and left --
25 palm and back of both hands.

TED POWELL DIRECT BY MS. WALKER

1 Q And when the testing is conducted, is there -- is time
2 relevant in terms of when the test is, actually, done
3 on an individual?

4 A Yes. If you handle or discharge a weapon, once the
5 material is deposited on your hands, any activity would
6 tend to brush or remove this material. Your heart
7 beat -- will tend to absorb it. So there's a window of
8 opportunity to collect this. Our window is within six
9 hours. The test is still relevant. After six, it is
10 not relevant at all.

11 Now, there is one exception. Once someone's heart
12 stops, they die, the material is no longer being
13 absorbed or knocked off and it will be retained on the
14 skin until someone physically removes it or the skin no
15 longer retains integrity to hold the material.

16 Q So on a living person, it's six hours and on a dead
17 person, it indefinite?

18 A Correct, from the point that their heart stops.

19 Q I want to turn your attention to this case. Did you
20 receive certain items to be tested?

21 A Yes, I did.

22 Q What items were those?

23 A I received a gunshot residue kit labeled Antonio
24 Corbitt.

25 Q State's Exhibit 63?

TED POWELL DIRECT BY MS. WALKER

1 A What this is, State's Exhibit 63, is going to be an
2 envelope, which contains my initials. And within the
3 envelop, it is a heat-sealed pouch, which contains the
4 kit, which bears the name of the victim. This was the
5 kit that I analysis. Contained within here is a
6 particle list. The particle list that were collected
7 were not analyzed because of -- the swabs were analyzed
8 first and there was no need to go forward with the
9 lifts.

10 Q Can you explain why once you did the swabs, you didn't
11 have to do the lifts?

12 A Cotton swabs are much more sensitive. They will pick
13 up material when the lifts will not. So in this case,
14 once I discovered my results, there was no need to go
15 any further with the lifts.

16 Q Can you tell us what your results were?

17 A My results in this case were that all four areas of the
18 hand, right palm, right back, left palm and left back
19 had no gunshot residue on them.

20 Q Those were the victim's hands in this case?

21 A That is correct.

22 Q When you received that item for testing, was it
23 properly packaged?

24 A Yes, ma'am, it was properly packaged and sealed. Any
25 evidence that I receive, if it is not properly

TED POWELL CROSS BY MR. SCHNEE

1 packaged, we stop the analysis until we're able to get
2 everything sort out as to what's going on or not do an
3 analysis.

4 MS. WALKER: Beg the Court's indulgence, Your
5 Honor.

6 BY MS. WALKER:

7 Q The absence of gunshot residue in this case, was that
8 consistent with having fired a gun or not having fired
9 a gun?

10 A That is consistent with not having fired a weapon or if
11 someone had fired a weapon, the material was removed
12 before the samples were taken. Now, the closer
13 someone -- the sample taken from the point of shooting
14 a weapon, the more important it is because that means
15 you have less time to remove the material. Or in the
16 case of someone who is a victim who's died, it's very
17 indicative of the fact they did not fire a weapon
18 because, normally, they pass very quickly after being
19 shot, so there's very little chance for material to be
20 lost at all.

21 Q Thank you, sir. I have no questions.

22 CROSS-EXAMINATION

23 BY MR. SCHNEE:

24 Q Just because fires a single gunshot doesn't necessarily
25 mean gunshot residue will be present on their hands,

TED POWELL CROSS BY MR. SCHNEE

1 does it?

2 A Well, it will be present on the hands, but will we get
3 to in time to collect it will be the issue. All
4 weapons produce gunshot residue, however, certain
5 instances can remove it, things can happen before we,
6 actually, get a chance to collect it, so thus, the test
7 will come up negative, but that doesn't mean someone
8 never had gunshot residue, it just means it's gone by
9 the time you take the sample.

10 Q Well, firing a bullet, obviously, creates gunshot
11 residue, but that doesn't mean it gets deposited
12 necessarily on very single surface in the vicinity;
13 does it?

14 A Anything close to the weapon will be depositive.

15 Q Okay. Things can also wash that off, can't it?

16 A That is correct.

17 Q Such as blood?

18 A Now, blood would dissolve the material unless there's
19 flowing blood off of it, it would retain it on the
20 hands. The swabs in this case were, actually,
21 collected. Now, if someone's blood is flowing and it
22 continues to wash off, then yes, it can remove the
23 material completely.

24 Q Well, if there's blood on someone's hand and they fire
25 a gun and then the blood is taken off, that would

TED POWELL CROSS BY MR. SCHNEE

1 remove the gunshot residue as well; wouldn't it?

2 A If the blood was taken off, yes.

3 Q Okay. Do your swabs contain blood on them?

4 A They were bloody, I believe, yes. One moment. Yes,
5 there was blood indicated in my notes found on the
6 swabs.

7 Q Okay. Well, let me ask you this, if someone were to
8 fire a gun and then bled out on top of it and the blood
9 was picked up, would that necessarily pick up gunshot
10 residue?

11 A Yes, if the blood was retained on the hands, it will
12 pick up gunshot residue.

13 Q Assuming you get enough blood?

14 A Well, it doesn't matter because the swabs are going to
15 take -- pick up anything that's on the hands because it
16 being -- it will pick it all up.

17 Q Would that not depend on how well the person is doing
18 the swab?

19 A Well, that's true. If someone only collects a portion,
20 a sample, it will not pick that up.

21 Q Okay. So based on the bloody hand, you may or may not
22 find gunshot residue even if you fired a gun? It all
23 depends on how it was collected?

24 A If someone does not collect it properly, it would,
25 obviously, cause the test to tend to go negative,

TED POWELL RECROSS BY MR. SCHNEE

1 BY MS. WALKER:

2 Q Do you have any indication that the swabs or the test
3 was done improperly in this case?

4 MR. SCHNEE: Also, object to hearsay on that.

5 THE COURT: Overrule the objection.

6 THE WITNESS: I have no knowledge whatsoever of
7 anything improper as far as the performance of this case.

8 BY MS. WALKER:

9 Q Thank you, sir. I have no further questions.

10 RECROSS-EXAMINATION

11 BY MR. SCHNEE:

12 Q Other than it being properly sealed and packaged, do
13 you have any evidence or any information that the tests
14 were done properly.

15 A I have no information either way.

16 Q Okay. Thank you.

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

18 Call your next witness.

19 MS. WALKER: The State calls David Collins.

20 THEREUPON,

21 DAVID COLLINS,

22 after having been duly sworn, testified as follows:

23 THE CLERK: Thank you. Have a seat in the witness
24 stand, please.

25 DIRECT EXAMINATION

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q Will you state your name for the record?

3 A David Collins, C-O-L-L-I-N-S.

4 Q Investigator Collins, where are you employed?

5 A I'm currently employed by Richland County Sheriff's
6 Office.

7 Q What do you do there, sir?

8 A I'm the head of the -- firearms and tool marks section
9 in the forensics laboratory.

10 Q So technically, you're in the firearms and tool -- I
11 can't say all that. What is it?

12 A Firearms and tool mark section.

13 Q What do your duties include?

14 A My duties include supervision of the firearms, tool
15 mark section and its examiners and other analysts. And
16 also, the -- procedures and protocols. In addition to
17 that, I perform case work as an examiner.

18 Q And did you become involved in this case?

19 A I did.

20 Q Can you tell the jury a little bit about firearms
21 examination, what you do to them?

22 A Firearm examination is the examination of
23 firearm-related evidence that is submitted to the
24 laboratory -- examine fired projectiles, fired bullets
25 and fired cartridge cases to determine if they had been

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 fired by a firearm that may be submitted to us. The
2 way we can do this is when a firearm is manufactured,
3 the various processes leave behind microscopic defects
4 on the surface of the firearm. One of areas of
5 interest to us is the inside of the barrel where spiral
6 and grooves likely are formed in the barrel. These
7 grooves cause the bullet to spin and twist as it leaves
8 the barrel -- this process leaves behind, as I said,
9 small defects that will literally transfer or scratch
10 off the surface of any bullet that's fired from the
11 barrel. The pattern of those marks can be used in
12 cases to identify those particular bullets back to a
13 specific firearm in much the same way a fingerprint can
14 be identified back to a person. Cartridge cases are
15 similarly marked by defects left on the firearm -- when
16 the cartridge is fired, the firing pin --

17 In many cases, we do not receive the firearm in a
18 case. In a case such as that -- compared with each
19 other to determine how many firearms may or may not
20 have been used. We also will examine the rifling
21 characteristics -- surface of a fired bullet to try an
22 determine what type of firearm or sometimes what brand
23 of firearm had fired that particular item.

24 In addition to these examinations, we can perform
25 a variety of other firearm-related examinations, to

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 include -- ejection pattern analysis -- any type of
2 specialized examination of firearms or marks left by
3 tools or tool marks is done in our section.

4 Q Can you tell this jury a little bit about your
5 education and your training in this field?

6 A I received a Bachelor's Degree in 1984. I became
7 employed at the State Law Enforcement Division,
8 commonly known as SLED, in 1990 began an on the job
9 training program in firearms and tool marks
10 examination. This training last for two to three years
11 and following completion of that program, I was
12 certified as firearms and tool marks examiner.

13 After achieving that certification, I began
14 working cases on my own and have also continued to
15 receive education and training in my field of expertise
16 from schools I attended across the country and here in
17 South Carolina. I have also been qualified and
18 testified as an expert in this field in the State of
19 South Carolina in excess of 200 times. I also have
20 been qualified and testified in this field in the
21 states of North Carolina and Georgia --

22 MS. CAMPBELL: Your Honor, at this time, we would
23 offer him as an expert in firearms examination for the
24 purposes of this trial.

25 THE COURT: He is so qualified.

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q Investigator Collins, I want to talk to you first about
3 the items that were actually submitted. Did you ever
4 receive an actual firearm in this case?

5 A No, ma'am, we did not.

6 Q And, again, is that unusual?

7 A No, it's not unusual.

8 Q Why is that?

9 A It's typical that a firearm -- when law enforcement
10 arrives on a scene, the people involved may have
11 already fled the scene and taken the firearm with them.
12 Subsequently, the firearm may change hands and may be
13 disposed of and therefore not come into possession of
14 law enforcement.

15 Q I want to show you items that were submitted. Items
16 57, 62, 58 and 61. First, ask you to look at those.

17 A These items bear marking -- packages bears markings
18 that -- these are the items that I examined in this
19 case.

20 Q And a total of how many items were submitted to you for
21 examination?

22 A I was given a total of four items, two fired
23 projectiles and two fired cartridge cases.

24 Q And you're taking about fired projectiles versus fired
25 cartridge cases. Can you explain to the jury what

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 those components are, how they start originally and how
2 they become separate?

3 A Originally, one unit of unfired ammunition is referred
4 to as a cartridge. Consistent in a cartridge case is
5 the primer that is used to ignite the powder. There is
6 also powder inside the cartridge, which is the fuel for
7 the cartridge, and then the bullet or projectile that
8 is seated in the cartridge case. This is received as
9 one unit of ammunition. When that is fired, the powder
10 is consumed or burned, the bullet is separated from the
11 cartridge casing, it enters the barrel of the firearm.

12 The cartridge case is there and remains in the firearm,
13 if it's a revolver or some other similar type of
14 handgun or in the case of a semi-automatic firearm, the
15 cartridge case would be ejected from the gun --

16 Q And explain the difference to this jury between a
17 revolver and a semi-automatic handgun.

18 A A semi-automatic handgun is a firearm that once loaded
19 will fire one shot each time the trigger is pulled. It
20 will mechanically itself and eject the spent cartridge
21 case if it's fired. It will then load the next
22 cartridge into the chamber and be ready to fire again.
23 This process can be repeated if the firearm is
24 functioning properly until the magazine is empty and
25 the gun is empty. A revolver is a firearm that has a

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 revolving cylinder that is opened by the user or by
2 someone else prior to being handed to the user and is
3 loaded by placing a cartridge in each individual
4 cylinder in a chamber -- excuse me, in the cylinder and
5 the cylinder is closed. At that point in time, the
6 firearm can be fired. The capacity of firing is
7 limited to the number of chambers in the cylinder. And
8 cartridge cases, once the gun is fired will remain in
9 the cylinder until they are removed.

10 Q You're talking about -- when you see the -- is that
11 cylinder you're talking about?

12 A Yes.

13 Q And when that shot is fired, where does the cartridge
14 casing go?

15 A Again, it will stay in the cylinder of the firearm
16 until someone removes it or unloads it.

17 Q But with more modern handguns, a semi-automatic, how is
18 it loaded?

19 A The typical process for loading a semi-automatic
20 firearm would be take the magazine, which is always
21 usually separate from the firearm. You would then load
22 the magazine individually with cartridges until it was
23 full. You would then insert the magazine into the
24 firearm -- but let me also back up and say you do not
25 have to load it until it's full. You can load just one

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 into the magazine if you wanted to or you could load it
2 until it reached maximum capacity if you so desired.
3 Insert the magazine into the firearm until it pops in
4 place. Then you would draw the slide to the rear,
5 release it and let the chamber, first round into the
6 top round of the magazine and leave it ready to be
7 fired. At that point in time, the gun
8 is technically -- could be fired or ready to be fired.

9 Q Typically, where in the gun is the magazine actually
10 loaded?

11 A Usually, it's loaded into the grip of the firearm or
12 what we call the butt of the firearm, inserted until it
13 locks in place. Other handgun designs, it may be
14 located somewhere else.

15 Q And you also made a motion like this when you were
16 describing the mechanism of the actual firing of the
17 semi-automatic handgun. Is that what we would see
18 on -- movies?

19 A Yes, the process -- the typical process or correct for
20 loading is to have the firearm in your gripping hand,
21 then you grasp the slide, draw it to the rear and
22 release it. And when you release it, it's under spring
23 tension and will go forward and pick up the first
24 cartridge you loaded into the chamber.

25 Q You mentioned that the cartridge case for the

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 semi-automatic firearm eject from the actual gun
2 itself?

3 A Yes.

4 Q And, typically, how does that -- what part of the gun
5 does it eject from?

6 A There is a port in the slide of the firearm that is
7 designed for the cartridge case to exit from. In other
8 words, when the slide moves to the rear -- when the gun
9 is fired, the slide actually has a claw on it that we
10 call the extractor that pulls the cartridge case from
11 the chamber to the gun, it will then hit what we call
12 an ejector, which forces it to be kicked out of the
13 gun. The ejector typically kicks the cartridge case to
14 the right in most modern handgun designs.

15 Q To the right out of the gun?

16 A To the right, yes.

17 Q And does it, typically, do it forward, backward or just
18 depends?

19 A Most that I have tested have sort of ejected to the
20 right, slightly to the rear.

21 Q And again, in this case, was a handgun ever produced or
22 found for you to do any examination?

23 A No.

24 Q Taking the two cartridge casings first, if you could
25 open that so I could show the jury. Again, was all

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 this evidence submitted properly?

2 A Yes, it was.

3 Q Thank you.

4 A I received it initially in a sealed condition.

5 Q The item I just handed you, the first one, State's
6 Exhibit No. 57?

7 A Yes.

8 Q What's the labeling as far as where the shell casing
9 was found?

10 A State's Exhibit 57 bears the label indicating -- shell
11 casing from inside.

12 Q From inside?

13 A Yes.

14 Q And does this appear to be how it was received?

15 A Yes.

16 Q And the second item as far the casing is item number
17 62?

18 A State's Exhibit No. 62 is labeled as outside.

19 Q Outside. For the record, did you go to the crime scene
20 itself?

21 A I did not.

22 Q And when you did your examinations on 57 and 62, what
23 were your findings?

24 A The first thing that I do when I receive items of this
25 nature in the laboratory is I take notes as to the

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 condition, describe its condition as it was received.
2 I describe the caliber of it, which is indicated by
3 markings on the head stamp of the cartridge case. And
4 then I move forward into a microscopic comparison. A
5 microscopic comparison involves visually comparing both
6 of these items under what we call a comparison
7 microscopic to examine markings left by the firearm on
8 them at the same magnification side by side. What you
9 will have is a split view -- side by side at the same
10 magnification and look for areas if they are present
11 where markings left by the firearm on it match. In
12 this case -- determined there was sufficient -- both of
13 these cartridge cases were fired from one gun.

14 Q They were both fired by one gun?

15 A Yes.

16 Q And you were able to do that, again, based on your
17 microscopic --

18 A Yes, microscopic comparison of these items -- fired
19 from one firearm.

20 Q Were you able to make any further determinations as to
21 what type of gun was used and the type of ammunition?

22 A Well, examination of the cartridge cases was sufficient
23 for me to determine the caliber. The firearm was a 380
24 auto type of firearm. And also to determine that the
25 brand of ammunition that was used was -- based on

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1 these --

2 Q Basing your analysis of those two items, you were able
3 to determine that they were both, again, fired --

4 A Fired from one gun.

5 Q And what was the caliber?

6 A It's 380, 380 --

7 Q When you're talking about calibers of guns, what does
8 that mean? Could you explain that to the jury?

9 A Each firearm is designed to fit one specific caliber of
10 ammunition. Ammunition, typically, is not
11 interchangeable. There are a few exceptions --
12 designed to be fired in a firearm that has a chamber, a
13 portion of the barrel that is cut to hold that exact
14 size and shape of ammunition -- this particular case.
15 It -- from the -- from the name 380 auto, we can get
16 that the cartridge fired a bullet approximately point
17 357 inches in diameter, which is what is referred to in
18 the industry as a 38 caliber. It is also designed for
19 use in a semi-auto caliber firearms.

20 Q So this would be a semi-automatic firearm?

21 A That is what that ammunition is designed to be fired.

22 Q And as far as different types, we've heard of nine
23 millimeter, 22, 40, what do those indicate to you?

24 A Well, first of all, you mentioned nine millimeter, nine
25 millimeter have the nine millimeter diameter bullet.

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1 Coincidentally, the 380 auto has the same -- diameter
2 as the nine millimeter. The bullet diameter is the
3 same, however, they typically use different bullet
4 weights, which is where you differentiate when you get
5 to the bullets as to what caliber they --

6 The 380 auto ammunition is not designed to be
7 fired in a nine millimeter firearm. Sometimes, it is,
8 but we would have a visual indication on the cartridge
9 case that it had been.

10 Q Okay. And in this case, you said one gun, a
11 semi-automatic 380 and you also mentioned a brand name?

12 A Yes, it's Winchester brand name.

13 Q And based on your analysis of those two, items 62 and
14 57, you were able to make that determination?

15 A Yes.

16 Q Did you also receive two other items in this case?

17 A I did.

18 Q I'll show you what's been marked as State's Exhibits 61
19 and 58.

20 A State's Exhibit 61 is a fired jacketed projectile that
21 I did examine in this case.

22 Q This is 61?

23 A Yes. State's Exhibit No. 58 is another fired jacketed
24 projectile that I examined in this case.

25 Q And, again, on that, does it indicate where that was

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1 collected from?

2 A State's Exhibit 58 indicates it was a projectile from

3 Apartment [REDACTED]

4 Q State's Exhibit 61?

5 A State's Exhibit 61 is projectile from autopsy.

6 Q Okay. Once you examined these two items, can you tell
7 the jury what, if any, conclusions you were able to
8 come up with?

9 A Again, the first thing we do when we receive this type
10 of evidence is we take notes as to its condition as it
11 was received. I have able to determine by weighing
12 these items and examining the diameters and other
13 physical characteristics that they are consistent with
14 380 auto caliber projectiles -- most consistent with
15 380 auto projectiles. And they're also -- based on
16 their rather unique construction and components,
17 they're consistent with being manufactured by
18 Winchester and -- most firearm projectiles at the time
19 are copper jacketed. These have very brass --
20 brass-like material jacketing. That in conjunction
21 with other design features --

22 Q On your examination of the two projectiles, you were
23 able to say Winchester?

24 A Yes, most -- brand ammunition.

25 Q What caliber?

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- 1 A 380 auto.
- 2 Q And, again, that would be like the semi-auto?
- 3 A Yes.
- 4 Q And what else?
- 5 A It was consistent, again, with brass enclosed base
- 6 or -- type of ammunition.
- 7 Q What further examinations were you able to do on those
- 8 two projectiles?
- 9 A I performed the same type of microscopic comparisons as
- 10 I did with the cartridge cases -- and I was able to
- 11 determine that they had the same general --
- 12 characteristics, that the number of rifling grooves in
- 13 the barrel -- had the same number of lands and grooves
- 14 with the same direction of twist with the same
- 15 dimensions. I was unable to determine if they had been
- 16 fired -- same gun due to a lack of individual
- 17 markings -- sufficient for me to be able to ID -- of a
- 18 positive ID of them to each other. However, I was able
- 19 to determine that the class characteristics were very
- 20 similar. The class characteristics were slightly
- 21 unusual in that most brands of firearms use a
- 22 right-hand twist -- that twist to the right. These had
- 23 a left-hand twist. So I was able to take that
- 24 information and take some measurements taken from the
- 25 lands and grooves from each of these projectiles, enter

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1 that into a database that is provided by the FBI. That
2 database chooses for us a list of possible brands of
3 firearms that could fired the projectile. I did
4 generate that list and it included that type of
5 firearm.

6 Q And included in that list were what type of firearms?

7 A The list of firearms that were included in the report
8 were Acutech, Colt, Davis Industries, Smith & Wesson,
9 AMT -- for a total of seven brands. This is not
10 designed to be all inclusive. There could be brands of
11 firearms out there that have not been entered into the
12 database. That is what this database produced.

13 Q As far as an examination of these two items that we
14 just talked about, you found they were what kind of
15 brand?

16 A They are most consistent with Winchester brand and 380
17 auto.

18 Q Which would be semi-automatic?

19 A Yes.

20 Q You also mentioned --

21 A Yes, the design by Winchester is called brass enclosed
22 base. They actually shortened that to the acronym BEB
23 type ammunition, which is found in the -- line of
24 ammunition products.

25 Q And on further examination you found what to be

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 consistent between the two?

2 A The number of lands and grooves, the direction of twist
3 and the dimensions of the land and grooves, which are
4 all --

5 Q So while -- and is it unusual for you not to be able to
6 make any further determination just based on the lack
7 of characteristics?

8 A Often we get firearm projectiles in the laboratory that
9 we can't match to each other or to a firearm due to the
10 couple of primary reasons. One of them being that
11 they're damaged when they strike whatever surface they
12 are fired into or against. And, also, the firearm
13 itself, the barrel, may have been polished during the
14 manufacturing process -- defects that need to be
15 present to mark the bullet. In this case, it was a
16 combination those two factors. So it's not uncommon
17 for us not to be able to match bullets to a gun or to
18 each other. Cartridge cases, typically, we have a
19 higher success rate with is damaged during the firing
20 process.

21 Q Based on your examination of these four items, what do
22 you have to say about the four -- put them back
23 together?

24 A Looking at them in total, I would say both of the 380
25 cartridge cases had been fired by one gun. I was

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1 unable to determine if both of the bullets were fired
2 by one gun and I would not be able to say if both of
3 those bullets were fired in the same gun that fired the
4 cartridge cases unless I had the firearm present for
5 test firing comparison purposes. However, the bullets
6 the bullets themselves are of the same -- or appear to
7 be the same brand, the same type, the same caliber as
8 the fired --

9 Q So, in fact, if I were to ask you could the same --
10 would all of your findings be consistent with these
11 having been one bullet at one point?

12 A It could have been.

13 Q And there's nothing to rule that out?

14 A There was absolutely nothing to exclude that
15 possibility.

16 Q And, again, what was the twist you were talking about
17 that you found on each of these projectiles?

18 A It had a left-hand twist, meaning they twist to the
19 right or they twist to the left, which means the bullet
20 as it leaves the barrel is going turn to the left,
21 whereas the majority of firearm manufacturers, using
22 the 380 auto firearms, have a right twist.

23 Q When a gun is fired, such as a semi-automatic, when a
24 shell casing comes out, you mentioned earlier the
25 general direction. Can you tell exactly how far it

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 will come if you don't have the firearm?

2 A Not if I test the firearm separately.

3 Q When you find a number of shell casing in an area, it
4 may be in the general area of the firearm?

5 A It could be -- precisely place a shooter as they can
6 make them easily disturbed by activity on the scene
7 before they are collected, especially on a hard
8 surface, such as tile -- sidewalk or roadway. First
9 responders, EMS, law enforcement arriving at the scene
10 may inadvertently move them or kick them during the
11 process. So it's very difficult to use them
12 precisely --

13 Q In this case, you've got one projectile from autopsy
14 and one from the building next door. Are you able to
15 say what distance the gun was --

16 A Not at this point.

17 Q Not at that point?

18 A Actually, that is just the factor not having --

19 Q But you are comfortable and come to all of the
20 conclusions you've explained to the jury here today?

21 A I am comfortable with those conclusions, yes.

22 MS. CAMPBELL: Beg the Court's indulgence.

23 BY MS. CAMPBELL:

24 Q And in your examination of those items, is there
25 anything indicative of more than one gun being used?

DAVID COLLINS CROSS BY MR. SCHNEE

1 A I have no scientific reason to believe that more than
2 one firearm was used.

3 Q Thank you, sir. I have nothing further.

4 THE COURT: Mr. Schnee.

5 MR. SCHNEE: May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. SCHNEE:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Let's start where we just left off. You were
11 discussing patterns on the projectiles themselves. You
12 said glass characteristics, right, just being left?

13 A Yes.

14 Q Okay. Now, you said that most manufacturers have
15 right-hand twists?

16 A Yes.

17 Q Okay. And you listed a number of manufacturers in your
18 report that use left-hand twist for 380 autos?

19 A That list in my report, I not only take left-hand twist
20 in consideration, but other factors, to include width
21 of the actual rifling impressions and the number of
22 impressions in conjunction with the left-hand twist.

23 Q The fact that there's six lands and grooves as opposed
24 to four, five or seven?

25 A Correct.

DAVID COLLINS CROSS BY MR. SCHNEE

- 1 Q Okay. Among that list, you listed Colt?
- 2 A Yes.
- 3 Q Would you agree that is one of the larger manufacturing
- 4 companies in this country and the world?
- 5 A It is a very popular and very prominent manufacturer.
- 6 Q You also listed Smith & Wesson?
- 7 A Yes.
- 8 Q Also, a very popular and -- manufacturer in this
- 9 country and entire world?
- 10 A Yes.
- 11 Q Now, you talked about the information you gathered from
- 12 these projectiles. And you identified a 380 auto made
- 13 by Winchester --
- 14 A The cartridge case -- tell that directly by the
- 15 markings on the --
- 16 Q And because it says 380 auto on the bottom?
- 17 A And it says Winchester.
- 18 Q And it says Winchester?
- 19 A Yes.
- 20 Q Now, that simply means Winchester manufactured that
- 21 piece of brass, the cartridge casing?
- 22 A That is correct.
- 23 Q There are, as you know, lots of companies that reload
- 24 ammunition?
- 25 A There are some, yes.

DAVID COLLINS CROSS BY MR. SCHNEE

1 Q And they often use brass from popular manufacturers?

2 A They will -- yes, sir, they will use whatever brass
3 they can get.

4 Q Winchester would be one of those popular manufacturers?

5 A Yes, sir.

6 Q In fact, one of the biggest three in the nation?

7 A I would say yes.

8 Q Okay. Now, these particular bullets, actually,
9 projectiles, do you have any scientific evidence that
10 says they came out of those directly?

11 A No.

12 Q And you didn't go to the crime scene?

13 A I did not.

14 Q Okay. And there's absolutely nothing, according to
15 your analysis, that can identify that there's one or
16 two guns used for those two projectiles?

17 A I can -- I cannot determine where there was one or two
18 guns from the --

19 Q What you can confirm, though, that according to this,
20 the most likely candidates would be Colt, Smith &
21 Wesson are --

22 A The most likely, those that are present in the database
23 range report, yes. That list of seven was what was
24 produced.

25 Q And included in that list of seven are two of most of

DAVID COLLINS CROSS BY MR. SCHNEE

1 popular -- manufacturers of firearms?

2 A True.

3 Q No further questions.

4 THE COURT: Anything further?

5 MS. CAMPBELL: No, sir.

6 THE COURT: All right. Thank you, sir. You may
7 step down.

8 MS. CAMPBELL: Your Honor, may I put the evidence
9 back together?

10 THE COURT: This would probably be a good time for
11 a little break, ladies and gentlemen, so if you all will go
12 to the jury room for a few minutes.

13 (Whereupon, the jury left the courtroom
14 at 2:49 PM)

15 THE COURT: All right. We'll take about 10
16 minutes.

17 (Whereupon, a short recess was held.)

18 THE COURT: All right. Are you ready for the
19 jury?

20 MS. CAMPBELL: Yes, sir. Oh, Your Honor, for the
21 record, if I could just put some things --

22 THE COURT: Yes.

23 MS. CAMPBELL: -- about the next witness -- since
24 he was down in a holding cell, we brought him up so we
25 wouldn't have to take a break. We have gone over the rap

DAVID COLLINS CROSS BY MR. SCHNEE

1 sheet with defense counsel. We agree that the only
2 impeachable thing on his rap sheet is 2008, PWID marijuana?

3 THE COURT: All right.

4 MS. CAMPBELL: And as far as any -- his attorney
5 is here, Mr. Geise. There have been no deals, no offers --

6 THE COURT: All right.

7 Mr. Giese, how are you doing?

8 MR. GIESE: Good, Judge, it's good to see you
9 again.

10 THE COURT: Yes, sir, good to see you.

11 MR. GIESE: That's true. There's been no offers
12 at this point, no deals. He's just going to tell the truth.

13 THE COURT: All right.

14 Anything, Mr. Schnee?

15 MR. SCHNEE: No, Your Honor.

16 THE COURT: All right. Well, let's bring in the
17 jury.

18 BAILIFF: Yes, Your Honor.

19 (Whereupon, the jury returned to the
20 courtroom at 3:11 PM)

21 THE COURT: All right, Mr. Garcia, Juror No. 84.
22 I name you the foreperson of the jury. If you will take the
23 foreperson's seat.

24 JUROR: All right.

25 THE COURT: All right. As the foreperson, you

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1 will serve as the spokesperson for the jury. You will have
2 the responsibility of presiding over the jury deliberations
3 and complete the verdict form at the end of the case. Fair
4 enough?

5 JUROR: Fair enough.

6 THE COURT: Yes, sir.

7 You may call your next witness.

8 MS. CAMPBELL: May it please the Court. The State
9 calls Vernorris Dixon.

10 THE COURT: Step up to be sworn.

11 BAILIFF: This way. Stand here, please, and face
12 the clerk and raise your right hand.

13 THEREUPON,

14 NORRIS DICKSON,
15 after having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Have a seat in witness
17 stand, please. State your name for the record.

18 THE WITNESS: Vernorris Dixon.

19 DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Mr. Dixon, where are you from?

22 A I'm originally from, Miami, Florida.

23 Q How long have you lived in the Columbia area?

24 A Ten years now.

25 Q Do you know a man named Greg Isaac?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q How do you know Greg Isaac?
- 3 A I met him through some friends.
- 4 Q And you remember those friends' name?
- 5 A World --
- 6 Q Travares?
- 7 A Yes, ma'am.
- 8 Q And how did you know Travares World?
- 9 A His mother used to date my uncle.
- 10 Q His mother used to date your uncle?
- 11 A Yes, ma'am, down in Florida.
- 12 Q Down in Florida?
- 13 A Yes, ma'am.
- 14 Q At some point, did Mr. World also move here to South
- 15 Carolina?
- 16 A Yes, ma'am.
- 17 Q And did y'all become friends once y'all got up here?
- 18 A Yes, ma'am.
- 19 Q And where did you used to live in Columbia?
- 20 A I stayed off of Clemson Road.
- 21 Q Who did you live with there?
- 22 A My sister.
- 23 Q And back in 2005, were you living here in Columbia?
- 24 A Yes, ma'am.
- 25 Q In October of 2005, who were you living with?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A She was my girlfriend at the time, Tanisha Kennedy.
- 2 Q And where were y'all living, do you remember?
- 3 A We stated on Timber Line Lane.
- 4 Q What part of town is that in?
- 5 A That's right there by the O'Claire area.
- 6 Q The O'Claire area?
- 7 A Yes, ma'am.
- 8 Q At that point, were you hanging out with Travares World
9 some?
- 10 A Yes, ma'am.
- 11 Q And as a part of that, would you also see Greg Isaac?
- 12 A Yes, ma'am.
- 13 Q And was Greg Isaac older or younger than you?
- 14 A Younger.
- 15 Q And what type of things would you and Travares and Greg
16 do?
- 17 A We just hang out. We sell marijuana together.
- 18 Q And that's pretty much what you did for a living back
19 then?
- 20 A At the time, yes, ma'am.
- 21 Q I want to turn your attention to that evening of
22 October -- in October of 2005 when y'all went to the
23 apartment complex?
- 24 A Yes, ma'am.
- 25 Q Who did you get a call from that day?

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- 1 A That evening.
- 2 Q That evening, I'm sorry?
- 3 A Travares World.
- 4 Q And as a result of that call, what, if anything did do
- 5 you?
- 6 A He asked me to come pick him up and to take him to meet
- 7 Corbit.
- 8 Q To meet Corbit?
- 9 A Yes, ma'am.
- 10 Q And then did you know who Corbit was that he wanted to
- 11 go meet?
- 12 A Yes, ma'am, I knew who he was.
- 13 Q And who was Corbit?
- 14 A He was a guy that we bought marijuana from.
- 15 Q You bought marijuana from him before?
- 16 A Yes, ma'am.
- 17 Q And on that day, what was Travares World's demeanor
- 18 like about Mr. Corbit?
- 19 A At the time, he was upset with Mr. Corbit because he
- 20 had a bought like of pound of reefer from him,
- 21 marijuana from him and it was short like an ounce.
- 22 Q So he wasn't happy about that?
- 23 A No. He said he had done spoke with him, he was
- 24 supposed to meet him at his house to get it
- 25 straightened out.

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- 1 Q And why did he need your help that evening?
- 2 A He needed a ride.
- 3 Q Did you have a ride?
- 4 A Yes, ma'am. I had my girlfriend's car.
- 5 Q What kind of car was that?
- 6 A A gold Nissan Altima.
- 7 Q Did you, ultimately, go and pick up Travares?
- 8 A Yes, ma'am.
- 9 Q And where did you pick him up from?
- 10 A From Beth Bishop Apartments.
- 11 Q Who lived in the Beth Bishop Apartments?
- 12 A At the time, his girl and his mom.
- 13 Q When you got there to pick up Travares, was anybody
- 14 else with him?
- 15 A Yes, ma'am.
- 16 Q Who was with him?
- 17 A Greg Isaac.
- 18 Q And was that the first time you had seen them together
- 19 or had you seen them together before?
- 20 A I seen them together before.
- 21 Q Was it unusual for them to be together?
- 22 A No, ma'am.
- 23 Q And what was the relationship between Greg Isaac and
- 24 Travares World, did you know what their relationship
- 25 was?

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1 A Well, they had some problems at the beginning, but they
2 became friends afterwards.

3 Q Did they have any relation in common, do you know?

4 A No, ma'am.

5 Q Okay. At the time on October the 27th when you went
6 and picked him up, were you aware of what the
7 relationship was like?

8 A Well, they became good friends.

9 Q And was Mr. Isaac in the same business with you and
10 Mr. World?

11 A No, ma'am.

12 Q But would he hang out with y'all still?

13 A Yes, yes, he would hang out with us still.

14 Q And whose choice was that for him to hang out with
15 y'all?

16 A Mr. Isaac's choice.

17 Q Once you got over there, about what time of night was
18 it, do you remember?

19 A It might have been about nine, five minutes after nine,
20 something like that.

21 Q Who all did you pick up?

22 A I picked up World and Isaac.

23 Q Where did everybody sit in the car?

24 A Isaac got in the back seat and World got in the front
25 passenger side.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

1 Q Okay. And at that point, did you know where you were
2 going?

3 A Yes, ma'am, he asked me to take him to Corbit. He had
4 done spoke with Corbit that afternoon and he said he
5 got off at nine and he was to meet him at his
6 apartment.

7 Q Where did y'all go?

8 A We went on Fernandino Road to the apartment.

9 Q Once you got there, what happened?

10 A I -- World got out of the car and went and knocked on
11 the door, but Corbit wasn't home yet, so we waited out
12 front for him to get there. We waited maybe 15
13 minutes, then I decided that we was going to leave.
14 And when we was leaving, we passed by Mr. Corbit
15 coming in.

16 Q Okay. Were you actually leaving in the apartment
17 complex parking lot?

18 A Yes, ma'am -- well, the front -- he stayed all the way
19 to the back.

20 Q Uh-huh.

21 A And we passed him, like passed him coming out of the
22 curb of his apartment.

23 Q So where did you go then once you saw him drive in?

24 A Once World seen him, he said that was him right there,
25 but instead of turning back around, we just made a

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- 1 right behind his apartment where he could come up
2 between the apartments over the creek. He could walk
3 over the creek and come up between the apartment
4 buildings.
- 5 Q So you actually parked in a different parking lot from
6 whether you were originally?
- 7 A Yes, ma'am, on the back side of the apartment.
- 8 Q Okay. I got it.
- 9 A Yes, ma'am.
- 10 Q Once you went into the back side of the apartment, what
11 happened?
- 12 A Mr. World got out of the car, he asked Isaac to come
13 with him.
- 14 Q And do you remember what he said to him?
- 15 A He just told him to come on.
- 16 Q And at that point, had you seen any guns?
- 17 A No, ma'am, not at that point.
- 18 Q What did Isaac say when World told him to come on?
- 19 A He just got out of the car.
- 20 Q Was there any other words exchanged that you knew of?
- 21 A No, ma'am.
- 22 Q And what did do you once they got out of the car?
- 23 A I was in -- I was sitting in the car on the phone.
- 24 Q You didn't go in with them?
- 25 A No, ma'am.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q Was there any talk on the way over there of what was
2 going to happen when he came in contact with
3 Mr. Corbit?
- 4 A No, he said he was just going to meet him and he had
5 already talked with him that evening, that he was going
6 to meet him to get the rest of what he owed him.
- 7 Q He was going to get the rest of what he owed him?
- 8 A Yes, ma'am.
- 9 Q Once they got out the car, could you tell what
10 direction they went in?
- 11 A They went between the building, over the creek, that
12 will bring you around the front of Mr. Corbit's
13 apartment.
- 14 Q And you stayed in the car?
- 15 A Yes, ma'am.
- 16 Q And while you were in the car prior to them getting
17 back, did you notice anything?
- 18 A No, ma'am, they just -- they came back running.
- 19 Q And when they were running, who the first runner?
- 20 A Mr. World got to the car first.
- 21 Q And where was Mr. Isaac?
- 22 A He was maybe about two, three steps behind him.
- 23 Q And what happened when they came up to the car, tell
24 the jury?
- 25 A They -- well, Mr. World got in the car and we began to

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1 leave and they began to argue about it. Mr. World
2 asked him why did you shoot him. And that's when Isaac
3 give him the gun back between the seats, he gave World
4 the gun back.

5 Q Where was World sitting?

6 A He got back in the front passenger seat.

7 Q Where was Isaac?

8 A Isaac was the back seat.

9 Q And who was saying what you just said?

10 A World was asking him why did you shoot him.

11 Q What did Isaac say when he was asked why did you shoot
12 him?

13 A He had to shoot him because he was going to shoot him.

14 Q That's what he said?

15 A Yes, ma'am.

16 Q What else happened after they got in the car?

17 A They began to argue back and forth.

18 Q About what?

19 A About why did you shoot him and then World went to

20 asking -- telling him that, you know, it's your fault.

21 You need to take your charge and this and that. They

22 was going back and forth. And Isaac was saying you

23 shouldn't have never went in the house. This wouldn't

24 have never happened. You should have came when I was

25 telling you to come on. And they was going back and

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1 forth. And it just got quiet. I drove them back to
2 Beth Bishop Apartments and dropped them off and I went
3 home.

4 Q When did you find out that Mr. Corbit died?

5 A Later that night, I seen it on the news. And also,
6 their brother-in-law -- his brother-in-law, Robert
7 Washington, had called me.

8 Q Did Mr. World tell Mr. Isaac not to talk?

9 A Yes, ma'am.

10 Q Where was gun when you last saw it?

11 A I ain't see it no more after that. Isaac passed it to
12 World. I ain't seen it no more after that.

13 Q Did you ever see World with this nine millimeter?

14 A No, I never seen World with a gun.

15 Q Once they got back in the car and you drove off, where
16 did you drive them to?

17 A Back to Bethel Bishop Apartments where I picked him up
18 from.

19 Q And what happened when you got back to Bethel Bishop
20 Apartments?

21 A Them two got out and I left.

22 Q Did you ever see them together again?

23 A Couple of days later, that's when they told me the
24 story about what happened when they got out of the car.

25 Q What told you the story?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A Well, World and Isaac was there with him.
- 2 Q And do you remember what -- and was World the one that
- 3 was mainly talking?
- 4 A Yes, ma'am.
- 5 Q And at that point, what was Mr. Isaac's relationship
- 6 with Mr. World?
- 7 A They was still cool.
- 8 Q Did you ever go to the police and tell them what you
- 9 knew?
- 10 A No, I didn't.
- 11 Q And as the years passed, 2006, 2007, 2008, did you ever
- 12 go to the police?
- 13 A No, ma'am.
- 14 Q Did Mr. World and Mr. Isaac continue to see each other?
- 15 A They did.
- 16 Q And did they continue to kind of be in business with
- 17 each other somewhat?
- 18 A It was more like a friendship more than a business.
- 19 Q Friendship more than a business?
- 20 A Yes, ma'am.
- 21 Q But he continued to hang with him after this happened?
- 22 A Yes, ma'am.
- 23 Q And you continued to see him after this happened?
- 24 A Yes, I seen him.
- 25 Q Finally, last year, did the police make contact with

NORRIS DICKSON DIRECT BY MS. CAMPBELL

1 you?

2 A Yes, ma'am.

3 Q And did they take you -- did you end up at headquarters
4 with them?

5 A Yes, ma'am.

6 Q And did they ask you about what happened?

7 A Yes, ma'am.

8 Q And at that point, were you aware that Mr. World and
9 Mr. Isaac had already been arrested?

10 A Yes, ma'am.

11 Q On these charges?

12 A Yes, ma'am.

13 Q Which we'll get to in a minute?

14 A (Witness nodded.)

15 Q Did you choose to talk to them initially?

16 A No, not at first. I wanted to speak with my lawyer.

17 Q Later, did your lawyer make arrangements for you to
18 talk to the investigators?

19 A Yes, ma'am.

20 Q And these investigators right here?

21 A Yes, ma'am, Chief Wilson, yes, ma'am.

22 Q At that point, did they advise you of your rights?

23 A Yes, ma'am.

24 Q Again?

25 A Yes, ma'am.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

1 Q And what, if anything, did you tell them, generally,
2 what you told them?

3 A I told them the story of what happened.

4 Q Like you have here today?

5 A Yes, ma'am.

6 Q That night when this happened, did you, actually, hear
7 the gunshots?

8 A No, I didn't.

9 Q Back when the police got in touch with you back in
10 April of 2012, did they arrest you?

11 A Yes, ma'am, they did.

12 Q What all are you currently charged with?

13 A Murder, arm robbery, conspiracy and first-degree
14 burglary.

15 Q Do you know what penalties those carry?

16 A Yes, ma'am.

17 Q What does murder carry?

18 A Murder carries life in prison.

19 Q Thirty to life?

20 A Thirty to life, yes, ma'am.

21 Q So you can get as little as 30 and as much as life?

22 A Yes, ma'am.

23 Q And what does burglary carry, burglary first?

24 A Carries a life sentence.

25 Q And what's the minimum on that, do you know?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A I think 15.
- 2 Q Uh-huh.
- 3 A Yes, ma'am.
- 4 Q And then the armed robbery, it's, actually, attempted
- 5 armed robbery?
- 6 A Yes, ma'am.
- 7 Q What does that carry?
- 8 A Twenty.
- 9 Q And then, finally, a conspiracy charge?
- 10 A Five years.
- 11 Q And is your lawyer present here in the courtroom today?
- 12 A He is.
- 13 Q And have y'all been promised anything in exchange for
- 14 your testimony?
- 15 A No, ma'am.
- 16 Q Have you made any deals with our office?
- 17 A No, ma'am.
- 18 Q Any deals with me?
- 19 A No, ma'am.
- 20 Q Have you and I ever spoken before?
- 21 A Never spoken.
- 22 Q You hope for a deal down the road; don't you?
- 23 A Yes.
- 24 Q You hope for a judge to consider leniency?
- 25 A Yes, ma'am.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q If you testify truthfully?
- 2 A For the testimony, yes, ma'am.
- 3 Q And back in 2008, you were, actually, convicted for
- 4 PWID marijuana?
- 5 A Yes, ma'am.
- 6 Q And that's what you did for a living?
- 7 A Yes, ma'am.
- 8 Q Did you ever force Greg Isaac to be a part of y'all's
- 9 group?
- 10 A No, ma'am.
- 11 Q Did Travares ever force him to be a part of your group?
- 12 A No, ma'am.
- 13 Q Did he choose to be a part of y'all?
- 14 A Yes.
- 15 Q And the person that had the gun when they came back to
- 16 the car, who was that?
- 17 A Greg Isaac.
- 18 Q And who did he hand the gun to?
- 19 A He handed it over to Travares World.
- 20 Q Who was yelling in the car why did you shoot him?
- 21 A Travares World.
- 22 Q Greg Isaac, do you see him here in court?
- 23 A Yes, ma'am.
- 24 Q Could you point him out to the jury?
- 25 A Gentleman right there.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q Seated at the table?
- 2 A Yes, ma'am.
- 3 Q And what color shirt does he have on?
- 4 A It's a yellow shirt.
- 5 Q Yellow?
- 6 A Uh-huh.
- 7 Q Several days later at Bethel Bishop when they back
8 together, Travares and Isaac and they were talking
9 about what happened?
- 10 A Yes, ma'am.
- 11 Q Do you remember specifically what Isaac said he did
12 that night?
- 13 A He said he shot Mr. Corbit because he thought he was
14 reaching for a gun.
- 15 Q Did he say what he did once he shot him?
- 16 A He said he just run out the apartment.
- 17 Q Ran out of the apartment?
- 18 A Yes, ma'am.
- 19 Q Again, has anybody promised you anything for your
20 testimony?
- 21 A No, ma'am.
- 22 Q Thank you.
- 23 THE COURT: Mr. Schnee?
- 24 MR. SCHNEE: May it please the Court.
- 25 THE COURT: Yes, sir.

NORRIS DICKSON CROSS BY MR. SCHNEE

CROSS-EXAMINATION

1

2 BY MR. SCHNEE:

3 Q Mr. Dixon?

4 A Yes, sir.

5 Q You just said a minute ago that you hoped judge takes
6 everything into consideration and gives you a leniency?

7 A Yes, ma'am -- yes, sir, I'm sorry.

8 Q Based on your testimony here?

9 A Yes, sir.

10 Q Based on your murder charge alone, as you said, that
11 carries 30 years to life?

12 A Yes, sir.

13 Q Thirty is a mandatory minimum?

14 A Yes, sir.

15 Q You have to serve day for day 30 years minimum?

16 A I understand, yes, sir.

17 Q How old are you right now?

18 A I'm 38.

19 Q You were arrested a little over a year ago?

20 A Yes, sir.

21 Q Okay. So that would put at age 67 when you get out at
22 the absolute earliest?

23 A Yes, sir.

24 Q Are you aware the life expectancy in the department of
25 corrections for a black male is 62 years old?

NORRIS DICKSON CROSS BY MR. SCHNEE

1 MS. CAMPBELL: Objection, Your Honor.

2 A Yes, sir.

3 THE COURT: Objection overruled.

4 BY MR. SCHNEE:

5 Q So in order for you to get leniency on that charge at
6 all, the solicitor would have to make you a deal and
7 reduce the charge?

8 A We didn't talk about no deal.

9 Q You want a deal, though?

10 A If the judge grant me the leniency.

11 Q Okay. Well, do you want a deal similar to what
12 Travares World got?

13 A I know don't what deal he got.

14 MS. CAMPBELL: Objection, Your Honor, we have a
15 matter of law.

16 MR. SCHNEE: It's a matter of public record,
17 Judge.

18 THE COURT: She said she had a matter of law, that
19 was her comment.

20 MR. SCHNEE: Oh, I'm sorry, I didn't hear that.

21 THE COURT: And so I'll have the jury step out.

22 MS. CAMPBELL: Thank you. Please do not discuss
23 the case.

24 (Whereupon, the jury left the courtroom
25 at 3:33 PM)

NORRIS DICKSON CROSS BY MR. SCHNEE

1 THE COURT: Yes, ma'am.

2 MS. CAMPBELL: Your Honor, we would object to any
3 mention of what the co-defendant got. Plea negotiations on
4 a co-defendant are not admissible, certainly, not as
5 impeachment on this witness in this case. I don't know
6 under what theory he thinks he gets to get into that in
7 front of the jury as far as any negotiations or pleas. With
8 co-defendants, certainly, it would not be admissible, Your
9 Honor, and I can get the case law to support that.

10 THE COURT: All right.

11 Mr. Schnee.

12 MR. SCHNEE: Judge, I simply asked if he would
13 like a deal similar to the co-defendant. It could have been
14 already received. I'm not asking him about the plea deal. I
15 was asking if he wanted a similar deal, which would be a
16 reduction in charge.

17 THE COURT: Reduction in charge?

18 MR. SCHNEE: The State reduced the murder charge
19 to voluntary manslaughter.

20 THE COURT: All right.

21 MS. CAMPBELL: I don't understand under what
22 theory Mr. Schnee thinks he's allowed to cross-examine on
23 this issue any witness. What a co-defendant or other person
24 got is not admissible in front of this jury, just like what
25 this Defendant is going to get is not admissible in front of

NORRIS DICKSON CROSS BY MR. SCHNEE

1 this jury.

2 THE COURT: All right.

3 MS. CAMPBELL: And if he has a premise of law that
4 I'm not aware of in which he can cross-examine this witness
5 on that theory, Your Honor, I'm just not aware of it. And
6 I'm happy to run back to the office and do research on this.

7 THE COURT: All right. Well, let me have those
8 charges.

9 Mr. Schnee.

10 MR. SCHNEE: Judge, I'm simply following up on
11 what the solicitor asked --

12 THE COURT: I know what you're doing, but we have
13 now moved from what you're doing to what law supports it.

14 MR. SCHNEE: The law of fully cross-examining this
15 witness.

16 THE COURT: Well, if that's all you have, then I
17 don't need to hear anything further. And the objection is
18 sustained. If you have some other authority beyond the law
19 of following up on cross-examination, I would like to hear
20 it and see it.

21 MR. SCHNEE: What is the actual argument in terms
22 of the legal issue or legal problem with me asking what type
23 of deal this witness would like? That's where, I guess, I'm
24 confused, Your Honor.

25 THE COURT: I can't clear up any confusion that

NORRIS DICKSON CROSS BY MR. SCHNEE

1 you might have.

2 MS. CAMPBELL: Thank you, Your Honor.

3 MR. SCHNEE: I'm asking Your Honor what your
4 ruling is based on.

5 THE COURT: I sustained the objection that you
6 have no authority for the proposition that you can
7 cross-examine this witness based on the sentence of a
8 co-defendant, that's the State's objection.

9 MR. SCHNEE: Okay. That's fine.

10 THE COURT: And that objection is sustained since
11 you have no authority to support your position other than
12 the law of cross-examination, I think, is what you've just
13 said.

14 MR. SCHNEE: It's a basic rule of evidence, Your
15 Honor, yes, and basic Sixth amendment to fully confront my
16 client's accusers.

17 THE COURT: Okay. The objection is sustained.
18 Anything further?

19 MS. CAMPBELL: No, sir.

20 THE COURT: All right. Bring the jury in.
21 (Whereupon, the jury returned to the
22 courtroom at 3:37 PM)

23 BAILIFF: The jury's present and seated, Your
24 Honor.

25 THE COURT: The objection is sustained.

NORRIS DICKSON CROSS BY MR. SCHNEE

1 You may proceed.

2 BY MR. SCHNEE:

3 Q Your attorney is sitting here in the courtroom, isn't
4 he?

5 A Yes, sir.

6 Q His name is Barney Giese?

7 A Yes, sir.

8 Q Okay. Have you talked to him about what type of deals
9 you may or may not be interested in getting?

10 A No, sir.

11 Q You haven't talked to him about testifying and getting
12 any deal at all?

13 A I talked to that I wanted to testify and tell the
14 truth.

15 Q Okay.

16 A Yes, sir.

17 Q Are you aware that Mr. Giese used to be Ms. Campbell's
18 boss?

19 A No, sir.

20 Q You're not aware of that?

21 A No, sir.

22 Q You're not aware that he was, actually, the solicitor
23 in this circuit back in 2005?

24 A I knew he was the solicitor.

25 Q Okay. Since 2005, you've been in touch with Mr. World;

NORRIS DICKSON CROSS BY MR. SCHNEE

1 haven't you?

2 A Yes, sir.

3 Q You've seen him in August of 2009?

4 A August of 2009, I'm not sure.

5 Q Were you at a United Car Sales August 17th of 2009?

6 A Yes, sir.

7 Q Mr. World came to visit you?

8 A He didn't come visit me. Me and him wasn't speaking at
9 the time.

10 Q You weren't speaking at the time?

11 A No, sir.

12 Q You didn't see him at all then?

13 A I seen him, but he didn't come to see me. He come to
14 see Mr. Paul McConey who worked there.

15 Q Okay. You and Mr. Paul McConey left there; didn't you?

16 A Yes, we went to the bank.

17 Q Okay. Mr. World stayed there?

18 A Yes, sir.

19 Q Okay. Do you know what happened after that?

20 MS. CAMPBELL: Objection, Your Honor, relevance.

21 THE COURT: The answer is yes or no.

22 BY MR. SCHNEE:

23 Q Do you know what happened after that with Mr. World?

24 A Yes, I heard about it, yes, sir.

25 Q Did the police ever question you about that?

NORRIS DICKSON CROSS BY MR. SCHNEE

1 THE COURT: The objection is sustained.

2 MS. CAMPBELL: Thank you.

3 BY MR. SCHNEE:

4 Q Now, you called Travares World, he has a nickname,
5 doesn't he?

6 A Yes, sir.

7 Q It's Murder, isn't it?

8 A Yes, sir.

9 Q And that's the nickname that you've used for quite a
10 while for him?

11 A Yes, sir.

12 Q Okay. And back in 2005, he called you; didn't he?

13 A He did.

14 Q Okay. He called you and said that he had a problem
15 with Mr. Corbit?

16 A Well, he said he short him and he was going to
17 straighten him out.

18 Q Okay. And you said man that has the nickname of
19 Murder, he was upset?

20 A No, he wasn't upset at the time.

21 Q When he called you, he wasn't upset?

22 A No.

23 Q You didn't testify a few minutes ago that he was upset?

24 A He wasn't upset when he called me.

25 Q When he called you?

NORRIS DICKSON CROSS BY MR. SCHNEE

1 A Yes, sir.

2 Q Okay. You didn't say that a few minutes ago?

3 A No.

4 Q He called and asked you to pick him up?

5 A Yes, sir.

6 Q Okay. You had to wait until you could get a car to go
7 pick him up?

8 A Yes, I had to wait.

9 Q When you got there, Murder and Greg were standing
10 together?

11 A They were out on the street together, yes, sir.

12 Q Okay. You have no idea what was said between them
13 before that, do you?

14 A No.

15 Q Okay. And when Murder got in the car with you, he told
16 Greg to come on?

17 A No, that's when we got to the apartment and Corbit came
18 home, he told him to come on. Both of them just got in
19 the car, I didn't hear him say come on then.

20 Q Okay. Do you remember giving a statement to the police
21 in August of last year?

22 A Yes, sir.

23 MR. SCHNEE: May I approach the witness?

24 THE COURT: Yes.

25

NORRIS DICKSON CROSS BY MR. SCHNEE

- 1 BY MR. SCHNEE:
- 2 Q Is this the statement you gave to them?
- 3 A Yes, sir, that's it.
- 4 Q Okay. If I could, I'll read this out loud. You said
- 5 your wife had the car, so you could not go when he
- 6 first called?
- 7 A When he first called, yes.
- 8 Q And he being Travares?
- 9 A Travares.
- 10 Q Fifteen, 20 minutes later, she got home and you went
- 11 over at Bethel Bishop?
- 12 A Yes, sir.
- 13 Q So this is at Bethel Bishop Apartments?
- 14 A Yes, sir.
- 15 Q Where you're picking them up?
- 16 A When picking them up, yes, sir.
- 17 Q Okay. Says when I got to the apartments, World told
- 18 Isaac to come on and they got in the car?
- 19 A Yes, sir.
- 20 Q So he had to tell Greg to get in the car?
- 21 A Yes, sir.
- 22 Q Okay. I know it's been a while, I just want to make
- 23 sure everything is right?
- 24 A Okay.
- 25 Q I believe what you said is that World went over there

NORRIS DICKSON CROSS BY MR. SCHNEE

1 to straighten the situation out or straighten --

2 A Well, Corbit was supposed to straighten what was short
3 on what he bought earlier that day.

4 Q Okay. Now, at a certain point, you went there, World
5 got out of the car to look and see if Corbit was in his
6 apartment; right?

7 A He went and knocked on the door.

8 Q And he wasn't there?

9 A And he was not home.

10 Q Okay. And you decided to wait for the few minutes?

11 A Yes.

12 Q And at a certain point, you wanted to leave?

13 A Yes, sir.

14 Q About 15 minutes or so?

15 A Yes, sir.

16 Q When you went to leave, you ended up passing Corbit
17 coming back in?

18 A Yes, sir.

19 Q Who told you to turn the car round?

20 A World told me to turn in the next parking lot.

21 Q Okay. And instead of going back right back to the
22 apartments, you parked a little bit further away?

23 A No, in the next parking lot, you can come straight
24 through the -- walk across the street and you will be
25 right there at Mr. Corbit's apartment.

NORRIS DICKSON CROSS BY MR. SCHNEE

- 1 Q Okay. So you parked on the back side of the apartments
2 instead of the front side?
- 3 A Yes, sir.
- 4 Q And he's the one that told you to do that?
- 5 A Yes, sir.
- 6 Q And then he got out of the car again?
- 7 A Yes, sir.
- 8 Q And at that point Greg got out?
- 9 A Yes, sir.
- 10 Q After that, you didn't know anything that happened
11 until they came back to the car?
- 12 A Until they came back, yes, sir.
- 13 Q Now, when they got back into the car, World looked at
14 Greg and said give me the gun back, right?
- 15 A Yes.
- 16 Q So World took the gun back from Isaac?
- 17 A Yes, he got it back from him.
- 18 Q So if had to get it back, how did Greg get it to begin
19 with?
- 20 A I don't know. That was my first time seeing the gun
21 when he gave it back to him.
- 22 Q Okay. That was first time you had seen a gun?
- 23 A Yes, sir.
- 24 Q Because you don't know what happened in terms of
25 conversation before you showed up?

NORRIS DICKSON CROSS BY MR. SCHNEE

- 1 A Right.
- 2 Q As you were driving away, World started to threaten
- 3 Greg; didn't he?
- 4 A Well, he was telling him he needed to take his own
- 5 charge.
- 6 Q Did threaten him in any way?
- 7 A Yes, he did.
- 8 Q What did he say?
- 9 A He said I know your mom -- and stuff like that.
- 10 Q So he threaten his family?
- 11 A Yes.
- 12 Q To keep quiet?
- 13 A Yes.
- 14 Q Because World didn't want to go to prison?
- 15 A Right.
- 16 Q You have any idea what happened to the since then?
- 17 A No, sir, I don't know what happened to the gun.
- 18 Q Okay. And several days later, I believe this has
- 19 already been covered, but what exactly did Greg say
- 20 about what was happening in that argument --
- 21 A He was saying that when World and Corbit began
- 22 fighting, he was try to pull them off and when he
- 23 finally did get them up, he was telling Mr. World to
- 24 come on, let's go, just leave it alone. And Mr. World
- 25 continued. And that's when Mr. Corbit had went to go

NORRIS DICKSON REDIRECT BY MS. CAMPBELL

1 get his gun or whatever. And when he came back -- he
2 said he walked toward the kitchen and when he came
3 back, that's when Mr. Isaac said he fired two shots and
4 they ran out the door.

5 Q So Greg was trying to stop the fight between World and
6 Corbit?

7 A Yes.

8 Q And World wouldn't stop?

9 A Yes.

10 Q Okay. Thank you. I have no further questions.

11 REDIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q I was going to ask you about what was said about what
14 happened there several days later at Bethel Bishop
15 when you saw Mr. Isaac with Mr. World again?

16 A Yes, ma'am, they was combulating their story and tell
17 me about --

18 Q What had happened?

19 A What had happened.

20 Q And you remember giving a statement?

21 A Yes, ma'am.

22 Q And --

23 MR. SCHNEE: Judge, there's a matter of law.

24 THE COURT: Sir?

25 MR. SCHNEE: There's a matter of law we need to

1 take up.

2 THE COURT: You have an objection?

3 MR. SCHNEE: Yes, Your Honor.

4 THE COURT: All right.

5 All right. Ladies and gentlemen, we'll have you
6 sent out once again. Please do not discuss the case.

7 (Whereupon, the jury left the courtroom
8 at 3:47 p.m.)

9 MR. SCHNEE: Judge, my objection would be to
10 anything that Mr. World may or may not have as that would be
11 considered hearsay by a nontestifying co-defendant. The
12 question I specifically asked is what did Greg say about
13 what happened as to why he shot him?

14 THE COURT: All right.

15 Ms. Campbell?

16 MS. CAMPBELL: I believe this would be under a
17 conspiracy, it was -- conspiracy. They were formulating
18 their story as to what happened that night. They were
19 relating it to the third conspirator. In addition to that,
20 Your Honor, I did not go into that specifically for that
21 reason on direct. However, on cross-examination, he went
22 into more detail about what was said, what wasn't said
23 several days later specifically as to what was said about
24 what happened that night. Therefore, he has opened the door
25 to me going back into that. However, under conspiracy,

1 they're charged with conspiracy. There was a conspiracy.

2 They're discussing the facts of what they were saying

3 happened that night in furtherance of conspiracy.

4 MR. SCHNEE: --

5 THE COURT: Who's charged with conspiracy?

6 MS. CAMPBELL: All three of them.

7 THE COURT: But he's not on trial for conspiracy?

8 MS. CAMPBELL: No, Your Honor, we did not go

9 forward on the conspiracy, however, I think that even if the

10 conspirator is not charged, you can still -- he's charged

11 with conspiracy, we can still go forward on that theory.

12 THE COURT: Yes, sir.

13 MR. SCHNEE: Judge, I understand about

14 co-conspirators. These are two separate people talking. I

15 understand that he could -- that the current witness can

16 discuss what my client said. I'm not objecting to that.

17 I'm objecting to what Travares World may or may not have

18 said as he's a nontestifying witness.

19 THE COURT: I understand your objection.

20 MR. SCHNEE: The fact that my client is charged

21 with conspiracy and not trial has no relevance to the issue

22 of the rules of evidence. I object to anything Mr. World

23 specifically said. If she wants to go into more detail on

24 what my client said, that's fine.

25 THE COURT: Her objection is that you opened the

1 door through your cross-examination of the witness and
2 asking about conversations between Mr. World and Mr. Isaac.

3 MR. SCHNEE: Well, Judge, Ms. Campbell asked those
4 very same questions in her direct examination about what my
5 client said. I was simply following up and wanted to end my
6 cross with those issues.

7 THE COURT: And?

8 MR. SCHNEE: I didn't open the door any further
9 than what Ms. Campbell had already walked the line with. I
10 certainly did not ask anything about Mr. World, that doesn't
11 open the door.

12 THE COURT: All right.

13 Ms. Campbell?

14 MS. CAMPBELL: Your Honor, I believe he did go
15 further in his actual line of questioning towards the end.
16 In addition to that, Your Honor, I do believe under a
17 conspiracy theory, this is the -- of a conspiracy, therefore
18 any admission by co-conspirators would be admissible
19 regardless of whether the co-conspirator testifies.

20 THE COURT: What is it that you're trying to
21 question this witness about --

22 MS. CAMPBELL: The several days afterwards, there
23 was a statement and he has intentionally misled the jury
24 that this was the extent of what was discussed as far as
25 what it is. The additional information that was discussed,

1 and I can clarify to him which one actually said what, was
2 he was told when the two of them were there that World
3 demanded his money from T-Love. They argued and then
4 fought. T-Love was getting the best of World, so Isaac
5 picks up something and hit T-Love.

6 THE COURT: And that's the statement you're
7 seeking to introduce?

8 MS. CAMPBELL: Yes, sir.

9 THE COURT: And who's statement -- that's this
10 Defendant's statement?

11 MS. CAMPBELL: This is what he heard from the two
12 co-defendants when he met up with them several days after
13 the murder with Mr. Isaac and Mr. World. I can ask him
14 specifically which one said what if he remembers. They were
15 both talking that day.

16 THE COURT: All right.

17 And your objection is what?

18 MR. SCHNEE: My objection would be to any content
19 that Mr. World said, any of his statements.

20 THE COURT: Now, we've listened to this witness
21 testify about half an hour or so about statements by
22 Mr. World and by Mr. Isaac and now you're objecting to
23 statements by Mr. World?

24 MR. SCHNEE: Judge, I'm objecting to any statement
25 by Mr. World that happened days after this incident. Not

1 the actual events of what happened in the car, which,
2 clearly, there are -- hearsay, but days later, there would
3 not be.

4 THE COURT: All right.

5 Ms. Campbell?

6 MS. CAMPBELL: Your Honor, our position would be
7 that he's inferred that that's all that was said about what
8 happened. We then have the right to clear it up and to say
9 what the entire content of the conversation was, his client
10 was present and participating. I can clear up who said what
11 when, but --

12 THE COURT: Mr. Schnee asked this witness about
13 the statements days later?

14 MS. CAMPBELL: Yes.

15 THE COURT: As to what was Mr. Isaac said days
16 later?

17 MS. CAMPBELL: I think he asked as to what was
18 said, but I can refer back to the record.

19 THE COURT: All right. We'll take a moment and
20 I'll refer back to the record before ruling on this issue.
21 We'll that the short recess.

22 (Whereupon, a short recess was held.)

23 THE COURT: All right.

24 Ms. Campbell.

25 MS. CAMPBELL: Your Honor, we just played back the

1 part where it talks about what Greg said. And all I'm
2 trying to do is go back and go into more details as to what
3 his statement that Greg said at the time. And I can hand up
4 the statement and show you the part --

5 THE COURT: Anything further?

6 MR. SCHNEE: Judge, there's some specific sentence
7 about what my client said. I'm, certainly, not objecting to
8 that. I'm objecting to what Mr. World said.

9 THE COURT: All right. The objection is
10 overruled.

11 MS. CAMPBELL: Thank you.

12 THE COURT: We're ready for the jury.

13 (Whereupon, the jury returned to the
14 courtroom at 4:00 p.m.)

15 BAILIFF: The jury is present and seated, Your
16 Honor.

17 THE COURT: All right. Thank you.

18 The objection is overruled. You may proceed.

19 BY MS. CAMPBELL:

20 Q Mr. Dick son?

21 A Ma'am.

22 Q Did you give a statement where you talked about the
23 conversation at Bethel Bishop several days after the
24 murder?

25 A Yes, ma'am.

1 Q And just referring to the highlighted part, does that
2 refresh your memory as to what was actually said?

3 A Yes, ma'am.

4 Q And what — how did they say that they got into the
5 apartment that night?

6 A World kicked the door in.

7 Q Then what happened?

8 A Then him and Mr. Corbit were in the argument, then they
9 started fighting.

10 Q Then who was winning the fight?

11 A Mr. Corbit was getting the best of World.

12 Q Okay. So what did Mr. Isaac do when Mr. Corbit was
13 getting the best of Mr. World?

14 A He was trying to get him off and I believe he picked up
15 like a lamp or something and tried to hit him with it.

16 Q Hit who?

17 A Hit Mr. Corbit with it.

18 Q Who was trying to hit Mr. Corbit with it to help out
19 his friend, Mr. World?

20 A Mr. Isaac.

21 Q Then what did he say happened?

22 A Excuse me?

23 Q Then what did Mr. Isaac say happened?

24 A Then when he finally got World up, he was trying to get
25 him to leave.

1 Q And what point does he shoot Mr. Corbit?

2 A After he said Mr. Corbit was coming towards him, like
3 he was going in the small of his back and pull a
4 weapon. He said he fired two times and they ran out
5 the door.

6 Q And where did they say this took place?

7 A This took place on the inside of the apartment.

8 Q Thank you, sir.

9 A Yes, ma'am.

10 MS. CAMPBELL: I don't have anything further, Your
11 Honor.

12 THE COURT: Anything further?

13 MR. SCHNEE: No, Your Honor.

14 THE COURT: All right. You may step down.
15 You may call your next witness.

16 MS. WALKER: The State calls Rayquan Washington.

17 THE COURT: All right. Come forward, please.

18 THEREUPON,

19 RAYQUAN WASHINGTON,

20 after having been duly sworn, testified as follows:

21 THE CLERK: Thank you. Have a seat in the witness
22 stand, please. State your name for the record.

23 THE WITNESS: Rayquan Washington.

24 DIRECT EXAMINATION

25

RAYQUAN WASHINGTON DIRECT BY MS. WALKER

1 BY MS. WALKER:

2 Q Rayquan, how old are you?

3 A Sixteen.

4 Q Where did you live?

5 A In Charlotte, North Carolina.

6 Q How long have you lived in Charlotte?

7 A Like since the day it happened, the incident.

8 Q When your father was murdered?

9 A Yes, I moved there with my mom because I was staying
10 with --

11 Q Where do you live in Charleston?

12 A My mom.

13 Q Before that, you lived in Columbia?

14 A Yes, ma'am.

15 Q Who did you live in -- who did you live with when you
16 were in Columbia?

17 A My dad.

18 Q What was your father's name?

19 A Excuse me?

20 Q What was your father's name?

21 A Tony Corbit.

22 Q And I want to talk to you about the day your father was
23 murdered?

24 A (The witness nodded head.)

25 Q How old were you then?

RAYQUAN WASHINGTON DIRECT BY MS. WALKER

- 1 A I was seven.
- 2 Q You were young?
- 3 A Yes, ma'am.
- 4 Q Do you remember that night?
- 5 A Yes, I do.
- 6 Q Have you ever forgotten that?
- 7 A No.
- 8 Q Were you at your father's house when he was murdered?
- 9 A Yes, ma'am.
- 10 Q Had you and father been together that day?
- 11 A Yes, ma'am.
- 12 Q Tell us what y'all did that day.
- 13 A Well, we went to the mall, Dillards, shopping, then we
- 14 came home. We both went upstairs. He went to his
- 15 room, I went to my room. Then he changed, went
- 16 downstairs to watch TV.
- 17 Q And you said you were in your room?
- 18 A Yes, ma'am.
- 19 Q And your father was downstairs?
- 20 A Yes, ma'am.
- 21 Q What happened while your father was downstairs?
- 22 A That's when Travares World had kicked in the door and
- 23 then they started fighting.
- 24 Q And you were in your room, but did you leave your room
- 25 at some point?

RAYQUAN WASHINGTON DIRECT BY MS. WALKER

- 1 A Yes, ma'am.
- 2 Q Where did go when you left your room, Rayquan?
- 3 A On the stairs.
- 4 Q From where you were standing on the stairs, what could
5 you see?
- 6 A I see Travares World and my dad fighting.
- 7 Q How many people did you see in your apartment at that
8 point?
- 9 A Two.
- 10 Q Including your father?
- 11 A No, including somebody else that was in there.
- 12 Q Okay. So total, how many people were downstairs?
- 13 A Three.
- 14 Q So Travares World, your father and someone else?
- 15 A Yes, ma'am.
- 16 Q Did you know why -- had you seen Travares World before?
- 17 A No, ma'am.
- 18 Q Did you know why he was fighting your father?
- 19 A Well, I think I heard Travares World asking where's my
20 money.
- 21 Q He said where's my money?
- 22 A Yes.
- 23 Q Did your father say anything back?
- 24 A Yeah, he said it was in the car.
- 25 Q When you say they were fighting, can you kind of

RAYQUAN WASHINGTON DIRECT BY MS. WALKER

1 describe how they were fighting?

2 A Like this. As soon as Travares World kicked in door,
3 they started fighting.

4 Q And then he asked your father for his money and your
5 father said it was in the car?

6 A Yes, ma'am.

7 Q What was the other person that you saw in the apartment
8 doing at that point?

9 A He was standing while they was fighting.

10 Q Did you see -- did you see a gun that night?

11 A I didn't see it on him. I couldn't see a gun.

12 Q Were you hiding at the point?

13 A Yes, ma'am.

14 Q Were you afraid?

15 A Yes, ma'am.

16 Q What happened after your father and Travares World
17 stopped fighting?

18 A That's when -- that's when I heard two gunshots.

19 Q Did you see who fired that gun?

20 A No. I -- after I seen the gunshot, that's when I see
21 Travares World run out the door.

22 Q Did you see your father again after you heard those two
23 gunshot?

24 A Yeah, that's when he kept calling for help?

25 Q He was calling for help?

RAYQUAN WASHINGTON DIRECT BY MS. WALKER

- 1 A Yes, ma'am.
- 2 Q Who was he calling to?
- 3 A He was saying help, help, help.
- 4 Q What did you do?
- 5 A I was just standing by the stairs.
- 6 Q You were still afraid?
- 7 A Yes, ma'am.
- 8 Q What did your father do after he called for help?
- 9 A He just -- well, that's when I came downstairs and I
- 10 saw a man outside from next door and he told me to come
- 11 downstairs and that's when I saw my father on the
- 12 ground.
- 13 Q That's when they told you your father was sick?
- 14 A Yes, ma'am.
- 15 Q Did you leave the apartment at that point?
- 16 A Yes, ma'am.
- 17 Q Who did you leave with?
- 18 A The man from across the street.
- 19 Q Later that night, did some family members come and get
- 20 you?
- 21 A Yes, ma'am.
- 22 Q And you found out that your father had passed away?
- 23 A Yes, ma'am.
- 24 Q After that night, did you talk to police officers about
- 25 this?

RAYQUAN WASHINGTON DIRECT BY MS. WALKER

- 1 A No, not after that night.
- 2 Q You've never talked to police officers about it?
- 3 A I have.
- 4 Q You have?
- 5 A Yes.
- 6 Q Okay. And did you try to tell them what you
- 7 remembered?
- 8 A Yes, ma'am.
- 9 Q And, initially -- how old were you again?
- 10 A I was seven.
- 11 Q Did you initially remember two people being in the
- 12 apartment with your father?
- 13 A Yes, ma'am.
- 14 Q Did you tell police officers that?
- 15 A No, ma'am -- I told them I seen Travares World.
- 16 Q You didn't know his name at that point?
- 17 A No, ma'am.
- 18 Q But you do now?
- 19 A Yes, ma'am.
- 20 Q You said after that, you move to Charlotte with your
- 21 mother?
- 22 A Yes, ma'am.
- 23 Q Did you -- did you see a car that night when your
- 24 father was murdered?
- 25 A Yes, ma'am, that's -- when the man kicked in the door,

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

1 I had looked outside and I see the car lights still on.

2 Q But you didn't know if that car had anything to do with

3 --

4 A Yes, ma'am.

5 Q With the people inside your apartment?

6 A Yes, ma'am.

7 Q Do you know if the men that were downstairs in your
8 apartment could see you from where you were standing?

9 A No, they couldn't see me.

10 Q And your father -- weren't able to go upstairs?

11 A Yes, ma'am.

12 Q Where you were?

13 A Yes, ma'am.

14 Q And what did the man --

15 A --

16 Q Rayquan, I don't have any further questions for you
17 right now. Mr. Schnee is going to ask you some
18 questions, okay?

19 A (The witness nodded head.)

20 CROSS-EXAMINATION

21 BY MR. SCHNEE:

22 Q Rayquan, how do you know the name Travares World?

23 A That's one of the people that came into my apartment.

24 Q Who told you that was one of the people that came into
25 your apartment?

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

- 1 A That's when I saw -- I knew the name because I came
2 here.
- 3 Q Okay. Well -- so no one told that you that was the
4 person that kicked in the door?
- 5 A No, sir.
- 6 Q Okay. Because were here a few mouths ago?
- 7 A Yes, sir.
- 8 Q Okay. And you remember that there were two people in
9 the apartment with your father?
- 10 A Yes, sir.
- 11 Q I believe you just said you remembered that the whole
12 time?
- 13 A Yes, sir.
- 14 Q Okay. You've talked to the police a few times; didn't
15 you?
- 16 A Yes, sir.
- 17 Q Did they tell you that you needed to tell the truth?
- 18 A Yes, sir.
- 19 Q Every single time you had to tell the truth?
- 20 A Yes, sir.
- 21 Q But you didn't tell them you saw two people back then?
- 22 A No, sir.
- 23 Q And you're saying today that you didn't see the shots
24 fired?
- 25 A No, I said I did.

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

1 Q Oh, you did?

2 A Yes.

3 Q Okay. Well, who do you say -- who did you see shoot
4 your father?

5 A I don't know who it was.

6 Q You don't remember who it was?

7 A Yes.

8 Q Do you remember back then?

9 A No.

10 Q Okay.

11 MR. SCHNEE: Judge, at this time, I would ask the
12 video interview of this gentleman be played for the jury.

13 THE COURT: It's your witness.

14 MR. SCHNEE: Well, I'd like to present that as
15 evidence --

16 THE COURT: It's cross-examination, go ahead.

17 MR. SCHNEE: Well, I don't have access to the TV.

18 THE COURT: Well, what do you want me to do?

19 MR. SCHNEE: Can we put the video in it and play
20 it on the TV for the jury.

21 THE COURT: Yes, sir, go ahead. It's your
22 witness, proceed.

23 MR. SCHNEE: I don't where the DVD player is,
24 Judge.

25 THE COURT: I have no idea.

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

1 MR. SCHNEE: Judge, I'm asking this Court to play
2 the DVD interview of this witness to the jury.

3 THE COURT: That's your responsibility. You're
4 cross-examining the witness. Proceed.

5 MR. SCHNEE: Well, Judge, then I ask for a brief
6 recess to go buy a DVD player to connect to that TV.

7 THE COURT: Well, we're not going to recess to buy
8 a DVD player. We'll take a recess if you need more time to
9 set whatever up you're trying to set up. So we'll have the
10 jury go to the jury room for a short break.

11 (Whereupon, the jury left the courtroom
12 at 4:16 p.m.)

13 THE COURT: It's not the Court's responsibility to
14 present evidence for the Defense. You're examining the
15 witness. If you have evidence, you proceed with the
16 evidence.

17 MR. SCHNEE: Judge, I do not have the equipment to
18 present a large TV screen and DVD player for this jury.

19 THE COURT: I have none either.

20 MR. SCHNEE: Judge, there's a TV screen right
21 above you that's connected to a DVD player.

22 THE COURT: Well, proceed with it.

23 MR. SCHNEE: Well, I do not know where that
24 equipment is. I'm pretty sure it's behind your bench.

25 THE COURT: What's behind my bench?

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

1 MR. SCHNEE: I presume the DVD player that
2 connects to that TV.

3 THE COURT: I don't know anything about that. I
4 see a TV up there. If you have DVD player or some capacity
5 to play something, then do it. This is your case. This is
6 your defense. This is your witness.

7 MR. SCHNEE: I will see if I can find a DVD
8 player, Your Honor.

9 THE COURT: I'll need you back in no more than
10 five minutes.

11 (Whereupon, a short recess was held.)

12 THE COURT: We'll be in recess for five minutes.

13 (Whereupon, a short recess was held.)

14 THE COURT: We're ready, Mr. Schnee?

15 MR. SCHNEE: My laptop is loading right now.

16 THE COURT: Any objection by the State to --

17 MS. CAMPBELL: We just object -- if he planning on
18 playing for the jury, I think he would either have to move
19 to admit it or, actually, under 613(b) extrinsic evidence of
20 prior inconsistent statements, that's what he's alleging, I
21 believe he has to go under the rules and, basically, ask the
22 witness about it first. Then only if he denies it, then it
23 becomes admissible. I don't know which plan he's going to
24 make as far as doing this.

25 MR. SCHNEE: Judge, the first time the State tried

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

1 to call this witness, I asked specifically about this
2 interview and the witness denied ever being part of it. So
3 this would be, clearly, impeachment by prior inconsistent
4 statement. I'm happy to start playing the video and ask him
5 if that's him on the tape or if that's his voice. I don't
6 think the State is clearly going -- I'm more than happy to
7 introduce this into evidence if they're not going to object
8 to it.

9 MS. CAMPBELL: I just think before he can start
10 playing random pieces of evidence for the jury, they either
11 have to be admitted into evidence or he has to have some --
12 613(b) before he can then play evidence of it.

13 THE COURT: All right. I take it -- offering the
14 exhibit into evidence, the question is whether or not the
15 State objects to it being admitted.

16 MS. CAMPBELL: We have no objection, Your Honor,
17 as long as he offers it into evidence.

18 THE COURT: All right. Defense No. 1.

19 MR. SCHNEE: Just one second to get this fully
20 loaded.

21 THE COURT: It will take him more than a second to
22 get them.

23 MR. SCHNEE: I have to test the sound.

24 BAILIFF: Your Honor, did you ask me to wait?

25 THE COURT: You can bring the jury in.

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

1 BAILIFF: Yes, sir.

2 THE COURT: --

3 MR. SCHNEE: My intention is to play the entire
4 DVD, Judge.

5 THE COURT: Are you through with this witness?

6 MR. SCHNEE: I will be asking questions later. He
7 can step down during this if that's easier.

8 (Whereupon, the jury returned to the
9 courtroom at 4:32 p.m.)

10 BAILIFF: Your Honor, the jury is present and
11 seated.

12 THE COURT: You may proceed.

13 MR. SCHNEE: Judge, at this time, I move Defense
14 No. 1 into evidence and ask to publish it.

15 THE COURT: It's in without objection.

16 MR. SCHNEE: Thank you, Your Honor.

17 (Defendant's Exhibit No. 1 admitted into
18 evidence.)

19 MR. SCHNEE: Judge, I need just a minute. The
20 volume seems to be a little bit low.

21 (WHEREUPON, the video was played for the
22 jury.)

23 BY MR. SCHNEE:

24 Q Rayquan, that was a 40-minute or so interview. Do you
25 remember that now?

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

- 1 A Yes, I do.
- 2 Q Okay. You said throughout that entire interview there
- 3 was only person that came in?
- 4 A Yes, I did. I heard it.
- 5 Q But now you're testifying that you saw two?
- 6 A Yes.
- 7 Q Why did you lie all these years?
- 8 A I didn't lie.
- 9 Q Well, which version is the truth?
- 10 A I memory came back to me.
- 11 Q Your memory came back to you?
- 12 A Yes, sir.
- 13 Q So you just didn't remember it?
- 14 A Yes, sir.
- 15 Q When I asked you that about 45 minutes ago, you said
- 16 you remembered it the whole time, you just didn't want
- 17 to tell anybody. You said you remembered it the whole
- 18 time there were always two people there?
- 19 A Yes, but when I was -- I didn't remember there was two
- 20 people, but now I do.
- 21 Q Well, when did you remember that?
- 22 A I don't --
- 23 Q When did you remember that?
- 24 A I don't when I remembered it, but I remember my memory
- 25 came back to me, that's all I know.

RAYQUAN WASHINGTON CROSS BY MR. SCHNEE

- 1 Q What else do you remember that you didn't remember back
2 then?
- 3 A Nothing.
- 4 Q So the only difference is now you just remember there
5 were two people?
- 6 A No, I know what happened.
- 7 Q You -- I'm sorry, what was that?
- 8 A I said I know what happened.
- 9 Q Oh, what happened?
- 10 A I just told you what happened.
- 11 Q Okay. You talked to law enforcement a number of times
12 after this interview; didn't you?
- 13 A Yes, sir.
- 14 Q You talked to your mother about this a lot?
- 15 A Yes, sir.
- 16 Q Did you talk to any other family members or friends?
- 17 A No, sir.
- 18 Q So just your mother and law enforcement?
- 19 A Yes, sir.
- 20 Q When was the last time you talked to anyone about this?
- 21 A I don't remember.
- 22 Q Was it in the last week or two?
- 23 A Don't remember. I just don't remember.
- 24 Q Okay. Well, was it in the past year that you talked to
25 any one about this?

BRIAN GODFREY DIRECT BY MS. WALKER

1 A Yeah, possibly the past year.

2 Q At that time, did you tell anyone that you remembered
3 there were two people?

4 A Yes, sir.

5 Q Who did you tell?

6 A I don't know his name (indicating).

7 Q Who is it?

8 A (indicating).

9 Q Is it one of the gentleman sitting it the first row
10 here?

11 A No, right there (indicating).

12 Q That man right there (indicating)?

13 A Yes.

14 Q Okay.

15 MR. SCHNEE: Judger, I have no further questions
16 at this time.

17 THE COURT: Any redirect?

18 MS. WALKER: No, Your Honor.

19 THE COURT: Thank you. You my step down.
20 Call your next witness.

21 MS. WALKER: The State calls Investigator Brian
22 Godfrey.

23 THEREUPON,

24 BRIAN GODFREY,

25 after having been duly sworn, testified as follows:

BRIAN GODFREY DIRECT BY MS. WALKER

1 THE CLERK: Have a seat in the witness stand;
2 please. State your name for the record.

3 THE WITNESS: Brian Thomas Godfrey, G-O-D-F-R-E-Y.

4 DIRECT EXAMINATION

5 BY MS. WALKER:

6 Q Sir, where do you work?

7 A Richland County Sheriff's Department.

8 Q And how long have you been with the sheriff's
9 department?

10 A In my 16th year.

11 Q And in what capacity do you work for the sheriff's?

12 A Currently, I'm a sergeant in the criminal investigative
13 unit.

14 Q Is there a particular unit you're assigned to?

15 A I'm assigned to two units specifically involved in this
16 case. I'm assigned as a supervisor over the cold case
17 unit.

18 Q Can you tell me what a cold case is?

19 A Generally, they're violent unsolved crimes that have
20 gone cold; no leads. The original investigators worked
21 them to point where there's really nothing else to
22 work -- and so after a certain period of time, no
23 dedicated period of time, just until they've been
24 worked to a certain extent and they're assigned to our
25 unit where, generally -- I'm the only one that's not

BRIAN GODFREY DIRECT BY MS. WALKER

1 retired. Generally, it's retired investigators that
2 sit back there and read these cases and try to identify
3 new ways to investigate them. Sometimes -- and develop
4 leads after a period of time, knew technology becomes
5 available, we'll expose the evidence to that
6 technology. That's essentially -- and not just murder,
7 it could be aggravated robberies, sexual assaults.

8 Q And so just because a case doesn't have a lead for a
9 while doesn't mean y'all have given up?

10 A No, ma'am.

11 Q And in this case, y'all didn't?

12 A No, ma'am.

13 Q How did you become involved in the investigation of the
14 murder of Antonio Corbit?

15 A I was involved several times over different periods of
16 time -- back in 2009. I reviewed the case -- we
17 checked to see if there were in forensic leads we could
18 get positive results from -- the specific lead as it
19 pertains to why we're here today, I was part of an
20 interview that was conducted on April 11th, 2012.

21 Q But before then, in 2010 and 2009, y'all were following
22 leads?

23 A As they came in, just like any other. I've got
24 approximately, just guesstimating, maybe 60 or 70
25 murders since 1960, and as leads come in, we will

BRIAN GODFREY DIRECT BY MS. WALKER

1 followup on those leads, each individual one as they
2 come in.

3 Q And in 2009 and 2010, did those leads go anywhere?

4 A No, ma'am.

5 Q April the 11th, 2012, can you tell us about the
6 interview you were involved in then?

7 A Yes, ma'am. I made contact with -- or, actually, Chief
8 Wilson made contact with me. I knew they were going to
9 interview Greg Isaac that day. I wasn't privy to the
10 beginning interview. He did inform me that they had
11 taken a statement from Mr. Isaac in reference to this
12 homicide. And on that particular date, Mr. Isaac had
13 not been in the apartment or denied -- that he had
14 never been to that apartment. And that was kind of --
15 he had taken a written statement -- advised him of his
16 rights both orally and written form, so I ask if could
17 go in and interview him --

18 Q By that point, you knew that his fingerprint was at the
19 murder scene?

20 A Yes, ma'am.

21 Q And did you make contact with the Defendant that day?

22 A I did.

23 Q Will you tell us what happened then?

24 A During the course of the interview, at one point, Isaac
25 acknowledged that he was present at the time of the

BRIAN GODFREY DIRECT BY MS. WALKER

1 homicide.

2 Q Had he initially denied being present?

3 A Yes, ma'am.

4 Q Okay. So initially he denies being present?

5 A That's true.

6 Q And then -- fingerprint?

7 A He had already -- before me about the fingerprint. I

8 just advised him that it was impossible for his

9 fingerprint to be there if he wasn't there.

10 Q Okay. I'm sorry. Continue, Investigator.

11 A Once that occurred, he said he was present. He asked
12 to make two phone calls. He was allowed to make those
13 two phone calls from a recorded line.

14 Q Where was he when he made those phone calls?

15 A In the same office, Chief Wilson's office.

16 Q I want to show you what's been marked as State's
17 Exhibit 168 and ask if you recognize that?

18 A I do -- this is Chief Wilson's phone.

19 MS. WALKER: Your Honor, at this point, the State
20 seeks to admit into evidence Exhibit 168.

21 MR. SCHNEE: No objection.

22 THE COURT: So admitted.

23 (State's Exhibit No. 168 was admitted
24 into evidence.)

25

BRIAN GODFREY DIRECT BY MS. WALKER

1 BY MS. WALKER:

2 Q This is the phone call Greg Isaac made -- this is the
3 phone that Greg Isaac used to make his phone call?

4 A That's correct.

5 Q And what does it say right here?

6 A All calls are recorded.

7 THE COURT: It is admitted without objection.

8 MS. WALKER: I --

9 BY MS. WALKER:

10 Q Were you present during the phone call that he made?

11 A Yes, ma'am.

12 Q Do you know who he called?

13 A His mother and -- hold on, please.

14 Q Were you present for the interview that was just played
15 of the victim's son in this case?

16 A I was not.

17 Q Were you present just now?

18 A Oh, yes, yes, I'm sorry.

19 Q And that the victim's son said that the person came in
20 and said he was a Blood.

21 A That's correct.

22 Q What gang is Mr. Isaac in?

23 MR. SCHNEE: Objection, Your Honor, matter of law.

24 THE COURT: What is the objection?

25 MR. SCHNEE: It's a matter of law, Judge.

BRIAN GODFREY DIRECT BY MS. WALKER

1 THE COURT: All right. Ladies and gentlemen, you
2 have to go to the jury room again. Please do not discuss
3 the case.

4 (Whereupon, the jury left the courtroom
5 at 5:23 p.m.)

6 THE COURT: Yes, sir.

7 MR. SCHNEE: First of all, Judge, I would object
8 to any line of questioning as to whether my client is or is
9 not in any association or gang. Second of all, that's a
10 blanket statement. Second, I object to a Brady Rule 5
11 violation. There is absolutely no documentation that
12 they've provided that he is even alleged to be in a gang.
13 And third, the only information in that video is that
14 Travares said he was in a gang, therefore, it is completely
15 improper and highly prejudicial line of questioning and has
16 no relevance to this case.

17 THE COURT: All right.
18 Yes, ma'am?

19 MS. WALKER: Your Honor, on the direct of Rayquan
20 Washington, I didn't ask him about that statement because at
21 that point in time, it was improper. Once Mr. Schnee
22 decided to, I guess, impeach the 16-year-old with the
23 statements he made when he was seven, at which point, he
24 does talk about someone kicking in the door and saying, I'm
25 a Blood, I think at that point in time, Your Honor, the

BRIAN GODFREY DIRECT BY MS. WALKER

1 State has a right because the door has been opened to go
2 into the Defendant's gang affiliation.

3 THE COURT: The Defendant's what?

4 MS. WALKER: Gang affiliation.

5 THE COURT: To prove what?

6 MS. WALKER: To corroborate the identification.

7 The victim's son never said it was Travares World. He said
8 there were people that kicked in the door. One of them
9 said, I'm a Blood. At that point in time, Your Honor, I
10 think the State has a right since the door was opened by
11 Mr. Schnee who first introduced any sort of gang activity in
12 this case to then talk about this Defendant's gang
13 affiliation.

14 THE COURT: All right.

15 Mr. Schnee?

16 MR. SCHNEE: Judge, the only allegation at the
17 time of that video that there is one person who is larger
18 than Mr. Corbit, which, clearly, is not my client. There
19 are --

20 THE COURT: Who is clearly not your client?

21 MR. SCHNEE: Travares World is not my client.
22 Therefore, the statement by him to Mr. Corbit, according to
23 Rayquan Washington that he is a Blood in no way opens the
24 door to question this witness about my client about whether
25 he is or not. There's no relevance to that testimony. And

BRIAN GODFREY DIRECT BY MS. WALKER

1 additionally, I would also ask them to actually provide me
2 with some proof that he is in some sort of gang. They have
3 never provided anything like that because there is no such
4 proof.

5 THE COURT: Well, that's what -- well, you
6 elicited testimony from the previous witness that the person
7 who broke into the house said that he was the Blood. And
8 that's testimony that's in the record. Now, your argument
9 is that the witness was talking about Mr. World. The
10 witness did not identify any of the defendants. The witness
11 spoke of the person who came in and killed his father. Then
12 he said he remembers that there were two people.

13 Anything else?

14 MR. SCHNEE: Judge, I would argue that there is
15 simply no basis to even claim that my client is in a gang.
16 And if there is, again, I would ask for any kind of proof
17 that the government may have. And I would also object under
18 403 that it non-probative and not -- to any fact to ask this
19 witness if my client allegedly is in a gang.

20 THE COURT: Yes.

21 MS. WALKER: In terms of that, Your Honor,
22 speaking with Ms. Campbell, she said she showed -- either
23 showed or gave a copy of these documents to Mr. Schnee this
24 morning, which have numerous arrest reports from this
25 Defendant. One, in which he was arrested for possession of

BRIAN GODFREY DIRECT BY MS. WALKER

1 a stolen pistol, documentation from the Columbia Police
2 Department as he is a gang member of the -- I'm sorry, the
3 gang --

4 THE COURT: All right. I'm going to sustain the
5 objection. I don't believe that the probative value of this
6 outweighs the prejudicial effect and it's -- fact at issue.
7 It may corroborate the identification, it may not. I'm not
8 going to allow the testimony. I think it takes the case in
9 an unneeded direction.

10 MS. WALKER: Yes, sir.

11 THE COURT: All right.

12 MR. SCHNEE: Judge, I would just ask for a
13 curative instruction the question is improper and should be
14 disregarded.

15 THE COURT: The question was a proper question.
16 The evidence probably should be admitted based on testimony
17 that you solicited.

18 Bring in the jury.

19 (Whereupon, the jury enters the
20 courtroom.)

21 BAILIFF: The jury is present and seated, Your
22 Honor.

23 THE COURT: All right. The objection is
24 sustained. The jury is to disregard the previous question.

25 You may proceed.

BRIAN GODFREY DIRECT BY MS. WALKER

1 BY MS. WALKER:

2 Q You said you were present for a phone call that was
3 made by the Defendant to his mother?

4 A Yes, ma'am.

5 Q Have you had a chance to review State's Exhibit 169?

6 A I have.

7 MS. WALKER: Your Honor, at this point, the State
8 seeks to admit Exhibit 169, the recorded phone calls.

9 MR. SCHNEE: Judge, I would just object to
10 relevance of the content of the phone call.

11 THE COURT: All right. What's the relevance of
12 the phone call?

13 MS. WALKER: Your Honor, the defense attorney in
14 his opening statement spoke about all of the duress and the
15 threats that his client was under. This phone call the
16 Defendant makes to his mother, he talks about how he messed
17 up, the things that he did. And at no point in time when
18 he's talking to his mother after initially being confronted
19 with the murder that he committed years earlier does he ever
20 say anything about anyone threatening him or doing anything
21 against his will.

22 THE COURT: All right.

23 MR. SCHNEE: Judge, it's a phone call where my
24 client is clearly upset and informing his mother that he's
25 not coming home that day because the police are charging him

BRIAN GODFREY DIRECT BY MS. WALKER

1 with a murder from 2005. I don't see how in anyway that is
2 relevant. We're not disputing that my client was arrested
3 for it that day.

4 THE COURT: All right. I haven't heard it, so I
5 don't know what it says so I don't have a basis to rule on
6 it.

7 MS. WALKER: Can I hand Your Honor up a transcript
8 of the phone call?

9 THE COURT: All right.

10 MR. SCHNEE: Judge, I've never seen a transcript
11 of a call.

12 MS. WALKER: Here you go, Mr. Schnee.

13 THE COURT: The objection is overruled. You may
14 proceed.

15 MS. WALKER: May I publish the call?

16 THE COURT: Yes.

17 MS. WALKER: Your Honor, may I hand the jury a
18 copy of the transcript?

19 MR. SCHNEE: Judge, I would object to that. That
20 is not a certified transcript and I do not believe it is 100
21 percent accurate.

22 THE COURT: All right. Let's hear it first.

23 (Whereupon, the phone call was played
24 for the jury.)

25 MS. WALKER: May I have the --

BRIAN GODFREY DIRECT BY MS. WALKER

1 THE COURT: I think the objection to the
2 transcript is sustained.

3 BY MS. WALKER:

4 Q Were you able to hear that, Investigator?

5 A Yes, ma'am.

6 Q He said -- excuse my language, but he said I fucked up?

7 A That's correct.

8 Q Did he mention anything about Travares threatening him?

9 A No, ma'am.

10 Q Travares pointing a gun to his head?

11 A No, ma'am.

12 Q Travares telling him you come with he or I'll kill you?

13 A No, ma'am.

14 Q The entire time you were with Greg Isaac, did he
15 mention anything like that?

16 A No, ma'am.

17 Q Not to you?

18 A No, ma'am.

19 Q Not to his mother?

20 A No, ma'am.

21 Q And as you talked to Mr. Isaac about the murder that he
22 committed, did he give you information about his
23 co-defendants?

24 A He did. He identified then.

25 Q And who did he identify them to be?

BRIAN GODFREY DIRECT BY MS. WALKER

- 1 A Tavares World and Vernorris Dixon.
- 2 Q And Mr. Dixon, we heard from earlier?
- 3 A That's correct.
- 4 Q After he gave you that initial information, did he give
- 5 you a verbal confession?
- 6 A That's correct. We sat down and ate Rush's and he
- 7 talked about what occurred.
- 8 Q You provided him with food?
- 9 A Yes, ma'am.
- 10 Q What did Greg Isaac tell you occurred?
- 11 A He stated they went to the victim's, Mr. Corbitt's
- 12 residence in an effort to get money that was owed to
- 13 Tavares World by the victim over some marijuana. He
- 14 stated that he did not know the victim prior to the
- 15 incident. He stated he did believe World -- then he
- 16 stated -- victim's apartment complex in Dixon's wife
- 17 vehicle. He stated that she was not his wife at the
- 18 time. But the vehicle he described was a
- 19 champagne-colored Nissan Altima.
- 20 He stated when they arrived at the apartment
- 21 complex, the victim's vehicle was not there, so they
- 22 pulled to another parking lot in the complex. While
- 23 sitting there, he stated World pulled two handguns out
- 24 from under the seat and handed him one. He stated the
- 25 weapon he had was a 380. He stated they saw the victim

BRIAN GODFREY DIRECT BY MS. WALKER

1 arrive home from where they were sitting in the parking
2 lot. He stated that once the victim went inside, he
3 and World went to the door of the victim. He stated
4 that Dixon stayed in the car during the incident -- the
5 residence. He stated they knocked on the door. He
6 stated he remembered the door when he was taken by the
7 residence -- there was a time the investigators drove
8 him by earlier before I became involved and he was,
9 actually, shown where the apartment was to see if he
10 remembered ever being there because his fingerprint --

11 THE COURT: When you turn your head away from the
12 mike, I can't hear you too well.

13 THE WITNESS: I apologize.

14 The investigators prior to my involvement in the
15 interview took Mr. Isaac to the apartment to see if he
16 remembered ever being there because his fingerprint was
17 found there. He denied remembering ever being there. So he
18 stated that he -- when he was brought by there earlier that
19 he didn't remember. That's what I'm referring in that. He
20 stated that he remembered the door when he was taken by the
21 residence earlier in the day even though he previously lied
22 and stated that he had not ever been to the victim's
23 residence. He stated that the door came open. He stated
24 that Tavares was one that kicked the door open and a verbal
25 altercation ensued between the victim, Mr. Corbitt, and Mr.

BRIAN GODFREY DIRECT BY MS. WALKER

1 World. He state that had World and Mr. Corbitt began having
2 a physical altercation resulting with the victim being on
3 top of Mr. World, so at this point the victim was on top of
4 Mr. World during the physical altercation.

5 He stated he have trying to deescalate the
6 situation and calm both the victim and World down. He
7 stated at one point during the struggle, the lamp fell over
8 and he tried to stop it from hitting the ground and
9 breaking. He stated that is when his print must have gotten
10 on the lamp. He stated that the struck and knocked the
11 victim off of World. He referred to World as the -- he
12 stated that when the victim got back up, he thought the
13 victim may have been armed and panicked. He stated that the
14 victim made a motion that he thought was consistent with
15 reaching for something. He stated he pulled the gun
16 provided to him by World from his waist band and shot the
17 victim, Mr. Corbitt. He stated his intention of going to
18 the residence was not to kill the victim. He stated he
19 realized that the victim did not have a weapon once he shot
20 him. He stated he and World then fled the residence to the
21 awaiting car driven by Mr. Dixon.

22 Q The when you were having this conversation with the
23 Defendant, was he free -- this was just a free
24 conversation or were you asking questions and he was
25 answering or was he just kind of telling you what

BRIAN GODFREY CROSS BY MR. SCHNEE

1 happened?

2 A He was telling me what happened and I was writing it
3 down.

4 Q And he was free to put in any information that he
5 wanted.

6 A I was eating Rush's, too.

7 Q Did you tell him that was any information that you
8 didn't want to have?

9 A No.

10 Q Did you tell him that it was necessary for him to give
11 you all the information at that point?

12 A That's correct.

13 Q And there was no mention of any threats?

14 A No, he never mentioned any threat prior to the incident
15 by Mr. World.

16 Q After interviewing the Defendant about that murder,
17 what did you do?

18 A I left and Chief Wilson and Investigator Crank took a
19 written statement from Mr. Isaac.

20 Q Did you have any other involvement with this
21 investigation after that?

22 A I believe I did. I may have seen Mr. Isaac one more
23 time after the interview was over and after he had
24 given his written statement. But it may have —

25 Q Did you have any interaction with the co-defendants in

BRIAN GODFREY CROSS BY MR. SCHNEE

1 this case?

2 A I did have a brief stint with Vernorris, but he had
3 asked for a lawyer, so that was a short conversation.
4 I'm not privy to any of the other interviews of the
5 other defendants.

6 Q And how many years passed between the night of the
7 murder and when you guys made an arrest in this case?

8 A The murder happened in 2005 and the arrest in 2012, so
9 give or take seven years.

10 Q The man, who on the phone call stated I fucked up, is
11 that man in the courtroom?

12 A He is.

13 Q Can you point him out to the jury?

14 A Mr. Isaac in the yellow shirt.

15 Q No further questions.

16 THE COURT: Mr. Schnee?

17 CROSS-EXAMINATION

18 BY MR. SCHNEE:

19 Q You're reading from your incident report?

20 A Yes, sir.

21 Q Investigative report?

22 A My investigative report, yes, sir.

23 Q Okay. Let's talk a little bit about what else is in
24 your report. You said Greg immediately picked out and
25 identified World and Dixon's photo line-ups?

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 A That's correct.
- 2 Q He was trying to help you?
- 3 A He did.
- 4 Q Okay. He was telling you everything about what those
5 two were doing that night?
- 6 A --
- 7 Q And he said the gun was provided by Travares; right?
- 8 A That's what he said, yes, sir.
- 9 Q Did he tell you anything else by Travares?
- 10 A He knew him by the name Murder.
- 11 Q Correct. Anything else?
- 12 A Mr. World had used Dixon's name in prior arrest. Said
13 he had known him since 2005. He stated he was
14 currently being housed at the Alvin S. Glenn Detention
15 Center.
- 16 Q And all that was true?
- 17 A I did go back and check and corroborated that he had
18 used Dixon's name in the past. I couldn't corroborate
19 that he had known him since 2005, he told me that. And
20 he was certainly being house at the Alvin S. Glenn
21 Detention Center. I corroborated that as well.
- 22 Q Okay. Also, described World as very short tempered?
- 23 A One moment, please. Isaac described World as very
24 short tempered with his -- I interpreted that from his
25 words. When he used the words no head, that's how he

BRIAN GODFREY CROSS BY MR. SCHNEE

1 described him. I interpreted it, yes, as short
2 tempered.

3 Q Did he say anything else after that? Did he tell you
4 -- did he try to talk about other incidents he may have
5 been involved in, that World was involved in?

6 A That's correct.

7 Q Okay. Do you try to corroborate any of those?

8 A That particular incident, I don't believe that I did.
9 I didn't have a whole lot of involvement in this case
10 past that interview. Other investigators were working
11 on those particular issues.

12 Q Okay.

13 A I tried to corroborate the co-defendant stuff.

14 Q All right. Now, he said that Travares World gave him
15 the gun; right?

16 A Yes, sir.

17 Q He said Travares kicked in the door?

18 A Yes, sir.

19 Q Travares got in the right with Mr. Corbitt?

20 A That's correct.

21 Q Okay. Now, this phone call the solicitor wanted
22 everyone to hear.

23 A Yes, sir.

24 Q This phone call between Greg and his mother?

25 A That's correct.

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 Q It was very clear that Greg is very upset?
- 2 A He sounded upset to me.
- 3 Q He was pretty much saying good-bye to his mother?
- 4 A No.
- 5 Q You don't think so?
- 6 A No.
- 7 Q That's not what it sounded like?
- 8 A That he was saying good-bye?
- 9 Q As in I'm being locked up, I won't see you for a long
10 time?
- 11 A She could have said I'm going to come down there and
12 see you, so I don't think he was saying good-bye.
- 13 Q When he said the phrase, I fucked up, he was talking
14 about what happened in 2005; right?
- 15 A I believe he was talking about he fucked up because he
16 had murdered somebody.
- 17 Q Okay. Well, because he had shot someone?
- 18 A Because he had murdered somebody.
- 19 Q So you think that means that he acknowledged the legal
20 definition of murder?
- 21 A He said murder --
- 22 Q Which is what you said you were charging him with;
23 right?
- 24 A Yeah. So he did use the legal term murder.
- 25 Q Well, that's what you told him you were charging him

BRIAN GODFREY CROSS BY MR. SCHNEE

1 with, the legal term murder?

2 A I never told him I was charging him with anything. Me
3 and him didn't have that conversation. I was in there
4 to talk about the fact that he was lying about his
5 fingerprint being in the residence.

6 Q And then you said the residence where someone was
7 murdered?

8 A I don't know that I used the term murder.

9 Q Well, did --

10 A But he was murdered, I agree with you on that.

11 Q I don't, but --

12 MS. WALKER: Objection.

13 Q -- did anyone else use that term?

14 THE COURT: All right. The objection is sustained
15 as to being argumentive with the witness, stating opinions
16 rather than posing questions. Proceed with questions not
17 statements.

18 BY MR. SCHNEE:

19 Q Greg gave you information about Venorris Dixon as well;
20 didn't he?

21 A Yes, sir.

22 Q He gave you nicknames?

23 A He gave me the nickname of Luke.

24 Q He said he worked for United Car Sales?

25 A He stated he worked for United Car Sales at one point

BRIAN GODFREY CROSS BY MR. SCHNEE

1 and I corroborated that.

2 Q And that's because Vernorris also went there; right?

3 A No, I corroborated that because said in the Alvin S.
4 Glenn Detention Center where I pulled a document that
5 said that once he was employed at United Car Sales,
6 that's how.

7 Q So you're not aware that Venorris went there and
8 committed an armed robbery?

9 A I don't know anything about that.

10 Q Okay.

11 A It states in my report I corroborated --

12 Q I was just asking if you had any knowledge.

13 MS. WALKER: Objection, Your Honor, I ask the
14 witness be allowed to finish his statement.

15 THE COURT: All right. When there's a question
16 posed, wait for the witness to answer before asking another
17 question.

18 THE WITNESS: The way that I corroborated that he
19 worked for United Car Sales -- that we use to identify
20 people and there was information that said he worked for
21 United Car Sales, that's how I know he worked there.

22 BY MR. SCHNEE:

23 Q Okay. Well, my question was do you have knowledge that
24 Venorris Dixon, while working there, Travares World
25 came and committed an armed robbery?

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 A I have heard people talking about that here today. I
2 do not know anything about that. I didn't do the
3 investigation on that whatsoever.
- 4 Q Okay. That's all I was asking if you had knowledge.
5 Now, my client also said in your interview that he
6 thought that Mr. Corbit was reaching for a weapon?
- 7 A He said that when the victim got back up, he thought
8 the victim may have been armed and panicked. He stated
9 the victim made a motion that he thought was consistent
10 with reaching for something.
- 11 Q Okay. So he thought -- Greg thought Mr. Corbit was
12 reaching for a gun, that's what he told you?
- 13 A He said reaching for something, which you would assume
14 he was maybe reaching -- he could have been reaching
15 for anything. It was his house. He could have been
16 reaching for a --
- 17 Q TV remote?
- 18 A TV remote, anything, yeah.
- 19 Q Oh, okay. Reaching behind his back for a TV remote, is
20 that your answer?
- 21 A I don't know.
- 22 Q Okay. In Greg's written statement, that's what he
23 says, isn't it?
- 24 A I didn't take that written statement.
- 25 Q Okay. Just what you put down in your own notes?

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 A That's correct.
- 2 Q Did Greg Isaac sign this?
- 3 A No.
- 4 Q So this is just your version of what you wrote down?
- 5 A No, this is his version.
- 6 Q This is --
- 7 A My version of what he wrote -- or what he said, yes.
- 8 Q This report is your words?
- 9 A That's correct. No, it's his words, I just wrote what
- 10 he said.
- 11 Q Did he type this?
- 12 A No, I typed it.
- 13 Q Okay. So you're the one that typed these words?
- 14 A That's correct.
- 15 Q Do you have any handwritten notes that you took during
- 16 this?
- 17 A No, sir.
- 18 Q What happened to those?
- 19 A After I converted it to typing, I destroyed them.
- 20 Q So you destroyed your handwritten notes?
- 21 A Do it every time.
- 22 Q Okay. So if there are any minor inconsistencies, we
- 23 wouldn't know that, would we?
- 24 A There are no minor inconsistencies.
- 25 Q How do we know?

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 A Because I typed it up as soon as I finished it.
- 2 Q Just we just have to trust you?
- 3 A That would be correct.
- 4 Q Oh, okay. He also said that Travares World pulled out
- 5 two handguns from under the seat?
- 6 A Yes, sir.
- 7 Q So that you did write down?
- 8 A Let's see. He stated that World pulled two handguns
- 9 out from underneath the seat.
- 10 Q He also said he tried to deescalate the situation?
- 11 A That's what he says he tried to do, that's correct.
- 12 Q Greg Isaac used the word deescalate?
- 13 A No, that's my words.
- 14 Q I thought these were all his words?
- 15 A Those are his words.
- 16 Q Deescalate is his word?
- 17 A That's my version and interpretation of what he said,
- 18 yeah.
- 19 Q So the words that you're speaking and reading from your
- 20 report are your interpretation of what he says?
- 21 A Yeah, just like when he said no head, I said very short
- 22 temper. That's my interpretation of what he said, yes.
- 23 Q So there's your interpretations in here?
- 24 A That's correct.
- 25 Q Okay.

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1 MR. SCHNEE: I don't have anything else for this
2 witness.

3 THE COURT: Anything further?

4 MS. WALKER: I don't have anymore questions, Your
5 Honor.

6 THE COURT: All right. Thank you, sir. You may
7 step down.

8 All right. Ladies and gentlemen, this is the time
9 that we'll stop for today. Thank you very much. And we
10 will proceed tomorrow morning at 9:30. Have a good evening.
11 Please do not discuss the case.

12 (Whereupon, the jury left the courtroom
13 at 5:53 p.m.)

14 THE COURT: Anything before we leave from the
15 State?

16 MS. WALKER: Nothing from the State, Your Honor.

17 THE COURT: All right. 9:30 tomorrow morning.

18 (The following proceedings were
19 concluded for October 1, 2013.)

20 (The following proceedings were held on
21 October 2, 2013.)

22 THE COURT: All right. Bring the jury in.

23 (Whereupon, the jury returned to the
24 courtroom at 9:33 a.m.)

25 BAILIFF: Your Honor, the jury's present and

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1 seated.

2 THE COURT: Thank you.

3 Mr. Foreman, how is the jury doing?

4 PROSPECTIVE JUROR: Fine.

5 THE COURT: Good, that's what we like to hear.

6 Day number three.

7 State's case, next witness.

8 MS. CAMPBELL: May it please the Court. State
9 would call Dr. Clay Nichols.

10 THEREUPON,

11 CLAY NICHOLS, M.D.,
12 after having been duly sworn, testified as follows:

13 THE CLERK: Thank you. Have a seat in the witness
14 stand, please. State your name for the record.

15 THE WITNESS: Clay L. Nichols, N-I-C-H-O-L-S.

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q Dr. Nichols, where are you currently employed?

19 A I'm the deputy chief medical examiner for the State of
20 North Carolina.

21 Q And back in 2005, where were you working?

22 A I was working here in Columbia. I was the chief
23 medical examiner of Richland County and pathologist
24 for --

25 Q Can you tell this jury a little bit about your

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1 education and your training in the field of
2 specifically forensic pathology?

3 A I received my Bachelor of Science degree from the
4 University of Oklahoma in 1981. After that I entered
5 med school in Oklahoma, completed that in 1985.
6 Following graduation, I entered residency program in
7 Charleston at MUSC in both anatomic and forensic
8 pathology, completed that in 2000. After that --
9 excuse me, 1990. After that, I was on the faculty for
10 10 years. After that, in 2000, I moved here to
11 Columbia where -- chief medical examiner Richland
12 County. Following that, I entered a one-month period
13 of retirement and my wife said I couldn't retire --
14 North Carolina. I'm Board certified by both the
15 anatomic and forensic pathology Boards.

16 Q And have you been qualified before in the field of
17 forensic pathology?

18 A Numerous times.

19 MS. CAMPBELL: Your Honor, at this time, we would
20 offer him as an expert in the field of forensic pathology.

21 MR. SCHNEE: I'll stipulate to that.

22 THE COURT: He is so qualified.

23 MS. CAMPBELL: Thank you.

24 BY MS. CAMPBELL:

25 Q Doctor, what is forensic pathology?

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 A Forensic pathology is a branch of pathology that deals
2 with people who have suspicious or unnatural deaths.
3 When a pathologist goes in the forensic program --
4 autopsy and that's basically the hospital autopsy where
5 the cause of death is to make -- forensic pathology
6 deals with people who meet unnatural deaths --

7 Q I want to turn your attention to this case. Did you
8 perform an autopsy on Antonio Corbitt?

9 A Yes, I did.

10 Q And when did you, actually, perform that autopsy?

11 A October 28th, 2005, at 9:30 a.m.

12 Q Where did that autopsy take place?

13 A At Richland Hospital.

14 Q Tell the jury in this case as you started the autopsy
15 what, generally, you observed?

16 A Essentially, I observed a dead black male. There was
17 minimal clothing involved and there was also a gunshot
18 wound to the upper abdomen as a result of the gunshot
19 wound that was located 22 inches from the top of the
20 head -- I noticed there was no soot or powder stippling
21 around it and this indicates a distant gunshot wound.
22 The wound itself measured 0.3 by 0.25 inches in
23 diameter. There was a semi-circular -- border
24 present -- position. The bullet was found near the
25 abdomen, which is the belly, traveling roughly 45 to

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- 1 the left, 45 degrees downward and 10 degrees backwards.
- 2 Along the course, the bullet lacerated several -- small
- 3 intestine, the left iliac artery and comes to rest near
- 4 the left femur. The recovered projectile appears to be
- 5 a brass covered bullet -- base with number 250, which
- 6 is the autopsy number for that particular year and
- 7 initial CN, which are my initials, on the base of the
- 8 bullet. In addition to the lacerations, there was a
- 9 large amount of blood in both the belly and --
- 10 peritoneal area, multiple small abrasions were
- 11 identified to the face, including some scratches.
- 12 There was a contusion, laceration to the --
- 13 Q Let me back up for a minute. You first observed --
- 14 gunshot wound to the abdomen area?
- 15 A Yes, ma'am.
- 16 Q And approximately where in the abdomen was the gunshot
- 17 wound?
- 18 A May I stand up?
- 19 Q Yes, sir.
- 20 A Approximately here.
- 21 Q And you also mentioned as part of your observations
- 22 externally, a number of scratches on this person?
- 23 A Yes.
- 24 Q And where were those scratches located?
- 25 A Essentially on the face. Specifically, there were

CLAY NICHOLS DIRECT BY MS. CAMPBELL

- 1 small, curved and linear scratches identified on the
2 face and the neck. These are consistent with
3 fingernail marks — 0.2 inch, a 0.7 inch similar
4 scratches on the face of the anterior neck, which is
5 approximately here, a 0.5 inch curve scratch beneath
6 the right jaw, three to four — placed along the right
7 lower side of the neck measuring from 0.2 to 0.5
8 inches. In addition, there was approximate 0.6 inch
9 abrasion on the chin.
- 10 Q All right. And the scratches, you said they were
11 circular in nature?
- 12 A Curved.
- 13 Q And you said those were consistent with what?
- 14 A Fingernail marks.
- 15 Q Would that be consistent with someone having been held
16 around the neck?
- 17 A Grabbed or held, yes.
- 18 Q And describing these scratches, there's also one on the
19 chin, I believe?
- 20 A Yes.
- 21 Q Were those a contributing cause to his death?
- 22 A No.
- 23 Q If you had to describe them, how would you characterize
24 those?
- 25 A Evidence of a minor struggle before the person died.

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 Q You also mentioned, I believe, there was one contusion
2 on the elbow?

3 A Yes.

4 Q And when I say the word contusion, what am I saying?

5 A Bruising.

6 Q Do you always look for what's known as defensive
7 wounds?

8 A Yes.

9 Q And what are defensive wounds, sir?

10 A Defensive wounds are wounds to the hands and arms,
11 typically, the forearms, where the person is trying to
12 ward off an attacker. This is especially important,
13 such as in stabbings where oftentimes you will see
14 cutting or actual stabbings to the hands or forearms as
15 a result of the person trying to defend themselves.

16 Q Did you note any defensive wounds on the hands and the
17 arms?

18 A There were none.

19 Q And, in fact, was there any evidence of any kind of
20 stabbing in this case?

21 A No.

22 Q I want to go back to the cause of death. Once you make
23 your external examination and note those injuries --
24 also, was there someone there, actually, photographing
25 this?

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 A A representative from the sheriff's office, yes.

2 Q And those aren't necessarily admissible, but those were
3 photographed to memorialize it?

4 A Yes.

5 Q Once you made your external observations, did you then
6 open him up and do an internal examination?

7 A Right. That would be the internal description and
8 that's essentially when the session starts. All major
9 organs are removed, examined. Small pieces of tissue
10 are removed from each major organ system and submitted
11 for microscopic examination.

12 Q And that's pretty much standard procedure in an
13 autopsy?

14 A Yes.

15 Q In this case, in your internal examination, the path of
16 the bullet took, can you describe that for the jury?

17 A Can I stand up again? The bullet entered approximately
18 here and traveled in this direction (indicating),
19 approximately 45 degrees downward, 45 degrees to the
20 left and slightly backwards.

21 Q And its traveling inside the body, what, if any, damage
22 did it do that ultimately caused his death?

23 A The main damage was laceration of the left iliac
24 artery, which is a major artery that pretty much
25 supplies blood to the left side of your leg.

CLAY NICHOLS DIRECT BY MS. CAMPBELL

- 1 Q When you say laceration to the iliac artery?
- 2 A Right.
- 3 Q If that artery is lacerated, what is the result as far
- 4 as bleeding?
- 5 A Oh, massive bleeding as a result of that. It is a main
- 6 artery.
- 7 Q Would that bleeding have been immediate?
- 8 A Absolutely.
- 9 Q As far as connection with his other injuries, the minor
- 10 scratches and other ones you saw, what would have been
- 11 the major contributor to any bleeding there at the
- 12 scene?
- 13 A None.
- 14 Q It would have come from the gunshot wound?
- 15 A Yes.
- 16 Q You mentioned in your description of what you observed,
- 17 that there was no soot or stippling, I believe, around
- 18 the gunshot itself?
- 19 A Yes.
- 20 Q And is that significant in your findings?
- 21 A Yes, it is.
- 22 Q Can you explain that to the jury?
- 23 A When an autopsy is performed, the gunshot wound
- 24 involved, the forensic pathologist tries to estimate
- 25 the distance that the muzzle of the gun was away from

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 the victim when the trigger was pulled. We have four
2 basic distances. One is a hard contact gunshot wound
3 where the muzzle is tight against the skin when the
4 trigger was pulled. Once is a loose contact gunshot
5 where the muzzle is just pushed up against the skin.
6 In that particular case, soot, powder, whatever is
7 deposited around the wound track. Back up a couple
8 inches, the trigger is pulled, the bullet comes out,
9 soot -- and unburned gunpowder is present gets
10 deposited in the skin in a salt and pepper like
11 pattern. You see little black dots -- around the
12 wound. Back up, depending on the gun and ammunition
13 used, from 12 inches to a maximum of 24 inches, the
14 trigger is pulled, you still get the stippling. But
15 then you go past the 24 inches, pull the trigger, the
16 only thing that strikes the skin is the bullet.

17 Q In this case, I believe, you characterized this gunshot
18 wound as distant?

19 A That's correct.

20 Q What does that mean to you, sir?

21 A It was approximately 12 to 24 inches away when the
22 trigger was pulled and could be a lot further,
23 depending on the gun and type of ammunition and
24 situation in which the gun was fired.

25 Q So the tip of the gun would have been at least 12 to 24

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 inches away from the victim -- from where it struck the
2 victim?

3 A Yes.

4 Q And it could be further you mentioned?

5 A Yes.

6 Q And can you say it could have been yards further, feet
7 further, anything of the nature?

8 A It would be up to the maximum range for that weapon.

9 Q So the distance that you determined in this case goes
10 from anywhere 12 to 24 inches to the maximum?

11 A That's correct.

12 Q In this case, did you recover a projectile or a bullet?

13 A Yes, I did.

14 Q Where was that recovered, sir?

15 A It was recovered from near the left femur, which is the
16 large leg bone on the left side of your body.

17 Q And once you recovered that, did you make any
18 notations?

19 A Yes, I did. I put the number 250 and the initials CN
20 on the base of the bullet.

21 Q And number 250 means what?

22 A That's the autopsy number for that particular year,
23 2005.

24 Q And the letters CN are what?

25 A My initials.

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 Q Once that bullet was recovered, was it turned over to
2 law enforcement?

3 A Yes, I was.

4 Q As well as any clothing in this case?

5 A Yes.

6 Q Let me show you what's been marked Exhibit 171. Does
7 this indicate the clothing that was recovered?

8 A Yes. 2.

9 MS. CAMPBELL: Your Honor, at this time, I would
10 move 171 into evidence.

11 MR. SCHNEE: Judge, I don't see the relevance of
12 it, but I have no objection to them introducing it.

13 THE COURT: That's admitted without objection.

14 MS. CAMPBELL: Thank you, sir.

15 (State's Exhibit No. 171 was admitted
16 into evidence.)

17 BY MS. CAMPBELL:

18 Q In this case, the victim came in with the hands bagged?

19 A Yes.

20 Q Is that unusual?

21 A No.

22 Q And --

23 A That's correct.

24 Q Finally, you talked about the pre-mortem, before death
25 abrasions. Did you also post mortem abrasion to the

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 knee area?

2 A Yes.

3 Q And what does that mean, sir?

4 A It means that he didn't have blood pressure at the time
5 when the abrasion occurred.

6 Q And would that be consistent with someone collapsing
7 after being shot?

8 A Collapsing after they were shot to the point that no
9 blood was going to that knee any more.

10 Q And the other minor injuries you noted to the head and
11 the face, there would have been before he died?

12 A Yes.

13 Q As part of the autopsy, is a toxicology test done?

14 A Yes.

15 Q In this case, what were the results of the toxicology
16 tests?

17 A I do not have that report at this time.

18 Q I apologize. Do you do an initial report?

19 A Yes.

20 Q Then is it updated later?

21 A When toxicology comes back, yes.

22 Q Is that a copy of your report?

23 A Yes, it is. No -- ethanol was identified, which means
24 there was no alcohol, however -- THC, which is the
25 metabolite of marijuana was identified.

CLAY NICHOLS CROSS BY MR. SCHNEE

1 Q Metabolite of marijuana?

2 A Yes.

3 Q And from that finding, can you say exactly when he may
4 have smoked marijuana --

5 A No.

6 Q -- before his death? Did his marijuana smoking
7 contribute in any way to his death?

8 A No.

9 Q Now, Doctor, the cause of death in this case was what?

10 A -- hemorrhage -- penetrating gunshot wound to the right
11 abdomen, essentially --

12 Q And what was it that the shot went through that caused
13 his death so quickly?

14 A The left iliac artery.

15 Q Once that artery was severed, would he have died
16 quickly?

17 A Yes.

18 MS. CAMPBELL: Beg the Court's indulgence.

19 Thank you, sir.

20 CROSS-EXAMINATION

21 BY MR. SCHNEE:

22 Q You said there was evidence of what you described as
23 fingernail scrapings on the neck?

24 A Yes.

25 Q Other bruising on the face?

CLAY NICHOLS CROSS BY MR. SCHNEE

1 A Yes.

2 Q You described that as consistent with a struggle or a
3 fight?

4 A Yes.

5 Q Okay. Is there anything within your autopsy that would
6 say who the fight was with?

7 A No.

8 Q Or what the fight was over?

9 A No.

10 Q Okay. In terms of the gunshot wound, you said it was
11 between 12 inches and could be a mile way, whatever the
12 longest range of the bullet is?

13 A That's correct.

14 Q Okay. Do that indicate who or why shot him?

15 A No.

16 Q No further questions.

17 THE COURT: Anything further?

18 MS. CAMPBELL: No, sir.

19 THE COURT: All right. Thank you, sir.

20 THE WITNESS: My pleasure, Your Honor.

21 MS. CAMPBELL: Beg the Court's indulgence.

22 The State calls Chief Wilson.

23 THEREUPON,

24 DAVID WILSON,

25 after having been duly sworn, testified as follows:

1 THE CLERK: Thank you. Have a seat in the witness
2 stand, please. State your name for the record.

3 THE WITNESS: David Wilson, W-I-L-S-O-N.

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q Chief Wilson, where are you employed?

7 A With the Richland County Sheriff's Department.

8 Q What do you do there, sir?

9 A Deputy chief of the criminal investigative division.

10 Q How long have you been in law enforcement?

11 A Thirty-years.

12 Q As chief of the criminal investigative division, what
13 are your duties?

14 A I directly supervise about 150 employees, all the
15 investigators in the sheriff's department, the
16 laboratory, people that you heard from yesterday and
17 previous day, the narcotics unit --

18 Q And your supervisor is the sheriff?

19 A That's correct.

20 Q And who's the sheriff?

21 A Leon Lott.

22 Q On occasion, is it unusual for your to become involved
23 in the investigation of a case?

24 A It does happen from time to time, but I'm mainly
25 administrator now.

1 Q I want to direct your attention back to 2011, 2012 time
2 period. Did you become involved in this cold case?

3 A I did.

4 Q When I say a cold case, explain to the jury what a cold
5 case is?

6 A A cold case are cases that have gone on for a period of
7 time and we have exhausted all available leads and
8 investigative techniques that we aware of. So we
9 switch these cases, and they're usually homicide cases,
10 robbery cases, sexual assaults to the cold case unit to
11 be reviewed to have a second set or third set of eyes
12 to look at these cases and see if they pick up
13 something that the original investigator missed.

14 Q And over the years, has technology become a little more
15 defined I guess is good word for it?

16 A Absolutely. Technology improves our ability everyday.

17 Q In the course of this investigation, did you personally
18 have a chance to review --

19 A Yes.

20 Q And at some point in February of 2012, did y'all go
21 back and reinterview the son of the victim in this
22 case?

23 A Yes, we did.

24 Q What was the purpose in that?

25 A There were a number of reasons we wanted to do that.

1 We reviewed the video when he was interviewed when he
2 was seven or eight years old. In many instances, it's
3 been my experience over the years and it's well
4 documented in scientific research that witnesses recall
5 things as it gets farther and farther from the time of
6 the event. Probably the best example of that is sexual
7 assault. You've got children that are victimized --

8 MR. SCHNEE: Judge, I object to the foundation of
9 this type of testimony.

10 THE COURT: Ms. Campbell?

11 MS. CAMPBELL: Your Honor, he was just explaining
12 why they went to interview the victim's child in this case.
13 He was eight years old at the time he witnessed the murder.

14 THE COURT: All right. Basis for the objection.

15 MR. SCHNEE: Judge, the witness seems to be going
16 into child psychology and memory issues and I object to this
17 witness's foundation to testify about that.

18 THE COURT: All right. Ask a specific question.

19 BY MS. CAMPBELL:

20 Q Is it unusual for you to go back and reinterview a
21 child witness?

22 A No, not at all.

23 Q And just, basically, what is the reason for that
24 simply?

25 A Things come back to witnesses over a period of time.

1 When you're traumatized as in this incident where you
2 see your father killed —

3 MR. SCHNEE: Judge, I object again on the same
4 basis.

5 THE COURT: All right. I sustain the objection.

6 BY MS. CAMPBELL:

7 Q This is not unusual for you to do?

8 A No, not at all.

9 Q You can't say what he said to you, but did y'all go
10 back and reinterview him?

11 A We did.

12 Q Then that next month, in March of 2012, did you request
13 — or was there a request made for a certain
14 fingerprint to be looked at again?

15 A We work together as a team. A meet with our laboratory
16 people on a regular basis when we're working a case
17 like this. So all the fingerprints, all the evidence
18 was relooked at during that time period.

19 Q Did you become aware of a fingerprint that had been
20 lifted from a lamp?

21 A I did.

22 Q And on March the 30th, what did you receive notice of?

23 A I received notice of a fingerprint match.

24 Q And who did it match to?

25 A To Greg Isaac.

1 Q At that point, had Greg Isaac's name ever come up as
2 far as you know in the investigation?

3 A No, it had not.

4 Q Based on the fingerprint match -- well, let me back up.
5 Is that significant as far as your investigation?

6 A Certainly is.

7 Q With that information, did you make attempts -- you
8 can't anything, but did you make attempts to make
9 contact with Greg Isaac?

10 A Yes.

11 Q And, specifically, was he brought to headquarters on
12 April the 11th, 2012?

13 A He was.

14 Q And did you make contact with him at that time?

15 A I did.

16 Q And approximately what time of day was it that he was
17 brought to the sheriff's department?

18 A It was early morning yours. I think I received
19 notification probably about 7:30, 8:00 and I went to
20 the sheriff's department that morning.

21 Q Once you made contact with Mr. Isaac, where were y'all
22 in the sheriff's department?

23 A We were in my office sitting at the conference table.

24 Q Who all was present when you first made contact with
25 him?

1 A There was an Officer Brett and myself and Greg Isaac.

2 Q Prior to questioning him in any way, what did do you?

3 A I took out one of our advice of rights forms,
4 constitutional rights and I read that form to him, to
5 include his waiver of rights.

6 Q And as far the rights that were read to him that
7 morning, was that normally what you would do when
8 somebody is a suspect in a case?

9 A That is correct.

10 Q What did those rights include?

11 A I don't think I have a copy of them in here. Yeah, I
12 do. In our advice of rights form, there's a place for
13 the name, place for the officer involved at the time.
14 I did not actually fill out -- I was giving him the
15 verbal advice of rights. I did not fill out anything
16 on the initial advice of rights. But it starts -- the
17 top part of the form says your right and it starts off
18 before we ask you any questions, you must understand
19 your rights. You have the right to remain silent.
20 Anything you say could be used against you in court --
21 I'm sorry, can be used against you. You have the right
22 to talk to a lawyer for advice before we ask you any
23 questions, to have a lawyer with you during
24 questioning. If you cannot afford a lawyer, one will
25 be appointed for you before any questioning if you

1 wish. If you decide to answer questions now without a
2 lawyer present, you still have the right to stop
3 answering at any time. You also have the right to stop
4 answering any time until you talk to a lawyer. The
5 bottom part is the waiver of rights. I have read the
6 statement of my rights and understand what my rights
7 are. I'm willing to talk and answer questions,
8 understand and know what I'm doing. No promise have
9 been made to me, no pressure or coercion has been used
10 against me. I usually go into the definition of
11 coercion.

12 Q And those rights were explained to him that morning
13 prior to you talking to him?

14 A Yes, ma'am, they were.

15 Q And did Mr. Isaac indicate whether or not he understood
16 his rights?

17 A He did, he did understand his rights and he offered
18 that he was willing to talk to me.

19 Q So he was willing to talk to you?

20 A That's right.

21 Q Tell the jury, basically, once he had been advised of
22 his rights and indicated he wanted to talk to you what
23 you did?

24 A We talked about the homicide, about the murder of
25 Antonio Corbitt. I laid out some brief facts about

1 location -- killed and then questioned him about his
2 involvement. He denied any involvement. He denied
3 knowing anything and he denied having ever been there
4 to the apartment.

5 Q So he denied knowing the victim?

6 A He did.

7 Q And what did he indicate about having been in the
8 apartment where the fingerprint was found?

9 A Stated he had never been there.

10 Q At some point during the interview did you mention to
11 him about the fingerprint?

12 A Yes.

13 Q And once you brought up the fingerprint that was found
14 on the lamp inside the apartment, what did he then say
15 to you?

16 A He then gave us a story that he had a twin brother and
17 it must have been his brother that we were looking for.
18 At that point, I had Investigator Crane, who had joined
19 me in the interview, leave the interview and go
20 research if Greg had a twin brother. We found out that
21 he did have a twin brother, much to our surprise. At
22 that point, I wanted to make sure I had the right
23 person, so I took him back to our laboratory, had him
24 refingerprinted and had the fingerprint rechecked,
25 which it did come back, in fact, to Greg Isaac.

1 Q And his twin brother, was he still alive at the point
2 of interviewing him?

3 A No, he had died in a car wreck in 2005 prior to the
4 murder taking place.

5 Q And how many months prior to the murder taking place
6 did his twin brother die?

7 A Without looking at the report, it was either May or
8 June, and this happened in October.

9 Q And again, that was after you told him that his
10 fingerprint was inside?

11 A That is correct.

12 Q At that point, after he gave the story about how his
13 twin brother had done it, did he then reiterate
14 whether -- anything about what he knew about the victim
15 or this incident?

16 A He continued to deny knowing the victim, having ever
17 been to his place of residence.

18 Q In that same vein, did he ever -- did he deny doing
19 anything to the victim?

20 A Yes.

21 Q That morning, did you then take further steps to ensure
22 his rights were observed?

23 A Well, at that point, I wanted to take a written
24 statement, so I readvised him of his rights using the
25 original advice of rights form.

1 (State's Exhibit No. 1 was marked for
2 identification.)

3 BY MS. CAMPBELL:

4 Q I'm going to show you what has been marked as State's
5 Exhibit No. 1 in this case. Do you recognize this?

6 A Yes, ma'am, this is the advice of rights form I filled
7 out that morning.

8 Q And on that advice of rights form, what does it
9 indicate?

10 A It has the Defendant's name at the top, the place,
11 which was Richland County Sheriff's Department, my name
12 and Investigator Crane's name, the date, 04/11/12, and
13 9:50 in the morning.

14 Q What time, I'm sorry?

15 A 9:50 a.m.

16 Q A.m.?

17 A It doesn't have a.m. on here, but I normally put
18 military time on here. So if it was at night, it would
19 be 2150.

20 Q At the top of that form, it's got his name?

21 A It does.

22 Q And the place it took place?

23 A Pardon me?

24 Q The place it took place?

25 A Yes.

1 Q What officers were present?

2 A That's correct.

3 Q And who was present that morning when you advised him
4 of his rights?

5 A In this particular incident, it was myself and
6 Investigator Crane.

7 Q And is Investigator Crane here in the courtroom?

8 A He is.

9 Q Where is he seated?

10 A He's the gentleman in the white pants and kind of gray
11 jacket (indicated).

12 Q Right here?

13 A Yes, ma'am.

14 MS. CAMPBELL: Your Honor, at this time, we would
15 offer State's Exhibit No. 1 into evidence?

16 THE COURT: Any objection?

17 MR. SCHNEE: I just want to see it. No objection.

18 THE COURT: It's admitted.

19 (State's Exhibit No. 1 was admitted into
20 evidence.)

21 BY MS. CAMPBELL:

22 Q Can you go through this exactly how you explained his
23 rights to him that morning for the second time?

24 A Yes, ma'am. Once again, I read this form to him. A
25 lot of people that we deal with on a day-to-day basis

1 struggle with reading and writing. Before we ask you
2 any questions, you must understand your rights. You
3 have the right to remain silent. Anything you say can
4 be used against you in court. You have the right to
5 talk to a lawyer for advice before we ask you any
6 questions and have a lawyer with you during any
7 questioning. If you cannot afford a lawyer, one will
8 be appointed for you before any questioning if you
9 wish. If you decide to answer questions now without a
10 lawyer present, you still have the right to stop
11 answering at any time. You also have the right to stop
12 answering any time until you talk to a lawyer.

13 The bottom part, the waiver of rights. I have
14 read the statement of my rights. I understand what my
15 rights are. I'm willing to talk and answer questions.
16 I understand and know what I'm doing. No promises have
17 been made and no pressure or coercion have been used
18 against me. Once again, I always go through the
19 definition of coercion. People sometimes don't
20 understand that. I usually use the analogy of we're
21 not holding a gun on you -- I also noted down here that
22 he has a ninth grade education, so he can read and
23 write.

24 Q And that was information he provided to you?

25 A That is correct.

1 Q Once you advised him of his rights, he acknowledged
2 that he understood his rights?

3 A He did.

4 Q And at that point, did he sign off indicating he
5 understood his rights?

6 A He signed both that he understood his rights and he was
7 willing to talk to us and signed his waiver of rights.

8 Q What was that specific waiver of rights again that he
9 signed indicating he was willing to talk?

10 A I have read the statement of my rights and
11 understand -- I understand and know what my rights are
12 and am willing to talk and answer questions. I
13 understand and know what I'm doing. No promises have
14 been made to me. No pressure or coercion has been used
15 against me. And each one of these boxes also checked
16 them off.

17 Q Whose signature is this in two different places?

18 A The Defendant (indicating).

19 Q Then witnessed by whom?

20 A Myself and Investigator Crane.

21 Q Once he had been advised of his rights, did you then
22 proceed to take a written statement from the Defendant?

23 A Yes, ma'am.

24 Q And explain to the jury how that started?

25 A Basically, we have statement forms that we use --

1 statement forms. And I was, actually, taking the
2 statement on my desktop computer so that it can be
3 read. My handwriting is probably not the best in the
4 world. So I started the statement about five minutes
5 after advisement of rights.

6 Q Okay. And as you started the statement, explain to the
7 jury what happened?

8 A As we're talking to Mr. Isaac, he became unsure of the
9 apartment complex we were talking about -- he became
10 unsure of whether or not he had ever been there. So
11 myself and Investigator Crane asked him if he would
12 ride to the apartment complex with us. So we,
13 actually, left the sheriff's department, went across
14 town -- and went into the apartment complex.

15 Q That apartment complex is here in Richland County?

16 A Yes, it is.

17 Q Once you got to the apartment complex, what area did
18 you go to?

19 A We went directly into the second entrance where the
20 victim lived, where Antonio Corbitt lived. Up to that
21 point, we had been having a conversation back and forth
22 about whatever, everyday stuff. When we pulled up in
23 front of the apartment -- he kind of shut down. I
24 asked him if he recognized the apartment and he said he
25 definitely had never been there before. You know, I

1 was are you are sure. He continued to deny ever being
2 there.

3 Q Once you showed him the apartment area, he continued to
4 deny ever being in that apartment, where did you go?

5 A After we finished at the apartment, we went back to my
6 office and did the statement.

7 Q At that point, did you finish taking a statement?

8 A Yes, ma'am.

9 Q State's Exhibit No. 2, do you recognize that?

10 A This is the original statement that we took from Greg
11 Isaac.

12 Q That's after you had taken him to the apartment complex
13 it was finished?

14 A That's correct.

15 Q Once you finished that statement, would he have had an
16 opportunity to review it?

17 A He would have and, also, read it to him, to include
18 advice of rights that was contained in the statement.

19 Q So at that point --

20 A That would be correct.

21 MS. CAMPBELL: Your Honor, at this time, I would
22 offer State's Exhibit No. 2 into evidence.

23 THE COURT: Any objection?

24 MR. SCHNEE: No objection.

25 PROSPECTIVE JUROR: Admitted without objection.

1 (State's Exhibit No. 2 was admitted into
2 evidence.)

3 BY MS. CAMPBELL:

4 Q State's No. 2, beginning with the advice of rights
5 again, what was explained to him --

6 A -- [REDACTED], Hopkins, South Carolina
7 29202, made out Columbia, South Carolina, the 11th day
8 of April, 2012 at 9:55, which is the time we started
9 the statement in the presence of David Wilson and Bev
10 Crane of the Richland County Sheriff's Department. I,
11 Greg Cantrell Isaac, understand that I have the right
12 to remain silent. Anything I say can be used against
13 me in court. I have the right to talk to a lawyer for
14 advice before you ask me any questions and to have a
15 lawyer with me during any questions. If I cannot
16 afford a lawyer, one will be appointed for me before
17 any questions if I wish. If I decide to answer
18 questions now without a lawyer present, I still have
19 the right to stop answering at any time. I also have
20 the right to stop answering at any time until I talk to
21 a lawyer. He made the following statement. This is in
22 question and answer format with myself and Bev Crane
23 asking the questions and Greg Kentrell Isaac giving the
24 answers.

25 The first question, do you know the man in the

1 picture that I showed you --

2 No.

3 Next question, have you ever been inside the
4 apartment for any reason?

5 Not that I know of. I don't think so.

6 Question, now that we've shown you the apartment
7 complex, do you remember going into the apartment to
8 see that man?

9 No, sir.

10 Question, did you shoot Antonio Corbitt in October
11 of 2005.

12 Answer, no.

13 Were you present in the apartment when he was
14 shot?

15 Answer, no.

16 Is there anything else you would like to add to
17 this statement?

18 Answer, no.

19 The bottom part of the statement form says I have
20 read this statement. I have made the foregoing
21 statement freely and voluntarily without fear, threat,
22 promise of reward or hope of reward of any kind. The
23 next section certified that I have read or had read to
24 me the foregoing section consisting of one page and a
25 true copy has been given to me on the 11th of April,

1 2012. It's got two places for Greg Isaac to sign. Bev

2 Crane signed as a witness and I signed as a notary

3 public.

4 Q And once he made that statement, was he given an
5 opportunity to review it?

6 A Yes.

7 Q And did he make any changes?

8 A No.

9 Q And did he sign off indicating that was his statement?

10 A He did.

11 Q About what time did he sign off on this statement?

12 A It would have been around 12:00, 12:30, something like
13 that.

14 Q At that point, once he had signed that statement, what
15 happened?

16 A At that point, I was out making copies and I talked to
17 Investigator Godfrey. Investigator Godfrey stepped
18 back into the office with me to talk to Greg for a
19 little bit and explained the impact it would have on
20 his girlfriend and his mother. Up to that point, we
21 had not mentioned the seven-year-old son being
22 upstairs. I did explain that Mr. Isaac. Mr. Isaac
23 became emotional. And I asked him to call his mother
24 and admitted that he had been there at the apartment
25 where the person had been shot that night?

1 Q Specifically, were you there when he made the phone
2 call to his mother?

3 A I was.

4 Q As well as to his girlfriend?

5 A That's correct.

6 Q And during that time, I believe you indicated he said
7 what to his mother?

8 A There was some things in there that I couldn't
9 understand. He told his mother he had done something a
10 long time ago and then something in between that I
11 couldn't catch. He said murder dog.

12 Q Murder dog?

13 A Murder dog.

14 Q That's what he told his mother?

15 A That's correct.

16 Q About what he had done?

17 A That's what -- yes, ma'am.

18 Q And the phone call that was played yesterday, that was
19 recorded?

20 A That was.

21 Q At that point, after having talked to his mother and
22 his girlfriend, did he give you verbally first a more
23 detailed account of what had happened?

24 A Yes. By that time, it was lunch time, so I had some
25 lunch brought in for him and the three of us. We sat

1 around the conference table eating lunch talking about
2 the case.

3 Q What did he indicate to you?

4 A He indicated to us that he and World and Dixon had gone
5 over to that apartment.

6 Q And had you ever heard those names before in the course
7 of this investigation?

8 A I had no idea who they were.

9 Q Okay. Continue.

10 A None of those names had come up during the course of
11 our investigation, in any of our investigations in this
12 case. We continued to talk about the case over lunch
13 and he gave us certain facts that we weren't aware of,
14 the co-defendants, who all was involved. Up to that
15 point, we weren't aware that there had been two people
16 actually going into the apartment. We only had the
17 description of one person. So a lot of this was new
18 information. At one point, he corrected me on the
19 layout of the apartment. Years ago, I lived in that
20 same apartment complex in a similar townhouse, but the
21 stairs were on the other side. He corrected me and,
22 actually, drew a diagram of the apartment.

23 Q So he corrected you?

24 A That's correct.

25 Q And you were the one that lived there before?

- 1 A I had lived in the same apartment complex about 20
2 years earlier.
- 3 Q And what details did he give you verbally first?
- 4 A Basically, he told us the story about going over there
5 to get the money -- drug transaction prior to that,
6 that Mr. World felt like he had been shorted either on
7 money or drugs and that they were going over there to
8 get it back.
- 9 Q Once he explained that to you, did you then take a
10 written statement from him?
- 11 A Yes.
- 12 Q Let me back up, while you were talking to him, did he
13 indicate whether or not he knew that the victim had a
14 gun?
- 15 A He did say that he did not have a gun.
- 16 Q That the victim did not have a gun?
- 17 A Right.
- 18 Q I want to show you State's Exhibit No. 3. Do you
19 recognize that?
- 20 A Yes, ma'am, this is the original statement, the second
21 statement I took from the Defendant, Greg Isaac.
- 22 Q And that statement was taken at what time did it start?
- 23 A This statement was started a 1:30 p.m.
- 24 Q And that would have been after you had lunch?
- 25 A After we had lunch.

1 Q And after he told you his verbal account?

2 A That's correct.

3 Q And the words -- or the account on this are who's
4 words?

5 A This Defendant's words.

6 Q The questions were posed by whom?

7 A Myself and Bev Crane.

8 MS. CAMPBELL: Your Honor, at this time, I would
9 offer State's Exhibit 3 into evidence.

10 MR. SCHNEE: No objection.

11 THE COURT: Admitted without objection.

12 (State's Exhibit No. 3 was admitted into
13 evidence.)

14 MS. CAMPBELL: Permission to publish?

15 THE COURT: You may.

16 MS. CAMPBELL: Thank you.

17 BY MS. CAMPBELL:

18 Q You can read it to them.

19 A Okay. Once again -- it has his name, his address,
20 Hopkins, South Carolina, made at Columbia, South
21 Carolina, the 11th day of April, 2012 at 1:30 p.m.
22 hours in the presence of David Wilson and Bev Crane of
23 the Richland County Sheriff's Department.

24 I, Greg Cantrell Isaac, understand I have the
25 right to remain silent. Anything I say can be used

1 against me in court. I have the right to talk to a
2 lawyer for advice before you ask me any questions and
3 to have a lawyer with me during any questioning. If I
4 cannot afford a lawyer, one will be appointed for me
5 before questioning if I wish. If I decide to answer
6 questions now, without a lawyer present, I still have
7 the right to stop answering at any time. I also have
8 the right to stop answering at any time until I talk to
9 a lawyer.

10 He made the following statement: Question, tell
11 me what happened the night Antonio Corbitt was killed:

12 That night, we went -- wasn't home. Mr. Travares
13 World, in parentheses, street name Murder, and
14 Vernorris Dixon, parentheses, street name Mook, and I,
15 we rode around the parking lot for a few minutes. They
16 knew his car. When we rode to the next parking lot,
17 they saw his car. We got out of the Nissan Altima that
18 we were in and walked back to the man's apartment.
19 Travares and I went up to the door. Dixon stayed in
20 the car. Travares started beating on the door.
21 Travares started to kick the door, but it came open.
22 He went inside and I stayed in the doorway. Travares
23 was saying where is the money. Where is the money?
24 The man had said something, but I couldn't understand
25 what he said. I did hear him he say Nigger, fuck you.

1 Fuck you. And that's in parentheses. The man started
2 Travares. They were fighting by the door. I was
3 yelling, telling them to chill out. They were fighting
4 all over the furniture. At some point, they fell into
5 me and I fell into the end table that the lamp was on.
6 I tried to catch the lamp before it fell and busted,
7 but it fell anyway. They were on the floor and the man
8 was on top of Travares and he was beating him. I hit
9 the man in the back and tried to pull him off Travares.
10 They got up and I was trying to pull Travares out the
11 door. As I was trying to pull Travares out the door, I
12 saw the man back up and Travares backed up. The man
13 reached behind him to his waist. I thought he was
14 going for a gun. When I saw that, I pulled a gun that
15 I had in my waistband and shot the man. I think I shot
16 twice. We went back to the car. Dixon was waiting and
17 we left.

18 Then we started questioning and answering --
19 again. Myself and Investigator Crane asked him the
20 questions. The Defendant answered the questions.

21 What was the man wearing that night?

22 I don't remember. I don't even remember what I
23 had on that night.

24 Did Travares have dreadlocks when that happened?

25 Answer, no.

1 Do you remember how he had his hair cut?

2 He had a low haircut --

3 What color was the car you were in that night?

4 Champagne color.

5 Whose car was it?

6 Dixon's car, I believe it was in his wife's name.

7 He always drove it.

8 Do you know her name?

9 Tenesha.

10 Where did you get the gun you carried that night?

11 Travares had given it to me before we went to the
12 man's apartment, when we were in the car headed to the
13 man's apartment.

14 Do you know what type of gun it was that you shot
15 the man with?

16 It was a 380 caliber. It was black.

17 Why were you three going to the man's apartment?

18 Travares wanted to confront the man over a drug
19 deal going bad, saying the man was playing him on the
20 money.

21 What happened to the gun when you left the
22 apartment?

23 Travares made me give it back to him. I don't
24 know what he did with it after that?

25 Did you see -- ever see the gun again?

1 Answer, no, sir.

2 How do you know it was a 380?

3 Answer, Travares told me it was. He always had it
4 on him. He pulled the same gun on me before this. It
5 have a month or two before this incident happened. We
6 got into an argument and he pulled the gun on me.

7 Question, what did the three of you talk about
8 before the shooting?

9 Travares was just real mad because the guy had
10 ripped him off. Travares had a 9-mm on him, also.

11 What did you talk about after the shooting?

12 We argued in the car after we left. I asked him
13 why he didn't come out when I tried to get him to
14 leave. I got quiet. He kept asking me if I was all
15 right. He threatened to kill me or someone close to me
16 if I ever talked about the shooting.

17 Did you ever tell anyone about the shooting?

18 No one. I was afraid of Travares.

19 Do you know if Travares or Dixon ever told anyone?

20 No, I don't know.

21 What is the relationship between Dixon and Earl
22 Cooper?

23 Brother-in-law, Cooper is married to Dixon's
24 sister.

25 Was anyone wearing a bandanna over their face the

1 night of the shooting?

2 Answer, no.

3 Did anyone know the man's son was upstairs that
4 night?

5 No, sir.

6 Did anyone have a grill in their mouth that night?

7 When we're talking about a grill, we're talking about a
8 gold tooth or some kind of add on to a tooth.

9 Travares did. His are permanent and are on the
10 top. Dixon's are on the bottom teeth.

11 Did you or Travares talk about the shooting in
12 front of or with Dixon in the car after the shooting?

13 Yes. He knew I shot the man.

14 Is there anything else you would like to -- you
15 want to add to this statement?

16 I want to tell his mother and son that I'm very
17 sorry. I felt threatened and acted that night. I hope
18 they can feel it in their heart to forgive me.

19 Once again, signed on all three of these pages,
20 twice on each page. I notarized it and Investigator
21 Crane signed as a witness on each page.

22 Q And that was the final version of what he told you?

23 A That is correct.

24 Q Who did he indicate went in the apartment?

25 A World.

1 Q And?

2 A And him.

3 Q And who did he indicate was armed when they went in the
4 apartment that night?

5 A Both of them.

6 Q And who did Mr. Isaac himself tell you shot the victim?

7 A He said he shot the victim, Mr. Corbitt.

8 Q And in his statement, where does he indicate he was
9 when he shot the victim?

10 A He was inside the apartment.

11 Q Once he signed off on the statement, at the end of it,
12 he indicated he wished to apologize to the victim's
13 mother and the victim's son; is that correct?

14 A That is correct.

15 Q Was he allowed to write something out himself?

16 A He was.

17 Q I show you State's Exhibit No. 170 and ask if you
18 recognize this?

19 A I do.

20 Q What does that say?

21 A This is a letter in his on handwriting to the victim's
22 mother and to the son.

23 MS. CAMPBELL: Your Honor, at this time, we would
24 offer State's Exhibit 170 into evidence.

25 MR. SCHNEE: No objection.

1 THE COURT: Admitted without objection.

2 MS. CAMPBELL: Thank you one.

3 (State's Exhibit No. 170 was admitted
4 into evidence.)

5 BY MS. CAMPBELL:

6 Q When did he actually write this letter?

7 A This was after the statement was taken.

8 Q Can you read to the jury what Mr. Isaac wrote to the
9 family?

10 A To Rayquan Washington -- I would really like to
11 apologize for what happened to your son. And if it is
12 in your heart to forgive me, please forgive me. If you
13 don't, I understand because what I did I know I was
14 wrong. It wasn't my intention to shoot your son, but I
15 felt for my life. But besides all of that, I am
16 really, really sorry from the bottom of my heart. And
17 it was signed Greg.

18 Q And those were his words?

19 A His words. He, actually, wrote that out in his own
20 handwriting.

21 Q At any time during the time period he was in your
22 presence, did anyone threaten him?

23 A No.

24 Q Did anyone promise him --

25 A No.

1 Q Did anyone force him?

2 A No.

3 Q At any time, did he invoke his right to remain silent?

4 A No, he did not.

5 Q Did he ever ask for an attorney?

6 A No, ma'am.

7 Q And in your opinion, was he talking to you freely and
8 voluntarily?

9 A He was.

10 Q And that was his version he wanted to relate to you --

11 MR. SCHNEE: Objection, leading.

12 MS. CAMPBELL: I'm sorry, Your Honor.

13 THE COURT: (The judge nodded head.)

14 BY MS. CAMPBELL:

15 Q What was it he was trying to relate to you?

16 A His version of events.

17 Q Is it unusual as in this case for that version to
18 change --

19 MR. SCHNEE: Objection.

20 THE COURT: Restate the question, please.

21 BY MS. CAMPBELL:

22 Q Is it unusual, as in this case, for his version to
23 change --

24 THE COURT: All right.

25 MR. SCHNEE: I'm not sure what is attempted -- the

1 insinuation sounds like it's somewhat improper, though.

2 THE COURT: Objection is overruled.

3 MS. CAMPBELL: Thank you.

4 BY MS. CAMPBELL:

5 Q You may continue.

6 A No, this is not uncommon for versions of events to
7 change several times.

8 Q Was Mr. Isaac arrested in this case?

9 A Yes, he was.

10 Q He was charged with murder and attempted armed robbery?

11 A Yes.

12 Q At any point during the time period you talked to him
13 that day, did he give you any additional information
14 about Travares World forcing him to do anything?

15 A No, he did not. The only thing he talked about was the
16 confrontation two or three months prior to that time.

17 Q Did he indicate what the relationship was at the time
18 this occurred?

19 A —

20 Q At any point, did he ever tell you that Travares World
21 forced him to participate in this home invasion?

22 A No.

23 Q And that was everything pretty much memorialized in his
24 last version, which is State's Exhibit 3?

25 A That is correct.

1 Q I want to turn your attention to April the 16th, did
2 Mr. Isaac make an attempt to contact you again?

3 A We did talk to him again.

4 Q Who initiated that contact?

5 A We got some type of message, and I don't recall what it
6 was, whether it was a call from him or a girlfriend
7 saying he needed to talk to us or whatever.
8 Investigator Crane brought him to my office.

9 Q And at that point, was he able to give you any
10 additional information about his version of the events?

11 A No, he wanted to talk about charges, not the incident.

12 Q At that point, did he indicate anything about Travares
13 forcing him to do it?

14 A No, he did not.

15 Q That same month, did you also -- was Mr. Dixon also
16 arrested on these charges?

17 A That's correct.

18 Q And at that point, did he give a statement in April of
19 2012?

20 A No.

21 Q Later in August of 2012, did you make contact with him
22 again?

23 A Yes.

24 Q And was his lawyer present?

25 A Yes, he was.

1 Q At that point, what, if any, information did he give
2 you?

3 A He gave a written statement of his version of the
4 events.

5 Q As part of your investigation, did you also request
6 that the recorded phone calls be collected?

7 A I did.

8 Q In your review of this case, did you have an
9 opportunity to see the photographs of the crime scene?

10 A I did.

11 Q Was there anything significant to you about the blood
12 that was seen inside the apartment?

13 MR. SCHNEE: Objection to the foundation of that,
14 Judge.

15 MS. CAMPBELL: I can follow up with one question.

16 BY MS. CAMPBELL:

17 Q In your experience as an investigator for the last 35
18 years or so, is there anything significant about the
19 blood that you observed in that crime scene on the
20 interior?

21 MR. SCHNEE: Same objection, Your Honor.

22 THE COURT: Objection is overruled.

23 MS. CAMPBELL: Thank you.

24 THE WITNESS: Several significant things. One
25 that the struggle actually moved because there were blood

1 spots in various places in the living in that residence.

2 Also, the large pool of blood by the door would indicate to
3 me that after he was shot, the victim was still inside the
4 apartment.

5 BY MS. CAMPBELL:

6 Q In addition to that, I'm going to show you a diagram,
7 State's Exhibit No. 73. Do you recognize that?

8 A Yes.

9 Q What does that show, sir?

10 A That's the Willow Creek Apartment complex.

11 Q Approximately where is the apartment complex where the
12 victim lived, the apartment?

13 A I believe it's going be this one marked with the A
14 right here, the townhouse right here (indicating).

15 Q During the course of the investigation, did you also
16 become aware of a projectile that was recovered from a
17 neighbor's apartment?

18 A I did.

19 Q And where was that apartment located?

20 A Diagonally across over her (indicating).

21 Q So it would have been across -- what's the area between
22 the two apartments?

23 A Approximately 50, 60 feet, just the parking lot.

24 Q Parking lot?

25 A These apartments were garden-style apartments, not

1 townhouses.

2 Q Okay.

3 A So up and down. There just on one level. And into a
4 window there.

5 Q So on this diagram, approximately where the A is is
6 where the victim's apartment was?

7 A Yes, ma'am.

8 Q So the shots traveled across in this direction?

9 A That's correct.

10 Q And ended up in this apartment?

11 A Yes.

12 Q The person who gave the statement admitting to --
13 shooting the victim, do you see that person in the
14 courtroom?

15 A Yes, ma'am.

16 Q Where is he located?

17 A -- at the defense table.

18 MS. CAMPBELL: Your Honor, may the record reflect,
19 he identified the Defendant?

20 THE COURT: It is.

21 MS. CAMPBELL: Thank you, sir.

22 THE COURT: Ladies and gentlemen, let's stand for
23 a moment.

24 (Everyone stands).

25 COURT: All right.

1 Cross-examination.

2 MR. SCHNEE: May it please the Court.

3 CROSS-EXAMINATION

4 BY MR. SCHNEE:

5 Q Morning?

6 A Morning.

7 Q You said in February of 2012, you and Investigator
8 Crane reinterviewed Rayquan Washington?

9 A That's correct.

10 Q Okay. You were trying to if the story had changed at
11 all, if he remembered any differently?

12 A That's correct.

13 Q At that time, did he ever tell you that there were two
14 people in that apartment?

15 A No.

16 Q When you made -- when you said Greg was brought to the
17 sheriff's department, the first statement he gave you
18 was a denial; right?

19 A That is correct.

20 Q For -- and this is in -- April 11, 2012 that you're
21 doing this interview?

22 A Yes.

23 Q And you're asking him about something that occurred in
24 October of 2005?

25 A That is correct.

- 1 Q You said he became unsure of which apartment you were
2 actually talking about?
- 3 A That is correct.
- 4 Q Then you finally drove him there?
- 5 A That is correct.
- 6 Q This is many, many years later?
- 7 A Seven.
- 8 Q You interviewed a lot of people in your time as a
9 police officer; right?
- 10 A I have.
- 11 Q I believe you testified it was very common for people
12 to remember things differently, correct?
- 13 A Remember things different or remember things --
- 14 Q Over time?
- 15 A Over time.
- 16 Q Okay.
- 17 A It's very common for people who have been victimized to
18 remember --
- 19 Q Not asking about victims, I'm just asking about people
20 to remember things?
- 21 A Yeah.
- 22 Q Would you also agree that it's very common for people
23 accused of violent crimes to at first deny things?
- 24 A Very common.
- 25 Q And you said that that statement started at nine

1 something in the morning? You still have it in front
2 of you?

3 A I'm looking. Statement started at 9:50.

4 Q 9:50. You said when you were done, it was pretty much
5 lunchtime?

6 A That's correct.

7 Q Now, the second statement, the one where he says he
8 there was and he was involved in what was going on,
9 that started at 1:30 p.m?

10 A That's correct.

11 Q So from the time that statement ended until the time
12 that he decided to tell you what was going on was an
13 hour?

14 A I don't know.

15 Q Hour and a half?

16 A Hour, hour and a half, just depends on -- we were
17 eating.

18 Q Okay. When you met with Mr. Dixon a couple of days
19 later, who testified yesterday, he waited more than
20 three months to give you a statement?

21 A That's correct.

22 Q And he wouldn't even give you a statement until his
23 lawyer was present?

24 A That's correct.

25 Q Now, during your investigation, you learned that Mr.

1 Corbitt was a drug dealer; right?

2 A I'm sorry?

3 Q Mr. Corbitt, he was a drug dealer?

4 A Yes.

5 Q And that was a very large focus of your investigation
6 for several years for your department?

7 A A large focus? No, the focus was on who murdered him.

8 Q Well, your focus was trying to figure out if it was
9 involving a drug deal?

10 A Certainly related, yes.

11 Q And that's for the first several years of what
12 investigators for the sheriff's department did, to try
13 to figure out who was involved?

14 A Yes and no. They looked at that. They also looked at
15 other cases that happened in the same geographic area.
16 Hundreds of case were looked at over the years, various
17 violent crimes, to try to draw a comparison. A lot of
18 times in cases like this, we get leads and generate
19 leads as offenders keep offending. A lot of times you
20 see patterns and similarities. So a lot of things were
21 looked at, not just the fact that he was a drug dealer.

22 Q I simply asked you were you looking at the fact that he
23 was a drug dealer as part of your investigation?

24 A When you ask it that way, the answer would be yes.

25 Q Now, you said a number of minutes ago when you were

1 advising Greg of his rights, you typically do this, you
2 define the term coercion?

3 A Yes.

4 Q And one of the descriptions you use is someone having a
5 gun to his head?

6 A That is one that I typically use.

7 Q Okay. I want to talk to you about the statement that
8 Greg gave you, the second one, some of the details that
9 he did provide you with. He gave you the name Travares
10 World?

11 A He did.

12 Q And Travares's nickname of Murder?

13 A That is correct.

14 Q Now, you didn't know Travares's name at that point
15 involved in this case; right?

16 A I had never heard of Travares World.

17 Q Never heard it before?

18 A No.

19 Q Okay. Also, mentioned Vernorris Dixon?

20 A He did.

21 Q Said that it was Dixon that drove?

22 A He did.

23 Q Okay. Said it was Travares that was beating on the
24 door?

25 A That is correct.

1 Q Travares was the one that kicked the door?

2 A Yes.

3 Q Okay. He said Travares went inside?

4 A Yes.

5 Q And then Travares started going and getting in a fight?

6 A Right.

7 Q Demanding money?

8 A Correct.

9 Q Okay. Mr. Corbitt and Travares started fighting and
10 they were fighting next to the door is what he's
11 telling you?

12 A They were fighting all over the apartment. At some
13 point, they were fighting by the door. I was telling
14 them to chill out. They were fighting all over the
15 furniture. At some point --

16 Q Well, I'm asking you about the beginning of this --

17 MS. CAMPBELL: Objection, Your Honor.

18 THE COURT: Don't interrupt the witness.

19 You may continue answering.

20 THE WITNESS: At some point, they fell into me and

21 I fell into the end table the lamp was on. So they were all

22 inside the apartment in various places in the apartment.

23 BY MR. SCHNEE:

24 Q Sir, that's not what I asked, I said -- I simply said
25 when they started to fight, they were fitting by the

1 door, yes or no?

2 A Yes, that is part of his statement.

3 Q That's all I'm asking you about. I'm just confirming
4 what he's giving you as details.

5 A Uh-huh.

6 Q It isn't that complicated.

7 MS. CAMPBELL: Objection, Your Honor.

8 THE COURT: Your objection is sustained as to
9 comments by counsel.

10 BY MR. SCHNEE:

11 Q Mr. Isaac then told you that he was trying to pull
12 Tavares out of the door?

13 A In the statement, yes.

14 Q At that point, after he was trying to pull Tavares
15 away, he saw Mr. Corbitt get back up, right?

16 A I was trying to pull Tavares out the door, I saw the
17 man back up and Tavares back up.

18 Q At that point, the man, which we know was Mr. Corbitt,
19 reached behind him to his waist; correct?

20 A This is what your Defendant is saying.

21 Q Greg said quote, I thought he was going for a gun;
22 correct?

23 A That is what he said.

24 Q When you started asking him questions, you asked him
25 where he got the gun. He told Tavares gave it to him?

- 1 A Correct.
- 2 Q You asked him why he went to the apartment. The answer
3 was Tavares wanted to go there to confront the man?
- 4 A Correct.
- 5 Q Correct. When you asked what happened to the gun, he
6 told you, Greg told you Tavares made him give it back
7 to him; correct?
- 8 A Correct.
- 9 Q In order to give something back, that means it must
10 have been given to him in the first place by Tavares;
11 correct?
- 12 A You can assume that.
- 13 Q He also told you Tavares had a gun on him at the time;
14 right?
- 15 A He did.
- 16 Q And afterwards, he's telling you that Tavares
17 threatened to kill him or someone close to him if he
18 ever talked?
- 19 A That is correct.
- 20 Q Now, you went and had -- you wanted to talk to Tavares
21 after this; didn't you?
- 22 A Certainly.
- 23 Q He was in jail?
- 24 A He was.
- 25 Q On other charges?

1 A Correct.

2 Q Okay. So you went to pick him up from the jail?

3 A No.

4 Q Had someone pick him up?

5 A Yes.

6 Q Okay. And he came in and he gave you a statement?

7 A Yeah. He gave the other investigators a statement.

8 Q Okay. Were you present in court approximately three
9 months ago when Tavares pled guilty to these charges?

10 MS. CAMPBELL: Objection, Your Honor, may we
11 approach?

12 THE COURT: Yes. Ladies and gentlemen, I'll have
13 you go to the jury at this time. Please do not discuss the
14 case.

15 (Whereupon, the jury left the courtroom
16 at 10:48 a.m.)

17 THE COURT: Yes, ma'am.

18 MS. CAMPBELL: -- objection -- plea by the
19 co-defendant, any sentence of the co-defendant, anything of
20 that nature. We do not think it is proper -- I did hand up
21 case law that supports our position on that -- our position,
22 Your Honor, respectfully, that it is not admissible for this
23 jury. It has no relevance in this case. Specifically, he
24 will argue that he has a right to a meaningful
25 cross-examination, that does not mean, however, that the

1 trial courts conducting criminal trials lose their
2 discretion and limit the scope. And it's not appropriate
3 for cross-examination since it has nothing to do with their
4 investigation of this Defendant's guilt and -- make any deal
5 with this Defendant -- solicitor's office and to further try
6 to get any type of plea negotiations in front of this jury
7 would be inappropriate -- we hand up.

8 THE COURT: Mr. Schnee?

9 MR. SCHNEE: First of all, Your Honor, my question
10 was was he present when Tavares World pled guilty to these
11 charges.

12 THE COURT: All right. His answer is yes, he was
13 present then.

14 MR. SCHNEE: As to going into -- deals, I had no
15 intention of doing that. I simply was going to go through
16 that he pled guilty to several charges, that's all I was
17 going to do.

18 As to the Sharpen case that Ms. Campbell cites,
19 that is a death penalty case where the court held that it
20 was improper to go into the co-defendant's charges in the
21 mitigation portion, that had nothing to do with the guilt
22 portion, which is pretty much what we are doing here. And
23 the other cases deal with dismissed charges. I'm not going
24 to be asking this witness about deals or the basis of any
25 deals, I'm simply just asking about what charges Mr. World

1 pled guilty to.

2 THE COURT: All right. And the State objects to
3 that and I sustain the objection. Mr. World is not the
4 testifying witness in this case. If Mr. World testifies,
5 then it would be appropriate cross-examination of Mr. World.
6 It's not appropriate cross-examination of other witnesses as
7 to what the co-defendant pled guilty to. And I sustain the
8 objection and you're not to ask this witness what charges
9 Mr. World pled guilty to.

10 THE DEFENDANT: Am I allowed to ask him in front
11 of the jury was he present when Mr. World pled guilty to the
12 charges involved in this case?

13 THE COURT: Well, that was your last question.

14 MS. CAMPBELL: That --

15 THE COURT: He can answer yes or not, but
16 specifically as to what he pled guilty to, that's not
17 appropriate.

18 MR. SCHNEE: That's fine.

19 THE COURT: All right. We'll take a few minutes
20 while we have this opportunity.

21 (Whereupon, a short recess was held.)

22 THE COURT: You can bring the jury in.

23 (Whereupon, the jury returned to the
24 courtroom at 11:04 a.m.)

25 BAILIFF: The jury is present and seated, Your

CLAY NICHOLS REDIRECT BY MS. CAMPBELL

1 Honor.

2 THE COURT: Thank you.

3 You may proceed.

4 BY MR. SCHNEE:

5 Q You were present three months ago when Tavares World
6 pled guilty to charges related to this case; is that
7 correct?

8 A Yes.

9 Q Okay. When you interviewed Tavares World back
10 April 12th, 2012, he admitted he kicked in the door?

11 A Correct.

12 Q He admitted that he fought with Corbitt?

13 A Correct.

14 Q One more time, when Greg said he fired the gun, he saw
15 the man -- he said he saw Corbitt reaching behind him
16 and he thought he was going for a gun; correct?

17 A That's what he said.

18 Q All right. No further questions.

19 REDIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q He asked you about his memory as far what he
22 remembered, when you took him back to the apartment
23 complex and then came back and he finally admitted to
24 what he had done --

25 A (The witness nodded head.)

CLAY NICHOLS REDIRECT BY MS. CAMPBELL

1 Q -- did he indicate what his reaction was when --

2 A Yes, he indicated he had a physical reaction. We,
3 actually, pulled up in front of the door where the
4 victim had been killed. He indicated he had a physical
5 reaction.

6 Q As far as the details that are in State's Exhibit No. 3
7 about what happened that day, who provided those to
8 you?

9 A He did.

10 Q And I believe you mentioned he even went so far as to
11 correct you on the outlay -- how the apartment was laid
12 out?

13 A That's correct.

14 Q And this is the diagram that you showed to show where
15 everything happened?

16 A That's correct.

17 MS. CAMPBELL: Your Honor, at this time, we would
18 offer State's Exhibit 172 into evidence.

19 THE COURT: What says the Defense?

20 MR. SCHNEE: No objection.

21 THE COURT: Admitted without objection.

22 (State's Exhibit No. 172 was admitted
23 into evidence.)

24 BY MS. CAMPBELL:

25 Q He also asked you about people's memory. In your

CLAY NICHOLS REDIRECT BY MS. CAMPBELL

1 experience over 35 years in law enforcement -- and you
2 mentioned this is the Defendant's version of events, is
3 it unusual for them to give a version favorable to
4 themselves --

5 MR. SCHNEE: Objection.

6 MS. CAMPBELL: He brought up the memory issue,
7 Your Honor. This is just in response in his experience.

8 THE COURT: Basis for the objection?

9 MR. SCHNEE: Basis would be relevance as to what
10 generally defendants would do in terms of trying to protect
11 themselves by giving different types of statements. It's
12 not relevant to Mr. Isaac specifically.

13 THE COURT: All right. What says the State?

14 MS. CAMPBELL: Your Honor, just in his experience,
15 he asked him about memory problems with witnesses. In his
16 experience, there's also another reason that a defendant may
17 give a favorable version of events.

18 THE COURT: All right. Overrule the objection.

19 BY MS. CAMPBELL:

20 Q You can go ahead.

21 A Oftentimes, defendant minimize their involvement in
22 crimes. That is not uncommon at all.

23 Q And to that effect, also, to even blame the victim?

24 A Absolutely.

25 MS. CAMPBELL: Thank you, sir. I have on further

1 questions.

2 THE COURT: Anything further by the Defense?

3 MR. SCHNEE: No, Your Honor.

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

5 Next witness.

6 MS. WALKER: Your Honor, at this point, the State

7 rest.

8 THE COURT: Ladies and gentlemen, that is the
9 State's case. We need to take up some matters outside of
10 your presence. If you will go to the jury room. Please do
11 not discuss the case.

12 (Whereupon, the jury left the courtroom
13 at 11:09 a.m.)

14 THE COURT: Any matters of law at this time?

15 MR. SCHNEE: Yes, Your Honor. As a preliminary
16 matter, I would move for directed verdict of not guilty on
17 all charges. At this time, the testimony that has been
18 elicited, both direct and circumstantial evidence, I do not
19 believe there is substantial circumstantial evidence nor
20 sufficient direct evidence to prove my client guilty beyond
21 a reasonable doubt on all charges. Specifically, the
22 statements that my client has given, which is the bulk of
23 the actual evidence against my client makes it very clear
24 that he felt he was threatened, that he saw Mr. Corbitt
25 reaching for a gun, making it self-defense. The State has

1 not disproven that beyond a reasonable doubt, which is, in
2 fact, their burden. And I would move for a directed verdict
3 on all charges as a result.

4 THE COURT: What says the State?

5 MS. WALKER: Your Honor, viewing the evidence in
6 the light most favorable to the State, the charges that the
7 Defendant -- that we're going forward with murder, attempted
8 armed robbery and burglary in the first degree -- as well as
9 testimony of the testifying codefendant in this case,
10 Vernorris Dixon. These group of men gathered, Your Honor,
11 for the purpose of going to confront the victim in his home
12 about money. They armed themselves in doing so. They then
13 went in and kicked in the door, Your Honor. Under hand of
14 one, hand of all theory, once Mr. Isaac armed himself along
15 with Mr. World and decided to go in and kick in the victim's
16 door he, Your Honor, was guilt of a burglary in the
17 first-degree at that point in time. They have went in, they
18 were armed, Your Honor, during hours of darkness. He goes
19 in, and according to the testimony that was played by Mr --
20 and the testimony of the victim's son in this case, they go
21 in and point a gun at the victim in this case, demand money
22 and tell him to count to ten or they will shoot him, Your
23 Honor. We pass on the directed verdict motion on the arm
24 robbery. At that point, Your Honor, he then does exactly
25 what he said he was going to do and shoots the victim in his

1 own home. Any sort of self-defense claim, Your Honor, is
2 preposterous when you kick in someone's door when they --
3 even if you take Mr. Isaac's latest version of events, which
4 has evolved over the years, and say that the victim was
5 reaching for something, the victim in this case had every
6 right to defend himself in his own home. Self-defense is
7 preposterous in this case because the victim was in his own
8 home.

9 Furthermore, Your Honor, any evidence of any gun
10 or shooting that was possibly done by the victim in this
11 case is unsubstantiated. The Defendant himself says he had
12 a 380, that he went there, that he fired two shots. There
13 are two shell casings found, there are two projectiles
14 found. Your Honor, the arm robbery, the murder and the
15 burglary in the first-degree burdens have all been met by
16 the State. Your Honor, we ask -- respectfully request that
17 you deny Defense counsel's motion for directed verdict.

18 THE COURT: The evidence taken in the light most
19 favorable to the State is that the Defendant of his own
20 volition participated in the murder, burglary and armed
21 robbery or attempted armed robbery of the victim and the
22 motion is denied.

23 MR. SCHNEE: Your Honor, at this time, I would
24 renew all of my prior motions and objections for the record.

25 THE COURT: All right. I do not change my ruling

1 as to anything that I've ruled up to this point.

2 What else do you have? Anything else?

3 MR. SCHNEE: No, Your Honor. Obviously, my
4 client's intention is to take the stand and testify, but I
5 believe Your Honor is required to advise him of his rights.

6 THE COURT: All right. Mr. Isaac, if you will
7 come stand right in front of me.

8 If you will swear him, please.

9 THE CLERK: Raise your right hand, please.

10 THEREUPON,

11 GREG ISAAC,

12 after having been duly sworn, testified as follows:

13 THE COURT: Mr. Isaac, we have reached a stage of
14 the trial where you may present your defense and now I'm
15 going to explain to you certain of your rights. If you do
16 not understand anything that I ask you or if you want me to
17 explain anything to you in more detail, please, let me know
18 and I'll be happy to do so, do you understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, you have the right to claim the
21 protections given to you by the Fifth Amendment to the
22 Constitution of the United States. This amendment, the
23 Fifth Amendment, in part, states that no person shall be
24 compelled in any criminal case to be a witness against
25 himself. This means that you cannot be required or

1 compelled to testify in this case. You, however, do have
2 the right to testify on your own behalf if you would like
3 to, but no one can make you testify. And this right that
4 you have to testify or not to testify is a personal right
5 and no one can waive or give up that right except you.

6 Now, if you decide to testify, you will be subject
7 to the same rules that govern other witnesses and you may be
8 examined or cross-examined on any relevant issue in this
9 case. In addition, if you have any convictions involving
10 dishonesty or false statements or if you've been convicted
11 of crimes punishable by more -- imprisonment for more than
12 one year, then I can determine that the probative value of
13 admitting this evidence outweighs its prejudicial effect to
14 you and the solicitor then will be able to introduce your
15 record to attack your credibility.

16 Now, if you decide to testify, this decision on
17 your part must be a free, voluntary and intelligent decision
18 made by you with knowledge of the protections given to you
19 by the Fifth Amendment to the Constitution and the
20 consequences of your decision to testify. If you decide not
21 to testify, I will instruct the jurors that they cannot give
22 the fact that you did not testify any consideration
23 whatsoever and that there is to be absolutely no prejudice
24 to you because you did not testify. It is left entirely up
25 to you whether or not you testify. You certainly may talk

1 to your lawyer, Mr. Schnee, any family or friends that you
2 have to talk to or any one else you would like to talk to,
3 but the final decision will be left entirely up to you. Do
4 you understand what I've explained to you?

5 THE DEFENDANT: Yes, sir.

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

8 THE DEFENDANT: No, sir.

9 THE COURT: Have you talked with your lawyer about
10 whether or not you should testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you wish to talk to him anymore
13 about whether or not you should testify?

14 THE DEFENDANT: Yes.

15 THE COURT: Sir?

16 (Defendant consults with his lawyer.)

17 MR. SCHNEE: May we have just a couple of minutes,
18 Your Honor?

19 THE COURT: All right.

20 (Brief pause.)

21 THE COURT: You talked with your lawyer about
22 whether or not you should testify?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you need to talk to him anymore
25 about that?

1 MR. SCHNEE: No, sir.

2 THE COURT: Have you made a decision about whether
3 or not you're going to testify?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And what's your decision?

6 THE DEFENDANT: I'm going to testify.

7 THE COURT: All right. Go ahead.

8 And are you ready to go with your defense now,
9 Mr. Schnee?

10 MR. SCHNEE: Judger, my first witness has not
11 arrived yet. I'm told that he's on his way.

12 MS. CAMPBELL: Your Honor, he informed me this
13 morning that he wanted to put up Investigator Padgett from
14 the county. At the break, I did ask them to let him know,
15 but he's only been notified since the break. And I can
16 check on the status of where he is.

17 THE COURT: All right. We'll sit right here.

18 MR. SCHNEE: Other than that, Judge --

19 MS. CAMPBELL: I apologize, Judge, I didn't know
20 ahead of time he was going to call him.

21 MR. SCHNEE: The other only issue I have, Judge,
22 is in terms of my client's shackles for when he takes the
23 stand. I asked that they be removed so he can walk to the
24 stand just like every other witness has in this trial to not
25 show that anything is different for him.

1 THE COURT: All right. Do you have other
2 restraints on him, Officer?

3 BAILIFF: Just the --

4 THE COURT: In most places, they'd rather have the
5 leg -- some type of leg things so if they try to run, it
6 locks up. They have stun guns and if they try to run --

7 BAILIFF: We have them, but he's not wearing them.

8 THE COURT: Where do you have them?

9 BAILIFF: I believe they're in the holding cell.

10 THE COURT: Well, he has to have some restraints
11 of some sort. He's in jail.

12 MR. SCHNEE: I understand that, Your Honor.

13 THE COURT: All right.

14 MR. SCHNEE: I'd ask that be -- while we're
15 waiting for the next witness.

16 MS. CAMPBELL: While he's doing that, Your Honor,
17 as far as impeachment.

18 THE COURT: Yes.

19 MS. CAMPBELL: I talked to Mr. Schnee, it's my
20 understanding that the crimes -- he was convicted of
21 possession of intent to distribute marijuana in federal
22 court. He has no problem with that one. The second one is
23 a burglary conviction. He wishes us to refer to that as he
24 has a prior felony conviction, I believe it's 2007, which we
25 will do.

1 THE COURT: Is that right?

2 MS. CAMPBELL: As far as impeachment.

3 MR. SCHNEE: Yes, Your Honor.

4 THE COURT: All right.

5 MS. CAMPBELL: Under 609.

6 THE COURT: All right. Parties agree as to that.

7 So we'll take a few moments then to get Mr. Isaac prepared
8 and see where this other witness might be.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: With regards to the jury charges, are
11 there any requests to charge by the State or Defense?

12 MS. WALKER: Your Honor, I think we e-mailed your
13 law clerk request for charge as well as Mr. Schnee and gave
14 a hard him a hard copy as well. Mr. Schnee is just giving
15 us his for the first time.

16 MR. SCHNEE: May I approach, Your Honor.

17 THE COURT: Yes, sir. Are there any objections to
18 any of the State's request to charge, Mr. Schnee?

19 MR. SCHNEE: Judge, I believe there are some that
20 appear to be duplicative. Other than that, I have on
21 request to the general requests that I have. The charges
22 that I'm requesting is the expanded circumstantial evidence
23 charge -- the reasonable doubt -- act language. And based
24 on my client will be testifying to self-defense along with
25 duress and coercion.

1 THE COURT: Of course, duress is not a defense to
2 murder, you realize that?

3 MR. SCHNEE: Yes, Your Honor, but it is to the
4 other two defenses. Self-defense is my argument for murder.

5 THE COURT: All right.

6 (pause.)

7 On your self-defense charge, ordinarily, a
8 Defendant is not justified in shooting or pointing a deadly
9 weapon after the adversary -- is it part of the same charge,
10 or is something added to the charge? Did you take this from
11 the book?

12 MR. SCHNEE: That's straight from Anderson charge.
13 It's just part of --

14 THE COURT: --

15 MR. SCHNEE: I'm not sure that sentence has any
16 application to this particular case anyway.

17 THE COURT: So you -- sentence?

18 MR. SCHNEE: That sentence can certainly be
19 deleted, Yes, Your Honor.

20 THE COURT: All right. Any objection to any of
21 the Defense request to charges?

22 MS. CAMPBELL: Yes, Your Honor. The
23 circumstantial evidence, I am aware of the -- case, if I can
24 just have a moment to look at it and pull it. I'm just not
25 sure of the exact full language. On reasonable doubt, Your

1 Honor, we would request your standard reasonable doubt
2 charge, which is the one the supreme court, I believe,
3 endorses --

4 THE COURT: Okay.

5 MS. CAMPBELL: On self-defense, I'm getting --
6 pulling our standard judge self-defense -- but I will
7 request an opportunity just to look at that briefly.

8 THE COURT: All right.

9 MS. CAMPBELL: Because I don't think he includes
10 there is a duty to retreat and that is one of the elements.
11 And under duress, Your Honor, of course, at this point, I'm
12 not aware of any evidence going to duress, assuming he
13 testifies. To that, Your Honor, I would just ask an
14 opportunity to look at that briefly.

15 THE COURT: All right.

16 MS. CAMPBELL: So those are the only objections.

17 (pause.)

18 THE COURT: Mr. Schnee, I'm advised that they do
19 not have any other means of restraint other than ankle
20 chains.

21 MR. SCHNEE: Judge, pursuant to my pretrial motion
22 -- U.S. Supreme Court along with all the other cases, my
23 client, obviously, cannot be displayed in any type of
24 shackles or restraints that are visible to the jury without
25 some particular assertion that my client is a danger to

1 anyone or would be a risk for flight. Based on my client's
2 right to a fair and impartial trial, it is absolutely
3 necessary that he walk up to the jury box or the witness
4 stand just like every other witness has. I would ask that
5 the shackles be removed. They can, certainly, have a deputy
6 sitting by the back door. My client, certainly, is not
7 going anywhere. He wants to testify and he's been ready to
8 testify for quite sometime. I don't see any other option in
9 order to show the jury that he is not different than anyone
10 else.

11 THE COURT: All right. What says the State?

12 MS. CAMPBELL: Your Honor, of course, we leave
13 that to the discretion of Your Honor and the deputies who
14 are in charge of protecting every one in this courtroom, but
15 what we could easily do, Your Honor, and I think what keeps
16 the Defendant from being displayed in way that could
17 possibly be prejudicial to him is have him in the witness
18 box when the jury comes in. There's a side panel, Your
19 Honor, to the witness box. When his feet are under -- when
20 his feet are under the desk there, they won't be able to see
21 any shackles. But I think it's important that security
22 measures are taken with this Defendant, especially with
23 these charges he is facing and the amount of time Mr. Isaac
24 is facing.

25 THE COURT: All right. I'm not willing to create

1 or accept any security risk. The Defendant will be -- have
2 the leg -- same thing on him that he currently has on, the
3 leg chains. He will be placed in the box before the jury
4 comes in.

5 MR. SCHNEE: Judge, if I may. I do anticipate my
6 client being required to get out of the jury box during his
7 testimony or demonstrating distances with people and showing
8 the jury exactly what he saw that night. I believe that
9 denies me an opportunity to fully prevent -- present a
10 defense.

11 THE COURT: All right. Well, you'll work with
12 what you have. I can't create anything other than what
13 exist. They have no security. He is unlike any other
14 witness, he cannot roam freely in the courtroom.

15 MR. SCHNEE: Judge, I'd ask Your Honor if there is
16 a specific finding that you feel he is a danger to anyone in
17 this courtroom or a flight risk based on the requirement
18 of --

19 THE COURT: Yes, sir, I so find.

20 MR. SCHNEE: Well, if Your Honor will please
21 enlighten me as to what specific factors?

22 THE COURT: I've explained myself all that I need
23 to. That's the end of that story.

24 Where's the other witness we're looking for?

25 MS. CAMPBELL: Your Honor, it's my understanding

1 he was notified and that he had to run home and put on
2 clothes. He's on his way. I can double check on that.

3 THE COURT: All right.

4 MS. CAMPBELL: Your Honor, as far as the
5 circumstance charge, we withdraw the objection.

6 THE COURT: All right.

7 MS. CAMPBELL: Thank you for the opportunity to
8 look.

9 THE COURT: We'll be at ease waiting on somebody.

10 (Whereupon, a short recess was held.)

11 MS. CAMPBELL: Your Honor, I have been informed he
12 is on his way. However, the Defense does have additional
13 witnesses they could go forward with at this time, Your
14 Honor, just so we don't keep the jury waiting.

15 THE COURT: All right.

16 MS. CAMPBELL: There's Mr. Page.

17 THE COURT: All right. We'll give him a chance to
18 catch his breath.

19 MR. SCHNEE: Well, Judge, unnecessary to say
20 anything right now.

21 THE COURT: All right. Okay. I'm rethinking my
22 ruling regarding the Defendant's restraints. Considering
23 Mr. Schnee's assertion he wants to be able to demonstrate
24 some things, I do not want to limit his ability to present a
25 defense. I think there -- the courtroom next door is done,

1 y'all can muster up more deputies if you need them, whatever
2 you need to come in the courtroom. But I would have you ask
3 him questions that require that type of thing on the front
4 end, and then we can take a break and have a seat, if
5 necessary. But he need to be able to have his client move
6 around.

7 Yes?

8 MS. WALKER: Your Honor, just in terms of
9 security, I think there are three -- get more deputies in
10 here.

11 THE COURT: Yes.

12 MS. WALKER: Two or, at least, one between the
13 exits.

14 THE COURT: Well, we got as much force as you need
15 (indicating). I have not been informed of any problems with
16 this Defendant. He seems to be okay as far as I'm
17 concerned.

18 MR. SCHNEE: Judge, the only issue in that regard
19 is demonstration is possibly going to be the -- mostly the
20 second half of what I'm doing just for Your Honor's
21 clarification.

22 THE COURT: All right. So just informing the
23 officers in case y'all want to -- I mean, whatever security
24 to bring up here at the time.

25 All right. Ready for the jury?

1 MR. SCHNEE: Judge, I don't anticipate
2 Mr. Padgett's testimony going very long. Unless Your Honor
3 wants to take a break, I'd ask that the shackles be removed
4 at this time.

5 THE COURT: We'll take a break after Mr. Padgett's
6 testimony.

7 MR. SCHNEE: Okay.

8 THE COURT: You may bring the jury in.

9 BAILIFF: Yes, Your Honor.

10 (Whereupon, the jury returned to the
11 courtroom at 11:52 a.m.)

12 BAILIFF: Your Honor, the jury is present and
13 seated.

14 THE COURT: Ladies and gentlemen, you heard the
15 State's case. It is now the Defense's turn.

16 You may proceed.

17 MR. SCHNEE: At this time, Your Honor, I call
18 Investigator Zane Padgett to the stand.

19 THEREUPON,

20 ZANE PADGETT,
21 after having been duly sworn, testified as follows:

22 THE CLERK: Thank you. Have a seat in the witness
23 stand, please. State your name for the record.

24 THE WITNESS: Zane Padgett, P-A-D-G-E-T-T.

25 DIRECT EXAMINATION

ZANE PADGETT DIRECT BY MR. SCHNEE

1 BY MR. SCHNEE:

2 Q Morning, Mr. Padgett.

3 A Morning.

4 Q Good. Where are you currently employed?

5 A Richland County Sheriff's Office.

6 Q What are your responsibilities there?

7 A At present, I'm in charge of all the uniforms and
8 equipment for the entire department.

9 Q Back in 2005, what were your responsibilities?

10 A I was the supervisor for the forensic lab.

11 Q What does that mean?

12 A What that means is I was in charge of -- I don't
13 remember how many people we had in the lab, it was
14 probably 26 total. I was in charge of the entire
15 forensic laboratory, responsible for processing crime
16 scenes, overlooking DNA, overlooking the ballistics
17 area of the lab and processing evidence and all that.

18 Q As part of your responsibilities, did you ever go to
19 crime scenes?

20 A I did, sure.

21 Q Did you go to the crime scene that's involved in this
22 case?

23 A I did.

24 Q When did you do that?

25 A I arrived there on the 28th of October of 2005 at 11:35

ZANE PADGETT DIRECT BY MR. SCHNEE

1 a.m.

2 Q That would be the morning after everything happened?

3 A The morning after everything happened.

4 Q Okay. And you went to two different apartments; is
5 that correct?

6 A I did.

7 Q Okay. Specifically, the apartment on the other side of
8 the parking lot, what did you do when you went there?

9 A On the apartment, I believe it was [REDACTED], I went across
10 the street and there was a broken window at the
11 apartment over there. And I went across there and
12 photographed that.

13 Q Okay. Did you also collect a projectile while you were
14 there?

15 A I did not.

16 Q You did not collect --

17 A I did not.

18 Q Did you testify in a hearing on July 9th about these
19 matters?

20 A I did.

21 Q Okay. Back in July, which is only two and a half
22 months ago --

23 A Correct.

24 Q -- did you testify that you did, in fact, take the
25 projectile?

ZANE PADGETT DIRECT BY MR. SCHNEE

1 A I did.

2 Q But now you're saying you didn't?

3 A That is correct. I was confused.

4 Q You were reading from your report, weren't you?

5 A I probably was.

6 Q And when you were reading from your report in July, you
7 told the Court that you picked up the projectile?

8 A Looking at my report, the projectile is not listed on
9 my report. It was collected the night before.

10 Q How many times did you say in July that you collected
11 the projectile; do you remember?

12 A I have no idea, sir.

13 MR. SCHNEE: May I approach the witness with a
14 copy of the transcript?

15 THE COURT: Yes.

16 BY MR. SCHNEE:

17 Q If you could, sir, turn to page 88?

18 A Okay.

19 Q On line number five, question from the State's attorney
20 is what did you observe and it kind of goes on for a
21 couple of sentences. Could you read your response
22 starting on line number eight?

23 A There was a broken window in the apartment, went to the
24 second story window. We went in, took a look and found
25 the projectile. The projectile is the bullet that

ZANE PADGETT CROSS BY MS. WALKER

1 comes out of the gun, that part that comes out.

2 Q Okay. So you said that you went in and found the
3 projectile.

4 A I did.

5 Q Okay. And you also said you photographed it?

6 A I did.

7 Q And you photograph and collect things because that's
8 evidence?

9 A Correct.

10 Q All right. Could you turn page to -- turn to page 99?

11 A Okay.

12 Q Line number six, I asked you -- collected a bullet or
13 bullet fragment?

14 A Correct.

15 Q Your answer was that you did?

16 A My answer was projectile.

17 Q Okay. As to what you collected?

18 A Correct.

19 Q No further questions.

20 THE COURT: By the State?

21 MS. WALKER: Thank you, Your Honor. Beg the
22 Court's indulgence. I'm -- I'm looking for the picture.

23 CROSS-EXAMINATION

24 BY MS. WALKER:

25 Q Let's start with State's Exhibit 69. Do you recognize

ZANE PADGETT CROSS BY MS. WALKER

1 that?

2 A I do.

3 Q And how do you recognize that?

4 A I took this photograph.

5 Q And what does that photograph depict?

6 A It shows just the general apartment cross the street
7 from the incident location where the window was.

8 Q Did you take other photographs?

9 A I did.

10 Q Do you recall what the photographs were of?

11 A They were of the broken window inside and outside the
12 apartment.

13 Q So you responded to the crime scene and took pictures
14 where the projectile entered into the --

15 A That is correct.

16 Q And a couple of months ago, you testified and you were
17 mistaken in what you said?

18 A Yes, ma'am, because I -- there was photographs mixed in
19 with the photographs that were shown to me and one of
20 the photographs, actually, had a projectile in there
21 and I got confused. And when I was asked that
22 question, I thought I had collected it, but it is not
23 listed on my forensic report that I collected it and I
24 did not collect it.

25 Q Is this the broken window (indicating)?

ZANE PADGETT REDIRECT BY MR. SCHNEE

1 A That is correct.

2 Q This is State's Exhibit 70. You took this picture?

3 A I did.

4 Q And you were simply mistaken?

5 A I was simply mistaken. I was shown so many photographs

6 and, actually, one of the photographs that was mixed in

7 with the photographs that I was shown that day had a

8 projectile in it and, mistakenly, I said I did collect

9 it when, in fact, I did not. It is not listed on my

10 report, nowhere on the chain of custody for that

11 projectile. It was just a mistake that I made. It was

12 not intentional, it was not deliberate. It was not

13 with malice.

14 Q Thank you, sir. I think most of us make mistakes.

15 A Okay. Thank you.

16 MR. SCHNEE: Objection to that comment by the

17 solicitor.

18 MS. CAMPBELL: Objection sustained.

19 REDIRECT EXAMINATION

20 BY MR. SCHNEE:

21 Q Do you have Exhibit No. 70 in front of you?

22 A I do not.

23 Q Do you have any photographs in front of you?

24 A No, I do not.

25 Q Okay. Sorry, State's 67 and 68, do you recognize

ZANE PADGETT REDIRECT BY MR. SCHNEE

1 these?

2 A I have seen them before, that is correct.

3 Q Okay. Would you please turn to the transcript on page
4 87?

5 A Okay.

6 Q Page 87 of the court transcript, you have that in front
7 of you?

8 A I do.

9 Q Okay. It says on page -- line number 11, this is again
10 from the State, they're showing you what's been
11 premarked Exhibit 67, 68, 69 and 70; right?

12 A Okay.

13 Q Your answer is yes, these are the photographs I took
14 that morning?

15 A That is correct. Again, they were mixed in with some
16 photographs that I did take in the morning and I got
17 confused, that's it.

18 Q You testified that you took those photographs?

19 A Apparently, I did.

20 Q Nothing further questions.

21 THE COURT: Anything further?

22 MS. WALKER: Nothing from the State.

23 THE COURT: All right. Thank you, sir. You may
24 step down.

25 Ladies and gentlemen, you can go ahead and step to

1 the jury room for about two minutes. We'll proceed in about
2 two minutes. Please do not discuss the case.

3 (Whereupon, the jury left the courtroom
4 at 12:02 p.m.)

5 THE COURT: Ready to proceed?
6 Okay. You can bring in the jury.

7 BAILIFF: Yes, Your Honor.

8 (Whereupon, the jury returned to the
9 courtroom at 12:04 p.m.)

10 BAILIFF: The jury is present and seated, Your
11 Honor.

12 THE COURT: Thank you.
13 Call your next witness.

14 MR. SCHNEE: The Defense calls Greg Isaac to the
15 stand.

16 THE COURT: All right. Mr. Isaac, please come
17 forward.

18 THEREUPON,

19 GREG ISAAC,
20 after having been duly sworn, testified as follows:

21 THE CLERK: Thank you. Have a seat in the witness
22 stand, please. State your name for the record.

23 THE WITNESS: My name is Greg Isaac.

24 DIRECT EXAMINATION:

25

GREG ISAAC DIRECT BY MR. SCHNEE

1 BY MR. SCHNEE:

2 Q Greg, how old are you right now?

3 A Twenty-six.

4 Q Back in October of 2005, how old were you?

5 A I was 18.

6 Q Where are you originally from?

7 A Columbia, South Carolina.

8 Q Who do you live with?

9 A My mother.

10 Q Okay. And who -- back then, who did you live with?

11 A My mother.

12 Q Do you have any brothers or sisters?

13 A I got four brothers -- three brothers.

14 Q How old are they?

15 A I have a twin brother, 18, little brother, 17, and my

16 older brother 19 at that time.

17 Q Okay. When did you first met Tavares World?

18 A Sometime in 2005.

19 Q Do you remember exactly when?

20 A Probably like right after my brother pass.

21 Q Sometime maybe in the summer?

22 A Yeah.

23 Q And how did you come to know him?

24 A Got into an altercation.

25 Q What happened?

GREG ISAAC DIRECT BY MR. SCHNEE

1 A Some words, some verbal.

2 MS. CAMPBELL: I'm sorry, I just can't understand
3 him.

4 BY MR. SCHNEE:

5 Q Speak a little bit more clearly.

6 THE COURT: Repeat your answer plea.

7 BY MR. SCHNEE:

8 Q What was the altercation about?

9 A It was words being said to each other.

10 Q You remember what it was?

11 A Like I had the -- he was calling out my name and I was
12 just calling back out his.

13 Q Did he do anything to you at that time?

14 A Not at that time.

15 Q Okay. Sometime later, did he ever get involved with
16 some of your family members?

17 A Yes.

18 Q How was he related to your family members?

19 A Well, right at that point, he was my cousin's
20 boyfriend. Now, he's -- that's his wife.

21 Q Okay. So he's pretty much entangled in your entire
22 family at this point?

23 A Yes, sir.

24 Q Does he have a child with anyone in your family?

25 A My little cousin.

GREG ISAAC DIRECT BY MR. SCHNEE

1 Q How old was she at that time?

2 A She was 17.

3 Q At any point prior to October, did you have any other
4 problems with Tavares?

5 A Yes, sir.

6 Q Explain that to the jury.

7 A Well, one night, me and a couple of my friends --
8 pulled up and he was looking, we was looking back. He
9 jumped out of the truck and -- he was directing it
10 towards me, but everybody was looking. He was telling
11 me you better stop fucking with me, you fucking nigger,
12 or I'll file your ass up and -- stuff like that. And
13 he pulled a gun in my face or whatever.

14 MS. CAMPBELL: Your Honor, I'm sorry. I just
15 cannot understand a word he's saying. If he would back off
16 the microphone.

17 BY MR. SCHNEE:

18 Q What exactly was he saying to you?

19 A He was telling me that I better stop fucking with him
20 before he file me ass up. He called me a fucking
21 nigger. He pulled a gun out -- he pulled a gun in my
22 face and he slapped me.

23 Q Okay. You remember him pointing a gun to your face?

24 A Yes, sir.

25 Q Was this -- do you remember when this was?

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A This was like June, Father's Day.
- 2 Q Father's Day. Why did you hang around with him after
- 3 that?
- 4 A He got in contact with my mother and said he wanted to
- 5 talk with me. We never talked after he contacted my
- 6 mother, so one day you know what I mean, I walked up to
- 7 my neighbors and he out there. I mean, he stopped me
- 8 and we talked. I mean, he apologized or whatever and
- 9 that was it. I mean, we kind of chilled, not on
- 10 everyday basis, but from time to time basis.
- 11 Q Okay. During that time, was he having a relationship
- 12 with your cousin?
- 13 A Yes, sir.
- 14 Q I'd like to turn your attention to October 2005, why
- 15 we're all here. What happened between you and Tavares
- 16 when you first met up with him that evening?
- 17 A Well, I met him that evening like -- I mean, he was
- 18 just -- we was just talking, whatever, smoking or
- 19 whatever, but he tell -- he was mad.
- 20 Q Do you know what he was mad at?
- 21 A He was talking about somebody, I guess the victim, you
- 22 know, he got played on some, you know, on weed or
- 23 whatever.
- 24 Q Okay. At a certain point, did Vernorris Dixon come and
- 25 pick the two of you up?

GREG ISAAC DIRECT BY MR. SCHNEE

1 A Yes, sir.

2 Q All right. At the time that you -- that Vernorris
3 Dixon showed up, what did you think was going to
4 happen?

5 A I didn't really know. He said he was -- we got in the
6 car or whatever. We rode, we went -- I know we went to
7 the river, but they was talking. I never really know
8 what was going on until we got to the designation.

9 Q Okay. Do you remember what they were talking about?

10 A Not until we got to the apartment complex.

11 Q Okay. What happened when you got to the apartment
12 complex?

13 A When we got to the apartment complex, he asked me -- he
14 was like, the man owe me some money. I know he owed
15 him some money because he was talking about it. He
16 asked me to come on with him. I tell him I don't have
17 nothing to do with it. He told me to stop acting like
18 a bitch and come with him.

19 Q Did he do anything else?

20 A He pulled a gun out on me. He pulled a gun out on me
21 and said come on, stop acting like a bitch -- you need
22 a gun. I'm like man. So man, stop acting like a
23 bitch. I grabbed the gun. He pulled out another gun
24 on me, a nine millimeter. He was like come on. So we
25 got out the car and we go to the house.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 Q Okay. Just so I'm understanding, he pulled one gun on
2 you at first?
- 3 A Yes, sir.
- 4 Q All right. And what did he do with that gun?
- 5 A Pointed it at me.
- 6 Q Where?
- 7 A In my face.
- 8 Q What did he say to you -- that he would do, if
9 anything, if you didn't go with him?
- 10 A Basically, he was threatening me. He pointed the gun at
11 me, like come with me, stop acting like a bitch. In my
12 mind, he will kill me.
- 13 Q Okay. And after that, he told you to take the gun?
- 14 A Yes, sir.
- 15 Q All right. And you -- I think you just said he pulled
16 out another gun?
- 17 A Yes, sir.
- 18 Q At that point, did you get out of the car?
- 19 A Yes, sir.
- 20 Q Did you want to?
- 21 A No, sir.
- 22 Q Did you feel you had any choice?
- 23 A I ain't had the choice.
- 24 Q What did you do when you got out the car?
- 25 A We got out the car, we go to Mr. Corbitt's apartment.

GREG ISAAC DIRECT BY MR. SCHNEE

1 He wasn't there. We leave, go -- when we leaving, he
2 looking around and looking on the back porch, no one's
3 there. He looked all in the windows, then we left and
4 went back to the car.

5 Q Okay. Did you still have the gun with you at that
6 point?

7 A Yes, sir.

8 Q Did Tavares still have the other gun with him?

9 A Yes, sir.

10 Q When you got back to the car, what happened?

11 A Then we was just chilling in the car, we was smoking.
12 They was talking.

13 Q They being Tavares --

14 A Tavares and Dixon.

15 Q Okay. At a certain point, did you end up getting out
16 the car again?

17 A We was about to leave and next thing you know, they
18 said -- one of them said there's the car. And I didn't
19 ever know what the car looked like, but somebody said
20 there's the car. Well, we got out the car. He was
21 like come on. I'm like man. He was like stop acting
22 like a bitch and come on. We got out the car again to
23 go to the house.

24 Q Let me stop you there, did you feel that you were still
25 being threatened at that time?

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A Every time -- he kept saying the same thing.
- 2 Q Okay. Did you want to get out the car a second time?
- 3 A No, sir.
- 4 Q Why not?
- 5 A Because it basically didn't have nothing to do with me.
- 6 Q What did you think would happen if you didn't get out
- 7 the car?
- 8 A He would have killed me or he would did something wrong
- 9 to me.
- 10 Q Okay. When you got out the car, where did you end up
- 11 going?
- 12 A Back to Mr. Corbitt's house.
- 13 Q All right. Well, when you first got there, to Corbit's
- 14 house the second time, what happened?
- 15 A We goes to the door. Mr. World is beating on the door.
- 16 He beats on the door. He ain't -- nobody answer, but
- 17 you could see the light on, so he kicks on the door.
- 18 He didn't answer, so he kicked the door opened. He
- 19 kicked the door and kicked the door and the door swung
- 20 open. Mr. Corbitt right there at the door. He said
- 21 where my money at, where my money at.
- 22 Q Let me stop you there if I could. Step down. I would
- 23 like to show the jury exactly what we're talking about?
- 24 A (Defendant complies).
- 25 Q Just remember to keep your voice up so the court

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 reporter can hear everything and the jury. If the door
2 is right over here?
- 3 A Uh-huh.
- 4 Q And Tavares is -- he's, obviously, kicked the door,
5 where are you standing?
- 6 A I'm right behind him.
- 7 Q Speak up a little bit more.
- 8 A I'm right behind him.
- 9 Q All right. When the door comes opened, right here is
10 the door?
- 11 A Uh-huh.
- 12 Q Where is Mr. Corbitt? Where should I be standing?
- 13 A Right in front of the door.
- 14 Q Right in front of the door?
- 15 A Uh-huh.
- 16 Q Okay. What happens at that point?
- 17 A Mr. World steps right in the doorway.
- 18 Q You need to speak up.
- 19 A Mr. World steps right in the doorway.
- 20 Q Okay.
- 21 A He stepped in the doorway, where my money at, where my
22 money at. Man, I think he said something about it was
23 in the car or, you know, like man, fuck you, fuck you.
24 They kept fuck you, fuck you.
- 25 Q Okay. So Tavares is standing inside the apartment.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A Uh-huh.
- 2 Q Okay. Where is Mr. Corbitt standing?
- 3 A Right in front of him.
- 4 Q So pretty much where I am?
- 5 A Yes, sir.
- 6 Q Okay. Do they start fighting right over here?
- 7 A Yeah.
- 8 Q Do they ever move anywhere else?
- 9 A Not from my understanding.
- 10 Q Okay. And you're standing?
- 11 A I'm still outside.
- 12 Q Okay. Is there any point that you end up walking into
- 13 the apartment?
- 14 A The only time I enter the house is when I tried to pull
- 15 Mr. World off.
- 16 Q Okay.
- 17 A Of him.
- 18 Q Okay. Now, we'll go through this in a little bit more
- 19 detail in a minute. I just want to get to this, at a
- 20 certain point, do you see Mr. Corbitt doing anything
- 21 that you feel in danger of?
- 22 A Yes, sir.
- 23 Q What does he do?
- 24 A He reached for a gun. From my understanding, he was
- 25 reaching for a gun.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 Q Where should I be standing if I'm Mr. Corbitt reaching
2 for a gun?
- 3 A In the doorway.
- 4 Q So I should be over here?
- 5 A Uh-huh.
- 6 Q So he's right inside the doorway?
- 7 A Uh-huh.
- 8 Q Okay. Where are at this point?
- 9 A On the outside of the house.
- 10 Q How far away?
- 11 A Like 10 feet away.
- 12 Q So like --
- 13 A That's the doorway, I'm like this far away
14 (indicating), like 10 feet away.
- 15 Q Okay.
- 16 A -- from me.
- 17 Q Okay. Where is Tavares at this point?
- 18 A He like -- Mr. Corbitt ran to me, like Tavares ran out
19 the house, but Mr. Corbitt right behind him. And
20 Tavares run past me and kind of pushed my shoulder, but
21 before I can -- everything was happening so fast,
22 before I could react, my reaction time was so fast, he
23 was already at the door like (indicating) like he was
24 reaching for a gun.
- 25 Q Okay.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A And my reaction was just --
- 2 Q Okay. Take your seat again.
- 3 A (Defendant complies.)
- 4 Q I want to go through this in a little bit more detail,
- 5 if I could. While Tavares and Mr. Corbitt are
- 6 fighting, what are doing? Exactly what's going -- what
- 7 are you doing?
- 8 A Basically, I'm just standing there because I was --
- 9 first, I was shocked, shocked because I mean, I ain't
- 10 know it was going to happen that way. Once they start
- 11 fighting, I was shocked. I'm like then -- I just
- 12 jumped back into my -- Tavares, come on, come on, come
- 13 on. I got two, 200-pound plus people. I mean, back at
- 14 this time -- I'm like 155 now, but at that time, I was
- 15 probably like 120, 130 or something like that. I'm
- 16 pulling. They pull me back. They pushed me back
- 17 (indicating), that's probably when I touched the
- 18 lamp -- right beside the door.
- 19 Q Okay. So --
- 20 A Pushed me back into it.
- 21 Q -- you're trying to grab Tavares, is this my
- 22 understanding, to pull him out?
- 23 A Yes, sir.
- 24 Q Okay. Does he come out when you try to get him out?
- 25 A No, sir.

GREG ISAAC DIRECT BY MR. SCHNEE

1 Q What does he do?

2 A They still fighting.

3 Q Okay. At any point -- at the time that they fall on
4 you or grab you or pull you in, what exactly happens
5 then?

6 A Well, when I backed into the thing, when I backed into
7 the end table or whatever and I stepped back toward the
8 doorway, I'm telling him come on, come on, come on,
9 come on, so I'm stepping back outside the door, but
10 they still tussling. So when I'm backing up, I see
11 Tavares running out the doorway and Mr. Corbitt right
12 behind him. Tavares went straight past him, but he
13 pushes my shoulder.

14 Q Pushes you which way?

15 A Like towards the door. Like I just take a step up, but
16 he just pushed my shoulder and I see Mr. Corbitt in the
17 doorway reaching for a gun, that's my understanding he
18 was reaching for gun.

19 Q When you saw what you thought was Mr. Corbitt reaching
20 for a gun or appeared to be reaching for a gun, was
21 Tavares looking at him?

22 A No, he ran past me. He was running past me like he --
23 when he run past me, it's like he was reaching for a
24 gun or something. Because when he ran past me and
25 pushed my shoulder, then I just see him reaching like

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 and then my reactions was --
- 2 Q So you fired twice?
- 3 A Yes, sir.
- 4 Q Do you even know if you hit him at the time?
- 5 A No, sir.
- 6 Q What did once you fired those two shots?
- 7 A I ran.
- 8 Q Where did you run?
- 9 A Back to the car.
- 10 Q Why did you get back in the car with Tavares?
- 11 A I ain't had no choice. At the time, I really didn't
- 12 know where -- what area -- I didn't really know where
- 13 there apartment was, you know, complex I was in.
- 14 Q Okay. When you got back to the car, what did Tavares
- 15 say to you?
- 16 A He got the gun back from me and he told me don't say
- 17 shit or he know where my mother stay at, he know where
- 18 I stay at and he know where my family stay at.
- 19 Q Okay. And when he says he knows where your mother
- 20 stays at, your family stays at or you stay at, what do
- 21 you consider that to be?
- 22 A He do something to my family.
- 23 Q What do you think he would do?
- 24 A Kill one of them.
- 25 Q Okay. When you talked to the police, you told the

GREG ISAAC DIRECT BY MR. SCHNEE

1 police what his nickname was?

2 A Yes, sir.

3 Q What is it?

4 A Murder.

5 Q You always know him to have that nickname?

6 A Yes, sir.

7 Q First time you met him?

8 A First time I met him.

9 Q Who told you that was his nickname?

10 A He did.

11 Q Number of years went by, why didn't you ever call the
12 police?

13 A I was scared for family's life.

14 Q Eventually, the police pick you up, take you to the
15 station. You tell them what happened; right?

16 A Yes, sir.

17 Q Did you tell the police officers that Tavares
18 threatened you?

19 A Yes, sir.

20 Q Did you tell them he gave you the gun?

21 A Yes, sir.

22 Q Did you tell them he took the gun back?

23 A Yes, sir.

24 Q You've obvious seen your written statement?

25 A Yes, sir.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 Q Did you physically type that yourself?
- 2 A No, sir.
- 3 Q Did you read that after you were done?
- 4 A Not exactly after we was done.
- 5 Q Okay. Did they ask you if you wanted to add anything
- 6 to it?
- 7 A Yes, sir.
- 8 Q Did you at that point tell them you wanted to add that
- 9 you were threatened to do it.
- 10 A I been telling that when we first started.
- 11 Q But did you tell them to add that to your statement at
- 12 any point?
- 13 A No, sir.
- 14 Q When you were at that apartment, did you have any
- 15 intention of going inside of it?
- 16 A No, sir.
- 17 Q Did you have any intention to rob him?
- 18 A No, sir.
- 19 Q Did you have any intention to shoot Mr. Corbitt?
- 20 A Not at all.
- 21 Q Did you feel that you had any choice in your mind being
- 22 in that apartment?
- 23 A No, sir.
- 24 Q Why not?
- 25 A I didn't even know him.

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q Why don't you think you had a choice being there?

2 A Because I got another person threatening my life and
3 intimidating me, person that's way bigger than me.

4 Q And that person's nickname was?

5 A Murder.

6 Q No further questions.

7 THE COURT: Cross-examination?

8 MS. CAMPBELL: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MS. CAMPBELL:

11 Q So what you testified to today is what you told the
12 police officers?

13 A Yes, ma'am.

14 Q Exact same story?

15 A Yes, ma'am.

16 Q Can you read?

17 A Yes, ma'am.

18 Q Can you write?

19 A Yes, ma'am.

20 Q Did you understand back in April of last year what they
21 were taking about?

22 A Yes, ma'am.

23 Q And you told them over and over back in April of last
24 year that Tavares World threatened you just like you
25 told this jury here today?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q And that's your testimony?
- 3 A Yes, ma'am.
- 4 Q And do you see your written statement?
- 5 A Yes, ma'am.
- 6 Q It's two or three pages; is it not?
- 7 A Yes, ma'am.
- 8 Q And your signature is on each one of those pages?
- 9 A Yes, ma'am.
- 10 Q And did you review it before you signed it? This is
- 11 important, isn't it?
- 12 A It's important.
- 13 Q So just to be sure your memory back when you talked to
- 14 police is your same as your memory here today; right?
- 15 A Yes, ma'am.
- 16 Q And so your testimony is is that you told the police
- 17 everything you've told this jury here today?
- 18 A Yes, ma'am.
- 19 Q And you had an opportunity to review your statement?
- 20 A I didn't review it there.
- 21 Q Now you're saying did review it?
- 22 A Not there.
- 23 Q Not there? Well, since then, say you didn't review it
- 24 there, you just signed it; right?
- 25 (There was no response.)

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q You signed a piece of paper where you admitted to
2 murdering somebody, but you didn't review it prior to
3 signing it?

4 MR. SCHNEE: Objection to the legal conclusion.

5 THE COURT: Okay. Objection overruled.

6 BY MS. CAMPBELL:

7 Q Is that what you're telling this jury?

8 A I signed it.

9 Q But you didn't review it, is that what you're telling
10 this jury?

11 A I didn't review it there.

12 Q Okay. When did you review it?

13 A When I was in county going over it.

14 Q When you were where?

15 A When I was in Alvin S. Glenn.

16 Q And how many days or weeks afterwards did you review
17 what you signed indicating you had murdered somebody?

18 A Probably like a week later.

19 Q About a week later?

20 A Yes, ma'am.

21 Q Well, in fact, five days after you signed this piece of
22 paper which you didn't review where you admitted to
23 murdering somebody, didn't you, actually, get in
24 contact with the police?

25 A I didn't contact police.

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q You don't remember them coming back and talking to you
2 again?

3 A Yeah, they came and got me.

4 Q Okay. Do you remember getting somebody to get in
5 contact with them because you wanted to talk to
6 somebody about your charges, you didn't like your
7 charges?

8 A Somebody got in contact with them, but nobody that I
9 know got in contact with them.

10 Q Well, at that point, had you had an opportunity, it was
11 a week later, to review your statement?

12 A Yes, ma'am.

13 Q So did you tell them then, oh my God, you left out the
14 most important part where Tavares World forced me to do
15 this?

16 A I already told them that.

17 Q Well, you knew it wasn't in the statement. Didn't you
18 think it was important?

19 A They knew it. I tell them that.

20 Q At that point, you reviewed the statement and it wasn't
21 in there, so did you contact the police to tell them
22 you left out the important part of my statement?

23 A I ain't tell them that in the statement, but I told
24 them that personally.

25 Q Did you remember testifying in another hearing in July

GREG ISAAC CROSS BY MS. CAMPBELL

1 of this year?

2 A Yes, ma'am.

3 Q Where your own lawyer went over what you knew about
4 your statement and your lawyer asked you if you typed
5 up the statement and you told him no, you didn't?

6 A Yes, ma'am.

7 Q Then he said did you explain to law enforcement what
8 you just talked about in court today and you said yes,
9 sir. And then they asked did they write down
10 everything since thing you said and your answer was
11 yes, sir.

12 A Yeah.

13 Q So you admit they wrote down everything you told them
14 back in April of last year?

15 A They was just typing on the computer.

16 Q And they typed what you told them?

17 A I didn't see them -- I seen them typing, but I don't
18 know exactly what he was typing.

19 Q Well, later, you said -- about a week later, you
20 reviewed your statement, right?

21 A Right.

22 Q So at that point, did you call up the police and go,
23 listen, you left out important parts, real important
24 parts of my statement?

25 A How can I call the police in the county jail?

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q Same way you did when they came and picked you up. You
2 get your girlfriend to call them, your mother to call
3 mother to call them, anybody?

4 A I didn't get nobody to call them.

5 Q Well, did you eventually get in contact with your
6 lawyer and tell him to contact the police?

7 A My lawyer didn't come see me at that point in time.

8 Q Well, when he did come to see you, did you tell him?

9 A I told him what happened.

10 Q Did you tell him the police had written it down wrong
11 and that you needed to clear that up?

12 A We went over it.

13 Q Okay. And the first time you ever told this version of
14 events or parts of it -- we'll go back -- there, was in
15 July of 2013, right?

16 A Can you say your question again?

17 Q Answer the question, is that first time you ever told
18 anybody other than your lawyer according to your
19 testimony --

20 MR. SCHNEE: Judge, I'm going to object based on
21 attorney/client privilege in terms of my advice to him about
22 statements to other people.

23 THE COURT: Objection is overruled.

24 MS. CAMPBELL: Thank you.

25 THE WITNESS: I told the police?

GREG ISAAC CROSS BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q You told the police, that's your testimony here today?

3 A Whatever I told that day, I told the police same thing.

4 Q But that's not what you testified to at the hearing in
5 July of this year. You told them that they wrote down
6 every single thing you said and you said, yes, sir.

7 That was your lawyer's question?

8 A That's what -- to write down.

9 Q But your testimony here today is yet different again.

10 In your statement, do you remember when they wrote down
11 everything you said just like you acknowledged on a
12 prior -- and by the way, at this point today, you had
13 an opportunity to review all the discovery in the case?

14 A Yes, ma'am.

15 Q So you know what the evidence is against you?

16 A Yes, ma'am.

17 Q And you had an opportunity to review all of that?

18 A Yes, ma'am.

19 Q And you've been in court repeatedly listening to what
20 witnesses have to say?

21 A Yes, ma'am.

22 Q And what the evidence is against you?

23 A Yes, ma'am.

24 Q Then for the first time that you ever say to any one in
25 open court or any one in law enforcement is in July of

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 this year at a prior hearing?
- 2 A Yes, ma'am.
- 3 Q After reviewing all of the evidence?
- 4 A Yes, ma'am.
- 5 Q Let me talk about your statement -- let me ask you
- 6 this, too, what grade you go through?
- 7 A I didn't finish school.
- 8 Q I'm sorry?
- 9 A I didn't finish school.
- 10 Q What grade did you go through?
- 11 A Like the ninth.
- 12 Q And where did you go to school?
- 13 A -- Johnson.
- 14 Q Johnson?
- 15 A Yes, ma'am.
- 16 Q And when you quit school, did you get a job?
- 17 A Yeah, I worked.
- 18 Q And when this was all going on, when this happened, did
- 19 you have a job?
- 20 A No, ma'am.
- 21 Q And who were you living with?
- 22 A My mother.
- 23 Q Who was supporting you?
- 24 A I just had got -- I just quit my job.
- 25 Q You just quit your job?

GREG ISAAC CROSS BY MS. CAMPBELL

1 A Yes, ma'am.

2 Q What job was that?

3 A I was working at McDonald's on Forest Drive.

4 Q McDonald's on Forest Drive. So at the time when this

5 happened, when y'all went over there not to do a

6 robbery, you were employed?

7 A Yes, ma'am.

8 Q Did you know what Tavares did for a living?

9 A No, ma'am.

10 Q You didn't know what Tavares did for a living?

11 A No, ma'am.

12 Q Did you know he sold drugs?

13 A No, ma'am.

14 Q Did you know what Vernorris did for a living?

15 A No, ma'am.

16 Q And, in fact, did you know Vernorris well?

17 A No, ma'am.

18 Q But in your statement, you knew Vernorris well enough

19 to know what kind of car he always drove --

20 A Because he come around.

21 Q -- right?

22 A Because he came around.

23 MS. CAMPBELL: Beg the Court's indulgence.

24 Q And you knew him well enough to know that it was his

25 wife's car?

GREG ISAAC CROSS BY MS. CAMPBELL

1 A It --

2 MS. CAMPBELL: Beg the Court's indulgence while I
3 find the statements that are marked.

4 BY MS. CAMPBELL:

5 Q Let me back up for another thing. You mentioned that
6 you had an earlier altercation -- how long had you
7 known Tavares when this happened?

8 A I just met him in 2005.

9 Q 2005?

10 A Yes, ma'am.

11 Q And then you had a first altercation with him when you
12 testified about you had words?

13 A Yes, ma'am.

14 Q What did you say it was?

15 (There was no response.)

16 Q What kind of words?

17 A Just an argument.

18 Q An argument? What was the argument over? Was that the
19 first time you met him?

20 A Yes, ma'am.

21 Q First time you met him, you had an argument with him?

22 A Yes, ma'am.

23 Q And you said y'all had words back and forth?

24 A Yes, ma'am.

25 Q What were the words about?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Just verbal.
- 2 Q And when you say it was just verbal, what does that
- 3 mean?
- 4 A Started out eye contact and I mean, I got -- I had -- I
- 5 was in an emotional state, I just lost my brother.
- 6 Q I'm going to get back to that. Your twin brother?
- 7 A Yes, ma'am.
- 8 Q He was killed in a car accident?
- 9 A Yes, ma'am.
- 10 Q When was that, in May of 2005?
- 11 A June.
- 12 Q June, I'm sorry. And about that time -- had you met
- 13 Tavares before or after that happened?
- 14 A After.
- 15 Q And you having an emotional time, so you were
- 16 exchanging glances? How did that work?
- 17 A He was just looking at me like he had a problem with me
- 18 or something.
- 19 Q What did you look at him like?
- 20 A The same way.
- 21 Q So at that point, it escalated into a verbal argument?
- 22 A He started saying stuff to me.
- 23 Q What did he say?
- 24 A Asked me what the fuck I was looking at.
- 25 Q What were you looking at?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Him.
- 2 Q Why were you looking at him?
- 3 A Because he was looking at me.
- 4 Q Where did this take place?
- 5 A In Bethel Bishop.
- 6 Q And who lived in Bethel Bishop.
- 7 A My aunt.
- 8 Q Your aunt?
- 9 A My --
- 10 Q Where did your mother live?
- 11 A On Connor Street.
- 12 Q That's not in Bethel Bishop.
- 13 A On -- Beltline.
- 14 Q All right. It's in the Beltline area, but it's not in
- 15 Bethel Bishop.
- 16 A No, ma'am.
- 17 Q But you were in Bethel Bishop?
- 18 A Yes, ma'am.
- 19 Q And that's where you met Tavares?
- 20 A Yes, ma'am.
- 21 Q And then Tavares actually had a child with your cousin?
- 22 A Actually, he had two children with my cousin.
- 23 Q Okay. And that's now his wife?
- 24 A Yes, ma'am.
- 25 Q Is she here in the courtroom?

GREG ISAAC CROSS BY MS. CAMPBELL

1 A No, ma'am.

2 Q Once y'all had that initial confrontation, did it come
3 to blows?

4 A No, ma'am.

5 Q Okay. And after that, did y'all make up?

6 A I can't -- we was just on the chill -- on a chill type
7 basis, not really like friend basis, that was kind of
8 down the line.

9 Q Down the line. Because y'all did become friends, just
10 so the jury understands everything?

11 A That's what you want to say.

12 Q No, I'm talking about what you have said on prior
13 occasions?

14 A Sure.

15 Q And, in fact, when you testified on July the eighth of
16 this year at a prior hearing, you said that -- your
17 lawyer asked you how long you'd known Tavares World; is
18 that correct?

19 A Yes, ma'am.

20 Q And then you said that you consider him a friend, you
21 said sort of. And you admit he was a friend of yours?

22 A (Defendant looks off.)

23 Q No, don't look at him. He was a friend of yours is all
24 I'm asking?

25 A Sort of.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q You chose to hang out with Murder and you knew him as
2 Murder, right?
- 3 A Yes, ma'am.
- 4 Q And that's who you chose to hang with at Bethel Bishop
5 apartments where you didn't live?
- 6 A That's where I'm from.
- 7 Q It's where you're from, not where you lived at the
8 time. So then you just testified there was another
9 altercation with Murder, your friend, where he jumped
10 out of a Mercedes something or other?
- 11 A A truck.
- 12 Q It's what you testified to, right?
- 13 A Yes, ma'am.
- 14 Q Your testimony here today?
- 15 A (The witness nodded head.)
- 16 Q Then he came over to you and he said some cuss words to
17 you; right?
- 18 A Yes, ma'am.
- 19 Q What did he say?
- 20 A Told me to stop fucking with him, he going to fire me
21 up.
- 22 Q At that point, he pulls out a gun, right?
- 23 A Yes, ma'am.
- 24 Q And he points it in your face, right?
- 25 A Yes, ma'am.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q And how close did he get to you with the gun?
- 2 A All the way in my face.
- 3 Q All the way in your face. And then what did he say?
- 4 A He smacked me.
- 5 Q He smacked you with the gun or with his fist?
- 6 A With his hand.
- 7 Q With his hand. Is it funny?
- 8 A I ain't laughing. You see me smiling?
- 9 Q But at the point, what happens?
- 10 A Everybody was trying to jump in front of me and he
- 11 leave.
- 12 Q So other people were there?
- 13 A Yeah.
- 14 Q Who was there?
- 15 A My little cousin was there.
- 16 Q Your cousin here in the courtroom?
- 17 A No, sir -- no, ma'am.
- 18 Q Where is your cousin?
- 19 A She probably at work.
- 20 Q Who else was there?
- 21 A Couple of my friends.
- 22 Q Are they here in the courtroom?
- 23 A No, ma'am.
- 24 Q And at that point, he walks off?
- 25 A Yes, ma'am.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q And how long after your initial fight with Tavares
2 Murder did the second fight with your friend happen; do
3 you remember?
- 4 A What second fight?
- 5 Q The one where he slapped you and put a gun in your
6 face?
- 7 A That was only time he ever did that.
- 8 Q That was the only time he ever did it. The first time
9 was just an argument?
- 10 A Yes.
- 11 Q Okay. How long apart were those two?
- 12 A Like about a week or two.
- 13 Q Okay. So at this point, he's a bad dude?
- 14 A --
- 15 Q He's pulled a gun on you, right?
- 16 (There was no response.)
- 17 Q Is that your testimony?
- 18 A Yes.
- 19 Q Where you scared?
- 20 A Anybody would be scared if he got a gun in their face.
- 21 Q Okay. So you were scared of Murder who put a gun in
22 your face, right?
- 23 A Right.
- 24 Q So at that point, you don't want anything more to do
25 with him?

GREG ISAAC CROSS BY MS. CAMPBELL

1 A Right.

2 Q But that's not what happened. He was your friend,
3 right, just like you testified to?

4 A Sort of.

5 Q And, in fact, when you testified before as you did here
6 today, y'all were hanging out together on October 27th
7 at the Bethel Bishop where you didn't live? You were
8 hanging with Tavares that evening?

9 A We just got together.

10 Q But you went to where he lives and you chose to hang
11 out with him and chill; is that your testimony?

12 A That's my aunt house. I'm always there.

13 Q Let me show you your testimony again from when you
14 testified in July for the first time to these set of
15 facts. You said --

16 MR. SCHNEE: Judge, if could get a page number to
17 what she's referring to.

18 MS. CAMPBELL: No problem, Your Honor.

19 Page seven, the beginning of his testimony.

20 BY MS. CAMPBELL:

21 Q Where were you and Tavares at the beginning of the
22 night?

23 In Bethel Bishop Apartments.

24 Do you remember that?

25 A Right.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q And you testified, okay, what were you doing there?
- 2 Just chilling.
- 3 What does just chilling mean?
- 4 A Chilling.
- 5 Q Okay. You chose to be with Murder who had gotten into
- 6 a verbal altercation with you before, who had put a gun
- 7 in your face and slapped you in front of your friends
- 8 that aren't here and you were choosing to hang out with
- 9 him on October 27th some four months later because he
- 10 was your friend, right?
- 11 A Right.
- 12 Q And then at that point, you said Vernorris Dixon drove
- 13 up, right?
- 14 A Right.
- 15 Q When Vernorris Dixon drove up, you got into the car?
- 16 A Yes, we got in the car.
- 17 Q Why did you get in the car?
- 18 A I got the car on my own will.
- 19 Q Of your own will. You voluntarily got into the car
- 20 with Vernorris Dixon and Murder; is that correct?
- 21 A Right.
- 22 Q Did he tell you to get in the car or why did you get in
- 23 the car?
- 24 A We was just chilling. I ain't know we was going there.
- 25 Q You were just chilling with your friend that night,

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 murder?
- 2 A If that's what you want to call it.
- 3 Q And then you've testified kind of inconsistently about
- 4 whether or not you knew about the money he was owed?
- 5 A What you said?
- 6 Q You said he was mad?
- 7 A Yeah, he was mad.
- 8 Q And what was he mad about it?
- 9 A Somebody short him some money.
- 10 Q Okay. What happens when Tavares gets mad?
- 11 A He mad.
- 12 Q Okay. You weren't scared of him at that point?
- 13 A No.
- 14 Q Because you had gotten over the fact that he had stuck
- 15 a gun in your face and slapped you in front of your
- 16 friends. Did you know he had the gun -- the guns,
- 17 according to your testimony?
- 18 A Yes, I know he had the guns.
- 19 Q Okay. Did he always have the guns?
- 20 A Always, everyday.
- 21 Q But you weren't scared of him?
- 22 A He at the time ain't harming me.
- 23 Q That's okay. So you chose to get in the car with
- 24 Tavares World, Murder, who had slapped you and put a
- 25 gun in your face on a prior occasion to go to do what?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A We was just -- at that point, I just know we was
2 riding.
- 3 Q Okay. I believe you said y'all were riding around and
4 smoking?
- 5 A Yes, ma'am.
- 6 Q What were you smoking?
- 7 A Marijuana.
- 8 Q And at that point, you thought you were just going for
9 a joy ride to ride around?
- 10 A Basically.
- 11 Q At what point, now in your testimony today, did you
12 become aware that he was mad at this guy that had
13 shorted him according to him?
- 14 A He was mad before we got in the car.
- 15 Q Okay, that's what I need to know. So he mad before he
16 got in the car. So did you know the reason he called
17 up Vernorris and got him to come over and pick him up?
- 18 A No, I didn't.
- 19 Q At what point did you become aware that they were going
20 over there to rob the victim?
- 21 A Once we got over there.
- 22 Q Okay. Once you got over there. Did you have a gun?
- 23 A When he gave it to me.
- 24 Q Not before that?
- 25 A Not before that.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q Okay. And so now you're testimony here today is that
2 you got the gun, right?
- 3 A Yes, ma'am.
- 4 Q And tell me how that happened.
- 5 A You said tell you how it happened?
- 6 Q Uh-huh.
- 7 A Well, when we got to the destination or whatever -- he
8 tells me come with him. I'm was -- I found out what we
9 was there for. He tell me to come with him --
- 10 Q How --
- 11 A I --
- 12 Q I'm sorry, go ahead.
- 13 A I tell him I don't have nothing to do with that. He
14 told me to stop acting like a bitch and come on, then
15 he pulled a gun out. I'm like, man, then he say man,
16 stop acting like a bitch and come on. He gave me the
17 gun. You get the gun. I took the gun. Then he pulled
18 another gun and like man, come on, so we got out the
19 car and we go to the apartment. Nobody's home, then we
20 go back to the car.
- 21 Q Okay, let's stop for a little bit. So, basically, he
22 pulled a gun on you and told you you had to go with
23 him?
- 24 A Yes, ma'am.
- 25 Q And at that point, you became scared for your life?

GREG ISAAC CROSS BY MS. CAMPBELL

1 A Yes, ma'am.

2 Q You didn't feel like you had any other alternative, is
3 that what your testimony is here today?

4 A Yes, ma'am.

5 Q And, again, the first time you've ever said anything to
6 this effect was in July of this year after reviewing
7 all the discovery?

8 A Yes, ma'am.

9 Q And once he pulled the gun out and you were scared,
10 then he handed you the gun?

11 A And then he pulled out another one.

12 Q Then he pulled out another one. Do you remember
13 testifying in July of this year?

14 A Yes, ma'am.

15 Q In your testimony in July of this year, you were
16 supposed to tell the Court what all happened?

17 A Yes, ma'am.

18 Q And you never mentioned in that entire testimony when
19 he gave you the gun?

20 A He gave me the gun in the car.

21 Q That's not in your testimony, you want to review it?

22 (There was no response.)

23 Q Do you want to?

24 A He gave me the gun in the car.

25 Q I'm asking about your testimony when you testified

GREG ISAAC CROSS BY MS. CAMPBELL

1 about the same matter three months ago. Did you
2 testify that he gave you the gun in the car?

3 A Yes, I did.

4 Q Okay. You want to review it in here and show me
5 because I can't find it where you testified to that?
6 Or anywhere in there where you testified when you got
7 the gun?

8 (Pause.)

9 A I don't see it in here, but I know I said it, though.

10 Q You know you said it.

11 A I know I said it.

12 Q Now it's not just the police, it's the court reporter.

13 A It must be.

14 Q She intentionally left that part out of your
15 transcript?

16 A Must be.

17 Q At that point, your testimony here today is you went
18 first time, came back, chilled. Did you ever think
19 about using the gun he gave you -- did you know it was
20 loaded?

21 A His gun always loaded.

22 Q Did you know how to use the gun?

23 A Pull the trigger, that's my understanding.

24 Q That's my understanding?

25 A That's all I know.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q Well, you knew enough to know how to pull the trigger?
- 2 A What you mean by that?
- 3 Q I said did you know enough to know how to pull the
- 4 trigger to use the gun?
- 5 A Just pull it.
- 6 Q Then you mentioned that y'all saw or somebody saw the
- 7 car that they thought he was in?
- 8 A Yeah.
- 9 Q Okay. And that point, y'all go back?
- 10 A Yeah, we went back.
- 11 Q Okay. And you still got the gun?
- 12 A Yes, ma'am.
- 13 Q That's loaded because the gun is always loaded, right?
- 14 Don't do you any good if it's not loaded; right?
- 15 A (The witness nodded head.)
- 16 Q You got to answer out loud?
- 17 A Oh, yes, ma'am.
- 18 Q And at the point, you go back over there to the same
- 19 apartment?
- 20 A Yes, ma'am.
- 21 Q And then Tavares kicks in the door?
- 22 A Yes, ma'am. He beats on the door first, then he kicks
- 23 the door.
- 24 Q Then he walks in the door and he starts screaming
- 25 where's the money?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A He did say where's the money, he said where's my money.
- 2 Q Where is my money. And at that point, a fight ensues?
- 3 A Yes, ma'am.
- 4 Q And were you inside or outside at that point?
- 5 A I was outside.
- 6 Q And the fight, did it get kind of violent?
- 7 A What you mean by get violent, they were throwing blows.
- 8 Q Were they standing up?
- 9 A They was standing up at first.
- 10 Q Then at some point, did the end up on the ground?
- 11 A They ended up -- I can't really on the ground, but they
- 12 were on top of each other. They was fighting.
- 13 Q And what area of the apartment were they fighting in?
- 14 A Right in front of the door.
- 15 Q And at this point, you're still scared for your life?
- 16 A Yes, ma'am.
- 17 Q And you know Tavares is in there fighting with this
- 18 guy?
- 19 A Yes, ma'am.
- 20 Q What point do you see Tavares pull his gun?
- 21 A He ain't pull the gun.
- 22 Q He didn't pull a gun even though he had one on him?
- 23 A Yes, ma'am.
- 24 Q So there's a fist fight going on, Tavares is armed, but
- 25 he doesn't pull his gun; right?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q And then the fight keeps going on. Does it last for a
- 3 little while?
- 4 A Not no while.
- 5 Q And you're still scared for your life?
- 6 A Basically.
- 7 Q That's your testimony?
- 8 A Yes.
- 9 Q So at that point while Tavares is in this fight, he's
- 10 down, he's in this fight with somebody else and you're
- 11 where in the apartment or you're outside the apartment?
- 12 A Yes, ma'am.
- 13 Q You're outside?
- 14 A Yes, ma'am.
- 15 Q So at that point, it was your opportunity to leave?
- 16 A Where I'm going to go to?
- 17 Q To the police. You're threatened, feel for your life,
- 18 worried for your family. This man named Murder, who is
- 19 your friend, is going to kill you all, according to
- 20 your testimony?
- 21 A Okay. Yeah.
- 22 Q You can't go to the police?
- 23 A If I go to the police and he gets away, he's still
- 24 going to kill my family.
- 25 Q And we'll get back to when you go to the police. At

GREG ISAAC CROSS BY MS. CAMPBELL

1 that point, according to your testimony, you're in
2 there, you're outside the apartment and then you go in
3 and you're trying to pull Tavares out?

4 A Yes, ma'am.

5 Q Do you remember talking to the police about how that
6 happened?

7 A Yes, ma'am.

8 Q And you mentioned in your testimony today that while
9 you're inside the house next to the table that they
10 push into you and that's when the lamp got knocked
11 over? That would explain your fingerprint?

12 A Yeah, the lamp right behind me.

13 Q Behind you?

14 A Yes, ma'am.

15 Q And then you reached to grab it to keep it from going
16 to the floor?

17 A Not kind of reaching, but like pushed me and I went
18 into the table right there.

19 Q And at that point, your testimony here today is all you
20 did was you were trying to pull Tavares out?

21 A Basically.

22 Q So was Tavares winning or losing?

23 A Man, to my understanding, nobody was winning. It was
24 just blow for blow.

25 Q And you didn't participate in the fight anyway?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A No.
- 2 Q You were trying to, I think your words were diffuse it?
- 3 A Yes, ma'am.
- 4 Q And those are your words?
- 5 A Yes, ma'am.
- 6 Q So you're just trying to be the peace maker and get
- 7 Tavares out of there?
- 8 A Yes, ma'am.
- 9 Q At any point did you think it was a good idea for you
- 10 to get out of there?
- 11 A I'm trying to get -- yeah, I'm going to leave.
- 12 Q Okay. And at some point, you go over there and you hit
- 13 the victim because he's winning the fight?
- 14 A I ain't hit nobody.
- 15 Q Okay. Do you remember giving a statement to the police
- 16 that you admitted earlier was the truth, or what you
- 17 told them at the time anyway?
- 18 A I seen that in the statement, but I ain't said that.
- 19 Q Do you remember telling them they were fighting all
- 20 over the furniture?
- 21 A No.
- 22 Q Do you remember saying at some point they fell into me?
- 23 A Yes. That's the push, that when they bumped into me?
- 24 Q And I fell into the end table that the lamp was on.
- 25 A Yeah, that's the table right behind me.

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q And I tried to catch the lamp before it fell and it
2 busted, it fell anyway.

3 A It ain't busted. You see in the pictures it ain't
4 busted.

5 Q And you've seen all the pictures in this case?

6 A Yeah.

7 Q That's important. They were on the floor and the
8 man -- the man would be the victim, right?

9 A Yes.

10 Q Was on top of Tavares and was beating him. That's not
11 your testimony her today?

12 A Yes. I said like on the floor.

13 Q What floor were they on?

14 A -- laying on the floor, that's what you trying to make
15 it.

16 Q No, sir, I'm using your words. You tell me. I don't
17 want to put words in your mouth. You tell me what you
18 meant by that?

19 A -- on the floor.

20 Q When you said they were on the floor and the man was on
21 top of Tavares and was beating him, what did you mean?

22 A That he was getting off of him, like getting the best
23 of him.

24 Q Okay. That's what you said then, but that's not your
25 testimony here today?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A That's what I'm saying today.
- 2 Q Well, I'm confused. Are you saying that's what
3 happened then, what you said in the now is your version
4 again?
- 5 A No, I ain't saying that.
- 6 Q Okay. Sorry. Then you said I hit the man in the back
7 and tried to pull him off Tavares?
- 8 A I ain't said that.
- 9 Q You didn't say that?
- 10 A (The witness shakes head.)
- 11 Q So when you reviewed this statement at whatever point
12 when you signed it or later, you didn't correct that?
- 13 A No.
- 14 Q And that's not what you told the police, they just put
15 that in there?
- 16 A Basically.
- 17 Q Okay. And you didn't change your testimony just
18 because you don't want to be in anyway a participant in
19 the beating as well as the shooting? That could hurt
20 your self-defense?
- 21 A I shot, but I didn't beat that man because I didn't
22 have nothing to do with it. He ain't owe me no money.
- 23 Q And at that point, you end up back outside?
- 24 A Yes, ma'am.
- 25 Q And then you mention that Tavares and the victim -- say

GREG ISAAC CROSS BY MS. CAMPBELL

1 this is the doorway, and you're Tavares and the victim,
2 that they're coming towards the door?

3 A Yes, ma'am.

4 Q And you're outside on the front area, right, in the
5 front?

6 A Yes, ma'am.

7 Q And your estimate is you're 10 feet or so away from the
8 door, right?

9 A Yes, ma'am.

10 Q And if they're coming out the door like you're facing
11 me, where would you -- if I were you, where would I be,
12 over here?

13 A Yes, ma'am -- yeah.

14 Q About over here (indicating), about 10 feet?

15 A Kind of a little bit more over to the side, yeah.

16 Q Is this about right?

17 A About right.

18 Q And at that point, they're getting ready to come out
19 the door?

20 A Yeah.

21 Q And you see Tavares is in front?

22 A He's running toward me.

23 Q Towards you. And then Tavares, actually, runs into
24 you?

25 A Uh-huh.

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q And then you shoot, you think twice, right? You shoot
2 at him twice, right, the victim?

3 A Yes, ma'am.

4 Q Where is he when you shoot him?

5 A In the doorway.

6 Q In the doorway, so he's still inside the house?

7 A Right. Not in the doorway, he was like just standing
8 between the door and the outside.

9 Q Okay. Were you pointing the gun at him when you shot?

10 A I just reached and pulled.

11 Q Reached and pulled, but you aren't shooting at like
12 people down the street. You didn't want to hurt
13 anybody else?

14 A I didn't shoot down the street.

15 Q So you're shooting at him, no question about that?

16 A Yeah, I shot that way.

17 Q And your testimony is you're outside when you're
18 shooting at him, he's in the doorway?

19 A Yes, ma'am.

20 Q And did you see him get hit by the bullets?

21 A No, ma'am.

22 Q There's no way you were shooting randomly around the
23 neighborhood?

24 A No, ma'am.

25 Q So you were shooting right at him?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Yes, sir.
- 2 Q From about 10 feet away?
- 3 A Yes, ma'am.
- 4 Q And this is after Tavares is in front of him, Tavares
- 5 is coming -- and you think you see him reach --
- 6 A Yes, ma'am.
- 7 Q Do you remember what he was wearing?
- 8 A No, ma'am.
- 9 Q Do you remember that he had no shirt on?
- 10 A No, ma'am.
- 11 Q Do you remember seeing him -- his back?
- 12 A Tavares was in front of me, so, basically, ain't really
- 13 see him.
- 14 Q Well, in your earlier statement, you would have been
- 15 able to hit him because you went over and hit him while
- 16 he was on top of Tavares beating him?
- 17 A No, I didn't hit anybody.
- 18 Q That's your testimony today. Do you remember how many
- 19 times you shot?
- 20 A Twice.
- 21 Q Okay. Do you remember testifying on July 8th of this
- 22 year saying you shot three times?
- 23 A Basically, two or three times. I said that -- when the
- 24 police had me.
- 25 Q Do you remember specifically they asked you do you

GREG ISAAC CROSS BY MS. CAMPBELL

1 remember how many times you shot and you said like
2 three times?

3 A Yes, ma'am. It been so long ago.

4 Q And as far as that goes, I mean, you didn't have any
5 trouble remembering this event. You shot and killed a
6 man, right?

7 A It wasn't my intention to kill him.

8 Q I understand, but it was traumatic on you. You're the
9 victim. It was traumatic, wasn't it? Did it upset
10 you?

11 A Yes.

12 Q You shot and killed somebody?

13 A Yes, because I ain't.

14 Q You remember it while under duress?

15 A Ma'am, I'm in a situation I don't have nothing to do
16 with. I got a person already trying to harm me and I
17 see another person reaching for a gun. My intention
18 was not to kill this man because I don't even know this
19 man. My life in danger on both behalves.

20 Q Then you go back to the car, right?

21 A Yes, ma'am.

22 Q And at that point when you're running, Tavares has
23 already run off ahead of you, right?

24 A Yes, ma'am.

25 Q You can't leave because Tavares, your testimony is now

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 that Tavares was going to kill you or your family?
- 2 A That was before -- that same then and same right now.
- 3 Q Same thing now?
- 4 A Yes, ma'am, going to do something to my family.
- 5 Something I said back then, same thing I'm saying right
- 6 now.
- 7 Q The thing the police didn't write down?
- 8 A Ma'am?
- 9 Q I'll move on. Once you got there, where did y'all go?
- 10 A When we left there?
- 11 Q (The solicitor nodded head.)
- 12 A We went back to Bethel Bishop.
- 13 Q You gave the gun back to him?
- 14 A I gave the gun back in the car.
- 15 Q And you never saw the gun again?
- 16 A No, ma'am.
- 17 Q And when you got back to Bethel Bishop, what did you
- 18 do?
- 19 A We went in the house.
- 20 Q Who's house did you go in?
- 21 A Into my aunt's house.
- 22 Q And did you tell your aunt what had happened?
- 23 A No, ma'am.
- 24 Q Why not?
- 25 A My aunt wasn't there.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q Did you tell any one that night what happened?
- 2 A No, ma'am.
- 3 Q Okay. Do you remember several days later hanging out
4 with Murder again?
- 5 A Yes, ma'am.
- 6 Q And Vernorris coming over and y'all talking about what
7 had happened?
- 8 A Yes, we talked about it.
- 9 Q Do you remember as the years passed 2005, 2006, 2007,
10 2008, 2009, you got older?
- 11 A 2007, 2008, 2009, 2010, I was in prison.
- 12 Q Okay. On unrelated matters not having to do with
13 Tavares World?
- 14 A Ain't got nothing to do with him.
- 15 Q What about while you were in prison, did you ever tell
16 your mom about what had happened?
- 17 A No, ma'am.
- 18 Q Why not? She would be there for you?
- 19 A I understand that.
- 20 Q While you were in prison, did you think about talking
21 to the police about what had happened?
- 22 A No, ma'am.
- 23 Q Why not?
- 24 A Just -- I -- I don't talk to nobody. I didn't want to
25 talk to nobody about, you know what I mean, because it

GREG ISAAC CROSS BY MS. CAMPBELL

1 still mess with me to this day, I mean, because it
2 wasn't my intention to kill that man because I didn't
3 know him. I have bad dreams about it.

4 Q Did you get help while you were prison with your
5 dreams?

6 A No, ma'am. I take -- twin brother.

7 Q Okay. At some point when you got back out of prison,
8 did you think it was important to go to the police
9 and -- you feel so guilty about this, I mean, he had a
10 son?

11 A Yes, ma'am, he got a son.

12 Q He had a mother?

13 A Yes, ma'am.

14 Q People that cared about him?

15 A Yes, ma'am.

16 Q Did you think it was important to clear it all up and
17 let them know what Tavares made you do?

18 A That's what I told the police what happened when they
19 got me.

20 Q When they got you in 2012?

21 A Yes, ma'am.

22 Q And to be sure, you never went to the police with this
23 information?

24 A No, ma'am.

25 Q You would agree with me in your statement, the only you

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- 1 said was that Tavares kicked the door in?
- 2 A And he fought the man.
- 3 Q And he fought the man. And you hit him?
- 4 A I ain't hit nobody.
- 5 Q And then you shot him while y'all were trying to leave.
- 6 Would you agree that's what's in your statement?
- 7 A When I seen him reaching for a gun, that's when I shot.
- 8 Q So there's nothing in your statement about Tavares
- 9 threatening your life before any of this happened?
- 10 A They ain't put it in there. That's what I said back
- 11 then and that's what I'm saying to this day.
- 12 Q Well, that's not exactly what you said back then, is
- 13 it, because when you first came in contact after the
- 14 police picked you up, you lied about what happened?
- 15 A Yes, I did.
- 16 Q Why did you lie?
- 17 A Because at first when he showed me the picture, I
- 18 didn't know the man.
- 19 Q Okay. That's understandable.
- 20 A I didn't know him.
- 21 Q What about when they told you about the fingerprint on
- 22 the lamp inside of the apartment?
- 23 A I didn't know what they were talking about at the tie.
- 24 Q Did they tell you about a man being shot in his
- 25 apartment?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Yeah.
- 2 Q And did they tell you about there being a scuffle in
- 3 the apartment and your fingerprint being on a lamp?
- 4 A Yes, they told me about the fingerprint.
- 5 Q And that didn't jog your memory about this murder?
- 6 A No.
- 7 Q This traumatic event for you, the victim?
- 8 A No.
- 9 Q So you just honestly didn't remember it at first?
- 10 A I didn't.
- 11 Q Is that what you're saying?
- 12 A I didn't remember it at the time.
- 13 Q So at that point, they ask you to drive down to see the
- 14 apartment complex.
- 15 A They took me to the apartment.
- 16 Q And you've had dreams about this, nightmares, it's
- 17 affected you, you're on medication according to your
- 18 testimony?
- 19 A Yes, I am.
- 20 Q Okay. So at that point when you went back to the where
- 21 this traumatic event happened, did it come back to you?
- 22 A Yes, it did.
- 23 Q But you still lied to the police?
- 24 A It really start -- yeah, I lied, but it didn't really
- 25 start dawning on me until we started talking about the

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- 1 mother and son.
- 2 Q Okay --
- 3 A That's when my emotions --
- 4 Q I'm sorry, I didn't mean to interrupt.
- 5 A That's where my emotions came in at.
- 6 Q Your emotions came in. Do you remember signing this
- 7 piece of paper, State's Exhibit 2?
- 8 A Yes, I remember that.
- 9 Q Okay. In this, you deny knowing anything about it.
- 10 That was after you had been to the apartment, which
- 11 brought it all back?
- 12 A No, he did that before we went to the apartment.
- 13 Q So they lied about that, too?
- 14 A We did that before we went to the apartment.
- 15 Q At any point did you think it was important to clear
- 16 this up and go to the police?
- 17 A No, ma'am.
- 18 Q Okay. Not because of the child involved?
- 19 A I didn't know a child was involved in it.
- 20 Q Okay. But, typically, people have relatives?
- 21 A Yes, ma'am.
- 22 Q And you didn't think it was important to tell the
- 23 police about Tavares about what he had done and what he
- 24 had forced you to do?
- 25 A How am I going to tell the police? If they can't catch

GREG ISAAC CROSS BY MS. CAMPBELL

1 him and he found out that I did it --

2 Q Well, let's talk about when they did catch him because

3 he was in jail in 2009?

4 A I was in jail in 2009.

5 Q Well, he was jail in 2011. At that point, would it

6 have been safe to come forward?

7 A I just came home in 2010, I was messing with somebody

8 in 2011.

9 Q Or in 2012 when he got locked up prior to all this?

10 A I got locked up couple days after him.

11 Q And you knew that because you continued to be friends

12 with him.

13 A We wasn't chilling together then. We was never

14 together when I came home. I was with my kids and my

15 baby -- my child's mother.

16 Q When you talked to the police that day, were you still

17 scared of Tavares, your friend that you were still

18 scared of when you talked to them?

19 A When we talked about the situation?

20 Q In April?

21 A Yeah, when we talked about the situation.

22 Q You were still scared of him?

23 A Yes.

24 Q Murder?

25 A Yeah, because if he found out I tell about it, I mean,

GREG ISAAC CROSS BY MS. CAMPBELL

1 no telling what he will do.

2 Q Okay. And you told?

3 A Yeah, I did.

4 Q In fact, at that point, you blamed the victim for the
5 reason you had to shoot him, right?

6 A I can't really say I blamed him, but, you know what I
7 mean, I seen him touching for a gun. What else I
8 supposed to do, run and let him shoot?

9 Q You told the police you knew he didn't have a gun?

10 A I ain't told the police nothing. I said I seen him
11 touching for a gun.

12 Q What you thought was a gun --

13 A Yeah.

14 Q --

15 A Yes -- and see if he had one.

16 Q Do you remember talking to Brian Godfrey and those and
17 telling them that you knew he didn't have a gun?

18 A I ain't know he had nothing.

19 Q So you deny that. But you told on him even though you
20 were scared for your family and everything at the
21 point?

22 A The reason I told was because the mother and the son.

23 Q And, in fact, you wrote a letter to apologize to them.

24 A Yes, I did.

25 Q And in the letter, do you remember what you said?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A No, not the whole thing.
- 2 Q Do you remember asking them to forgive you for what you
- 3 did?
- 4 A Yes, ma'am.
- 5 Q And telling them if they couldn't forward you, you
- 6 would understand?
- 7 A Yes, ma'am.
- 8 Q Because what I did, I know I was wrong?
- 9 A Yes, ma'am.
- 10 Q You didn't explain in the letter to them -- is that
- 11 your handwriting by the way?
- 12 A Yes, ma'am.
- 13 Q That you had no other choice but to do it?
- 14 A Yes.
- 15 Q In fact, the only person you say you were scared of was
- 16 her son?
- 17 A I said I'm scared of her son?
- 18 Q You said it wasn't my intention to shoot your son, but
- 19 I felt for my life?
- 20 A That don't mean I was scared of her son.
- 21 Q According to your testimony, you thought he was going
- 22 to shoot you?
- 23 A Yes, ma'am.
- 24 Q But you don't mention anywhere in your apology letter
- 25 in your own handwriting I didn't have a choice, Tavares

GREG ISAAC CROSS BY MS. CAMPBELL

1 made me do it, anything. That didn't come up until

2 July of this year?

3 (There was no response).

4 Q Do you remember your testimony from July of this year
5 when Mr. Schnee asked you some questions. On page 13,
6 he was talking to you, y'all were outside the apartment
7 and he was talking about going in. Do you remember why
8 you said wouldn't go in?

9 A I didn't have nothing to do with it.

10 Q No, that's not what you said?

11 A What I said?

12 Q I was asking do you remember why you said it?

13 A Why I said it?

14 Q I don't do no burglaries or whatever. I don't break in
15 nobody's house?

16 A Yeah, I said that.

17 Q And that's not true?

18 MR. SCHNEE: Judger there's a matter of law.

19 THE COURT: Counsel, approach.

20 Ladies and gentlemen, let's stand for moment.

21 (Whereupon, a bench conference was held
22 off the record, in the presence of the
23 jury, but out of the hearing of the
24 jury.)

25 THE COURT: All right.

GREG ISAAC REDIRECT BY MR. SCHNEE

1 BY MS. CAMPBELL:

2 Q After he threatened you that night and you felt for your
3 life, why did you continue to hang out with Murder?

4 A Because if I didn't, I thought he have -- my family or
5 something.

6 Q And after you told on him, did anything happen to you
7 or your family?

8 A I was locked up.

9 Q But he was locked up before that?

10 A I was locked up before that.

11 Q Thank you, sir.

12 THE COURT: Any redirect?

13 MR. SCHNEE: Yes, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. SCHNEE:

16 Q Greg, this is the second page of a statement you gave
17 to the police in April of 2012. I want to show you
18 this. Does it say where you got the gun that night?

19 A Yes.

20 Q Where does it say that you told police a year and half
21 ago you got that gun?

22 A Before we went to the apartment.

23 Q Who gave it to you?

24 A Tavares.

25 Q That was in the car?

GREG ISAAC REDIRECT BY MR. SCHNEE

- 1 A Yes, sir.
- 2 Q That's what you told the police?
- 3 A Yes, sir.
- 4 Q Okay. Now, this hearing that happened back in July, it
5 was nowhere near as long as your testimony today in
6 front of the jury; was it?
- 7 A Say it again.
- 8 Q It was nowhere near as long as the testimony here, was
9 it?
- 10 A No, sir.
- 11 Q Can you tell me if anyone ever asked exactly when you
12 got the gun in the testimony? If you just want to look
13 through it?
- 14 A I don't see.
- 15 Q No one asked you where you got the gun?
- 16 A No, sir.
- 17 Q After October of 2005 and to this day, what is
18 Tavares's relationship with your family?
- 19 A Cousin's husband.
- 20 Q And has how many kids with your cousin?
- 21 A Two.
- 22 Q Is there any way you can avoid being around him?
- 23 A No, sir.
- 24 Q Did you feel when you went to that apartment that you
25 had any choice whatsoever?

1 A No, sir.

2 Q If you didn't go with Tavares, what would have
3 happened?

4 A He would have hurt me, killed me or something.

5 Q No further question.

6 THE COURT: Anything further?

7 MS. CAMPBELL: No, sir.

8 THE COURT: All right. Sir, you may step down.

9 Okay. Next witness.

10 MR. SCHNEE: Judge, at this time, the Defense
11 rest.

12 THE COURT: All right. Ladies and gentlemen,
13 you've heard the Defense case.

14 Any reply by the State?

15 MS. CAMPBELL: No, sir.

16 THE COURT: All right. Ladies and gentlemen,
17 you've now heard all of the testimony in this case. What
18 remains will be closing arguments, the jury charge and then
19 it will be time for deliberation. We're going to break for
20 one hour -- well, let's one hour and 10 minutes -- no, we'll
21 say one hour, which will be 20 after two. So please go to
22 the jury room. Please do not discuss the case.

23 (Whereupon, the jury left the courtroom
24 at 1:17 p.m.)

25 THE COURT: Any matters at this time?

1 MR. SCHNEE: Judge, just for the record, I would
2 renew all prior motions and objections. Additionally, Your
3 Honor, I would say that my client's clearly established a
4 case of duress and self-defense for all the charges. The
5 State has the burden of -- in terms of duress, I only have
6 to prove by preponderance of the evidence -- contrary
7 evidence other than my client's testimony. In terms of self
8 defense and the murder charge itself, the State has the
9 burden of disproving beyond a reasonable doubt and I don't
10 believe they have met that burden. I, once again, ask for a
11 directed verdict.

12 THE COURT: All right. These are matters for the
13 jury to decide. I respectfully deny your motion.

14 Anything else?

15 MS. CAMPBELL: Your Honor, as far as duress, I'm
16 going to hand up some case law.

17 THE COURT: What's the story about duress?

18 MS. CAMPBELL: Basically, there should be an
19 instruction I believe, Your Honor, on the duress does not
20 apply to murder.

21 THE COURT: All right. Does the State acknowledge
22 that that's a proper charge.

23 MS. CAMPBELL: In addition to that, Your Honor, I
24 believe in the State vs -- the Court -- duress by
25 preponderance of the evidence.

1 THE COURT: Burden of proof as to duress is on the
2 Defense, is that what you said?

3 MS. CAMPBELL: Yes, Your Honor.

4 THE COURT: All right.

5 MR. SCHNEE: Judge, I agree with that, that is the
6 law.

7 THE COURT: That's the Lee County -- case?

8 MS. CAMPBELL: Yes, looks like it.

9 THE COURT: All right.

10 MS. CAMPBELL: And as far as self-defense, Your
11 Honor, we would ask that you use your regular self-defense
12 charge. Your Honor, I believe we would also hand up -- on
13 the duress issue.

14 THE COURT: With regard to self-defense, is there
15 anything new or different with respect to this self-defense
16 charge as opposed to any other self-defense charge except
17 the -- let's see. The self-defense charge -- he's arguing
18 self-defense as it relates to the murder charge and duress
19 as it relates to other charges.

20 MS. CAMPBELL: Yes, Your Honor, and then we have
21 to fashion somewhere that that's the only -- yes, he's
22 alleging self-defense as far as the murder charge. And then
23 the proper -- and the only thing we would ask is the
24 self-defense charge that you charge the jury includes the
25 language about --

1 THE COURT: Anything else?

2 MR. SCHNEE: Judge, I think that Ralph King
3 Anderson's charge that I copied and pasted is the
4 appropriate charge on self-defense. I'm not sure what Your
5 Honor --

6 THE COURT: Well, Ralph King Anderson is retired
7 and he has had his run. He's written a book,
8 well-respected. We don't copy and paste him as being the
9 who we must charge.

10 MR. SCHNEE: Well, I'm not sure what she's saying
11 is actually missing from his charge.

12 MS. CAMPBELL: And reasonable doubt, Your Honor,
13 we have on problem with his as long as your --

14 THE COURT: All right. All right. Anything else
15 then?

16 (There was no response.)

17 MR. SCHNEE: No, Your Honor.

18 THE COURT: All right. We'll argument at 2:30.
19 Not 2:30 -- 2:20.

20 (Whereupon, a short recess was held.)

21 THE COURT: Yes.

22 MS. CAMPBELL: May it please the Court, Your
23 Honor. Over the break, I did review the Defendant's
24 testimony at this time, he did testify they were smoking
25 marijuana in the park prior to the actual crime occurring.

1 And based on that, Your Honor, we submit a request from the
2 voluntarily intoxication charge. I did show that to the
3 Defense and I do not believe they have a problem.

4 THE COURT: Is that correct?

5 MR. SCHNEE: That's correct, Your Honor.

6 THE COURT: All right.

7 Mr. Schnee.

8 MR. SCHNEE: There is one other matter, Your
9 Honor.

10 THE COURT: Okay.

11 MR. SCHNEE: I know the foreperson and everyone
12 has taken a substantial number of notes. From what I've
13 seen, at least, some of them haven't. I would just ask Your
14 Honor to give your charge on note taking and not relying on
15 notes.

16 THE COURT: All right. I'll do that.

17 All right. Let's bring in the jury.

18 BAILIFF: Yes, Your Honor.

19 (Whereupon, the jury returned to the
20 courtroom at 2:32 p.m.)

21 BAILIFF: Your Honor, the jury is seated.

22 THE COURT: All right. Welcome back. Now, ladies
23 and gentlemen, you have now heard all of the testimony. You
24 have received all of the evidence. It's now time for
25 closing arguments. Please remember that the arguments of

1 counsel, those arguments are not evidence. You've heard the
2 evidence from the witness stand and the evidence -- the
3 evidence is also contained in the exhibits that are made a
4 part of the record. Certainly, what is stated in closing
5 arguments is important and I ask that you give them your
6 undivided attention at this time.

7 Ms. Campbell.

8 MS. CAMPBELL: May it please the Court.

9 The first thing I would like to do on behalf of
10 the State of South Carolina and the citizens of Richland
11 County and the family of Antonio Corbitt is to thank you for
12 your service in this case. I know on Monday morning when
13 you walked into this courthouse, you didn't know maybe you
14 might be on a wreck case or, perhaps, a fraudulent check or
15 something of that. Whenever one is asked to perform the
16 highest duty one can serve other than military, you don't
17 know what to expect. But over the last few days, you've
18 been very attentive and paid attention and we really
19 appreciate your help in this case. On behalf of the family
20 and on behalf of the State, the sheriff's department, we
21 thank you.

22 Now, I'm going to have the opportunity to address
23 you the first time, to address each of you. After I
24 speak -- and I'm going to talk to you about the law in the
25 case that the Judge is going to charge you. After I talk to

1 you, Mr. Schnee is going to get up here and have an
2 opportunity to address certain issues he feels are in the
3 case. And after that, you're going to hear from Ms. Walker,
4 who is going to talk to you about the closing argument
5 because the burden of proof is on the State of South
6 Carolina as it should be to prove this Defendant guilty
7 beyond a reasonable doubt. As I talk about the law, if I
8 say anything different from what the Judge (indicating) will
9 ultimately charge you what the law is you're to apply to the
10 facts as you find them, if I say anything different from
11 him, take the law as he gives it to you. It's not
12 intentional on my part. Just remember to listen to him
13 carefully because he is the ultimate judge of the law.

14 The roles in this courtroom are defined for a
15 purpose. The State's role is to bring before you all
16 relevant, admissible evidence as far as what happened back
17 just on September the 27th of 2005. The Defense's role is
18 obvious, it's to defend his client to the best of his
19 ability. The Judge's role is to determine what is
20 admissible and what you're allowed to hear and consider as
21 far as what happened back on that day. But by far, the most
22 important role in this courtroom is yours. Each of you
23 individually. And then once you get back to that jury room
24 after you hear the closing arguments and after the Judge
25 addresses you as to what the law is that you should apply,

1 your role is by far the hardest because you alone must
2 determine from the facts and circumstances what happened
3 back that day and whether the Defendant is guilt of or if he
4 is not guilty of any crime on that day. That is your role.

5 Now, the Judge has told you, and this is
6 important, what is the evidence that you can consider as
7 you've heard everything you can consider. Evidence is the
8 testimony, the sworn testimony from the witnesses in the
9 case. The evidence is the exhibits that will go back with
10 you. Once you are charged on the law, once each of you go
11 back there, the exhibits will go back for you consider.
12 That is what is evidence that you can consider in this case.
13 What is not evidence, as the Judge has already told you,
14 it's not a question by the lawyer, it's not our arguments,
15 it's not allegations that were not substantiated through the
16 actual testimony in this trial, even though someone may have
17 said thing in opening.

18 Evidence is not just innuendo, conjecture,
19 speculation, or just plan wishful thinking on behalf of the
20 Defendant. Again, your role as jurors is to judge the
21 credibility -- and I'll get back to this, the credibility of
22 each witness that came before you. Do they have a bias or
23 prejudice? Was their testimony supported by the other
24 evidence or not supported? Were they consistent in the
25 statements they gave before or did their story change and

1 change and change as necessitated by the law that's going to
2 be applied.

3 Now, I want to apologize if during this we have
4 done anything (indicating) to offend you in any way.
5 Sometimes, in our -- to get evidence out before you, a
6 question can be sloppy, sometimes something may be not
7 admissible at first and then later becomes admissible. I
8 know y'all have been sent back to that jury room over and
9 over and I apologize. It was not intentional on our part.
10 So please don't told that against the State of South
11 Carolina.

12 Now, a criminal case issue, a Defendant has, as he
13 should, an absolute right to confront each and every witness
14 against him. He has the absolute right to confront each and
15 every witness. During the course of this trial, you have
16 heard people refer to prior statements from witnesses.
17 You've heard other things. Normally, those are not
18 admissible. The except -- any admission by the Defendant
19 about these charges that is the exception normally. In this
20 case, there's another exception. If the Defense allows --
21 video of a child, then it can become admissible if he so
22 chooses. But, basically, in order for the Defendant to
23 confront each and every witness, there's live testimony.

24 You heard from the pathologist in this case. We
25 didn't just give his report. You heard from the police

1 officers in this case to see what was done. And the reason
2 for that is clear, is because the constitution guarantees
3 him the right to cross-examine each and every witness, but
4 you haven't seen any depositions, any video depositions, no
5 statements are admissible and that's the reason for that.
6 Also, the State is going to -- we only bring before you
7 relevant evidence as far as what happened that day. So we
8 have been able to bring before you witnesses that actually
9 had something to contribute as to the issues in this case.
10 And I submit the issues in this case were narrowed down in
11 opening statement by the Defense because there is no nobody
12 denying that we have -- saying that we have the wrong guy.
13 There is no one alleging that he didn't shoot and kill
14 Antonio Corbitt.

15 The only issue here is whether or not under the
16 law, even if you believe the Defendant's testimony, his
17 final testimony here today, did he have a right to shoot and
18 kill Antonio Corbitt, who was in his own home, minding his
19 own business that night, does a home invader have the right
20 to shoot and kill in self-defense? And I submit, ladies and
21 gentlemen, once you hear what the Judge instructs you on the
22 law in this case, no one has the right to break into someone
23 else's house and then try to claim self-defense to get off.
24 That is ludicrous.

25 The burden of proof is on the State of South

1 Carolina to prove this Defendant beyond a reasonable doubt.
2 That's the highest level of proof in any courtroom in this
3 nation, as it should be. Proof beyond a reasonable doubt.
4 And I submit, ladies and gentlemen, in this case with this
5 testimony and with these stories (indicating), that is a
6 burden the State welcomes.

7 Now, what the proof beyond a reasonable doubt?
8 The Courts have defined it. Perhaps, the easiest
9 definition, what is a reasonable doubt? A reasonable doubt
10 is the type of doubt that makes a reasonable person -- and
11 you'll hear it from the Judge's charge. He will talk about
12 people using reasonable definitions because it's not
13 someone -- anybody can say anything, it doesn't make it
14 true. The type of doubt that makes a reasonable person
15 hesitate to act. But our Courts have gone further than that
16 in defining a reasonable doubt. In cases, they have defined
17 it as this, and listen carefully to the Judge, proof behind
18 a reasonable doubt is proof that leaves you firmly convinced
19 of the Defendant's guilt. And let me repeat that. Proof
20 beyond a reasonable doubt is proof that leaves you firmly
21 convinced of the Defendant's guilt. There are very few
22 things in this world that we know with absolute certainty.
23 And in criminal cases such as this, the law does not require
24 proof that overcomes every possible doubt. If based on your
25 consideration of the evidence, you're firmly convinced that

1 the Defendant is guilty of the crime charged, you must find
2 him guilty. If on the other hand, you think there is a real
3 probability that he is not guilty, give him the benefit of
4 the doubt and find him not guilty. Again, the law
5 recognizes any one can doubt anything. We don't have to
6 overcome that. Although I submit in this case with these
7 facts and this testimony, we have. All we to have do is
8 leave you firmly convinced of the Defendant's guilt.

9 Now, there are going to be three different
10 indictments -- there are three different charges even though
11 this is only one defense -- person commit more than one
12 crime. In this case, he is charged with murder and there
13 are no lesser included on these facts. Listen carefully to
14 the Judge. In this case, he is charged with attempted armed
15 robbery and there are no lesser included. Listen carefully
16 to the Judge. And in this case, he's charged with burglary
17 in the first-degree.

18 And very simply, ladies and gentlemen, I want to
19 talk to you about the elements of those. And listen again
20 to the Judge as he instructs you on the law. Murder to be
21 the most heinous crime that can be committed. That is
22 probably definition. Very simply, in our laws it's defined
23 as this, it is the killing of any person with malice
24 aforethought, either express or inferred. I want to talk to
25 you a little bit about what those terms mean. It's the

1 killing. Now, listen carefully to the Judge because with
2 murder in this state, we don't have murder in the
3 first-degree, second-degree, we have murder. You will
4 listen carefully to the Judge. He will -- In this case,
5 there's another inference that can be done through the
6 commission of a felony that murder occurs, but I'll get to
7 that in a minute. Murder is simply the killing of any
8 person with malice aforethought, either expressed or
9 inferred. And expressed or inferred are different manners
10 in which malice may be found by you, the jury. What is
11 expressed malice? The Judge will instruct you something
12 similar to this. Expressed malice is say I walk up to
13 another person and I look at him and I pull out a gun and I
14 say, I am going to kill you. The intent is clear. The
15 words express that malice. Lying in wait, such as on this
16 day when they waited for him. That's expressed malice. But
17 the law recognizes in most cases that malice must be
18 inferred. You must look at the circumstances surrounding
19 the act and what is done. In this case, there was a felony
20 murder inference because while this murder occurred, they
21 were in the commission of a home invasion, which are the
22 burglary first and attempted armed robbery charges. But may
23 be inferred or expressed. It doesn't need but one kind --
24 simply how you, the jury, can find the presence of malice.

25 The Courts have defined malice -- when talking

1 about malice, I like to think of the word malicious because
2 that's the word I use. What is malicious? Malice is the
3 basis of that word. Was it a malicious act? I submit,
4 ladies and gentlemen, in this case, this case wreaks of
5 malice. Malice is a wicked condition of the heart. It's a
6 wicked purpose. It's -- malice conveys means hatred, ill
7 will, hostility towards another. Listen carefully because
8 over and over in this trial, it's come up that he didn't
9 even know the person that he killed. You don't have to know
10 someone to be guilty of murder. If you kill someone with
11 malice, you are guilty of murder where you know them or not.
12 In the legal sense, it is not a necessity -- I can't talk
13 today, sorry, to import ill will towards the individual
14 injured, but signifies, rather, a general malignant
15 recklessness of the lives and safety of others or a
16 condition of the mind which shows a heart regardless of
17 social duty and fatally bent on mischief. And I submit,
18 ladies and gentlemen, when three men, all three were drug
19 dealers, get together and go over and rob somebody and kick
20 in his door and attack him and then count to 10 or I'll
21 shoot you and they shoot him, it doesn't get any more
22 malicious. A malignant recklessness of the lives and safety
23 of others or a condition of the mind which shows a heart
24 regardless of -- and fatally bent on mischief. To find this
25 Defendant not guilty of murder, you must find that he was a

1 victim that night in every sense of the word.

2 There is another way of proving malice just from

3 the circumstances and the other crimes that were committed.

4 Additionally, the law says if one intentional kills another,

5 there's no doubt he's testified, at least, that

6 consistently, whether he shot two or three times, whatever,

7 that he intentionally shot. If one intentionally kills

8 another during the commission of a felony, the inference of

9 malice may arise if facts are proven beyond a reasonable

10 doubt sufficient to raise an inference to your satisfaction.

11 I tell you this inference would simply be an evidentiary

12 fact and taken into consideration by you along with all of

13 the other evidence in this case. I charge you that burglary

14 and armed robbery in this case, attempted armed robbery are

15 felonies. The very fact that this murder occurred during

16 the commission of a burglary in the first-degree or

17 attempted robbery or home invasion – then that alone is

18 enough to raise the inference of malice.

19 Now, it says malice aforethought. I talked to you

20 about premeditation and it's not a necessary element, all we

21 have to prove is whether malice is expressed or inferred and

22 malice must be aforethought. It must exist in the mind of

23 the accused just before and at the time the commission of

24 the act. It is not required that malice exist for any

25 particular amount of time, but there must be some

1 combination of the previous evil intent and the act.
2 producing the fatal result.

3 Now, ladies and gentlemen, I ask you, I beg you to
4 look at the circumstances because what is so important is
5 the crime scene itself, where the bullets went all
6 disapprove his final version of what happened (indicating).
7 And in order to acquit him, you must believe that final
8 version of what happened.

9 Burglary in the first-degree -- on a separate
10 note, each of these must be unanimous, all 12 of you must
11 agree whether it be for guilty or for not guilty and all of
12 you must make the determination on each indictment
13 separately. Okay. That's how it works. A person's guilty
14 of burglary in the first degree if a person enters a
15 dwelling -- there's no dispute this is his dwelling, where
16 he lived, without consent -- kicking in the door in and of
17 itself, I would submit, is without consent -- and with the
18 intent to commit a crime in the dwelling. And either
19 when -- entry or while in the dwelling or in immediate
20 flight, he or another participant in the crime, so at any
21 point during this, is armed with a deadly weapon or
22 explosive. That alone is an aggravated circumstance that
23 makes this burglary in the first-degree. The Defendant by
24 his own admission says he was armed, no dispute. And I'll
25 get back to the hand of one hand of all theory in a minute.

1 Or -- we don't have to put all of these aggravating
2 circumstances, just any one of them, although this case
3 because of the heinous nature of it has got more than one
4 causes physical injury to a person who is a nonparticipant
5 in a crime. When you kill somebody in their own home,
6 that's causing physical injury to that person or uses or
7 threatens to use of a deadly dangerous instrument. Any one
8 of those is enough. And I submit we have them all when we
9 don't have to.

10 The final indictment that's going to be before you
11 on the verdict form, at least, is attempted armed robbery.
12 A person who attempted armed robbery while armed with a
13 pistol, dirk, sling shot, metal knuckles, razor -- or while
14 alleged -- in this case, there's no question, he was armed.
15 You don't have to display the weapon. The person doesn't
16 even have to see the weapon to be guilty of armed robbery or
17 attempted armed robbery. But in this case, he alleges
18 either by action or words, he was armed by using a
19 representative of a deadly weapon or any objects -- guilty
20 of attempted armed robbery. In this case -- sufficient for
21 it to be armed robbery, it's not even that he's using a
22 representation -- the very fact they go over there and he
23 doesn't get not guilty just because they didn't complete it
24 because he shot him and they panicked and ran and left the
25 money on the table, that doesn't give him an excuse not to

1 be guilty of attempted armed robbery.

2 The defense in this case has raised self-defense.

3 Whenever it is raised, the Judge will instruct you on it.

4 And there are four elements, three or four elements,
5 depending on how the Judge charges you. And self-defense is
6 a valid defense if the person is acting in self-defense.

7 But very simply, ladies and gentlemen, the burden
8 is on the State to disprove the act of self-defense. And I
9 submit, ladies and gentlemen, in each one of these different
10 areas, and we only have to disprove one for it not to apply,
11 he fails over and over that the Defendant was without fault
12 in bringing on the difficulty. When two people -- and I'll
13 get back to hand of one hand of all -- decide to go to a
14 residence and kick in the door and beat up the victim and
15 then shoot him, it does not matter which one participated in
16 which act.

17 There's been a big deal made about how Tavares is
18 the one that kicked in the door. He doesn't get a free ride
19 because he's not the one that kicked in the door, that
20 doesn't excuse him from murder. The Defendant wasn't
21 without fault in bringing on the difficulty. I submit,
22 ladies and gentlemen, it wasn't until July the eighth of
23 this year that he came up with any story in which he tried
24 to absolve himself because he realized he's guilty of
25 everything from the statement he gave to the police. He's

1 not afforded self-defense because he's not lawfully in that
2 person's home. He's in there with the purpose of committing
3 a crime. Their theory is for you to find him not guilty is
4 that a person can go and break into another person's home,
5 while they're there, a fight ensued and then they can act in
6 self-defense. The person who has the right to shoot is the
7 homeowner. It does not extend to the perpetrator. It is
8 ludicrous. And the law is very clear on that.

9 Number one, was he without fault in bringing on
10 the difficulty? Of course, he was at fault. There is no
11 question he was at fault. Read the statement he gave the
12 police. He went there for the purpose. He went with his
13 friend. And regardless of what he said, Murder is his
14 friend who he hangs out with all the time. The Defendant
15 actually believed he was in imminent danger of losing his
16 life or sustaining. It's really funny in this case because
17 if you look as the statements develop, number one, I wasn't
18 there. Whoops, you got a fingerprint. Number two, okay it
19 was my twin brother, my dead twin brother. I'll blame him.
20 Whoops, didn't work. Three, blame the victim. I thought he
21 was going for a gun, had to shoot him, hate it. It's really
22 messed me up. Then number four, that's not going to work.
23 No jury's going to buy that, so let me make up something new
24 after you read the discovery, after you figure out what the
25 evidence is.

1 Credibility. If -- even if it was based on his
2 actually belief, even if he wasn't at fault, even if he had
3 a right to be there, even if that a reasonable and prudent
4 man with ordinary -- courage would have entertained the
5 same -- it's ludicrous. The testimony is the two were in a
6 fight. He was shirtless. As much as he thought about
7 whether or not this victim didn't have a shirt on, he didn't
8 have a shirt on. There was no hidden gun. He has on
9 sweatpants. Where was he reaching for a gun? During the
10 middle of the fight, there was no gun. There was no reach
11 by the victim. Was the victim cooperative when he was being
12 robbed? You judge. You determine.

13 If the defense is based on being in actual and
14 imminent danger, which I submit doesn't apply, that the
15 circumstances were such as would warrant a man of ordinary
16 prudence, firmness and courage to strike the fatal blow in
17 order to save himself from serious bodily harm or losing his
18 own life. And remember what his testimony was, the guy's
19 coming out the door, Tavares is in front of him, according
20 to him, the victim is right behind him. As they're coming
21 out the door, according to this man, he's able to see
22 through Tavares, because, remember, he's 10 feet away.
23 Tavares has to go all the way, then hit him before he draws
24 his gun. And he admits the victim is still in the house.
25 And you saw the pictures. Does his version -- is it even

1 physically possible? And how was he able to pull a gun that
2 quickly? Impossible.

3 And, finally, the one that absolutely gets him is
4 called the duty to retreat. He had no other probable means
5 of avoiding this, even based on his own version. You get
6 past the fact he's committing -- you get past all those
7 other factors, he has a duty to retreat because the law, no
8 matter what law it is doesn't say that you can just randomly
9 go and shoot people and kill them because you think he might
10 have a gun because that creates chaos in a chaotic society.
11 He has a duty -- no other probable means of avoiding the
12 danger. He's 10 feet away. He's on the front porch. And
13 it was his testimony that he tried to run, that he tried to
14 flee? No, he just reacted. And, luckily, he's a pretty
15 good shot for him, according to his testimony -- no other --
16 duty to retreat, absolutely, it's self-defense. Did the
17 homeowner have a duty to retreat? No, he's in his own home.
18 Did the home invader have a duty to retreat? Yes. If he
19 fails -- and listen to the Judge, on any one of these
20 elements, then he's not entitled to self-defense verdict of
21 not guilty. I submit, ladies and gentlemen, it is ludicrous
22 under these facts with these circumstances for him to get up
23 here and argue that he acted self-defense and that Antonio
24 Corbitt deserved to die.

25 He's also going to raise the defense of duress as

1 you've heard from his testimony that's just come up in July
2 and then today in front of you. He said he had to do it,
3 that he was threatened by Tavares World. And all I ask you to
4 do is look at his statement, that was protected, he blames
5 the victim. But as he sits there and thinks about it as the
6 year passes, that's not going to get him off, so he's got to
7 come up -- that's why his story had to change. He's got to
8 come up with a new theory. And the new theory is that
9 Tavares, his friend Murder, who he chooses to go to where
10 Tavares lives and chooses to hang out with him has
11 threatened him and his family.

12 Duress or coercion. To establish duress, which
13 will excuse a criminal act, a degree of coercion must be
14 present -- such a nature as to induce a well-rounded -- of
15 death or seriously bodily harm if the act is not done.
16 Coercion is no defense if there is any reasonable way other
17 than committing a crime to escape the threat of harm. The
18 fear of injury must be reasonable. I submit, was there any
19 reasonable way? He was armed. He had a loaded pistol. He
20 knew it was loaded. If he's going to shoot somebody, why
21 doesn't he shoot the person who he's deathly afraid of?
22 Does it even make sense? So he's raised the duress.

23 But, unfortunately, again for him, the Judge will
24 instruct you, even if you raise the defense of duress to the
25 burglary and to the attempted arm robbery, and I submit

1 that's what he's trying to get around here, it doesn't apply
2 to the murder because coercion or duress is not and is never
3 a defense of murder. No matter how much a person's life is
4 threatened, even when it's real, no matter how much they don't
5 think they have any other choice, that doesn't give them
6 license to murder. The law recognizes that. Listen
7 carefully to the Judge. This doesn't apply even in any case
8 to the homicide. He's merely raising this to try to get out
9 of the burglary first-degree and attempted armed robbery and
10 to win on these charges.

11 Now, you also heard today in testimony that just
12 prior to this event they were smoking marijuana. The law
13 also recognizes that voluntary intoxication, either alcohol
14 or drugs, does not excuse a person, does not relieve them of
15 criminal responsibility in this state or in this nation.
16 Voluntary intoxication is never an excuse -- a person who
17 voluntarily renders himself intoxicated is no less
18 responsible for his acts while in such condition. If a
19 person voluntarily drinks intoxicating liquors or takes
20 drugs and become intoxicated and while in that condition
21 commits an act which would be a crime if it were committed
22 by a sober person, the fact of drunkenness or intoxication
23 would never relieve the intoxication person from the
24 responsibility. So that doesn't give him an out to go out
25 and commit murder.

1 Now, the Judge will tell you there's two different
2 kinds of evidence you can rely on in determining your
3 verdict, it's called direct evidence and circumstantial
4 evidence, and what's the difference between the two. Direct
5 evidence -- eyewitness testimony. It's evidence that
6 perceived through the senses, what a person saw, heard,
7 tasted, touch, felt, things perceived through the senses.
8 Some of the eyewitness testimony you heard from some of the
9 neighbors who heard things, what was going on next door, who
10 then looked out the window and saw things. That is
11 eyewitness testimony. But the law also recognizes that
12 there can be additional type of evidence, which is
13 circumstantial evidence.

14 Generally, there are two types of evidence
15 presented during a trial, direct evidence and circumstantial
16 evidence. Direct evidence directly proves the existence of
17 a fact -- such as eyewitness testimony. Circumstantial
18 evidence is evidence that's proven with a chain of facts and
19 circumstances indicating the existence of a fact. Like the
20 blood patterns at the scene. Those are indicative of what
21 may or may not have happened. That is evidence you can use
22 in deducing where the actually shooting occurred.

23 Crimes may be proven by circumstantial evidence.
24 The law makes no distinction between the weight or value
25 given to either direct or circumstantial evidence. However,

1 to the extent the State relies on circumstantial evidence,
2 all of the circumstances must be consistent with each and
3 when taken together -- beyond a reasonable doubt. If these
4 circumstances -- Defendant's behavior has suspicious, the
5 proof has failed. Ladies and gentlemen, it's not suspicious
6 he shot him. He admitted he shot him. That's not in
7 dispute. He admitted to that. That is direct evidence.

8 The State has the burden of proving the Defendant
9 guilty beyond a reasonable doubt. This burden rest with the
10 State regardless of whether the State relies on direct
11 evidence, circumstantial evidence or some combination of the
12 two. And that's what we have here. We have did direct
13 evidence, eyewitnesses from the scene, what they saw, how
14 they observed the victim after the shooting, how he died.
15 All that is directly corroborated by the circumstantial
16 evidence in this case.

17 Now, in this case, too, you also heard that the
18 Defendant gave a statement. And the Judge will tell you
19 when the Defendant gives a statement, it must be a voluntary
20 statement. And in this case, ladies and gentlemen, these
21 police officers, this sheriff's department did their job.
22 They made sure that he was read his rights, that he
23 understood them and that those were explained to him over
24 and over when they took his statement. His rights, they
25 jumped through the hoops they were supposed to. There is no

1 evidence of police misconduct in this case.

2 What they did was made sure he understood his
3 right to remain silent, his right to an attorney and what
4 his rights were. You will have the paperwork back there
5 with you. And that's important because he should be advised
6 of those things and he was in this case. Whether or not he
7 chooses to make a statement is up to him and he did in this
8 case. He gave a statement blaming the victim thinking it
9 would exonerate him and just implicating Tavares World.

10 Criminal intent in every case, we must prove.
11 They went in there with the intent to commit some type of
12 crime. I submit, ladies and gentlemen, one doesn't kick in
13 another person's door at night without saying there going to
14 commit a crime there. The Judge will tell you that you
15 can't determine what a person is, actually, thinking at the
16 time by dissecting their brain. You can't prove to any
17 mathematical certainty what the person has. But what you
18 can do is look at the facts and circumstances surrounding
19 what happened that night in determining whether or not there
20 was criminal intent. And I submit, ladies and gentlemen, a
21 home invasion wreaks of criminal intent, especially one in
22 which the victim ends up dead on his own front porch.

23 You also heard from several of the witnesses in
24 this case which were expert witnesses because they have a
25 certain degree of training and education in a certain field.

1 Normal witness, such as myself, I would be a lay witness. I
2 would be coming in here to give an opinion. However, with
3 an expert witness, once they are qualified -- by the Court,
4 then they can give you an expert opinion. They can give you
5 an opinion as to whether or not -- like the DNA in this
6 case, the pathologist in this case, the ballistics expert in
7 this case. So listen carefully to them and consider their
8 evidence and their testimony the same way you do any other
9 witness.

10 -- on credibility because it is the most important
11 thing. Because either you believe the evidence, the
12 physical evidence, the scene, the crime scene and what was
13 found there, the police officers and what they did in making
14 sure that his rights were observed and he had an opportunity
15 to review is statement and that's the version they told you
16 or you believe him. And I submit, ladies and gentlemen,
17 even if you believe him, he is still guilty of, at least,
18 the murder. Credibility. The Judge will instruct you if
19 someone has a bias or prejudice to change their testimony to
20 testify a certain way. And everyone makes mistakes, don't
21 get me wrong, but new stories just don't come up every time
22 you're confronted.

23 You can consider a person's demeanor on the stand,
24 were they forthright or hesitant? Was there testimony
25 consistent with the physical evidence or consistent with the

1 other testimony? You can consider when a witness came
2 forward or even if they came forward voluntarily. And you
3 consider whether or not they've ever not told the truth in
4 the past. You can believe one witness, many witnesses
5 against one. You can believe all of what a witness says,
6 part of what they or none at all. It's totally up to you.

7 In this case, ladies and gentlemen, even under the
8 Defendant's own latest version of events, he is still guilty
9 of murder. He's trying to get out of charges, I submit.
10 And, remember, duress is not a defense to murder under any
11 circumstances. When you think about his credibility,
12 because very simply, not only the police framed him, the
13 court reporter in this case even left out stuff. Even if
14 you believe his latest version, he is still guilty of
15 murder. And I submit, ladies and gentlemen, when you look
16 at the evidence, when you consider it, he's not just guilty
17 of murder, he's guilty of murder, attempted armed robbery
18 and burglary in the first-degree. All we ask is that when
19 you finish listening to arguments and the Judge gets up here
20 and talks to you about what the law is you have to apply,
21 when you go back there to reach a verdict, each of you
22 individually and collectively as one voice that you should
23 reach a verdict that speaks the truth.

24 In his opening argument, Mr. Schnee got up here
25 and said point the finger somewhere other than Greg Isaac.

1 And I submit he's done everything in his power to do that.
2 Blame the victim. He's a drug dealer. Did he deserve to
3 die? Is that theory? Is that ever? Antonio Corbitt was in
4 his own house with his son, who witnessed his father being
5 beaten. On that night, he was in his home. Was he perfect?
6 No. And the State brought that evidence before you. Did he
7 deserve to be murdered in his own home in front of his son?
8 Is that the theory? Murder is never acceptable no matter
9 who the victim is. All we ask is despite his attempts --
10 you hold him (indicating) responsible for the secret he kept
11 so close to his heart, hold him responsible for what he
12 admits he did, at least, a year ago. He broke in and he
13 murdered him.

14 Final thing I want to talk to you about the Judge
15 will instruct you is it's the theory of the law called the
16 hand of one is the hand of all. Listen to the Judge on that
17 because he will tell you two or more people combined
18 together -- in this case, three people. Remember, Vernorris
19 Dixon, he's charged with murder and attempted armed robbery
20 and burglary first and he didn't even go in. But he's part
21 of ongoing side, part of the events that led to the -- the
22 Judge will tell you it doesn't matter who committed which
23 event, but when two or more people combined together to
24 commit a crime, the act of one is the act of all or the hand
25 of one is the hand of all. That's the very important legal

1 precedent in this case. It's a theory under which all three
2 of them -- all we ask, ladies and gentlemen is that you hold
3 him responsible for his choices, and they were his choices,
4 and find him guilty of all three charges. Thank you.

5 THE COURT: Let's stand for moment.

6 (Everyone stood.)

7 THE COURT: All right. Mr. Schnee.

8 MR. SCHNEE: May it please the Court, Your Honor.

9 THE COURT: Yes, sir.

10 MR. SCHNEE: According to Ms. Campbell, I'm
11 apparently trying to convince that Antonio Corbitt deserved
12 to die. I have an idea where she came up with that line.
13 I'm personally offended at the prospect. The only person
14 that really deserved to die that night was Tavares World.
15 He is the one that has stuck guns in people's faces, kicked
16 in doors, gotten in a fight that resulted in a man's death
17 all because another drug dealer shorted him on money. Greg
18 Isaac had no participation voluntarily in any of that. Greg
19 Isaac has never said Antonio Corbitt deserved to die. The
20 only reason she is saying that (indicating) is because she
21 wants all of you to be very, very angry. She's playing with
22 your emotions. That's what she's been doing this whole
23 time.

24 She wants to talk about credibility of witnesses.

25 Let's talk about credibility of witnesses. Vernorris Dixon,

1 what motive does he have to tell you something that's not
2 necessarily the whole truth? Well, he's charged with
3 murder. He told you that. He's charged with attempted
4 armed robbery and he's charged with burglary in the first
5 degree. He has an absolute mandatory minimum sentence he is
6 looking at of 30 years day for day, maximum is life. Now,
7 at his age, even the minimum sentence almost assures he will
8 die in prison.

9 You want to talk about the credibility in terms of
10 Vernorris Dixon when he gave a statement? He refused to
11 talk to anybody at the police department about anything.
12 Then he comes back with his lawyer months and months later,
13 as Ms. Campbell said, after reviewing discovery, trying to
14 figure out what they have against him and what does he do?
15 He takes the tiniest little role he possibly could, says as
16 little as possible as to what happened. The only thing he
17 tells the police is what they already absolutely know they
18 can prove because that's what everybody else has already
19 agreed on and his lawyer happens to be Luck Campbell's
20 former boss, the former solicitor in Richland County. He
21 was the solicitor for 20 years. That's the person that's
22 going to negotiate with the government on Vernorris Dixon's
23 behalf to get him a deal.

24 What motivation does he have to tell you the
25 complete truth? None. He's trying to say it was -- who

1 wouldn't do that. But don't let Ms. Campbell and the rest
2 of the government sitting over there, three lawyers, three
3 lead investigators. I can't even count how many cops they
4 called in the beginning, but chose not to call all of them.
5 Every single one of those people, they're here to do one
6 thing, convict Greg Isaac. You see, they're not here to
7 seek the truth. They're here to get a conviction.

8 You want to talk about credibility. Investigator
9 Godfrey, he said that this statement or the statement from
10 the notes, apparently, Greg Isaac's own words that he wrote
11 down and typed up in his report. You heard from Greg Isaac,
12 barely graduated the ninth grade. You think he used the
13 word deescalate to describe trying to stop the fight? That
14 wasn't Greg's word. That's the police officer's words.
15 None of those words were Greg's actual words. That was a
16 police interpretation of someone they were interrogating
17 with the sole purpose of getting a conviction here today.
18 That's the only reason why they were questioning him.
19 That's not creditable.

20 Ms. Campbell claims that Greg has never told this
21 version of events before. I can tell you he, certainly,
22 has. He, certainly, told it to the Court in July. He told
23 it to me a lot before that. The fact is he's not required
24 to come forward. He's not required to come forward and take
25 this witness stand (indicating). No one is ever required to

1 testify in their own defense. He chose to do so. He wanted
2 to tell you what happened. It's not the perfect story.
3 He's not getting up here saying he wasn't there. He admits
4 he fired those shots. It's a mistake. That doesn't make it
5 a criminal act.

6 Now, Investigator Padgett, he testified in July,
7 also. He said multiple times in July he went to the
8 apartment across the parking lot the very next day. He
9 photographed the scene and he collected the bullet. He
10 collected this bullet from the window (indicating). And he
11 comes in here today and says, oh, I was just mistaken, I'm
12 sorry. I made a mistake. There were lots of pictures
13 thrown at me. I said I took it, I said I collected it. I
14 was wrong. Really? He is the chief at the time forensic
15 investigator. He is in charge of that department. He has
16 his report right in front of him and now he's claiming it's
17 a mistake.

18 Well, you have Mr. Collins coming in and talking
19 about firearms analysis from the actual bullets. What did
20 he actually tell you? Well, he read the head stamp on the
21 bottom of the round that says 380 Winchester and he has two
22 bullets that probably were made by Winchester, but that's as
23 much as he could tell you. One came from autopsy and one
24 came from the window seal. He doesn't know who fired what.
25 He doesn't know how many rounds were fired. He wasn't even

1 at the scene.

2 He also told you that the bullets when they're
3 fired eject to the right, usually backwards. Take a careful
4 look at Exhibit 27. This is the shell casing. There's
5 another one from above the stairs. This is the door. And
6 it's showing the shell casing behind the door inside the
7 apartment. Well, no matter what theory or whatever story
8 you believe, there is no way this shell can get here if
9 you're standing outside the apartment. When the door is
10 open, it's to the left. You can't be anywhere outside the
11 apartment and fire this bullet. This round had to come from
12 inside the apartment. That's probably the round that ended
13 up at the window across the street. The only person that
14 could have fired that round is Antonio Corbitt.

15 Now, the police weren't the first people there.
16 There were other people that went into that apartment. You
17 heard the officers testify that there was an incredibly
18 strong odor of marijuana. But there wasn't marijuana found,
19 you would have heard about that. No one found anything,
20 which means someone went in there and took it out. You
21 think they're just going to leave a gun lying on the ground
22 in there, also. No, they took that, also.

23 The only thing that we know is that one bullet
24 injured Antonio Corbitt and that this projectile casing
25 can't be linked to it in any way at all. None of them can.

1 There's no forensic evidence to support that. We don't know
2 how many rounds there were. All we know is what the police
3 found when they got there to process the scene a little bit
4 latter.

5 Now, Ms. Campbell has gone through a lot of law
6 with you and I'm not going to waste your time with that.

7 One thing I do need to talk about is the concept of the hand
8 of one is the hand of all. That's a wonderful catch phrase
9 that's been used for years. The reality is that phrase does
10 nothing but explain the concept of accomplice liability.

11 Accomplice liability is when people gather together for an
12 actual purpose and agree upon purpose. Well, who here
13 testified about what purpose there was? The only person
14 that testified about what was going on was Greg Isaac
15 (indicating) and there's no agreed upon purpose. He was
16 forced to be there. Yes, he got in the car voluntarily.

17 Yes, he is somewhat friends with Tavares World. Well,
18 Tavares World has children and now married to his cousin.
19 They live in the same area. Is he just going to ignore him
20 completely? No. So he's hanging out with him. Yes, Greg
21 is much younger. Probably a bad idea to hang out with
22 people of that age, but he was doing it. He didn't
23 voluntarily get in the car. Who did they put on the stand
24 to tell you that he knew where they were going? No one.
25 Vernorris didn't say that Greg knew where they were going

1 that night. They were just riding around smoking marijuana.
2 Fine, convict him of that, wonderful. He didn't commit a
3 murder. They get to the apartment. Greg Isaac told you
4 what Tavares World did. Greg said he pointed the gun at my
5 face. If you don't do this, you are going die.

6 Chief Wilson got up and explained to you when he
7 advised Greg of his rights when he was questioned. He said
8 that advisement of rights form. What's really interesting
9 about that advice of rights form, it says I'm not going
10 coerced or threatened in any way. On direct, by questioning
11 by the State, Chief Wilson says I described coercion as
12 holding a gun to someone's head. How ironic he would use
13 that phrase. That was his phrase he came up with, not mine.
14 Not Greg's. That's what he says he always does. That's
15 exactly what we have in this case. One person who's much
16 older, who has been convicted of all these things, who held
17 a gun to a scared 18-year-old's head and said you're coming
18 with me. Tavares World went up to that door. Tavares World
19 kicked in that door. Greg, he stood outside. He didn't
20 want to participate. This isn't his dispute. So all of a
21 sudden, now, he's just supposed to start shooting Tavares
22 World because he's doing this? Does that make any sense?
23 You think an 18-year-old is going to say to a 28-year-old
24 who is much larger, you know what, I'm just going to start
25 shooting you and hope I kill you so you don't come after my

1 family. He's an 18-year-old. He's not thinking correctly.

2 But that doesn't impart ill will towards people and it

3 doesn't impart an actual intent to commit a crime.

4 Now, Ms. Campbell is trying to point out the

5 purposes of self-defense and all the little factors that

6 they're supposed to disprove. Well, where is the time to

7 retreat? All of this is happening. He's trying to stop the

8 fight. He then walks out. Greg is trying to stop the

9 fight. Tavares comes running after him and — reached

10 behind him and pulling a gun. Where is that gun? It's in

11 his sweatpants. In the small of his back where a lot of

12 people carry guns. I know I've carried guns in my pants

13 before. I'm allowed to. I carry one at home all the time.

14 So what? It doesn't make it a crime. That doesn't make is

15 unreasonable for Greg to think that happens. Greg did not

16 go there with the intent to commit a crime. He did not

17 enter that apartment with an intent to commit a crime.

18 Well, that's within of major elements that they

19 have to prove to you for you to convict him of burglary of

20 any type. He didn't go there with any intent. He was

21 forced to go there. And then even when he said he doesn't

22 even want to go in. And what act did he commit on his own

23 to commit any attempted armed robbery? There's a wallet

24 sitting on the coffee table a few feet from the door.

25 There's money on the floor right next to the coffee table.

1 If someone wanted to commit a robbery, they're going to go
2 in and there's money sitting right there (indicating), why
3 would they not take it?

4 Now, at trial, you heard the testimony of a
5 17-year-old kid who got up on the stand and tried to tell
6 you what he remembered. And I had to play a video of when
7 he was seven years old and gave a much different version.
8 Now, I'm not accusing him of lying in any way. I'm not
9 accusing him of trying to make up facts. I'm not saying
10 he's trying to do anything wrong. He was seven years old.
11 He saw something horrible. The simply fact is he really
12 doesn't remember what happened.

13 Now, when you get back to that jury room in just a
14 few minutes, I want all of you to think of a memory when you
15 were five, six or seven -- memory you think of and you talk
16 about family gathers and I want you to close your eyes,
17 picture yourself. And then you do that, I'm willing to bet
18 that half of you see yourself in the third person not coming
19 out of your -- and there's a very, very important reason for
20 that, because you don't remember all of the details. What
21 you do is you fill in pieces of what other people have told
22 you. There's nothing wrong with that. Our brains are
23 programmed to do this. They're designed to fill in gaps.
24 We want everything to make sense. That's all Rayquan
25 Washington is doing. He knows there are two people charged.

1 He's talked to his parents. He's talked to his mother.
2 He's talked to law enforcement. So now all of a sudden, he
3 remembers two people. The only purpose of playing that long
4 horrible watched video was that he really doesn't remember
5 anything. He's not a credible witness. Not intentionally,
6 but simply that what he said isn't what happened.

7 There's also a lot of missing evidence in this
8 case. Gunshot residue. You heard the analyst testify.
9 Hands covered in blood, if you don't do the swabs right,
10 you're not going to get gunshot residue, if there was any to
11 begin with. If blood comes on afterwards, it will wash it
12 off. There are legitimate possibilities here. What has the
13 State done to prove any of that different? Nothing. And
14 that's why I can say with a reasonable degree of certainty
15 that this bullet was fired by Antonio Corbitt, the one that
16 went into the apartment across the street, which means Greg
17 Isaac's fear was much more than a reasonable fear. It was
18 based on the fact that Antonio Corbitt probably did fire
19 back at some point.

20 There's no DNA collected off Antonio Corbitt's
21 neck. There were fingernail scrapings. People that
22 analyzed it at the scene, people that attended the autopsy,
23 even Dr. Clay Nichols said it himself, he saw the fingernail
24 scrapings. What was their reason for not collecting DNA?
25 It wasn't protocol at the time. They knew about touch DNA.

1 They could have easily taken a swab. Maybe it would have
2 shown something, maybe not, I have no idea. It's not our
3 jobs, certainly, not your job to figure out what could have
4 been, but you need to hold the State to their burden of
5 beyond a reasonable doubt or why aren't they trying to fill
6 in these gaps. How could the police not do something they
7 knew they could do just because, well, it's not our protocol
8 this year.

9 You heard the neighbors get up and talk about what
10 they heard. Most of them were kind of similar, some were a
11 little different. No one really saw anything. Some of them
12 said -- one said I only heard one shot. Some said two to
13 three shots, could have been more. The simple fact is these
14 are people at home watching TV at 9:30, and all of a sudden
15 they're hearing gunshots. So not really paying attention
16 until afterwards. None of them seen any one fleeing. None
17 of them see how many people were there. End of the day,
18 there's only one person who was standing at that apartment
19 at the time who testified in this trial and that's Greg
20 Isaac. And the State has to disprove every single he said
21 beyond a reasonable doubt.

22 Now, what is a reasonable doubt? I just want to
23 talk about this very briefly. The Judge is going to
24 instruct you that a reasonable doubt is one that will cause
25 a person to hesitate to act. This morning when I walk up,

1 got out the shower, before I let my dog outside, same thing
2 I do everyday, I make a cup of cough. Go inside, pour it
3 in -- pull out the container that expired yesterday. We've
4 been working here pretty hard this week, pretty long hours,
5 I haven't gotten my milk yet. I look at that milk and it
6 says yesterday's date. I open it up and I sniff it. It
7 smells fine. It was fine yesterday, but I sniffed it
8 anyway, then I pour it in my coffee. That sniff right
9 there, the fact that I thought I should do that because that
10 was yesterday's date when it's today, that's called a
11 reasonable doubt. I wasn't sure if it had spoiled. I knew
12 yesterday it was fine, the day before it was fine. I had no
13 reason to believe it wasn't, the refrigerator was still
14 working. Milk doesn't go bad over one night just like that
15 (indicating). I still sniffed it as I bet most of you would
16 sniff. And what you need to do is you need to sniff their
17 case. That's what you need to do.

18 Now, Greg Isaac, he got up on that stand. Luck
19 Campbell cross-examined him, questioned him and started
20 talking about all these different years. At the end of the
21 day, he told you the same he has said many times before,
22 Tavares World forced him to be there. Tavares World forced
23 him to go to that apartment under threat of death. And then
24 Tavares World afterwards said if you tell anyone, I will
25 kill you or your family. He's 18 years old. He was not

1 there voluntarily. He was under duress and coercion. He is
2 not of burglary or attempted armed robbery. While he's
3 standing -- and the Judge will instruct you, duress is a
4 complete defense. It negates any criminal intent. When
5 he's there and he tries to break up a fight and he sees
6 Tavares World running out with Antonio Corbitt reaching for
7 a gun and he reacted in seconds, in a split second. He had
8 nowhere to run. He had nowhere to go. He didn't start the
9 fight. He didn't want to be there. He simply reacted and
10 defended himself. He is not guilty not of a criminal
11 offense. He's very much guilty of being an 18-year-old and
12 easily influenced, but he did not commit the crimes under
13 the laws of South Carolina.

14 THE COURT: Ms. Walker.

15 MS. WALKER: May it please the Court?

16 THE COURT: Yes, sir.

17 MS. WALKER: Good afternoon. Like Ms. Campbell, I
18 want to start by thanking you for your attention and your
19 time and for the attentive way which you have paid attention
20 to the lawyers and the witnesses in this case. Ms. Campbell
21 said that as you guys were driving to the courtroom on
22 Monday morning, you were probably anticipating what type of
23 jury you may be called to serve on. And while y'all were
24 anticipating that, we were anticipating what kind of defense
25 Greg Isaac would raise to defend himself against the charges

1 in this case. How do you defend the indefensible? How do
2 you defend shooting a man in his own home while his seven --
3 I'm sorry, while his eight-year-old son watched from the top
4 of the stairs? How do you defend that (indicating)? You
5 start off by denying you were even there. Then your
6 fingerprint is found on a crucial piece of evidence that
7 puts you at that apartment. Once you realize that that's
8 not a defense, you blame your dead twin brother, may he rest
9 in peace, and say it must have been my twin brother that did
10 this. But what Greg Isaac didn't know at that point in time
11 was that even twins have different fingerprints. Once he's
12 refingerprinted and realizes that doesn't work, blame
13 Antonio Corbitt. He had it coming. He's a drug dealer.

14 Once you understand the laws as they apply in this
15 case and realize that self-defense can't apply once you've
16 kicked in a man's door and beaten him while you try to take
17 money from him, blame Tavares World. Blame Murder. Blame
18 your friend who you chose to hang out with. I want to make
19 it very clear, Greg Isaac (indicating) chose to hang out
20 with a man named Murder, a man that his attorney called a
21 child rapist and a man that shoots and robs people. Greg
22 Isaac isn't my friend. I'm not -- I'm sorry, Tavares World
23 isn't my friend. I'm not in the Bishop hanging out with
24 Tavares World. Greg Isaac is (indicating), that's who he
25 chose to hang out with, that's who he chose to associate

1 with, however much he tries to distance himself from those
2 decisions here today.

3 And when you come into the courtroom and those
4 theories are kind of failing, and the victim's now 17,
5 18-year-old son gathers the courage to take the stand and
6 testify, blame him. Tell him he doesn't remember, call him
7 a liar. Ask him if he was lying then or if he's lying now.
8 This is the defense of evolution, keep on evolving until you
9 get something that someone may actually buy. And even that
10 defense has failed them at this point.

11 You listened to the Defense in this case and it
12 became crystal clear to me when Greg Isaac took the stand
13 just a few hours ago (indicating) and said that at this
14 point the court reporter was not putting things he said into
15 the record. According to Greg Isaac, there's a grand
16 conspiracy between Brian Godfrey, David Wilson, Luck
17 Campbell, John Steadman, Megan Walker, Rayquan Washington,
18 Tavares World, Vernorris Dixon and now the court reporter to
19 all come together to conspire to frame this guy (indicating)
20 because nobody else has anything better to do with their
21 time. Does that make sense? Does that seem credible to any
22 of you? But I don't want to talk to you about the stories
23 that have been made up to save Greg Isaac at the 11th hour.
24 I want to talk to you about the actual credible evidence
25 that has been corroborated over and over and over again over

1 the course of this trial.

2 You've heard from several witnesses. And there
3 are things that have not changed in the 3130 days that have
4 passed since Antonio Corbitt was murdered. There are things
5 that haven't changed and that have been corroborated. Greg
6 Isaac was hanging out with his friend, Tavares World.

7 That's never changed. Vernorris Dixon came to pick the two
8 of them up. And despite what his attorney said (indicating)
9 just a few minutes, when Greg Isaac was questioned about
10 that, he said I got into the car on my own. That hasn't
11 changed. It's corroborated by Vernorris Dixon's testimony.

12 Then they go to Antonio Corbitt's apartment complex to talk
13 to him at this point about some money owed to Tavares World.

14 And in order to have this conversation, according to Greg
15 Isaac, they need to arm themselves because he wasn't
16 planning on an armed robbery. And this story kind of
17 changes, depending upon when you ask Greg Isaac and what he
18 thinks is going to be most helpful to him at the time, but
19 now, the codefendant, Tavares World, pulls out a gun and
20 hands it to him. But before he hands it to him, he points
21 the gun in his face and says you're coming with me or you're
22 going to die and then he hands him a gun. He threatens a
23 person with death and then arms the person because that
24 makes sense.

25 The two of them together with these guns -- and at

1 this point, as much as he wants to argue duress he's armed,
2 too, if you listen to his story. They are both armed with
3 guns. You want to kill the bad, like Mr. Schnee said, the
4 only person that deserves to die was Tavares World that
5 night, shoot him. You had a gun. They get together with
6 handguns and they go over to Antonio Corbitt's apartment,
7 knock on the door and when there's no answer, they leave and
8 get back in the car. And according to Vernorris Dixon, and
9 this has remained unchanged, they waited for him to come
10 home. And when they saw that his car was entering the
11 parking lot -- and I agree with Mr. Schnee, Vernorris Dixon
12 minimized his role in this case. They change the position
13 of the car and move it to the back of the apartment complex.
14 They then go up through -- across some sort of creek. They
15 knock on Antonio Corbitt's door. And when he doesn't
16 answer, Tavares World kicks in the door. And you've seen
17 the pictures. That door was kicked off the hinge. The door
18 frame is separated from the rest of the apartment. The dead
19 bolt is still locked and the locked is on the floor. They
20 enter the apartment. And while Mr. Schnee wants to make it
21 true by saying it over and over and over again that the only
22 person who's testified that was present that day was Greg
23 Isaac, Rayquan Washington testified and told you what he saw
24 that day. Men came in and demanded money. It told him to
25 count to ten or they would shoot him.

1 Ladies and gentlemen, I submit that that's exactly
2 what Antonio Corbitt was trying to do. He pulled out his
3 wallet. He pulled out his money. This 311-dollars wasn't
4 enough for them. Where is the money at? It's in the car.
5 And at that point in time, as was his right, as was his duty
6 as a homeowner and as a father, Antonio Corbitt began to
7 fight his attackers off. He fought to protect his home. He
8 fought to protect his own life and he fought to protect the
9 life of his sleeping eight-year-old son. And he fought
10 hard. As Greg Isaac said, he was getting the best of
11 Tavares World, which is when, according to what he told
12 Vernorris Dixon, he picked up a lamp and hit him with it
13 while he was on top of Antonio Corbitt. Do you see where
14 the lamp is in comparison to that end table? Is that
15 consistent with him picking it up and hitting Antonio
16 Corbitt with it to get him off of Tavares World or is that
17 consistent with him bumping into the lamp, into the table
18 where the lamp would have fallen? The lamp is halfway
19 across the room (indicating). But he needs to say it was at
20 the end table so he doesn't get caught up in the burglary.
21 He didn't enter the apartment. But as Mr. Schnee solidified
22 in his closing argument, the shots were fired from inside of
23 the apartment. Greg Isaac was inside of the apartment
24 according to Rayquan Washington and according to the
25 evidence in this case when he fired the shots at Antonio

1 Corbitt. There were two shell casings found at that scene.
2 One was directly inside the apartment. As David Thomas,
3 they would have been ejected back and to the right. And the
4 other was right outside of the door as Mr. Greg Isaac shot
5 Antonio Corbitt (indicating) as he was leaving that
6 apartment.

7 And today when Greg Isaac testified, something
8 which evolved from the July hearing until today, but without
9 a doubt came up for the first time on July 8th. He was
10 threatened, he was threatened in the car. Vernorris Dixon
11 testified, there were no threats, there were no demands.
12 Because if there were, wouldn't it make sense for Vernorris
13 Dixon to get on the we were threatened band wagon and
14 resolved him of responsibility. That's not what happened.
15 The first time Greg Isaac, despite saying sometimes yeah, I
16 told the investigators that, I told them that I was
17 threatened when they arrested me. They didn't put it in my
18 statement. I reviewed my statement. Yes, they said
19 everything that I said in my statement. As much as that
20 evolves, the first time he mentioned any of that was in July
21 of this year. Vernorris Dixon directly contradicts the
22 story that Greg Isaac has been telling, despite the fact
23 that Mr. Dixon got on the band wagon. It would be helpful
24 to Mr. Dixon, too, but he got up here and he told what you
25 happened in the car. No one was threatened on the way to

1 commit this home invasion.

2 You've hear from several witnesses in this case.

3 You've heard from witnesses that the Judge admitted as
4 expert witnesses. And those experts, like Ms. Campbell
5 said, can give their opinions on things. Witnesses like
6 Clay Nichols, the doctor who testified, the pathologist who
7 said the gunshot wound that killed Antonio Corbitt was a
8 distance gunshot wound, at the very least, 12 inches away
9 from the victim at the time the gun was fired that caused
10 the victim to bleed out. That evidence is corroborated by
11 the crime scene photos, by the testimony of the eyewitnesses
12 who were there and who saw the victim in this case bleeding
13 out as he asked for help and he took his last breath.

14 You heard from Dr. Gray Amick, the DNA expert, who
15 said that the blood that was collected from that apartment
16 all belonged to Antonio Corbitt. You heard from David
17 Collins who testified about the ballistics in this case.
18 The two recovered shell casings, the two projectiles that's
19 possible they were fired from the same gun. And that
20 evidence is corroborated by Greg Isaac's own statement when
21 he said he fired two shots. He said he fired two shots. Lo
22 and behold, there are two shell casings and two projectiles.
23 That evidence is corroborated.

24 You heard Patricia Odom with the Richmond County
25 Sheriff's Department. She got up here and testified about

1 fingerprints and how they're matched and that the
2 Defendant's fingerprint was on the lamp that was found
3 halfway across the room in the victim's apartment. Her
4 findings got this case rolling.

5 And you heard from Joseph Powell, the GSR expert,
6 and he testified that there was no gunshot residue on the
7 victim's hand. And that the absence of gunshot residue
8 indicates someone who was not firing a weapon or close to a
9 weapon when it was fired, which is corroborated by the
10 ballistics in this case, which say that the victim was at
11 least a foot away from the gun when it was fired. Now, on
12 cross-examination, Mr. Schnee tried to insinuate that the
13 blood from the victim's wound would have washed away the
14 gunshot residue. And what Mr. Powell said was no, actually,
15 the blood would have absorbed and preserved the gunshot
16 residue. And Mr. Schnee said well, do you have any blood or
17 your swabs? Yeah, that was the answer to that question.
18 The gunshot residue would have been preserved by the blood
19 on those swabs. There was none. And there was none because
20 Antonio Corbitt did not fire a shot that night.

21 But for a second, let's venture into the
22 Defendant's world of make believe and buy any of the several
23 theories that they put forth over the course of this trial.
24 Let's say Antonio Corbitt did fire a gun that night. It
25 with have been his absolute right to when his door was

1 kicked in by Tavares World and Greg Isaac that pointed guns
2 at him demanding money. It would have been his absolute
3 right to fire a gun that night. But the evidence clearly
4 indicates that the only person who fired a gun that night is
5 Greg Isaac.

6 There were a number of eyewitnesses and neighbors
7 that talked to you about what they saw. Sheila Ponds, she
8 was a neighbor. She heard the door get kicked in, then she
9 heard the tussle. She went to her daughter's, remember, and
10 checked on her, then went out and saw the victim going from
11 door to door begging for help.

12 You heard from Taj Cooper, who was the last person
13 to speak to the victim that night before the phone went
14 dead. At that time, he didn't think anything of it. You
15 hear from Chris Cummins who discovered that when those
16 gunshots were fired, a bullet went through the window of his
17 apartment. You heard from Jirch Fladger, who it was a
18 neighbor that heard the gunshots and commotion and called
19 911. And you heard from John Gist and Trina Gist, who went
20 outside, crossed over to the victim's apartment, attempted,
21 as -- did to perform CPR on him. Told him to hold on, hold
22 on because help was on the way. John Gist, who looked in
23 and saw a young guy who was shaking and scared and not
24 moving and took him out of that apartment and to his home.
25 And I guess these are the people that Mr. Schnee wants you

1 to believe went into the home to remove marijuana and a gun.
2 Does that make sense? While they're performing CPR and
3 saving the child from having to watch his father bleed out
4 on the sidewalk, they say now would be a good time to go get
5 some marijuana and a gun and take it out of the apartment.
6 These people didn't even know Antonio Corbitt. What benefit
7 would give to any of them? How do you defend the
8 indefensible?

9 You heard from several law enforcement officers.
10 You heard from Thomas Hodges, who was the first to arrive
11 and secured the crime scene. You heard from Ray Livingston,
12 who took the pictures that you will have back there with you
13 in evidence as he described the blood that was throughout
14 the living room and foyer of that apartment. You heard from
15 Jay Russell, who went to the autopsy and collected the
16 projectile. You heard from Diane Bodie, who after years and
17 years of trying ran the fingerprint on that lamp through the
18 database that lead law enforcement to Greg Isaac. And,
19 finally, you heard from Brian Godfrey and David Wilson, who
20 are members of the cold case unit at the Richland County
21 Sheriff's Department. They as well as Antonio Corbitt's
22 family never gave up on solving this homicide. They chased
23 down every clue and as they testified looked at a number of
24 suspects. They were seeking the truth. If they just wanted
25 to get a conviction, they didn't have to wait eight years to

1 do it. They were seeking the truth. They were seeking the
2 true perpetrators of the crimes that night. They were
3 seeking the murderer of Antonio Corbitt and that lead them
4 to Greg Isaac (indicating).

5 Finally, during the Defense's case, the Defendant
6 got up here and he testified. And his testimony was vastly
7 different than his statement. And you will have that
8 statement with you when you deliberate.

9 The first statement he gives on April 11th of 2012
10 after he has been advised of his rights, do you know the man
11 in the picture that I showed you of Antonio Corbitt?

12 No.

13 Have you ever been inside his apartment for any
14 reason?

15 Not that I know of, I don't think so.

16 Now that we show you the apartment complex -- but
17 remember when he was testifying, he tried to say that this
18 statement happened before they showed him the apartment
19 complex. It clearly says now that we showed you the
20 apartment complex, do you remember going into an argument --
21 going into an apartment to see that man?

22 No, sir.

23 Did you shoot Antonio Corbitt in October of 2005?

24 No.

25 Were you present in his apartment when he was

1 shot?

2 No.

3 Is there anything you would like to add to your
4 statement?

5 No.

6 Lie, lie, lie, lie. Would this have been the
7 perfect time to talk about duress and the death threats, the
8 fact that he was afraid for his family because his friend,
9 the person that he hangs out with all the time was going to
10 kill him? You have the police right there with you.
11 Tavares is already in jail. Tell them then. But no, much
12 like he did today, he attempting to save himself at that
13 point.

14 Once he realizes there's some evidence that
15 contradicts his saying he'd never been inside the apartment,
16 his story changes for the first time. We went to the
17 apartment and the man wasn't at home. It was Tavares World,
18 Vernorris Dixon and I. And he uses their nicknames, Murder
19 and -- we rode the parking lot for a few minutes. They knew
20 his car. When we rode through the parking lot, they saw his
21 car. We got out of the Nissan Altima that we were in and
22 walked back to the man's apartment. He never mentions
23 anything about a threat. Tavares and I went up to the door.
24 Dixon stayed in the car Tavares started beating on the door.
25 Tavares started to kick the door, but it came open. He went

1 inside and I stayed in the doorway. Tavares said where is
2 my money. The man said something, but I couldn't understand
3 what he said. And then he says what he said. And I'll let
4 you read this for yourself. You'll have the statement back
5 there. The man started fighting Tavares. They were
6 fighting by the door. I was telling him to chill out. They
7 were fighting all over the furniture. At some point, they
8 fell into me, I fell into the table that the lamp was on. I
9 tried to catch the lamp before it fell and busted, but it
10 fell anyway. They went on the floor and the man was on top
11 of Tavares and was beating him. I hit the man in the back
12 and tried to pull him off of Tavares. But now he's saying
13 he never went into the apartment and he never hit anybody.

14 They got up and I was trying to pull Tavares out
15 the door. As I was trying to pull Tavares out the door, I
16 saw the man back up and Tavares backed up. The man reached
17 behind him to his waist. I thought he was going for a gun.
18 But now, he's outside of the apartment and when all of this
19 is going on, Tavares is running beside him, bumping him and
20 at that point outside of the apartment with the victim
21 standing in the doorway is when this reaching for a gun
22 happened. None of which is corroborated by any of the
23 evidence in this case.

24 Got the gun in my waistband. I think I shot
25 twice. We went back to the car. Dixon was waiting and we

1 left. He doesn't remember what he was wearing, says Tavares
2 did not have dreadlocks at the time. He talks about the
3 car.

4 Where did you get the gun you were carrying that
5 night?

6 Tavares had given it to me before we went to the
7 man's apartment. We were in the car headed to the man's
8 apartment.

9 Do you know what type of gun that was -- that it
10 was you shot the man with?

11 It was a 380 cal. It was black.

12 Why were you three going to the man's apartment?

13 Tavares wanted to confront the man, not talk to
14 him, not try to sit down and try to have a pleasant
15 conversation about some money. He wanted to go there to
16 confront the man and they armed themselves with guns to do
17 so over a drug deal gone bad. He gave Tavares back the gun
18 and he never saw it again. He talks about Tavares having
19 pulled the same gun on him a month before. And he talked
20 about that on the stand (indicating), about Tavares pulling
21 -- well, the first time they meet, they stare each other
22 down. And then the second time they meet, Tavares, for some
23 unknown reason, gets out of the car, walks up to Greg Isaac
24 and pulls a gun on him, slaps him in the face and then walks
25 off. But they were able to get past all of that and begin a

1 friendship.

2 Tavares was mad because the man had ripped him
3 off. Tavares had a nine, Greg had a 380. He said we argued
4 in the car, then we left. I asked him why he didn't just
5 come out when I tried to tell him to leave. I got quiet.
6 He kept asking me if I was all right. Tavares kept asking
7 Greg if he was all right. He threatened to kill me or
8 someone close to me if I ever talked about the shooting.

9 Did you ever tell anyone about the shooting?

10 No, I was afraid.

11 Do you know if Tavares or Dixon ever told anyone?

12 No, I don't know.

13 Then they talk about Earl Cooper. And he says did
14 anyone know the man's son was upstairs that night?

15 No, sir.

16 Did you and Tavares talk about the shooting in
17 front of or with Dixon in the car after the shooting?

18 Yes, he knew I shot the man.

19 And Vernorris got up here and told you what Greg
20 Isaac told him about the murder that he committed.

21 Vernorris said that Tavares kept asking Greg why did you
22 have to shoot him? Why did you have to shoot him? Why did
23 you have to shoot him?

24 That story has evolved somewhat, but even by the
25 most recent version of this, Greg Isaac is still guilty of

1 murder because as Judge Newman will tell you, duress is not
2 a defense to murder. There's nothing — all of the evidence
3 contradict the latest story that they've come up with and
4 shared with you today — that Greg Isaac has come up with
5 and shared with you today.

6 When Mr. Schnee started, he said this case is
7 about three people. First, this was a drug dealer. Second
8 is an 18-year-old scared, threatened and victimized kid.

9 Ladies and gentlemen, I submit to you that I can
10 agree with Mr. Schnee on this one point, there was a scared,
11 threatened, victimized kid in this case, but it's not Greg
12 Isaac. You saw his demeanor on the stand. Is Greg Isaac
13 afraid of any one? He admitted he had a bad attitude at
14 that point in time. The scared, threatened, victimized kid
15 in this case was Rayquan Washington (indicating), who came
16 here and told you about the men holding his father at
17 gunpoint and demanding money. At any point in time while he
18 was armed with a gun, Greg Isaac could have walked away.
19 There were numerous people in the apartment complex that
20 night. He could have walked away. He could have called the
21 police and told them there was a madman out, pointing guns
22 at people and making them commit armed robberies, but he
23 didn't do that because it's not true.

24 What Mr. Schnee and Greg Isaac want you to do is
25 to endorse a theory that once someone kicks in a homeowner's

1 door and threatens them at gunpoint, the homeowner does not
2 have a right to defend himself. That if he goes and reaches
3 for something to defend himself, the home invader, the
4 criminals, the bad guy can pull a gun on him and shoot him
5 and then claim self-defense to avoid any accountability or
6 responsibility for his actions. That is absurd.

7 What Mr. Steadman asked you to do at the beginning
8 of this trial, what Ms. Campbell asked you to do when she
9 was talking to you about the laws of this case and what I'm
10 going to ask you to do is read Mr. Greg Isaac's statement.
11 Look at the pictures in this case. View the credibility of
12 the witnesses, whether or not their testimony has been
13 corroborated by the other evidence in this case and then
14 reach a verdict that speaks the truth, a verdict that
15 justice requires. Hold Greg Isaac (indicating) for the
16 choices that he made on October 27th of 2005 when he went
17 with Tavares World armed with guns to confront someone about
18 a drug deal, when he and Tavares World kicked in the door,
19 when he and Tavares World held Antonio Corbitt at gunpoint
20 and demanded money, and when he said I'm going to count to
21 ten, then I'm going to shoot and then he did just that.
22 Hold Greg Isaac (indicating) accountable for what he did.
23 Don't let him — responsibility in this case. We ask that
24 you return three guilty verdicts in this case, one for
25 attempted armed robbery, one for burglary in the first

1 degree and one for murder. Thank you very much for your
2 attention.

3 THE COURT: Ladies and gentlemen of the jury,
4 we'll take a 10-minute break now. Please go to the jury
5 room. I'll have you come back for the jury charge in 10
6 minutes. Please do not discuss the case.

7 (Whereupon, the jury left the courtroom
8 at 4:10 p.m.)

9 THE COURT: All right. 10 minutes my friends.
10 (Whereupon, a short recess was held.)

11 THE COURT: During the jury charge, I don't want
12 any one moving around or coming or going, so if you need to
13 leave, leave now, otherwise, stay put.

14 All right. Let's bring them on. Bring the jury
15 in, please.

16 BAILIFF: Yes, Your Honor.

17 (Whereupon, the jury returned to the
18 courtroom at 4:52 p.m.)

19 BAILIFF: Your Honor, the jury is present and
20 seated.

21 THE COURT: Very good. Thank you.

22 Mr. Foreman, members of the jury, you heard the
23 testimony, the evidence and the arguments of the State and
24 the Defendant. I will now explain to you the law that
25 applies to this case. Under the constitution and laws of

1 South Carolina, you are the finders of the facts of this
2 case. I do not have the right to pass upon the facts or
3 even to express any opinion that I might have as to them
4 because this is a matter solely for you, the jury, to
5 determine. As jurors then, it is your duty to determine the
6 fact, the value, the weight and the truth and the evidence
7 presented during this trial. You are, also, the judges, the
8 sole judges of the credibility, that is the believability of
9 the witnesses who have testified and of the evidence which
10 has been presented during this trial.

11 In passing upon credibility, you may take into
12 consideration many things such as the demeanor or manner of
13 testifying, whether the witness had reason to be bias or
14 prejudice or whether the testimony of a witness was
15 contradicted on the one hand or supported and corroborated
16 on the other hand. All of these things you will
17 consider bearing in mind that you should give the Defendant
18 the benefit of any reasonable doubt. It becomes your duty
19 as jurors to analyze and to evaluate the evidence and
20 determine that evidence which convinces you of its truth.

21 Now, the rules of evidence ordinarily do no permit
22 witnesses to testify to opinions or conclusions. An
23 exception to this rule is this for witnesses we call expert
24 witnesses. A witness who by training, education and
25 experience has become expert in some art, science,

1 professional calling may state an opinion as to relevant and
2 material matters in which the witness claims to be an expert
3 and may also state the reasons for the opinion. You should
4 consider any expert opinion received in evidence in this
5 case and like the other evidence give it the weight that you
6 think it deserves. If you decide that the opinion of an
7 expert is not based on sufficient training, education and
8 experience or if you conclude that the reasons given in
9 support of the opinion are not sound or that the opinion is
10 outweighed by other evidence, you may disregard the opinion
11 entirely. The testimony of an expert witness is to be given
12 no greater weight than that of other witnesses simply
13 because the witness is an expert. Further, you are not
14 required to accept the opinion of an expert even though it
15 is not contradicted.

16 The person who has a past criminal record is
17 competent to testify during a trial. A past record does not
18 affect the ability of that witness testify. The past record
19 may be considered by you, if at all, in determining the
20 believability of the witness. Remember, you are the sole
21 judges of the facts of the case and of the believability of
22 any and all of the witnesses.

23 You've heard evidence that the Defendant was
24 convicted of a crime other than the one for which he is now
25 on trial. This evidence may be considered by you, if you

1 conclude that it's true, only in deciding whether the
2 Defendant's testimony is believable and for no other
3 purpose. You must not consider the Defendant's record as
4 any evidence of the Defendant's guilt of the charges we are
5 trying today.

6 There are two types of evidence which are
7 generally presented during a trial, direct evidence and
8 circumstantial evidence. Direct evidence directly proves
9 the existence of a fact and does not require deduction.
10 Circumstantial evidence is proof of a chain of facts and
11 circumstances indicating the existence of a fact. Crimes
12 may be proven by circumstantial evidence. The law makes no
13 distinction between the weight or value given to either
14 direct or circumstantial evidence. However, to the extent
15 the State relies on circumstantial evidence, all of the
16 circumstances must be consistent with each other and when
17 taken together point conclusively to the guilt of the
18 accused beyond a reasonable doubt. If these circumstances
19 merely portray the behavior of the Defendant as suspicious,
20 the proof has failed. The State has the burden of proving
21 the Defendant guilty beyond a reasonable doubt. This burden
22 rest with the State regardless of whether the State relies
23 on direct evidence, circumstantial evidence or some
24 combination of the two.

25 A statement alleged to have been made by the

1 Defendant has been admitted into evidence in this case.
2 While the Court has determined that the statement is
3 admissible, I instruct you that you make the ultimate
4 decision of whether or not the Defendant made the statement.
5 If the Defendant did make the statement, you must determine
6 whether the statement was made by the Defendant voluntarily
7 and of his own free will. This means that the statement was
8 not caused by pressure, force, fear, threats, coercion or
9 intimidation or by hope or a promise of leniency or a reward
10 of any kind. In determining whether the statement was
11 voluntary, you should consider both the characteristics of
12 the Defendant and the details of the questioning. Some of
13 the facts that you must consider are the age of the
14 Defendant, the education or lack of education of the
15 Defendant, the mental ability or capacity of the Defendant,
16 the IQ or intelligence of the Defendant, the background and
17 environment of the Defendant, the place and length of
18 detention, the nature of the questioning and the advice or
19 lack thereof to the Defendant of his constitutional rights,
20 including but not limited to the right to remain silent,
21 that any statement could be used against him in a court of
22 law, the right to have a lawyer present, that if he could
23 not afford a lawyer, a lawyer would be appointed to
24 represent him without any cost, that he could stop making a
25 statement at any time. You must carefully consider all of

1 the surrounding circumstances before you give any weight to
2 the alleged statement. The State has the burden of proving
3 beyond a reasonable doubt that the alleged statement was
4 voluntary. If you determine that it was, you may give the
5 statement any further consideration that you deem proper.
6 You must decide what weight, if any, should be given to the
7 alleged statement. If you determine the alleged statement
8 was not a free and voluntary statement of the Defendant, you
9 should not consider the statement at all.

10 Now, as the trial judge, it is my responsibility
11 to preside over the trial of this case and to rule upon the
12 admissibility of the evidence offered during the trial. You
13 are to consider only the testimony which has been presented
14 from this witness stand together with any exhibits which
15 have been made a part of the record. I have the additional
16 duty to charge you the law applicable to this case. And as
17 the presiding judge, I am the sole judge of the law in this
18 case. It is your duty as jurors to accept as correct and
19 apply the law as I now state it to you and then reach your
20 verdict. And, finally, I charge you in this regard that you
21 should not be concerned with what you think the law ought to
22 be, but rather what I charge you that the law is.

23 Now, the fact that the Defendant was arrested,
24 charged and indicted in this case is not evidence in this
25 case and cannot be considered by you as evidence of guilt in

1 this case nor does it create any presumption or inference of
2 guilt. The indictments are simply the formal written
3 instruments which contain the charges made against the
4 Defendant. An indictment is the formal document by which a
5 case is brought to court.

6 Now, the indictments in this case allege three
7 different offenses against the Defendant. The charges are
8 murder, burglary first degree and attempted arm robbery.
9 Each indictment charges a separate and distinct offense.
10 You must decide each indictment separately under the
11 evidence and the law applicable to it uninfluenced by your
12 decision as to the other indictments. The Defendant may be
13 convicted or acquitted on each indictment. You will be
14 asked to write a separate verdict of guilty or not guilty on
15 each indictment.

16 The Defendant has plead not guilty to the charges
17 in each indictment. And that plea places the burden on the
18 State to prove the Defendant guilty. A person charged with
19 committing a criminal offense in South Carolina is never
20 required to prove himself innocent. I charge you it is an
21 important rule of the law that a defendant in a criminal
22 trial, no matter what the seriousness of the charge may be
23 will always be presumed to be not guilty of the crimes for
24 which the indictments were issues unless guilt has been
25 proven by evidence satisfying you of that guilt beyond a

1 reasonable doubt.

2 The presumption of innocence does not end when you
3 begin your deliberations, but it accompanies the Defendant
4 throughout the trial until you reach a verdict of guilt
5 based on evidence satisfying you of that guilt beyond a
6 reasonable doubt. The presumption of innocence is like a
7 robe of righteousness placed about the shoulders of the
8 Defendant which remains with the Defendant until it has been
9 stripped from the Defendant by evidence satisfying you of
10 the Defendant's guilt beyond a reasonable doubt. Now, the
11 presumption of innocence is not a mere legal theory. It's
12 not just a legal phrase. It is a substantial right to which
13 every defendant is entitled unless you, the jury, are
14 satisfied from the evidence of the Defendant's guilt beyond
15 a reasonable doubt.

16 The State must prove the Defendant guilty beyond a
17 reasonable doubt. So what is a reasonable doubt in the law?
18 A reasonable doubt is a doubt which makes an honest,
19 sincere, conscientious juror in search of the truth to
20 hesitate to act. Proof beyond a reasonable doubt must
21 therefore must be proof of such a convincing character that
22 a reasonable person would not hesitate to rely and act upon
23 in the most important of his or her own personal affairs.
24 Proof beyond a reasonable doubt can also be described as
25 proof that leaves you firmly convinced of the Defendant's

1 guilt.

2 Now, there are very few things in this world that
3 we know with absolute certainty. And in criminal cases, the
4 law does not require proof that overcomes every possible
5 doubt. If based on your consideration of the evidence, you
6 are firmly convinced that the Defendant is guilty, then you
7 must find him guilty. If on the other hand, you think that
8 there's a real possibility that he is not guilty, you must
9 then give him the benefit of the doubt and find him not
10 guilty.

11 The Defendant is charged with murder. The State
12 must prove beyond a reasonable doubt that the Defendant
13 killed another person with malice aforethought. Malice is
14 hatred, ill will or hostility towards another person. It is
15 the intentional doing of a wrongful act without just cause
16 or excuse and with an intent to inflict an injury or under
17 circumstances that the law will infer an evil intent.
18 Malice does not necessarily impart ill will toward the
19 individual injury, but signifies, rather, a general
20 malignant recklessness of the lives and safety of others or
21 a condition of mind which shows the heart regardless of the
22 social duty and fatally bent on mischief.

23 Malice aforethought does not require that malice
24 exist for any particular time before the act is committed,
25 but malice must exist in the mind of the Defendant just

1 before and at the time the act is committed. Therefore,
2 there must be a combination of previous evil intent and the
3 act. Malice aforethought may be expressed or inferred.
4 These terms expressed and inferred do not mean different
5 kinds of malice, but merely the manner in which malice may
6 be shown to exist. That is either by direct evidence or by
7 inference from the facts and circumstances which are proved.
8 Expressed malice is shown when a person speaks words which
9 express hatred or ill will toward another or when a person
10 prepared beforehand to do the act which was later
11 accomplished. For example, lying in wait for a person or
12 any other acts of preparation going to show that the deed
13 was within the mind of the defendant would be expressed
14 malice.

15 If one intentionally kills another during the
16 commission of a felony, the inference of malice may arise.
17 If facts are proved beyond a reasonable doubt sufficient to
18 raise an inference of malice to your satisfaction, this
19 inference would simply be an evidentiary fact to take into
20 consideration by you along with all other evidence in the
21 case and you may give it the weight you decide it should
22 receive. I charge you that under South Carolina law
23 first-degree burglary and attempted armed robbery are
24 felonies.

25 The Defendant is charged with first-degree

1 burglary. The State must prove beyond a reasonable doubt
2 that the Defendant entered a dwelling without consent. A
3 dwelling is any building or portion of a building in which a
4 person normally sleeps. The State must prove that the
5 Defendant entered the dwelling. Next, the State must prove
6 beyond a reasonable doubt that the Defendant intended to
7 commit a crime, either a felony or a misdemeanor at the time
8 of the entry. The mere entry into a dwelling without
9 consent is not burglary. If the intent to commit a crime is
10 formed after the entry, it is not burglary. On the other
11 hand, if a defendant intended to commit a crime at the time
12 of the entry, it is a burglary even if intent was abandoned
13 after the entry. It does not matter that the intended crime
14 was not completed.

15 Intent can be shown by acts and conduct of the
16 Defendant and other circumstances from which you may
17 naturally and reasonably infer intent. Finally, the State
18 must prove beyond a reasonable doubt that when entering or
19 in the dwelling or when fleeing, the Defendant or an
20 accomplice was armed with a deadly weapon. A deadly weapon
21 is an article, instrument or substance which is likely to
22 cause death or great bodily harm. Whether an instrument is
23 a deadly weapon depends on the facts and circumstances of
24 each case or when entering, while in the dwelling or when
25 fleeing, the Defendant or accomplice caused physical injury

1 to anyone not participating in the crime or the Defendant
2 entered or remained in the dwelling in the nighttime.
3 Nighttime is the period between sunset and sunrise during
4 which there is not enough daylight to recognize the face of
5 another person except by artificial light or moonlight.

6 The Defendant is charged with attempted armed
7 robbery. In order to prove this offense, the State must
8 prove beyond a reasonable doubt that the Defendant attempted
9 to take personal property from the person or presence of
10 another person. Property is in the presence of a person if
11 it is within the reach, inspection, observation or control
12 of a person so that a person could if not overcome with
13 violence or prevented by fear keep possession of the
14 property. The State must also prove beyond a reasonable
15 doubt that the Defendant attempted to carry the property
16 away intended to permanent deprive the owner of the
17 property. The attempt to take and carry away the property
18 must have been done with violence or by putting the owner of
19 the property in fear of violence. Finally, the State must
20 prove beyond a reasonable doubt that the Defendant was armed
21 with a deadly weapon during the attempted robbery.

22 An attempt is an effort to accomplish a crime
23 which does not succeed. An attempt includes specific intent
24 to do a particular criminal act along with an act falling
25 short of the act intended. The State must show more than

1 their preparation and attempt. It must be some overt act
2 committed in the effort to commit the crime. Intent means
3 intending the result which actually occurs, not accidentally
4 or involuntary. Intent may be shown by acts or conduct of
5 the Defendant and other circumstances for which you may
6 naturally and reasonable infer intent.

7 If a crime is committed by two or more people who
8 are acting together in committing the crime, the act of one
9 is the act of all. A person who joins with another or
10 others to commit an unlawful act is criminally responsible
11 for everything done by the other person which happens as a
12 probable and natural consequence of the acts done in
13 carrying out the common plan and purpose. For example, two
14 people can be guilty of killing another person when only one
15 of the two had a gun, there is only bullet and only one of
16 the two fired the shot that caused the death. If two or
17 more people are together acting together, assisting each
18 other in committing the offense, the act of one is the act
19 of all or as it is sometimes said, the hand of one is the
20 hand of all.

21 Prior knowledge that a crime is going to be
22 committed without more is not sufficient to make a person
23 guilty of that crime. Mere knowledge that another person is
24 going to commit a crime even if the defendant is present
25 when the crime is committed is not sufficient to convict a

1 defendant as a principal. Guilt as a principle is shown by
2 actual or constructive presence at the scene of the crime as
3 a result of a prior arrangement. Therefore, a finding of a
4 prior arranged plan or common scheme is necessary for a
5 finding of guilt as a principal. The State must prove
6 beyond a reasonable doubt or competent evidence the theory
7 of the hand of one is the hand of all. A principal in a
8 crime is one who either actually commits the crime or who is
9 present aiding, abetting or assisting in committing the
10 crime. When a person does an act in the presence of and
11 with the assistance of another, the act is done by both.
12 Where two or more acting with a common plan or intent are
13 present at the commission of a crime, it does not matter who
14 actually commits the crime, all are guilty. The hand of one
15 is the hand of all. Present at the commission of a crime
16 means to be sufficiently near to aid and abet and assist in
17 the commission of the crime. However, mere presence at the
18 scene of a crime is not sufficient to convict one as a
19 principal under the theory of aiding and abetting.

20 As to the charge of murder, the Defendant has
21 raised the defense of self-defense. Self-defense is a
22 complete defense and if it is established, you must find the
23 Defendant not guilty as to the charge of murder. The State
24 has the burden of disproving self-defense by proof beyond a
25 reasonable doubt. If you have a reasonable doubt of the

1 guilt of the Defendant after considering all of the
2 evidence, including the evidence of self-defense, then you
3 must find the Defendant not guilty. On the other hand, if
4 you have no reasonable doubt of the guilt of the Defendant
5 after considering all of the evidence, including the
6 evidence of self-defense, then you must find the Defendant
7 guilty.

8 The following elements are required to establish
9 self-defense: First, the Defendant must be without fault in
10 bringing on the difficulty. If the conduct of the Defendant
11 was the type which was reasonably calculated to and did
12 provoke the deadly assault, the Defendant would be at fault
13 in bringing on the difficulty and would not be entitled to
14 an acquittal based on self-defense. The second element of
15 self-defense is that the Defendant was actually in imminent
16 danger of death or serious bodily injury or that the
17 Defendant actually believe that he was in imminent danger of
18 death or serious bodily injury. If the Defendant was
19 actually in imminent danger, it must be shown that the
20 circumstances warranted a person of ordinary firmness and
21 courage to strike the fatal blow to prevent death or serious
22 bodily injury. If the Defendant believe he was in imminent
23 danger of death or serious bodily injury, it must be shown
24 that a reasonable prudent person of ordinary firmness and
25 courage would have had the same belief. In deciding whether

1 the Defendant actually was or believed he was in imminent
2 danger of death or serious bodily injury, you should
3 consider all the facts and circumstances surrounding the
4 crime, including the physical condition and characteristics
5 of the Defendant and the victim. The Defendant does not
6 have to show he was actually in danger. It is enough that
7 the Defendant believed he was in imminent danger and a
8 reasonably prudent person of ordinary firmness and courage
9 would have had the same belief. The Defendant has the right
10 to act on appearances even though the beliefs of the
11 Defendant may have been mistaken. It is for you to decide
12 whether the fear of immediate danger of death or serious
13 bodily injury of the Defendant was reasonable and would have
14 been felt by an ordinary person in the same situation.

15 The final element of self-defense is that the
16 Defendant had no other probable way to avoid the danger of
17 death or serious bodily injury than to act as the Defendant
18 did in this particular incident. A person cannot be
19 required to make an exact calculation as to the degree or
20 amount of force which may be needed to avoid death or
21 serious bodily injury, therefore, self-defense, the
22 Defendant has the right to use the force needed to avoid
23 death or serious bodily harm. The force used in
24 self-defense does not have to be limited to the degree or
25 amount of force used by the victim. The Defendant has the

1 right to use so much force as appeared to be necessary for
2 complete self-protection in which a reason — a person of
3 ordinary reason and firmness would have believed to be
4 needed to prevent death or serious bodily harm.

5 As to the burglary first-degree and attempted
6 armed robber charges, the Defendant has raised the defense
7 of duress. Duress is when a person makes another person
8 commit a crime against a person or property of someone else
9 by the threat of immediate physical violence. The duress
10 must be presence, imminent and of the type to create a
11 well-rounded fear of death or serious bodily harm if the act
12 is not done. The fear of injury must be reasonable. Duress
13 is not a defense if there is any reasonable way other than
14 committing the crime for the Defendant to going escape the
15 threat of harm. Duress is not a defense to the crime of
16 murder. The Defendant must prove the defense of duress by
17 preponderance of the evidence. If you find that the
18 Defendant was coerced into committing the crimes of
19 first-degree burglary or attempted armed robbery, you must
20 find the Defendant not guilty of that crime or crimes.

21 In order to establish criminal liability, criminal
22 intent is required. For example, the mental state required
23 to be proved by the State for a particular crime might be
24 purpose, intend, knowledge, recklessness or criminal
25 negligence. Criminal intent must be proven by the State

1 beyond a reasonable doubt. A criminal intent is also a
2 matter that must be determined by the jury by the
3 circumstances surrounding the situation. There is no way to
4 prove intent to a mathematical certainty. There's no way
5 medical science can dissect the brain of a person and
6 determine what a person had in mind. So the law said that
7 criminal intent may be inferred from the circumstances shown
8 to have existed. This is how you make a determination of
9 whether or not the element requiring intent was present. It
10 is not necessary to establish intent by direct and positive
11 evidence, but intent may be established by inference in the
12 same way as any other fact by taking into consideration the
13 acts of the parties and all the facts and circumstances of
14 the case. Criminal intent is a mental state, a conscious
15 wrongdoing. It is up to you to determine what the Defendant
16 intended to do based on the circumstances shown to have
17 existed.

18 Voluntary intoxication is not an excuse or a
19 defense to a crime regardless of whether the crime is one
20 involving general or specific intent. This rule also
21 extends to voluntary ingestion of drugs. A person who
22 voluntarily ingest alcohol or drugs and their body becomes
23 intoxicated is no less responsible for his acts while in
24 such condition. If one voluntarily ingest drugs and becomes
25 intoxicated to whatever degree and while in that condition

1 commits an act that would be a crime if it had been
2 committed by a sober person, the fact of intoxication would
3 not relieve the intoxicated person from responsibility.

4 Some of you have taken notes during the trial of
5 this case. However, please, remember that a juror's notes
6 should not be given any greater weight than the recollection
7 of other jurors. The recollections of individual jurors
8 should be considered as reliable as notes taken by any other
9 juror.

10 Mr. Foreman, and members of the jury, I am
11 required to charge you the law as I have done through these
12 instructions now being given to help guide you to a just and
13 lawful verdict. Whether some of these instructions will
14 apply will depend upon what you find to be the facts. The
15 fact that I have instructed you on various subjects in this
16 case must not be taken as indicating an opinion of this
17 Court as to what you should find to be the facts or what
18 your verdict should be.

19 In conclusion, you have been selected by both the
20 State and the Defendant to be fair and impartial jurors. It
21 is your duty then in your joint deliberations to determine
22 the truth in this case giving the Defendant the benefit of
23 every reasonable doubt on each charge. And from the facts
24 which you determine to be true, you take and apply the law
25 which I have just given you and thus arrive at a verdict

1 that speaks the truth in this case.

2 I have told you the standards you have to apply to
3 the charges of murder, burglary first-degree and attempted
4 armed robbery. I will give you a copy of these instructions
5 in written form. During your deliberations, you may refer
6 to the instructions to guide your decision-making. You must
7 consider the instructions as a whole and not follow some and
8 ignore others.

9 You've heard the evidence and now you have heard
10 the law. Whatever your verdict as to each indictment, Mr.
11 Foreman, you will indicate it on the back of the indictment
12 by writing the words guilty or not guilty. You will then
13 sign and date the indictment. So as to each indictment,
14 there's a spot on the back for you to write the verdict
15 where it says verdict, underneath you will write not guilty
16 or guilty as to each charge. And, certainly, there's no
17 order of significance in the order in which I state the
18 possible verdicts, simply one must be stated first.

19 Remember that although the foreperson is the only
20 juror who writes the verdict, it is not his alone. The
21 verdict has to be a unanimous verdict, all of you must
22 agree.

23 Mr. Foreman, you're not authorized to write the
24 verdict until all of you have agreed to what the verdict
25 should be as to each indictment.

1 Now, ladies and gentlemen, I'm going to send you
2 to your jury room, all of you except the last two jurors
3 selected, but do not begin to discuss the case until you
4 have received a copy of this jury charge, the indictments
5 and the exhibits. Once you receive these things, that will
6 be your signal to begin your deliberations. Once you begin
7 deliberating, you will deliberate until you have reached a
8 verdict, at which time, you will knock on the door, advise
9 the bailiff and we will bring you out to receive your
10 verdict. And I'll take the liberty to order something else
11 for you all to eat. I know it's now 5:00 and you'll have
12 more food delivered to the jury room. So please go to the
13 jury room now, all except the two alternates that were
14 selected.

15 (Whereupon, the jury left the courtroom
16 at 5:07 p.m.)

17 THE COURT: Any additions or exceptions to the
18 charge from the State or Defense?

19 MS. WALKER: The only thing, Your Honor, I would
20 ask that -- I don't think we -- attempted armed robbery, you
21 said that they had to be armed basically or representation,
22 just that language, if you just could just add it into the
23 charge that's sent back to them. I don't think you need to
24 recharge them on that. And maybe I misheard it.

25 THE COURT: All right. By the Defense?

1 MR. SCHNEE: I honestly didn't hear that part,
2 whether you said it or not, Your Honor. I have no objection
3 to simply adding it to the written charge. It's certainly
4 written on the indictment. I don't think there's a question
5 the representation of a weapon is an issue in this case
6 anyway.

7 MS. WALKER: Yeah, if we could just add it in.
8 I'm not trying to recharge them or anything.

9 THE COURT: It says you must prove beyond a
10 reasonable doubt that the Defendant was armed with a deadly
11 weapon during the attempted robbery.

12 MS. WALKER: Yes, sir. And I believe the law is
13 that or any object which the person -- reasonably believed
14 to be a deadly weapon. It doesn't apply in this case so
15 much, I just don't want them to think I argued something to
16 them -- that's my only concern.

17 THE COURT: Yeah, generally, I don't include
18 anything in the charge that's not applicable to the facts of
19 the case. It's clear that a deadly weapon may be a bomb or
20 --

21 MS. WALKER: I understand, Judge.

22 THE COURT: All of those things. I can put it in
23 here if it's important, but it's insignificant really.

24 MS. WALKER: And the only reason is that I said it
25 to them in my charges is the only reason I'm asking for

1 that.

2 THE COURT: I'm sure they remember every word you
3 say.

4 (Laughter.)

5 THE COURT: I understand. Or representation.

6 MR. SCHNEE: I don't have anything else, Your
7 Honor.

8 THE COURT: All right. If y'all would check on
9 the exhibits there.

10 Two persons I'd like to talk to for a minute, our
11 two alternates. We select 14 jurors, two extra in the event
12 something might happen to the first 12, someone might get
13 sick, someone -- all kinds of things happen, but where they
14 make it through the trial, then we cannot use the additional
15 jurors to deliberate because the deliberation must be by a
16 12-person jury and not 13 or 14 person. So since the first
17 12 made it, you all are through. You're relieved of any
18 further responsibility. You do not have to participate in
19 anything further. We're not selecting any more juries this
20 week either, so you are through with jury duty as well.
21 You're certainly welcome to stick around if you want to
22 stick around. If you do so, I will simply suggest that you
23 not discuss what you think the verdict should be until the
24 jury actually comes out and announces.

25 Thank you all.

1 (Deliberation started at 5:21 p.m.)

2 THE COURT: I understand that we have a verdict.

3 MS. WALKER: Our family is coming right now, Your
4 Honor.

5 THE COURT: All right.

6 MS. WALKER: Thank you. I'll just tell them not
7 to say anything.

8 Thank you, Your Honor.

9 THE COURT: All right. You may bring the jury in.

10 BAILIFF: Yes, Your Honor.

11 (Whereupon, the jury returned to the
12 courtroom at 6:04 p.m.)

13 BAILIFF: Your Honor, the jury is present and
14 seated.

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

16 Mr. Foreman, have you reached a verdict?

17 MR. FOREMAN: Yes, we have.

18 THE COURT: Is it unanimous?

19 MR. FOREMAN: Yes, they are.

20 THE COURT: You may be seated.

21 All right. Madam Clerk, if the Defendant will
22 rise, you may publish the verdict.

23 THE CLERK: State of South Carolina, County of
24 Richland County in the Court of General Session, docket
25 number 2012-GS-40-2437, an indictment for burglary

1 first-degree against Greg Kentrell Isaac, the jury finds the
2 Defendant guilty, signed by the foreperson, dated October
3 2nd, 2013. On indictment number 2012-GS-40-2438, indictment
4 for attempted armed robbery, the jury finds the Defendant
5 guilty, signed by the foreperson, dated October 2nd, 2013.
6 Docket number 2012-GS-40-2435, an indictment for murder, the
7 jury finds the Defendant guilty, signed by the foreperson
8 and dated October 2nd, 2013.

9 Mr. Foreman, is this your verdict and the verdict
10 of the entire jury?

11 MR. FOREMAN: Yes, it is.

12 THE COURT: Thank you.

13 Any additional polling requested?

14 MR. SCHNEE: Request to poll the jury, Your Honor.

15 THE COURT: All right. Madam Clerk, if you will
16 poll each juror individually.

17 THE CLERK: Thank you, Your Honor.

18 Mr. Foreman, ladies and gentlemen of the jury, I'm
19 going to call each of your numbers out and I'm going to ask
20 two questions. I need you to answer both of these
21 questions.

22 No. 84, was this your verdict?

23 JUROR: Yes, it was.

24 THE CLERK: Is it still your verdict?

25 JUROR: Yes, it is.

1 THE CLERK: No. 183, was this your verdict?

2 JUROR: Yes, ma'am.

3 THE CLERK: Is it still your verdict?

4 JUROR: Yes, ma'am.

5 THE CLERK: No. 130, was this your verdict?

6 JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 JUROR: Yes.

9 THE CLERK: No. 279, was this your verdict?

10 JUROR: Yes.

11 THE CLERK: Is it still your verdict?

12 JUROR: Yes.

13 THE CLERK: No. 144, was this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR: Yes.

17 THE CLERK: No. 222, was this your verdict?

18 JUROR: Yes.

19 THE CLERK: Is this still your verdict?

20 JUROR: Yes.

21 THE CLERK: No. 285, was this your verdict?

22 JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 JUROR: Yes.

25 THE COURT: No. 292, was this your verdict?

1 JUROR: Yes.

2 THE CLERK: Is it still your verdict?

3 JUROR: Yes.

4 THE CLERK: No. 88, was this your verdict?

5 JUROR: Yes.

6 THE CLERK: Is it still your verdict?

7 JUROR: Yes.

8 THE CLERK: No. 32, was this your verdict?

9 JUROR: Yes.

10 THE CLERK: Is it still your verdict?

11 JUROR: Yes.

12 THE CLERK: No. 302, was this your verdict?

13 JUROR: Yes.

14 THE CLERK: Is it still your verdict?

15 JUROR: Yes.

16 THE CLERK: No. 248, was this your verdict?

17 JUROR: Yes.

18 THE CLERK: Is it still your verdict?

19 JUROR: Yes.

20 THE CLERK: The jury has been polled, Your Honor.

21 THE COURT: Thank you, Madam Clerk.

22 Are there any post-trial motions?

23 MR. SCHNEE: Yes, Your Honor, at this time, I

24 would renew all prior motions and objections. At this time,

25 I would ask for a new trial and a mistrial. The only other

1 argument I would add to everything I've already made is in
2 addition to my motion to recuse Your Honor. Based on
3 everything that's occurred during this trial clearly showed
4 favoritism to the prosecution, against my client, against
5 myself. Specifically, the only things that might not have
6 shown on the record are the fact that you were sustaining
7 objections the State did not make. Therefore, I renew all
8 those motions.

9 THE COURT: All right.

10 Response by the State?

11 MS. WALKER: Yes, Your Honor. We don't have a
12 response to that.

13 THE COURT: Those motions are denied. The
14 Defendant has had a fair and impartial trial before a fair
15 and impartial jury. The evidence of his guilt is
16 overwhelming and the verdict stands. I think there was one
17 instance when you engaged arguments with the witness and
18 stated -- proceeded to make statements while the witness was
19 giving an answer and the State did not object. I
20 interrupted that because the flow of the trial and the
21 proper administration of a trial is not only based on
22 parties making objections, but it's the responsibility of
23 the Court to make sure -- to ensure that the rules of
24 procedure are followed by counsel and rules of professional
25 conduct are followed by counsel and that witnesses are

1 treated with an appropriate amount of respect. So that's
2 nothing new. Of course, when the prosecutor at one point in
3 time made a statement, the Defense objected based on the
4 prosecutor making a statement, an unsolicited statement and
5 I sustained that objection, so don't blame me. Mr. Isaac
6 made his bed and he has to sleep it in. Don't blame me,
7 Counsel.

8 All right.

9 Ladies and gentlemen, once you have found a person
10 guilty, then it becomes my responsibility to impose a
11 sentence. You have no role in the sentencing process, but
12 my experience is that jurors who have vested time and energy
13 in hearing cases typically prefer to see it through to the
14 end and I invite you to stay. I'll proceed to sentencing at
15 this time.

16 -- from the State?

17 MS. WALKER: Your Honor, at the appropriate time,
18 I know the victim's mother wants to speak. I think
19 additional family wants to speak. Would you like to hear
20 from them now, Your Honor?

21 THE COURT: Yes.

22 ARCHIE CORBITT: Good afternoon, sir.

23 THE COURT: Good afternoon.

24 ARCHIE CORBITT: I want to thank the Court and the
25 jury for this great blessing. I asked the Lord for me to

1 still be alive to -- once this situation have gotten taken
2 care of because I just didn't feel settled with my
3 grandchildren and my wife and their mother still worrying
4 about this. And I thank this Court and the police
5 department, Mr. Lott and them, that they did a great job and
6 I'm going to give y'all all my thanks. And, you know, they
7 reminded me when I retired from the military or whatever, I
8 wanted to take care of this matter so I can rest in peace
9 and my family can rest in peace. And I want to thank you
10 all from the bottom of my heart. God bless.

11 THE COURT: All right. Thank you. State your
12 name for the record, please.

13 ARCHIE CORBITT: Archie Corbitt.

14 THE COURT: Thank you, sir.

15 MS. CORBITT: I want to thank -- my name is Sonya
16 R. Corbitt. I'm the mother of the deceased Antonio Corbitt.
17 I have been waiting forever, forever for this day. I
18 commend y'all for finding that this man is guilty because he
19 is. It took me a long time to write what I wanted to say to
20 him, his family and to everybody in this courtroom. I have
21 started this statement several times to choose just the
22 right words to say. I have suffered and I do mean suffered
23 a lot from the loss of my son. You took my firstborn child
24 away from me. He was a son. He was a father and he was a
25 brother. You have left his children fatherless, his sister

1 without a brother and mother without a son. You cannot even
2 begin to imagine how we all must feel. The most serious
3 impact I can't even begun to imagine is for my grandson,
4 Rayquan. Rayquan was there and yet, you shot my son anyway.
5 You not only fired once, but you fired twice.

6 You do not know the kind of affect you think this
7 would have on Rayquan and the rest of us for the rest of our
8 lives. You do not know. When you killed Tony, you took a
9 piece of all of us. Things would never be the same again
10 for any of us, but Tony was always there. Do you think my
11 son was at peace? No. He kept telling me and coming to me
12 in my dreams, do not give up, do not give up, mom. He did
13 this for seven years. And on the day that you were caught,
14 the dreams stopped. I was calling the Richland County
15 Sheriff's Department every week for any leads, going down
16 there every two weeks talking to the investigators for the
17 new leads for the past seven years. They all got to know me
18 very well, including Sheriff Lott. I did the updates on the
19 news as well as talking to the public on TV and I know you
20 had to see me asking the public if they knew anything about
21 what happened to my son. You watched me crying on TV and
22 you did nothing. It has been so long that you never thought
23 that anyone would found out, but yet I knew and with Tony's
24 persistence of me from the grave, I knew one day that you
25 would be caught.

1 You say you have children Greg Isaac, with all of
2 that being said, you sat up here in this courtroom in June
3 with a smirk on your face as if you were sitting on the top
4 of the world and you thought that you were getting off. You
5 wrote me a letter telling me you was sorry. No, you wasn't
6 sorry, you were sorry that you got caught. I'm asking the
7 Judge to give you life without parole even though you do not
8 deserve that. You do not even deserve to be alive. You
9 took my son's life, now, I want yours. The day has come for
10 which I have been waiting for a very long time to have
11 justice for Tony. I want you to know that I will never ever
12 forgive you for taking my son away from me. Let's see how
13 your child or your children feel about a father and your
14 mother without a son. Justice to me will be the day when
15 they convict you of life in prison without parole and when I
16 get that phone call from the department of corrections
17 telling me that you have died and they are wheeling you out
18 on a gurney, then that day will be justice for me. Thank
19 you.

20 THE COURT: All right.

21 MS. WALKER: Your Honor, no one else in the family
22 wants to speak. His sister was present, she didn't want to
23 speak, but she's had to leave. I would note, Your Honor,
24 for the record that Rayquan Washington, one of the victim's
25 son, is present in the courtroom as is his mother. They've

1 been here for the hearing that we had, I think in July, as
2 well as the entirety of this trial. Thank you, Your Honor,
3 for allowing them to speak.

4 THE COURT: All right. Ms. Campbell.

5 MS. WALKER: May it please the Court, Your Honor.

6 As far as his prior record, it starts back in 2004. He was
7 convicted of entering land after notice. Then in November
8 of 2005, which would have been approximately one month, he
9 was arrested on gun charges when he was stopped by the
10 Columbia Police Department and he pled guilty to one of
11 those charges. In that stop, Your Honor, a month after this
12 occurred, he was found to be in possession of a 380 as well
13 as a 9 millimeter gun. Then in 2006, Your Honor, he was
14 arrested — July 2006 on unlawful weapon and marijuana
15 charge. The feds adopted that charge, I believe, and he was
16 convicted of PWID marijuana at that point. Then in
17 September of 2006, he was charged with breach of peace. He
18 was found guilty on that charge. Moving on to August the
19 4th of 2007, he was charged and convicted of criminal
20 domestic violence first offense. He was found guilty on
21 that charge. Then in 2008, he was convicted on a burglary
22 in the second-degree, unlawful carrying of a weapon, which
23 involved home invasion where I think approximately 12 people
24 invaded a woman's home and he was convicted on that and
25 received an active sentence. As he testified, he was

1 incarcerated for a period of time after that. Then in 2011,
2 he was convicted of malicious injury to personal property
3 and was convicted on that. And his only other charge is the
4 federal charge, which I've already mentioned.

5 THE COURT: Anything further?

6 MS. WALKER: No, Your Honor.

7 THE COURT: From the Defense?

8 THE DEFENSE: Thank you, Your Honor. May it
9 please the Court. I believe a couple of my client's family
10 members would like to talk.

11 DEFENDANT'S FAMILY: My name is Ashley --

12 THE COURT: Say that a little louder.

13 DEFENDANT'S FAMILY: My name is Ashley --

14 THE COURT: Yes, ma'am.

15 DEFENDANT'S FAMILY: First, I want to apologize to
16 the family. And she's correct, right is right and wrong is
17 wrong, but I just feel like I should be, my thoughts alone,
18 on the decision that y'all make today because, you know, he
19 got kids, also, not just -- for Tony or whatever, but you
20 know what I mean, you know, that's all we asking, you know,
21 just be mindful, you know what I'm saying, of his family,
22 also, you know what I mean. He was young, you know what I'm
23 saying, just I don't know. Just be mindful, that's all, you
24 know, just be, just -- oh God, I don't know -- you know what
25 I'm saying and just everybody deserve a second chance,

1 that's all.

2 MR. SCHNEE: Judge, as you are well aware, at the
3 time, Greg was 18. This was a few months after his twin
4 brother was killed in a car accident. He was, obviously,
5 hanging around with some other people that were influencing
6 him to make some bad decisions. Tavares World, obviously,
7 being one of them, Your Honor. The guilty plea for Tavares
8 World where the State offered him reduced him charges to
9 voluntary. He also pled to separate offenses of CSV with a
10 minor second, two separate instances past that of armed
11 robbery and then two attempted burglaries, Your Honor
12 sentenced him to 30 years concurrent for everything. On my
13 advice, my client is not going to be addressing Your Honor
14 just to preserve his rights for appeal. I know he is very
15 sorry for how everything has turned out. I would ask Your
16 Honor to consider a sentence that would be, perhaps, most
17 similar to the co-defendant who has significantly more
18 charges and a significantly more violent history.

19 THE COURT: Any response by the State?

20 MS. WALKER: Yes, Your Honor. Mr. Isaac was the
21 shooter in this case. It was undisputed. He then when
22 confronted seven years later denied what he did. He then
23 blamed his dead brother. He then blamed the victim and then
24 he ultimately blamed the co-defendant. There's no evidence
25 in the record that it was anything but voluntary on his

1 part -- any credible evidence, excuse me, Your Honor. And
2 we just think -- you've heard the case, and we would ask
3 that he be sentenced appropriately.

4 THE COURT: From the criminal record indicated by
5 the State, how old is Mr. Isaac now?

6 THE DEFENSE: Twenty-six, Your Honor. I guess,
7 just for the record, he was arrested April 11th of 2012.

8 THE COURT: In 2004, when he picked up his first
9 charge, how old was he, first general sessions charge?

10 MS. WALKER: His date of birth is November --
11 excuse me, [REDACTED], so in 2004, he would have
12 been -- he just turned 17 the day before.

13 THE COURT: Is there a juvenile record as well?

14 MS. WALKER: I am not aware of a juvenile record,
15 Your Honor. I did request that we look into that, but it's
16 been a long time when we requested it. I don't know if he
17 has one or not.

18 MR. SCHNEE: Judge, in 2004, arrest is for a
19 magistrate level trespassing.

20 MS. WALKER: No, it was failure to stop for a blue
21 light if you'd like to look.

22 MR. SCHNEE: I didn't hear you, say that --

23 MS. WALKER: It wasn't a conviction.

24 MR. SCHNEE: That's a nonconviction, Your Honor.

25 MS. WALKER: His next conviction was March, two

1 months later.

2 MR. SCHNEE: For a misdemeanor.

3 MS. WALKER: Yes.

4 THE COURT: From the time that Mr. Isaac turned
5 17 -- of course, we don't know -- I don't know his record as
6 a juvenile, but from the point he turned 17 in 2004, picks
7 up a case in 2005, gun charge, 2005, this murder case, 2006,
8 breach of peace, weapons case, 2007 -- 2008 burglary. Then
9 he's in prison for three years, I think he said, 2011,
10 possession. He's decided a path of crime and violence and
11 demonstrated by his criminal history, even given his
12 testimony, the benefit of the doubt as far as him not having
13 anything to do with the dispute between Mr. Corbitt and Mr.
14 World, he decides to just pull out a gun and kill, maybe for
15 the thrill of killing, maybe for the fact that he simply has
16 a malignant heart. And knowing that he had killed someone,
17 he continued to commit crimes, including burglary, according
18 to the solicitor, which stems from home invasion for years
19 thereafter. The only that slowed him down for a period of
20 time appears the period of time that he was in prison.
21 Certainly, I can understand the sentiments of his family who
22 says that he has children. In my experience with people who
23 have children who spend all their time committing crimes is
24 that the only thing they can teach those children is to
25 follow in their footsteps, so I don't see that being any

1 basis for a lenient sentence. The offense of murder carries
2 30 years to life. The attempted armed robbery, is that 20
3 years?

4 MS. WALKER: Yes, sir.

5 THE COURT: Carries a 20-year sentence and
6 burglary first-degree carries 15 years. Burglary
7 first-degree is --

8 MS. WALKER: Fifteen to life.

9 THE COURT: Fifteen years to life.

10 MS. WALKER: On that charge alone.

11 THE COURT: The sentence of this Court for
12 attempted armed robbery is 20 years. The sentence for
13 burglary first-degree is 20 years. And the sentence for
14 murder is life. Good luck to you.

15 MR. SCHNEE: Thank you, Your Honor.

16 THE COURT: Ladies and gentlemen, it's not easy on
17 any of us to do the jobs that we have to do, but someone
18 must do it. And you all were called to do the job that you
19 were compelled to do in this case and I was called to do one
20 and I had to do it. Thank you all for your service. You're
21 not qualified to serve on jury duty for another year and two
22 additional, if you choose not to serve. There are no other
23 cases for you to hear this week, so your duty is done.

24 Now, whatever happened to that food?

25 THE CLERK: It's here.

1 THE COURT: So it did show up. Okay. It turns
2 out that you all have some to-go orders. We just randomly
3 ordered some things, a deli tray from Jason's deli, so it
4 will be back there for you to take with you. I want to
5 thank you on behalf of the citizens of Williams -- I was
6 about to say Williamsburg County, that's my home territory,
7 Richland County for your service in this case.

8 Any other comments by the State or the Defense?

9 MS. WALKER: No, Your Honor.

10 MR. SCHNEE: No other questions, Your Honor.

11 THE COURT: Any other comments to the jury?

12 MR. SCHNEE: Oh, sorry. No.

13 MS. WALKER: We just thank them for their service,
14 Your Honor. That's it.

15 THE COURT: Ms. Walker always has a comment.

16 (Laughter.)

17 THE COURT: All right. Thank you all and you all
18 are good to go.

19 END OF PROCEEDINGS

20

21

22

23

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25

1 COUNTY OF RICHLAND)

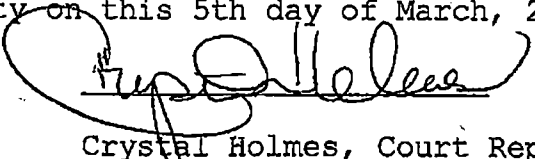
2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported
4 the preceding case entitled State of SC V. Greg Isaac Case
5 No. 2012-GS-40-2437; 2438 and 2435, at the Richland County
6 Courthouse, September 30th through October 2, 2013.

7 I FURTHER CERTIFY that the foregoing pages 1
8 through 624 constitute a true, accurate and full transcript
9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of
11 the parties hereto and I have no financial interest in the
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand
14 and seal at Richland County on this 5th day of March, 2013.

15 
16 Crystal Holmes, Court Reporter
17 and Notary Public for the
18 State of South Carolina my
Commission Expires:
April 21 2014

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GREG K. ISAAC,

APPELLANT

APPELLATE CASE # 2013-002168

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the exclusion of a co-defendant's plea deal was error under the rules of evidence and the Confrontation Clause?

STATEMENT OF THE CASE

On May 9, 2012, a Richland County grand jury indicted Greg Isaac for murder, first-degree burglary, and attempted armed robbery. R. 576. On August 21, 2013, the South Carolina Supreme Court dismissed an interlocutory appeal by appellant in which he claimed he was immune from prosecution under sections 16-11-410 to -450 of the South Carolina Code. State v. Isaac, 405 S.C. 177, 747 S.E.2d 677 (2013). On September 30, 2013, appellant was tried before the Honorable Clifton Newman and a jury. R. 1. Luck Campbell, Nichole Simpson, John Steadman, and Meghan Walker represented the State. R. 1. Mark Schnee represented appellant. R. 1. The jury convicted appellant on all three counts. R. 560, l. 23 -- 561, l. 11. Judge Newman sentenced appellant to life imprisonment for murder and concurrent terms of twenty years' imprisonment on the other charges. R. 566, ll. 11 -- 14. This appeal follows.

STATEMENT OF FACTS

Duress and self-defense were the primary factual issues in this trial. It was undisputed that Appellant Greg Isaac ("Isaac") shot Antonio Corbitt ("Corbitt") and that Corbitt died from his wounds. R. 428, l. 14 - 429, l. 3. Isaac did not know Corbitt. R. 431, ll. 24 - 25. Isaac came to be at Corbitt's apartment complex because an associate of Isaac's, Tavares "Murder" World ("World"), believed that Corbitt shortchanged him in a drug deal. R. 432, ll. 4 - 5. R. 419, ll. 2 - 18. R. 420, ll. 20 - 23.

Isaac was afraid of World. R. 422, l. 24 - 423, l. 9. The first time Isaac ever met World, they got into an altercation. R. 416, ll. 17 - 24. Isaac was unable to avoid World because he married Isaac's cousin. R. 417, ll. 15 - 23. On another occasion, World cursed Isaac, pointed a gun at his face, and slapped him. R. 418, ll. 6 - 24. World later apologized and Isaac associated with World from time to time. R. 419, ll. 2 - 10.

On the evening of Corbitt's death, Isaac was with World and heard World talking about how he was angry because "he got played" on a drug deal involving marijuana. R. 419, ll. 20 - 23. Vernorris Dickson ("Dickson") picked up Isaac and World and they began driving. R. 419, l. 24 - 420, l. 8. Isaac did not "know what was going on until we got to the [destination]." R. 420, ll. 2 - 8.

When they got the apartment complex, World told Isaac to come with him to Corbitt's apartment. R. 420, ll. 11 - 18. Isaac told World he had nothing to do with his problems with Corbitt. R. 420, ll. 11 - 19. Isaac described what happened next: "He pulled a gun out on me. He pulled a gun out on me and said come on, stop acting like a bitch - you need a gun." R. 420, ll. 19 - 25. World pointed the gun in Isaac's face. R. 421, ll. 4 - 7. Isaac believed that World would kill him if he did not follow him. R. 421, ll. 8 - 12.

Isaac took the gun from World and World pulled out another gun. R. 420, l. 19 – 422, l. 9. They went to Corbitt's apartment, but he was not at home. R. 421, l. 24 – 422, l. 4. They went back to the car and as they were about to leave, Corbitt drove into the apartment complex. R. 422, ll. 10 – 23. World again threatened Isaac and forced him to accompany him to Corbitt's apartment. R. 422, l. 15 – 423, l. 9. Isaac said that if he did not accompany World, "He would have killed me or he would did something wrong to me." R. 423, ll. 2 – 9.

World beat on Corbitt's door and when there was no answer, World kicked in the door. R. 423, ll. 13 – 21. World demanded his money. R. 423, ll. 13 – 21. World went into the apartment and he and Corbitt began fighting. R. 424, l. 12 – 425, l. 7. Isaac was still outside the apartment. R. 425, ll. 10 – 11. He entered the apartment to try to stop the fight. R. 425, ll. 12 – 15. World ran past Isaac out of the apartment. R. 426, ll. 17 – 24. World pushed Isaac's shoulder as he ran. R. 426, ll. 17 – 24. Isaac stated, "before I could react, my reaction time was so fast, [Corbitt] was already in the door like (indicating) like he was reaching for a gun." R. 426, ll. 17 – 24. Isaac pulled his gun, fired twice, and ran. R. 428, l. 14 – 429, l. 9. Isaac did not even know whether the shots hit Corbitt. R. 429, ll. 4 – 5. When he got back into the car, World threatened to harm Isaac's family if he ever told what happened. R. 429, ll. 14 – 24. World took the gun back from Isaac. R. 429, ll. 14 – 18.

During cross-examination, the State impeached Isaac's credibility with his previous statements. R. 432, l. 11 – 476, l. 11. Isaac initially denied the incident to the police. R. 469, ll. 12 – 20. The solicitor also confronted Isaac with a written statement that the State claimed omitted World's coercion. R. 433, l. 4 – 439, l. 4. This placed Isaac's credibility in question with the jury.

World did not testify. Dickson, the driver, testified for the State. Dickson admitted that World and Isaac "had some problems at the beginning" but stated that they later "became good friends." R. 253, ll. 1 - 8. World and Dickson sold marijuana together. R. 250, ll. 15 - 17. They bought marijuana from Corbitt. R. 251, ll. 10 - 16. Isaac was not involved in World, Dickson, and Corbitt's drug business. R. 253, ll. 9 - 11.

Dickson's account of the evening omitted World's threats to Isaac. R. 254, l. 1 - 255, l. 21. Dickson stated no words were exchanged other than World asking Isaac to come with him and Isaac following. R. 255, ll. 12 - 21. He testified that neither he nor World ever forced Isaac to be part of their group. R. 263, ll. 8 - 14. Dickson claimed World and Isaac came running back to the car. R. 256, ll. 16 - 22. After they got into the car, World asked Isaac why he shot Corbitt and the two men argued. R. 257, ll. 1 - 4. Dickson heard Isaac say that he had fired at Corbitt because Corbitt "was going to shoot him." R. 257, ll. 11 - 13. He later heard Isaac say that Isaac thought Corbitt was reaching for a gun. R. 354, ll. 11 - 14. Dickson also admitted that Isaac told World not to talk about the incident. R. 258, ll. 8 - 9. Dickson claimed that Isaac and World remained friends after the shooting. R. 259, ll. 5 - 20.

At the time of his testimony, Dickson was charged with murder, armed robbery, conspiracy, and first-degree burglary. R. 261, ll. 12 - 14. The State asked Dickson about the penalties for these crimes and he testified that murder had a mandatory minimum sentence of thirty years a maximum sentence of life imprisonment. R. 261, ll. 12 - 22. Dickson testified that he had made no deals with the Solicitor's office and had not been promised anything in exchange for his testimony, but that he hoped "for a deal down the road." R. 262, ll. 13 - 23.

On cross-examination, defense counsel asked him about the mandatory minimum of a thirty year murder sentence and that Dickson would be 67 years old before he could get out of prison. R. 265, ll. 15 – 23. The following then occurred:

Q. So in order for you to get leniency on that charge at all, the solicitor would have to make you a deal and reduce the charge?

A. We didn't talk about no deal.

Q. You want a deal, though?

A. If the judge grant me leniency.

Q. Okay. Well, do you want a deal similar to what Travares World got?

A. I know don't what deal he got.

R. 266, ll. 5 – 13 (errors in original). The State objected stating they had a matter of law. R. 266, ll. 14 – 15. Defense counsel replied, "It's a matter of public record, Judge." R. 266, ll. 16 – 17. Judge Newman excused the jury and heard argument on the State's objection. R. 266, ll. 18 – 25.

The State argued that the sentence a co-defendant receives is inadmissible. R. 267 315, l. 2 – 268, l. 1. The State reduced World's charge from murder to voluntary manslaughter. R. 267, ll. 18 – 19. Judge Newman sentenced World on the voluntary manslaughter plea. R. 565, ll. 2 – 18. The solicitor stated, "I don't understand under what theory [trial counsel] thinks he's allowed to cross-examine on this issue any witness. What a co-defendant or other person got is not admissible in front of this jury, just like what the defendant is going to get is not admissible in front of this jury." R. 267, l. 21 – 268, l. 1 (emphasis added).

Trial counsel responded that he was "simply following up on what the solicitor asked" when the trial judge interrupted him and asked trial counsel "what law supports" his

questioning. R. 268, ll. 10 – 13. Trial counsel replied, “The law of fully cross-examining this witness.” R. 268, ll. 14 – 15. The trial judge then sustained the objection. R. 268, ll. 16 – 20. Trial counsel then asked, “What is the actual argument in terms of the legal issue or legal problem with me asking what type of deal this witness would like? That’s where, I guess, I’m confused, Your Honor.” R. 268, ll. 21 – 24. The court stated that he could not “clear up any confusion” regarding the objection and then stated, “I sustained the objection that you have no authority for the proposition that you can cross-examine this witness based on the sentence of a co-defendant, that’s the State’s objection.” R. 269, ll. 5 – 8. The court further stated, “And that objection is sustained since you have no authority to support your position other than the law of cross-examination, I think, is what you just said.” R. 269, ll. 10 – 13.

Trial counsel replied, “It’s a basic rule of evidence, Your Honor, yes, and basic Sixth [A]mendment to fully confront my client’s accusers.” R. 269, ll. 14 – 16. The trial judge replied, “Okay. The objection is sustained.” R. 269, l. 17. When the jury returned, trial counsel elicited from Dickson that he was represented by Barney Geise, but Dickson denied talking with him about the type of deal that would be available. R. 270, ll. 3 – 14.

The State’s last witness was its lead investigator, David Wilson (“Wilson”). During cross-examination, trial counsel asked Wilson, “Were you present in court approximately three months ago when [World] pled guilty to these charges?” R. 386, ll. 8 – 9. The State immediately objected and Judge Newman excused the jury. R. 386, ll. 10 – 17. The State argued again that deals made with co-defendants had nothing to do with the Isaac’s guilt. R. 387, ll. 2 – 7. Trial counsel replied that he was going to ask “what charges Mr. World pled guilty to.” R. 387, l. 14 – 388, l. 1. Trial counsel offered to stay away from “deals.” R. 387,

1. 14 - 388, l. 1. The trial judge sustained the objection stating that the deal received by World would only be appropriate cross-examination of World, not of other witnesses. R. 388, ll. 2 - 9. The trial judge specifically instructed defense counsel not to ask the witness "what charges Mr. World pled guilty to." R. 388, ll. 7 - 9.

ARGUMENT

The exclusion of a co-defendant's plea deal was error under the rules of evidence and the Confrontation Clause.

Appellant should have been able to impeach Dickson's testimony that he had made no deals with the State. Appellant also should have been able to show that Dickson had a significant incentive to lie about whether World coerced Isaac with evidence of the reduction of World's charge from murder to manslaughter. "A witness may be cross-examined on any matter relevant to any issue in the case, including credibility." Rule 611(b), SCRE. "Bias, prejudice or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced." Rule 608(c), SCRE. "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him." U.S. Const. amend. VI.

Despite these basic rules of evidence, the State made the blanket and conclusory statement that such evidence was generally inadmissible. Objections must be made with sufficient specificity to inform the court of the point urged by the objector. State v. Byers, 392 S.C. 438, 444, 710 S.E.2d 55, 58 (2011). Defense counsel expressed disbelief and asked for the State's "actual argument in terms of the legal issue or legal problem with me asking what type of deal this witness would like." R. 268, ll. 21 – 24. The trial judge refused to press the solicitor for any authority, but instead shifted the burden of articulating admissibility to the defense. R. 267, l. 21 – 269, l. 16. Even after trial counsel argued that it was a "basic rule of evidence" and cited the Confrontation Clause, the court still sustained the State's objection. R. 269, ll. 14 – 18.

The Sixth Amendment guarantees the right to fully cross-examine adverse witnesses. State v. Gillian, 360 S.C. 433, 449-450, 602 S.E.2d 62, 71 (Ct. App. 2004). The right to confront and cross-examine witnesses are essential to due process. Chambers v. Mississippi, 410 U.S. 284, 302 (1973). The right of cross-examination is implicit in the constitutional right of confrontation. Id. Specifically included in a defendant's Sixth Amendment right to confront the witness is the right to meaningful cross-examination. State v. Gillian, *supra*. The primary interest secured by the Confrontation Clause of the Sixth Amendment is the right to cross-examination. State v. Hill, 394 S.C. 280, 715 S.E.2d 368 (Ct. App. 2011); State v. Stokes, 381 S.C. 390, 400-01, 673 S.E.2d 434, 439 (2009).

It cannot be disputed that Dickson's pending charges and motive to testify favorably for the State to obtain a better deal were valid grounds for impeachment. Giglio v. United States, 405 U.S. 150, 153-55 (1972). In Giglio, the prosecutors failed to disclose a promise not to prosecute the key witness against the defendant. The Court found that the government's case "depended almost entirely" on the witness's testimony. Id. at 154. His "credibility as a witness was therefore an important issue in the case, and evidence of any understanding or agreement as to a future prosecution would be relevant to his credibility and the jury was entitled to know of it." Id. at 154-55.

Just as in Giglio, Dickson's testimony and credibility were crucial to the State to disprove duress and coercion. The State made a point during direct-examination of explaining the mandatory minimum sentences Dickson was facing. R. 261, l. 12 – 262, l. 10. This left the jury with the impression that Dickson was facing a mandatory minimum sentence of thirty years for murder. R. 261, ll. 15 – 22. It was fair ground to then impeach Dickson and correct this impression with the fact that World pled guilty not to

murder, but voluntary manslaughter, which carries a mandatory minimum sentence of only two years, a twenty-eight year difference. See S.C. Code Ann. § 16-3-50 ("A person convicted of manslaughter, or the unlawful killing of another without malice, express or implied, must be imprisoned not more than thirty years or less than two years.").

Exclusion of such evidence is reversible error. State v. Mizzell, 349 S.C. 326, 332-33, 563 S.E.2d 315, 318 (2002). In Mizzell, the trial judge prohibited the defendant from questioning a witness about their possible sentence. Id. The Court held this prohibition was error, violated the Confrontation Clause, and was critical to showing bias. Id. Mizzell rejected the blanket statement that the State made that evidence of sentences is inadmissible, stating that the Confrontation Clause trumps the concern that the jury might learn of the defendant's potential sentences. Id. Furthermore, just like Dickson, the absence of a deal on the witness's pending charges in Mizzell was held even more prejudicial impeachment evidence because it "suggests the witness will testify more favorably to the State's position." Id. at 332, 563 S.E.2d at 318.

In State v. Brown, 303 S.C. 169, 399 S.E.2d 593 (1991), similar reasoning applied to the trial court's refusal to allow cross-examination of a witness who could avoid a mandatory minimum if a charge was dropped. In Brown, the witness testified that she was originally charged with cocaine trafficking, but pled guilty to conspiracy. Id. at 171, 399 S.E.2d at 594. The defendant attempted to cross-examine about the mandatory minimum sentence the witness avoided by pleading guilty to the lesser charge, but was prevented from doing so by the court. Id. The Court held this prohibition violated the Confrontation Clause and the defendant's ability to show bias. Id.

Just as in Brown, Dickson could avoid murder's mandatory minimum sentence of thirty years if he were allowed to plead guilty to voluntary manslaughter like his co-defendant, World. It would also be reasonable to believe that Dickson would receive an even more favorable sentence than World since Dickson only stayed in the car and actually testified for the State when World did not. Finally, it would also impeach Dickson's credibility that he was represented by an attorney (who was sitting in the audience) but had no idea of the sentence received by his more culpable co-defendant. Since Rule 608(c) allows evidence of bias or credibility not only on cross-examination of the witness himself, it was also error to prevent similar questions to Officer Wilson. Since the credibility of Dickson as opposed to Isaac was the key factual issue at trial, this constitutional error requires reversal of appellant's convictions.

CONCLUSION

For the foregoing reasons, appellant's convictions should be reversed and this case remanded for a new trial.

Respectfully submitted,



David Alexander
Appellate Defender

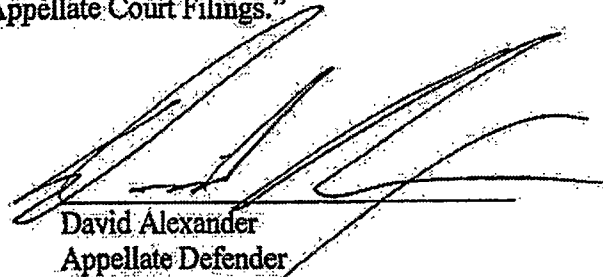
ATTORNEY FOR APPELLANT

This 12th day of December, 2014.

CERTIFICATE OF COUNSEL FOR APPELLANT

The undersigned certifies that to the best of my ability the Final Brief complies with Rule 211(b), SCACR, and 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."

December 12th, 2014



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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

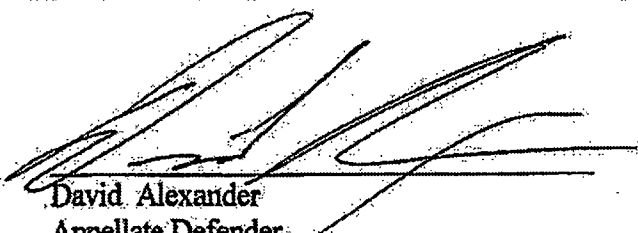
V.

GREG K. ISAAC,

APPELLANT

CERTIFICATE OF SERVICE

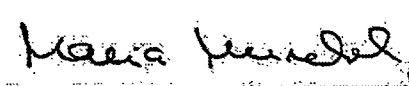
The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 12th day of December, 2014.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 12th day of December, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge**

THE STATE,

Respondent,

vs.

GREG K. ISSAC,

Appellant.

Appellate Case No. 2013-002168

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APPELLANT'S STATEMENT OF THE ISSUE ON APPEAL

Whether the exclusion of a co-defendant's plea deal was error under the rules of evidence and the Confrontation Clause?

RESPONDENT'S COUNTERSTATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in excluding testimony regarding a non-testifying co-defendant's plea negotiation when the witness did testify to his own status of a plea deal at the time of trial, and where there was substantial direct evidence that the Appellant committed the murder.

STATEMENT OF THE CASE

Appellant Greg K. Isaac was indicted by the Richland County Grand Jury on for the charges of murder, burglary in the first degree and attempted armed robbery in May 2012. (R. pp. 576-81). Prior to trial, Isaac requested and was denied a hearing to determine whether he was immune from prosecution under the Protection of Persons and Property Act, S.C. Code Ann. §§ 16-11-410 to -450 (Supp. 2012). Isaac's interlocutory appeal on this issue was dismissed by the South Carolina Supreme Court. *State v. Isaac*, 405 S.C. 177, 747 S.E.2d 677 (2013).

Mark Schnee represented Isaac at a jury trial which began September 30, 2013, before the Honorable Clifton Newman. (R. p. 1). Deputy Fifth Circuit Solicitor Kathryn Luck Campbell and Assistant Solicitors Nichole Simpson, John Steadman and Meghan Walker prosecuted the case. (R. p. 1). Isaac was convicted by a jury of all three charges. (R. p. 560, line 23 – p. 561 line 11). Judge Newman sentenced Isaac to a term of life imprisonment without parole for the murder of Antonio Corbitt and concurrent twenty-year terms on the charges of burglary first degree and attempted armed robbery. (R. pp. 568-70). This appeal follows.

STATEMENT OF FACTS

Appellant Isaac took part in forcibly invading the home of victim Antonio Corbitt the night of October 27, 2005, resulting in the victim's death from a gunshot wound. (R. p. 341, lines 9-17; R. p. 428, line 6 – p. 429, line 3). The case at bar went cold until 2012, when a previously unknown fingerprint was matched with the Appellant's left middle finger. (R. p. 77, lines 3-16; R. p. 104, line 12 – p. 106, line 10; State's Exhibit #78). At that point, Richland County Sheriff's Office questioned the Appellant about the incident. (R. p. 305, lines 7-22). Initially, the Appellant denied involvement. (R. p. 305, line 10 – p. 306, line 5; R. p. 349, line 21 – p. 350, line 9; R. p. 359, lines 10-12; R. p. 572). Law enforcement then informed Isaac about the matching fingerprint.¹ (R. p. 350, lines 10-12). The Appellant provided both a verbal confession and a written statement admitting that he was the shooter and implicating co-defendants Tavares World, a/k/a "Murder," and Vernorris Dickson. (R. p. 346, line 12 – p. 366, line 17; R. pp. 573-75).

The Murder

At trial, both Isaac and co-defendant Dickson testified as to the series of events. Isaac, World and Dickson arrived at 3200 Fernandina Road during the 9:00 PM hour on October 27, 2005. (R. p. 253, lines 17-21). Dickson drove the pair to the apartment complex at World's direction. (R. p. 252, lines 1-4). According to Dickson and Isaac's testimony, World was shorted when he purchased marijuana from the victim and was going to sort out the deal. (R. p. 251, lines 6-25; R. p. 420, lines 13-15). The victim was not at the apartment when they first arrived. (R. p. 254, line 11). The co-defendants sat in

¹ Appellant stated that the lamp where the fingerprint was found fell and he reached out to stop it. (R. p. 317, lines 6-10).

the car waiting for him to return. (R. p. 254, line 10 – p. 255, line 8).

When the victim did come home, the Appellant testified that he and co-defendant World forcibly entered the victim's apartment, kicking in the front door and asking "where my money at."² (R. p. 423, line 10 – p. 424, line 21). An altercation ensued between the victim³ and World wherein the Appellant entered the apartment to try to break up the fight. (R. p. 425, lines 6-17). At that point, the Appellant stepped back toward the entrance to the apartment, World ran past him outside the front door, and victim appeared to the Appellant to be pulling out a gun. (R. p. 428, lines 4-24). The Appellant fired two shots. (R. p. 429, lines 2-3). After firing, the Appellant fled the scene with World and Dickson. (R. p. 429, lines 6-13; R. p. 463, lines 1-5). Throughout the course of events, the victim's out-of-sight seven-year-old son observed from the top of the apartment stairs. (R. p. 287, line 25 – p. 290, line 24; R. p. 315, lines 4-7).

The Appellant testified in his defense that he visited the victim's apartment under duress⁴ and acted in self-defense⁵ by firing the fatal shot. (R. p. 420, line 15 – p. 422,

² Dickson corroborates this testimony, stating that World and the Appellant told Dickson about what transpired at the victim's apartment. (R. p. 258, lines 22-24). Richland County investigator Ray Livingston testified as to evidence of force used to open the front door. (R. p. 55, line 23 – p. 56, line 7).

³ Livingston testified as to a wound on the victim's chin and indications of a struggle within the apartment, including a downed lamp. (R. p. 54, line 25 – p. 55, line 5; R. p. 57, line 22 – p. 58, line 22). Richland County latent print analyst Trisha Odom also observed indicia of a scuffle in the apartment living room, including skewed cushions and coffee table. (R. p. 118, lines 16-20). Forensic pathologist Dr. Clay Nichols testified as to observing scratches on the victim's face and neck consistent with fingernail marks indicative of a physical altercation. (R. p. 332, line 21 – p. 333, line 25).

⁴ The Appellant testified that he and World got into an altercation the first time they met, as well as one at least one other occasion. (R. p. 416, line 23 – p. 418, line 24). World later apologized and Isaac "kind of chilled" with World from that point on "from a time to time basis." (R. p. 419, lines 4-10). Dickson testified that Isaac and World were "good friends." (R. p. 253, line 8).

line 23; R. p. 425, lines 19-25). According to the Appellant, World threatened him to go to the victim's apartment by putting a gun to his face. (R. p. 421, lines 8-12). The Appellant then took that gun, and World pulled out a second gun. (R. p. 421, lines 13-17). Dickson's testimony does not corroborate the Appellant's statements regarding those threats. (R. p. 255, lines 12-21). On cross-examination, the State impeached the Appellant based upon his initial denial of involvement in the incident, as well as his failure to include World's threats in his 2012 statement to law enforcement. (R. p. 469, lines 8-18). As to his claim of self-defense, Isaac testified that he believed that the victim was reaching for a gun at the point in the altercation where the shots were fired. (R. p. 428, line 6 – p. 429, line 3).

Co-Defendant Testimony

World did not testify at trial. The driver co-defendant, Dickson, testified for the State. (R. p. 248, lines 8-9). Deputy Solicitor Campbell questioned Dickson as to any deal the State may have made with Dickson in exchange for his testimony, to which he replied no deal had been made at the time of trial. (R. p. 262, lines 13-25). Dickson was also questioned about his knowledge of the penalties carried by his current charges for murder, attempted armed robbery, conspiracy and first-degree burglary, to which Dickson answered with the correct penalties for each. (R. p. 261, line 12 – p. 262, line 10).

On cross-examination, Mr. Schnee asked Dickson if he wanted "a deal similar to what Tavares World got?" to which Dickson answered: "I don't know what deal he got."

⁵ No gunshot residue was found on the victim's hands. (R. p. 219, lines 17-21). Isaac indicated in his verbal admission to law enforcement that the victim did not have a gun. (R. p. 363, lines 12-17).

(R. p. 266, lines 11-13). The State objected to the exchange *in camera*, stating its grounds:

MS. CAMPBELL: Your Honor, we would object to any mention of what the co-defendant got. Plea negotiations on a co-defendant are not admissible, certainly, not as impeachment on this witness in this case. I don't know under what theory he thinks he gets to get into that in front of the jury as far as any negotiations or pleas. With co-defendants, certainly, it would not be admissible, Your Honor, and I can get the case law to support that.

THE COURT: All right, Mr. Schnee.

MR. SCHNEE: Judge, I simply asked if he would like a deal similar to the co-defendant. It could have been already received. I'm not asking him about the plea deal. I was asking if he wanted a similar deal, which would be a reduction in charge.

THE COURT: Reduction in charge?

MR. SCHNEE: The State reduced the murder charge to voluntary manslaughter.

THE COURT: All right.

MS. CAMPBELL: I don't understand under what theory Mr. Schnee thinks he's allowed to cross-examine on this issue any witness. What a co-defendant or other person got is not admissible in front of this jury, just like what this Defendant is going to get is not admissible in front of this jury.

(R. p. 267, line 2 – p. 268, line 2). The court “moved on from what [defense counsel asked] to what law supports it,” to which Mr. Schnee replied “[t]he law of fully cross-examining this witness.” (R. p. 268, lines 12-15). The court sustained the objection. (R. p. 268, lines 17-18). In doing so, the court allowed defense counsel another opportunity to present additional authority to support his line of questioning. (R. p. 268, lines 18-20).

The trial court then ruled on the matter:

THE COURT: I sustained the objection that you have no authority for the proposition that you can cross-examine this witness based on the sentence of a co-defendant, that's the State's objection.

MR. SCHNEE: Okay. That's fine.

THE COURT: And that objection is sustained since you have no authority to support your position other than the law of cross-examination, I think, is what you've just said.

MR. SCHNEE: It's a basic rule of evidence, Your Honor, yes, and basic Sixth amendment to fully confront my client's accusers.

THE COURT: Okay. The objection is sustained.

(R. p. 269, lines 5-20). During the remainder of Dickson's cross-examination, Dickson stated that he had not talked to his attorney about a plea deal in exchange for testimony.

(R. p. 270, lines 3-15).

A similar objection was raised during the cross-examination of State's witness, chief investigator David Wilson, who testified as to co-defendant World providing a statement to law enforcement. (R. p. 386, lines 6-7). Defense counsel followed by asking: "Were you present in court approximately three months ago when Tavares [World] pled guilty . . . ?" (R. p. 386, lines 7-9). Another *in camera* hearing occurred, during which the State presented its grounds:

Objection [to] plea by the co-defendant, any sentence of the co-defendant, anything of that nature. We do not think it is proper . . . our position, Your Honor, respectfully, that it is not admissible for this jury. It has no relevance in this case. Specifically, [defense counsel] will argue that he as a right to a meaningful cross-examination, that does not mean, however, that the trial courts conducting criminal trials lose their discretion and limit the scope. And it's not appropriate for cross-examination since it has nothing to do with their investigation of the Defendant's guilt and . . . to further try to get any type of plea negotiations in front of this jury would be inappropriate.

(R. p. 386, line 18 – p. 387, line 7). The court sustained that objection, ruling:

Mr. World is not the testifying witness in this case. If Mr. World testifies, then it would be appropriate cross-examination of Mr. World. It's not appropriate cross-examination of other witnesses as to what the co-defendant pled guilty to. And I sustain the objection and you're not going to ask this witness what charges Mr. World pled guilty to.

(R. p. 387, line 23 – p. 388, line 9 (emphasis added)).

ARGUMENT

I. The trial judge did not err in excluding testimony regarding World's plea deal because World did not testify at trial.

Appellant postures that he should have been allowed to impeach Dickson's testimony regarding any plea deal made with the State. (Final Br. of Appellant, p. 11). Dickson testified during both direct and cross examination that no deal had been made at the time of trial as well as to the penalties carried by the charges he faced. (R. p. 262, 264). However, Dickson went further during the examination, stating he was looking for a deal "if the judge grant [him] leniency." (R. p. 266).

Objections must be made at the time the evidence is presented and with sufficient specificity to inform the court of the point being urged by the objector. *State v. Byers*, 392 S.C. 438, 444, 710 S.E.2d 55, 58 (2011). In this case, the State timely objected upon the first question eliciting an answer implicating co-defendant World on two separate occasions.⁶ The trial judge heard from both parties before sustaining each objection. Not only did the trial judge re-state the State's specific grounds in its ruling, but the State fully articulated its position on the record at the commencement of each *in camera* hearing, stating its objection upon the first occasion "to any mention of what the co-defendant got. Plea negotiations on a co-defendant are not admissible, certainly not as impeachment on this witness in this case." (R. p. 267, lines 2-5). Upon the second occasion, the State further supported its position that the testimony elicited "has no

⁶ Objection was timely made upon defense counsel's asking Dickson if he "want[ed] a deal similar to what [co-defendant] Tavares World got." (R. p. 266, lines 11-12). Dickson answered that he didn't know, and the State timely objected, asking for an *in camera* ruling on "any mention of what the co-defendant got." (R. p. 266, line 13). A similar timely objection was made upon defense counsel's asking Chief David Wilson if he was present during World's plea. (R. p. 386, lines 8-12).

relevance in this case. (See R. p. 386, line 19 – p. 387, line 7).

Standard of Review

“It is well settled that the scope of cross-examination is within the trial judge’s discretion, and this Court will not interfere absent a showing of prejudice by the complaining party.” *State v. Sherard*, 303 S.C. 172, 399 S.E.2d 595 (1991). “The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion.” *State v. Gaster*, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002).

A. Because World did not testify, any reference to his plea deal is inadmissible as improper for purposes of impeachment and as irrelevant.

Appellant postures that he “should have been able to show that Dickson had a significant incentive to lie about whether World coerced Isaac with evidence of the reduction of World’s charge from murder to manslaughter.” (Final Br. of Appellant, p. 11). The trial judge did not err in limiting the scope of cross-examination to exclude specific references to World’s plea deal. “A co-defendant’s guilty plea is neither relevant nor admissible as substantive evidence of the defendant’s guilt or innocence, but instead is admissible only on the issue of the credibility of a *testifying* co-defendant,” *State v. Moore*, 337 S.C. 104, 106 n.2, 337 S.E.2d 354, 355 (Ct. App. 1999) (emphasis in original). Appellant claims that the trial court’s exclusion of this testimony violates Rule 608(c), which provides that “[b]ias, prejudice or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced.” Rule 608(c), SCRE.

“Courts have generally agreed that evidence of a non-testifying co-defendant’s

guilty plea should not be put before a jury." *United States v. Blevins*, 960 F.2d 1252, 1260 (4th Cir. 1992). The Fourth Circuit delineated two reasons for prohibiting the testimony:

First, by not having the opportunity to cross-examine the co-defendant who entered the guilty plea, the defendant on trial is unable to probe the motivations for entry of the plea. This significantly undercuts the defendant's right to have a jury's verdict based only upon evidence that is presented in open court and is thereby subject to scrutiny by the defendant. Second, introduction of such guilty pleas raises the concern that a defendant might be convicted based upon the disposition of the charges against the co-defendants, rather than upon an individual assessment of the remaining defendant's personal culpability.

Id. (internal citations omitted). In *Blevins*, testimony of six non-testifying defendants' guilty pleas occurred on three occasions during trial. *Id.* at 1261. The court found any discussion of those pleas improper, but affirmed the convictions on harmless error. *Id.* at 1265 ("we are convinced beyond a reasonable doubt that the jury's verdict would not have been different had the minimal discussion of the non-testifying co-defendants' guilty pleas not taken place").

Appellant supports its contention by citing cases in which it was reversible error to exclude testimony regarding a witness' own potential sentence. (Final Br. of Appellant, p. 13-14 (citing *State v. Mizzell*, 349 S.C. 326, 332, 563 S.E.2d 315, 318 (2002) (finding harmless error where trial judge excluded testimony concerning a testifying co-defendant's potential sentence if convicted of the same charges as the defendant); *State v. Brown*, 303 S.C. 169, 399 S.E.2d 593 (1991) (holding defendant unfairly prejudiced by exclusion of co-defendant's testimony regarding his own plea deal, which garnered a mandatory minimum three times less than that of original charge). *Mizzell* and *Brown* do not control the instant case because the impeachment testimony

sought elicited one co-defendant, Dickson, to focus on the penalties faced by *another*, non-testifying co-defendant. Further, in *Mizzell*, the testifying co-defendant was “the only witness to testify as an eyewitness to petitioners’ burglary of the home. The lack of physical evidence placing petitioners at the scene enhances the importance of [that] testimony.” *Mizzell, supra* at 334, 563 S.E.2d at 319. To the contrary, this case comports with the holdings in *Mizzell* and *Brown*. Dickson was duly cross-examined regarding his own charges and the possible sentences he faced, as well as to whether or not he had been offered a plea deal. *See State v. Curry*, 370 S.C. 674, 636 S.E.2d 649 (2006) (finding harmless error in the trial court’s exclusion of cross-examination of co-defendants regarding the possible sentences they faced); *State v. Sherard*, 303 S.C. 172, 175, 399 S.E.2d 595, 596 (1991) (“*Sherard* amply demonstrated any bias on the part of [two testifying co-defendants], and, therefore, has shown no prejudice in the trial court’s refusal to allow further inquiry into the sentences they avoided”).

Though not controlling authority, *Blevins*’ general rule is directly on point. Just as in *Blevins*, World did not testify at trial, rendering his plea deal inadmissible. Firstly, any introduction of World’s guilty plea risks biasing the jury’s decision based upon the disposition of other co-defendants’ charges, making it inadmissible. Second, any mention of World’s deal could not have been probed by the Appellant for bias, prejudice or motive to misrepresent because World did not take the stand. *See* Rule 608(c), SCRE. Therefore, introduction of non-testifying defendant World’s plea deal was properly excluded for purposes of impeachment because its introduction risks biasing the jury, and because its credibility could not be tested by the appropriate party.

Moreover, World’s plea deal was irrelevant and thus properly excluded by the

trial judge during both Dickson and Wilson's testimony. *See* Rule 402, SCRE. "The purpose of preventing disclosure of the potential sentence facing the defendant is that such evidence is irrelevant to the jury and could possibly prejudice the State's right to a fair trial." *State v. Mizzell, supra* at 331, 663 S.E.2d at 317 (2002) (quoting *Illinois v. Brewer*, 245 Ill.App.3d 890, 615 N.E.2d 787, 790 (1993)). Potential sentences are irrelevant to the jury's role in determining guilt or innocence. *Id.* at 332, 363 S.E.2d at 318. World did not testify at trial. As a result, World's credibility was never an issue, and any evidence tending towards World's credibility is irrelevant and properly excluded at trial. *See* Rule 401, SCRE; Rule 611(b), SCRE.

B. Any reference to a non-testifying co-defendant's plea deal is not in violation of the Confrontation Clause.

Exclusion of testimony involving World's deal is not in violation of the Confrontation Clause because World did not take the stand. *See* U.S. Const. amend. VI. "The right of confrontation is essential to a fair trial in that it promotes reliability in criminal trials and insures that convictions will not result from testimony of individuals who cannot be challenged at trial." *State v. Gillian*, 360 S.C. 433, 449, 602 S.E.2d 62, 71 (Ct. App. 2004) ("the Confrontation Clause requires a witness to testify under oath and submit to cross-examination so that the jury can observe the witness's demeanor and assess his credibility"). The trial judge appropriately excluded testimony relating to World's plea deal because he was not available for cross-examination and, therefore, the Appellant could not challenge World on that subject. Appellant could have subpoenaed World to testify had Appellant so chosen.

Further, a violation of the Confrontation Clause occurs upon a defendant's

showing that "he was prohibited from engaging in *otherwise appropriate* cross-examination designed to show a prototypical form of bias on the part of the witness" *State v. Graham*, 314 S.C. 383, 384, 444 S.E.2d 525, 527 (1994) (emphasis in original) (quoting *Delaware v. Van Arsdall*, 475 U.S. 673, 680, 106 S.Ct. 1431, 1436 (1986)). In this case, cross-examination on the topic of a non-testifying co-defendant's plea deal was not appropriate for the reasons stated by Respondent throughout. Because testimony on that topic was inappropriate for purposes of impeachment and as irrelevant, no Confrontation Clause violation occurred.

C. Any error was harmless beyond a reasonable doubt due to impeachment testimony existing in the record and due to the strength of the State's case.

Even if not properly excluded, Appellant cannot show prejudice since Dickson's additional impeachment testimony could not reasonably have affected the result of the trial. See *State v. Sherard*, 303 S.C. 172, 175, 399 S.E.2d 595, 596 (1991) ("Error in a criminal prosecution is harmless when it could not reasonably have affected the result of the trial"); *State v. Bailey*, 298 S.C. 1, 5, 377 S.E.2d 581, 584 (1989) ("When guilt has been conclusively proven by competent evidence such that no other rational conclusion can be reached, the Court should not set aside a conviction because of insubstantial errors not affecting the result"); *State v. Curry*, 370 S.C. 674, 680, 636 S.E.2d 649, 652 (2006) ("A violation of a defendant's Sixth Amendment right to confront a witness is not *per se* reversible error if the error is harmless beyond a reasonable doubt" (citing *State v. Graham*, 314 S.C. 383, 385, 444 S.E.2d 525, 527 (1994))).

Factors to consider in determining harmless error are: "the importance of the witness's testimony to the prosecution's case, whether the witness's testimony was cumulative, whether other evidence corroborates or contradicts the witness's testimony, the extent of cross-examination otherwise permitted, and the overall strength of the State's case." *State v. McLeod*, 362 S.C. 73, 83, 606 S.E.2d 215, 220 (Cl. App. 2004).

The following exchange highlights Dickson's admission to seeking clemency during cross-examination:

Q: So in order for you to get leniency on that charge at all, the solicitor would have to make you a deal and reduce the charge?

A: We didn't talk about no deal.

Q: You want a deal though?

A: If the judge grant me the leniency.

(R. p. 266, lines 5-10). Had it been allowed, further impeachment regarding third co-defendant World would merely be cumulative. As a result, the exclusion of World's plea deal constitutes harmless error; Dickson's direct admission to pursuing leniency is just as damaging to his credibility as if he were able to testify to any leniency afforded the third co-defendant.

The absence of prejudice is underscored by the overwhelming proof of the Appellant's guilt. *State v. Bryant*, 369 S.C. 511, 518, 633 S.E.2d 152, 156 (2006) (error "is harmless where a defendant's guilt has been conclusively proven by competent evidence such that no other rational conclusion can be reached"). Where a testifying co-defendant provides "competent evidence upon which a rational verdict of guilty could be based," and where that defendant's guilt or innocence does not hinge solely on that co-defendant testimony, "the error on the part of the trial judge in limiting the scope of cross-examination could not have reasonably affected the outcome of the trial." *Curry*,

supra at 682, 636 S.E.2d at 653. In that case, the trial judge excluded cross-examination testimony delving into penalties faced by testifying co-defendants. *Id.* at 678, 636 S.E.2d at 651. In line with *Curry*'s holding, Dickson did testify as to the possible penalties he faced. Also as in *Curry*, Dickson's testimony was not the only evidence of the Appellant's involvement in the shooting and, as a result, the Appellant's guilt or innocence did not hinge solely on Dickson's testimony. It is undisputed that the Appellant fired the only shots on October 27, 2005. Appellant confessed the same in both verbal and written statements to law enforcement and during his trial testimony, as well as in a recorded phone call between the Appellant and his mother. (R. p. 312-19; R. p. 346-70; State's Exhibit #169). Direct evidence showed the Appellant's fingerprint on a lamp inside the victim's apartment, placing him inside at the time of the events leading to the shooting. (R. p. 110-11). The evidence shows and the Appellant testified as to being the one to fire a gun at the scene. (R. p. 429; R. p. 463). Dickson was not even at the apartment to witness the shooting in this case; his testimony related to the conditions upon which the Appellant arrived at and remained on the scene and the relationship between World and the Appellant. Moreover, Dickson's credibility as to his own plea deal was addressed during his testimony and any error in excluding further impeachment testimony stemming from another plea deal remains harmless.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that this Court should affirm the appellant's convictions.

Respectfully submitted,

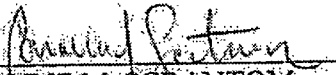
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December 18, 2014
Columbia, South Carolina

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge

THE STATE,

Respondent,

vs.

GREG K. ISAAC,

Appellant.

Appellate Case No. 2013-002168

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this Final Brief of Respondent, complies with Rule 211(b), SCACR, and the August 13, 2007, Order of the South Carolina Supreme Court, "Re Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."


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December 18, 2014
Columbia, South Carolina

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge

THE STATE,

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Appellant.

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PROOF OF SERVICE

I, Caroline M. Scrantom, counsel for the Respondent, certify that I have served the within Final Brief of Respondent and Certificate of Compliance on Appellant by depositing copies of the same in the United States mail, addressed to his attorney of record at:

David Alexander
South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
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I further certify that all parties required by Rule to be served have been served.
This 18th day of December, 2014,


CAROLINE M. SCRANTOM
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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Greg K. Isaac, Appellant.

Appellate Case No. 2013-002168

Appeal From Richland County
Clifton Newman, Circuit Court Judge

Unpublished Opinion No. 2015-UP-337
Submitted April 1, 2015 – Filed July 8, 2015

AFFIRMED

Appellate Defender David Alexander, of Columbia, for
Appellant.

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Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Donald J. Zelenka, Assistant
Attorney General Caroline M. Scrantom, and Solicitor
Daniel Edward Johnson, all of Columbia, for
Respondent.

PER CURIAM: Greg K. Isaac appeals his convictions for murder, attempted armed robbery, and first-degree burglary, arguing the trial court erred in limiting the cross-examination of a testifying co-defendant regarding a non-testifying co-defendant's plea deal. We affirm pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Gracely*, 399 S.C. 363, 371, 731 S.E.2d 880, 884 (2012) ("[Appellate courts] will not disturb a trial court's ruling concerning the scope of cross-examination of a witness to test his or her credibility, or to show possible bias or self-interest in testifying, absent a manifest abuse of discretion."); *State v. Mizzell*, 349 S.C. 326, 331, 563 S.E.2d 315, 317 (2002) ("A defendant has the right to cross-examine a witness concerning bias under the Confrontation Clause."); *State v. Pradubsri*, 403 S.C. 270, 276–77, 743 S.E.2d 98, 102 (Ct. App. 2013) ("A criminal defendant may show a violation of the Confrontation Clause by showing that he was prohibited from engaging in otherwise appropriate cross-examination designed to show a prototypical form of bias on the part of the witness, and thereby to expose to the jury the facts from which jurors . . . could appropriately draw inferences relating to the reliability of the witness." (alteration in original) (quoting *Mizzell*, 349 S.C. at 331, 563 S.E.2d at 317)); *Mizzell*, 349 S.C. at 331, 563 S.E.2d at 318 ("The jury is, generally, not entitled to learn the possible sentence of a defendant because the sentence is irrelevant to finding guilt or innocence."); *id.* at 331–32, 563 S.E.2d at 318 ("However, other constitutional concerns, such as the Confrontation Clause, limit the applicability of this rule in circumstances where the defendant's right to effectively cross-examine a co-conspirator witness of possible bias outweighs the need to exclude the evidence."); *id.* at 331, 563 S.E.2d at 317 ("Before a trial [court] may limit a criminal defendant's right to engage in cross-examination to show bias on the part of the witness, the record must clearly show the cross-examination is inappropriate."); *State v. Sherard*, 303 S.C. 172, 175, 399 S.E.2d 595, 596 (1991) (finding no prejudice in the trial court's refusal to allow further inquiry into co-conspirator's potential sentences where the defendant "amply demonstrated any bias on the part of [the two co-conspirators]").

AFFIRMED.¹

SHORT, LOCKEMY, and McDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF RichlandGreg K. Isaac #331813
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

2016 FEB 20 AM 2:58
 RICHLAND COUNTY
 FILED
 CLERK OF COURT

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention BROAD RIVER CORRECTIONAL INSTITUTION
2. Name and location of Court which imposed sentence _____
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012-LS-40-2437 BURGLARY 1st
 - (b) 2012-LS-40-2438 ATTEMPTED ARMED ROBBERY
 - (c) 2012-LS-40-2435 MURDER
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) OCTOBER 2, 2013
 - (b) 20 YRS, 20 YRS AND LIFE

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty Yes _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Denied _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. July 10, 2015 _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. N/A _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) N/A _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Ineffective Assistance of Counsel.
 (b) Conflict of Interest
 (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) My attorney not responding to my letter's I wrote.
 (b) My attorney not properly preparing me for trial.
 (c) The conflict between the judge and my attorney in trial.

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? N/A
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
 (d) any other petitions, motions or applications in this or any other Court? N/A

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 i. _____
 ii. N/A
 iii. _____
 iv. _____
 (b) the name and location of the Court in which each was filed:
 i. _____
 ii. N/A
 iii. _____
 iv. _____
 (c) the disposition thereof:
 i. _____
 ii. N/A
 iii. _____

- iv. _____
 (d) the date of each such disposition:
 i. _____
 ii. _____
 iii. _____
 iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
 ii. _____
 iii. _____
 iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
 ii. _____
 iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
 ii. _____
 iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) I WAS IN THE PROCESS OF MY DIRECT APPEAL.
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. MARK Schnee, 1701 Main St. Suite 202 Columbia, SC 29201
 - ii. David Alexander, 1330 Lady St. Suite 401 Columbia, SC 29201
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. MARK Schnee, WAS MY TRIAL ATTORNEY
 - ii. DAVID ALEXANDER, WAS MY APPELLATE ATTORNEY
 - iii. _____

19. State clearly the relief you seek in filing this application:

A new trial that is fair and a reduce in sentence.

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Richland)

VERIFICATION

I, GI, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Greg Isaac

SWORN to and subscribed before me this 17
day of February, 2016.

[Signature] (L.S.)
Notary Public

My Commission Expires: 6/10/2018

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, L.I., hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Dreg Isaac
Applicant

SWORN or affirmed to and subscribed before me this

17 day of February, 2016.

[Signature]
Notary Public

My Commission Expires: 10/10/2018

2016 FEB 20 AM 2:58
JEANETTE W. MESSING
C.O.R. & S.S.

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
 OF THE FIFTH JUDICIAL CIRCUIT

Greg K. Isaac,
 S.C.D.C. No. 331813,

Case No.: 2016-CP-40-1064

Applicant,

RETURN

v.

State of South Carolina,

Respondent.

In response to Applicant's post-conviction relief application filed February 20, 2016, Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court's orders of commitment. The Richland County Grand Jury indicted the Applicant at the May 2012 term for murder (2012-GS-40-2435), attempted armed robbery (2012-GS-40-2438), and burglary first degree (2012-GS-40-2437). Mark Schnee, Esquire, represented Applicant.

On July 8, 2013, Applicant asserted he was immune to prosecution under § 16-11-410 to -450 of the South Carolina Code. The Honorable Clifton B. Newman conducted a hearing and denied immunity to Applicant based on the evidence presented. Applicant's counsel filed notice to immediately appeal Judge Newman's ruling on July 9, 2013 to the South Carolina Supreme Court. The Supreme Court, by order issued July 9, 2013, held the trial judge was divested of jurisdiction in the instant matter, and the circuit court proceedings ceased. (App. Case. No.

2013-001464). On August 21, 2013, the Supreme Court dismissed the interlocutory appeal. State v. Isaac, 405 S.C. 177, 747 S.E.2d 677 (2013).

On September 30, 2013, Applicant was tried before the Judge Newman and a jury. The jury convicted Applicant on all three counts. Judge Newman sentenced Applicant to life imprisonment without the possibility of parole for murder and concurrent terms of twenty years' imprisonment on the other charges.

Applicant appealed his convictions and the appeal was perfected by David Alexander, Esquire. (App. Case No.: 2013-002168). The South Carolina Court of Appeals affirmed Applicant's convictions and dismissed his appeal. (UP Opinion No. 2015-UP-337, filed July 8, 2015). The Remittitur was issued on September 28, 2015.

II.

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons (quoted verbatim):

1. Ineffective assistance of counsel.
 - a. "My attorney not responding to my letters I write."
 - b. "My attorney not properly preparing me for trial."
2. Conflict of interest
 - a. "The conflict between the judge and my attorney in trial."

Respondent denies Applicant is entitled to relief on any of these claims, and demands strict proof thereof. Any claims not specifically enumerated in the application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRPC.

Attached to this return and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction, the trial transcript, and Applicant's records from

the South Carolina Department of Corrections and the records of this action. Any records not attached will be forwarded upon receipt. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III.

Respondent submits Applicant's allegation of ineffective assistance of counsel is without merit. Respondent asserts Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at

2065). Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

Respondent submits Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

Respondent asserts Applicant's allegation of a conflict of interest between his attorney and the judge is without merit. The mere possibility of a conflict of interest is insufficient to challenge a criminal conviction. Langford v. State, 310 S.C. 357, 426 S.E.2d 793 (1993). "In order to establish a violation of the Sixth Amendment, a defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809 (1984). The Applicant must show that his attorney actually owed duties to a party whose interests were adverse to the Applicant. Id.; Thomas v. State, 346 S.C. 140, 551 S.E.2d 254 (2001). Respondent submits Applicant cannot satisfy this burden as he has not set forth any specific grounds to substantiate his claims. However, the allegation of conflict of interest probably raises questions of fact that

cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

V.

Respondent denies each allegation not expressly admitted, qualified or explained.

VI.

WHEREFORE, having made its Return, Respondent requests that a hearing be held and counsel appointed to represent Applicant.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

JESSICA E. KINARD
S.C. Bar #77889
Assistant Attorney General

By:

John G. G...
ATTORNEYS FOR RESPONDENT
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

October 29, 2016

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

GREG K. ISAAC, #331813,)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent,)

IN THE COURT OF COMMON PLEAS

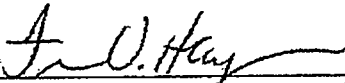
2016-CP-40-01064

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Jonathan Waller, Esquire
 The Giese Law Firm, LLC
 1315 Blanding Street
 Columbia, SC 29201

DATED this the 28th day of October, 2016.


 Felicia V. Hayes, Legal Assistant
 For Respondent

State of South Carolina)	In the Court of Common Pleas
County of Richland)	Fifth Judicial Circuit
	2016-CP-40-1064

Greg K. Isaac,	)	
	)	
Applicant,	)	
	)	
vs.	)	Transcript of Record
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

August 31, 2017
Columbia, South Carolina

B E F O R E:

The Honorable Paul M. Burch, Judge

A P P E A R A N C E S:

Jonathan D. Waller, Esquire
Attorney for Applicant

Jessica E. Kinard, Esquire
Attorney for Respondent

Maryann S. Nevers, CVR-M-CM
Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>

No exhibits marked during proceeding.

TRANSCRIPT OF RECORD

(Whereupon, the proceeding was commenced at 3:06 p.m.)

THE COURT: We're ready.

MS. KINARD: Thank you, Your Honor. May it please the Court: This is the matter of *Greg . Issac v. the State of South Carolina*. It's Case No. 2016-CP-40-1064.

We're before the Court pursuant to an application for postconviction relief that was filed February 20th, 2016. Mr. Isaac is presently incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court's orders of commitment.

The Richland County Grand Jury indicted him at the May 2012 term for murder, attempted armed robbery, and burglary first-degree. He was represented by Mark Schnee.

On July 8th, 2013, he asserted that he was immune to prosecution under Section 16-11-410 to -450 of the South Carolina Code, also known as the castle doctrine. The Honorable Clifton B. Newman conducted a hearing and denied immunity to him based on the evidence presented.

His counsel filed notice to immediately appeal Judge Newman's ruling on July 9th, 2013, to the South Carolina Supreme Court. The Supreme Court, by an order issued later, held the trial judge was divested of jurisdiction in that instant matter and the circuit-court proceeding ceased.

1 They resumed on August -- I'm sorry. On August 21st,
2 2013, the Supreme Court dismissed the interlocutory appeal.
3 On September 30th, 2013, applicant returned to trial before
4 Judge Newman and a jury and was convicted on all three
5 counts. He was sentenced to life imprisonment without the
6 possibility of parole for the murder and concurrent terms
7 of 20 years imprisonment on the other charges.

8 He appealed his convictions, and the appeal was
9 perfected by David Alexander of the Office of Appellate
10 Defense. The South Carolina Court of Appeals affirmed his
11 convictions and dismissed his appeal, returning the
12 remittitur September 28th, 2015.

13 The state is present and ready to proceed. Mr. Isaac
14 is present and represented by Jonathan Waller.

15 THE COURT: Ms. Kinard?

16 MR. WALLER: Thank you, Your Honor. The applicant
17 would call Mark Schnee.

18 (Whereupon, the witness came forward.)

19 THE COURT: If you'll come around and be sworn,
20 please.

21 THE WITNESS: Sure.

22 MARK SCHNEE, having been first duly sworn,
23 testified as follows:

24 THE WITNESS: Mark Schnee.
25

1 DIRECT EXAMINATION

2 BY MR. WALLER:

3 Q Good afternoon, Mr. Schnee. How are you today?

4 A Good. How are you?

5 Q I'm doing well. Mr. Schnee, I want to start by asking
6 you what -- how you came to represent Mr. Isaac.7 A I was appointed very shortly after his arrest. He was
8 arrested with a codefendant, Tavares World, which was being
9 represented by the public defender's office. Mr. World had
10 a number of other pending charges, so they conflicted his
11 case out to me.12 Q Okay. And after -- about how long after you got
13 appointed did you go meet with Mr. Isaac?14 A Very shortly after. It would've been within about a
15 week or so, at most.

16 Q Okay.

17 A Just really depended on schedules and when I got the
18 actual appointment in -- in the mail.19 Q What was the time from when you got appointed, I
20 guess, to when the trial started? It's the first trial.

21 A A little over a year, I believe.

22 Q Okay. About how many times did you meet with Mr.
23 Isaac?24 A Initially, I met with him. In fact, the first time I
25 met him, it might've actually been in the courthouse for

DIRECT EXAMINATION BY MR. WALLER - MARK SCHNEE

7

1 his bond waiver. That's probably what it was. Because it
2 -- of -- of the murder charge, the bond had to be set in
3 general sessions. And I'm pretty sure he was transported
4 maybe the day after I was appointed. And that's when I
5 first met with him about this charge.

6 Q Would you have had any discovery in -- or anything
7 like that at that point?

8 A No. I would've had a copy of the warrants, maybe an
9 incident -- I don't even think I had an incident report at
10 that point.

11 Q Okay. Would you have been able to go over anything
12 with him at that point?

13 A Nothing of substance, other than what he already knew
14 was that we'd have to waive bond and then get discovery and
15 figure out what was going on.

16 Q Okay. About how long after you were appointed did you
17 obtain discovery?

18 A Initial discovery was turned over relatively quickly.
19 This was a cold case that had been going on and
20 investigated for several years. So there was a tremendous
21 amount of information the police had. Very little had
22 anything to do with my client. But they had done and --
23 and had all the reports for a very, very long time.

24 So they were able to turn over quite a bit of
25 information very quickly. And slowly, they were churning

1 out other things.

2 Q It was about a seven-year gap; is that right?

3 A I believe ---

4 Q From when ---

5 A --- so, yes.

6 Q --- he set ---

7 A Seven or eight years, something like that.

8 Q When you and Mr. Isaac were able to meet, did y'all,
9 you know, discuss the charges he had against him and, you
10 know, any potential defenses that you might have to them?

11 A Sure. We certainly talked about the -- the evidence
12 that -- that the state had. In terms of directly
13 connecting to Mr. Isaac to it, it -- it was relatively
14 minimal. The police did an incredibly thorough
15 investigation about a lot of people. But what it came down
16 to is they had my client's fingerprint on a lamp inside of
17 a drug dealer's house. And then, they had a confession
18 from my client. And that was the bulk of the evidence that
19 had anything to with my client, specifically.

20 Q Okay. When y'all met and were -- were discussing his
21 -- his case and -- and the evidence, at some point the
22 decision was made that he was going to proceed to trial.

23 A Well, that -- I guess you could say that. The only
24 offer I ever got from the state was life. So yeah. It --
25 it really wasn't much of a choice. It was plea straight-up

1 and hope we get something less than life, which
2 realistically, it -- it wasn't an option. Even Mr. Isaac
3 knew he wasn't just going to plea straight-up and get 50
4 years. There's no point in that. So yeah. Trial was
5 inevitable.

6 Q Okay. What did you do -- how did you begin your
7 preparations for trial?

8 A I certainly discussed with Mr. Isaac, you know, some
9 of their forensic information and the -- you know, the --
10 the fingerprint-DNA-type evidence that they were trying to
11 put together. And I talked with -- with Mr. Isaac about
12 the facts of the case, in terms of what defenses we could
13 have; talked about the -- the nature of the confession that
14 he gave: how they obtained it, in terms of what coercions
15 they used. It kind of went from there.

16 Q Okay. You just mentioned defenses. What defenses did
17 you and Mr. Isaac develop as a strategy before going to
18 trial?

19 A Well, what -- what ended up happening is -- is, you
20 know, Mr. Isaac told me that Tavares World had forced him
21 to -- to be there and participate. And -- and that was
22 really all we had, in terms of a defense. The confession
23 was very minimal. It -- it didn't have a lot of details
24 about anything, other than to say yeah, he was there and he
25 -- he was involved. So it left open the possibility for a

1 -- for a -- an explanation of it. And at the point that a
2 judge was going to rule the confession admissible, the only
3 thing left for a jury is to explain why that -- the
4 statement written by the cops, not by himself, how to
5 explain fully as to present the defense.

6 Q Okay. At what point did you come up with the -- the
7 castle-doctrine defense?

8 A Just with talking with him, you know, it was -- it --
9 at the time, it was something the state had no control
10 over. They couldn't prevent us from doing it. And we'd
11 get to get all the arguments in. And it had a much better
12 burden of proof on our side. So strategically, it was --
13 it was an easy decision to go forward with that hearing.

14 Q Okay.

15 A Essentially, get two bites at it.

16 Q What research did you do and -- and what did you base
17 the applicability of that statute and that theory defense
18 to Mr. Isaac's case?

19 A I'm not really sure what you're asking.

20 Q Okay. Why did you think that applied to Mr. Isaac?

21 A Well, under the technical law, it certainly did. He
22 wasn't there by choice. He -- you know, the -- the -- the
23 -- the issue is you can't be committing crimes and then
24 claim the castle doctrine or stand-your-ground law.

25 Well, the -- duress is a complete defense to his

DIRECT EXAMINATION BY MR. WALLER - MARK SCHNEE

11

1 crimes of the burglary. At that point he was not a willing
2 participant, and he's allowed to protect himself. That's
3 just how the law -- I mean, it's -- it's how it's still
4 written.

5 It's not anything that -- that the courts wanted to
6 accept. I know Judge Newman certainly didn't want to
7 accept that as even a possibility. He, at first, denied me
8 even the ability to appeal the decision; in fact, prevented
9 me from leaving the courtroom.

10 But that was the best defense with had with the facts
11 that we were given.

12 Q Okay. Let me ask you this: The incident took place
13 in 2005; is that correct?

14 A Yes.

15 Q The castle-doctrine law was passed in South Carolina
16 in 2006.

17 A Correct.

18 Q And did not have a -- it did not relate back to cases
19 or incidents that took place before it -- it went into
20 effect. Why did you think it applied to Mr. Isaac?

21 A Well, it was somewhat uncertain as to whether it
22 applied to when the incident happened or when the arrest
23 happened. And there was no case law on it one way or
24 another.

25 Q Okay. So ---

1 A And that was actually one of the things that we ended
2 up briefing for the Supreme Court.

3 Q Okay. The law has provisions, if it gets repealed,
4 for incidents that took place while it was in effect; is
5 that correct? Is that your understanding?

6 A I'm not sure. What do you mean?

7 Q If they repeal it tomorrow and somebody has an
8 incident today, even if the law is repealed, they're still
9 able to claim those protections; is that correct?

10 A I would think so. I -- I guess it depends how -- how
11 it was repealed.

12 Q Okay. Let me ask you this: Judge Newman ruled that
13 Mr. Isaac wasn't even entitled to a hearing; is that ---

14 A At first, that's what he ruled. Yes.

15 Q Okay. You appealed that decision, obviously?

16 A Eventually, when he let me -- when the day was over
17 and I was able to leave the courtroom, I did end up filing
18 an appeal based on that. And I brought it back and had it
19 waiting on Judge Newman's desk. I believe that was
20 actually the Tuesday of that week during lunch.

21 And we came back. And he said, "No. I didn't deny
22 your hearing. I gave you a hearing, and I denied that he
23 was entitled to immunity."

24 And then, he said, "We're going to continue with trial
25 anyway." And I had to, at that point, have some -- a -- a

DIRECT EXAMINATION BY MR. WALLER - MARK SCHNEE

13

1 colleague of mine not only file a second appeal, but then
2 file an emergency petition to stay the proceedings.

3 Q And that was to get the original appeal you filed
4 accurate to what he had -- his ruling was?

5 A Well, it was accurate to his -- what his ruling was
6 when I filed it. He decided to change what his ruling was,
7 just so my notice of appeal was ineffective. And then when
8 I got the second one, I knew I had to get a court order
9 from the Supreme Court for him to stop trial. And it -- we
10 ended up stopping trial in the middle of one of the
11 witnesses.

12 Q Okay. He actually told you the trial was going
13 forward regardless; is that right?

14 A Absolutely, he did.

15 Q Okay. You testified a minute ago that he wouldn't let
16 you leave the courtroom.

17 A Correct.

18 Q Explain that a little further, if you could.

19 A He told me if I leave the courtroom, he's going to
20 report me to the bar. He made it very clear.

21 Q Okay.

22 A So then, I have no choice. Then I'd -- I'd be in
23 contempt and I am going forward with trial. I cannot file
24 an appeal until court is finished for the day.

25 Well, as it turns out, he made sure that court

1 finished long after the Supreme Court building was closed.

2 Q Okay. How did that affect your ability to defend Mr.
3 Isaac?

4 A At that point in the -- in the very first group of
5 hearings, obviously, it was problematic. But that's not
6 where the problems occurred. The problems occurred when it
7 was called in front of him after the remittitur.

8 Because during that entire thing and at the very end
9 of this, he made some very not-so-veiled threats against me
10 and my law -- my license to practice law. And when we came
11 back for the second trial, the solicitors made sure that
12 Judge Newman was the trial judge.

13 The first -- one of the first motions I did was move
14 to have him recused. And Judge Newman ruled that I didn't
15 even have standing to ask.

16 Q Okay. Did he -- you -- you said he -- did he retain
17 jurisdiction?

18 A No. Not at all.

19 Q Okay.

20 A The solicitors chose of when they were calling the
21 case to trial -- again, after the remittitur. And it was
22 said specifically to me, "We are calling it the next time
23 Judge Newman is available."

24 Q Okay. You made a motion to -- for Judge Newman to
25 recuse himself?

1 A Yes.

2 Q Okay. That was denied?

3 A I -- I don't even know that he denied it. He refused
4 to even hear it, saying I didn't have standing.

5 Q What was your motion based on?

6 A Based on the fact that he had threatened me. He made
7 it very, very clear that I'd be on a very short leash. I
8 would not be able to do my job correctly. And the fact
9 that he threatened me caused, obviously, a lot of problems
10 for me.

11 Q Okay. When you say on a short leash and not able to
12 do your job correctly, what would you have differently?

13 A It -- it's not any one particular thing, just the
14 entire method of trial. I was walking on eggshells. I
15 mean, I -- I don't care if a judge wants to hold me in
16 contempt and throw me in jail for the night. You threaten
17 my law license, that's a whole different game. And that's
18 what he was threatening.

19 And even after the trial was complete, because this
20 was an appointed case it was under the hourly-rate system
21 that I'm sure you're aware of back then, Judge Newman
22 didn't even sign my voucher to get paid. He demanded that
23 we have a hearing with Hugh Ryan.

24 Q Okay.

25 A So his -- his threats that he claimed he never made

1 even continued after the trial was over.

2 Q Okay. You -- in your motion to recuse Judge Newman,
3 you -- you told him that you would have to tone down what
4 you would normally do in the courtroom.

5 A I believe the phrase I used was that my defense would
6 be chilled and that I was, per se, ineffective as an
7 attorney because it created a conflict of interest.

8 Q Okay. And you actually cited *Strickland v.*
9 *Washington*; is that correct?

10 A I believe I did.

11 Q The main ---

12 A Now, I ---

13 Q --- the main PCR case?

14 A I -- I'm not sure if I -- if I -- I -- I don't
15 remember. It's in the transcript.

16 Q Okay. How do you think Judge Newman, throughout the
17 course of the trial in a general sense, affected your
18 ability to represent Mr. Isaac?

19 A It was very obvious that no matter what I did, he was
20 going to make sure Greg Isaac got convicted. And if I did
21 anything that he didn't appreciate, he was going to stop me
22 and shut me down and not let me fully cross-examine
23 witnesses, not let me present what I wanted, not let me
24 present things the way I wanted. It -- it made it to be a
25 very, very difficult trial and was highly problematic.

1 Q Do you have any indication of what that -- that
2 animosity, perceived or -- or otherwise, was -- where it
3 stemmed from?

4 A Well, it stemmed from the fact that I did what he
5 called a ridiculous castle-doctrine hearing and then had
6 the gall to appeal it, as if he had the final say on it,
7 which he obviously didn't. And the fact that I had the
8 first trial stopped midway through -- he even called it
9 shenanigans that I had it stopped.

10 And when it finally stopped, you can even see in the
11 transcript, he's -- he -- he's talking about, "Well, should
12 we tell the jury that the -- the defense counsel did this
13 or" -- I don't know if it was the solicitors that brought
14 it. And I made it very clear that trial never should've
15 started. It -- it shouldn't have started.

16 Once I said, "I'm filing a notice of appeal," he was
17 divested of jurisdiction. He knew it. But he didn't care.

18 Q At the time the castle doctrine was immediately
19 appealable; is ---

20 A Yes.

21 Q --- that correct?

22 It's not anymore?

23 A Correct. And -- and, in fact, at the time, if you did
24 not immediately appeal it, it was lost. So it -- it's not
25 like I even had an option of whether to appeal it. It was

1 my obligation to protect my client's interest to appeal it.

2 Q Do you think the motion to recuse Judge Newman had any
3 effect on your ability to represent Mr. Isaac throughout
4 the course of the trial as well?

5 A The motion itself didn't. It certainly didn't help
6 the situation. I'm ---

7 Q Why is ---

8 A --- I mean ---

9 Q Was it a continuing of the ---

10 A It -- it was continuous throughout the entire trial.
11 His -- his animosity towards me and my client was very
12 obvious.

13 Q When you actually get to -- get to trial, when the
14 trial starts for the second time, did you ever consider
15 making a motion to limit the use of the term -- the legal
16 term "murder" by the solicitor?

17 A I'm not sure that one crossed my mind.

18 Q And if ---

19 A I'm -- and -- and I -- I don't know if I did or I
20 didn't, honestly.

21 Q If I could get you to turn to page 370.

22 A Okay.

23 Q You actually make that argument.

24 A It's entirely possible that was one of the pretrial
25 motions I filed. I -- I haven't checked. But I -- I

DIRECT EXAMINATION BY MR. WALLER - MARK SCHNEE

19

1 might've actually filed that pretrial motion and -- and
2 argued that.

3 Q Would you take my word for it if I said you -- you
4 didn't argue it and you -- it might've been filed, but you
5 didn't argue it?

6 A I -- I mean, I'll take your word for it. But I know
7 there's also -- from -- from the transcript, the copy that
8 I got, there's a huge chunk missing.

9 Q From the first trial?

10 A I -- I'm -- I'm not sure. What -- what I was sent
11 from the records on appeal, there were lots of pieces
12 missing.

13 Q Okay.

14 A I'm -- I'm -- I'm not sure what you -- I just know
15 what I was given that said the record on appeal. And there
16 were pieces missing.

17 Q Sure. Would you agree with me that on page 370, you
18 make the argument, though, that the solicitor is using the
19 legal definition when questioning a witness?

20 A Yes. I -- I certainly did.

21 Q Okay. I want to talk a little bit about what you
22 called earlier -- talked earlier about coercion of Mr.
23 Isaac by Mr. World. And you testified that he was under
24 duress when he -- when -- when the incident took place.

25 A Correct.

1 Q Did Mr. Isaac testify that the -- that the threat and
2 the duress continued after that day?

3 A Yeah. He -- he was -- it was something that had been
4 going on for quite a while between him and Mr. World. And
5 -- and -- and there's no way for them to really even
6 separate because Mr. World had a whole bunch of separate
7 other charges, including a CSC with a minor. And that
8 minor happens to be Greg Isaac's cousin. And they have a
9 child together now. And I believe she was 14 at the time.

10 So in terms of -- of Greg getting away from -- from
11 that influence and -- and just him in general, I --
12 whatever -- I mean, it's -- it's clearly put in the
13 transcript that -- that Greg had testified to. But it --
14 it was something that was ongoing, both before and clearly
15 after.

16 Q And you testified that he was -- he didn't to law
17 enforcement in seven years in the interim because he was
18 scared of Mr. World; is that -- is that ---

19 A I'm -- I'm sure ---

20 Q --- accurate?

21 A --- that's true. Absolutely.

22 Q Okay. Based on that part of his statement and then
23 that part of your strategy -- because it seemed to be an
24 overriding theme in your strategy -- what was the strategy
25 behind stipulating that his statements to law enforcement

1 were voluntary?

2 A At what point?

3 Q In pretrial -- if I could get you to turn to page 45
4 of the first transcript.

5 A Okay.

6 Q I believe it's at the bottom of the page.

7 A Well, at that point, clearly, there were two things
8 going on. First of all, I mean, my client obviously had to
9 testify in front of the jury. So saying the statement
10 wasn't voluntary was pointless. Because there's nothing --
11 nothing factually in the statement that was different than
12 what he was going to testify to anyway. So arguing that
13 would actually be counterproductive.

14 And we didn't want to accuse the cops of -- of lying
15 about absolutely everything in the world. We just wanted
16 to let the jury know that they were not thorough and they
17 just ignored a lot of the mitigation and reasoning behind
18 what Greg's statement was. And that's the way it was
19 written.

20 Q But under your theory the -- the coercion and duress
21 had come from not only law enforcement, but had come from
22 -- from outside forces that law enforcement may or may not
23 have known about at the time of taking the statement.

24 A Right. But that -- the -- in terms of whether a
25 statement is admissible and voluntarily made to police has

1 nothing to do with outside influences.

2 Q Okay. But you didn't go through the hearing, and you
3 stipulated to it; is that correct?

4 A Because at the time I knew he was testifying and we
5 were using that statement to our advantage.

6 Q Do you remember the testimony of Mr. Dixon? Do you
7 recall that?

8 A Not off the top of my head.

9 Q Okay.

10 A What page is that?

11 Q It starts on page 296. It's -- I'd say it's fairly
12 lengthy. If I could get you to turn to page 330, Mr. Dixon
13 was the -- the third codefendant; is that right?

14 A Yes.

15 Q The one that never left the car?

16 A Correct.

17 Q Okay.

18 A Okay.

19 Q You objected to some hearsay. I believe Mr. Dixon was
20 testifying about comments made by both Mr. Isaac and Mr.
21 World, and you objected only to the comments made by Mr.
22 World, who obviously has not testified.

23 A Correct.

24 Q Judge Newman comments, in -- in overruling your
25 objection, that -- that he's been testifying to hearsay,

DIRECT EXAMINATION BY MR. WALLER - MARK SCHNEE

23

1 and that was your first objection. Why didn't you object
2 to it earlier? Why did you wait?

3 A There was nothing objectionable before.

4 Q There hadn't been hearsay testimony by Mr. Dixon ---

5 A Just because ---

6 Q --- before ---

7 A --- hearsay testimony is -- is being talked about
8 doesn't mean it's anything potentially harmful against my
9 client. I don't care if someone wants to say, "Well, so-
10 and-so said they found five dollars on the side of the
11 road." So what? I -- it has nothing to do with -- with
12 harmful to my client.

13 Q Well, it's harmful when your -- your objection is
14 overruled because you -- the judge says you've waived that
15 objection because ---

16 A Nope.

17 Q --- you didn't make it earlier.

18 A Right. Which is a very improper ruling, and it
19 should've been appealed.

20 Q Okay.

21 A There's -- there's -- there's nothing that says I have
22 to object every single time someone wants to say hearsay.
23 Because it's not relevant to a particular fact in the case,
24 which technically makes it not even hearsay.

25 MR. WALLER: Beg the Court's indulgence for one

1 second?

2 THE COURT: Yes, sir.

3 (Whereupon, Mr. Waller and the applicant conferred.)

4 Q Mr. Schnee, do you remember the -- the jury charge at
5 all? Do you remember the -- the charge conference maybe?

6 A Vaguely.

7 Q Okay. And -- and I'm not going to belabor this point.
8 When Judge Newman gives his charge to the jury for "hand of
9 one/hand of all," he uses the example of two people
10 shooting another person where there's one bullet, one gun,
11 and one shot fired. Did you ever consider making a motion
12 or asking Judge Newman to use just a different example?

13 A If -- if there was ever a charge conference, that was
14 never discussed. Judge Newman, in general, did not discuss
15 what his charges would be. Half the time, in -- in trials
16 with him, he doesn't even want to tell you what he's going
17 to charge at all, regardless of what you submit.

18 That is clearly an improper charge, I believe, on the
19 facts. And if that's what's in there, I -- I should have
20 objected and clearly didn't. There's no strategy in that.

21 That would've been a clear error on my part, which I
22 think is part of the problem that I had with Judge Newman
23 and -- and just in terms of the conflict that it created,
24 is it caused a huge problem for me for every step of the
25 process. There are a lot of things I -- I think would've

CROSS-EXAMINATION BY MS. KINARD - MARK SCHNEE

25

1 been done differently with a judge that would've actually
2 let me argue things, without threatening to haul me before
3 the Supreme Court.

4 Q Okay. Thank you, Mr. Schnee. No ---

5 A Absolutely.

6 Q --- no further questions.

CROSS-EXAMINATION

7
8 BY MS. KINARD:

9 Q Thank you for being here, Mr. Schnee, and for your
10 patience today. Do you recall approximately how many times
11 you met with Mr. Isaac over the course of your
12 representation?

13 A I -- I couldn't tell you. It was quite a few.
14 There's certainly going to be gaps in the beginning, just
15 because of the nature of the charge, in terms of getting
16 useful discovery. And then, after there are a couple gap,
17 then you start meeting more and more often and going
18 through things.

19 So sometimes it becomes once every month, once every
20 two weeks. I -- I couldn't tell you the number of times,
21 off the top of my head.

22 Q Is it fair to say that you had adequate time to
23 prepare for the trial?

24 A Yes. I would say so.

25 Q And did you go through all the facts and

1 circumstances, as presented by the state, with Mr. Isaac?

2 A We certainly went over the discovery. Yes.

3 Q And he revealed -- or told you his -- his version of
4 the facts?

5 A We certainly talked about it. Yes.

6 Q And he knew what he was facing when he was going to
7 trial?

8 A Correct.

9 Q Did he ever give you any indication that he didn't
10 understand what was going on during your conversations?

11 A Not before trial, no. I -- certainly, there was a lot
12 of confusion dealing with Judge Newman and his rulings.
13 And most of them, frankly, I had to tell him I have no idea
14 what Judge Newman is going; this is highly irregular and
15 this should not be happening.

16 But before trial, I -- he understood what was going
17 on.

18 Q And in terms of those things during trial, you
19 discussed that with him as much as you could?

20 A Yes.

21 Q Do you feel like he felt comfortable asking questions
22 and discussing the case with you before trial?

23 A Sure.

24 Q And did you work with him in developing any defense
25 theories?

1 A I certainly talked to him about what I was -- what I
2 was looking at doing. I mean, it -- I talked to him about
3 -- about if he was comfortable testifying. Obviously, if
4 he was not willing to testify, there's no way I could do
5 most of what I had planned.

6 So it -- yeah. I -- I certainly had discussions with
7 him about that.

8 Q Did he provide any facts witnesses to you or any alibi
9 witnesses?

10 A Nothing that I can recall. You are talking about
11 seven or eight years after the fact. So if there were any
12 witnesses, there's no way anyone would find them or -- or
13 would -- would even remember it.

14 Q Now, you've already testified in depth with Mr. Waller
15 about the castle-doctrine hearing, for lack of a better
16 term: the appeal and how that went forward. When it came
17 time to have the second trial -- I'll use that phrase -- is
18 there anything else you could've done, as far as trying to
19 get a different judge or -- or making this situation any
20 more favorable for your client?

21 A Not that I know of. The solicitors had complete
22 control of the docket. And frankly, they still do,
23 illegally. They picked Judge Newman to do it again on
24 purpose.

25 They said they were calling it. Judge Newman wouldn't

1 recuse himself. Absent me walking out of the courtroom and
2 -- and losing my license, there's not much I could do.

3 Q So you believe you made all appropriate motions and
4 took all appropriate actions to protect your client?

5 A I did what I had the power to do at the time.

6 Q And to step back just for a second, one of Mr. Isaac's
7 allegations was that he wrote you a lot of letters that you
8 didn't respond to. Do you have any comment on that
9 allegation?

10 A I -- I'm not sure what particular letters he -- he'd
11 be referring to. I mean, I certainly talked to him about
12 everything that we needed to. I'm -- I saw the allegation
13 of the PCR. I -- I don't know what specifically that --
14 that -- that he's referring to.

15 Q Is it your opinion that he understood where -- what
16 his situation was and what he faced at the time of trial?

17 A In terms of pretty much life sentence? Absolutely.

18 Q And as far as what you were going to proceed on
19 regarding strategy?

20 A The intended strategy, yes.

21 Q Those are all the questions I have. Thank you.

22 MR. WALLER: Just very briefly.

23 REDIRECT EXAMINATION

24 BY MR. WALLER:

25 Q Mr. Schnee, whose idea was it to raise the castle

1 doctrine?

2 A It was certainly mine. It -- it's a discussion I had
3 with -- with Greg about. I mean, just to -- as -- as the
4 facts develop, it clearly presented itself as an
5 opportunity to -- to get out what the -- the state was
6 going to do, in terms of some of their evidence and
7 arguments. But ---

8 Q It was ---

9 A --- it -- it was my decision.

10 Q He didn't come to you one day and said, "I want you do
11 this; I demand that you do this"?

12 A No. No, no. I -- I actually asked his permission to
13 do it.

14 Q Okay. Nothing further. Thank you.

15 MS. KINARD: Nothing further, Your Honor.

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

17 THE WITNESS: Thank you.

18 THE BAILIFF: Watch your step.

19 (Whereupon, the witness exited the witness stand.)

20 MS. KINARD: I would ask that this witness be excused.

21 MR. WALLER: No objection.

22 THE COURT: Witness is excused.

23 MR. WALLER: Thank you. Your Honor, the applicant
24 would call Greg Isaac.

25 (Whereupon, the witness came forward.)

1 GREG ISAAC, having been first duly sworn,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WALLER:

5 Q Good afternoon, Mr. Isaac. How are you today?

6 A I'm all right.

7 Q All right. Mr. Isaac, how did you -- how did Mr.
8 Schnee come to be your attorney?

9 A I guess it was a conflict of interest with Mr. -- my
10 other codefendant. And that's how he became appointed to
11 me.

12 Q So he was appointed to represent you?

13 A Yes, sir.

14 Q Okay. After he got appointed to represent you, did
15 you two have a chance to meet?

16 A I met him -- I had a blue ticket, I guess, or whatever
17 -- know what I'm -- and I was at the courthouse. That's
18 when I met him, that day.

19 Q Okay. When you say you had a blue ticket, what do you
20 mean?

21 A Like, blue ticket that the police officer give you.

22 Q When you first got arrested?

23 A Right.

24 Q Not for this charge?

25 A No, not for this charge.

DIRECT EXAMINATION BY MR. WALLER - GREG ISAAC

31

1 Q Okay. They don't -- they don't write blue tickets for

2 ---

3 A Right.

4 Q --- murder charges?

5 Okay. Did y'all have a -- an opportunity to go over

6 -- the -- the charges we're talking about today: the

7 murder, the burglary-first, and the armed robbery ---

8 A That day?

9 Q --- or attempted armed robbery?

10 A On that day?

11 Q Not that day, just in general.

12 A I mean, I don't think I seen this man till, I mean, a

13 long time after he got appointed that day.

14 Q Okay. So you saw him when you were at the courthouse

15 ---

16 A That ---

17 Q --- and then it was a long time before you saw ---

18 A Right.

19 Q --- him again?

20 Okay. When you saw him again, what'd y'all talk

21 about?

22 A He just asked me a little bit about the case, what the

23 -- what the charge -- what the -- what the charges carry or

24 whatever and ---

25 Q Okay.

1 A --- and that's ---

2 Q Did you ---

3 A --- that's ---

4 Q --- understand what the charges carried?

5 A Not until he told me.

6 Q Okay. But after y'all talked, you understood?

7 A I -- I still tried to go look it up. But I was still
8 ignorant to the fact of what was going on.

9 Q Okay. When you and Mr. Schnee met, did y'all discuss
10 the fact that it was seven years later that you were
11 arrested?

12 A Yeah. We -- we'll discuss that it was seven years
13 later. I kind of explained my -- my part of the story. He
14 let me know what -- he let me know what the -- what the
15 solicitor and everybody was talking about.

16 Q Okay. Mr. Schnee testified that you -- the only offer
17 you were given was life in prison, okay?

18 A (Nodded head up and down.)

19 Q Is that -- is that what was given to you?

20 A That what was given to me. But he never said that
21 that's what they was giving me. He always came -- he never
22 said anything about a plea. He always said what the charge
23 carried, 30 to life.

24 Q Okay. So you never knew anything about a plea?

25 A No.

1 Q Okay. It -- it might sound like a silly question.
2 But what -- what -- you wouldn't have accepted a plea to
3 life?

4 A (Shook head from side to side.)

5 Q Okay.

6 A No.

7 Q What -- at what point did you and Mr. Schnee start
8 talking about defenses that you might have?

9 A Only time I talked to him about a defense is when he
10 came for my motion. And that was on July 8th -- I mean,
11 July 3rd.

12 Q Okay. What ---

13 A No. It was July 2nd, because I had to go to the
14 motion on July 3rd.

15 Q What motion are you talking about?

16 A The motion of who was going go to trial first, me or
17 my codefendant.

18 Q Okay. Was that the same day as the -- the castle-
19 doctrine hearing?

20 A I mean, I -- I guess that what that was for.

21 Q Okay. Do you remember the first time you had to get
22 up on the witness stand and testify?

23 A That -- that -- that's the only think -- that was the
24 motion or whatever -- whatever you called it, whatever ---

25 Q Okay. Had y'all talked about that before?

1 A Nah.

2 Q Okay. When was ---

3 A Not until ---

4 Q When was the first time you heard about it?

5 A That day, like July 3rd -- July 2nd, when he came and
6 seen me in the county.

7 Q Okay.

8 A And he been letting me know that I go for that -- the
9 motion, whatever you said it was, and -- that day.

10 Q Okay. At that time had you had a chance to review the
11 Rule 5 and Brady motion?

12 A Unh-unh.

13 Q Did you have a copy of any discovery the state had --
14 had against you?

15 A I never seen no motion. I never seen no evidence that
16 they had against me.

17 Q Okay. Have you seen it now to this day?

18 A No.

19 Q Okay. Have you asked Mr. Schnee for a copy of it?

20 A Them were the letters that she asked about that I been
21 writing him about.

22 Q Okay. Was that before you went to trial?

23 A Way before I went to trial.

24 Q Okay. Has it -- have -- have you written much
25 afterwards?

1 A I even -- I even wrote him when I got to the
2 department -- the correction, asking about the same motion.

3 Q And you hadn't even gotten ---

4 A I never ---

5 Q --- a copy?

6 A --- got it. I even asked for it the -- the -- the
7 first trial transcript. I never got it.

8 Q Okay. So the first time you heard about the -- the
9 castle hearing was the day before? Is that what you're
10 saying?

11 A Right.

12 Q Okay. Did you know what was going to take place?

13 A No. He was just saying that he was -- something
14 before me or my codefendant go to trial first.

15 Q Okay. Did y'all discuss whether you and your
16 codefendant could be tried together?

17 A He said that too.

18 Q And what ---

19 A That was when I got there.

20 Q What did he say?

21 A He said -- he was just saying that it was -- we can go
22 to trial together or is me or him going go first.

23 Q Okay.

24 A That was it.

25 Q And which one did the state pick?

1 A Me.

2 Q Okay. But that trial didn't go forward?

3 A Unh-unh.

4 Q Okay. During the -- the time from when the first
5 trial started and then, there -- there was a -- a gap. Do
6 you remember that?

7 A Uh-huh.

8 Q Did you have an opportunity to meet with Mr. Schnee at
9 that point?

10 A I ain't met with him none of them times.

11 Q Okay. You met with him, obviously, the day before the
12 -- the -- the motion hearing?

13 A Uh-huh.

14 Q You met with him. He -- you were obviously in court
15 together that day?

16 A Uh-huh.

17 Q You didn't meet with him any more times before the
18 trial started?

19 A Unh-unh.

20 Q Okay. There were several statements given by
21 codefendants and other witnesses that were used against
22 you. Did you ever have an opportunity to review those
23 prior to going to trial?

24 A No, sir.

25 Q Okay. And you knew the codefendants, obviously?

1 A Right.

2 Q Okay. So you never had a chance to review those and
3 see if there was anything you could help Mr. Schnee look
4 at?

5 A No, sir.

6 Q Okay. What about some of the evidence that was
7 presented at trial?

8 A I never seen them until the trial.

9 Q Okay. What did you and Mr. Schnee develop as your
10 defense?

11 A I mean, I -- I didn't -- he never -- I was never
12 developed nothing no -- for no -- for no defense, you know.
13 He did all the defense hisself.

14 Q Okay. Well, what did you think was going to happen?

15 A I mean, I was just striving to help myself all in the
16 same time. But he -- he was doing it.

17 Q Okay. Were you able to -- to help Mr. Schnee at all?

18 A How? He did everything hisself.

19 Q Okay. Was -- was he talking to you during the trial?

20 A He came, like -- like I say -- it really wasn't no
21 talking. You understand what I'm saying? Because him --
22 whatever him and the judge had going on, I -- I couldn't
23 even get a word in with him. You know what I'm saying?

24 Q Well, could you tell there was something going on
25 between ---

1 A Yeah. I could tell it was going on. Because he even
2 told the judge that -- after he asked the judge to get me
3 recused [sic] off the case, he asked -- and judge denied,
4 he said he want to be relieved from this case.

5 Q Okay. So he asked to not be your lawyer anymore?

6 A Right.

7 Q Okay. You didn't know he was going to do that?

8 A No.

9 Q Okay. Did you ever give him any information or
10 anything that you wanted him to investigate?

11 A How ---

12 Q Before y'all got to trial?

13 A No. I -- I never had a chance to. Because if he do
14 come see me, he's only be, like, five -- like, ten/fifteen
15 minutes at the most.

16 Q Okay. Mr. Isaac, I've asked you all the questions
17 that I have for you. Is there anything that the judge
18 needs to be aware of about Mr. Schnee's representation of
19 you? Anything that I've left out?

20 A Nah. This is me. I feel like he didn't do his -- his
21 job in the proper manner. Like, he didn't help me as far
22 as I believe that he could.

23 Q Okay. Please answer any questions Ms. Kinard has.

24 A Okay.

25 THE COURT: All right.

CROSS-EXAMINATION

BY MS. KINARD:

Q You wanted him to help you more by doing what?

A Helping me understand -- you know, preparing me more for this trial.

Q So you don't -- you disagree with his testimony that he met with you and y'all reviewed discovery? That didn't happen?

A I never seen no discovery.

Q And you don't believe -- or you disagree with his testimony that y'all discussed defenses together?

A I never -- I never discussed a defense with him.

Q Okay. So basically, you -- you wish he had communicated with you more? Is that ---

A Right.

Q --- a fair statement?

A (Nodded head up and down.)

Q Okay. Did you know the charges you were facing when you went to trial?

A Yeah, I knew the charges.

Q Okay. And you knew what kind of time they carried?

A Yeah. Because ---

Q And you ---

A --- that's ---

Q I'm sorry.

1 A That's all he kept saying, what -- what the -- how
2 much time it carry.

3 Q Okay. And you realize what was happening in the jury
4 trial?

5 A Not really, you know. Not really.

6 Q Okay. Is it accurate that you confessed in this case?
7 Did you provide a confession?

8 A Right.

9 Q And what did it state?

10 A (No audible response.)

11 Q That you were there?

12 A Yeah. I was there.

13 Q Okay. And Mr. Schnee talked to you about how you'd
14 have to deal with that confession?

15 A No.

16 Q You didn't talk about how you have to handle that
17 confession at trial?

18 A (Shook head from side to side.)

19 Q Can you answer verbally, please?

20 A No, ma'am.

21 Q Thank you. Did you talk to him about whether you'd
22 have to testify at trial?

23 A No.

24 Q Okay. And as your attorney mentioned, you could tell
25 there was something -- there was a problem between Mr.

1 Schnee and the judge?

2 A Right.

3 Q And were you there the whole time that first day in
4 July when these issues arose?

5 A Yes, ma'am.

6 Q And so you were aware that Mr. Schnee had to get a
7 ruling from the judge and then had to appeal that to the
8 Supreme Court?

9 A Yeah. They -- that what they was saying in court.

10 Q Okay. So you're aware that -- that he -- he made this
11 motion that the judge deemed controversial. Do you think
12 that's a fair assessment?

13 A Can you say that one more time?

14 Q Do you think that the judge thought the motion Mr.
15 Schnee filed on your behalf was problematic?

16 A I mean, he denied it off -- he denied it. That's all
17 I know. He denied it.

18 Q And then Mr. Schnee appealed that on your behalf?

19 A He appealed it.

20 Q Okay. And then he took you back to trial?

21 A (Nodded head up and down.)

22 Q So he did a fair amount of work for you; is that fair
23 to state?

24 A No.

25 Q Okay. All right. I have no further questions. Thank

1 you.

2 THE COURT: Mr. Waller?

3 MR. WALLER: Nothing further, Your Honor.

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

5 THE BAILIFF: Watch your step.

6 (Whereupon, the witness exited the witness stand.)

7 MR. WALLER: Nothing further from the applicant at
8 this time, Your Honor.

9 MS. KINARD: The state doesn't have any witnesses,
10 Your Honor.

11 THE COURT: Okay. All right. I don't require closing
12 arguments. But if anybody wants to state anything for the
13 record in closing this out, I'll be glad to hear it.
14 Otherwise, we'll move on.

15 MR. WALLER: I -- I don't have anything, Your Honor.

16 THE COURT: Okay.

17 MR. WALLER: Thank you.

18 THE COURT: Thank you.

19 MS. KINARD: Nothing from the state, Your Honor.

20 | Thank you.

21 THE COURT: Thank you. All right. I'll have to look
22 at this. This is an extensive file here. So I'll try to
23 get a decision as soon as possible.

24 (Whereupon, the proceeding was concluded at 3:52 p.m.)

25 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED MARYANN S. NEVERS, CERTIFIED
VERBATIM REPORTER - MASTER, CERTIFICATE OF MERIT,
OFFICIAL COURT REPORTER FOR THE EIGHTH JUDICIAL
CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND
COMPLETE TRANSCRIPT OF RECORD IN THE HEARING OF THE
CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT
COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 31ST
DAY OF AUGUST, 2017.

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



MARYANN S. NEVERS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

MAY 31, 2018

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
 OF THE FIFTH JUDICIAL CIRCUIT

Greg K. Isaac,
 S.C.D.C. No. 331813,

Case No.: 2016-CP-40-1064

Applicant,

ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.

RICHLAND COUNTY
 FILED
 2019 MAR -7 PM 4:17
 JEANETTE W. MCGRIDE
 C.C.P. & G.S.

This matter is before this Court by way of an application for post-conviction relief filed February 20, 2016. The State made its return on October 28, 2016. A hearing into the matter was convened at the Richland County Courthouse on August 31, 2017. Applicant was present and represented by Jonathan D. Waller, Esquire. The State was represented by Assistant Attorney General Jessica E. Kinard.

Applicant called his trial counsel, Mark Schnee, Esquire, as a witness and also testified on his own behalf. In addition, this Court had before it the pleadings for both parties, the transcript of Applicant's trial, the Clerk of Court's records of the subject convictions, and the Applicant's records from the Department of Corrections.

PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court's orders of commitment. The Richland County Grand Jury indicted the Applicant at the May 2012 term for murder (2012-GS-40-2435), attempted armed robbery (2012-GS-40-2438), and burglary first degree (2012-GS-40-2437). Mark Schnee,

Esquire, represented Applicant.

On July 8, 2013, Applicant asserted he was immune to prosecution under § 16-11-410 to -450 of the South Carolina Code. The Honorable Clifton B. Newman conducted a hearing and denied immunity to Applicant based on the evidence presented. Applicant's counsel filed notice to immediately appeal Judge Newman's ruling on July 9, 2013, to the South Carolina Supreme Court. The Supreme Court, by order issued July 9, 2013, held the trial judge was divested of jurisdiction in the instant matter, and the circuit court proceedings ceased. (App. Case. No. 2013-001464). On August 21, 2013, the Supreme Court dismissed the interlocutory appeal. State v. Isaac, 405 S.C. 177, 747 S.E.2d 677 (2013).

On September 30, 2013, Applicant was tried before the Judge Newman and a jury. The jury convicted Applicant on all three counts. Judge Newman sentenced Applicant to life imprisonment without the possibility of parole for murder and concurrent terms of twenty years' imprisonment on the other charges.

Applicant appealed his convictions and the appeal was perfected by David Alexander, Esquire. (App. Case No.: 2013-002168). The South Carolina Court of Appeals affirmed Applicant's convictions and dismissed his appeal. State v. Isaac, Op. No. 2015-UP-337 (S.C. Ct. App. filed July 8, 2015). The Remittitur was issued on September 28, 2015.

ALLEGATIONS

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons (quoted verbatim):

1. Ineffective assistance of counsel.
 - a. "My attorney not responding to my letters I write."
 - b. "My attorney not properly preparing me for trial."
2. Conflict of interest

- a. "The conflict between the judge and my attorney in trial."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony presented at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

In this post-conviction relief action, Applicant bears the burden of proving the allegations in her application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of trial counsel as a ground for relief, Applicant must prove trial counsel's "conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether trial counsel provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The Court strongly presumes trial counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove trial counsel's performance was deficient. Id. Under this prong, the Court measures trial counsel's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, trial counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

This Court will now address each allegation of ineffective assistance of counsel:

Counsel failed to prepare/communicate with Applicant

Applicant alleged counsel did not meet with Applicant sufficiently or otherwise communicate with him. Applicant also alleges counsel failed to adequately prepare for trial. Counsel testified he met with Applicant for the first time shortly after counsel was appointed to represent Applicant. Counsel testified he thought it was probably the day after he was appointed when Applicant was transported to court for a bond hearing. PCR Tr. pp. 6-7. He recalled he received discovery quickly. He met with Applicant and discussed the charges and possible defenses. There was a seven-year gap between the time of the shooting and when Applicant and his co-defendants were arrested and charged with the murder. Counsel testified in his view, the evidence tying Applicant to the crime was minimal: his fingerprint was found on a lamp in the apartment where the shooting occurred and Applicant confessed to shooting the victim. PCR Tr. pp. 7-8. Counsel testified the State only offered life imprisonment so trial was inevitable. PCR Tr. p. 8.

Counsel testified he spoke with Applicant about the forensic evidence, the facts of the

case, and available defenses. They also spoke about the confession, how it was obtained, and the possibility of arguing it was coerced. PCR Tr. p. 9. Counsel explained Applicant told him that the co-defendant, Tavares World, forced him to participate. Counsel said that was all they had as a defense. PCR Tr. p. 9, lines 19-22. Because the confession was minimal, Counsel felt he could pursue a duress-type defense. PCR Tr. pp. 9-10; pp. 20-21. He also pursued a stand-your-ground immunity hearing before the trial court. Trial counsel explained he pursued the hearing because it gave Applicant "two bites" at a trial. The hearing was unsuccessful, but counsel appealed and made his argument before the Supreme Court, which was also unsuccessful. PCR Tr. pp. 10-12. The case was remanded for Applicant's jury trial. Counsel testified he had adequate time to prepare for trial. PCR Tr. p. 25.

Applicant alleges they only spoke about defenses once and he never saw discovery. On cross-examination, he claims they never discussed defenses. PCR Tr. p. 39.

Some testimony was directed towards the fact that counsel stipulated to the admission of the confession. Counsel testified that he felt it would come in anyway and he used it in furtherance of Applicant's self-defense and duress claims. PCR Tr. pp. 20-22.

This Court finds Applicant's claim is without merit. Applicant's claims that he never discussed defenses with counsel and never saw discovery are simply not credible. This Court finds Counsel credible on this point and finds Counsel met with Applicant, explained the charges and defenses, and Applicant understood these discussions. This Court finds Counsel was prepared for trial and his performance did not fall below professional norms. Further, this Court finds Applicant failed to show prejudice from the alleged deficiencies of counsel. Applicant failed to show what benefits would have accrued from further preparation or show how his

supposed lack of understanding of the State's evidence prevented him from pursuing other defenses. Davis v. State, 326 S.C. 283, 288 (1997) (finding circuit court erred in granting relief on claim counsel was unprepared for trial at the time of the plea because PCR applicant failed to show what additional benefits would accrue from further investigation). Applicant was able to testify in his own defense and make claims of duress and self-defense. Although duress is not a defense to murder, the trial court charged duress for the other charges. The trial court also charged self-defense. Applicant has failed to meet his burden of proof. This Court denies these allegations.

Conflict of interest/Trial court bias

According to trial counsel, the trial court was frustrated with counsel when counsel sought to appeal the stand your ground hearing and stay trial proceedings. According to trial counsel, the trial court threatened his license. Counsel claimed the trial court's bias against him continued during trial and the trial court was determined to ensure Applicant was convicted. Counsel claimed this chilled his performance. At the onset of trial, counsel moved for the trial court to recuse itself, which was denied. Applicant raises a claim of conflict of interest, apparently a reference between the conflict between counsel and the trial court during Applicant's jury trial.

"In order to establish a violation of the Sixth Amendment, a defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809 (1984). The Applicant must show that his attorney actually owed duties to a party whose interests were adverse to the Applicant. Id.; Thomas v. State, 346 S.C. 140, 551 S.E.2d 254 (2001).

This Court finds counsel never owed a duty to any other party but Applicant and the record shows counsel continued to diligently represent his client during trial. This aspect of the claim is denied. As to the issue of recusal, that is a direct appeal issue that is not proper for post-conviction relief. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). The trial court disputed counsel's allegations of bias during the motion for recusal. Tr. pp. 10-16. At the PCR hearing, counsel claimed the trial court told him he did not have standing to make the recusal motion. PCR Tr. p. 15. However, that was not the basis of the trial court's denial. Counsel further complained about an adverse ruling on what he felt was hearsay testimony. Counsel's interpretation was that the hearsay testimony the trial court allowed the testimony over his objection because counsel did not object to prior hearsay testimony he felt was not harmful. Counsel felt that was not a sufficient reason to allow the testimony. PCR Tr. pp. 22-23. However, this Court believes the record reveals the trial court actually made the comment because he was examining whether counsel opened the door to the testimony during his cross-examination and the basis of the objection was not counsel's failure to make an earlier objection. Tr. pp. 228-32. This Court understands counsel was frustrated with the result at trial, but finds Applicant received a fair trial from an unbiased trial court. This Court notes a number of the trial court's rulings went in Applicant's favor. This Court does not find counsel's testimony credible on his claims of trial court bias. This Court finds Applicant was facing insurmountable evidence of guilt, but also received effective assistance of counsel. This Application is denied.

CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant the PCR

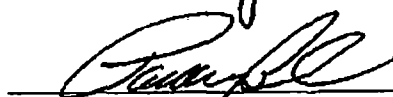
application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. This Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 18th day of February, 2019.


PAUL M. BURCH
Presiding Judge
Fifth Judicial Circuit

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Paul M. Burch, Circuit Court Judge

2016-CP-40-1064

Greg Isaac, #331813,

Appellant,

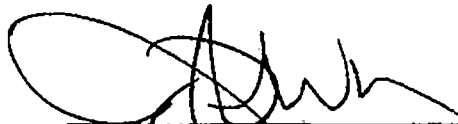
v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Greg Isaac, #331813, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed March 7, 2019, issued by the Honorable Paul M. Burch, Presiding Judge, Fifth Judicial Circuit.



Jonathan D. Waller
Waller Law Group
SC Bar No.: 76290
1116 Blanding Street
Suite 2B
Columbia, SC 29201
803-520-7278 (phone)
jonathan@wallergroupsc.com
ATTORNEY FOR PETITIONER

March 21, 2019

Other Counsel of Record:
Lindsey A. McCallister, Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3319

RECEIVED
RICHLAND COUNTY
FILED
2019 MAR 25 AM 11:40
JEANE L. G. MORTON

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Paul M. Burch, Circuit Court Judge

2016-CP-40-1064

Greg Isaac, # 331813,

Appellant,

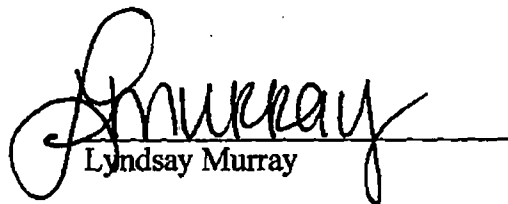
v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Appellant's Notice of Appeal in the above-entitled case has been served upon opposing counsel, Lindsey A. McCallister, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this day, to her office located at P.O. Box 11549, Columbia, SC 29211.


Lyndsay Murray

March 22, 2019

WITNESSES

(S) David Wilson - Richland County
Sheriff

Crane

ARREST WARRANT NUMBER

J634174

ACTION OF GRAND JURY

TRUE BILL

Margaret A. Dickman
Foreperson of Grand Jury
Date: MAY 10 2012

VERDICT

GUILTY

974
MICHAEL J. JAMES
Foreperson of Petit Jury
Date: OCT 27 2012

DOCKET NO. 2012GS4002435

The State of South Carolina

County of

Richland

42

COURT OF GENERAL SESSIONS

MAY TERM 2012

**THE STATE
vs.**

Greg Kentrell Isaac

**Indictment for
MURDER**

**SC Code: 16-03-0010
CDR Code: 0116**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

**CERTIFIED TRUE COPY
OF ORIGINAL FILE**
Jaeetta Williams
C.C.C.P&G.S.
**RICHLAND COUNTY
SOUTH CAROLINA**

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on MAY 9, 2012, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Greg Kentrell Isaac did in Richland County, on or about October 27,
2005, willfully, feloniously, and intentionally kill the victim, Antonio Corbitt,
with malice aforethought, either express or implied, by means of gunshot
wound, and the victim did die as a proximate result thereof, in Richland
County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as
amended.

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichland

AKA: Greg vs. Kentrell Isaac
 Race: B Sex: M Age: 28
 DOB: SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Hopkins SC 29209
 DL# X SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Murder

In violation of 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
 (CSC w/minor 1st or Lowd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 13009 [Signature] 74886
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
 of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____
 \$14-1-206 (Assessments 107.5%) \$ _____
 \$14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____
 \$14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
 \$56-5-2995 (DUI Assessment) \$12 \$ _____
 \$56-1-286 (DUI Breath Test) \$25 \$ _____
 \$47.12 (Public Def/Prob) \$500 \$ _____
 \$14-1-212 (Law Enforce. Funding) \$25 \$ _____
 \$14-1-213 (Drug Court Surcharge) \$100 \$ _____
 \$50-21-114 (BUI Breath Test Fee) \$50 \$ _____
 \$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 \$90.7 (SCCJA Surcharge) \$5 \$ _____
 3% to County (if paid in installments) \$ _____
 TOTAL \$ _____

Clerk of Court/Deputy Clerk
 Court Reporter: Jeanette McBride B
C. Holmes

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012 -GS- 40 - 2435 ✓

A/W#: J634174
 Date of Offense: October 27, 2005
 S.C. Code §: 16-03-0010
 CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____
 Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ Beginning
 \$ _____ to Public Defender Fund

CERTIFIED TRUE COPY
OF ORIGINAL FILED,

Other: Jeanette McBride

C.C.C.P.&G.S.

RICHLAND COUNTY

SOUTH CAROLINA

☐ Appointed _____
 \$47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge [Signature]
 Judge Code: 2127
 Sentence Date OCT 2, 2013

WITNESSES

(S) David Wilson - Richland County
Sheriff

Crane

ARREST WARRANT NUMBER

J634176

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

MAY 10 2012

VERDICT

GUILTY

MICHAEL CALVIA

Foreperson of Petit Jury

Date: Oct 2, 2013

DOCKET NO. 2012GS4002437

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE

vs.

Greg Kentrell Isaac

Indictment for
BURGLARY 1ST DEGREE

SC Code: 16-11-0311

CDR Code: 0079

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. P&S AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jennette W. McBride
C.C.C.P&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

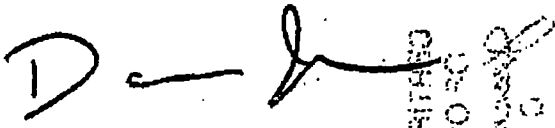
INDICTMENT

At a Court of General Sessions, convened on MAY 9, 2012, the
Grand Jurors of Richland County present upon their oath:

BURGLARY, 1ST DEGREE

That Greg Kentrell Isaac did in Richland County on or about October 27, 2005, enter the dwelling of Antonio Corbitt, without consent and with the intent to commit a crime therein and while effecting entry or while in the dwelling or in immediate flight therefrom, the defendant was armed with a deadly weapon, and/or used or threaten the use of a dangerous instrument, and/or displayed a knife and/or firearm or caused physical injury to a non-participant of the crime in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

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


DAN JOHNSON, SOLICITOR

RECEIVED
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA
MAY 10 2012

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichlandGreg K. Isaac vs.AKA:
Race: B Sex: M Age: 25
DOB: SS#
Address: [REDACTED]
City, State, Zip: Hopkins SC 29209
DL# SID#*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO:

In violation of Burglary 1st 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Law C. [Signature]
Solicitor13001
SC Bar #

Defendant

[Signature]
Attorney for Defendant74866
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	_____
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$47.12 (Public Def/Prob)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$
\$14-1-213 (Drug Court Surcharge)	\$100	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
\$90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Other: _____

Jeannette W. McBride
C.C.C.P.&G.S.RICHLAND COUNTY
SOUTH CAROLINA☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.Clerk of Court/Deputy Clerk
Court Reporter: Jeannette McBride
C. HolmesPresiding Judge C. WeirJudge Code: 2127Sentence Date OCT 2, 2008

WITNESSES

(S) David Wilson - Richland County
Sheriff

Crope

ARREST WARRANT NUMBER

J634177

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

MAY 10 2012

VERDICT

GUILTY

FOREPERSON OF PETIT JURY

Foreperson of Petit Jury

Date: OCT 2, 2013

DOCKET NO. 2012GS4002438

The State of South Carolina

County of

Richland

42

COURT OF GENERAL SESSIONS

MAY TERM 2012

**THE STATE
vs.**

Greg Kentrell Isaac

Indictment for
ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330(B)

CDR Code: 0026

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

**CERTIFIED TRUE COPY
OF ORIGINAL FILED,
JANETTA W. WILSON,
C.C.C.P&G.S.,
RICHLAND COUNTY
SOUTH CAROLINA**

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

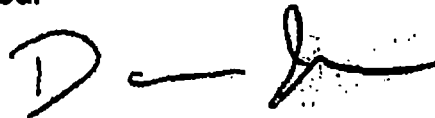
INDICTMENT

At a Court of General Sessions, convened on MAY 9, 2012, the
Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Greg Kentrell Isaac did, along with co-defendants in Richland County on or about October 27, 2005, attempt to commit robbery by feloniously attempting to take from the person or presence of Antonio Corbitt by means of force or intimidation goods or monies of Antonio Corbitt, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, in violation of Section 16-11-0330(B), S. C. Code of Laws, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichland

AKA:

Race: B Sex: M Age: 25DOB: SS# [REDACTED]

Address:

City, State, Zip: Hopkins SC 29209DL# SID#*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Attempted Armed RobberyIn violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 12609 [Signature] 74866
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	_____
\$14-1-206 (Assessments 107.5%)	\$	_____
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$47.12 (Public Def/Prob)	\$500	\$
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\$90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	_____

Clerk of Court/Deputy Clerk
Court Reporter:Jeanette McBride
C. Holmes

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012 GS 40 - 2432AW#: J634177Date of Offense: October 27, 2005S.C. Code §: 16-11-0330(B)CDR Code #: 0026

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSObtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning
Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ Beginning
\$ _____Other: CERTIFIED TRUE COPY
OF ORIGINAL FILEDJeanette W McBride
C.C.C.P&G.S.RICHLAND COUNTY
SOUTH CAROLINA☐ Appointed Probation Officer, \$47.12 requires \$500 be paid to Clerk during probation.Presiding Judge C. Neund
Judge Code: 2127
Sentence Date OCT 2, 2012