

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSEPH LEONARD BROWN,

APPELLANT

APPELLATE CASE NO 2018-001770

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STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NUMBERS 2016-GS-07-01101
2016-GS-07-01113, 2016-GS-07-01114

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

JOSEPH LEONARD BROWN

DEFENDANT

SEPTEMBER 17, 18, 19, 2018

TRANSCRIPT OF TRIAL

BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

BEFORE

HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M

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NO DEFENDANT EXHIBITS.

1 BEGINNING 11:21 A.M.

2 BY THE COURT:

3 BAILIFF: All jurors are present, your Honor.

4 THE COURT: Thank you. All right. Ms. Smith, if you'll
5 call your case, please.

6 SOLICITOR SMITH: We have the indictments from right here.

7 THE COURT: I'm sorry.

8 SOLICITOR SMITH: The State calls the case of Joseph
9 Brown, Indictment 2016-GS-07-1113 for murder; 2016-GS-07-1101
10 for attempted murder; 2016-GS-07-1114 for possession of a
11 weapon during the commission of a violent crime.

12 THE COURT: Thank you. All right, ladies and gentlemen,
13 as you've just heard, we are about to begin the case of the
14 State of South Carolina versus Joseph Leonard Brown, who's
15 charged by the Bill of Indictment by the Grand Jury of Beaufort
16 County with the offenses of murder, attempted murder, and
17 possession of a weapon during the commission of a violent
18 crime.

19 Ladies and gentlemen, to begin with, I am going to ask the
20 State to represent -- or I'm sorry -- to introduce themselves
21 to you and who is sitting at counsel table or with them in
22 front of the Bar.

23 If you would, Ms. Smith.

24 SOLICITOR SMITH: Sure. My name's Kimberly Smith. I'm
25 assistant solicitor here in Beaufort County. Seated with me is

1 Mary Jones, who is also an assistant solicitor and will be
2 prosecuting this case as well. And Angela Crumpton from the
3 Beaufort County Sheriff's Office.

4 THE COURT: Thank you. Ms. Campbell, if you'd introduce
5 yourself and your client as well, please.

6 MS. CAMPBELL: Thank you, your Honor. Good morning. My
7 name is Trasi Campbell. I am a public defender here in the
8 Fourteenth Judicial Circuit, which is -- covers all five
9 counties here in the Lowcountry. I happen to be with you today
10 here in Beaufort.

11 Want to stand up for me.

12 This is my client, Joseph Brown.

13 Did you want any other information?

14 THE COURT: That's all right, Ms. Campbell. I appreciate
15 it.

16 MS. CAMPBELL: Okay. Thank you.

17 THE COURT: Thank you both. You may be seated.

18 Ladies and gentlemen, I'm required to ask you a number of
19 questions. As before, if there is a question you need to
20 respond to, ladies and gentlemen, under the oath you took,
21 simply stand. And in this case, I just want you to give me
22 your number, your juror number on the back of your badge. I
23 don't want you to give me your last name; just your number.
24 Okay? And I may ask you to repeat it a couple times so
25 everyone can hear it. Okay? And then, you can respond to the

1 question.

2 To begin with, ladies and gentlemen, is any member of the
3 jury panel related by blood or connected by marriage with the
4 defendant in this case, Mr. Joseph Leonard Brown? If so,
5 please stand.

6 Is there any member of the jury panel who is a close
7 personal friend or share a special relationship or a business
8 relationship with the defendant in this case, Joseph Leonard
9 Brown? If so, please stand.

10 Ladies and gentlemen, you have been introduced to the
11 attorneys trying this case, and also Ms. Boland, who is here on
12 behalf of the State.

13 And I'm sorry, I know you have a new name. I apologize.

14 MASTER SERGEANT ANGELA CRUMPTON: Crumpton.

15 THE COURT: Crumpton? Very good.

16 All right, ladies and gentlemen, my next question is, is
17 any member of the jury panel related by blood, connected by
18 marriage, or a close personal friend, or share a special
19 relationship with, first, the attorneys. It's either Ms.
20 Kimberly Smith, Ms. Mary Jones, or Trasi Campbell, or also
21 anyone else that's involved in this case, including Angela
22 Boland Crumpton, at this point? If so, please stand.

23 I apologize. And this is Mary Jones. I apologize.
24 Everyone's gotten married so many times, and they always change
25 their names. Either that, or I'm having a very senior moment.

1 Thank you, Ms. Jones.

2 So, again, is anyone, again, related, close personal
3 friends, know anyone of these attorneys trying this case? Ever
4 been prosecuted by or defended by them or worked for any of
5 their offices? If so, please stand.

6 Ladies and gentlemen, the following is a list of
7 potential, and I emphasize potential, witnesses in this case.
8 The question is going to be: are you related by blood,
9 connected by marriage, a close personal friend, or have a
10 special relationship with any of these witnesses such that you
11 would give their testimony more weight or credence than you
12 would another person's testimony because you know them? All
13 right? And if any of these people are here in this courtroom,
14 I'm going to ask that you stand and face the panel as well.

15 They made me a new list, Ms. Jones. Now, why did I call
16 you Concannon. What was the first name on the list? I knew
17 you had struck out and changed the one I had.

18 SOLICITOR JONES: Cheryl Hansen.

19 THE COURT: Cheryl Hansen, and is she with Beaufort County
20 Dispatch?

21 SOLICITOR JONES: She is.

22 THE COURT: Dave Fiocco, who was formerly with the
23 Beaufort County Sheriff's Office. James Prusinowski -- or
24 Prusinowski, I'm sorry, with Beaufort County Sheriff's Office.
25 Ryan Garst, with the Beaufort County Sheriff's Office. Blake

1 Johnson, formerly with the Beaufort County Sheriff's Office.

2 Brandon Disbrow with the Beaufort County Sheriff's Office. Ben

3 Squires, formerly with the Beaufort County Sheriff's Office.

4 Caleb or Calib Watts, with the Beaufort County Sheriff's

5 Office. Derek Nelson, formerly with the Beaufort County

6 Sheriff's Office. Andrew Rice, formerly with the Beaufort

7 County Sheriff's Office. Adam Zsamar, with the Beaufort County

8 Sheriff's Office. Jen Snider, with the Beaufort County

9 Sheriff's Office. Adam Dreisen, with the Beaufort County

10 Sheriff's Office.

11 Cornillus LaVan, with the Beaufort County Sheriff's

12 Office. Angie Boland Crumpton, with the Beaufort County

13 Sheriff's Office. Todd Duncan, with the Beaufort County

14 Sheriff's Office. Tim French, with the Beaufort County

15 Sheriff's Office. Jennifer Nate, with SLED. Suzann Cromer,

16 with SLED. Dr. Erin Presnell, with the Medical University of

17 South Carolina.

18 Gregory Black, of Sheldon, South Carolina. Denise Brown,

19 formerly of Sheldon, South Carolina. Kimberly Black of

20 Hampton, Virginia. Mandy Palmer, with the Beaufort Memorial

21 Hospital. Dr. Ashley Doscher, of Beaufort Memorial Hospital.

22 Dr. Leland Stoddard, of Beaufort Memorial Hospital.

23 Essie Scott of Seabrook, South Carolina. Ralph Scott of

24 Seabrook, South Carolina. Raynard Scott, of Seabrook, South

25 Carolina. Renetta Johnson, of Columbia, South Carolina.

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VOIR DIRE

1 Cynthia Thompson -- or excuse me -- Cynthia Thomas, of Sheldon,
2 South Carolina. Samuel Black, of Columbia, South Carolina.
3 David Black, of Columbia, South Carolina. Gregory Black, Jr.,
4 of Sheldon, South Carolina. [REDACTED], formerly of
5 Sheldon, South Carolina. And Sith Patel, with Hopeful
6 Horizons.

7 Ma'am, if you would, stand. I need just your number.
8 That is it. All right?

9 JUROR NUMBER 179: 179.

10 THE COURT: Yes, ma'am. Who do you know?

11 JUROR NUMBER 179: Cornelius LaVan. He's my supervisor's
12 husband. I don't know if that matters, but.

13 THE COURT: Ms. -- okay. I'm sorry. Ms. LaVan?

14 JUROR NUMBER 179: Um-hmm. From school.

15 THE COURT: Okay. Ma'am, I need to know whether or not
16 you can be fair and impartial in the trial of this case.

17 JUROR NUMBER 179: Yes.

18 THE COURT: Are you comfortable with that?

19 JUROR NUMBER 179: Um-hmm.

20 THE COURT: Okay. I mean, you said that she is your -- or
21 he is your supervisor's husband. Where do you work?

22 JUROR NUMBER 179: Shanklin Elementary.

23 THE COURT: What do you do there?

24 JUROR NUMBER 179: I'm the bookkeeper.

25 THE COURT: The bookkeeper. Okay. Thank you. I

1 appreciate it.

2 All right. I'm going to go to you, ma'am. Your juror
3 number?

4 JUROR NUMBER 203: 203.

5 THE COURT: And who do you know?

6 JUROR NUMBER 203: Ashley Doscher, Beaufort Memorial.

7 THE COURT: And how do you know --

8 JUROR NUMBER 203: We work out together.

9 THE COURT: You work out together? All right.

10 Ma'am, can you be fair and impartial in the trial of this
11 case?

12 JUROR NUMBER 203: Yes.

13 THE COURT: And have you discussed it at all in any way,
14 any potential testimony?

15 JUROR NUMBER 203: I'm sorry?

16 THE COURT: Have you discussed any potential testimony and
17 have no idea that --

18 JUROR NUMBER 203: No, I didn't.

19 THE COURT: Okay. All right, ma'am, you may be seated.
20 Sir?

21 JUROR NUMBER 220: Number 220.

22 THE COURT: Yes.

23 JUROR NUMBER 220: I know Mr. French.

24 THE COURT: How do you know Mr. French?

25 JUROR NUMBER 220: Just personal friend.

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VOIR DIRE

1 THE COURT: Okay. Then you obviously know what he does.
2 That's a yes, for the record?

3 JUROR NUMBER 220: Yes, that's right.

4 THE COURT: I need to know whether or not you can be fair
5 and impartial in the trial of this case.

6 JUROR NUMBER 220: I believe so.

7 THE COURT: Okay. I need you to be absolutely sure.

8 JUROR NUMBER 220: Yes, I can.

9 THE COURT: Give me your number again.

10 JUROR NUMBER 220: 220.

11 THE COURT: Number 220. Okay. You may be seated.

12 Sir?

13 JUROR NUMBER 396: 396.

14 THE COURT: Yes.

15 JUROR NUMBER 396: Sith Patel, her and her husband -- my
16 wife used to work at Hope Haven, actually, with kids.

17 THE COURT: Okay.

18 JUROR NUMBER 396: She stopped about two years ago. So.

19 THE COURT: Okay. She was a counselor?

20 JUROR NUMBER 396: Yes, ma'am.

21 THE COURT: All right. Sir, can you be fair and impartial
22 in the trial of this case?

23 JUROR NUMBER 396: Yeah. I mean, the only thing I have,
24 is if this has anything with kids being abused, I -- I don't
25 think I would, because I know the work those women do at

1 that --

2 THE COURT: Okay. This case is an allegation of murder,
3 attempted murder, and possession of a weapon during a violent
4 crime. So it doesn't have anything to do with it.

5 JUROR NUMBER 396: Good.

6 THE COURT: I just want to make sure that you're
7 comfortable.

8 JUROR NUMBER 396: Yes.

9 THE COURT: You are? Okay. Thank you, sir. And you're
10 Number 396, correct?

11 JUROR NUMBER 396: Yes.

12 THE COURT: Okay. Ma'am?

13 JUROR NUMBER 150: Juror 150.

14 THE COURT: Yes.

15 JUROR NUMBER 150: I know Dr. Stoddard just from, you
16 know, his practice.

17 THE COURT: Okay. Have you been a patient or?

18 JUROR NUMBER 150: Yes.

19 THE COURT: Okay. Can you be fair and impartial in the
20 trial of this case?

21 JUROR NUMBER 150: Yes.

22 THE COURT: Thank you. You may be seated.

23 JUROR NUMBER 26: Dr. Stoddard. I work at Beaufort
24 Memorial.

25 THE COURT: You work at Beaufort Memorial. What do you do

1 there?

2 JUROR NUMBER 26: I'm a nurse in the emergency room.

3 THE COURT: Okay. Can you be fair and impartial in the
4 trial of this case?

5 JUROR NUMBER 26: Yes.

6 THE COURT: Okay. Thank you, may. Anyone else? Okay.

7 Ladies and gentlemen, is any member of the jury panel
8 related by blood or marriage to, or a very close friend of, any
9 member of law enforcement? If so, please stand.

10 So does anyone have a spouse or maybe a child or children
11 who work for law enforcement? If so, please stand.

12 Sir, give me your name and juror number.

13 JUROR NUMBER 201: My name?

14 THE COURT: No. Just your juror number.

15 JUROR NUMBER 201: 201.

16 THE COURT: Thank you.

17 JUROR NUMBER 201: My brother-in-law is Lieutenant Colonel
18 Baxley.

19 THE COURT: Okay. All right. Can you be fair and
20 impartial in the trial of this case?

21 JUROR NUMBER 201: Yes.

22 THE COURT: And have you ever worked in law enforcement?

23 JUROR NUMBER 201: No.

24 THE COURT: Okay. Thank you, sir. You may be seated.

25 Ladies and gentlemen, I'm going to open up this question a

1 little bit more as well. I want to make sure, or if you
2 yourself have worked in law enforcement in any way, and it
3 could include military 25 or 30 years ago. I want to know that
4 as well. Okay?

5 Sir, give me your name and juror number.

6 JUROR NUMBER 351: Juror 351.

7 THE COURT: Okay. Yes, sir?

8 JUROR NUMBER 351: I'm former law enforcement in the state
9 of Georgia, and I still have multiple trainings there. Still
10 currently law enforcement.

11 THE COURT: How long were you in law enforcement?

12 JUROR NUMBER 351: I was in for three years.

13 THE COURT: What did you do?

14 JUROR NUMBER 351: I worked in the jail.

15 THE COURT: Okay. All right. Thank you, sir. You may be
16 seated.

17 JUROR NUMBER 116: 116.

18 THE COURT: Yes.

19 JUROR NUMBER 116: I'm chief of security down in Hilton
20 Head. I have several friends that are law enforcement. I
21 mean, way too many to mention.

22 THE COURT: Okay. Sir, where are you the chief?

23 JUROR NUMBER 116: Ocean One next to Holiday Inn.

24 THE COURT: Okay. Thank you, sir. I appreciate it. Do
25 you know any law enforcement officers that I called in this

1 case?

2 JUROR NUMBER 116: No, ma'am.

3 THE COURT: Okay. Thank you, sir. You may be seated.

4 Yes, ma'am.

5 JUROR NUMBER 169: I used to work for the Florida
6 Department of Corrections, but I work in Human Resources.

7 THE COURT: Okay. Very good. Give me your number again.

8 JUROR NUMBER 169: 169.

9 THE COURT: I appreciate that. And yes, that's exactly
10 the kind of information I need. So thank you.

11 Anyone else?

12 Is there any member of the jury panel that is employed by,
13 related or blood -- or related by blood or marriage to, or a
14 close personal friend with anyone that is employed by the
15 Attorney General's Office, the Solicitor Office, or any
16 prosecuting attorney's office? If so, please stand.

17 Ladies and gentlemen, is there any member of the jury
18 panel who is a member of or contributor to any group which has
19 as its primary concern the promotion of law enforcement or
20 victims' rights. And these groups would include, but not be
21 limited to, such groups as CAPA or CAVE or CADRA or MADD or
22 SADD or any of the child advocacy centers? If so, please
23 stand.

24 Yes, ma'am, again. That's okay.

25 JUROR NUMBER 150: 150.

1 THE COURT: Yes.

2 JUROR NUMBER 150: We donate to the Sheriff's Association.

3 THE COURT: Okay. Financially, when they call? Is that

4 --

5 JUROR NUMBER 150: Yes.

6 THE COURT: Very good. Thank you. You may be seated.

7 Anyone else?

8 Ladies and gentlemen, I asked you about the long list of
9 names of persons who are potential witnesses in this case. I
10 want to make sure that even if you aren't a close personal
11 friend of related by blood or marriage, that you don't have any
12 business relations with them in any way. Again, I gave you a
13 long list of witnesses. Was there everyone that heard a name
14 on that list that maybe they do business with or that their
15 business is dependent upon that person? If so, please stand.

16 Ladies and gentlemen, has any member on this panel ever
17 been a witness in a criminal trial? If so, please stand.

18 Yes, ma'am.

19 JUROR NUMBER 368: 368. My car had been hit. I had
20 witnessed it, and -- and they took off. And because it's a
21 serious crime, we -- we went to court.

22 THE COURT: Okay. And you testified in that case?

23 JUROR NUMBER 368: Yes.

24 THE COURT: All right. Anything about that experience
25 that would affect your ability to be fair and impartial in the

1 trial of this case?

2 JUROR NUMBER 368: I felt I was in it; I was the one that
3 committed the crime, tell you the truth. That's how I felt.

4 THE COURT: Okay. Well, I appreciate that, and I can
5 appreciate that. Do you feel comfortable sitting in the trial
6 of this case as a potential juror?

7 JUROR NUMBER 368: I don't know how involved this is going
8 to be, blood and guts and all of that, and I don't know.

9 THE COURT: Okay. And you're Number 368. Is that
10 correct?

11 JUROR NUMBER 368: Yep.

12 THE COURT: Okay. Sit tight.

13 Ladies and gentlemen, this allegation is such that it
14 occurred back on June 5th of 2016, at [REDACTED] Big Estate Circle in
15 Sheldon, South Carolina, where it is alleged the defendant did
16 shoot the victim in this case. I apologize. What is Ronnie's
17 last name? Someone help me out here. I'm not seeing it
18 anywhere?

19 SOLICITOR JONES: Black.

20 THE COURT: Ronnie Black, and also Gregory. Is it Gregory
21 Black as well?

22 SOLICITOR JONES: Yes, your Honor.

23 THE COURT: And Gregory Black. Ladies and gentlemen, does
24 anyone know anything about this case or have any independent
25 information in regard to this case? I can tell you it hasn't

1 been in the newspaper. It may have been when it first
2 occurred. But again, does anyone have any inside information,
3 or maybe something you would have heard on the street, or maybe
4 if you lived in Sheldon you would have heard about it? If so,
5 please stand.

6 Ladies and gentlemen, has any member of the jury panel
7 ever been a volunteer for the Beaufort County Sheriff's Office
8 or the Bluffton Police Department or any other law enforcement
9 agency?

10 And has anyone else here attended the Citizens' Police
11 Academy that's given by the Beaufort County Sheriff's Office
12 here in Beaufort County? If so, please stand.

13 Ladies and gentlemen, does any member of the jury panel or
14 any member of your immediate family have any kind of business
15 or personal relationship with the Beaufort County Sheriff's
16 Office? If so, please stand.

17 Yes, ma'am. And I -- you're Number 150?

18 JUROR NUMBER 150: Yes.

19 THE COURT: Yes.

20 JUROR NUMBER 150: My husband knows Sheriff P.J. Tanner.

21 THE COURT: Okay. And do you know the nature of their
22 relationship or --

23 JUROR NUMBER 150: My husband served on our Community
24 Safety and Service Volunteer Organization.

25 THE COURT: Okay.

1 JUROR NUMBER 150: And so, he met the sheriff through
2 that.

3 THE COURT: Okay. All right, ma'am, thank you. You may
4 be seated.

5 Has any member of the jury panel ever read stories from
6 the Fourteen Circuit Solicitor's website or Facebook page or
7 any other social media platforms? If so, please stand.

8 Ladies and gentlemen, has any member of the jury panel
9 posted on the Internet, either on Facebook or other websites or
10 blogs, opinions about crime and punishment? If so, please
11 stand.

12 Ladies and gentlemen, has any member of the jury panel,
13 either themselves or any member of their immediate family ever
14 been a victim of a violent crime? If so, please stand.

15 Sir, I'm going to start with you. Again, your number?

16 JUROR NUMBER 201: 201.

17 THE COURT: Yes, sir.

18 JUROR NUMBER 201: My son was murdered back in 2005.

19 THE COURT: All right. Where was that, sir?

20 JUROR NUMBER 201: Here in Beaufort County.

21 THE COURT: Sir, you understand the allegations in this
22 case, also?

23 JUROR NUMBER 201: Yes, ma'am.

24 THE COURT: Do you feel comfortable sitting?

25 JUROR NUMBER 201: Really, no.

1 THE COURT: I'm going to excuse you from the trial of this
2 case, but I am going to ask you, sir, to stay with us. There
3 is the next case that's coming up that may or may not be
4 appropriate for you to sit on. I just need to find out what
5 it's about. But I'm going to excuse you from the trial of this
6 case. You don't need to answer anymore of my questions in
7 regard to this case. Okay? And I'll determine whether or not
8 you can sit on the next one we pull. Okay?

9 JUROR NUMBER 201: Thank you.

10 THE COURT: Thank you, sir. You may be seated.

11 Yes, ma'am.

12 JUROR NUMBER 19: I'm Number 19. About a decade ago, I
13 was robbed at gunpoint.

14 THE COURT: How long ago?

15 JUROR NUMBER 19: About a decade ago.

16 THE COURT: A decade ago. Where was that?

17 JUROR NUMBER 19: In Early Branch, South Carolina.

18 THE COURT: Okay. Can you be fair and impartial in the
19 trial of this case, understanding that one has nothing to do
20 with the other?

21 NO VERBAL ANSWER FROM JUROR NUMBER 19:

22 THE COURT: All right. I appreciate that. And you may be
23 seated.

24 THE COURT: Yes, ma'am.

25 JUROR NUMBER 369: Juror 369.

1 THE COURT: Yes, ma'am.

2 JUROR NUMBER 369: My husband was the victim of a drunk
3 driver and is an amputee.

4 THE COURT: Okay. How long ago was that, ma'am?

5 JUROR NUMBER 369: Four years ago.

6 THE COURT: All right. Ma'am, do you feel comfortable and
7 can you be fair and impartial in the trial of this case?

8 JUROR NUMBER 369: Yes, ma'am.

9 THE COURT: Thank you. Please be seated.

10 JUROR NUMBER 344: 344.

11 THE COURT: Yes.

12 JUROR NUMBER 344: I had a brother that was murdered 15
13 years ago, and a nephew ten years ago.

14 THE COURT: Okay. Was that here in Beaufort County?

15 JUROR NUMBER 344: No.

16 THE COURT: Where were they?

17 JUROR NUMBER 344: Well, my nephew and my brother.

18 THE COURT: Okay. Do you feel comfortable sitting as a
19 juror?

20 JUROR NUMBER 344: No.

21 THE COURT: I understand that. I'm going to go ahead and
22 excuse you from the trial of the case. Just like I told this
23 gentleman, sit tight, and if I can make you subject to the next
24 one, I will, but we're going to excuse you. That's Number 344
25 is excused.

1 Yes, ma'am.

2 JUROR NUMBER 219:

3 THE COURT: Yes.

4 JUROR NUMBER 219: About 15 years ago, I was robbed at an
5 ATM machine at gunpoint.

6 THE COURT: Do you feel comfortable sitting as a juror in
7 the trial of this case?

8 JUROR NUMBER 219: Yes, ma'am.

9 THE COURT: Thank you. You may be seated.

10 Sir.

11 JUROR NUMBER 98: I don't know if this counts, but I'm a
12 victim of domestic violence.

13 THE COURT: It does count, sir.

14 JUROR NUMBER 98: Okay.

15 THE COURT: Do you feel comfortable sitting and listening
16 to this case?

17 JUROR NUMBER 98: Yes.

18 THE COURT: Thank you, sir. You may be seated. Give me
19 your number once more.

20 JUROR NUMBER 98: 98.

21 THE COURT: Thank you, sir.

22 All right, sir.

23 JUROR NUMBER 116: 116. My fiancé was the victim of a
24 violent sexual assault.

25 THE COURT: Okay. Sir, do you feel comfortable sitting in

1 this case?

2 JUROR NUMBER 116: Yes. Yes, ma'am.

3 THE COURT: Thank you. All right.

4 Ladies and gentlemen, you understand the allegations in
5 this case. They are murder, attempted murder, and possession
6 of a weapon during the commission of a violent crime. Ladies
7 and gentlemen, based on the nature of those charges, does
8 someone feel that they cannot sit and be fair and impartial in
9 the trial of this case? If so, please stand.

10 From the State, Ms. Smith, can I see you? All you all can
11 come on up.

12 OFF-THE-RECORD BENCH CONFERENCE, OUT
13 OF HEARING OF JURORS. PRESENT: THE
14 COURT, MS. SMITH, MS. JONES, MS. CAMPBELL.
15 END BENCH CONFERENCE.

16 THE COURT: Ladies and gentlemen, does anyone know of any
17 reason whatsoever that you cannot give the State of South
18 Carolina and the defendant, Mr. Brown, a fair and impartial
19 trial in this matter?

20 And ladies and gentlemen, I will tell you, I just reviewed
21 some of the photos that are in this case. Obviously, the State
22 needs to prove their case, and some of these are put into
23 evidence. But we do as best a job as we can not to have them
24 be graphic in nature. I know I had one juror that said they
25 were concerned slightly about what the nature of photographs

1 would be. I need to know if anyone just has a real heightened
2 sensitivity that absolutely cannot look at any blood or
3 anything along those lines. Understanding that this is a
4 murder case, so obviously, someone is deceased. And so, there
5 will be some photos, and if you're just a person that cannot
6 tolerate seeing something like that, I need to know that. And
7 it sounds like that might be you. Is that correct?

8 JUROR NUMBER 263: I was just getting ready to say.

9 THE COURT: Okay. And that's okay. Give me your number
10 again?

11 JUROR NUMBER 263: 263.

12 THE COURT: All right. I'm going to excuse you from the
13 trial of this case, but again, I'm going to ask you to sit
14 tight, because Judge Sprouse will be out here.

15 Anyone else? Ladies and gentlemen -- yes, please.

16 JUROR NUMBER 369: Juror 369 with a question.

17 THE COURT: Yes, ma'am.

18 JUROR NUMBER 369: I'm just concerned that the victim is a
19 child.

20 THE COURT: The victim is not a child in this case.

21 JUROR NUMBER 369: Thank you.

22 THE COURT: Okay? So again, there are no allegations with
23 anything with children. So these are obviously -- okay. So
24 are you comfortable? Again, I just want to make sure that
25 everyone is okay. I appreciate that.

1 Anyone else?

2 Yes, ma'am. And give me your number again.

3 JUROR NUMBER 179: 179.

4 THE COURT: Yes.

5 JUROR NUMBER 179: My husband is from Sheldon, and I --
6 we've lived there -- well, I've lived there 18 years. Now, I
7 didn't know a lot of people, but he does. He went to school up
8 there. Is there any way if I would know if they know me?

9 THE COURT: Well, I don't know. There is no way. They
10 obviously should only know you by number on this, so they
11 shouldn't know you.

12 JUROR NUMBER 179: Oh.

13 THE COURT: I will say this, though, if you get chosen as
14 a juror in the trial of this case, I'm going to order you not
15 to speak about the case, and that includes with your husband.
16 So you shouldn't be able to find out if any -- you know, if he
17 were to know anybody. Again, it wouldn't be appropriate. I
18 told you the address that I had was [REDACTED] Big Estate Circle where
19 this allegedly happened. Is that anywhere near you?

20 JUROR NUMBER 179: I don't know. We stayed on Johnson
21 Road.

22 BAILIFF: Stand up, please, ma'am.

23 THE COURT: Okay.

24 JUROR NUMBER 179: We stayed on Johnson Road.

25 THE COURT: Okay. So I don't know how close that is, but

1 I just wanted to make sure, again, it's not anywhere close. So
2 I feel comfortable, again, but I will order you, as I said, not
3 to discuss this case with anyone.

4 Do you need to --

5 MS. CAMPBELL: May we approach, please.

6 THE COURT: Please, come approach, please.

7 OFF-THE-RECORD BENCH CONFERENCE, OUT

8 OF HEARING OF JURORS. PRESENT: THE

9 COURT, MS. SMITH, MS. JONES, MS.

10 CAMPBELL.

11 END BENCH CONFERENCE.

12 THE COURT: Ladies and gentlemen, we do have some members
13 of families from both sides in this case that are here in the
14 courtroom. I want to make sure no one here recognizes anyone
15 that they are familiar with or friends with that might be in
16 this courtroom. Does anyone?

17 Yes, sir. Give me your number.

18 JUROR NUMBER 98: Number 98.

19 THE COURT: Yes, sir.

20 JUROR NUMBER 98: I recognize the gentleman behind you.

21 THE COURT: The gentleman behind you? Okay. Okay. How
22 do you know him?

23 JUROR NUMBER 98: From martial arts.

24 THE COURT: From martial arts. Okay. All right, sir.

25 Again, you can be fair and impartial? Is that correct?

1 JUROR NUMBER 98: Yes, ma'am.

2 THE COURT: All right. Thank you. And again, I want to
3 make sure no one in here recognizes anyone else, even just as a
4 general acquaintance.

5 JUROR NUMBER 26: 26.

6 THE COURT: You're Number 26? Who do you possibly
7 recognize? There is someone over there that looks familiar to
8 you?

9 JUROR NUMBER 26: Yeah.

10 THE COURT: Okay. Thank you. All right.

11 Yes, ma'am. What's your number?

12 JUROR NUMBER 186: I'm sorry. 186.

13 THE COURT: Number 186. Okay.

14 JUROR NUMBER 186: Mary Jordan.

15 THE COURT: Okay. In the courtroom that works for the
16 Solicitor's Office.

17 JUROR NUMBER 186: Yes.

18 THE COURT: Okay. How do you know Mary Jordan?

19 JUROR NUMBER 186: Acquaintance.

20 THE COURT: Okay. All right. Thank you. You may be
21 seated.

22 Ladies and gentlemen, I want to make sure that no one
23 here, as a potential juror, has spoken with anyone else as a --
24 that might be with one of these families in this case, or even
25 someone who had indicated a wave or recognized them in some

1 way, shape, or form. You need to understand, ladies and
2 gentlemen, that this has to be fair and impartial. That's the
3 whole idea behind the jury trial system. You can't know these
4 people. You cannot have favored one way or the other. That's
5 why I've asked repeatedly whether or not you can be fair and
6 impartial in the trial of this case, both to the State of South
7 Carolina and to the defendant in this case.

8 Do I have anyone who has any concerns?

9 Yes, sir. What number are you?

10 JUROR NUMBER 279: 279.

11 THE COURT: 275?

12 JUROR NUMBER 279: 279.

13 THE COURT: 279. Who do you know, sir?

14 JUROR NUMBER 279: I know that gentleman here.

15 THE COURT: Okay. You know that gentleman?

16 JUROR NUMBER 279: Yes, ma'am.

17 THE COURT: All right. And how do you know him?

18 JUROR NUMBER 279: Though business.

19 THE COURT: Though business.

20 JUROR NUMBER 279: I work with him on the same job.

21 THE COURT: Okay. Okay. Do I need to see the attorneys
22 again?

23 MS. CAMPBELL: Sure.

24 THE COURT: Come here for a second.

25 OFF-THE-RECORD BENCH CONFERENCE, OUT

1 OF HEARING OF JURORS. PRESENT: THE
2 COURT, MS. SMITH, MS. JONES, MS.
3 CAMPBELL.
4 END BENCH CONFERENCE.

5 THE COURT: All right. Sir, Number 279, I am going to
6 excuse you from the trial of this case. All right? Just keep
7 your seat. Don't go anywhere. Just sit down.

8 Anyone else?

9 Again, ladies and gentlemen, lastly, does anyone know of
10 any reason whatsoever that you cannot be fair and impartial in
11 the trial of this case?

12 After this, what is going to happen is, your names are all
13 going to be placed into a random list; your name is going to be
14 called; you are going to stand in place; and each side has an
15 opportunity to exercise certain strikes. If they both accept
16 you as a juror, you are going to be a juror in the trial of my
17 case. So, at that point, you cannot say no, I don't want to be
18 here or I know somebody, because you will be chosen as a juror.
19 I want to make sure everyone has disclosed what is necessary.
20 Does anyone else need anything or need to speak with me in
21 regards to jury service? All right. Very good.

22 We'll go ahead, ladies and gentlemen -- how long is it
23 going to take?

24 MADAM CLERK: What are the strikes, Judge?

25 THE COURT: The strikes are five and ten.

1 MADAM CLERK: Five and ten. Two alternates?

2 THE COURT: Two alternates, yes.

3 MADAM CLERK: Okay.

4 THE COURT: All right. And again, ladies and gentlemen,
5 unless anyone needs a break, I'd love to just keep going, and
6 we'll go ahead and sit this jury. Okay? You will take a break
7 before Scott Sprouse comes in, but again, we're right on time,
8 ladies and gentlemen, to get you out of here by 1:00 o'clock.
9 So we're doing well. Okay?

10 And again, I want to remind you, when we do this process,
11 when we have this list, you're simply going to stand in place.
12 You don't do or say or do anything. Both sides are given an
13 opportunity to, you know, please seat the juror or please
14 excuse the juror. If both sides have accepted you, you're
15 going to take a seat over in the jury box. All right? So, if
16 not, you're going to sit down back in place. If someone
17 excuses you, you sit in your place and just sit tight until the
18 process plays out. Okay?

19 JURY SELECTION:

20 MADAM CLERK: Juror Number 380, would you please stand?

21 BAILIFF: 380?

22 MADAM CLERK: What says the State?

23 SOLICITOR SMITH: Please seat the juror.

24 MADAM CLERK: What says the Defense?

25 MS. CAMPBELL: Please swear the juror.

9-17-18 STATE V BROWN

JURY SELECTION

1 MADAM CLERK: Juror Number 93. What says the State?
2 SOLICITOR SMITH: Please seat this juror.
3 MADAM CLERK: What says the Defense?
4 MS. CAMPBELL: Please excuse the juror from this trial.
5 BAILIFF: You may sit down, sir.
6 MADAM CLERK: Juror Number 253. What says the State?
7 SOLICITOR SMITH: Please seat this juror.
8 MADAM CLERK: What says the Defense?
9 MS. CAMPBELL: Please excuse the juror.
10 BAILIFF: Sit down, sir.
11 MADAM CLERK: Juror Number 103: What says the State?
12 SOLICITOR SMITH: Please seat this juror.
13 MADAM CLERK: What says the Defense?
14 MS. CAMPBELL: Please excuse the juror.
15 BAILIFF: Please sit down.
16 MADAM CLERK: Juror Number 36. What says the State?
17 SOLICITOR SMITH: Please seat this juror.
18 MADAM CLERK: What says the Defense?
19 MS. CAMPBELL: Please swear the juror.
20 BAILIFF: Come forward, sir.
21 MADAM CLERK: Juror Number 118. What says the State?
22 SOLICITOR SMITH: Please excuse this juror.
23 BAILIFF: You may sit down, sir.
24 MADAM CLERK: Juror Number 400. What says the State?
25 SOLICITOR SMITH: Please seat this juror.

9-17-18 STATE V BROWN

JURY SELECTION

1 MADAM CLERK: What says the Defense?

2 MS. CAMPBELL: Please swear the juror.

3 BAILIFF: Come forward, please, ma'am.

4 MADAM CLERK: Juror Number 326. What says the State?

5 SOLICITOR SMITH: Please seat this juror.

6 MADAM CLERK: What says the Defense?

7 MS. CAMPBELL: Please swear the juror.

8 BAILIFF: Come forward, please, ma'am.

9 MADAM CLERK: Juror Number 325. What says the State?

10 SOLICITOR SMITH: Please seat this juror.

11 MADAM CLERK: What says the Defense?

12 MS. CAMPBELL: Please excuse the juror.

13 BAILIFF: Please sit down.

14 MADAM CLERK: Juror Number 323. What says the State?

15 SOLICITOR SMITH: Please seat this juror.

16 MADAM CLERK: What says the Defense?

17 MS. CAMPBELL: Please excuse the juror.

18 BAILIFF: Please sit down, ma'am.

19 MADAM CLERK: Juror Number 298. What says the State?

20 SOLICITOR SMITH: Please seat the juror.

21 MS. CAMPBELL: Please seat the juror.

22 BAILIFF: Come forward, please. s

23 MADAM CLERK: Juror Number 62. What says the State?

24 SOLICITOR SMITH: Please seat this juror.

25 MADAM CLERK: What says the Defense?

9-17-18 STATE V BROWN

JURY SELECTION

1 MS. CAMPBELL: Please swear the juror.
2 BAILIFF: Come forward, please, ma'am.
3 MADAM CLERK: Juror Number 167. What says the State?
4 SOLICITOR SMITH: Please seat this juror.
5 MADAM CLERK: What says the Defense?
6 MS. CAMPBELL: Please seat the juror.
7 BAILIFF: Come forward, please.
8 MADAM CLERK: Juror Number 26. What says the State?
9 SOLICITOR SMITH: Please seat this juror.
10 MADAM CLERK: What says the Defense?
11 MS. CAMPBELL: Please excuse the juror.
12 MADAM CLERK: Juror Number 219. What says the State?
13 SOLICITOR SMITH: Please seat the juror.
14 MADAM CLERK: What says the Defense?
15 MS. CAMPBELL: Please swear -- swear the juror.
16 BAILIFF: Come forward, please, ma'am.
17 MADAM CLERK: Juror Number 116. What says the State?
18 SOLICITOR SMITH: Please seat this juror.
19 MADAM CLERK: What says the Defense?
20 MS. CAMPBELL: Please excuse the juror.
21 BAILIFF: Sit down, sir.
22 MADAM CLERK: Juror Number 197. What says the State?
23 SOLICITOR SMITH: Please seat this juror.
24 MADAM CLERK: What says the Defense?
25 MS. CAMPBELL: Please seat the juror.

9-17-18 STATE V BROWN

JURY SELECTION

1 BAILIFF: Come forward, please.

2 MADAM CLERK: Juror Number 235. What says the State?

3 SOLICITOR SMITH: Please seat this juror.

4 MADAM CLERK: What says the Defense?

5 MS. CAMPBELL: Please seat the juror.

6 BAILIFF: Come forward, please, ma'am.

7 MADAM CLERK: Juror Number 369. What says the State?

8 SOLICITOR SMITH: I've got 269.

9 MADAM CLERK: 369.

10 SOLICITOR SMITH: Please seat this juror.

11 MADAM CLERK: What says the Defense?

12 MS. CAMPBELL: Please excuse the juror.

13 BAILIFF: You can sit down, ma'am.

14 MADAM CLERK: Juror Number 111. What says the State?

15 SOLICITOR SMITH: Please seat this juror.

16 MADAM CLERK: What says the Defense?

17 MS. CAMPBELL: Please seat the juror.

18 BAILIFF: Come forward, sir.

19 MADAM CLERK: Juror Number 179. What says the State?

20 SOLICITOR SMITH: Please excuse this juror.

21 BAILIFF: You may sit down.

22 MADAM CLERK: Juror Number 162. What says the State?

23 SOLICITOR SMITH: Please seat this juror.

24 MADAM CLERK: What says the Defense?

25 MS. CAMPBELL: Please swear the juror.

9-17-18 STATE V BROWN

JURY SELECTION

1 BAILIFF: Come forward, please, ma'am.

2 MADAM CLERK: Selecting the first alternate. Juror Number
3 228. What says the State?

4 SOLICITOR SMITH: Please seat this juror.

5 MADAM CLERK: What says the Defense?

6 MS. CAMPBELL: Please swear the juror.

7 BAILIFF: Come forward, sir.

8 MADAM CLERK: Second Alternate. Juror Number 364. What
9 says the State?

10 SOLICITOR SMITH: Please seat this juror.

11 MADAM CLERK: What says the Defense?

12 MS. CAMPBELL: Please excuse this juror.

13 BAILIFF: You may sit down.

14 MADAM CLERK: Juror Number 269.

15 BAILIFF: 269.

16 MADAM CLERK: What says the State?

17 SOLICITOR SMITH: Please seat this juror.

18 MADAM CLERK: What says the Defense?

19 MS. CAMPBELL: Please swear the juror.

20 BAILIFF: Come forward, please, ma'am.

21 THE COURT: Are there any matters of law we need to take
22 up regarding the jury selection process from the State?

23 SOLICITOR SMITH: None from the State.

24 THE COURT: From the Defense?

25 MS. CAMPBELL: Yes, your Honor.

9-17-18 STATE V BROWN

JURY SELECTION

1 THE COURT: All right.

2 MS. CAMPBELL: I'm going to need about five minutes with
3 my client, and then we can proceed.

4 THE COURT: Absolutely. Okay. All right.

5 Ladies and gentlemen, we are going to have to take a
6 short, brief recess. Those of you that are in the gallery, I'm
7 going to excuse you back to the jury assembly room.

8 Ladies and gentlemen, I know you've heard a little bit
9 about this case, but don't discuss this case in any way with
10 each other or anyone else. And I'll be right back with you
11 very shortly. Okay?

12 So, again, I'm going to excuse you back to the jury
13 assembly room.

14 JURORS NOT CHOSEN LEAVE COURTROOM 12:08 P.M.

15 THE COURT: All right. Ladies and gentlemen, I am going
16 to send you back to the jury room right now for just a few
17 moments. I need to instruct you, do not discuss this case with
18 each other or anyone else. Go back, get a cup of coffee,
19 ladies and gentlemen. I'm going to bring you right back out
20 here, and we'll figure out where we're going from here. But
21 again, do not discuss this case. All right? They going to
22 take you back to your jury room.

23 JURORS LEAVE COURTROOM 12:08 P.M.

24 BAILIFF: Jury's clear and all the doors are closed, your
25 Honor.

9-17-18 STATE V BROWN

BATSON HEARING

1 THE COURT: We want to take five minutes, you all?

2 MS. CAMPBELL: Yes. Thank you, your Honor.

3 THE COURT: Absolutely. We're going to take at least five
4 minutes. Okay?

5 OFF THE RECORD 12:09 P.M.

6 BACK ON THE RECORD 12:25 P.M.

7 BATSON HEARING:

8 THE COURT: All right, Ms. Campbell?

9 MS. CAMPBELL: May it please the Court, your Honor. After
10 consulting with my client, in reference to Juror 179, who was
11 the black person that the State of South Carolina struck, we
12 would require a *Batson* hearing --

13 THE COURT: Okay.

14 MS. CAMPBELL: -- on that matter at this time. Thank you.

15 THE COURT: Thank you. That was Ms. Lawrence. Okay?

16 SOLICITOR SMITH: Yes, ma'am. We struck Juror 179 because
17 she lived in Sheldon. We were worried that possibly -- she
18 lived in Sheldon.

19 THE COURT: Okay.

20 SOLICITOR SMITH: Where this occurred. We questioned her
21 about it. She said she didn't know -- she didn't know if her
22 husband might know somebody, and we were worried once we went
23 to the facts of the case, witnesses got up there, that she
24 might know something about it.

25 THE COURT: Okay. All right. Well, I find that's a race-

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BY THE COURT

1 neutral reason for striking her.

2 Anything else, Ms. Campbell?

3 MS. CAMPBELL: No, ma'am.

4 THE COURT: Okay. All right. So what I intend on doing,
5 Ms. Campbell -- I'm sorry.

6 MS. CAMPBELL: No, that's all right.

7 THE COURT: I just want to make sure you -- I'm going to
8 bring the jury back out here, this jury. I'm just going to
9 instruct them and send them home for the day. Tomorrow
10 morning, with this jury, take off is what I think is best, and
11 hopefully, we'll be able to take up and get everything done
12 that we need to get done.

13 Anything else that we're going to need with our jury for
14 tomorrow, Ms. Campbell, from you?

15 MS. CAMPBELL: Not that I'm aware of.

16 THE COURT: Okay. Okay. All right. Well, let's bring
17 our jury back in. Hold off the panel until I've excused them
18 for the day, and we'll go from there. Okay? Okay.

19 BY THE COURT:

20 BAILIFF: The jury is entering the courtroom, your Honor.

21 THE COURT: Thank you.

22 JURORS ENTER COURTROOM 12:29 P.M.

23 BAILIFF: The jury is seated, your Honor.

24 THE COURT: All right. Thank you. Well, ladies and
25 gentlemen, I want to welcome you. As you know, you are my jury

1 for the trial of this first case that we're going to begin
2 tomorrow morning. I need to give you just a few ground rules
3 before we start, and I am going to excuse you for the remainder
4 of the afternoon, to begin this trial for you all tomorrow
5 morning.

6 There are a number of matters the lawyers and I are going
7 to take up this afternoon, but we do that in an effort to
8 streamline the case so we can get in front of you most
9 efficiently. All right?

10 To begin with, ladies and gentlemen, you could not come
11 into the courtroom or the courthouse today with your cell
12 phones, as I'm sure you saw the notice and they sent you back.
13 The same holds true if you are a juror. And the reason why is,
14 a smart phone, you can get so much information off of it. I
15 don't want anyone to be tempted in any way, so we ask you to
16 leave it back in your car.

17 What I need you to do is this. If you are worried about
18 anyone, family member or children, reaching you urgently while
19 you are here, you are to give them the phone number to the
20 clerk of court's office and call up and say you are a juror in
21 my case, and give me your name, and I assure you, I will get
22 you immediately.

23 Additionally, while you're a juror, if you need to use a
24 phone, ladies and gentlemen, just ask the bailiffs, and they
25 will take you to a phone. The only thing I have to warn people

1 nowadays, like probably many of you, I don't know anyone's
2 phone number anymore, because it's all in my phone. So, if you
3 think there might be some people you need to call while you're
4 here using just an old dial-up phone, take their phone number
5 with you so you have it. Okay?

6 Ladies and gentlemen, I expect to run with this trial
7 roughly between 10:00 and 5:00 o'clock. Some days may be
8 shorter. It could be a little bit later, and I will ask you
9 before we do that. And I will also tell you, if you need to
10 use a phone to call someone and tell them you're running late
11 or something along those lines, it really is up to you.

12 I can tell you that when I talk to friends that serve on
13 jury duty, probably the number one thing they say is it's very
14 difficult to sit there all day and listen, because you're not
15 allowed to ask questions; you just have to sit and absorb all
16 the information; you're in a tough spot. We take breaks,
17 ladies and gentlemen, I'll tell you that right now. If, at any
18 point, as the jury in the trial, you need a break for any
19 reason whatsoever, just waive your hand. We will take a break.
20 All right?

21 Additionally, ladies and gentlemen, you are not to discuss
22 this case with anyone, and that includes each other, your
23 spouses, your friends. The only thing when you go home this
24 afternoon is you're permitted to say is that you've been chosen
25 as a juror in the trial of a criminal case. You cannot say the

1 charges, the people involved, or the lawyers involved. You
2 can't say who the potential officers or potential witnesses may
3 be. The reason is this. Somebody's going to try to tell you
4 something about something when they know nothing about this
5 case. You're going to have everything you need to decide this
6 case right here in this courtroom, and it would be highly
7 inappropriate for you to be influenced by any outside source.

8 And to that same end, ladies and gentlemen, you are to do
9 no independent research in this case. Again, you will have
10 everything you need right here.

11 I will also tell you that the lawyers, the parties, any
12 family members that have been in the courtroom, everybody's
13 been instructed as we come and go from the courthouse over the
14 next few days, they are not to approach you, talk to you, or
15 come near you. And again, the reason is this, an innocent
16 conversation outside, it looks like it's going to rain out, is
17 going to be reported back.

18 Plus, I'll go ahead and tell you right now, there are
19 cameras all over this courthouse and all over the parking lot.
20 They are reviewed. You make sure that no one speaks to you and
21 that you don't speak to anyone in regards to this case. So
22 again, I don't want you to be unduly influenced. That's why we
23 tell you not to speak with anyone about it.

24 Additionally, I don't think there's anything in the
25 newspaper or on the news or radio about this case, but again,

1 if you happen to open up the paper tomorrow morning and there's
2 anything about this case, ladies and gentlemen, you are not to
3 read it. You are to go past it. And I need to remind you,
4 ladies and gentlemen, factually, the newspaper is not correct.
5 It rarely is. And again, I wouldn't want you to get any bad
6 information. You will have everything you need in the
7 courtroom. Again, that's what you're to base your decision on.

8 Ladies and gentlemen, I also ask that you be on time
9 tomorrow. I can't start until all 14 of you are here. So, if
10 for any reason you fall ill or have a problem, or a child to
11 get sick over the nighttime, ladies and gentlemen, or in
12 between any of our breaks, call into the clerk of court's
13 office; tell me, because we're going to be out looking for you.

14 Also, if anyone has any transportation issues, we will
15 carry you here and home, if necessary.

16 Ladies and gentlemen, please understand, again, we cannot
17 try this case without you. You are going to resolve this
18 matter for us, and we appreciate you being here, but please
19 also recognize that you are the most important people in this
20 courtroom. All right?

21 So, with that said, I'm going to excuse you back to your
22 jury room. The bailiffs are going to tell you where you report
23 tomorrow. I will say, ladies and gentlemen, their sole job
24 here is to take care of you. If you need anything, simply ask
25 them. I will tell you that every courthouse in the state has

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1 bailiffs. I go to every courthouse in the state, but I can
2 tell you we have the best bailiffs throughout the state, no
3 question. They're entertaining, fun, helpful, and their job is
4 to take care of you. And again, we really do have wonderful
5 people with us, so we're grateful. If you need anything,
6 simply ask them, and they will guide you to whatever you need
7 or they'll bring it to me. Okay?

8 You all are excused. 10:00 a.m. tomorrow morning in your
9 jury room, we'll go ahead and begin the trial. Okay?

10 BAILIFF: Follow me.

11 JURORS LEAVE COURTROOM 12:35 P.M.

12 BAILIFF: Jury's clear, your Honor.

13 THE COURT: Thank you, Rick.

14 All right, what I would like to do is go ahead, if it's
15 okay with you all, Trasi, if this works for you, let's take
16 about an hour, maybe 'til 1:30-ish, 1:35 or so. Hopefully,
17 Judge Sprouse will have picked his jury by then, and we can
18 come right back here and we can go ahead and keep going in this
19 courtroom this afternoon.

20 Let's see if we can get Mr. Brown fed.

21 You all, I need to make sure -- you need to take him in
22 the side door and not the back door, because we're allowing so
23 many lawyers to go back here as well, we just need to kind of
24 keep things separated, if that's all right with you. So let's
25 just make sure. Obviously, we can't have the jury seeing him,

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BY THE COURT

1 you know, in any kind of cuffs or anything like that. We need
2 to make sure he goes in the side door. Okay?

3 Anything else from anyone? You all are good? All right.
4 Well, we'll go ahead and we'll be back tomorrow at 10:00 a.m.
5 Obviously, the lawyers for our motions, we're going to be back
6 in an hour, roughly. Again, if you're running a little late,
7 don't worry about it.

8 OFF-THE-RECORD DISCUSSION BETWEEN
9 JUDGE AND BAILIFFS.

10 THE COURT: All right, so we need to -- we're going to go
11 ahead, obviously, and take a break. Keep the jury out. We're
12 going to need to bring him back. And okay, Judge Sprouse wants
13 to go ahead and pull a jury right now. Okay? So the juries
14 can come on out. So we'll be at ease. Okay.

15 Let's give him until 2:00. Gentlemen, you all have until
16 2:00 for his case.

17 JAIL PERSONNEL: Okay.

18 THE COURT: And hopefully, that'll be a little bit of
19 time. I'm sorry.

20 SOLICITOR SMITH: Judge, if I could address something real
21 quick.

22 THE COURT: Yes.

23 SOLICITOR SMITH: I know we've got to do the *Castle*
24 *Doctrine* first --

25 THE COURT: Okay.

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PRETRIAL HEARING

1 SOLICITOR SMITH: -- but you filed a motion for
2 sequestration. I don't want to go out of order, because we may
3 have to hear that first, but we've got -- or potentially got
4 witnesses in the courtroom, so.

5 THE COURT: Okay.

6 COURT REPORTER: I'm sorry. Quiet please.

7 MS. CAMPBELL: Let's just have them --

8 SOLICITOR SMITH: Okay.

9 THE COURT: Okay. Is that okay?

10 SOLICITOR SMITH: And we'll keep the case officer in here
11 if that's okay.

12 THE COURT: Okay. We'll just take that first.

13 SOLICITOR SMITH: Okay.

14 THE COURT: I appreciate it.

15 OFF THE RECORD 12:37 P.M.

16 BACK ON THE RECORD 2:05 P.M.

17 PRETRIAL HEARING:

18 BY THE COURT:

19 SOLICITOR SMITH: Judge, just housekeeping purposes, Greg
20 Black is the victim of the attempted murder. I would ask that
21 he be allowed to stay in the courtroom.

22 THE COURT: Okay. Mr. Black. Thank you, sir. Just so I
23 know exactly who's here. I appreciate it.

24 We're going to go ahead -- is there something you'd like
25 to take care of first, or?

1 SOLICITOR JONES: We have the photographs, your Honor.

2 THE COURT: Let's take up the photographs.

3 SOLICITOR JONES: Your Honor, Ms. Campbell went through
4 all the photographs the State intends to admit. Okay with all
5 of them, except for this stack right here.

6 THE COURT: Okay.

7 SOLICITOR JONES: And for Madam Court Reporter, it's
8 State's 39, 40, 41, and 42 I will pass up to your Honor.

9 THE COURT: That she objects to?

10 SOLICITOR JONES: She objects to these.

11 THE COURT: I need to see the ones that she doesn't object
12 to, to know --

13 SOLICITOR JONES: None of them are of that.

14 THE COURT: Okay.

15 SOLICITOR JONES: The rest of the photos are crime scene
16 photos, and those are autopsy photos of Mr. Ronnie Black.

17 THE COURT: Okay. And what is the State trying to share
18 with these?

19 SOLICITOR JONES: Your Honor, the State took these
20 injuries -- what happened this night was Mr. Ronnie Black was
21 shot four times. He was also hit in the head with the revolver
22 that Mr. Brown shot him with.

23 THE COURT: Okay.

24 SOLICITOR JONES: The revolver was actually broken. One
25 of the officers described it as catastrophically broken. It

1 was unable to -- it was not in working order. You couldn't
2 fire it after this.

3 THE COURT: Okay. So --

4 SOLICITOR JONES: Mr. --

5 THE COURT: Go ahead.

6 SOLICITOR JONES: I'm sorry. Mr. Brown says that he hit
7 Mr. Ronnie Brown one time with the gun. The State would just
8 use those photographs to argue that in no way, shape, or form
9 under any scenario could those four separate injuries have been
10 caused by one blow to the head with the gun.

11 THE COURT: Okay.

12 SOLICITOR JONES: And I do have -- I'm sure your Honor's
13 very familiar with the *Bentley Collins* case, the dog -- the dog
14 attack case. We have copies if your Honor would like that.
15 They are duplicative. I do understand that. And the State
16 would like to admit one or two of those that show the injuries
17 the clearest.

18 THE COURT: Okay. Well, why don't you choose -- why don't
19 you go ahead and choose one of these, and -- or if you can show
20 me the two are separate enough that --

21 SOLICITOR JONES: Okay.

22 THE COURT: -- distinguish enough, I can consider that.

23 SOLICITOR JONES: Okay.

24 THE COURT: But we definitely do not need all four, so.

25 So he was shot four times, all with the same weapon,

1 correct?

2 SOLICITOR JONES: Correct.

3 THE COURT: Okay. And then, what I'm seeing from there,
4 it looks like he was, at minimum, hit three times. And
5 potentially, some of those hits look like they could have even
6 been cross marks, so I don't know if those were two or one,
7 but.

8 SOLICITOR JONES: Correct.

9 THE COURT: Okay.

10 SOLICITOR JONES: We would just argue that it's
11 inconsistent with one blow to the head by the gun.

12 Your Honor, the State would -- would like to use State's
13 39 as well as 40. Your Honor, State's 40 depicts the injuries
14 up close. You can get a better understanding of the shape of
15 the injuries, the nature of the injuries.

16 THE COURT: Okay.

17 SOLICITOR JONES: State's 39 is a better viewpoint of
18 where they were actually located on Mr. Black's head.

19 THE COURT: I see.

20 SOLICITOR JONES: It is -- it's unable in the picture in
21 your hand to really tell where exactly they were.

22 THE COURT: Okay. Okay. So I will allow 39 and 40. The
23 other two, we're not going to enter those.

24 SOLICITOR JONES: Okay.

25 THE COURT: Okay.

1 SOLICITOR JONES: Thank you, your Honor.

2 MS. CAMPBELL: Your Honor, just for the record, on behalf
3 of my client, we take the position that the photographs should
4 be trimmed down just to show the -- the most relevant evidence
5 that the State seeks to introduced. In the *State v. Brazzel*
6 case, '97 case, in that particular situation, the Court was
7 concerned with the fact that the photographs, whether or not
8 they're close-ups or not close-ups. And I understand in this
9 case the State wants to show the impact to Mr. Ronnie Black's
10 head, and I feel like they can do that without showing his body
11 lying on the table in -- in the medical examiners room. s And
12 so, we just ask that they be trimmed to the point, in other
13 words, to show just the section that is relevant to what they
14 need to admit in their case. Thank you.

15 SOLICITOR JONES: Your Honor, for -- for State's 40, I
16 don't see how it could be redacted. That is the -- the center
17 of the photograph is the injuries. Of course, Mr. Black's body
18 is in the background of the photo. I believe, though, any
19 cropping would take the photo out of context on the location of
20 the injuries.

21 THE COURT: Okay. I think it needs to stay as it is,
22 because even from that angle, the head actually looks very
23 large to me, and I'm afraid if you don't have the body in
24 context, it's going to look like it's a blow-up or something
25 else, and so, I don't know exactly what it is. But you can

1 leave those there. I mean, there's obviously very little, if
2 any, blood on any of them, and I think it does go to what
3 occurred that night, so.

4 SOLICITOR JONES: Thank you, your Honor.

5 THE COURT: Anything else, other than that?

6 All right. So you want to go ahead and call your first
7 witness. And I know we wanted to make sure we got --

8 MS. CAMPBELL: Denise.

9 THE COURT: -- Denise. Again, I'm sorry. Is it Denise
10 Brown?

11 MS. CAMPBELL: She's here, yes.

12 THE COURT: Okay. So however -- I understand -- is Ms.
13 Brown here? She's not in the courtroom. She'll be back?
14 Okay. I just didn't know if she was in the courtroom or not.
15 I just want to make sure. She has to get a child or children
16 from school, and I wanted to make sure she could do that, so.

17 SOLICITOR SMITH: Judge, if Trasi wants to put her up
18 first, Ms. Crumpton would be up -- she'd be up for a while,
19 because we have the two-hour interview after that.

20 THE COURT: Right. So let's go ahead and bring her first.
21 I want to make sure she gets her kids.

22 SOLICITOR SMITH: All right. Thank you.

23 THE COURT: Thank you.

24 Come on forward, ma'am.

25 MADAM CLERK: Hello. Come right up here, and if you

1 would, place your left hand on the *Bible* and raise your right
2 hand for me. Do you solemnly swear or affirm to truthfully and
3 all questions asked of you by this Court, so help you God?

4 DENISE BROWN: Yes.

5 MADAM CLERK: Thank you. Come right down here and step
6 up. Pull that seat out. Get yourself comfortable. You can
7 adjust this thing if you want to. Speak nice and loud in
8 there, okay?

9 MS. CAMPBELL: May it please the Court.

10 THE COURT: Yes, ma'am.

11 DENISE BROWN, DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q. Denise, if you'll state your name and spell it for
14 the record.

15 A. Denise Brown, D/e/n/i/s/e, Brown, B/r/o/w/n.

16 Q. Denise, are you married?

17 A. Yes.

18 Q. Okay. And who are you married to?

19 A. Joseph Brown.

20 Q. And is Joseph Brown seated in the courtroom?

21 A. Yes.

22 Q. And where is he seated?

23 A. Right over there.

24 Q. Right next to --

25 COURT REPORTER: I'm sorry. Speak up, please.

1 A. Right there.

2 THE COURT: I know you -- maybe bring the microphone a
3 little closer to you. Thank you.

4 BY MS. CAMPBELL:

5 Q. Denise, do you and Joseph have children?

6 A. Yes.

7 Q. How many children?

8 A. Three.

9 Q. Okay. And what are their names?

10 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED].

11 Q. And the night that this happened, back in June of
12 2016, where -- where had you been and who had you been with
13 that night before you came back to the house?

14 A. We actually just came back from eating out, the kids,
15 Joseph, and I. And then we came back home.

16 Q. And where was home at that time?

17 A. At my father's house, [REDACTED] Big Estate Circle.

18 Q. [REDACTED] Big Estate Circle?

19 A. Yes.

20 Q. And is that in Sheldon?

21 A. I mean, it's not really Sheldon. It's Big Estate, but
22 yeah.

23 Q. And do you remember approximately what time you got
24 back to the house?

25 A. Not really. Could have been like 9:00 or 10:00,

1 something around.

2 Q. Was there anything usual going on with the lights or
3 the weather that night?

4 A. I don't remember -- the lights, they cut off. Whether
5 it was off when we got there or not, I don't remember that.

6 Q. Do you remember putting out candles or anything like
7 that?

8 A. I -- I don't remember. Yeah.

9 Q. At some point after you and Joe and the children got
10 home -- well, let me ask you this. How long had you and the
11 children been living there at [REDACTED] Big Estate Circle?

12 A. I would say we're there probably a year.

13 Q. Okay.

14 A. Yeah.

15 Q. So that night, do you remember how long it was after
16 you and Joe and the children got home that someone else arrived
17 at the house?

18 A. I would say not even five minutes.

19 Q. Okay. And who else arrived at the house?

20 A. So, after we got there, my father, he was with my --
21 my brother and his wife and my nephew.

22 Q. Now, would that be Greg's -- Greg -- Greg's wife was
23 with them?

24 A. Yes.

25 Q. Okay. So your father was not married at the time.

1 A. No.

2 Q. Okay. And your mother had passed away?

3 A. Yes, when I was two.

4 Q. And that had been some time ago.

5 A. Yes.

6 Q. And so, were there -- were there any children with
7 them?

8 A. My nephew, Greg's son.

9 Q. And what is his name and -- and --

10 A. Gregory, Jr.

11 Q. And -- and his age?

12 A. He is twelve now, but back then he was ten.

13 Q. Okay. So, when you father and -- your father's
14 Ronnie.

15 A. Yes.

16 Q. When Ronnie and Greg and his wife and child came to
17 the -- came back to the house there, where -- do you know where
18 they were coming from?

19 A. They were coming from Virginia, which is where my
20 brother was living at the time.

21 Q. So they had driven from Virginia, back here to
22 Beaufort.

23 A. Yes.

24 Q. Okay. And can you tell the Court what happened when
25 they arrived?

1 A. Well, when they arrived, they came inside. My father
2 and I was talking about the trip and, you know, how he had fun.
3 And how he -- when he was going towards the laundry, it's -- he
4 was like what is -- you know, that's when it started like
5 what's all this trash in the laundry or whatever. But it had
6 been raining, so we were unable to take it out, because we had
7 racoons, cats, or whatever that would get into the trash and
8 basically make a really bad mess.

9 So --

10 Q. And this trash was bagged up?

11 A. Yeah, it was bagged up in a bag, laundry room. So it
12 was like a little smell. So -- and I'm thinking because it was
13 a smell like that, maybe the lights could have been off,
14 because like, normally, when the A.C. is on, you know, it kind
15 of keeps things -- the smells away, but yeah.

16 So that was that. And then he and I got into a argument
17 about the way he was talking to me. And I, you know, told him
18 basically like why are you talking to me like that; it's really
19 not that serious, you know. And he just kind of escalated. So
20 that's when Greg and I started talking, and he just was kind of
21 calming me down. Joe was outside, so. Then he came in the
22 house to see what was going on.

23 Q. That would be Joe.

24 A. Joe, yes.

25 Q. Okay.

1 A. And I was telling him that, you know, he was basically
2 fussing about the trash. So Joe, Greg, and I decided to step
3 out on the porch to just -- to kind of calm things down. And
4 we were doing so.

5 Q. And so, the -- the children, your three children and
6 your brother's child and his wife were still in the house.

7 A. They were still in the house, yes.

8 Q. And on the front porch was you, Joe, Ronnie, and Greg.

9 A. Not initially. It was just Greg, Joe, and I.

10 Q. Okay. So Greg, you, and Joe.

11 A. Yes.

12 Q. And when did Ronnie get on the porch?

13 A. I would say probably like five minutes after we were
14 on the porch. And we were just, you know, all just talking
15 just to kind of -- because it got kind of heated, so we just
16 wanted to go out there to -- to let it cool down. So my dad
17 came outside like five minutes like after that.

18 Q. Um-hmm.

19 A. And he didn't say anything. He just went straight to
20 his truck.

21 Q. All right.

22 A. Went to his truck, and then he came back on the porch.
23 At the time, I was unaware of a -- you know, the reason he
24 going to his truck, but that's what happened. So --

25 Q. Okay. When he got back onto the porch, after going

1 out to his truck, what did you see?

2 A. So, at the time, we were -- we were talking, and --
3 and a kind of argument, it kind of came back up just a little.
4 Well, not just a little; it came back up.

5 Q. Um-hmm.

6 A. So, at that time, it was both him and Greg. They were
7 arguing with me. And then Joe stepped in to try to kind of
8 make peace. You know, he was trying to make peace about it.
9 He was trying to calm everyone down. But as soon as he started
10 talking, and when he opened his mouth and said, you know --
11 well, first, he's like, well, you know, she's just not a child;
12 she's your -- she's your daughter, you know. You know,
13 basically trying to tell him, you know, the way he treats me is
14 like kind of wrong. It just went off from there soon as he
15 said that. And that's when they kind of, you know, went at him
16 verbally.

17 And after that, that's when my dad had the gun. But I
18 didn't know he had a gun until Joe pointed out and said, Mr.
19 Ronnie, what are you doing with your gun. And he asked him
20 twice. And that's when I turned and looked and saw that he had
21 it. And then that's when I just was like, oh, my gosh, you
22 know. And I gave Joe a quick glimpse like what's -- what is
23 about to happen, you know. And then that's just when it
24 happened, and I, like, opened the door and went back in.

25 Q. And -- and when it happened, did you see Joe shoot --

1 shoot your father or anything like that?

2 A. No, I just heard gunshots, and I kind of like fell
3 back through the door, and I was just spinning. I mean, my
4 ears was ringing, and I just was spinning in a circle. I just
5 was in disbelief.

6 Q. Now, you've told us, you've testified for the Court
7 that you saw your father with his gun.

8 A. Yes.

9 Q. And they went in the house. Did you ever see Joe with
10 his gun?

11 A. No. Joe just always kept his gun on him. That was
12 the norm for him. He didn't have it out or anything like that.
13 I -- I wasn't even sure that he had it on him then, because,
14 like I say, he just got out of the car.

15 Q. Right.

16 A. So I wasn't even sure, but, no, I didn't see it on
17 him.

18 Q. That's all the questions I have.

19 MS. CAMPBELL: Thank you, Judge.

20 DENISE BROWN

21 CROSS-EXAMINATION BY SOLICITOR SMITH:

22 Q. Hey, Denise. How are you?

23 A. I'm good.

24 Q. We've met before. You were interviewed by the police,
25 weren't you?

1 A. Um-hmm.

2 Q. By the sheriff's office. Is that correct?

3 A. Um-hmm. Yes.

4 COURT REPORTER: You need to say yes or no.

5 A. Oh.

6 Q. And did you give a couple of different stories to the
7 sheriff's office?

8 A. They said I did, as far as the positioning with the
9 gun.

10 Q. Okay.

11 A. But I mean, I explained.

12 Q. Did you see your dad point the gun at Joe?

13 A. No, I did not.

14 Q. Okay. And didn't you tell the police that you really
15 couldn't see because it was dark out there?

16 A. I saw it. It was on the side of him. I mean, you
17 could -- I mean, I was -- my dad was near me. So, I mean, I
18 looked over and it -- it was there.

19 Q. Okay.

20 A. Yeah.

21 Q. Was your brother carrying a gun that night?

22 A. No, he was not.

23 Q. Okay. And you said you heard gunshots and you ran
24 into the house. Where were you positioned?

25 A. So I was like kind of in the middle, near the door,

1 the front door. Joe was on this side. My dad was here, and my
2 brother was right here.

3 Q. But you didn't see Joe with a gun, even though he was
4 on the other side of you?

5 A. Yeah, I never saw him -- I don't know if he pulled it
6 out. No, I never saw it in his hand.

7 Q. Okay. Prior to gun shots, was this a physical
8 argument between anybody?

9 A. No, it was not physical.

10 Q. Okay. And did you know why Joe shot Greg that night?

11 A. I don't. I didn't even know Greg had been shot until
12 I came back outside.

13 Q. Okay. And did you know that night that Joe had hit
14 your -- pistol whipped your dad?

15 A. I did not.

16 Q. Okay. When did you find that out?

17 A. After I came and spoke with the detectives, one of the
18 detectives. I think it was --

19 Q. Was it Ms. Crumpton?

20 A. It could have been. I'm not sure.

21 Q. Okay. And after you heard that, did you tell her that
22 you didn't see your dad raise the gun all the way up. Is that
23 right?

24 A. He didn't raise it up all the way, yeah.

25 Q. Okay. And did you ever see your dad try to throw a

1 gun to Greg?

2 A. No, I -- no.

3 Q. Were you out there when Greg got shot by Joe?

4 A. No. No, I was not.

5 Q. Okay. That's it. Thank you.

6 A. Okay.

7 THE COURT: Okay. You may step down, ma'am.

8 DENISE BROWN: Thank you.

9 THE COURT: Thank you.

10 MS. CAMPBELL: Your Honor, Ms. Brown is under subpoena by
11 both the State and the Defense, and I know she needs to leave
12 this afternoon. Could we excuse her until the State needs her
13 tomorrow?

14 SOLICITOR SMITH: Yes. I would ask that she be here at
15 10:00 o'clock tomorrow.

16 THE COURT: Okay.

17 MS. CAMPBELL: Thank you.

18 THE COURT: Thank you.

19 DENISE BROWN: Thank you. So that means I'm free to go
20 now?

21 THE COURT: You are free to go.

22 DENISE BROWN: Thank you.

23 THE COURT: We'll see you back at 10:00 a.m. tomorrow
24 morning. Okay?

25 DENISE BROWN: Okay. All right.

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1 THE COURT: Thank you. All right, want to call your next
2 witness.

3 SOLICITOR SMITH: Judge, at this time, we would call Ms.
4 Crumpton.

5 MADAM CLERK: Hello. Do you solemnly swear or affirm to
6 truthfully answer all questions asked of you by this Court, so
7 help you God?

8 MASTER SERGEANT ANGELA CRUMPTON: I do.

9 MADAM CLERK: Thank you. Adjust that how you need. Take
10 that away.

11 MASTER SERGEANT ANGELA CRUMPTON,

12 DIRECT EXAMINATION BY SOLICITOR SMITH:

13 Q. Why don't you state your name for the record.

14 A. Angela Crumpton, C/r/u/m/p/t/o/n.

15 Q. Where do you work, Ms. Crumpton?

16 A. With the Beaufort County Sheriff's Office. I am --

17 Q. How are --

18 A. I'm sorry.

19 Q. Go ahead.

20 A. I have been employed with Beaufort County since 2009.
21 I've been in law enforcement since 1998. I am currently
22 assigned as a master sergeant over the Criminal Investigations
23 Division for Southern.

24 Q. Okay. Were you working on the night of June 5, June
25 6, 2016?

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1 A. Yes, ma'am.

2 Q. Okay. And did you respond to [REDACTED] Big Estates Circle?

3 A. Yes, ma'am.

4 Q. Okay. And where is that located?

5 A. Out off of 17, in northern Beaufort County.

6 Q. Okay. And do you know what time officers respond to
7 that scene that night?

8 A. I believe the initial call come in at approximately
9 10:45-ish.

10 Q. On what day?

11 A. The 5th.

12 Q. Okay. What time did you get out there?

13 A. I got out there at approximately 13 after midnight. I
14 have to travel from the southern portion of the county, all the
15 way out there. And then there was a pretty severe storm and
16 rain that was going on that night, along with lights were out
17 once I hit northern part of the county.

18 Q. Okay. What did you do when you got there? Who all
19 was there?

20 A. The road deputies were there. I arrived -- Mr. Brown
21 was there in the vehicle already. Kimberly Black and Ms.
22 Denise Brown were there, along with the four children, inside
23 the residence. I just assessed the scene and began the
24 investigation.

25 Initially, the lights were out, and it was a little bit of

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1 a problem, but after maybe five, ten minutes of my being there,
2 the lights came back on.

3 Q. Okay. What did you learn from the officers that had
4 responded there when you arrived on the scene?

5 A. When I arrived on-scene, they let me know that -- the
6 defendant, Mr. Brown, was present; he had admitted to the
7 shooting incident; that we had one individual, who was
8 identified as Ronnie Black as deceased, laying on the porch;
9 and then we had a second victim, Gregory Black, who had been
10 transported by EMS.

11 Q. Okay. And had Mr. Brown shot Mr. Gregory Black?

12 A. That is correct.

13 Q. Okay. What did you find out during your investigation
14 as far as when a gun's found?

15 A. There was a total of three weap -- or guns found
16 during the investigation. One of them was a revolver, which
17 was broken, substantially. There was another -- or gun found
18 in Mr. Brown's truck. And then there was a gun near the
19 deceased victim, Mr. Ronnie Black.

20 Q. Okay. And I'm going to show you a picture of what's
21 previously been marked for identification purposes as Court's
22 Exhibit 4.

23 MS. CAMPBELL: I've seen it.

24 BY SOLICITOR SMITH:

25 Q. And ask if you can identify that.

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1 A. This is the patio table that was on the area of the
2 residence. And this is two of the weapons, including the .38
3 revolver.

4 Q. Okay. Is that a fair and accurate depiction of the
5 weapon that was used to kill Mr. Black and shoot Mr. Greg
6 Black?

7 A. Yes. Yes.

8 Q. Okay. I'm going to show you what's previously been
9 marked as Court's Exhibit Number 3, and ask if you can tell us
10 what that depicts.

11 A. This is an overview shot of the porch, to include the
12 table with the weapons, and it does include the deceased, Mr.
13 Black, covered with a sheet, and as well as the clothing and
14 area EMS debris where Mr. Gregory Black had been located and
15 treated.

16 SOLICITOR SMITH: And Judge, I think we can put that on
17 the screen for everybody to see.

18 THE COURT: Okay. That'll be great. Thank you.

19 BY SOLICITOR SMITH:

20 Q. While we're getting that up, where was Mr. Ronnie
21 Black's gun found?

22 A. Mr. Ronnie Black's gun was found kind of under his
23 body on the right side, which would have been closest to the
24 door and trailer face.

25 Q. Okay.

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1 A. There.

2 Q. And I believe, in that picture, is that the table you
3 were talking about where the guns were placed?

4 A. Yes, ma'am. You can --

5 Q. Why were they placed there?

6 A. Upon securing -- Mr. Brown put his weapon down there,
7 and the other weapon was placed there once officers got on-
8 scene to secure everything. Because we did still have children
9 and Ms. Denise Brown and Ms. Kimberly Black present on-scene.

10 Q. Okay. And then you see that white sheet in the
11 background. Is that Mr. --

12 A. This Mr. Ronnie Black. He was covered because we did
13 have people inside. And out of respect, we covered his body.

14 Q. Okay. You stated that Mr. Black's gun was found on
15 the right side of his body.

16 A. Correct.

17 Q. Did he have anything else in his hands that night?

18 A. I know through investigation that he also had a
19 flashlight.

20 Q. Okay. And where was that found?

21 A. I believe that was also found in his hand or near his
22 hand.

23 Q. Okay. And I'm going to show you a picture that's been
24 marked as Court's Exhibit 5, and ask you to take a look and see
25 if you can identify that.

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1 A. Yes, ma'am. That is Mr. Ronnie Black, and that would
2 be the end of the flashlight that's kind of sticking out.

3 Q. Okay. And that was found by the responding officers
4 when they arrived on the scene?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. And then more thoroughly by the Crime Scene Unit.

8 Q. Okay. What did you learn -- when you respond to the
9 call, what was the -- what did you learn prior to that as to
10 what had happened out there?

11 A. What I learned initial, that there had been an
12 argument and between the family members; that the defendant was
13 married to deceased victim's daughter and the other victim's
14 sister. There had been an argument that during the course of
15 that argument, shots were fired, resulting in the two victims.

16 Q. Do you know who called 911 that night?

17 A. We received multiple calls, one of them being from the
18 victim, Gregory Black. And I believe the other was Kimberly --
19 or not Kimberly, I apologize -- Denise Brown. And then both
20 her and Joseph Brown spoke with 911.

21 Q. Okay. But she was the one that made the call to 911?

22 A. Yes.

23 Q. In addition to Greg Brown.

24 A. Correct.

25 Q. Okay. What vehicles were present on the scene?

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1 A. At the time I arrived, there was at least three
2 vehicles, one of which was parked next to the porch area,
3 facing, with headlights on, that was later identified as the
4 SUV or truck belonging to Mr. Brown and Mrs. Brown. There was
5 the vehicle that belonged to the deceased, Mr. Ronnie Black,
6 that was on-scene, as well as a car that had been utilized by
7 Gregory Black and Kimberly Black. And that was the vehicle
8 that they, along with Mr. Ronnie Black and the child, had
9 arrived in.

10 Q. Okay. The white SUV that you're talking about, were
11 the lights on when you got there?

12 A. Yes.

13 Q. Was it still running at that point?

14 A. I believe so, yes.

15 Q. Okay. I'm going to show you what's been previously
16 marked as Court's Exhibit Number 6. And ask if you can explain
17 to the Court -- and you can step down to maybe better
18 illustrate it.

19 A. Okay.

20 Q. Since -- I'm just going to hold it here. Explain
21 where everybody was on the porch and where you found -- where
22 the body was found.

23 A. At the time I arrived there, Mr. Brown was already in
24 one of the patrol vehicles.

25 Q. Right.

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1 A. And everybody else was inside except for Mr. Ronnie
2 Black. This was the truck belonging to Mr. Ronnie Black. This
3 is the vehicle that was running with the headlights on that was
4 found to be Mr. Brown's. And this is the vehicle belonging to
5 Gregory Black and Kimberly Black that was here.

6 Though my testimony and through my report, when I arrived,
7 I walked up here at this location. So, through my viewpoint,
8 it's using that. This is the table where the weapons were
9 located. These are the -- where clothing and blood, EMS
10 supplies were for Mr. Black. And then inside the residence.

11 Q. Okay. So this area would have been where Mr. Black
12 was, Gregory Black was.

13 A. Correct. For Mr. Gregory -- Gregory, there was some
14 of his clothing, some blood, and then the materials I'm used to
15 seeing from EMS when they're working on somebody, some of the
16 debris.

17 Q. Okay. Though your investigation, did you find out
18 that the victim, Ronnie Black, was left-handed or right-handed?

19 A. I was advised that the victim was left-handed.

20 Q. Okay. What happened at the scene after you got there?

21 A. After I got there, I began to get control of the
22 scene. We made arrangements for Kimberly Black, Denise Brown,
23 and the four children to be led off of the property prior to
24 processing, so they would not have to witness that. We let
25 them out of a back side door and away from the scene.

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1 I began the initial, just looking at. And then I turned
2 the scene over to now Master Sergeant Zsamar, as part of the
3 Crime Scene Unit, and they then processed. I returned to
4 Northern Investigations to begin the process of interviews.

5 Q. Okay. Do you recall who you interviewed that night?

6 A. That initial time, I interviewed Kimberly Black,
7 Denise Brown, and Mr. Joseph Brown. I then went to the
8 hospital, but I think by that time, it was later in the
9 morning, and I interviewed Mr. Gregory Black.

10 Q. Okay. When you interviewed Kimberly Black, Denise
11 Brown, and the defendant, Joseph Brown, did you do GSR kits?

12 A. Yes. I collected GSR kits on all three of them, as
13 well as DNA buccal swabs. Each of them were read their *Miranda*
14 rights; each of them signed the form acknowledging that they
15 understood and they were willing to speak with me. Each one of
16 them provided consent, written consent, for collection of their
17 DNA for investigation purposes. And they also each gave me the
18 GSR kits.

19 Q. Okay. How many times did you interview Denise Brown?

20 A. I believe I interviewed Denise Brown twice. No,
21 Denise Brown was three times. I apologize. Mr. Joseph Brown
22 once. Kimberly, I believe I did twice. And I believe Gregory
23 was twice.

24 Q. Okay. When you interviewed Denise Brown those three
25 times, was her story consistent?

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1 A. No.

2 Q. How so?

3 A. Reference to the positioning of her father, whether or
4 not she saw a gun, whether or not it was raised, if he raised
5 his arm at all, his hand at all. Whether or not Mr. Joseph
6 Brown was in the house during the argument or outside of the
7 house; the timing of who came in and out. There were several
8 inconsistencies in her story.

9 Q. And would these three interviews been over the course
10 of a week? Approximately.

11 A. Yes.

12 Q. Okay. Did she ever change her story towards the end
13 of one of her interviews?

14 A. She did. When she was given some additional
15 information, she did kind of change some of the things she
16 said.

17 Q. What kind of additional information was she given?

18 A. The injuries to her father; the number of times he had
19 been shot; the number of times her brother had been shot.

20 Q. Okay. And how many times had each one of them been
21 shot?

22 A. Mr. Ronnie Black had been shot four times, and then
23 struck over the head what appeared to be multiple times. And
24 Mr. Gregory Black was shot twice.

25 Q. Okay. The gun that was used, what was the condition

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1 of the gun when you got there?

2 A. The condition of the gun, it was broken severely to
3 the degree that we had to make special arrangements to take it
4 to SLED, because we were unable to unload the weapon, even
5 though it was -- it just had the case -- the shell casings in
6 there, we could not unload that, because we were unable to
7 manipulate it, it was broken to that degree.

8 Q. When you interviewed the defendant -- and we're going
9 to play his interview -- but what did the defendant tell you?
10 Just summarize what he told us -- what he told you.

11 A. To summarize, Mr. Brown indicated that there had been
12 an argument, and that he was fearful that Mr. Ronnie Black was
13 going to hurt him; said that he had a gun pulled on him, and he
14 wasn't sure if he was going to hurt him or Kimberly; and that
15 he was protecting his -- his wife and himself.

16 He said that he shot as Mr. Ronnie Black was coming
17 towards him. And then he hit him because he still came towards
18 him after he tried to throw the gun to Gregory Black. When we
19 discussed the gun being thrown and whether or not Gregory ever
20 got a gun, he -- he said, no, that Mr. Ronnie Black was trying
21 to crawl towards the gun, because he had missed throwing it.
22 And we confronted some of that with the evidence that we had
23 on-scene.

24 He indicated that Gregory was facing him when he shot at
25 him. And then we went back and forth with the evidence that we

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1 had.

2 Q. Did he -- did he tell you at first that he continued
3 to hit Mr. Black in the head after he shot him?

4 A. No. He denied any kind of physical confrontation. He
5 denied that anybody had had any kind of physical altercation at
6 all. During the course of the interview, I stopped and made
7 contact with the Crime Scene Unit that's on-scene. That's
8 where I find out about the possible re-loading or attempting to
9 re-load another weapon out of his vehicle. And then I find out
10 about the head injuries.

11 So, after I get off the phone with the Crime Scene Unit, I
12 come back in and speak with Mr. Brown again, and he -- I asked
13 him about the -- it had appeared somebody had been in his truck
14 messing with ammunition. He indicated he was initially going
15 to re-load, and then thought legally he should not. And then
16 he -- when asked why, he said he wasn't sure if somebody would
17 hurt him, and he didn't know the status of Gregory, but then he
18 heard Gregory on the phone, and he decided he wouldn't re-load.

19 And then, when I asked about the -- the injuries to Mr.
20 Ronnie Black's head, he indicated that after he had shot him,
21 that Mr. Black was still coming forwards towards him, so he
22 raised his arm up and struck him one time in a downward motion
23 to stop him.

24 Q. Okay. And based on your interview with him and what
25 he told you, is it fair to say that his story was inconsistent

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1 throughout?

2 A. It was.

3 Q. Okay.

4 A. It was inconsistent with what I knew the scene to
5 contain.

6 Q. Okay. And what did you do after the interview?

7 A. After the interview, he was arrested for the attempted
8 murder of Gregory Black, because it was well established that
9 Gregory never did have a weapon. And then he was arrested at
10 -- and then I continued the investigation. And then, at a
11 later date, obtained the murder warrant.

12 Q. I'm going to hand you what's been previously marked as
13 Court's Exhibit 1 and 2. Is Court's Exhibit Number 2, the
14 *Miranda* form that you had for Mr. Brown?

15 A. Yes. It is. It is signed by Mr. Joseph Brown, along
16 with myself and Investigator Dreisen, who was present during
17 the interview.

18 Q. Okay. Approximately how long was the interview?

19 A. I'm going to say roughly two hours.

20 Q. Okay. And Court's Exhibit Number 1, can you tell us
21 what that is.

22 A. This is a recording of that interview that I have
23 reviewed to indicate that it is in fact the interview that I
24 held.

25 Q. Okay. And when did you review it?

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1 A. I reviewed that today.

2 Q. Okay. And how do you know, based on looking at it?

3 A. Because immediately upon reviewing it, I initialed and
4 dated.

5 SOLICITOR SMITH: Judge, at this time, we'd like to
6 publish the defendant's interview.

7 THE COURT: Okay. Are there any down periods at all
8 during this that we can push through or not?

9 SOLICITOR SMITH: There are two that equal about 15
10 minutes.

11 THE COURT: All right. Well, obviously, whatever we need
12 to do during the actual trial, but perhaps let's -- if we can
13 push through those down times, let's do it, okay?

14 COURT'S EXHIBIT NUMBER 1, DVD OF
15 INTERVIEW OF JOSEPH LEONARD BROWN
16 PLAYING.

17 PAUSE PLAY OF COURT'S EXHIBIT NUMBER 1,
18 DVD OF INTERVIEW OF JOSEPH LEONARD BROWN.

19 SOLICITOR JONES: Your Honor, this is some silent time, so
20 we can go forward.

21 THE COURT: Okay.

22 CONTINUE PLAYING COURT'S EXHIBIT NUMBER 1,
23 DVD OF INTERVIEW OF JOSEPH LEONARD BROWN.

24 PAUSE PLAY OF COURT'S EXHIBIT NUMBER 1,
25 DVD OF INTERVIEW OF JOSEPH LEONARD BROWN.

1 BY THE COURT:

2 MS. CAMPBELL: Judge Mullen?

3 THE COURT: Yes.

4 MS. CAMPBELL: My client needs to take a break.

5 THE COURT: Absolutely.

6 MS. CAMPBELL: Thank you.

7 THE COURT: All right. Go ahead. The rest of you all are
8 welcome to take a break as well. Let's just take, I don't
9 know, ten minutes or so.

10 MS. CAMPBELL: Ten minutes?

11 THE COURT: So, as I'm looking through this and how far
12 we've going to through the transcript, obviously, we're not
13 going to get through this portion of it today. What more do
14 you have for Ms. Crumpton?

15 SOLICITOR SMITH: That's it for her.

16 THE COURT: That's it?

17 SOLICITOR SMITH: Yes, ma'am.

18 THE COURT: Okay. Okay.

19 SOLICITOR SMITH: And then Greg Black would testify next,
20 so in the morning.

21 THE COURT: Okay. Okay. I mean, that would be great to
22 get it done today. That would be helpful. Is everyone else
23 okay time wise? Okay with everyone? Trasi, are you good?

24 MS. CAMPBELL: We're good.

25 THE COURT: Everyone's fine? Okay. Okay. Just let me

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BY THE COURT

1 know if someone's schedule is not good and you need to get out
2 of here. Okay?

3 OFF THE RECORD 4:04 P.M.

4 BACK ON THE RECORD 4:17 P.M.

5 BY THE COURT:

6 THE COURT: Please be seated. All right.

7 MS. CAMPBELL: So I spoke with the Solicitor's Office, and
8 I certainly would consent to your Honor -- you have the
9 transcript.

10 THE COURT: Reading the rest of the transcript.

11 MS. CAMPBELL: Yeah, reading the transcript. And I'm
12 thinking that if it's okay with your Honor and you needed to
13 review anything this evening --

14 THE COURT: I mean, does his demeanor change any?

15 MS. CAMPBELL: No.

16 THE COURT: Or is there anything significant? I mean,
17 he's pretty good, pretty casual, and -- yeah, okay, and that's
18 fine with me. I was going to ask the same thing. As long as
19 his demeanor doesn't change, and -- okay.

20 MS. CAMPBELL: And I think the State agrees.

21 THE COURT: Okay.

22 SOLICITOR SMITH: Absolutely.

23 THE COURT: Perfect. Well, we can definitely do that,
24 then. Anything more with -- you need to ask her anymore
25 questions, or are we good?

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1 SOLICITOR SMITH: Judge, we've got the *Jackson v. Denno*
2 with her, but we can --

3 THE COURT: Okay. Okay. So let's go ahead and call
4 Gregory maybe, the last one.

5 SOLICITOR SMITH: Okay.

6 THE COURT: And then she'll stay around, and if we can get
7 through the *Jackson v. Denno*, too, so.

8 MS. CAMPBELL: I -- I did have some cross for her for the
9 immunity hearing.

10 THE COURT: Oh, sure.

11 MS. CAMPBELL: Won't be long.

12 THE COURT: Go ahead.

13 MS. CAMPBELL: Just a couple of questions.

14 THE COURT: Absolutely. So let's go ahead.

15 MS. CAMPBELL: All right. Thank you, your Honor.

16 MASTER SERGEANT ANGELA CRUMPTON

17 CROSS-EXAMINATION BY MS. CAMPBELL:

18 Q. So you did obtain Ronnie Black's gun from the front
19 porch, correct?

20 A. Yes.

21 Q. Okay. And Ronnie Black's gun was lying next to his
22 body when your officers arrived, correct?

23 A. Correct.

24 Q. Okay. And the first responding officer there picked
25 up his gun, moved it to a secure location, correct?

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1 A. Correct.

2 Q. And then you -- you or someone else told the officer
3 to put it back exactly where he found it, correct?

4 A. They were told, correct.

5 Q. And then that's where you found the gun next to his
6 body, correct?

7 A. I -- I observed it, but yes.

8 Q. Okay. So the gun moved about a bit, but essentially,
9 the officer put it back exactly where he found it when he
10 arrived.

11 A. Correct.

12 Q. Okay. And that particular gun is in evidence,
13 correct?

14 A. Correct.

15 Q. And that particular gun you examined to determine
16 whether or not it was loaded, correct?

17 A. Correct.

18 Q. And that gun was loaded, correct?

19 A. Correct.

20 Q. All right. Now, so the gun that Ronnie Black had was
21 not actually under his body; it was to the side, correct? where
22 the officer picked it up.

23 A. That officer would better be able to testify, but to
24 my understanding, it was partially under and partially next to
25 him.

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1 Q. Okay. Also, Ronnie Black's body had been moved by EMS
2 by the time you arrived, correct?

3 A. By the time I arrived, correct.

4 Q. And they had worked on him, correct?

5 A. To a degree, correct.

6 Q. To determine the status of his, you know, situation in
7 terms of what medical care they could give him.

8 A. Correct.

9 Q. Okay. And your response to the Solicitor about Denise
10 Brown changing her story or things of that nature. I'm
11 curious. What specifically are you characterizing for the
12 Court that Ms. Brown changed or wasn't consistent about?

13 A. Specifically, in reference to the position of her
14 father. Whether or not she saw her father raise a gun and
15 point a gun; whether he raised his arm at all, his hand. That
16 changed a few times whether or not she -- who she was facing,
17 who she saw with a gun.

18 Q. Okay. So, to be clear, Denise Brown told you that she
19 saw her father with a gun, correct?

20 A. Correct.

21 Q. Okay. And that she saw the gun in his hand, correct?

22 A. Correct.

23 Q. Out, in his hand, either to his side or raised
24 slightly. Some version of that, correct?

25 A. Correct.

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1 Q. Okay. And this thing about where she's facing or who
2 she's looking at, that's the other basis for the inconsistency.
3 Is that right?

4 A. Correct. In addition, whether or not Mr. Brown had
5 been in the house initially or not in the house. Really, that
6 also changed in her -- her statements to me.

7 Q. Whether he was in -- whether her husband was in the
8 house initially or not.

9 A. Correct.

10 Q. Okay. And that's the extent of the changes that gave
11 you concern to think that the story changed or was
12 inconsistent, correct?

13 A. Correct.

14 Q. All right. And so, you also said -- so specifically,
15 what evidence at the scene you told the Solicitor contradicted
16 for you what Mr. Brown told you? What specifically are those
17 pieces of evidence at the scene that contradicted what he told
18 you?

19 A. Based upon where the gun was located, I saw no
20 evidence that indicated Mr. Ronnie Black had moved. I didn't
21 see smear marks of blood that would be consistent with somebody
22 that had been shot multiple times crawling.

23 Q. Okay.

24 A. The location of where Gregory was shot at --

25 Q. Um-hmm.

1 A. -- wasn't consistent with Gregory facing him.

2 Q. You're saying that the location of the entrance wounds
3 were not consistent with Gregory facing Joe.

4 A. Correct.

5 Q. Okay. Go ahead.

6 A. I knew about -- part-way through, I knew about the
7 ammunition in the vehicle.

8 Q. So -- so the fact that he had additional ammunition
9 and an additional weapon in his vehicle?

10 A. That looked like it had been disturbed or manipulated
11 in a -- in a hurry.

12 Q. Disturbed or manipulated in a hurry. Okay. Anything
13 else?

14 A. Not without reviewing my notes, no. I would have to
15 review everything to tell you, but I believe that's the
16 majority of it.

17 Q. Okay. That's all I have.

18 BY THE COURT:

19 THE COURT: And just so I understand, so the only shots
20 that were expelled came from the defendant's gun. Is that
21 correct?

22 A. That is correct.

23 THE COURT: That's those six rounds. And my understanding
24 from your testimony, was four hit Ronnie Black, two hit
25 Gregory. Is that correct?

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BY THE COURT

1 SOLICITOR SMITH: That is correct.

2 THE COURT: And now it's the total amount of shots that
3 were fired, right?

4 SOLICITOR SMITH: That is correct.

5 THE COURT: So there were no other shots that came from
6 either Ronnie Black's gun or from the third gun that was out
7 there.

8 SOLICITOR SMITH: That is correct, your Honor.

9 THE COURT: Okay.

10 MS. CAMPBELL: And to be clear, the third gun was still in
11 the van.

12 SOLICITOR SMITH: That is correct.

13 THE COURT: Okay.

14 MS. CAMPBELL: That's all I have.

15 THE COURT: And when you were talking about the -- I don't
16 know if there were entrance and exit wounds on Gregory, so what
17 did you learn from someone else, just for my application,
18 because I don't know. So Gregory's shots were where?

19 A. The entrance was from the rear and rear side.

20 THE COURT: Okay.

21 A. One exit was in the front, and one remained inside of
22 him.

23 THE COURT: Okay. And where was the entrance to that one
24 that remained inside him? Was it in the back of him or in the
25 front of him, like?

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BY THE COURT

1 A. The entrance was in the -- in the back.

2 THE COURT: In the back.. The second one as well.

3 A. Yes, ma'am.

4 THE COURT: Okay. Okay. Just so I understand. And what
5 about for Ronnie Black? Were they all in the front or --

6 A. No, ma'am.

7 THE COURT: Okay.

8 A. That, I didn't learn initially until autopsy, but no,
9 they were not in the front.

10 THE COURT: Well, I'm just getting us to that point,
11 because, obviously, this is an immunity hearing that we're
12 going to eventually have. And what did you learn in your
13 investigation that where were entrance and exit, or just
14 entrance wounds on Ronnie Black?

15 A. I know one was in his arm and traveled in sort of this
16 direction.

17 THE COURT: Okay.

18 A. But I don't want to raise the wrong arm. I would like
19 to look at my notes before I did that.

20 THE COURT: Okay.

21 A. I believe there was two in his chest that went in a
22 downward angle, in and down.

23 THE COURT: Okay.

24 A. As if perhaps he was going forward and got shot.

25 THE COURT: Okay.

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BY THE COURT

1 A. And then, I believe there was one in his side.

2 THE COURT: Okay. And how big was Ronnie Black? Because
3 obviously, the defendant's a sizeable man.

4 A. Yes.

5 THE COURT: So.

6 A. Ronnie, I believe, was -- I want to say he was 5-10,
7 5-11, an average size, not an extremely large man, but he
8 wasn't a petite man either. About average.

9 THE COURT: Okay. Okay.

10 SOLICITOR SMITH: And Judge, we can admit a copy of the
11 pathology report.

12 THE COURT: Okay.

13 MS. CAMPBELL: That's fine.

14 THE COURT: Thank you. I appreciate it.

15 SOLICITOR SMITH: And mark it Court's?

16 ITEM IDENTIFIED AS PATHOLOGY REPORT

17 MARKED COURT'S EXHIBIT NUMBER 7.

18 THE COURT: And what were the results of the GSR that you
19 did?

20 A. The GSR were -- everybody, I believe, tested positive
21 for GSR, which is common because of contact and --

22 THE COURT: So Ronnie Black did, Gregory did, correct?

23 SOLICITOR SMITH: Correct.

24 THE COURT: Okay. They all did. Okay. Didn't mean to
25 jump in. I just sometimes like to get to the chase.

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1 SOLICITOR SMITH: Judge, that's all we have for this
2 witness.

3 THE COURT: Okay.

4 MS. CAMPBELL: Nothing.

5 THE COURT: Do you want to go as far as the *Jackson v.*
6 *Denno* is concerned -- I mean, I -- we're kind of here.

7 MS. CAMPBELL: We can.

8 THE COURT: So. And you did a total of three interviews
9 with him. Is that correct?

10 A. No, ma'am.

11 THE COURT: Okay.

12 A. Three interviews with Kimberly. I did one interview
13 with Mr. Brown.

14 THE COURT: Okay. Okay.

15 SOLICITOR JONES: I can do the *Jackson v. Denno*.

16 THE COURT: Let's just go ahead and do the *Jackson v.*
17 *Denno* while we're here.

18 SOLICITOR JONES: This should be relatively quick.

19 MASTER SERGEANT ANGELA CRUMPTON

20 DIRECT EXAMINATION BY SOLICITOR JONES:

21 Q. Investigator Crumpton, we saw earlier that you did in
22 fact interview Mr. Brown in this case.

23 A. Correct.

24 Q. And that was after being assigned as lead
25 investigator?

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1 A. Correct.

2 Q. Okay. And why was he interviewed?

3 A. He was interviewed because he both was suspect and
4 admitted that he had shot Mr. Ronnie Black and Gregory Black.

5 Q. Okay.

6 SOLICITOR JONES: Permission to approach the witness, your
7 Honor.

8 THE COURT: You may.

9 BY SOLICITOR JONES:

10 Q. Investigator Crumpton, I'm showing you what has been
11 previously admitted as Court's 2. What is that?

12 A. This is our Beaufort County Sheriff's Office *Miranda*
13 warning form, which I filled out. I verbally read to Mr.
14 Brown, who initialed each side, and then I verbally read the
15 questions, asking if he understood each of these rights, and he
16 indicated by initials yes. And then I also read verbally,
17 *having these rights in mind, do you wish to talk to us now.* He
18 initialed yes under that. He then signed and dated with a
19 time, as well as myself and Investigator Dreisen, who was also
20 present.

21 Q. Okay. And we just watched almost the majority of the
22 interview that took place. Was that a fair and accurate copy
23 of the interview?

24 A. Yes, ma'am.

25 Q. That was portrayed in State's Exhibit 1?

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1 A. Yes, ma'am.

2 Q. Okay. And at any time during that interview I believe
3 we're about 44 minutes from the end -- but at any time during
4 that interview did you make any promises to Mr. Brown?

5 A. No.

6 Q. Did you make any threats?

7 A. No.

8 Q. Was he coerced?

9 A. No.

10 Q. I believe that's Investigator Dreisen in the room as
11 well. Did he make any threats or promises or coerce Mr. Brown
12 in any way?

13 A. No, ma'am.

14 Q. Did Mr. Brown ever appear not to understand what is
15 happening with the discussion that's about --

16 A. No, ma'am. He -- he seemed to understand.

17 Q. And he did voluntarily speak with you.

18 A. Yes.

19 Q. And at any time did he ask for an attorney?

20 A. No.

21 Q. And was his statement freely and voluntary given?

22 A. Yes.

23 Q. Okay.

24 SOLICITOR JONES: Your Honor, I believe that satisfies the
25 *Jackson v. Denno*.

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1 MS. CAMPBELL: No questions.

2 THE COURT: Okay. Anything further from -- can she step
3 down.

4 SOLICITOR JONES: Nothing further from the State, your
5 Honor.

6 SOLICITOR SMITH: All right, Judge, we'll call Greg Black.

7 THE COURT: Come on forward, Mr. Black, to be sworn, sir.

8 MADAM CLERK: Good afternoon. If you would, put your left
9 hand on the *Bible*, raise your right. Do you solemnly swear or
10 affirm to truthfully answer all questions asked of you by this
11 Court, so help you God?

12 GREGORY BLACK: Yes, ma'am.

13 MADAM CLERK: Thank you. Please seat right there. You
14 can adjust this as you need to.

15 GREGORY BLACK: Yes, ma'am

16 MADAM CLERK: Speak nice and clearly. Thank you.

17 GREGORY DERAN BLACK

18 DIRECT EXAMINATION BY SOLICITOR SMITH:

19 Q. Mr. Black, please state your name for the record.

20 A. Gregory Deran Black.

21 Q. Okay. And where are you from?

22 A. Beaufort, South Carolina, the Big Estate area, Sheldon
23 Township.

24 Q. And who was your dad?

25 A. Mr. Ronnie Black.

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1 Q. And who's the rest of your siblings?

2 A. I only have one sibling, which is Denise Brown.

3 Q. Okay. And where do you live now?

4 A. In my father's house.

5 Q. Okay.

6 A. At [REDACTED] Big Estates Circle.

7 Q. Where did you live after you left Beaufort?

8 A. First, I went to -- to boot camp, Navy boot camp, in
9 Chicago. Stayed in Chicago for six months. From Chicago, I
10 went to Virginia for a year and a half. From Virginia,
11 Norfolk, Virginia, I went to Mayport, Florida for two years.
12 And from Mayport, Florida, I went to Pascagoula, Mississippi.
13 And I got out of the military in 2005 with an honorable
14 discharge.

15 Q. Okay. Why did you get out of the military?

16 A. I had -- started having problems with my kidneys. So
17 in -- in Gulfport, we work with civilians, and they -- the
18 machine I work with monitors for lead when we sandblast. So
19 one of the civilians broke the machine, and they didn't inform
20 us what happened with the machine. So I got sick because of
21 that, so that's why I got out.

22 Q. Okay. What'd you do after that?

23 A. I was a -- I was a security supervisor at Alpha
24 Genesis Animal Lab in Yemassee. After that, I was -- I was the
25 head maintenance guy at Atlantic Pile Sweeping in Hampton,

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1 Virginia. After that, I got in trouble in 2006 for malicious
2 wounding in Newport News, Virginia. I stabbed a guy. And I
3 came home in 2010. In 2010, I worked at Smerfer Stone
4 Corrugating Company. I was a lead -- I was a lead on -- on
5 production floor. From there, I was maintenance supervisor at
6 the mall in Martinsville, Virginia. And then, 2013 they --
7 they found me disabled, the Navy found me disabled at the V.A.
8 Hospital. So I'm disabled veteran now.

9 Q. What were your disabilities?

10 A. I have PTSD. I have sleep apnea. I have congestive
11 heart failure. Type II diabetic. I have the GERD. And I have
12 issues with my knees.

13 Q. Okay. When this happened back in June of 2016, where
14 were you living?

15 A. I was living in Hampton, Virginia.

16 Q. Okay. And tell sure what you remember about June 5,
17 2016.

18 A. Everything was fine, you know. We was coming back --
19 coming back home from vacation.

20 Q. Who was on vacation?

21 A. Me and my -- me and my dad, my wife, and my son.

22 Q. Okay. Where were you on vacation?

23 A. We was in vacation in Hampton, Virginia.

24 Q. Okay. And you said you all were coming home. Were
25 you all coming to [REDACTED] Big Estates Circle?

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1 A. Right. We had just left my great aunt's house in
2 Columbia.

3 Q. Okay.

4 A. And we were on our way back home. So stopped at a gas
5 station right there in Point South to get gas and to call my
6 dad's girlfriend, because we -- we went fishing. We were going
7 to stop off the fish for her, but she said it was too late to
8 come by. So then, we proceeded to the house.

9 Q. Okay.

10 A. And so we got to the house. Started unloading the
11 bags. Dad --

12 Q. When you got to the house, who was there?

13 A. Joe; my sister, Denise; the kids; and me, my wife, and
14 my son.

15 Q. Okay. And what was the -- what was the weather like?
16 What was the condition when you all got there?

17 A. It was like rainy. The lights were out.

18 Q. Okay.

19 A. It was rainy. Excuse me. And it was just very dreary
20 that day. So we was trying to get unloaded from -- from the
21 long road trip, and Dad said something to my sister about the
22 trash and the smell and why didn't they take everything out.
23 And they went from that to argument, so I was like, all right,
24 let's go outside, get from in front of the kids, go outside,
25 finish this conversation out there. And I was just trying to

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1 be a -- a mediator to it, to kill everything, to like, okay,
2 everybody go their separate ways; you said what you said;
3 that's a done deal.

4 Q. Okay.

5 A. But they didn't -- they didn't -- they kept
6 antagonizing my father, so.

7 Q. Let me back you up a little bit. So they were -- who
8 was inside arguing about the trash?

9 A. My father and my sister.

10 Q. Okay. And then -- and then you tried to get them to
11 come outside?

12 A. Um-hmm.

13 Q. Is that correct?

14 A. Yeah.

15 Q. Okay. And then what happened? Where were they
16 outside?

17 A. On the porch.

18 Q. Okay. And who was arguing?

19 A. My sister and my dad.

20 Q. Okay. And what were you doing during this time?

21 A. Where?

22 Q. What were you doing, yeah?

23 A. I was listening to both sides, and telling my sister,
24 hey, this is his house, so, you know, you're a guest in this
25 house so just do what he asks.

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1 Q. Okay. During that time, did you know if your dad went
2 and got his gun?

3 A. Well, I know he went -- he went in the -- he went and
4 got his gun because he heard something on the back side of the
5 house.

6 Q. Okay. And do you know if he took it and got anything
7 else when he got his gun?

8 A. I know he had his flashlight.

9 Q. Okay. And this was separate from the argument --

10 A. Yes, ma'am.

11 Q. -- they were having, right?

12 A. Yes, ma'am.

13 Q. Okay. So where was Joseph Brown during this time?

14 A. During the argument?

15 Q. Yes, sir.

16 A. On the porch.

17 Q. Okay. And what happened next?

18 A. So he got into the argument about him being his
19 daughter or a child, and so, all us was going back and forth
20 then.

21 Q. Okay.

22 A. All us was going back and forth then. And so, he got
23 upset, and then he turned to my sister. She was like, so what
24 you going to do now. So I'm like, what's going on. So that's
25 when he pulled the gun and shot Dad, hit him in the head, and

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1 then shot me.

2 Q. Okay. Let me show you what's been marked as State's
3 Number 7.

4 SOLICITOR SMITH: And maybe, Judge, he can come down and
5 point to kind of where everyone was standing.

6 BY SOLICITOR SMITH:

7 Q. Is this a fair and accurate depiction of the house and
8 the area we're talking about?

9 A. Yes, ma'am.

10 Q. Okay. If you'll show the Court, where was everybody
11 on the porch when all this was going on.

12 A. My dad was here.

13 Q. Okay.

14 A. Joe and my sister was here, and I was here.

15 Q. Okay.

16 SOLICITOR SMITH: Can you see that, Trasi?

17 THE COURT: You need to do that again.

18 SOLICITOR SMITH: Sure.

19 BY SOLICITOR SMITH:

20 A. My dad was here. I was here. And Joe and my sister
21 was here.

22 Q. Okay. Where was Joe?

23 A. Here.

24 Q. Okay. Where was your sister?

25 A. On the other side here.

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1 Q. Why don't you point so everybody can see.

2 A. My dad was here. I was on this side. Joe was on this
3 side, and my sister was on this side.

4 Q. Okay. You can go sit back down.

5 Now, so at this point, you said Joe was involved in an
6 argument.

7 A. Yes, ma'am.

8 Q. And then what -- who was arguing with who at that
9 point?

10 A. Joe and my sister was arguing with me and my dad.

11 Q. Okay. And so, what's the next thing -- you said Joe
12 pulled his gun. Is that correct?

13 A. Yes, ma'am.

14 Q. Okay. Did you see where he got it from?

15 A. No, ma'am.

16 Q. Okay. And what did Joe say when he pulled the gun?

17 A. I got something -- he said, *I'm going to hurt you; I'm*
18 *a hurt both of you all.* At first he said what do you want to
19 -- he told my sister, *so what you want to do now.* And then he
20 was like, *I'm a hurt both you all.*

21 Q. Okay. And then who did he point the gun at?

22 A. My dad.

23 Q. Okay. And what did your dad do?

24 A. He just froze.

25 Q. Okay. Where was your dad's gun?

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1 A. In his waistband.

2 Q. Okay. And do you remember when he shot your dad how
3 many times he shot him?

4 A. I've heard the first two shots, and then -- then I
5 froze.

6 Q. Okay.

7 A. So. And then that's when I -- then he was like, I got
8 something for you. And then hit me; shot me twice.

9 Q. Okay. Before he shot you, what else did he do to your
10 dad?

11 A. He struck my dad in the head with a -- with the butt
12 of the gun.

13 Q. Okay. And then, he shot you, and what happened then?

14 A. He shot me, and I fell to the ground, and I grabbed
15 the phone out of my pocket and called 911.

16 Q. Okay. And what was Joe doing during this time?

17 A. He was -- he was pacing back and forth talking to my
18 sister. And then he was talking about justified homicide and I
19 was being -- he was being threatened. I'm like, what are you
20 talking about. So he was like -- so, he went back and forth to
21 the truck. So I'm thinking that he's going to -- going back to
22 the truck to re-load to come back and shoot me.

23 Q. Okay.

24 A. So I was just on the phone with 911 asking when the
25 police and ambulance going to get here, because I was in fear

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1 for my life. And my son was in the house.

2 Q. Right.

3 A. So I didn't know what he was going to do.

4 Q. Okay. After Joe shot your dad and hit him in the head
5 with the butt of the gun, was your dad moving towards you?

6 A. No, dad just fell.

7 Q. Okay.

8 A. He just fell.

9 Q. All right. After you were shot, what did you do? Did
10 you move?

11 A. I couldn't move. I thought I was paralyzed, because I
12 couldn't feel anything from my waist down. It just -- I
13 thought -- it just felt warm. Everything just felt warm. And
14 I keep asking my sister, I said, *do you see the blood; do you*
15 *see the blood; could you get me a towel.* Joe told her not to
16 touch me; don't help him; let the -- let the ambulance, the
17 EMTs, handle me.

18 Q. Okay.

19 A. So she just threw the towel on me, and I had to -- I
20 had to hold it. Couldn't sit up to see where I was bleeding
21 from, so I just held it where it was hurting at.

22 Q. Okay. Did you dad ever try to throw you his gun?

23 A. Never.

24 Q. Okay. Did you have a gun on you that night?

25 A. No, ma'am.

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1 Q. Okay. Did you ever threaten Mr. Brown that night

2 A. Nope, never have, never have.

3 Q. Okay. After you called 911, what happened? What did
4 Joe and Denise do?

5 A. They were -- he was all -- they walked off the porch,
6 walked back on the porch, you know, just pacing back and forth.
7 They were talking. I couldn't hear certain things, but when
8 they came closer, then I could hear what they were saying about
9 a justifiable homicide, and then he was like -- Denise was
10 like, why did you shoot -- why did you shoot Dad.

11 Q. Denise said that?

12 A. Yes.

13 Q. Okay. Do you recall Denise calling 911?

14 A. Late like. I say maybe eight to ten minutes later, I
15 think I remember her on the phone, though.

16 Q. Okay. Was your dad right-handed or left-handed?

17 A. Left-handed.

18 Q. Okay. And how do you know that?

19 A. Because I'm left-handed.

20 Q. Okay. And do you know whether your dad kept the gun
21 in his left waistband or right waistband?

22 A. He keeps it in his left waistband.

23 Q. Okay. All right. That's all I have.

24 GREGORY DERAN BLACK

25 CROSS-EXAMINATION BY MS. CAMPBELL:

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1 Q. Good afternoon.

2 A. Good afternoon.

3 Q. So I understand. It was a little bit difficult.

4 There's sort of a orange cooler and a chair right here. Are
5 you saying that your father was in this area?

6 A. No, ma'am.

7 Q. Okay. Where are you saying your father was?

8 A. Can I come back down?

9 Q. Yeah, please.

10 A. You mean before he was shot or after he was shot?

11 Q. When the four of you were standing on the porch --

12 A. Right.

13 Q. -- when the argument was taking place --

14 A. Right.

15 Q. -- I'm trying to ascertain --

16 A. Yes, ma'am.

17 Q. -- where the four of you were.

18 A. Right.

19 Q. So, if you -- if you could help us out, that would be
20 great.

21 A. We were in the area right here.

22 Q. Okay.

23 A. Right here.

24 Q. So point to where you were.

25 A. I was over here.

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1 Q. Let's start with you. Okay. So you're on this side.

2 A. Yes.

3 Q. Where's your father?

4 A. On --

5 Q. On this side.

6 A. On that side, right.

7 Q. Okay. So there's some stairs right here.

8 A. Yes, ma'am.

9 Q. So your father's here.

10 A. Right.

11 Q. You're here.

12 A. Yeah.

13 Q. Where is Joe?

14 A. Joe is here.

15 Q. Right here?

16 A. Yes.

17 Q. And where is Denise?

18 A. On this side. They were closer to the door.

19 Q. Over here.

20 A. Yes.

21 Q. So Denise is by the door.

22 A. Yeah.

23 Q. Joe is here.

24 A. Right.

25 Q. Your dad.

1 A. Right.

2 Q. And you.

3 A. Right.

4 Q. Okay. Thank you. Your testimony has been that your
5 father armed himself with a handgun because he heard a noise
6 out back. Is that right?

7 A. Yes, ma'am.

8 Q. Okay. And at what point did you actually see him
9 armed with the handgun? How did that happen? Can you tell us
10 that?

11 A. When I went in the house bringing the bags in the
12 room, he had it on his -- he had it in his waistband.

13 Q. Okay. So you went in the house to do what, now?

14 A. To drop the bags off. I'm bringing his bag.

15 Q. The luggage.

16 A. Yes.

17 Q. Okay. And so your father was walking around with the
18 handgun in -- on his left hip?

19 A. Yes, ma'am.

20 Q. Okay. And he didn't have a jacket on, right?

21 A. No.

22 Q. So the gun was right there out for anybody to see,
23 correct?

24 A. Yes, ma'am.

25 Q. You saw it.

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1 A. Yes, ma'am. I was in the house -- I was in the room
2 with him.

3 Q. Right. And so, when you all four were standing on the
4 porch, your father still had the gun in his waistband, right?

5 A. Yes, ma'am.

6 Q. Okay. And you testified that Joe Brown gave you a
7 warning and said, I'm going to hurt you. That was your
8 testimony, right?

9 A. He said, *I'll -- I'll hurt -- I'll hurt you both.*

10 Q. I'll hurt you both.

11 A. Right.

12 Q. So you guys are standing on the porch; you know your
13 father has a gun on his hip. You can see, right?

14 A. Yes, ma'am.

15 Q. Okay. And Joe is telling you I'm going to hurt you
16 both.

17 A. Yes, ma'am.

18 Q. That's your testimony.

19 A. Yes, ma'am.

20 Q. Okay. And did you -- did your father fall forward or
21 backward?

22 A. After Joe hit him in the head?

23 Q. Whenever he hit the ground, did he fall forward or
24 backwards?

25 A. He didn't fall forward. He fell backwards.

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1 Q. Okay. So was that when he was shot and he fell
2 backward?

3 A. He collapsed and then went back.

4 Q. Okay. So he went down and went back.

5 A. And went back, yes.

6 Q. Okay. And what is your testimony -- so is your
7 testimony then that Joe hit him with the gun while Ronnie was
8 still standing?

9 A. That's in my statement, yes, ma'am.

10 Q. Okay. Again, it's your sworn testimony --

11 A. He shot -- he shot him --

12 COURT REPORTER: I'm sorry. One at a time, please.

13 Q. Again, this is sworn testimony. I'm just trying make
14 sure I understand. You're testifying today that Joe hit him in
15 the head with the butt of the gun and then shot him.

16 A. Yes, ma'am. No. No. Shot me after he -- he shot
17 him first.

18 Q. Okay.

19 A. Then hit him in the head with the gun.

20 Q. Okay. So Joe shot Ronnie; Ronnie was still standing
21 up; Joe hit him with the butt of the gun; and then shoots you.

22 A. Yes, ma'am.

23 Q. That's your testimony.

24 A. It's not -- it's not like a delayed. It's pow, pow;
25 then he hit him; then he fell; and then he turned around and

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1 shot me. So it's not like two or three minutes apart. It was
2 all right then.

3 Q. It was very fast, right?

4 A. That -- yes.

5 Q. Okay. This thing about the convicted felon stabbing a
6 man up in Virginia, that was a knife that you used?

7 A. Yes, ma'am.

8 Q. In that?

9 A. Yes.

10 Q. Okay. And the family knew about the conviction,
11 right?

12 A. What family?

13 Q. Your family.

14 A. Yes.

15 Q. Okay. That you had been convicted of stabbing a man,
16 correct?

17 A. Yes, ma'am.

18 Q. Okay. That's all I have.

19 SOLICITOR SMITH: That's all I have for this witness,
20 Judge.

21 THE COURT: Okay. You may step down, sir.

22 GREGORY DERAN BLACK: All right.

23 THE COURT: Okay. All right. Is that everything for the
24 *Protection of Persons and Property Act*? Do you have anyone,
25 Trasi?

1 MS. CAMPBELL: I do not.

2 THE COURT: Okay.

3 SOLICITOR SMITH: That's all for the State.

4 THE COURT: Okay. Do you want to argue or?

5 SOLICITOR SMITH: Yeah.

6 ARGUMENT ON BEHALF OF THE STATE

7 BY MS. SMITH:

8 SOLICITOR SMITH: Judge, as you know, under this act,
9 defendant has the burden of establishing the applicability of
10 the act. And then, once that's met, then self-defense by a
11 preponderance of the evidence. This clearly comes up in under
12 16, under the subsection (C) of the statute.

13 Immunity is predicated that the defendant has demonstrated
14 the elements of self-defense beyond a preponderance of the
15 evidence. And you know, once (C) is applicable with the facts,
16 you must determine whether the evidence, the acting in self-
17 defense. I believe (C) would apply. There's no dispute that
18 this defendant was living with Mr. Black. They were co-
19 residents or co-tenants in the case law, the *State v. Jones*,
20 which Ms. Campbell cites, does state that. So we go straight
21 to self-defense.

22 The first prong, and probably the most important one in
23 this case, is the defendant must be without fault in bringing
24 on the difficulty. There are a number of things that the
25 defendant does that does not constitute not being without fault

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ARGUMENT ON BEHALF OF STATE - SMITH

1 in bringing up the difficulty. First, he has inserted himself
2 into a verbal argument between Dad, Ronnie Black, and his
3 daughter Denise. And he was armed; There was testimony --
4 clearly he was; he shot him. But there was testimony he always
5 carried a gun.

6 Everyone testified this was not a physical argument. He
7 actually inserted himself into it and exacerbated the
8 situation. Not only did he exacerbate the situation by coming
9 armed to a verbal argument, he shot towards the house full of
10 children.

11 When he got into this argument, Ronnie Black had not
12 threatened Denise; he had not pulled a gun on Denise. He
13 actually -- the defendant states that he was in his vehicle
14 prior to this argument. You heard his testimony earlier that
15 he stayed in his vehicle a lot because there's always a lot of
16 tension.

17 THE COURT: It's his office.

18 SOLICITOR SMITH: And he could have left. He could have
19 told Denise let's go, but instead, he goes back up there and
20 inserts himself into this argument. And like I say, he is
21 armed. There is testimony that he pulled the gun on Ronnie
22 Black. And clearly, Greg Black testified that he pulled a gun
23 on him when he was not armed, when Greg Black had not
24 threatened him.

25 Judge, next, the second prong, defendant must have actually

1 believed he was in imminent danger of losing his life or
2 sustaining serious bodily injury, or actually was in imminent
3 danger. There is no testimony that Ronnie pointed the gun at
4 defendant. At best, Denise Brown says that he had the gun by
5 his side and raised it. But then, Denise says that he had the
6 gun in his hand, but gives several stories. And then she says
7 she didn't see the shooting, but yet, she was right there. She
8 says it was dark; and then she sees the gun in Ronnie's hand,
9 but doesn't see a gun in defendant's hand, when she's standing
10 right there and when shots go out, and she said she runs
11 inside.

12 Greg Black testified that Ronnie had the gun in his
13 waistband. Greg was not armed. I think that is
14 uncontroverted, without a doubt.

15 The testimony that the defendant gives in his statement,
16 he threw the gun to Greg Black. No one corroborates that
17 testimony. And the testimony was -- or the gun was found by
18 the victim, not by Greg Black. It doesn't even make sense.

19 There was no -- the defendant didn't have a presumption of
20 fear as to Greg, because Greg lives. Defendant states that he
21 didn't know if he hit Greg at all, with all of them. He didn't
22 finish the job. He didn't go out to the truck. He went out to
23 the truck, but he didn't load the gun, and didn't come back and
24 shoot Greg until the danger ended.

25 This was not an imminent threat against him at all,

1 because he says that he's been afraid of him all the time.

2 This is clearly not the case.

3 The third prong that the Defense is based upon, the belief
4 of imminent danger, a reasonably prudent man of ordinary
5 firmness and courage would entertain the same belief.

6 Circumstances would warrant a man of ordinary prudence to
7 strike the fatal blow in order to save himself from serious
8 bodily injuries or losing his life.

9 He shoots six times and four blows to the head. And
10 Judge, we would say that it has to be self-defense on every
11 shot and blow. I mean, he shot him four times, and then shot
12 him at least more than once -- or hit him in the head more than
13 once. Pistol whipped him. And then shot Greg Black twice.
14 And we would state that that's not what a man of ordinary
15 prudence and reasonableness would do.

16 The Curry case, which you're familiar with, I know, Judge,
17 the Court noted the accused's testimony varied substantially
18 from the State's eyewitness testimony as to whether the victim
19 had attacked the accused. This is the same type -- I mean, the
20 accused's testimony is in direct conflict with eyewitness
21 testimony as to whether the victim attacked the accused. And
22 so, when the evidence is susceptible of more than one
23 reasonable inference, questions of fact must be submitted to
24 the jury. And I believe that's exactly the case here. We've
25 got testimony that is in complete and direct opposition of one

1 another.

2 The things we do know is that the defendant always carried
3 a gun. There is testimony to that, and that he was armed.
4 Greg Black was never armed. And Ronnie Black was armed, but
5 the testimony doesn't, you know, support him; no one says he
6 pointed the gun at defendant, besides the defendant.

7 There are a couple of things that Ms. Campbell pointed out
8 in her motion that I wanted to address briefly that I think
9 were just some -- just some mistakes. But no one says that
10 Ronnie Black pointed the gun at Joe and Denise, and that was
11 stated in there. I wanted to make that clear. I don't believe
12 the testimony has shown that.

13 Also, it was stated that Joe called EMS for help
14 immediately. And Joe did not call EMS. Denise Brown did. And
15 then handed him the phone, I think, because she was hysterical.

16 The other thing is that Ronnie Black was left-handed and
17 had the flashlight in his right hand, and the defendant claimed
18 in their motion that the gun was found by his right hand.

19 That's all I have. Thank you.

20 THE COURT: Thank you. Ms. Campbell.

21 ARGUMENT ON BEHALF OF DEFENSE

22 BY MS. CAMPBELL:

23 MS. CAMPBELL: Just briefly. The reason that it was put
24 in the motion that Ronnie Black's gun was found near his right
25 hand was because that's what it says in the Sheriff's Office

1 report --

2 THE COURT: Okay.

3 MS. CAMPBELL: -- of where the officer found the gun. On
4 Solicitor's Bate-stamped Page 8: *I saw a .40 caliber, semi-*
5 *automatic handgun located on the floor near the right hand of*
6 *Ronnie Black.* So that's where that came from.

7 I point the Court to the most recent case filed August 29,
8 2018, from -- it was appealed from a decision made by Judge
9 Murphy, up in Columbia, the *State versus Shannon Scott*. And
10 the opinion number was 27834. And we'll look to that in the --
11 in our analysis of why Mr. Brown should be granted immunity by
12 this Court.

13 So, in that situation, there's the situation with an
14 innocent, if you will, bystander that was shot and killed
15 during a situation of self-defense. And the State is sort of
16 trying to liken Gregory Black to this same innocent bystander
17 status because Ronnie was armed with a handgun on his hip,
18 clearly visible, and displayed for everyone to see. But making
19 much audio about the fact that Greg was not himself armed.

20 In any event, your Honor will have to make finding on all
21 the elements of self-defense, and we do take out position as
22 follows on that: that Mr. Brown was no an aggressor in this
23 conflict; that not only -- well, you know, you're dealing with
24 self-defense, but also defense of others. Mr. Brown's wife was
25 on the porch and engaged in what has been described as a very

1 heated, verbal argument with Ronnie Black, who was visibly
2 armed that night in the home during the argument. And Mr.
3 Brown was, you know, by himself in his van. That's not
4 something the State has argued about. And then he came to see
5 what was happening with and to his wife. And his children were
6 in the house as well, with their grandfather and his wife's
7 father becoming increasingly angry, and armed.

8 So I don't think that the first prong -- you know, they
9 want to cast him as being some aggressor because he steps on
10 the porch to find out what's going on when the melee is
11 beginning between the armed Ronnie Black and the clearly
12 unarmed Denise Brown. So, you know he's there with his wife
13 and his children, where he's lawfully allowed to be and not
14 becoming aggressive.

15 And the fact that he's -- that Mr. Brown has a gun in his
16 back pocket, means that there's nothing unlawful about that.
17 None of the guns that were found were illegal. He has every
18 right to protect himself and his family on their property from
19 intruders, from whomever. And so, that argument fails as well.

20 And so, was Mr. Brown facing imminent threat of death or
21 grave bodily injury, that would be the second prong, and that
22 is a test that your Honor has to look at and determine. A
23 handgun, as Denise has testified, in Ronnie Black's hand, no
24 larger in his waistband; and Joe also telling law enforcement
25 in his statement that Ronnie had removed the handgun from his

1 hip and put it in his hand, and both husband and wife say,
2 through Joe's statement and Denise's testimony, that Joe is
3 saying Mr. Ronnie, you know, what are you doing; Mr. Ronnie,
4 why you got your gun. So there's this heightened sense of
5 what's getting ready to happen. And in those moments, you
6 know, we don't hold a man to some precision interpretation.
7 He's allowed -- we allow -- or allow under the law to act on
8 appearances. That's the law of self-defense. And if it's
9 appearing to Mr. Brown in those rapidly unfolding moments that
10 Mr. Ronnie has gone from just totting the gun to handling the
11 gun, then, that absolutely is an appearance of aggression, and
12 he's on the porch with his wife, who has been in this heated
13 verbal argument with her father.

14 Now, the next thing is whether Mr. Brown shot four times
15 or 40 times, our law, self-defense law, allows two things. And
16 you would change a jury this. So you are, in essence, charging
17 yourself right now. You do not have to wait for the other
18 person to get the drop on you. So I don't have to wait for
19 that gun to be at my head. I'm acting on the appearance of it
20 being on the hip; removed from the hip. I don't have to wait
21 until you pull it up, and I may fire until I am sure that the
22 threat has ceased. So I don't have to wait for you to get the
23 drop on me, and I may shoot as many times until the threat has
24 ended. And that comes right out of the jury charges that your
25 Honor would give a jury. And there's no duty to retreat here.

1 Everyone is living there in that home. And the question, you
2 know, you're saying at that point, objectively and
3 subjectively, what was unfolding on that porch; how did it
4 appear to Mr. Brown when the gun, you know, became the threat
5 that could end his life and his wife's life?

6 And I will say to you lastly, the situation with just sort
7 of logic and really the danger that came about with the clearly
8 visible gun strapped, you know, right there into Ronnie Black's
9 hip, and the realization for both Denise and for Joe that the
10 gun was moving. And then there is this history with Greg that
11 everyone knows about, and Joe talked about in his statement the
12 history of violence and having stabbed a man, which, again, is
13 trying to kill someone. So that also factors into the past
14 knowledge of the violent level of the parties.

15 So he also testified in his statement that's in the record
16 that he is aware of the past incidents of violence by Ronnie
17 Black against Denise Brown, his wife; having knowledge of
18 Ronnie threatening to kill Denise and hitting Denise with a
19 shotgun previously. So these are all things that are in Mr.
20 Brown's mind in those split seconds when he's trying to make
21 decisions about how to protect himself and his wife. And as he
22 stated in his statement numerous times, you know, it probably
23 would have/could have been vice versa, and it would have
24 happened -- if it wouldn't happened the way it happened, it
25 probably would have been the other way. Probably would have

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1 been me and my wife. And that's really just the crux of self-
2 defense. When I act on how I perceive the situation to save my
3 life and to save the life of someone else, in this case, his
4 wife, and really you can extend that to the children in the
5 house, then I'm acting lawfully and legally in every, you know,
6 step that I take, until I'm certain that the treat has ended.

7 And so, with that, I'll close. And thank you, your Honor.

8 THE COURT: Okay. Ms. Smith, do you want to respond or --

9 RESPONSE BY SOLICITOR SMITH:

10 SOLICITOR SMITH: Judge, the only thing I would like to
11 make clear is that testimony about the violence between Ronnie
12 Black and Denise Brown, just like the testimony about violence
13 between Greg Black and Joseph Brown in the past, would not be
14 admissible at a trial of this case. It's left in this
15 interview, but that we would not intend to offer that, as well
16 as Greg's past conversation. So, for Ms. Campbell to base her
17 argument on that, I think is a little unfounded.

18 MS. CAMPBELL: Well, again, I do think that's relevant and
19 I do think it's admissible if the case goes to trial, because
20 it is a factor that jurors have to consider as to what Mr.
21 Brown, the defendant, knew about the aggressiveness and
22 homicidal aspects of the people standing in front of him, one
23 armed with a gun, the other having been previously convicted of
24 trying to kill a man with a knife. So there are two people in
25 front of him: one clearly with the ability to end his wife's

1 life, and the other one having already been convicted of
2 already trying to kill someone.

3 Thank you, your Honor.

4 RULING:

5 THE COURT: Anything you all want to add?

6 SOLICITOR SMITH: No, ma'am.

7 THE COURT: All right. Well, just in reading the statute,
8 I don't know how you avoid this case. I don't think that
9 they've been able to establish a flat-out immunity based on 16-
10 11-440(C). I don't think it's been shown -- Mr. Brown was not
11 -- I'm sorry, but Mr. Brown [sic] was not the aggressor.
12 Everything seemed to be fine. And while there may have been a
13 verbal altercation going on, there was no gun fight until Mr.
14 Brown inserted himself in it. I don't think any of us question
15 he had a right to be there; he'd been living there for a year;
16 but again, I just don't see how it doesn't become a self-
17 defense jury issue in this case. I don't see how the jury
18 cannot weigh what exactly happened.

19 And again, we go, in looking at whether or not he was
20 attacked, I think that's very much a question for the jury. I
21 don't see a whole lot of testimony or I haven't heard any
22 testimony of Mr. Brown was attacked by another, other than I
23 know you're going to say the evidence of according to himself
24 and according -- well, just according to him that he saw a gun
25 on Mr. Black, the victim. I think we've established that it

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1 wasn't necessarily pointed, and no one saw it pointed at him or
2 at his daughter -- or, I'm sorry -- at the defendant's wife.

3 And again, if he reasonably believed it necessary to
4 prevent death or great bodily injury to himself, his wife, or
5 his children further in the house, again, I don't see that
6 solitary issue, I really don't, in this case.

7 I think, Ms. Campbell, the problem you have is the idea of
8 using deadly force being necessary to prevent his or his wife
9 or his children's own death or great bodily injury. And I'm
10 just hypothetically thinking outside of the box here. Could it
11 be that if he believed he had to use deadly force and could
12 possibly be granted immune under the *Castle Doctrine* as to the
13 defendant -- I'm sorry -- as to Ronnie Black, the father, but
14 then what about Greg? I know it's all one continuous
15 circumstance.

16 I think the hard part of getting past it, Ms. Campbell, is
17 the six shots. I mean, you've already got Ronnie Black down on
18 the ground. We clearly have testimony that Gregory Black did
19 not have a gun. I understand your point is that he somehow
20 tried to -- or Mr. Black tried to flip his gun to Gregory
21 Black. I guess that's something for a jury to consider, but I
22 just -- it's just not really plausible, particularly where the
23 gun was found.

24 I'm going to go ahead and I'm just going to deny the
25 motion. And I can go through and make more specific findings

1 on the record in the morning. I just don't think it's
2 applicable in this case.

3 Again, Ms. Campbell, I'll go ahead and put more factual
4 findings on the record in the morning. Okay?

5 What else do we have?

6 SOLICITOR SMITH: Judge, that's it for today, I believe.

7 THE COURT: Okay. What about pre-trial motions, though?
8 We need to have our other pre-trial motions.

9 SOLICITOR SMITH: After ruling on the today hearing.

10 THE COURT: Okay. Okay. Well, Ms. Campbell, is there
11 anything you want to argue as far as on the *Jackson v. Denno*?

12 MS. CAMPBELL: No, ma'am.

13 THE COURT: Okay. Well, obviously, he was being detained.
14 I think there's a little conversation with the other officer
15 about it. You know, he was read his *Miranda* rights. He waived
16 them. I don't think he was unduly coerced in any way. As I
17 commented before, and I thought it was just going to break out
18 and have coffee because it was such a nice exchange between an
19 officer and a defendant. So, respectfully, I'm going to deny
20 that motion as well.

21 SOLICITOR JONES: Your Honor, if I may, on that statement
22 for trial, your Honor did hear the entirety of the interview of
23 the entire transcript we provided your Honor for the purposes
24 of the *Castle* doctrine hearing.

25 THE COURT: Um-hmm.

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1 SOLICITOR JONES: However, for trial, for purposes in
2 front of the jury --

3 THE COURT: Right.

4 SOLICITOR JONES: -- at this point, the State has redacted
5 about seven different portions that we feel would be
6 inadmissible. And I can go through those very briefly. You
7 heard the majority of them already. The first part is about 25
8 minutes in. He's going into character evidence about Ronnie
9 Black and Gregory Black. It's hearsay from Ms. Denise Brown.
10 And then he immediately goes into the incident in Jacksonville,
11 where he was charged with pulling a gun. We're not trying to
12 elicit that testimony. We feel that that is inadmissible under
13 404(b).

14 THE COURT: Okay.

15 SOLICITOR JONES: So that would be the first section we
16 redacted. The second section would be about going through the
17 gun. Somebody is clearing out a cell phone, and they overhear
18 either Ronnie or Greg say, if he says that about the kids, I'm
19 going to shoot him. It's unclear who he's talking about and
20 it's hearsay in and of itself, because you don't know who he's
21 referencing. We don't know who he's referencing.

22 There is another reference about Denise Brown getting into
23 a prior incident when she was, I believe, in her teens, about
24 coming home after playing cards. The dad was waiting for her.
25 That is, again, hearsay, and it's irrelevant. It's

1 inadmissible in this case.

2 The next section would be where Mr. Joseph Brown is
3 talking about the puppies he had, and them dying, and him
4 suspecting Mr. Black had something to do with that. It's
5 speculation. There's nothing to corroborate that. Again, it's
6 character assassination, another incidence of the character
7 assassination, and it's irrelevant. It's talking about Ronnie
8 Black refusing to take Denise Brown down to the cosmetology
9 test. I don't see how that is relevant to this whatsoever.

10 And then finally, there is a good chunk of dialog, which
11 was not played today, which is at the end of the transcript.
12 You will see it's between Mr. Brown and former Deputy Blake
13 Johnson, and they're talking about the sleep apnea and his
14 using of this vape and the different flavors he likes. It's
15 just conversation, filler. Really, for judicial economy to cut
16 time, I would like to cut that out as well.

17 THE COURT: Okay.

18 SOLICITOR JONES: And it does, with those redactions, it
19 takes the interview down to about an hour and 40 minutes.

20 THE COURT: Okay. All right. Ms. Campbell, any that she
21 wants out that you want back in?

22 MS. CAMPBELL: No, and she -- she can leave all that out,
23 but I just need to make clear that the incidents of prior
24 violence by Ronnie against Denise, I can certainly go into that
25 with Denise in her testimony, because that is relevant to the

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1 four people on the porch and what the appearances were and what
2 the prior history of violence is between those parties, is what
3 we have to, you know, put forward for self-defense. So I would
4 go into the prior violence between Ronnie and Denise. And
5 then, also the fact that Joe and Denise were both aware that
6 Greg had tried to kill a man in Virginia. And that's it.
7 Those two things, and then we're done.

8 SOLICITOR JONES: Your Honor, I do not have the case in
9 front of me. I can certainly pull it up for you. As you are
10 aware, prior incidences are admissible between a victim and a
11 defendant. This is between a deceased man who cannot get on
12 the stand and defend what is being alleged against him and his
13 daughter, neither of which are the defendant in this case. I
14 can certainly provide the case that says that special
15 incidences of conduct are admissible, but it has to be between
16 the victim and the defendant. And again, the 2005-2006
17 conviction for malicious wounding, not intent to kill or intent
18 to murder, whatever the Defense is attempting to portray it
19 was, is inadmissible. It does not come in, and that's the
20 rule. It doesn't come in.

21 MS. CAMPBELL: Well, I think it's proper. And in every
22 situation, the victim is going to be deceased and can't defend
23 themselves. And I think it's not just -- if Mr. Brown were
24 standing on the porch alone, then it's just self-defense. But
25 Denise is there, so that's defense of others, and that allows

1 him to incorporate what he knows about the relationship between
2 Ronnie Black and Denise. You know, I understand defendant and
3 victim, but he can also incorporate when he's defending someone
4 else. If Denise weren't on the porch, yes, but she is on the
5 porch, and he knows what Ronnie has done to Denise in the past
6 and the violence and the drugs. And I do think it's relevant,
7 and we have to be able to go there for that portion of the
8 prior relationship of the parties in terms of the violence.

9 THE COURT: All right, and you all need to pull some case
10 law. See what you can find and email it to Julia.

11 MS. CAMPBELL: And other than those two things, that's all
12 I have.

13 THE COURT: Did you work out the sequestration of the
14 witnesses in this case? Is that all settled?

15 SOLICITOR SMITH: Yes, ma'am. Like I said, Greg Black
16 will remain the courtroom because he is the victim of the
17 attempted murder.

18 THE COURT: Okay.

19 SOLICITOR SMITH: And then our case officer.

20 THE COURT: Okay. And anything else as far as pretrial
21 motions, because there was a number of them.

22 MS. CAMPBELL: Well, I think that we addressed Number 1,
23 which was the defendant was raising the issue that the copies
24 of the indictments that the defendant received from the State
25 of South Carolina did not appear to have a date affixed to them

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1 where the grand jury would have stamped the date and stamped
2 true bill. It's my understanding the Court has received the
3 actual indictments that do have a date stamp.

4 THE COURT: There is a date stamp on them. And the true
5 bill actually stamped was placed in the portion usually where
6 you write the verdict, so it was -- needed to be above. And
7 then right underneath that was the date stamp. So I'm not
8 concerned about that.

9 MS. CAMPBELL: That's been resolved. And then we dealt
10 with Defendant's Motion Number 2, 3, 4.

11 THE COURT: I think we've taken care of everything.

12 MS. CAMPBELL: 6 and 7. We dealt with the photographs, 8.
13 And I don't believe the State intends to introduce any victim
14 impact testimony. That's correct? And no -- there was a whole
15 series of what they characterized as victimology investigation
16 in this case from about six witnesses that are on the
17 defendant's list of witnesses. And I asked the State if they
18 intended to introduce the victimology witnesses, which are sort
19 of family members, and they said no. So I would, I guess, hold
20 them to that. And other than the two incidents that I've
21 spoken about as far as the history of the parties, I don't
22 believe either one of those is opening the door for
23 victimology, which, you know, in the reports it's like, well,
24 we heard this, there's a rumor of that, and it is fraught with
25 problems, and I don't think the State intends to introduce it.

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1 THE COURT: Yes.

2 SOLICITOR JONES: Your Honor, I did find one case that I
3 had, and I believe it is still good law. Ms. Smith is double-
4 checking it. *State v. Boyd*, 126, S.C. 300. It is a 1923 case.
5 It is old. However, it says that:

6 *In prosecution for assault and battery with*
7 *intent to kill, defendant has the right to*
8 *introduce evidence attacking the reputation of*
9 *the prosecuting witness for violence, but it cannot*
10 *be done by showing special instances of conduct.*

11 And so, the State would argue that if the defendant has
12 knowledge of Mr. Greg Black or Mr. Ronnie Black's reputation,
13 that would be admissible, but not the specifics. And this
14 malicious wounding would be extremely specific. And in itself.

15 THE COURT: And I actually think it's a -- it's still good
16 law. And I can tell you there are a lot of more current case
17 law than that as well, stating the same thing.

18 Ms. Campbell, what's the history between Denise and her
19 father that you are trying to elicit? You said that they had
20 issues before.

21 MS. CAMPBELL: Well, it's my understanding from my
22 conversations with Denise and with Joe that there, you know,
23 had been an incident where Ronnie had hit, you know, had been
24 physical violent with a deadly weapon to Denise by hitting her
25 with a shotgun. I mean, that -- the shotgun, deadly weapon,

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1 hitting her with it. You know, I don't want to go into all of
2 the drama between the father and the daughter over the years.
3 That, to me, is not relevant. But that incident is relevant.
4 I mean, that is something that was in Denise's mind; it was
5 something that was in Joe's mind when they were on the porch;
6 and Ronnie was armed. So that's the extent of it.

7 THE COURT: I would agree with the State that they can't
8 get into specific incidents. I think that kind of rubs both
9 ways, though, too. You know, you can try to say that they have
10 this tumultuous relationship, but he also let his daughter, her
11 husband, and her three children live in the house for a year.
12 So, if it was so terrible, why was he there? And if he was in
13 such a heightened state of afraid what Ronnie was going to do,
14 he wouldn't have been there with the kids. So I guess it could
15 go both ways.

16 Let me just go back and look a little bit more on self-
17 defense and what can be entered. I think it's just general
18 understanding and past history or reputation, but not specific
19 acts. I think what's complicating in this case is, Number 1,
20 it's over something as, I guess, inconsequential as smelly
21 trash. And secondly, that it's not between the two people that
22 were fighting that had the aggression, which was Denise and her
23 father, but rather it's Mr. Brown that is the one that shot six
24 times and ended up killing Mr. Black, even wounding Gregory
25 Black as well. So I think those things tend to create a hole

1 in it as far as factually differentiating from some of the
2 other cases we've seen. So let me just go back and look at it.

3 I will also read the rest of Mr. Brown's testimony that we
4 didn't get to. Is there anything else I need to look at
5 overnight that would be helpful?

6 SOLICITOR JONES: Your Honor, *State v. Day*, which is 341
7 S.C. 410.

8 THE COURT: Okay.

9 SOLICITOR JONES: That talks about the reputation for
10 violence, but then, again, reputation towards a third party.
11 And it brings into -- it says specifically that -- my
12 apologies.

13 *In the murder prosecution of one pleading*
14 *self-defense in an attack by the deceased*
15 *evidence of others' specific incidences of violence*
16 *that refer to the deceased are not admissible*
17 *unless they were directed against the defendant*
18 *or directed against others --*
19 *-- which, in this case, would be the daughter, Denise*
20 *Brown --*

21 *-- were so closely connected at point of time or*
22 *occasion with the homicide as reasonably to*
23 *indicate the state of mind of the deceased at*
24 *the time of the homicide.*

25 THE COURT: Okay. So it had to be close in time, so it's

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RULING

1 all part of why they were so upset. Okay.

2 SOLICITOR JONES: And this happened years and years and
3 years ago --

4 THE COURT: Right.

5 SOLICITOR JONES: -- when she was, I believe, in her teens
6 or early twenties.

7 THE COURT: Okay. All right. So looks like, then, we,
8 Ms. Campbell, covered anything as far as your pretrial motions
9 are concerned.

10 If you all could be here at 9:30 tomorrow morning. The
11 jury's coming in at 10:00. I'd like to start and go forward.

12 Ms. Smith, are you doing the opening for the State?

13 SOLICITOR SMITH: Yes, ma'am.

14 THE COURT: Okay. All right. Anything else? Anything
15 unusual as far as I expect to be able to run until roughly 5:00
16 o'clock tomorrow. And if you all just be here at 9:30 and be
17 ready to go. And will you make sure that if anyone needs the
18 T.V., it will be on, ready to go, tested?

19 MADAM CLERK: Yes, ma'am.

20 THE COURT: Okay. All right, you all. I will see you in
21 the morning. Okay?

22 SOLICITOR JONES: Thank you.

23 THE COURT: Thank you.

24 ITEM IDENTIFIED AS DVD OF INTERVIEW
25 OF JOSEPH LEONARD BROWN

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BY THE COURT

1 MARKED COURT'S EXHIBIT NUMBER 1.

2 ITEM IDENTIFIED AS *MIRANDA* FORM

3 MARKED COURT'S EXHIBIT NUMBER 2.

4 ITEM IDENTIFIED AS PHOTOGRAPH

5 MARKED COURT'S EXHIBIT NUMBER 3.

6 ITEM IDENTIFIED AS PHOTOGRAPH

7 MARKED COURT'S EXHIBIT NUMBER 4.

8 ITEM IDENTIFIED AS PHOTOGRAPH

9 MARKED COURT'S EXHIBIT NUMBER 5.

10 ITEM IDENTIFIED AS PHOTOGRAPH

11 MARKED COURT'S EXHIBIT NUMBER 6.

12 END DAY ONE, MONDAY, SEPTEMBER 17,

13 2018, 5:29 P.M.

14 BEGIN DAY TWO, TUESDAY, SEPTEMBER 18,

15 2018, 10:05 A.M.

16 BY THE COURT:

17 THE COURT: All right. Ms. Campbell, I know there's
18 something we need to put on the record. I don't even know if
19 all the jurors are here yet, so I just thought I'd come on out.
20 Yes.

21 MS. CAMPBELL: We do have two matters. A matter that I
22 would bring to the Court's attention. Several times yesterday,
23 the State referred to the blows to Ronnie Black's head by
24 Joseph Brown as being pistol-whipping him. And so, that's a
25 characterize that may be appropriate for closing argument, you

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BY THE COURT

1 know, if they want to characterize the manner of the hits, but
2 to do that, you know, in their questioning and have them sort
3 of make an assertion about how this was carried out would be
4 improper. Certainly testimony about the fact that he was hit,
5 from the medical examiner and anybody else that witnessed the
6 striking of the blows, but we think it's improper for the State
7 to characterize the manner in which they were delivered as
8 pistol-whipping. That's the first matter.

9 THE COURT: I don't know if pistol-whipping is a technical
10 term, but that's pretty descriptive.

11 SOLICITOR JONES: Your Honor, and that's what he did.
12 Even he -- even the defendant saw -- said he hit him in the
13 head with a gun, a pistol, whipping him in the head. That's
14 the testimony.

15 THE COURT: Did he actually say whipping?

16 SOLICITOR JONES: He says he hit him with a gun.

17 THE COURT: Okay.

18 SOLICITOR JONES: That's what it is, is pistol-whipping.

19 THE COURT: What I saw in reading the autopsy, it looked
20 like that the pathologist had stated that there was, I believe,
21 four or five laceration. Was it four?

22 MASTER SERGEANT ANGELA CRUMPTON: Yes, ma'am.

23 THE COURT: Four lacerations of the head. I don't feel I
24 can completely tie their hands. Again, I think you can ask,
25 but let's not beat a dead horse with the idea of pistol-

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BY THE COURT

1 whipping. Again, I don't know that it's a technical term, but
2 if you hit someone four different times, I don't quite know
3 whatever else to call it, causing lacerations. But I'm not
4 going to tie your hands, again, but just be careful. Okay?
5 Okay.

6 SOLICITOR JONES: Ms. Campbell -- the State did have a few
7 more photographs that we printed this morning that Ms.
8 Campbell's objecting to. For our court reporter, they are 64,
9 65, 66, and 67. And I will pass them to you.

10 THE COURT: Thank you.

11 SOLICITOR JONES: Part of the testimony that came out
12 yesterday -- some of the statements came from Mr. Brown
13 himself, as well as from Denise Brown and Gregory Black, was
14 that the argument started over the trash and the smell in the
15 house.

16 THE COURT: So is this the trash?

17 SOLICITOR JONES: That's the trash. And the other
18 photographs of the rooms do show trash on the ground in the
19 rooms, as well as complete disarray, and Joe and Denise's room
20 as well as where the children stay. They would just to be to
21 corroborate the testimony that this is what the argument
22 started over.

23 THE COURT: Well, I didn't hear any testimony the argument
24 was over any trash other than the trash that was in the laundry
25 room. Am I correct on that?

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BY THE COURT

1 MS. CAMPBELL: That's correct. That's our objection. And
2 we --

3 THE COURT: This just shows that --

4 MS. CAMPBELL: You know, I could go into great detail. I
5 had to ask the State about the picture of the bag of trash,
6 which they had actually thrown in their trash can and pulled it
7 out to give to your Honor just now. You know, what they
8 produced to me were the pictures of the bedrooms and the
9 playrooms of Mr. and Mrs. Brown and the children. And it's
10 just -- it's impermissible, you know, 402, 404(b), other acts.
11 They want to depict this cluttered, filthy, bad, you know,
12 looking family, and it's improper and certainly not probative
13 of anything they have to prove. The bag of trash picture is
14 fine, because that's what the argument was over, but the other
15 photos are improper. Thank you, your Honor.

16 THE COURT: Okay. I can tell you, I will, obviously,
17 Number 67, the bag of trash, I'm going to let in. As of right
18 now, I'm not going to let in 64, 65, and 66. Again, I would
19 agree, I don't think it's probative of anything. However, if
20 Denise gets on the stand or if Mr. Brown gets on the stand and
21 says that he was just being completely unreasonable about the
22 trash and crazy about the trash, I think this would be allowed
23 in to say maybe this wasn't all part of it, you know, being
24 unreasonable, but I'm not so sure you want to get into that
25 either, so. I don't know. I would agree, though, Ms.

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GENERAL CHARGE

1 Campbell, right now, let's keep it out. Again, just to show
2 that, you know, they're dirty people isn't probative of
3 anything or relative to anything, so.

4 SOLICITOR JONES: If I do feel that the door has somehow
5 been opened, I'll ask for a break.

6 THE COURT: You need to tell me first and come to me.
7 Okay? Thank you. Okay. Anything else? Anything else? No.
8 Is the jury over here, ready?

9 BAILIFF: Yes, ma'am.

10 THE COURT: Let's bring them in. Will you swear them in
11 for me?

12 MADAM CLERK: Yes, your Honor.

13 THE COURT: Thank you. I appreciate it.

14 Let's review the first witness for this morning, Ms.
15 Smith.

16 SOLICITOR SMITH: 911.

17 THE COURT: 911, got it. Okay.

18 BAILIFF: The jury is entering the courtroom, your Honor.

19 THE COURT: Thank you.

20 JURORS ENTER COURTROOM 10:13 A.M.

21 BAILIFF: The jury is seated, your Honor.

22 THE COURT: Thank you.

23 GENERAL CHARGE:

24 THE COURT: Good morning, ladies and gentlemen.

25 RESPONSES FROM JURORS.

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GENERAL CHARGE

1 THE COURT: It is a pleasure to see you all. We worked
2 hard yesterday afternoon to be able to streamline this trial
3 for you. I will tell you also that what were going to do at
4 this point, is we're going to swear you in as the jurors for
5 the trial of this case. I'm going to make a few brief
6 comments, and then the lawyers are going to make what are
7 opening statements. All right? And then we're going to start
8 putting witnesses up, ladies and gentlemen.

9 I just remind you, if anyone needs a break or needs
10 anything, just waive me. Okay? And if you can't catch my eye
11 for some reason, waive Jessica, and come get me. Okay?

12 So, with that said, ladies and gentlemen, if you would all
13 please rise, raise your right hand. The clerk is going to
14 administer the oath, and when you accept it, say I do, and be
15 seated.

16 JURORS SWORN:

17 MADAM CLERK: Good morning.

18 RESPONSES FROM JURORS.

19 MADAM CLERK: Do you solemnly swear or affirm that you
20 shall well and truly try and true deliverance make between the
21 State of South Carolina and the accused, and a true verdict
22 give, according to the evidence and the law, so help you God?

23 RESPONSES FROM JURORS.

24 MADAM CLERK: Thank you.

25 THE COURT: You may be seated. Thank you.

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GENERAL CHARGE

1 Ladies and gentlemen, what I'm now going to say to you is
2 intended to serve as an introduction to the trial of this case.
3 These are not a remark of a charge on the law in this case.
4 I'm going to charge you to the law that's applicable to the
5 case at the very end of the case, after you've heard all the
6 evidence and after you've heard the closing arguments from the
7 attorneys. This is merely an explanation of the procedure that
8 we're going to follow so that you can better understand what's
9 happening.

10 Now, the defendant in this case by indictments that are
11 filed in this court with the offences of murder, attempted
12 murder, and possession of a weapon during the commission of a
13 violent crime, the elements of which I will explain to you at
14 the end of the trial.

15 Now, ladies and gentlemen, these indictments are simply
16 the charges by which a case is brought into the courtroom, and
17 are not in any sense evidence of any of the allegations that
18 they contain.

19 Now, the defendant in this case, Mr. Brown, has pled not
20 guilty to these indictments. Therefore, the State has the
21 burden to prove his guilt on each of the indictments as to each
22 of the elements beyond a reasonable doubt. And it's your duty,
23 ladies and gentlemen of the jury, to decide whether or not the
24 State has met that burden.

25 Now, your purpose as jurors is to find and determine the

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GENERAL CHARGE

1 facts. You, the jury, are the sole judge of all facts in this
2 case. If, at any time, I make any comment regarding the facts
3 of this case, you must disregard it, and you are to only
4 determine the facts of the case from the testimony you're going
5 to hear from the witness stand as well as any other evidence
6 that's entered into the trial of this case.

7 Ladies and gentlemen, please understand that it's
8 especially important that you perform your duty of determining
9 the facts diligently and conscientiously, because ordinary,
10 there's no way to correct an erroneous detention of the facts
11 by a jury.

12 On the other hand and with equal emphasis, the same law
13 that makes you, the jury, the judge of the facts, makes me the
14 judge of the law. The law, as given by the Court, is the only
15 law that you may consider. You must accept and apply the law
16 as I give it to you. You cannot disagree with me about what
17 the law is or what you think the law ought to be. I'm going to
18 instruct you at the end of this trial that your job is to take
19 the law as I give it to you and apply it to the facts as you,
20 the jury, find them, and from there, render a true and just
21 verdict.

22 Now, until I advise you to begin your deliberations, you
23 must not discuss this case with anyone, and that includes
24 family members, friends, colleagues, or your fellow jurors,
25 until you've heard all the evidence in this case, you've heard

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GENERAL CHARGE

1 the closing arguments from lawyers, and I have charged you on
2 the law that's applicable, and then you all will be in your
3 jury room deliberating together.

4 Additionally, ladies and gentlemen, I don't know that
5 there's been anything in the news, the newspaper, but out of an
6 abundance of caution I need to tell you that if for any reason
7 you read anything or see anything or happen to see a headline
8 regards to this case, you are to disregard it, you are not to
9 read it, you are not to look at it. I will tell you that we
10 will go and research right now, and every morning we do that to
11 make sure that there's been nothing in the paper. And if there
12 is, I typically ask you about it. And I just want to know
13 under oath whether or not you've read it. Because, again,
14 ladies and gentlemen, it is not factual.

15 I remind you -- and you're going to keep hearing me say
16 this throughout the entire week -- you are going to have
17 everything you need to decide this case here in the courtroom.
18 And again, it would be highly inappropriate for you to be
19 influenced by any outside sources.

20 Ladies and gentlemen, also, it's especially important that
21 you keep an open mind and not decide any issue in this case
22 until you've heard all the evidence.

23 Now, in just a moment, the Solicitor is going to make
24 what's called an opening statement in which she's going to
25 explain to you the issues in the case, or at least what she

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GENERAL CHARGE

1 believes the issues are in this case. And then the Defense
2 attorney is also going to make an opening statement, although
3 she is not required to do so.

4 Please understand that what these lawyers tell you in
5 their opening statements is not evidence in the case. Again,
6 it's just their argument or their contention as what they
7 believe the evidence will show. Again, the evidence comes from
8 the witness stand and exhibits that are entered into the trial
9 of this case.

10 And I also want you to know that from time to time during
11 the trial, you may hear one of the lawyers say something like,
12 your Honor, there's a matter of law we need to take up, or I
13 may ask them to approach the Bench, or I may even send you back
14 to your jury room. I want you to understand something. We're
15 not hiding anything from you. Oftentimes, when I have to rule
16 as a matter of law whether or not certain evidence or testimony
17 is admitted, I may make a comment on the facts of the case.
18 And because I would never want anything I do or say to
19 influence you in your determination of the facts, out of an
20 abundance of caution, we just do it outside your presence.

21 Now, in determining what the true facts are in the case,
22 you must decide whether or not the testimony of the witnesses
23 is believable. It's my responsibility to rule as matter of law
24 whether certain testimony is let in; but once it is let in,
25 whether or not you believe it is for you to determine.

9-18-18 STATE V BROWN - OPENING STATEMENT - STATE - SMITH

1 In deciding whether to believe a witness, you have the
2 right to consider the interest of any witness, the bias of any
3 witness, the prejudice of any witness. And you can look at the
4 opportunity or examine the opportunity the person had to have
5 seen the matters and things about which the witness is
6 testifying. And you can also look at the way they act on the
7 witness stand. You have a right to consider anything that is
8 in the record to help you evaluate testimony. Therefore,
9 ladies and gentlemen, I ask you pay close attention, so at the
10 very end of this trial, you can accurately remember the
11 testimony that was given.

12 Now, in order to observe everyone's rights, I'm going to
13 ask the attorneys if there's anything they object to or want me
14 to add. If not, we are going to go ahead and begin the trial
15 of this case. All right?

16 So, Ms. Smith, anything?

17 SOLICITOR SMITH: Nothing from the State.

18 THE COURT: Ms. Campbell?

19 MS. CAMPBELL: No, your Honor.

20 THE COURT: Ladies and gentlemen, we will begin the trial.
21 Ms. Smith, whenever you're ready.

22 SOLICITOR SMITH: May it please the Court.

23 THE COURT: Yes, ma'am.

24 OPENING STATEMENT ON BEHALF OF THE
25 STATE, BY SOLICITOR SMITH:

9-18-18 STATE V BROWN - OPENING STATEMENT - STATE - SMITH

1 SOLICITOR SMITH: Ronnie Black was murdered on June 5,
2 2016 in his home at [REDACTED] Big Estates Circle, at Sheldon, here in
3 Beaufort County. And he was murdered by this man over here,
4 Joseph Brown, sitting at counsel table with Ms. Campbell.

5 Joseph Brown shot Ronnie Black. He shot him not one time,
6 not two times, not three times, but four times. But that
7 wasn't enough. Joseph Brown then took his gun and he beat
8 Ronnie in the head with the butt of it.

9 That still wasn't enough for Mr. Brown that night. He
10 then shot Ronnie's son, Gregory Black. Shot Ronnie four times,
11 hit him in the head, and then turned around and shot Greg
12 twice. And as a result, was charged with attempted murder of
13 Greg.

14 Ladies and gentlemen, that was not enough. Ronnie Black
15 was the defendant's brother-in-law. He lived with Ronnie Black
16 in his home. Joseph Brown; his wife, Denise Brown, Ronnie's
17 daughter, living in the home with her father and their three
18 children. And had done so for about a year prior to this.
19 Greg was his brother-in-law. Greg was at the home because he
20 was returning from a family trip with his dad. These are not
21 strangers. They're family.

22 Ronnie Black went on a trip with Greg; Greg's wife
23 Kimberly; and Greg's child, Ronnie's grandchild. Greg lived in
24 Hampton, Virginia at the time, and they were traveling back to
25 Beaufort and back to Sheldon to Ronnie's home. And about a

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1 year before, his daughter and her husband moved in. That
2 night, the night of the 5th, Ronnie, Greg, Greg's wife and
3 grandchild got home. Denise was there. She was there with
4 this man, her husband, and their three children. Everything
5 was fine at first. Then Ronnie and his daughter got into an
6 argument about the trash in the house. A verbal argument about
7 the state of the house. There was some trash in there and
8 Ronnie was upset about it. There was a verbal argument between
9 Denise and her father.

10 Greg was there. He was getting bags out of the car. They
11 were loading things in and out. And he tried to get in the
12 middle of them, tried to calm the argument down, but Denise
13 kept on with her dad. And then Joe decided to jump in. He
14 decided to jump into a verbal argument between Denise and her
15 father. And that's when it got violent. Joe then pulled out
16 his gun and shot Ronnie, four times. And then he turned and
17 shot his brother-in-law twice.

18 The defendant inserted himself into a verbal, not
19 physical, family argument, armed with a gun.

20 Now, the defendant claims that Ronnie Black was carrying
21 -- pulled a gun that he was carrying in his waistband, and the
22 defendant had no choice but to kill Ronnie and wound Greg, who,
23 fortunately, survived the attack.

24 The testimony you will hear is that when Greg, Ronnie,
25 Greg's wife, when they got home, the power was out. There was

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1 a storm that night in that area, and the power was knocked out
2 all along that road. So it was dark. Greg will tell you that
3 when they got home, as they were unloading the car, his dad
4 heard a noise behind the house, not where the cars were, but
5 behind it, and he went inside and he got his gun, put it in his
6 waistband, but he also got a flashlight and was going around to
7 the back of the house to look and see what was there.

8 Ladies and gentlemen, you will hear testimony that, in
9 fact, Ronnie did have that flashlight. It was found in his
10 right hand when law enforcement arrived on the scene, and the
11 gun was also found right there with Ronnie.

12 The defendant wants you to believe two things. One, he
13 wants you to believe that he had to shoot Ronnie in self-
14 defense. He told law enforcement, I pulled my gun when he
15 grabbed his. He will also tell you that Ronnie pointed the gun
16 at him; he had no choice but to shoot him.

17 Ladies and gentlemen, listen to the testimony the next
18 couple days. The defendant is the only one that says Ronnie
19 Black pointed a gun at him. That is not self-defense. He did
20 not have to shoot Ronnie to protect himself.

21 The second thing he wants you to believe is that he had to
22 shoot Greg Black. Testimony will clearly show Greg never had a
23 gun. Greg was not armed like the defendant. The defendant
24 tells the story that after he shot Dad four times, hit him in
25 the head with the butt of the gun, then Dad tried to pass the

9-18-18 STATE V BROWN - OPENING STATEMENT - STATE - SMITH

1 gun to Greg. I promise you when you hear the testimony and
2 listen to the testimony and see the forensic evidence that's
3 presented, that scenario doesn't even make sense. It's not
4 possible. And the gun was found right beside Ronnie, but as
5 the justification the defendant is offering as to why he shot
6 Greg Black twice, who, like I said, luckily, is alive today.

7 The evidence will also show that only six shots were
8 fired, and they were all from the revolver of that man right
9 there. Ronnie Black did not fire any round.

10 The forensic evidence will also show that this defendant
11 broke the revolver that he used that night to kill and shoot
12 Greg Black. You will hear law enforcement testify about the
13 condition it was in when they got there, and you will hear the
14 forensic scientist testify to the condition of the gun. It
15 could not be used after the brutal attack on these people by
16 this defendant that night.

17 There was no physical altercation between the parties.
18 There's not going to be any testimony there was a fist fight or
19 physical fight between Greg, Denise, and Ronnie; or Ronnie,
20 Greg, and Joe. The reason for the violent and tragic outcome
21 lies solely with this man over here, who interjects himself
22 into a family argument with a gun.

23 Common sense will tell you, the Judge will tell you, and
24 we always do, use your good common sense when listening to this
25 evidence. I think it's super important. Common sense will

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1 tell you his story doesn't have -- doesn't match the forensic
2 evidence at the scene, which you will get to see all of that.
3 And it doesn't match the positioning of where everyone was.
4 You'll see pictures of the porch. Everyone will explain where
5 all four of these individuals were. It doesn't add up. It
6 doesn't add up where the gun was found, where the flashlight
7 was found.

8 And most importantly, the only one that says this is self-
9 defense is this defendant, and the evidence does not support
10 that story.

11 Ladies and gentlemen, this is not self-defense. This is
12 pure evil, is what it is. It is brutal. It is torture.
13 Someone shoots someone four times, and then hits them in the
14 head with the gun? That's not self-defense.

15 Defendant's actions that night were malicious. His
16 actions illustrate the anger that he felt towards Ronnie Black
17 and Greg Black. He did have a choice that night. He wants you
18 to believe he had no choice, but his actions show otherwise.
19 The brutality, the tortuous nature of the -- his behavior that
20 night show otherwise.

21 Ladies and gentlemen, this is not self-defense. This is
22 definitely murder, and it most certainly is attempted murder.

23 Thank you.

24 THE COURT: Ms. Campbell.

25 MS. CAMPBELL: May it please the Court, your Honor.

9-18-18 STATE V BROWN - OPENING STATEMENT - DEFENSE - CAMPBELL

1 THE COURT: Yes, ma'am.

2 OPENING STATEMENTS ON BEHALF OF

3 THE DEFENSE, BY MS. CAMPBELL:

4 MS. CAMPBELL: Good morning.

5 RESPONSES BY JURORS.

6 MS. CAMPBELL: Saying it's not self-defense by the
7 prosecutor doesn't make it so. You're the ones who'll make
8 that determination.

9 And right, this is not a who-done-it kind of situation
10 like, you know, thinking the pieces of the puzzle, putting it
11 together, figure out who done it. that's not what you have.
12 You're going to have a question to answer. What happened on
13 the porch; how did it happen. So let me take you back to June
14 5, 2016. Joe and his wife Denise, and their three children,
15 MacKenzie, Joe, Jr., and Jackson, had been living in
16 Walterboro. They moved in with her father out in Sheldon about
17 a year before this.

18 Denise, who you'll hear from, is a hair dresser,
19 cosmetologist, works here in the county. And Joe was, you
20 know, sort of thinking care of the kids. One of his
21 professions that he has is a dog trainer, breeder, and so
22 that's what he was doing.

23 But on this particular day, he and the kids went to pick
24 up Denise from where she works on Hilton Head. And you know,
25 you live in the county, you know what it's like when the storms

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1 roll through, and the thunder and the lightening, and northern
2 Beaufort County lost power. So they're coming back into town,
3 but there's power at the Golden Coral. They stop right up here
4 in Bluffton. No power on the northern side. So, you know,
5 nothing at home.

6 So they stop, feed the kids. They get back to the house
7 probably -- it's dark. Joe pulls in. He leaves the lights on,
8 on the SUV. Of course, there's no power. They can't see to
9 get in. And Joe lawfully, you know, has his gun in his back
10 pocket. This is an isolated area. He's got his wife and his
11 three young babies with him, and you know, one of them is
12 waiting on the porch or in the house for you in those
13 situations. So he's taking care of his family.

14 They go in; they start lighting candles; and try to call
15 Ronnie and Greg to say, hey, you know, the powers out; you
16 know, just trying to let you guys know what we're dealing with
17 here. And really about five -- less than five minutes later,
18 Ronnie and Greg and them roll in, too, with their headlights
19 on, and everybody's starts unpacking. And Ronnie, Denise's
20 father -- you'll characterize it how you see it. When he came
21 in the house, you know, there's a bag of trash by the back
22 door. And he started in on his daughter. And at this point,
23 Joe wasn't even in the house. He was out in the SUV cause it
24 was hot. He had the A.C. running in the house, and he used to
25 smoke cigarettes, but he uses that vape thing or whatever. And

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1 he's looking at his phone, like we all do, and charging his
2 phone because there's no power in the house. And he hears this
3 screaming and yelling, and he knows it's his wife and Ronnie.
4 And there's this screaming and yelling going on, and he's like,
5 what is happening. And he goes in the house, and he realizes
6 Denise is under attack because there's a bag of trash left at
7 the back door. And yeah, I mean, it's not like Ronnie was
8 hitting her. He was laying her out, you know, like the daddy
9 would do or whatever about the bag of trash. And she's fussing
10 back at him. And then Greg gets involved, because, you know,
11 he's the brother, and you know, what's going on. And Joe's
12 just laying back and says, you know -- Greg says, you know, oh,
13 the kids, the kids are in the house. Greg says let's go on the
14 porch, so they do.

15 And then, Ronnie goes to his truck and he gets his gun.
16 And he puts it -- now, I got a jacket on, but he didn't have a
17 jacket on. He puts it right there in his waistband where it's
18 visible. And you'll hear testimony from Greg. He saw his
19 father's gun in his father's waistband when he came back on the
20 porch with Denise and Joe and Greg.

21 Now, Denise was interviewed a couple of times by this
22 officer right here. The trauma and drama of what happened on
23 the porch that night, I'm confident she did her best then. I'm
24 sure she'll do her best when she comes before you today to tell
25 you what she can remember, you know, in those flashes of

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1 moments when her father came back up on the porch with his gun
2 on his hip.

3 And Joe was interviewed by this officer, like an hour and
4 a half to two hours, and again that night, telling as best he
5 can what he remembers happening on the porch. Greg was
6 interviewed in the hospital and interviewed on the porch, and
7 then anything later, I believe. And I'm sure he's trying his
8 best to remember.

9 But here's the thing. The State talked about self-defense.
10 And her Honor is going to tell you at the close of this case
11 when she charges you about the law these things about the
12 defense of self-defense. Number 1, I don't have to prove
13 anything. It's the job of any, you know, another sitting at
14 this defense table has no proof they must bring forward. The
15 State has to prove beyond reasonable doubt that Joe did not act
16 in self-defense.

17 Self-defense, I never have to wait. I don't have to wait
18 for you to point your gun at me. I don't have to let you get
19 the drop on me. That's the law. The moment that you arm
20 yourself and take a stance that causes me to feel as you are
21 handling your weapon, flashing your weapon, that my life is in
22 danger or the life of someone else, Joe's wife, I may act to
23 defend myself and my loved one. That's the law. And you judge
24 that by the law and by the facts.

25 And so, again, the fact the State will want to make

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1 something through the testimony about the fact that there's a
2 question about how Ronnie was handling his gun. He doesn't
3 even have to pull it out. It's enough if he brandishes it.
4 That's the law. But you'll hear testimony from Denise and from
5 Joe that he did pull it out; that it was in his hand; that he
6 was moving the gun. And you'll hear testimony that Joe says,
7 Mr. Ronnie, what are you doing with your gun; why you got your
8 gun. And that's the facts that you will hear, and you'll apply
9 those facts to the law of self-defense.

10 Additionally, Joe is presumed innocent. Any woman, any
11 man that is accused of a crime is presumed innocent. And her
12 Honor will tell you, it's like you would put on a robe, a
13 cloak, something that covers all of us, every citizen, in
14 innocence. And that robe stays with everyone over us through a
15 trial as a defendant. It is never removed unless you, the
16 twelve citizens of this community, were to look at the
17 situation -- it stays with him during your deliberations -- And
18 remove it. Only you can do that.

19 I will tell you that this that that you're going to hear,
20 absolutely, murder is evil intent. It is a black heart. It is
21 hell bent on, you know, destruction. It's that lie in wait.
22 That's murder. Taking your gun out of your back pocket that
23 you placed there to protect your family coming in during a
24 storm where the powers out, when someone pulls a gun on you, I
25 don't care who it is, that testimony to protect yourself and

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CHERYL HANSEN - DIRECT - JONES

1 your wife who is there with you, that is self-defense, and I'll
2 argue that to you at the end of the testimony. And the State
3 will argue it's not, and here we are. If it's not a who-done-
4 it, it's up to you to determine what happened on that porch.

5 Thank you.

6 THE COURT: The State will call their first witness.

7 SOLICITOR JONES: Your Honor, may I please.

8 THE COURT: Yes.

9 SOLICITOR JONES: The State calls Cheryl Hansen.

10 BAILIFF: Right this way to be sworn in. Right this way.

11 MADAM CLERK: Good morning.

12 CHERYL HANSEN: Good morning.

13 MADAM CLERK: If you would, place your left hand on the
14 Bible. Raise your right hand for me. Do you solemnly swear or
15 affirm to truthfully answer all questions asked of you by this
16 Court, so help you God?

17 CHERYL HANSEN: I do.

18 MADAM CLERK: Thank you.

19 CHERYL HANSEN, DIRECT EXAMINATION

20 BY SOLICITOR JONES:

21 Q. Good morning, Ms. Hansen.

22 A. Good morning.

23 Q. Where do you work?

24 A. For Beaufort County Sheriff's Office.

25 Q. And what capacity or what role to you have at the

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CHERYL HANSEN - DIRECT - JONES

1 Sheriff's Office?

2 A. I'm a 911 custodian. I make 911 tapes.

3 Q. Okay. And 911 tapes, are those collected and kept
4 within the ordinary course of business?

5 A. Yes, ma'am.

6 Q. Within the Sheriff's Office?

7 A. Yes, ma'am.

8 Q. Okay. And did you office receive a subpoena for some
9 911 calls in the case we're here for today?

10 A. Yes, ma'am.

11 Q. And did you all respond to that subpoena?

12 A. Yes, ma'am.

13 Q. And pursuant to your testimony this morning, were you
14 asked to review a copy of the 911 calls your office provide?

15 A. Yes, ma'am.

16 SOLICITOR JONES: Your Honor, permission to approach?

17 THE COURT: You may.

18 BY SOLICITOR JONES:

19 Q. Ms. Hansen, I'm going to show you what's been marked
20 as State's 1. Can you identify that?

21 A. Yes, ma'am, it's a tape I listened to.

22 Q. I'm sorry.

23 COURT REPORTER: I'm sorry, I need you to speak up.

24 A. The C.D. -- I'm sorry. This is the C.D. I listened
25 to.

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CHERYL HANSEN - DIRECT - JONES

1 Q. Okay. And does that C.D. contain the 911 calls
2 associated with this case today?

3 A. Yes, ma'am.

4 Q. And are those calls fair and accurate depicted in that
5 copy?

6 A. Yes, ma'am.

7 Q. Okay.

8 SOLICITOR JONES: Your Honor, at the time, the State moves
9 State's 1 into evidence.

10 THE COURT: Any objection?

11 MS. CAMPBELL: No objection.

12 THE COURT: State's 1 is in evidence without objection.

13 SOLICITOR JONES: And permission to publish.

14 THE COURT: You may.

15 SOLICITOR JONES: Thank you.

16 ITEM IDENTIFIED AS C.D. OF 911 CALLS

17 MARKED STATE'S EXHIBIT NUMBER 1

18 ADMITTED AS EVIDENCE.

19 BY SOLICITOR JONES:

20 PLAYING STATE'S EXHIBIT NUMBER 1,

21 C.D. OF 911 CALL (FIRST CALL).

22 PAUSE PLAY OF STATE'S EXHIBIT NUMBER 1,

23 C.D. OF 911 CALL (FIRST CALL).

24 SOLICITOR JONES: And your Honor, there are subtitles on
25 the television as well.

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CHERYL HANSEN - DIRECT - JONES

1 THE COURT: Okay. Thank you.

2 CONTINUE PLAY OF STATE'S EXHIBIT NUMBER 1,

3 C.D. OF 911 CALL (FIRST CALL).

4 END PLAY OF STATE'S EXHIBIT NUMBER 1,

5 C.D. OF 911 CALL (FIRST CALL).

6 BY SOLICITOR JONES:

7 Q. And there is a second call as well on that disc,
8 correct?

9 A. Yes, ma'am.

10 PLAYING STATE'S EXHIBIT NUMBER 1,

11 C.D. OF 911 CALL (SECOND CALL).

12 END PLAY OF STATE'S EXHIBIT NUMBER 1,

13 C.D. OF 911 CALL (SECOND CALL).

14 SOLICITOR JONES: I have no further questions for this
15 witness.

16 MS. CAMPBELL: No questions.

17 THE COURT: You may step down, and you're excused.

18 CHERYL HANSEN: Thank you, ma'am.

19 THE COURT: Thank you.

20 THE COURT: call your next witness.

21 SOLICITOR JONES: The State calls David Fiocco.

22 BAILIFF: Right this way to be sworn in.

23 MADAM CLERK: Good morning. If you would, place your left
24 hand on the *Bible*. Raise your right hand. Do you solemnly
25 swear or affirm to truthfully answer all questions asked of you

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SPECIAL AGENT DAVID FIOCCO - DIRECT - JONES

1 by this Court, so help you God?

2 SPECIAL AGENT DAVID FIOCCO: Yes, I do.

3 MADAM CLERK: Thank you.

4 SPECIAL AGENT DAVID FIOCCO, DIRECT EXAMINATION

5 BY SOLICITOR JONES:

6 Q. Good morning. How are you doing?

7 A. Good, ma'am. How are you?

8 Q. Good. I used to call you Deputy Fiocco. And now what
9 do I call you?

10 A. Special agent, ma'am.

11 Q. Special agent. And where do you work now?

12 A. The Naval Criminal Investigative Service.

13 Q. And how long have you been there?

14 A. About six months.

15 Q. Where did you work back in 2016?

16 A. Beaufort County Sheriff's Office.

17 Q. Okay. And in what capacity did you work for the
18 Sheriff's Office?

19 A. I was a patrol deputy.

20 Q. And what are some of your duties as a patrol deputy?

21 A. Respond to calls for service, service of warrants,
22 making arrests.

23 Q. Did you receive a call the night of June 5, 2016?

24 A. I did.

25 Q. And where did you respond that night?

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SPECIAL AGENT DAVID FIOCCO - DIRECT - JONES

1 A. I don't recall the specific address. I know that it
2 was in the area of Big Estate.

3 Q. Okay. Big Estate Circle?

4 A. Yes, ma'am.

5 Q. And is that here in Beaufort County?

6 A. It is.

7 Q. And why did you respond to that address?

8 A. We had a call for a gunshot wound victim; and that the
9 suspect was still on-scene.

10 Q. And do you respond by yourself or do you have another
11 officer with you?

12 A. Initially, the call came out and I was to respond. I
13 was the closest unit, and I was responding by myself, but
14 typically for these types of calls, you respond with another
15 officer.

16 Q. And when you get to [REDACTED] Big Estates Circle, what do
17 you see?

18 A. When we first got there, I did arrive with a partner
19 at the same time. When I arrived on-scene, there was a black
20 male who matched the description, which was provide by our
21 dispatch center, who was on the porch. Because of the nature
22 of the call, a gunshot wound, the suspect still being on the
23 scene, drew my weapon, ordered him to come down off of the --
24 the porch are, face away from the sound of my voice, backed him
25 up towards me. I ordered him to show me his hands, keep his

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SPECIAL AGENT DAVID FIOCCO - DIRECT - JONES

1 hands where I could see them, which he complied to all
2 commands.

3 My partner moved in to place him in handcuffs, detained
4 him, and then I moved to clear the outside porch area, which is
5 where the incident occurred.

6 And when I made my way up there to the porch area, there
7 were some people outside still, witnesses, and things like
8 that. I noticed a black male, face down in the middle of the
9 porch, and another one in the corner. And the one in the
10 middle of the porch area appeared to be not breathing. I
11 checked his pulse, and I didn't detect a pulse. There was --
12 he was lying in a pool of blood. He had a pistol located in
13 his close proximity, close to his right hand, if I recall
14 correctly. And because the scene wasn't secured at that time,
15 meaning there was a lot of people around, lot of witnesses
16 standing around, it's -- it's an active scene, for the safety
17 of myself and everybody else that's going to be coming, I
18 secured the pistol on my person. I notified Dispatch that the
19 male that was face-down in the -- in the pool of blood, and
20 that I could not detect a -- a -- a pulse at that time.

21 The other black male that was sitting in the corner, I
22 asked him about his wounds. He indicated that he'd been shot
23 in the leg. I was giving him commands or kind of -- helping
24 him triage himself. Told him to put pressure on his leg and
25 things like that. I told him that EMS is on the way. And then

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SPECIAL AGENT DAVID FIOCCO - DIRECT - JONES

1 I ordered everybody that was outside into the house, because
2 it's -- it's an active crime scene. So I told everybody else
3 to get back in the house, and I waited for more units to show
4 and EMS to do -- to do what they needed to do.

5 Q. Okay. I have a couple questions about that.

6 A. Yes, ma'am.

7 Q. The man on the porch that you ordered down, was that --
8 was he later identified as Joseph Brown?

9 A. Yes, ma'am, as the defendant.

10 Q. You just looked over there. Do you see him in the
11 courtroom?

12 A. I do.

13 Q. And could you please point him out.

14 Okay. May the record reflect that the witness did identify
15 the defendant. Thank you.

16 And I'm going to show you what has been previously marked
17 as State's Exhibit 2. Do you recognize that photograph?

18 A. I do.

19 Q. And what is that photograph of?

20 A. That is the front porch where the scene, the crime
21 scene was. It's the porch that ordered the defendant off of.
22 You can see the stairs to the right of the picture, with the
23 stairs that I ordered him down.

24 Q. And is this photograph fairly and accurately depict the
25 scene that night?

1 A. Yes, it does.

2 Q. Okay.

3 SOLICITOR JONES: Your Honor, at this time, State moves
4 State's 2 into evidence.

5 MS. CAMPBELL: No objection.

6 THE COURT: Without objection.

7 SOLICITOR JONES: And permission to publish.

8 THE COURT: You may.

9 ITEM IDENTIFIED AS PHOTOGRAPH

10 MARKED STATE'S EXHIBIT NUMBER 2

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR JONES:

13 Q. Special Agent Fiocco, we're going to see on the screens
14 up here -- okay. And there is that table. What is on top of
15 that table?

16 A. I wish I'd brought my glasses.

17 Q. Okay.

18 A. If my memory serves me correctly, I believe there is a
19 -- okay, I can see it. There's a firearm.

20 Q. Okay.

21 A. Two firearms.

22 Q. It might be easier to look at the smaller photograph.
23 Okay. And there's a closer-up view zoomed in.

24 A. Yes, ma'am. That's the -- the revolver and the -- the
25 black handgun, which was found next to the black male that was

1 face down.

2 Q. Okay. And now I'm going to show you what has been
3 marked as State's 49.

4 SOLICITOR JONES: And your Honor, this has been secured.

5 THE COURT: Thank you.

6 BY SOLICITOR JONES:

7 Q. Do you identify -- can you identify State's 49?

8 A. Yes, that's the pistol that was located in close
9 proximity to the black male who's face down.

10 Q. Okay. When you say close proximity, was -- what was
11 his body positioning?

12 A. If I recall correctly, he was face down.

13 Q. Okay.

14 A. And it looked like both of his arms were on the same
15 side almost.

16 Q. Okay.

17 A. And in his right -- or close -- close to his right hand
18 -- I'd have to estimate. I don't have any, you know,
19 measurements, exactly measurements, but about six inches from
20 his hand, his right hand, was that --

21 Q. Was where this gun was located?

22 A. Yes, ma'am.

23 Q. Okay. And there's another gun on that table as well.
24 Was that gun already there when you got to the crime scene?

25 If we could zoom in again.

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SPECIAL AGENT DAVID FIOCCO - DIRECT - JONES

1 A. If I could refer to my notes, ma'am, or the report. I
2 can't recall specifically, but I do know that it was in that
3 area.

4 Q. Okay. And I'm going to show you what has been marked
5 as State's 47. And would that be the other weapon on that
6 table?

7 A. Yes, ma'am, that's it.

8 Q. Okay. Did you notice anything significant about this
9 weapon?

10 A. That it'd been broken in half.

11 Q. Okay. And I'm going to show you what's been marked as
12 State's 5. Is that just a closer-up of the -- of the weapons
13 on the table?

14 A. Yes, ma'am, that is.

15 Q. Okay.

16 SOLICITOR JONES: Your Honor, at this time, State moves
17 State's 5 into evidence.

18 MS. CAMPBELL: No objection.

19 THE COURT: Without objection.

20 ITEM IDENTIFIED AS PHOTOGRAPH
21 MARKED STATE'S EXHIBIT NUMBER 5
22 ADMITTED AS EVIDENCE.

23 BY SOLICITOR JONES:

24 Q. I want to get back to this photo, though. Those are
25 the two weapons. What is the white in the middle, behind the

1 table. What is that?

2 A. The -- the white mass behind the table?

3 Q. Yes.

4 A. That is the body of the deceased.

5 Q. Okay.

6 A. The black male that was face down.

7 Q. Okay. And if we could zoom into the corner. And those
8 are some clothes. Is that where the living victim, Mr. Greg
9 Black, was located?

10 A. Yes, ma'am.

11 Q. Okay. After securing the crime scene, did you do
12 anything else with this investigation?

13 A. After securing the crime scene, I kept the crime scene
14 log as well as returned the -- once the crime scene was secure
15 and all the witnesses were, you know, placed in an area where
16 nobody could get to, you know, to the scene, I placed the
17 handgun back in -- where -- in the area that I found it, close
18 to the -- the body, or the deceased man.

19 Q. Okay. When you said that, you mean not the revolver,
20 but the automatic.

21 A. No, ma'am. The black one, yes.

22 Q. Okay.

23 A. I didn't touch the -- the revolver.

24 Q. The revolver. So that would be Mr. Ronnie Black's
25 handgun.

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DAVID LINKER - DIRECT - SMITH

1 A. Yes, ma'am.

2 Q. Okay. State's 49. Special Agent Fiocco, I don't have
3 further questions for you at this time.

4 MS. CAMPBELL: No questions.

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

6 SPECIAL AGENT DAVID FIOCCO: Thank you, ma'am.

7 THE COURT: You are excused, sir.

8 SOLICITOR SMITH: The State calls David Linker.

9 BAILIFF: Right this way to be sworn in.

10 MADAM CLERK: Good morning. If you would, place your left
11 hand on the *Bible*. Raise your right hand for me. Do you
12 solemnly swear or affirm to truthfully answer all questions
13 asked of you by this Court, so help you God?

14 DAVID LINKER: Yes, ma'am.

15 MADAM CLERK: Can you State your last name and spell it for
16 the record?

17 DAVID LINKER: Linker, L/i/n/k/e/r.

18 DAVID LINKER, DIRECT EXAMINATION

19 BY SOLICITOR SMITH:

20 Q. Good morning, Mr. Linker.

21 A. Good morning.

22 Q. Where do you work?

23 A. Beaufort County EMS.

24 Q. Okay. And how long have you been doing that?

25 A. Here, since 2016.

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DAVID LINKER - DIRECT - SMITH

1 Q. Okay. Have you been doing it long before that as well?

2 A. Yes, ma'am.

3 Q. Okay. What is your job with Beaufort County?

4 A. Paramedic.

5 Q. Okay. Did you respond to Big Estates Circle on June 5
6 of 2016?

7 A. Yes, ma'am.

8 Q. Okay. And tell me what call you got and why did you
9 respond.

10 A. We were called out to a gunshot wound initially. And
11 then we did our normal response to go to the scene.

12 Q. Okay. What did you find when you got there?

13 A. When we -- when I pulled up, we -- we had to wait for a
14 scene secure from the Sheriff's Department first, and then we
15 were told that it was secure. We went in. Initially --

16 Q. Let me stop you real quick. You said we. Who else was
17 with you?

18 A. The -- the Sheldon Fire Department.

19 Q. Okay.

20 A. They respond with us. Once we got cleared to come in,
21 I drove in, down the drive, towards the trailer, stopped, and
22 grabbed my equipment and went up on the porch. And in front of
23 me was the deceased. He was laying with his head towards the
24 steps. And I went to him. Checked the carotid. Got no
25 carotid pulse. His pupils were dilated. He was diaphoretic,

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DAVID LINKER - DIRECT - SMITH

1 and he had a -- appeared to be a gunshot wound to his chest.

2 Q. And can you tell us what you mean by diaphoretic.

3 A. He was sweaty. Sweaty.

4 Q. But he had no pulse. Is that correct?

5 A. No pulse.

6 Q. Okay. And then what did you do after you assessed?

7 A. I looked at -- I checked him, and then I immediately
8 turned to my left to the gentleman that was also shot.

9 Q. Okay.

10 A. And immediately went to thinking care of -- seeing what
11 -- assessing him to see what kind of injuries he had sustained.

12 Q. Okay. And I'm going to show you what's been marked as
13 State's -- previously marked as State's 44, and ask --

14 SOLICITOR SMITH: Judge, may he come down?

15 THE COURT: You are welcome to step down, Mr. Linker, if
16 you need to.

17 BY SOLICITOR SMITH:

18 Q. And if you'll come right here, Mr. Linker, and kind of
19 show us where you went in and where everybody was located.

20 A. I went in from this direction here, and up the steps,
21 and to here. Checked the carotid pulse; no respirations. And
22 then the other gunshot victim was over in this corner here,
23 kind of leaned up --

24 COURT REPORTER: I need you to speak up. *The other gunshot*
25 *wound was over in this corner?*

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DAVID LINKER - DIRECT - SMITH

1 A. He was over in the other corner of the porch.

2 Q. And is there a number of where --

3 A. Yeah, Location Number 7. And then we assessed him, and
4 then the other truck got there, and we proceeded to start
5 treating him.

6 Q. Okay. And that vehicle that's in this sketch, was that
7 vehicle there? Or do you recall the vehicles being there?

8 A. There -- this -- I believe there was an SUV over here.

9 Q. Okay.

10 A. This -- I want to say it was a light-colored SUV, full
11 size. The doors were open on it and the radio was playing
12 fairly loud. Not -- not obnoxiously loud, but loud enough that
13 you could hear it.

14 Q. Okay. I'll ask if you'll return to the stand for us.
15 What did you do next for the living victim?

16 A. I went ahead and found out where the gunshot wounds
17 were, and began to bandage those and get him packaged.

18 Q. Do you know -- do you know where they were? Or do you
19 recall where they were?

20 A. He had a through-and-through gunshot wound to the left
21 thigh that went into -- I believe it nicked the scrotum, and in
22 -- I think it went into his right thigh also.

23 Q. Okay. And sorry. I interrupted you. What did you do
24 after that?

25 A. Turned over patient care at that point was to the other

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GREGORY DERAN BLACK - DIRECT - SMITH

1 ambulance that responded, and they got him packaged, and we got
2 him out -- got him off-scene.

3 Q. Okay. And do you know where he was taken?

4 A. Beaufort Memorial.

5 SOLICITOR SMITH: I don't have anything further for this
6 witness.

7 MS. CAMPBELL: No questions.

8 THE COURT: You may step down, Mr. Linker. Thank you. You
9 are excused, sir.

10 Call your next witness.

11 SOLICITOR SMITH: The State calls Greg Black.

12 THE COURT: Come on forward, Mr. Black.

13 MADAM CLERK: Good morning. If you would, place your left
14 on the *Bible*. Raise your right hand for me. Do you solemnly
15 swear or affirm to truthfully answer all questions asked of you
16 by this Court, so help you God?

17 GREGORY DERAN BLACK: I do.

18 MADAM CLERK: If you would, just state your name for the
19 record and spell it, please.

20 GREGORY DERAN BLACK: Gregory Deran Black, G/r/e/g/o/r/y,
21 D/e/r/a/n, B/l/a/c/k.

22 GREGORY DERAN BLACK, DIRECT EXAMINATION

23 BY SOLICITOR SMITH:

24 Q. Good morning, Mr. Black. Who are you related to?

25 A. I am related to Ronnie Black, which is my father;

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GREGORY DERAN BLACK - DIRECT - SMITH

1 Denise Brown, which is my sister.

2 Q. Okay. Or Denise Brown.

3 A. Denise Brown, which is my sister.

4 Q. Okay. Where'd you grow up?

5 A. At [REDACTED] Big Estates Circle.

6 Q. Okay. Here in Beaufort County?

7 A. Yes, ma'am, here in Beaufort County.

8 Q. Okay. After school, did you go into the service at
9 all?

10 A. Yes, ma'am, I was in -- I served in the United States
11 Navy for eight years. Received an honorable discharge.

12 Q. Why'd you get out of the Navy?

13 A. I had issues with my kidneys, you know, issues with my
14 knees.

15 Q. Okay. And were you deemed disabled?

16 A. Yes, ma'am, I was -- I am a disabled veteran.

17 Q. Okay. Where were you living prior to June 6 of 2016?

18 A. Hampton, Virginia.

19 Q. Okay. Who did you live there with?

20 A. My ex-wife, Kimberly Black.

21 Q. Okay. Do you have any children?

22 A. One, a son, Gregory Black, Jr.

23 Q. Okay. And where was Denise Brown, your sister, living
24 at the time?

25 A. With my father.

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GREGORY DERAN BLACK - DIRECT - SMITH

1 Q. Okay. Do you know who all was living in that house?

2 A. Her husband and her three kids.

3 Q. Okay. How long had they been living there?

4 A. They were living there for about a year, but like, when
5 she -- every time she had a kid, they -- they stay there. So
6 for all three kids, they been staying there.

7 Q. They lived -- they lived with your father?

8 A. They lived with my father.

9 Q. Okay. All right. Let's go to that night, Greg, the
10 night of June 5, 2016. Tell us what happened, how you ended up
11 there. Where were you all coming from?

12 A. We were coming from Hampton, Virginia. My dad took
13 vacation and wanted to come spend time with me and my son. So
14 I came down and picked him up and took him back. And on the
15 way coming back, we stopped in Columbia to see my -- his aunt,
16 which is my great aunt.

17 Q. Okay.

18 A. So we saw her. We left there. On our way back to --
19 to -- to home, we stopped at the Shell's gas station in Point
20 South to call his girlfriend so that we could drop off the fish
21 there we caught from the fishing trip. She said it was too
22 late. So we didn't -- went home. So we got home. I saw the
23 lights were out, so we were -- we were unpacking the car. Dad
24 heard something, so he went and got his -- he went and got his
25 pistol and his flashlight. He heard something behind the

1 house.

2 Q. Okay.

3 A. Because his -- where his room sits, that's the back of
4 the house.

5 Q. Okay.

6 A. So he got his gun and his flashlight. So he went back
7 outside to finish getting his stuff in and out of the car to
8 take in the house, and him and Denise got into an argument
9 about why didn't they take the trash out, because they had the
10 house smelling.

11 Q. And let me stop you real quick. When you all got home,
12 hour was there?

13 A. Joseph Brown, Denise Brown, and her kids.

14 Q. Do you see Joseph in the courtroom?

15 A. Yes, ma'am.

16 Q. Can you identify him?

17 The record will reflect he's pointing to the defendant.

18 Okay. So they were there, and so you all were unloading.
19 They got into an argument about the trash?

20 A. Yes, ma'am.

21 Q. What happened?

22 A. Dad asking him why didn't they take the trash out, you
23 know, you all here; I was gone; you all could have took the
24 trash out. And they just -- she just kept antagonizing him
25 about why she ain't took the trash out or because the lights

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GREGORY DERAN BLACK - DIRECT - SMITH

1 were out. So they were going back and forth about that. So I
2 -- I said, look, hey, the kids are in here; let's stop outside
3 on the porch, and then talk about it then.

4 Q. How many kids were there that night?

5 A. My son, [REDACTED] [REDACTED] [REDACTED]

6 So, four.

7 Q. Okay. And they were inside the house --

8 A. Yes, ma'am.

9 Q. -- while all this was going on?

10 A. Yes, ma'am.

11 Q. Okay. So what then happened?

12 A. We got on the porch. They were still going back and
13 forth. Then Mr. Brown comes up onto the porch. So he
14 interjects about the situation and this isn't -- she ain't --
15 she ain't your child and this, that, and the third about, well
16 -- I said, let them handle it; let's -- let's let them talk it
17 out. So he starts to -- to argue more, get louder. And then
18 he's agitating the situation. So they arguing back and forth,
19 so now all us are arguing about what's going on.

20 Q. Okay.

21 A. So then, Mr. Brown says to my sister, Denise Brown,
22 what do you want to do now. So I -- so I look at him like,
23 what is he talking about. So then he pulls a gun, and he
24 shoots Dad.

25 Q. Who pulls a gun?

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GREGORY DERAN BLACK - DIRECT - SMITH

1 A. Joseph Brown.

2 Q. Okay.

3 A. Pulls a gun, shoots Dad, hits him in the head, and then
4 shoot -- he said, *I got something for you*, and he shoots me
5 also.

6 Q. And let me show you down a little bit and let me back
7 you up, so that.

8 A. Yes, ma'am

9 Q. Lot going on. What did Joe say when he pulled the gun
10 on your dad?

11 A. *I'll hurt you all.*

12 Q. Okay. And what did your dad do?

13 A. Dad just froze.

14 Q. Okay. Did he pull his gun out?

15 A. Never.

16 Q. Where was your dad's gun?

17 A. In his waistband.

18 Q. And so, so what does Joe do next -- and if you'll slow
19 down a little bit -- after he says *I'll hurt you all*?

20 A. After he says that, he pull -- he -- he pulls the gun
21 and shoots Dad, hits him in the head, turns -- turns --

22 Q. What does he hit him in the head with?

23 A. The -- the butt of the gun.

24 Q. Okay.

25 A. He strikes him with the butt of the gun.

1 Q. And then what does he do next?

2 A. So he turned to me, and he says, *I got something for*
3 *you, too.* And he shoots me from behind.

4 Q. After he hit your dad in the head, was your dad moving
5 at all?

6 A. No, he did not move.

7 Q. Okay. Was your dad coming towards you?

8 A. No.

9 Q. Okay. So, after he shot you, were you able to try to
10 get to your dad?

11 A. No, ma'am. I couldn't move. It felt like I was
12 paralyzed. So all I could do was just lay there.

13 Q. Okay. And what did you do next?

14 A. I -- I dialed 911.

15 Q. I'm going to get you to come down here, Greg, if that's
16 okay, and show you what's been marked previously for
17 identification as State's 43. Let me put it over this thing
18 for you. All right. And I've got four little stickers.

19 A. Yes, ma'am.

20 Q. I'm going to give those to you. First of all, is this
21 a fair and accurate depiction of the porch and the house we're
22 talking about that night?

23 A. Yes, ma'am.

24 Q. Okay. Is this where your dad lived?

25 A. Yes, ma'am.

1 Q. Okay. I'm going to give you four little stickers with
2 the first initial of everything's name, and ask if you'll place
3 on the porch where everybody was located when this was going
4 on. Okay? Where was your dad?

5 A. My father was here.

6 Q. And where were you?

7 A. I was here.

8 Q. Okay. And where was the defendant, Joseph Brown.

9 COURT REPORTER: I'm sorry. I need you to speak up.

10 A. The defendant was here.

11 Q. And then where was Denise?

12 A. Denise was here.

13 Q. Okay. And is that the front door?

14 A. Yes, ma'am, that's the front door.

15 Q. Okay. All right. You can return to the stand.

16 What did Joe do after he shot you?

17 A. He was pacing back and forth from the porch to the --
18 to his truck, to the SUV.

19 Q. What kind of truck was he driving?

20 A. A white Ford Expedition.

21 Q. Was that truck running? Do you recall?

22 A. I don't recall if it was running.

23 Q. Okay. Do you know if the lights were on?

24 A. I know the lights were on.

25 Q. Okay.

1 A. Yes, ma'am.

2 Q. You said he's pacing.

3 A. Right, he was pacing back and forth yelling -- yelling.
4 Just yelling out, *it was justifiable homicide*. So I don't know
5 what's going on at this time. I'm thinking he's going back to
6 the truck to get some more bullets or another gun to come back
7 and kill me.

8 Q. Okay. Who's he talking to?

9 A. Either he's talking -- I thought he was talking to
10 Denise or me, because we were out there, so.

11 Q. He just said justifiable -- justifiable homicide?

12 A. He said, *this justifiable homicide*. He had a gun.

13 Q. Okay. Did anyone ask him if that was justifiable
14 homicide?

15 A. No. No one asked him anything.

16 Q. Okay. What'd he do when he came back to the porch?

17 A. He was talking to Denise.

18 Q. Okay. And what were you doing?

19 A. I was just laying on the ground trying to figure out
20 where I'm bleeding from, but I couldn't sit up to see where I
21 was bleeding from. I just -- just felt like a sharp pain and
22 like a warm sensation.

23 Q. Okay. Did you call 911?

24 A. Yes, ma'am.

25 Q. How quickly after that did you call?

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BY THE COURT

1 A. As soon as I fell down, I grabbed my phone and dialed
2 911.

3 Q. Do you know where -- you testified earlier that your
4 dad heard something in the back yard.

5 A. Yes, ma'am.

6 Q. And he went to get his gun and a flashlight. Do you
7 know where he got his gun from?

8 A. He got his gun from in his room.

9 Q. Okay. I think I asked you this earlier. Did you ever
10 go toward your dad?

11 A. No, I never motioned towards my dad.

12 Q. Okay. During this argument?

13 A. During the whole argument.

14 Q. Okay. Greg, did you have a gun that night?

15 A. No, I did not have a gun that night.

16 Q. Okay. Thank you.

17 SOLICITOR SMITH: That's all I have for this witness.

18 BY THE COURT:

19 MS. CAMPBELL: May it please the Court.

20 THE COURT: Yes, ma'am. Want to take a little break?

21 MS. CAMPBELL: I think so.

22 THE COURT: Okay. Ladies and gentlemen, we're going to go
23 ahead and take a break very shortly. Do not discuss this case.
24 It wouldn't be appropriate to do so.

25 I do need you to do one thing for me. I need you to elect

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BY THE COURT

1 a foreperson. A foreperson doesn't have any more say than
2 anyone else. They're simply the person that communicates with
3 me regarding scheduling. If you will give that person's name
4 to the bailiffs when you've elected that person. And I'm going
5 to ask that that person keep this very front seat, so I can
6 communicate with them.

7 Also, once that foreperson's elected I need you to ask the
8 rest of the jury if anyone has even other engagements tonight
9 and what time they need to be out of here by, if anybody has
10 something specific. I told you that we like to run roughly
11 until 5:00 o'clock, but if you have something you've got to be
12 out before that that's already pre-scheduled, just let me know
13 and I'll accommodate you. Okay?

14 So go ahead and go back to your jury room. Grab a cup of
15 coffee, ladies and gentlemen. Do not discuss the case.

16 BAILIFF: Follow me.

17 JURORS LEAVE COURTROOM 11:31 A.M.

18 BAILIFF: Jury's clear, your Honor.

19 THE COURT: Thank you.

20 Sir, you are welcome to step down and refresh yourself as
21 well.

22 GREGORY DERAN BLACK: Yes, ma'am.

23 THE COURT: You just cannot talk about your testimony with
24 anyone. Okay?

25 GREGORY DERAN BLACK: Yes, ma'am

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BY THE COURT

1 THE COURT: It could be wife, lay witnesses, lawyers,
2 anyone. Okay?

3 GREGORY DERAN BLACK: Yes, ma'am.

4 THE COURT: Thank you, sir.

5 We're going to take about ten minutes, so at 20 'til, we're
6 going to come on back. Okay?

7 MS. CAMPBELL: Thank you, Judge.

8 OFF THE RECORD 11:32 A.M.

9 BACK ON THE RECORD 11:49 A.M.

10 BY THE COURT:

11 THE COURT: Ms. Smith, you're ready to go? All right,
12 let's bring the jury in, Rick. Thank you.

13 SOLICITOR SMITH: Judge, after Greg Black is Denise Black
14 -- or Denise Brown.

15 THE COURT: Come on back up here, Mr. Black.

16 SOLICITOR SMITH: I just wanted to put on the record again
17 that she's not to get into -- we've told her not to -- not to
18 get into any of the past instances of violence that we
19 discussed yesterday.

20 THE COURT: Specific instances is what we talking about.

21 SOLICITOR SMITH: Correct.

22 THE COURT: Okay. Let's do this. You come up.

23 GREGORY DERAN BLACK: Yes, ma'am.

24 THE COURT: Hold on for just a second. Just someone jump
25 back there and just say hold the jury out there.

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BY THE COURT

1 Is Denise around?

2 SOLICITOR JONES: Yes, she's right here.

3 THE COURT: Bring her in for a quick second. Let me just
4 give her a little instruction just to make sure. Okay?

5 Just hold them one second, if you don't mind. Okay?

6 BAILIFF: Yes, ma'am.

7 THE COURT: All right, Ms. Black, come on in for just a
8 quick second. I apologize. I just wanted to -- it's my
9 understanding, ma'am, after your brother is on the stand that
10 you are going to be called as the next witness. And I just
11 want to make sure -- I know the State has talked to you, and
12 I'm sure Ms. Campbell's talked to you as well, that you are not
13 to go into any specific incidents of any past violence that you
14 may have had with your father. I just want to make sure you
15 know that. And I know they've spoken to you about that, but I
16 just want to make sure. If, for some reason -- and I'm just
17 telling you this now because I don't want to do it in front of
18 a jury. If, for some reason, you start speaking, there's an
19 objection, I'm going to go like this and I'm going to say stop.
20 And you stop saying whatever you're saying, and then I can take
21 care of that and take it up, but I just want to make sure that
22 you're responding to me when that happens, just to make sure
23 you don't say something that would cause a mistrial in some
24 way. Okay?

25 DENISE BROWN: Yes, ma'am.

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GREGORY DERAN BLACK - CROSS - CAMPBELL

1 THE COURT: All right. Well, I appreciate. That's all I
2 need to talk with you about. You can go on back, and we'll
3 bring you back up here. Okay? All right.

4 Do you think it's going to be fine, Ms. Campbell? You're
5 not too concerned of it?

6 MS. CAMPBELL: Huh-uh.

7 THE COURT: Okay. All right. Let's bring the jury in,
8 Rick. I'm sorry.

9 BAILIFF: The jury is entering the courtroom, your Honor.

10 THE COURT: Thank you.

11 BAILIFF: The jury is seated, your Honor.

12 THE COURT: Thank you.

13 All right, ladies and gentlemen, we are going to go ahead
14 and continue with Mr. Black's testimony. I remind you he is
15 still under oath.

16 Whenever you're ready, Ms. Campbell.

17 MS. CAMPBELL: Thank you, your Honor. May it please the
18 Court?

19 THE COURT: Yes, ma'am.

20 JURORS ENTER COURTROOM 11:51 A.M.

21 GREGORY DERAN BLACK, CROSS-EXAMINATION

22 BY MS. CAMPBELL:

23 Q. Good morning, Mr. Black.

24 A. Good morning, ma'am.

25 Q. You and Denise are brother and sister, right?

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GREGORY DERAN BLACK - CROSS - CAMPBELL

1 A. Yes, ma'am.

2 Q. Okay. You share the same father.

3 A. Yes, ma'am.

4 Q. Do you share the same mother?

5 A. Yes, ma'am.

6 Q. And you're mother passed away?

7 A. Yes, ma'am.

8 Q. And how long ago was that?

9 A. In the eighties, '85, '86.

10 Q. So you and Denise were young?

11 A. Yes, ma'am.

12 Q. And how did your mother pass away?

13 A. Well, she was -- she was murdered.

14 Q. Okay. And you -- you and Denise as growing up and
15 living together on and off, at some point, you've both been at
16 home with your father, right?

17 A. Yes, ma'am.

18 Q. Okay. And I think you told the prosecutor that when
19 Denise would have a child, she would come home, and I guess as
20 they had more children, more children came home to [REDACTED] Big
21 Estates Circle?

22 A. Yes, ma'am.

23 Q. Okay. On June 5, 2016, you were coming back home with
24 your father, right?

25 A. Yes, ma'am.

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GREGORY DERAN BLACK - CROSS - CAMPBELL

1 Q. Okay. And Denise was there..

2 A. Yes, ma'am.

3 Q. So was Joe.

4 A. Yes, ma'am.

5 Q. [REDACTED] I guess, was around six?

6 A. Yes, ma'am.

7 Q. Joe, Jr. maybe four?

8 A. Yes, ma'am.

9 Q. And little Jackson, six months or so.

10 A. Yes, ma'am.

11 Q. And they'd been living there for about a year at that
12 time.

13 A. Yes, ma'am.

14 Q. Okay. And you were bringing some things in out of the
15 cars, right?

16 A. Yeah, luggage.

17 Q. Luggage. And your father was in the house with Denise,
18 right?

19 A. Yes, ma'am.

20 Q. Okay. And you were back and forth bringing the luggage
21 in, right?

22 A. Me and my father.

23 Q. Okay. Good. And so, this argument between Denise and
24 your father broke out, right?

25 A. Yes, ma'am.

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GREGORY DERAN BLACK - CROSS - CAMPBELL

1 Q. And there was a bag of trash that was by the back door,
2 right?

3 A. Yes, ma'am.

4 Q. Okay. And your father became upset about the bag of
5 trash, right?

6 A. Yes, ma'am.

7 Q. And when he became upset, he got into some words,
8 whatever they were, with Denise over the bag of trash, right?

9 A. Yes, ma'am.

10 Q. Okay. And would it be fair to say that they were loud
11 words between the two of them?

12 A. No, they weren't -- not loud like screaming.

13 Q. Um-hmm.

14 A. There wasn't no screaming.

15 Q. Okay. Were they raised voices?

16 A. They were raised, both of them were raised.

17 Q. Okay. So the voices had been raised.

18 A. Yes, ma'am.

19 Q. And this back and forth over why the trash hasn't been
20 taken out, right?

21 A. Yes, ma'am.

22 Q. All right. At this particular time, Joe was outside in
23 his SUV, correct?

24 A. Yes, ma'am.

25 Q. All right. And I know you've testified that Joe's

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GREGORY DERAN BLACK - CROSS - CAMPBELL

1 headlights were on. Was your father's car's headlight on?

2 A. No, ma'am.

3 Q. And how about your car?

4 A. No, ma'am.

5 Q. Okay. So the only headlights that were on were Joe's,
6 and they were as you see in that diagram that you looked at,
7 they were pointing across the front of the yard, correct?

8 A. No, not the front of the yard.

9 Q. Okay.

10 A. If we could go to the diagram.

11 Q. Let me see what the State has over here.

12 So the white SUV is over in this area, correct?

13 A. Yes, ma'am.

14 Q. Okay. And I don't know, front, whatever, this seems
15 like the front yard.

16 A. Yes, ma'am.

17 Q. Okay. So his car is over here. The headlights are
18 shining this way.

19 A. No, it's not.

20 Q. Okay. So the headlights are this way.

21 A. No, ma'am.

22 Q. Okay. So how is it?

23 A. Don't you have another diagram?

24 Q. Yeah, I do. So how -- help me understand, because the
25 way they have the car positioned, it shows headlights here.

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GREGORY DERAN BLACK - CROSS - CAMPBELL

1 A. Right.

2 Q. Okay.

3 A. And this is the -- this is the area where you was
4 showing.

5 Q. Right.

6 COURT REPORTER: I'm sorry.

7 A. I'm supposed to speak up.

8 COURT REPORTER: *And this is the area.*

9 A. This is the area where you was showing --

10 Q. Um-hmm.

11 A. -- in that -- in that other picture. The headlights
12 was shining straight.

13 Q. Right.

14 A. Yes, ma'am.

15 Q. I think we're saying the same thing. So the car's in
16 this direction.

17 A. Yes, ma'am.

18 Q. And the headlights are coming out this way, correct?

19 A. Yes, ma'am. Yes, ma'am.

20 Q. Okay. Thank you. All right. So you remember being
21 interviewed about these things you've testified here today
22 about by this officer here, right?

23 A. Yes, ma'am.

24 Q. Okay. She interviewed you a couple times, right?

25 A. I can't remember how many times it was.

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GREGORY DERAN BLACK - CROSS - CAMPBELL

1 Q. Okay. You talked to a number of police officers and
2 you talked to her, correct?

3 A. Yes, ma'am.

4 Q. Okay. And when you were being interviewed by the
5 police officers and by this officer, the investigator, you were
6 truthful with them; were you not?

7 A. Yes, ma'am.

8 Q. Okay. And so, I've heard you tell this jury that your
9 father never pulled out his gun from his waistband. That's
10 what you said, right?

11 A. Yes, ma'am.

12 Q. Okay. And do you recall telling this investigator that
13 Greg said the gun Ronnie had was in his left hand with the
14 barrel pointed down? Telling this officer, who's reporting
15 what you've said. Do you remember saying that he had -- Ronnie
16 had the gun in his left hand with the barrel pointing down?

17 A. I don't remember that, ma'am.

18 Q. Okay. And do you recall that you said that he had the
19 gun in his waistband? Do you remember saying that to them?

20 A. Yes, ma'am.

21 Q. Okay. Okay. So we've got that much. So I'm a little
22 confused about Ronnie getting the gun from his bedroom. So
23 you've told the jury that he went to his bedroom to get his
24 gun, right?

25 A. Yes, ma'am.

1 Q. Did you go with him to the bedroom to get the gun?

2 A. No, ma'am.

3 Q. Okay. So when did you first see the gun in your
4 father's waistband?

5 A. When I brought the bags into -- his bags into his room.

6 Q. Okay. So you saw your father with the gun in his
7 waistband in his bedroom?

8 A. Yes, ma'am.

9 Q. Okay. When you came out of there, where did you go?

10 A. Back to -- onto the porch to get the rest of the stuff.

11 Q. Okay. And you at some point told your father and
12 Denise that they needed to step on the porch with you. Is that
13 right?

14 A. Yes, to not argue in front of the children.

15 Q. Right. So you and your father and Denise step out onto
16 the porch, right?

17 A. Yes, ma'am.

18 Q. Okay. At that time, from what you've testified --

19 A. Yes, ma'am.

20 Q. -- your father had his gun in his waistband, correct?

21 A. Yes, ma'am.

22 Q. Okay. And your father was not wearing a jacket,
23 correct?

24 A. No, ma'am.

25 Q. Okay. And I think you've said here that Joe says

1 something like I'm going to hurt you all?

2 A. Yes, ma'am.

3 Q. Okay. And he says I'm going to hurt you all. And your
4 father is not handling his gun. Is that what you're telling --

5 A. Yes, ma'am.

6 Q. -- telling the jury? Okay. Denise and Joe, as you
7 pointed out for the jury, are sort of on this side by the front
8 door, correct?

9 A. Yes, ma'am.

10 Q. And you've said that you and your father are maybe
11 four, five feet at the most away from them, sort of towards the
12 stairs on the side, correct?

13 A. Yes, ma'am.

14 Q. Okay. Do you recall the lighting at that time? Had
15 the lights popped back on or not?

16 A. I can't -- I cannot recall, ma'am.

17 Q. Can't remember. Okay. So, if you can't remember, you
18 don't know. Okay. That may be all I have. Just a second.

19 Oh. Mr. Black, did you see your father fall on the porch?

20 A. Yes, ma'am.

21 Q. Okay. And when you saw your father fall, did he fall
22 onto his face or onto his back?

23 A. I can -- for sure, I know he fell on his face.

24 Q. Did you recall testifying previously yesterday that
25 your father fell on his back?

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DENISE BROWN - DIRECT - SMITH

1 A. I was thinking about it.

2 Q. Um-hmm.

3 A. That's how he fell.

4 Q. So did he fall on his face or his back?

5 A. He fell on his face.

6 Q. I'm sorry.

7 A. I said he fell on his face, ma'am.

8 Q. So, when you testified under oath yesterday that he
9 fell on his back, you were just mistaken?

10 A. I was mistaken.

11 MS. CAMPBELL: That's all I have for this witness.

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

13 Call your next witness.

14 SOLICITOR SMITH: The State calls Denise Brown.

15 MADAM CLERK: Right this way to be sworn in.

16 THE COURT: Come right up here, Ms. Brown.

17 MADAM CLERK: You come right -- right up here. Excuse me.
18 Okay. If you would, place your left hand on the *Bible*. Raise
19 your right hand for me. Do you solemnly swear or affirm to
20 truthfully answer all questions asked of you by this Court, so
21 help you God?

22 DENISE BROWN: Yes.

23 MADAM CLERK: Thank you.

24 DENISE BROWN, DIRECT EXAMINATION

25 BY SOLICITOR SMITH:

9-18-18 STATE V BROWN

DENISE BROWN - DIRECT - SMITH

1 Q. Good morning, Ms. Brown.

2 A. Good morning.

3 Q. Will you state your name for the record.

4 A. Denise Brown.

5 Q. Okay. And do we need to pull that microphone close so
6 she can be heard?

7 MADAM CLERK: Yeah, we need --

8 Q. You got a sore throat?

9 A. Yeah.

10 Q. Okay.

11 A. My tonsils are swollen.

12 Q. Okay. Just want to make sure we can all hear you.
13 Denise, where are you from?

14 A. Beaufort.

15 Q. Okay. How old are you?

16 A. Thirty-five.

17 Q. Okay. Where did you grow up?

18 A. In Big Estate.

19 Q. Okay. And who's your -- who was your father?

20 A. Ronnie Black.

21 THE COURT: Can you all hear her? You okay?

22 DENISE BROWN: I'm okay.

23 BY SOLICITOR SMITH:

24 Q. Who was your -- do you have any brothers and sisters?

25 A. One brother.

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DENISE BROWN - DIRECT - SMITH

1 Q. Okay. And who is that?

2 A. Greg.

3 Q. Okay. And where do you live?

4 A. Now?

5 Q. Or in what -- do you still live in the Beaufort area?

6 A. Yes.

7 Q. Okay. Where did you go when you left Beaufort after
8 school?

9 A. Florida.

10 Q. Okay. How long did you live in Florida?

11 A. I'm going to say maybe four or five years. Something
12 like that.

13 Q. Okay. Are you married?

14 A. Yes.

15 Q. And who are you married to?

16 A. Joseph Brown.

17 Q. Okay. Is he in the courtroom today?

18 A. Yes.

19 Q. Okay. Can you point him out for the jury?

20 A. Right there.

21 Q. Okay.

22 SOLICITOR SMITH: Let the record reflect she's pointed to
23 the defendant.

24 BY SOLICITOR SMITH:

25 Q. How many children do you have?

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DENISE BROWN - DIRECT - SMITH

1 A. Three.

2 Q. What are their ages?

3 A. Eight, five, and two.

4 Q. And are these Mr. Brown's children?

5 A. Yes.

6 Q. Okay. In June of 2016, where were you living?

7 A. At my father's house.

8 Q. Okay. Is that in the Big Estate area?

9 A. Yes.

10 Q. Okay. How long had you been living there?

11 A. At that time, about a year.

12 Q. Okay. Who all was living there with you?

13 A. The kids and Joseph and my dad.

14 Q. Okay. Why were you all living with your dad?

15 A. Because we just moved from a house in Walterboro.

16 Q. Okay.

17 A. And I was pregnant with Jackson, so it was easier to be
18 there.

19 Q. Okay. Were you working at the time?

20 A. Yes.

21 Q. Okay. Where do you work?

22 A. Great Clips.

23 Q. Okay. Was your husband working at the time?

24 A. No, he didn't have a job. He was -- he was a dog
25 trainer, but he didn't have a actual job working for someone.

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DENISE BROWN - DIRECT - SMITH

1 Q. Did you all pay rent to your dad or pay the bills?

2 A. We paid light bill.

3 Q. Okay. How long had Joseph been out of work at that
4 time?

5 A. For a while.

6 Q. Did he work while you all lived there at all, prior to
7 this? Prior to the incident, was he working at all while you
8 were living with your father?

9 A. No, he -- well, he did the dog training and -- and
10 that.

11 Q. Okay.

12 A. The dog breeding, but that's his way of income that he
13 had going on, yeah.

14 Q. All right. Tell us what happened the night of June 5,
15 2016.

16 A. Okay. Start just from the beginning and --

17 Q. Yes, ma'am.

18 A. Okay. So we just got back. We went out to eat, and
19 just pulled --

20 Q. And tell us who we is, so the jury knows.

21 A. So we would be myself, Joseph, and the kids. We just
22 got back to the house, and we're thinking the kids out of the
23 truck, and right soon as I -- we pulled up, my dad and my
24 brother and my nephew pulled up also.

25 Q. Okay.

1 A. Went in the house. My dad and I was talking. He was
2 telling me about pretty much how he enjoyed his trip and things
3 like that. And then it came to a point where he smelled some
4 trash, and he, you know, was fussing about the trash in the
5 back laundry room. And when he started fussing about the
6 trash, we kind of got into an argument. So, when that
7 happened, my brother and I were talking about -- you know, he
8 was just trying to calm me down. So then Joe came in the house
9 --

10 Q. You say your brother. Was that Greg that was trying to
11 calm you down?

12 A. Yes. Yeah.

13 Q. Okay.

14 A. So then Joe came in the house to see what was going on,
15 cause I guess he heard it from outside. So, at that point,
16 myself, Joseph, and Greg went on the porch just to talk away
17 from my father, who was still in the kitchen.

18 Q. Okay. Where were the children during this?

19 A. They were, I think, in the living room, or the den.

20 Q. And where was Greg's wife?

21 A. I think she was in the den also.

22 Q. With the kids?

23 A. Yes.

24 Q. Okay. What happened after you all went out on the
25 porch?

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DENISE BROWN - DIRECT - SMITH

1 A. So we went out on the porch and talked. And then my
2 dad came from out the house, and he went down to his truck, and
3 he came back up on the porch.

4 Q. Okay. And what happened after that?

5 A. So then we started talking again, and he started --
6 started arguing. And Joe asked the question like, where do we
7 go from here? And I was like, well, Dad, I just need you to
8 respect me and not to talk in the manner that you talk to me
9 of. And that's when he was like, I can talk to you any kind of
10 way or whatever, like, you're my child. And then, when he said
11 that, Joseph made a statement, she's not your child; she's your
12 daughter, you know, something like that. And when he said
13 that, then, everything kind of went haywire then.

14 Q. Okay. What do you mean by went haywire?

15 A. Well, that's when they started arguing, my dad and my
16 brother were arguing towards Joseph. And after -- and when
17 that happened, I guess at that point is when he saw my father's
18 gun, and he asked my father what he -- *Mr. Ronnie, what are you*
19 *doing with a gun.* And he didn't say anything. He asked him
20 again, *Mr. Ronnie, what are you doing with your gun.* And at
21 that time, I turned to look at Joe like -- well, I saw the gun
22 and I turned to look at him like, you know, oh, my gosh. And
23 at that point, that's when I started hearing gunfire.

24 Q. While you were looking at Joe you heard gunfire?

25 A. No, no, like after I turned and looking back at him,

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DENISE BROWN - DIRECT - SMITH

1 when I -- when he -- when I looked at him, and I mean, at that
2 time, we went like, it's the gunfire.

3 Q. Okay. I'm confused. Let's go to the thing where
4 you're just saying him and he. So you said you looked back at
5 him.

6 A. I looked back at my -- when I saw the gun in my
7 father's hand --

8 Q. Uh-huh.

9 A. -- I looked back at Joe like, oh, my gosh.

10 Q. Uh-huh.

11 A. Okay. And then, at that point, I didn't know what was
12 -- what was going to do, but in a split second, that's when I
13 started hearing the gunfire.

14 Q. So you're looking at Joe, and a split second later you
15 start hearing gunfire? Is that what you're saying?

16 A. Yeah. I mean, not like -- like a split second, but
17 right then and there. Basically, my look that I gave to him
18 was, well, what's 'bout to happen. So right after that is when
19 the gunfire started.

20 Q. Okay. While you're looking at Joe.

21 A. No. Not while I'm looking at Joe.

22 Q. You said you're looking at Joe and there was a split
23 second.

24 A. Yeah, so, when I looked at Joe, after I saw my -- the
25 gun in my father's hand, I turned and looked at him like what

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DENISE BROWN - DIRECT - SMITH

1 in the world. You know what I'm saying?

2 Q. Um-hmm.

3 A. I -- I turned back from him, if that's what you're
4 asking, when I saw him, no, the gun wasn't going off. When I
5 turned back around to -- my father's here, Greg's here, Joe's
6 here, and the guns went off after that.

7 Q. Okay.

8 A. So it was kind of like almost after his questioning.

9 Q. Where were you looking when the guns went off?

10 A. I don't remember, but I know -- I mean, it could have
11 been forward, could have been towards my brother. I'm not
12 really sure.

13 Q. Okay.

14 A. But I know I didn't know where it was coming from. I
15 just heard the gunfire. My dad was on one side of me, Joe was
16 on the other side.

17 Q. Okay. And you -- so you heard this gunfire, but you
18 didn't know where it was coming from?

19 A. No.

20 Q. Okay.

21 A. My ears was just ringing.

22 Q. So you were standing -- I'm sorry. Go ahead.

23 A. I said, no, ears were ringing. They both were outside
24 of me. One was on one side. The other was on the other side.
25 So, at that time, I didn't know where it was coming from.

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DENISE BROWN - DIRECT - SMITH

1 Q. Okay. And when you say one was on the side of me.

2 A. My dad was on the left side of me, and Joseph was on
3 the right side of me.

4 Q. Okay. Do you remember talking to Ms. Crumpton here a
5 number of times?

6 A. Yes.

7 Q. Okay. And during talking to her on June 6 of 2016?

8 A. You can't give me dates, because I won't remember
9 dates.

10 Q. Okay. It was the day after your dad was killed.

11 A. Okay. I know I talked to them right after it --

12 Q. Okay.

13 A. -- a couple of times.

14 Q. Right. Okay. For about a week you talked to her a few
15 times?

16 A. Yeah. Yes.

17 Q. Okay. And you testified today that you saw the gun in
18 your dad's hand. Is that right?

19 A. Yes, yes.

20 Q. Do you remember telling the investigator that you tried
21 to take Joe off the porch that day?

22 A. When I looked at him, the look was like I want to get
23 him off the porch, but there was any time for any of that.

24 Q. Okay.

25 A. Not in physically tried to get him off the porch, no.

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DENISE BROWN - DIRECT - SMITH

1 Q. Okay. And do you remember her asking you if your dad
2 pulled the gun up?

3 A. Yeah.

4 Q. Okay. And do you remember what he said?

5 A. That he pulled it, yes.

6 Q. Okay. Do you remember talking to her on June 6, the
7 day after, and telling her: *I guess he pulled it up; I didn't*
8 *see?*

9 A. As far as all the way, yes, but what he did was pull it
10 up to his side, and that's where I saw it at. I didn't see it
11 completely up in the air or anything like that, pointed towards
12 Joe.

13 Q. Do you remember talking to her seven days later on June
14 13th of 2016, talked to her and Investigator Duncan from the
15 Sheriff's Office in another recorded interview about a week
16 later?

17 A. Okay, I remember talking to them again, yeah.

18 Q. Do you remember telling her again that you told Joe we
19 need to go, and you had your back to your dad, and you guessed
20 that's when he pulled the gun?

21 A. No.

22 Q. You don't remember saying that?

23 A. No.

24 Q. Okay.

25 A. She was saying that I told Joe that we needed to go.

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DENISE BROWN - DIRECT - SMITH

1 Q. Okay. Do you remember telling her that your back was
2 to your dad?

3 A. When I turned and looked at Joe, yes, my back was to my
4 father.

5 Q. And you were --

6 A. That was after I saw him with the gun, and I turned and
7 looked at him like --

8 Q. Okay. Did Greg have a gun that night?

9 A. No, he did not.

10 Q. He did not? Okay. Did you tell the police you knew
11 Greg wouldn't have a gun?

12 A. Yeah, he wouldn't have a gun.

13 Q. Do you remember telling the police you did not know why
14 Greg got shot?

15 A. Yeah, I didn't know why Greg got shot.

16 Q. Okay. Do you know why he got shot today?

17 A. I still don't know why. I mean, I've -- he said why,
18 but I -- I don't know why he got shot.

19 Q. Okay. Did you see Joe's gun that night?

20 A. No, I did not.

21 Q. Okay. Did you know he had a gun?

22 A. I know he had a gun, but I didn't see --

23 Q. How did you know he had a gun?

24 A. Cause he always kept guns. He always had a gun on his
25 side.

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DENISE BROWN - DIRECT - SMITH

1 Q. Okay. Why?

2 A. Basically, just for protection. No one would ever knew
3 that he had it on him.

4 Q. Okay.

5 A. But I just knew, because that was my husband.

6 Q. Okay. Was there a physical argument between your dad
7 and Joe or Greg that night?

8 A. A physical? No.

9 Q. Okay. Denise, after -- after you heard the gunshots,
10 what happened? You said a split second you heard the shots.
11 What happened?

12 A. So -- so when I -- when I heard the gunshots, when it
13 started, I went in the house. I was standing right in front of
14 the door, so I went in the house. And I was just in a daze,
15 just spinning in a daze. And that's when I got myself together
16 and came back out. I don't know how long it was. It -- it
17 doesn't seem like it was that long --

18 Q. Right.

19 A. -- that I had been in there, but when I came back out,
20 that's when I saw my father laying down. I saw Greg laying.

21 Q. Okay. How many shots did you hear? Do you remember?

22 A. I -- I don't remember.

23 Q. You said you saw your father laying there?

24 A. Yes.

25 Q. And you saw Greg laying there?

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DENISE BROWN - DIRECT - SMITH

1 A. Yes.

2 Q. Did you see your dad's gun?

3 A. Yes.

4 Q. Where was it?

5 A. On the side of him.

6 Q. Okay. Do you remember which side?

7 A. I don't.

8 Q. Okay. Was it right beside of the -- okay.

9 COURT REPORTER: Yes, no?

10 A. Yes.

11 Q. After you saw your dad on the ground and your brother
12 on the ground, what happened next?

13 A. So I started yelling, and Joe told me to call 911, and
14 I was saying that Greg was on the phone to 911, but he wanted
15 me to call as well, so.

16 Q. Okay. Did you talk to Joe before he called 911, after
17 he shot your dad and brother?

18 A. I was yelling about --

19 Q. What were yelling?

20 A. What happened; what happened; what just -- I was
21 yelling.

22 Q. Do you remember asking him why would you do that?

23 A. I could have. I don't remember them question I did.

24 Q. Okay. Who did you ask that?

25 A. Question I asked Joe that.

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DENISE BROWN - DIRECT - SMITH

1 Q. Okay.

2 A. I could have.

3 Q. But you're quite -- are you also quite sure you could
4 have?

5 A. So I'm saying like, I'm quite sure I could have asked
6 that. I was yelling, so that could have been one of the things
7 I said. This was two years ago. I can't give you an exact
8 answer on exactly what I said.

9 Q. Okay.

10 A. If that makes sense.

11 Q. Okay.

12 A. Yeah.

13 Q. Were you wondering why he did that?

14 A. I was wondering why my dad was on the -- and -- and
15 Greg, and I just couldn't believe it. I was in disbelief. And
16 I know that I saw the gun, but at the same time, I just
17 couldn't believe that they both were on the ground.

18 Q. Okay. Now, you testified you didn't see the shooting.
19 Is that correct?

20 A. No, I did not.

21 Q. Okay. Did you see Joe beat your dad in the head with
22 his gun?

23 A. No, I did not.

24 Q. When did you find that out?

25 A. When I spoke to the detective.

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DENISE BROWN - DIRECT - SMITH

1 Q. Okay. And were you surprised?

2 A. I was.

3 Q. Okay. Did you get upset?

4 A. I did.

5 Q. When you were talking with Ms. Crumpton that day and
6 she told you that, did you change your mind about Joe's actions
7 that day?

8 A. I was upset. I -- I just couldn't believe it.

9 Q. Did that change your mind as to why he shot and killed
10 your dad and beat him in the head?

11 A. It made me wonder why he would shoot him and hit him in
12 the head, of course.

13 Q. Because up until this point, did Joe tell you about
14 that?

15 A. No.

16 Q. Do you remember talking to Ms. Crumpton and telling her
17 -- your were visibly upset; you were crying, right?

18 THE COURT: Is that a yes, for the record?

19 A. Yes.

20 BY SOLICITOR SMITH:

21 Q. Do you remember telling Ms. Crumpton when talking about
22 Joe, *we been on the same page until now; I did not know that he*
23 *hit my daddy in the head?*

24 A. I didn't, yeah.

25 Q. Did you remember saying that?

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DENISE BROWN - DIRECT - SMITH

1 A. I don't remember my exact words, but I remember being
2 in the blind and not knowing, you know, that that even
3 occurred.

4 Q. Okay. Do you remember saying: *he changed the game*
5 *when he went back and did that; there was no need to do that;*
6 *no need to go back and hit him?* Do you remember saying that to
7 her that day?

8 A. Yeah, I don't remember, but if I said that, that's how
9 I felt.

10 Q. Okay. Do you recall talking to her -- and this was the
11 13th of June, like I was talking about before -- and telling
12 her and Investigator Duncan: *he took it to another level when*
13 *he done that; he shot him; that was enough; so why go back?* Do
14 you remember saying that to her?

15 A. I don't remember saying that, but I did wonder that.
16 And I -- that's how I felt.

17 Q. Is that how you felt?

18 A. Yes, sir.

19 Q. Okay. You never actually saw your dad point a gun at
20 Joe.

21 A. No.

22 Q. Did you ever see your dad point a gun at Greg?

23 A. No.

24 Q. Not your dad. Excuse me. You never saw your dad point
25 a gun at you.

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DENISE BROWN - CROSS - CAMPBELL

1 A. Talking about --

2 Q. Did your dad ever point a gun at you?

3 A. Talking about that night?

4 Q. Yes, ma'am

5 A. No. No.

6 Q. Okay. Denise, you live your husband?

7 A. I love him.

8 Q. Did you want to protect your husband that night?

9 A. I'm not with protecting another. I feel very firm,
10 right is right, and wrong is wrong, and there's not going to be
11 any protection of him or my father; I'm just going to be blunt
12 about what -- what it was.

13 Q. Think Joe went too far that night?

14 A. I feel with the hitting in the head, that that makes me
15 feel a certain type of way.

16 Q. Thank you.

17 SOLICITOR SMITH: That's all I have for this witness.

18 THE COURT: Ms. Campbell.

19 DENISE BROWN, CROSS-EXAMINATION

20 BY MS. CAMPBELL:

21 Q. Denise, you're under subpoena to be here by the State,
22 right?

23 A. Yes.

24 Q. You got served papers. And I served papers on you to
25 be here as well, right?

9-18-18 STATE V BROWN

DENISE BROWN - CROSS - CAMPBELL

1 A. Yes.

2 Q. And since your under subpoena to testify, you've been
3 instructed by everyone to stay outside of this courtroom,
4 right?

5 A. Yes.

6 Q. Okay. And you have followed those instructions; you've
7 been outside, right?

8 A. Yes.

9 Q. Okay. And you never, that I can understand, told this
10 investigator or this jury that your father pointed the gun at
11 Joe, right?

12 A. Yes.

13 Q. But you've always said to this investigator and you've
14 testified to this jury that your father had the gun in his
15 hand, down by his side, sort of, I want to say, because I
16 watched the video, sort of in this range with the gun. Okay.

17 COURT REPORTER: I'm so sorry. *Coming up?*

18 A. Coming up.

19 Q. Not all the way up; not all the way down; somewhere in
20 the middle; is that fair?

21 A. Yes.

22 Q. Was it shocking to you to see your father pull that gun
23 out?

24 A. It was.

25 Q. Okay.

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DENISE BROWN - CROSS - CAMPBELL

1 A. I wasn't no -- yes, ma'am.

2 Q. And when you were shocked by that, you looked at your
3 husband like what -- what is all -- what is going on?

4 A. Yeah.

5 Q. Okay. And at that point, Joe still had his gun in his
6 pocket, right?

7 A. Yeah, I never saw his.

8 Q. You never saw Joe pull out his gun? What exactly, and
9 let the jury know --

10 COURT REPORTER: She didn't answer that.

11 THE COURT: I'm sorry. She needed to answer the question.

12 MS. CAMPBELL: I'm sorry.

13 COURT REPORTER: *You never saw Joe pull out his gun?*

14 BY MS. CAMPBELL:

15 A. No.

16 Q. I apologize. Tell the jury exactly what you heard Joe
17 say to your father about your father pulling out his gun.

18 A. *Mr. Ronnie, what you doing with your gun.*

19 THE COURT: Okay. I'm sorry. I couldn't even hear. You
20 were talking about his --

21 DENISE BROWN: My throat.

22 THE COURT: That's okay. I need you say it again.

23 BY MS. CAMPBELL:

24 A. *Mr. Ronnie, what you doing with your gun.*

25 Q. Okay.

9-18-18 STATE V BROWN

DENISE BROWN - CROSS - CAMPBELL

1 A. Or *why you got your gun*, one or those two.

2 Q. Right. And -- and so, what you doing with your gun;
3 why you got your gun. Do you remember if he asked your father
4 once or twice?

5 A. I remember twice.

6 Q. Okay. Two times, Mr. Ronnie, what you doing with your
7 gun; why you got your gun. Is that -- did that alert you to
8 look at what your father was doing with his gun?

9 A. It did, because at that time, I didn't know he had it.

10 Q. Okay. So Joe's the first one who saw the movement of
11 the gun; Mr. Ronnie what you doing with your gun; and that
12 causes you to look to see what's going on.

13 A. Right.

14 Q. And when you looked to see what's going on, you see the
15 gun in your father's hand coming up.

16 A. Right.

17 Q. Okay.

18 MS. CAMPBELL: Your Honor, I think that is all the
19 questions I have for Denise. Although, I do have a matter I
20 need to take up with the Court about a question the State asked
21 her --

22 THE COURT: Okay.

23 MS. CAMPBELL: -- before I would formerly conclude my
24 questioning.

25 THE COURT: Come around. Come on.

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DENISE BROWN - CROSS - CAMPBELL

1 DENISE BROWN, RE-DIRECT EXAMINATION

2 BY SOLICITOR SMITH:

3 Q. Ms. Brown --

4 MS. CAMPBELL: Oh.

5 THE COURT: Oh, no.

6 SOLICITOR SMITH: I'm sorry.

7 THE COURT: Come up here.

8 SOLICITOR SMITH: I'm sorry.

9 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
10 HEARING OF JURORS. PRESENT: THE COURT,
11 SOLICITOR SMITH, SOLICITOR JONES, MS.
12 CAMPBELL.

13 END BENCH CONFERENCE.

14 MS. CAMPBELL: Thank you, your Honor.

15 DENISE BROWN, CONTINUE CROSS-EXAMINATION

16 BY MS. CAMPBELL:

17 Q. Would it be fair to say that you had raised your voice
18 loud enough for Joe to hear you?

19 A. When?

20 Q. When you were arguing with your father.

21 A. Yeah.

22 Q. And your father's voice was raised as well?

23 A. Yes.

24 Q. Did you feel like he was angry with you?

25 A. My dad, yes.

9-18-18 STATE V BROWN

DENISE BROWN - RE-DIRECT - SMITH

1 Q. Okay. And when he was angry with you and yelling at
2 you, Joe came out of the car, up into the house, right?

3 A. Yes.

4 Q. Okay. And would it be fair to say that Joe was trying
5 to calm down the situation?

6 A. He was. He was. On the porch, he asked me

7 Q. And did your father calm down?

8 A. No.

9 Q. Okay. Thank you.

10 MS. CAMPBELL: That's all I have.

11 SOLICITOR SMITH: Briefly.

12 THE COURT: Yes.

13 DENISE BROWN, RE-DIRECT EXAMINATION

14 BY SOLICITOR SMITH:

15 Q. Ms. Brown, after Master Sergeant Crumpton told you that
16 Mr. Brown hit your dad in the head with the gun after he shot
17 him four times, do you recall telling her that you didn't see
18 it?

19 A. I didn't see it.

20 Q. Okay. Thank you.

21 SOLICITOR SMITH: That's all I have.

22 DENISE BROWN: And I just want to say -- can I just say
23 that --

24 MS. CAMPBELL: It's not permitted.

25 DENISE BROWN: It's not?

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DENISE BROWN - RE-DIRECT - SMITH

1 THE COURT: Okay. It's not appropriate right now.

2 DENISE BROWN: No?

3 THE COURT: Okay? Okay.

4 DENISE BROWN: I was -- it was a question that she asked,
5 and I just wanted to --

6 THE COURT: Okay. Well --

7 SOLICITOR SMITH: Asked and answered. I --

8 THE COURT: Okay. Well, I think you asked the question, so
9 I think she can explain it. She's answered it, and if she
10 wants to explain it, she can go ahead.

11 SOLICITOR SMITH: Sure.

12 THE COURT: So go ahead. What did you need to --

13 DENISE BROWN: I just want to just make sure I'm -- cause
14 I'm just under oath, and I know that he asked about my living
15 area, so, and you said Beaufort, but it's not Beaufort, so I
16 just wanted to make sure that --

17 SOLICITOR SMITH: Okay.

18 THE COURT: Okay.

19 DENISE BROWN: -- got that under --

20 SOLICITOR SMITH: And let me clarify. Do you live in
21 Beaufort County right now?

22 DENISE BROWN: No.

23 SOLICITOR SMITH: Okay.

24 DENISE BROWN: Okay.

25 THE COURT: Okay. And that's fine.

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DENISE BROWN - RE-DIRECT - SMITH

1 SOLICITOR SMITH: And that's fine.

2 DENISE BROWN: All right. I just don't want any --

3 SOLICITOR SMITH: No, that's fine.

4 THE COURT: You may step down.

5 DENISE BROWN: All right. Thank you.

6 THE COURT: Who's our next witness?

7 SOLICITOR JONES: Derek Nelson. He is admitting --

8 THE COURT: What's his evidence going to be?

9 SOLICITOR JONES: -- essentially all of the evidence.

10 THE COURT: Okay. How long is it going to take? Is now a
11 good time to break or --

12 BAILIFF: Your Honor, is she free to go? She was asking if
13 she is free to go?

14 THE COURT: Any objection with her?

15 MS. CAMPBELL: No. She can go.

16 THE COURT: Okay. You are excused. Thank you.

17 Okay. Is now a good time to break or can we go ahead and
18 start?

19 SOLICITOR JONES: I can get through my direct before 1:00
20 o'clock.

21 THE COURT: Okay. I mean, you're just -- he's just putting
22 in evidence, correct?

23 SOLICITOR JONES: Essentially.

24 THE COURT: Okay. Let's go ahead. Let's keep going.

25 You all okay?

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DEREK NELSON - DIRECT - JONES

1 JUROR: Yeah.

2 THE COURT: You okay? Let's keep going then. We like to
3 typically break for lunch around one-ish. That's usually kind
4 of my marker, but it just depends on how the witnesses -- so
5 let's go ahead and bring him in. Let's get going. Okay?

6 SOLICITOR JONES: The State calls Derek Nelson.

7 THE COURT: Come on up.

8 MADAM CLERK: Good afternoon. Come right on up, Mr.
9 Nelson. Okay. If you would, place your left hand on the
10 Bible. Raise your right hand. Do you solemnly swear or affirm
11 to truthfully answer all questions asked of you by this Court,
12 so help you God?

13 DEREK NELSON. I do.

14 DEREK NELSON, DIRECT EXAMINATION

15 BY SOLICITOR JONES:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. Investigator Nelson, I'm calling you investigator, but
19 do you still work for the Sheriff's Office?

20 A. No, ma'am.

21 Q. Where do you work these days?

22 A. I currently work at the Solicitor's Office.

23 Q. Okay. And that's where I work?

24 A. Yes, ma'am.

25 Q. And prior to the Solicitor's Office, you worked for the

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1 Beaufort County Sheriff's Office.

2 A. That's correct.

3 Q. How long had you been employed there?

4 A. I'd been there for about eight years, but about 17
5 years total in law enforcement.

6 Q. Okay. And were you involved in the investigation for
7 the case we're here for today?

8 A. Yes, ma'am.

9 Q. And did you have an opportunity to respond to [REDACTED] Big
10 Estates Circle?

11 A. I did.

12 Q. And is that here in Beaufort County?

13 A. It is.

14 Q. And why did you respond to Big Estate's Circle?

15 A. At the time, I was working, and the collateral duty
16 that I performed was on part of the Crime Scene Response Unit
17 for the -- for the Sheriff's Office.

18 Q. Tell me a little bit about what that entails.

19 A. It's a unit that we put together mainly to respond to
20 major incident crime scenes to assist the investigators on
21 staff at that time with processing the crime scene. That way,
22 they were freed up to do other elements of the investigation.

23 Q. And generally, how do you typically process a crime
24 scene?

25 A. It's a methodical task that we put together, and it's -

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1 - take steps of starting with outwards, photographing,
2 videotaping, worked all the way in, identifying potential
3 evidence, depending on circumstances that we respond to.

4 Q. And then in collecting?

5 A. And then -- then in collecting them.

6 Q. Okay. As part of this investigation, did you have the
7 -- did you create a crime scene sketch?

8 A. I did.

9 Q. Okay.

10 SOLICITOR JONES: Permission to approach?

11 THE COURT: You may.

12 BY SOLICITOR JONES:

13 Q. I'm going to show you what has been marked as State's
14 44. Do you recognize that?

15 A. I do.

16 Q. And is this the crime scene sketch you created?

17 A. It is.

18 Q. Okay. Is it to scale?

19 A. No, ma'am.

20 Q. Okay. Okay. And is this -- this is just an enlarged,
21 blown-up copy of the sketch you created that night?

22 A. That's correct.

23 Q. Okay.

24 SOLICITOR JONES: Your Honor, at this time, State moves 44
25 into evidence.

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DEREK NELSON - DIRECT - JONES

1 MS. CAMPBELL: Without objection.

2 THE COURT: Without objection.

3 SOLICITOR JONES: Okay.

4 ITEM IDENTIFIED AS CRIME SCENE SKETCH

5 MARKED STATE'S EXHIBIT NUMBER 44

6 ADMITTED AS EVIDENCE.

7 BY SOLICITOR JONES:

8 Q. And we have had other witnesses testify to it, but that
9 is how you found the scene that evening, that night.

10 A. At the time, I arrived, yes, ma'am.

11 Q. Okay. At that point, was Joseph Brown still there?

12 A. No, ma'am.

13 Q. Were there any civilians still there?

14 A. I do not recall any other, no, ma'am.

15 Q. Okay. But when you're processing a crime scene, is it
16 kept secure?

17 A. Yes.

18 Q. Okay. And what does that mean?

19 A. Meaning that we limit anybody coming in and out of the
20 crime scene. And then, if they do come in and out, then we
21 document that.

22 Q. Okay. And you mentioned earlier photographs.

23 A. That's correct.

24 Q. And did you have an opportunity to take and supervise
25 photographs being taken in this case?

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1 A. I did. In this case, I -- another crime scene -- or
2 crime scene investigator responded with me. It was Corporal
3 William Murphy, and he was given the task of all crime scene
4 photography.

5 Q. And you're familiar with the photos he took that night?

6 A. I am.

7 Q. I'm going to show you what has been marked State's 3
8 through 27. Investigator Nelson, I'm going to show you State's
9 3 through 27, and do you recognize those photographs?

10 A. Yes, ma'am.

11 Q. And do all those photographs fairly and accurately
12 depict the scene at [REDACTED] Big Estates Circle that night?

13 A. They do.

14 Q. Do they appear to be altered in any way?

15 A. No, ma'am.

16 SOLICITOR JONES: Your Honor, at this time, State moves
17 State's 3 through 27 into evidence.

18 MS. CAMPBELL: No objection.

19 THE COURT: Without objection.

20 SOLICITOR JONES: And permission to publish.

21 THE COURT: You may.

22 SOLICITOR JONES: Okay.

23 ITEMS IDENTIFIED AS PHOTOGRAPHS

24 MARKED STATE'S EXHIBIT NUMBERS 3 THROUGH 27

25 ADMITTED AS EVIDENCE.

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1 BY SOLICITOR JONES:

2 Q. And we're going to show this on the big screen, but you
3 can certainly keep those in your hands, if it's easier for you
4 to see those.

5 A. Okay.

6 Q. What do we see in State's 3?

7 A. This is a picture of the evidence placard labeled
8 Number 6, which was clothing that was cut off of Mr. Greg Black
9 at the time. So we collected that. I think it was cut off by
10 the EMS personnel while they were performing their duties.

11 Q. Okay. And I see Placard Number 7 up there. Did
12 somebody under your supervision attempt to collect a swab from
13 that area?

14 A. Yeah. Just to the left of Placard Number 7 is a red
15 stain that was consistent with blood, so we -- I -- I auth --
16 or I told Corporal Squires, another crime scene detective who
17 was there, to collect a swab of that particular stain.

18 Q. Okay. Investigator Nelson, I'm going to show you
19 what's been marked as State's 52. Can you identify that?

20 A. Yes, ma'am. This is the -- this is the swab that was
21 taken of the stain next to Placard Number 7 by Corporal
22 Squires, and then turned over to me for collection.

23 Q. Okay. And you submitted it into evidence?

24 A. I did.

25 SOLICITOR JONES: Your Honor, at this time, State moves 52

1 into evidence.

2 MS. CAMPBELL: No objection.

3 THE COURT: Without objection.

4 ITEM IDENTIFIED AS SWAB OF STAIN

5 MARKED STATE'S EXHIBIT NUMBER 52

6 ADMITTED AS EVIDENCE.

7 BY SOLICITOR JONES:

8 Q. Okay. If we can go on to 4. And what does this show?

9 A. This is just an overall view of the clothes that we
10 collected at Placard Number 6.

11 Q. Okay. And those were the clothes belonging to Mr.
12 Gregory Black?

13 A. Yes, ma'am.

14 Q. And Number 5. Okay. What does that show?

15 A. This was labeled Placard Number 3. Upon arrival, the
16 two handguns were already on the table. We were just
17 identifying those two handguns for collection.

18 Q. Okay. I'm going to show you what has been previously
19 identified as State's 49.

20 SOLICITOR JONES: Again, it's secured, your Honor.

21 THE COURT: Thank you.

22 BY SOLICITOR JONES:

23 Q. Do you recognize State's 49?

24 A. I do.

25 Q. And what is that?

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1 A. This is the .45 caliber handgun, the black-in-color one
2 that's in the photograph.

3 Q. Okay. Were you able to determine who that gun belonged
4 to?

5 A. We were able to determine that it belonged to the
6 victim, Ronnie Black.

7 Q. Okay. And did you do anything to that gun while it was
8 in your possession?

9 A. We located a -- a red stain on the upper slide of the
10 firearm, and then Corporal Squires also collected that stain on
11 a -- on a swab in order for processing later by the laboratory.
12 And then he turned it over to me for evidence for collection.

13 Q. I'm going to show you what has been marked as State's
14 63. Is that the swab you were speaking of?

15 A. Yes, ma'am.

16 Q. Okay. And you submitted that into evidence?

17 A. I did.

18 SOLICITOR JONES: And at this time, State moves State's 63
19 into evidence.

20 MS. CAMPBELL: No objection.

21 SOLICITOR JONES: When you --

22 THE COURT: Without objection.

23 SOLICITOR JONES: My apologies.

24 ITEM IDENTIFIED AS SWAB

25 MARKED STATE'S EXHIBIT NUMBER 63

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DEREK NELSON - DIRECT - JONES

1 ADMITTED AS EVIDENCE.

2 BY SOLICITOR JONES:

3 Q. When you submit it into evidence, what is the purpose
4 of submitting a swab like this into evidence?

5 A. It's to identify whatever the stain was that was
6 located, and then to secure it inside of our evidence locker in
7 order before it -- our Evidence Division. That way, it can go
8 -- we seal them in the bags in order to keep the chain of
9 evidence and keep it safe. And that way, it gets stored with
10 the Evidence Division for later processing by either another
11 agency, laboratory, so on and so forth.

12 Q. Laboratories for forensic testing?

13 A. Yes.

14 Q. If I could grab 49 from you.

15 A. Um-hmm.

16 Q. State's 49, you identified as Mr. Ronnie Black's gun

17 A. That's correct.

18 SOLICITOR JONES: Your Honor, at this time, State moves 49
19 into evidence.

20 MS. CAMPBELL: No objection.

21 ITEM IDENTIFIED AS RONNIE BLACK'S GUN

22 MARKED STATE'S EXHIBIT NUMBER 49

23 ADMITTED AS EVIDENCE.

24 BY SOLICITOR JONES:

25 Q. And this -- what is this in the gun?

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1 A. Those are zip ties that are simply put there to render
2 the gun safe. That way, it can be manipulating without the
3 fear of any kind of accident.

4 Q. So it can't be fired right now.

5 A. Not right now, not in it's current condition.

6 Q. So it's safe. Okay. So this is the gun that you
7 swabbed for the blood stain.

8 A. That's correct.

9 Q. If we could go to -- well, stay on this picture. It
10 appears there's another weapon in that picture.

11 A. That's correct.

12 Q. I'm going to show you what has been marked as State's
13 47. Can you identify this weapon?

14 A. Yes, this is the revolver in the picture as well.

15 Q. Okay. And were you able to determine who that revolver
16 belonged to?

17 A. We did. It belonged to Mr. Joseph Brown.

18 Q. Okay. And if I may have -- and this is the actual gun
19 you collected that day?

20 A. That is.

21 SOLICITOR JONES: Your Honor, at this time, the State moves
22 State's 47 into evidence.

23 MS. CAMPBELL: No objection.

24 THE COURT: Without objection.

25 ITEM IDENTIFIED AS REVOLVER BELONGING

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DEREK NELSON - DIRECT - JONES

1 TO JOSEPH BROWN

2 MARKED STATE'S EXHIBIT NUMBER 47

3 ADMITTED AS EVIDENCE.

4 BY SOLICITOR JONES:

5 Q. The next photograph. Okay, this gun, you wrote in your
6 report lengthy detail at this weapon.

7 A. Yes.

8 Q. What did you indicate about this weapon?

9 A. My initial observations of the weapon while I was at
10 the scene is that it had been broken to a point that it was --
11 it was catastrophe broke to a point where it could not fire
12 another round. It could not operate correctly.

13 Q. Okay. Was it able to be unloaded?

14 A. No, not at that time.

15 Q. Okay. This part that we're looking at in this
16 photograph, would that be the top of the gun?

17 A. That is the top that you're pointing to right now.

18 Q. Okay. And is that typically connected?

19 A. It is.

20 Q. And it's split in half.

21 A. That's correct.

22 Q. Okay. Okay. And what are we looking at here?

23 A. That is the trigger assembly and the bottom half of the
24 gun where you can see that there's also a crack just above the
25 trigger.

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1 Q. Okay.

2 A. That travels down from the bottom of the cylinder, down
3 to the top of the trigger assembly.

4 Q. So this location of the weapon?

5 A. That's correct, right where that zip tie is.

6 Q. Okay. Again, split nearly into?

7 A. Almost. The crack goes all the way down, but the
8 trigger mechanism will keep it intact from falling apart.

9 Q. From separating.

10 A. Yeah.

11 Q. Okay. Okay, so the next photograph? And what is this
12 showing?

13 A. This is just an overall view showing both of those
14 cracks, and also showing that the gun does have shell casings
15 inside of it.

16 Q. And this type of gun, it's a revolver?

17 A. It is.

18 Q. So, when it is fired, what happens with the shell
19 casings?

20 A. They -- they stay inside the gun. Even after they're
21 discharged, the shell casings will stay inside the firearm 'til
22 you manually open it to remove the empty shell cases.

23 Q. Okay. So, in this condition, though, the barrel was
24 unable to be manipulated, opened?

25 A. At the time of these photographs, I was able to

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1 manipulate the trigger -- or excuse me the trigger assembly in
2 order to unlock the mechanism that turns the chamber. Once I
3 was able to do that, then I only -- I can visually inspect them
4 from the sides and from the front of the firearm to verify that
5 five -- at least five of the six rounds had already been
6 discharged, meaning there was no more bullet left in the gun.
7 And then once I was able to spin it one time, then I could
8 verify the one that was on the barrel had also been discharged.
9 And then I also was able to shine a light down the barrel and
10 verify that no projectiles were lodged inside the gun.

11 Q. But still unable to remove the shell cases.

12 A. Unable -- I was unable to open it as it's traditionally
13 suppose to function.

14 Q. Okay. And what is this showing?

15 A. That's a close-up of the serial number on the firearm.

16 Q. Okay. And what that be the top of the handgun?

17 A. It is.

18 Q. Top of the revolver? Okay. Next photographing.

19 A. This is just a picture of the model and caliber of the
20 firearm.

21 Q. Okay. .38 Special?

22 A. Um-hmm.

23 Q. Next photograph. Again, just showing the damage?

24 A. This is a photograph after I was able to turn the
25 cylinder and verify that the one on top was also not fired --

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1 or also was fired. Excuse me.

2 Q. Okay. So they all had been fired, all six?

3 A. All six had been discharged, yes.

4 Q. Okay. And what is this showing?

5 A. This was just a small crack on the back of the frame
6 where the plastic -- cause the handle's made of plastic, and
7 then where it meets the metal framing underneath had also been
8 broken.

9 Q. Okay. So the gun, from what we could tell, had at
10 least one, two, three breaks in it.

11 A. Yes, ma'am.

12 Q. Okay. Next photograph. Okay. One more question. Are
13 these the casings you collected out of that for that -- were in
14 that revolver? They were located inside this box?

15 A. They were -- they were located inside the box, which I
16 did not remove those.

17 Q. Okay. Cause you couldn't.

18 A. No.

19 Q. Okay. What is this photograph showing?

20 A. This is an overall photograph of the victim's right
21 hand, Mr. Black's right hand. And it's hard to see in that
22 particular picture, but just -- if you look just to the right
23 of his right pinky knuckle, you'll see a small, little item
24 sticking out. That was a small red flashlight that he had
25 clutched in his right hand.

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1 Q. And by the time you had gotten on-scene, has EMS
2 already been there and assisted?

3 A. Yes.

4 Q. Okay. So how we see Mr. Black in this photograph is
5 after EMS attempted any medical procedures on him.

6 A. That's correct.

7 Q. Okay. Could we look at the next photograph. Is that
8 what you were referencing?

9 A. That is what I was referencing. I'm sorry. Yes. You
10 can see that it was -- the small flashlight, it was the one
11 with the little thumb. The rear of it was where you could
12 indicate -- or you can activate the light with your thumb. But
13 that was in the position that we found it.

14 Q. And I'm going to show you what has been marked as
15 State's 58. Can we see it's sealed, and it has different
16 markings on it.

17 A. Um-hmm.

18 Q. So I'm going to open it up right now. Okay. Is this
19 the flashlight that's in his hand?

20 A. That is.

21 Q. And it's clutched in his right hand?

22 A. That's correct.

23 Q. Okay.

24 SOLICITOR JONES: Your Honor, at this time, State moves
25 State's 58 into evidence.

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DEREK NELSON - DIRECT - JONES

1 MS. CAMPBELL: No objection.

2 THE COURT: Without objection.

3 ITEM IDENTIFIED AS FLASHLIGHT

4 MARKED STATE'S EXHIBIT NUMBER 58

5 ADMITTED AS EVIDENCE.

6 BY SOLICITOR JONES:

7 Q. Okay. If you want to get back to the revolver. I
8 missed something when we were talking about the revolver. Was
9 this swabbed for DNA as well?

10 A. It was.

11 Q. I'll show you what's been marked as State's 57.

12 A. Yes. These are two swabs that I had taken from the
13 front barrel portion of the revolver, and then underneath the
14 butt stock area.

15 Q. And why did you take swabs from the gun? And you're
16 describing the locations. You took it from the butt of the
17 gun.

18 A. That's correct.

19 Q. As well as the front of the barrel?

20 A. As well as the front barrel, yes.

21 Q. Okay. Why did you do that?

22 A. During the course of the investigation it became known
23 to us at the crime scene that the weapon had also been used as
24 a blunt-force object. And so, in order to try and verify
25 whether or not any of the victim's DNA could be on the firearm,

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1 we swabbed it for processing.

2 Q. Okay. And those are the swabs?

3 A. And these are the swabs, yes, ma'am.

4 SOLICITOR JONES: Your Honor, at this time, the State moves
5 57 into evidence.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection. Thank you.

8 ITEM IDENTIFIED AS SWABS OF GUN

9 MARKED STATE'S EXHIBIT NUMBER 57

10 ADMITTED AS EVIDENCE.

11 BY SOLICITOR JONES:

12 Q. We see Mr. Ronnie Black's hand right there. Did you do
13 any sort of testing or swabbing on his hands?

14 A. I did. I performed what's called a gunshot residue
15 test on both of his hands just to collect to see if -- for
16 further processing by a lab.

17 Q. And what's a gunshot residue test?

18 A. It's just a test that looks for the kind of chemicals
19 that are in gun powder and primers. It's simply just to
20 determine whether or not those chemicals are present on
21 whatever item that you test.

22 Q. Okay. I'm going to show you what's been marked as
23 State's 53-A. And what is that?

24 A. This is the -- this -- or the -- it's a combination of
25 magnets and swabs that are done as part of a testing kit, but

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1 this is the kit once it's completed and turned in.

2 Q. That's Mr. Ronnie Black's gunshot residue kit.

3 A. That's correct.

4 SOLICITOR JONES: Your Honor, at this time, the State moves
5 State's 53-A into evidence.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection.

8 ITEM IDENTIFIED AS RONNIE BLACK'S

9 GUNSHOT RESIDUE KIT

10 MARKED STATE'S EXHIBIT NUMBER 53-A

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR JONES:

13 Q. Okay. Next photograph. Okay. What is this showing?

14 A. This is a picture from about the mid-point of the
15 porch, right in front of the front door that is going back
16 toward where -- if you can see in the top right of the screen,
17 that's Evidence Placard Number 6, where Greg Black's clothing
18 was collected. But this was also a photograph after Mr. Ronnie
19 Black's remains had been removed.

20 Q. Okay. The next photograph.

21 A. This is a shot that's pointing directly at the house.
22 Item -- Placard Number 4 there was another small, red stain
23 that was consistent with blood, and it was collected by
24 Corporal Squires, and then given to me for collect -- or for
25 turning into evidence.

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1 Q. Okay. Next photograph. Is that just a close-up of the
2 stain?

3 A. That's just a close-up of that stain.

4 Q. The next photograph. And that's --

5 A. And this is a to-scale picture overview of the stain
6 itself.

7 Q. And that stain, was it swabbed?

8 A. It was.

9 Q. I'll show you what's been marked as State's 55. And
10 what is that?

11 A. This is the swab of the stain right there, Placard
12 Number 4, that was collected by Corporal Squires, and then
13 turned over to me for process -- or turned -- to be turned in
14 for processing.

15 Q. Okay.

16 SOLICITOR JONES: Your Honor, the State moves State's 55
17 into evidence.

18 MS. CAMPBELL: No objection.

19 THE COURT: Without objection.

20 SOLICITOR JONES: Thank you.

21 ITEM IDENTIFIED AS SWAB OF STAIN

22 MARKED STATE'S EXHIBIT NUMBER 55

23 ADMITTED AS EVIDENCE.

24 BY SOLICITOR JONES:

25 Q. Okay. And the next photograph. Okay. What are we

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1 looking at in this photograph?

2 A. This is the back seat of a white Expedition that was on
3 the property. And at the top -- right there at the middle is a
4 black backpack that was searching, and items were located
5 inside that backpack by Corporal Squires.

6 Q. Who were you able to determine this white SUV belonged
7 to?

8 A. We were -- it -- Mr. Brown.

9 Q. Okay. And was something identifiable located in there?

10 A. There was. In -- inside the back seat in the back --
11 or the like backpack was a wallet belonging to Mr. Brown.

12 Q. Okay.

13 MS. CAMPBELL: Objection, your Honor. I have not -- it's
14 sealed.

15 THE COURT: Um-hmm.

16 MS. CAMPBELL: I haven't looked at the contents.

17 THE COURT: Okay.

18 MS. CAMPBELL: So I don't want anything to -- that's not
19 proper --

20 THE COURT: Okay.

21 MS. CAMPBELL: -- to be admitted in evidence. Maybe we
22 could take this up at the break?

23 THE COURT: That sounds good. Okay.

24 MS. CAMPBELL: I can't get in it, if it's sealed.

25 SOLICITOR JONES: We'll come back to this.

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1 BY SOLICITOR JONES:

2 Q. All right. So but the car was -- under your
3 impression, it was Mr. Ronnie -- Mr. Joseph Brown's car.

4 A. That's correct.

5 Q. Okay. Can we see that backpack you have?
6 You also found a gun box in that car, didn't you?

7 A. That's correct.

8 Q. Okay. I'm going to show you what's been marked as
9 State's 50.

10 A. Yes, this is a gun box that was removed from the rear
11 of that vehicle.

12 Q. And is that where it was located in the car?

13 A. Yes, ma'am.

14 SOLICITOR JONES: Your Honor, at this time, the State moves
15 State's 50 into evidence.

16 MS. CAMPBELL: No objection.

17 THE COURT: Without objection. Thank you.

18 ITEM IDENTIFIED AS PHOTOGRAPH

19 MARKED STATE'S EXHIBIT NUMBER 50

20 ADMITTED AS EVIDENCE.

21 BY SOLICITOR JONES:

22 Q. Next photograph. Okay. And what are we looking at in
23 this photograph?

24 A. That is the black backpack. It's a closer picture of
25 the black backpack and how it was sitting at the time of the

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1 search.

2 Q. And what's in the black backpack?

3 A. Those are boxes of ammunition. They were most -- or
4 predominantly .38 caliber ammunition, but there was also some
5 .9 millimeter ammunition in the bag as well.

6 Q. And the .38 caliber, would that be ammunition used for
7 the revolver?

8 A. Yeah, it'd be consistent with the revolver, yes.

9 Q. Okay. The next photograph. Is that just a close-up?

10 A. It's a close-up of it.

11 Q. Okay. And there it is, a little more open on display.

12 A. That's correct.

13 Q. I'll show you what's been marked as State's 56. And
14 were those items collected?

15 A. I'm sorry?

16 Q. Those items were also collected?

17 A. Yes, ma'am.

18 Q. Okay. I'm going to show you State's 56. If you can
19 identify that.

20 A. Sure. This is a box of -- a partially full box of .38
21 caliber Winchester ammunition, and has one .9 millimeter Saint
22 Helena also in the box. And then this is a -- this is a
23 magazine -- ammunition magazine for a six-hour pistol, Model P-
24 226, that appears to be fully loaded with .9 millimeter
25 ammunition.

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1 Q. Okay.

2 A. And 15 rounds in the magazine.

3 Q. This is -- what is this?

4 A. That is a photograph of Mr. Brown's driver's license,
5 and that was inside the -- inside the wallet.

6 Q. Okay. And does it have his height and weight on there?

7 A. It does.

8 Q. And how tall is he and how much does he weigh?

9 A. Says that he's 6-foot-three at 290 pounds.

10 Q. Okay. You mentioned the six-hour ammunition located.

11 A. Yes.

12 Q. Was a six-hour handgun found in that car?

13 A. It was.

14 Q. Okay. I'm going to show you State's 48.

15 A. Yes, sir, this is a six-hour, Model Number P-226.

16 Q. Six-hour. My apologies. And would the magazine that
17 was just admitted be consistent with that handgun?

18 A. It was. It was the magazine that was removed from this
19 handgun to render it safe.

20 Q. Okay. And who did you learn this gun belonged to?

21 A. Mr. Brown.

22 Q. Joseph Brown?

23 A. Yes, correct.

24 SOLICITOR JONES: And your Honor, at this time, State moves
25 48 into evidence.

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DEREK NELSON - DIRECT - JONES

1 MS. CAMPBELL: No objection.

2 THE COURT: Without objection.

3 ITEM IDENTIFIED AS MODEL NUMBER P-226

4 HANDGUN

5 MARKED STATE'S EXHIBIT NUMBER 48

6 ADMITTED AS EVIDENCE.

7 BY SOLICITOR JONES:

8 Q. So this was another handgun he had in his car. With a
9 fully loaded magazine?

10 A. Correct.

11 Q. Okay. I want to get back to this revolver, and really,
12 this will be the end of my questioning for you. You collected
13 -- you dictated in your report. What word do you use to
14 describe the condition of this gun?

15 A. That it was catastrophically broken.

16 SOLICITOR JONES: I don't believe -- if I could beg the
17 Court's indulgence for one second.

18 Your Honor, I'm going to withdraw State's 62.

19 THE COURT: Okay.

20 SOLICITOR JONES: It's a photograph of the license already
21 admitted.

22 THE COURT: Okay. Thank you.

23 SOLICITOR JONES: And I believe that is all the questions I
24 have for you at this time. Thank you.

25 THE COURT: Ms. Campbell?

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DEREK BROWN - CROSS - MS. CAMPBELL

1 MS. CAMPBELL: Just briefly.

2 THE COURT: Sure.

3 DEREK NELSON, CROSS-EXAMINATION

4 BY MS. CAMPBELL:

5 Q. So, Officer Nelson.

6 A. Yes, ma'am.

7 Q. The Solicitor asked you a number of questions about the
8 three guns in this case, correct?

9 A. That's correct.

10 Q. Collecting them, putting them in evidence, your
11 examinations of them, right?

12 A. Yes, ma'am

13 Q. And so, are you then -- cause you talked about
14 identifying what gun goes with who. Are you the officer that
15 then makes the report that the two guns that you attribute to
16 Mr. Brown all come back clear, clean, lawfully, in his
17 possession?

18 A. I'm not the one, no, ma'am.

19 Q. Okay. Have you read that report?

20 A. No, ma'am.

21 Q. Okay. Thank you.

22 THE COURT: Anything further?

23 SOLICITOR JONES: Not from the State, your Honor.

24 THE COURT: All right. Sir, you may step down. Thank you.

25 DEREK NELSON: Thank you.

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DEREK BROWN - CROSS - MS. CAMPBELL

1 THE COURT: All right. Now, ladies and gentlemen, is a
2 very good time for a lunch break. I need to go ahead and
3 caution you, as I always do, do not talk about this case, not
4 only with each other but with anyone else.

5 Additionally, there are some restaurants around. The
6 bailiffs can tell where you can go grab a quick bite. I would
7 like to be back at 2:15, if that's acceptable to you all. I
8 need to tell you again that if for any reason you run into
9 anyone involved in this case near the courthouse or at the
10 lunch break, again, they are not to speak to you and you are
11 not to speak to them. If, for any reason, anyone did approach
12 you, talk to you or anything along those lines, you are
13 required to report it back to me immediately. All right? And
14 you can't tell the other jurors what was said. Not that I
15 think anything like that would ever happen, but again, I just
16 say that out of an abundance of caution. Beaufort can be a
17 little small-downtown sometimes. And when people are going
18 close for lunch, you run into each other over the four or five
19 restaurants that are right in the area. All right?

20 So, 2:15 you'll be back in your jury room. I'm going to
21 excuse you there right now to get your things. Again, do not
22 discuss this case. Don't do any independent research. If you
23 are running a little bit late, don't worry about it. All
24 right? So I don't want anyone worried. I'm giving you about
25 an hour and 15 minutes or so. Just grab a bite to eat; come on

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BY THE COURT

1 back. And if you really have some kind of problem or car
2 trouble, please call into the clerk of court's office, because
3 we'll come get you. Okay? Thank you.

4 BAILIFF: Please follow me.

5 JURORS LEAVE COURTROOM 1:04 P.M.

6 BAILIFF: Jury's clear, your Honor.

7 THE COURT: All right. Anything we need to put on the
8 record?

9 MS. CAMPBELL: Your Honor, did you want to put my objection
10 on the record now, or when we come back?

11 THE COURT: As long as you all remember, we'll do it when
12 we come back.

13 MS. CAMPBELL: Perfect.

14 THE COURT: That's fine.

15 MS. CAMPBELL: Thank you.

16 THE COURT: Grab a bite to eat, everybody. We'll be back
17 2:15. Okay? Thank you.

18 OFF THE RECORD 1:06 P.M.

19 BACK ON THE RECORD 2:20 P.M.

20 BY THE COURT:

21 THE COURT: All right. Trasi, you need to go ahead and put
22 your objection on the record.

23 MS. CAMPBELL: Thank you, your Honor. May it please the
24 Court?

25 THE COURT: Yes, ma'am.

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BY THE COURT

1 MS. CAMPBELL: During the testimony of Denise Brown, the
2 Solicitor asked Ms. Brown about whether or not Greg would have
3 had a gun, and she said she knew Greg wouldn't have a gun. And
4 at the close of her testimony, I approached the Bench, and
5 while -- the Solicitor and indicated to the Court that I felt
6 that the inquiry into whether or not Greg Black had a gun or
7 would have had a gun opens the door to the Defense's intention
8 to question Gregory Black about the fact that he was a
9 convicted felon. And so, we felt the jury then was left with
10 an incorrect assertion of the facts or incomplete. The reason
11 being that Gregory would not have had a gun, and he had
12 indicated in, I think, also one of his statements to law
13 enforcement when he was questioned about the same thing, he
14 couldn't carry a gun because he was a convicted felon. And we
15 wanted to go into that. And the Court, of course, said, no,
16 that was too far. And just for the record, we're just placing
17 out objection before we go forward.

18 THE COURT: Okay. Do you want to respond at all, anyone,
19 as far as the record or --

20 SOLICITOR SMITH: No, I'd asked if she remembered what she
21 told Ms. Crumpton, and she stated in her interview that she
22 knew that Greg wouldn't have a gun. I don't believe I was
23 going into any particular reason why, other than to clarify
24 that Greg was not armed, and that she never thought he would
25 be.

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BY THE COURT

1 THE COURT: Okay. All right. And again, I think it would
2 be improper, and then opening up the door to in the past having
3 a felony for a stabbing is so far from this case, and it just
4 would have been inappropriate. So I think it's -- it is what
5 it is. It just goes to whether or not she knew or did not know
6 if he had a gun. So, as to any type of potential self-defense
7 or needing a protection, so. With that said, I denied it and
8 overruled the objection, and we'll move forward. Anything else
9 from anyone?

10 SOLICITOR SMITH: Judge, there'll be more people in the
11 courtroom. We've released the rest of the family members that
12 were subpoena.

13 THE COURT: Okay.

14 SOLICITOR SMITH: I've told Trasi.

15 THE COURT: Okay.

16 SOLICITOR SMITH: And so they could be in the courtroom for
17 the rest of the trial.

18 THE COURT: All right. Sounds good. So, after -- who we
19 doing next?

20 SOLICITOR JONES: Angie Crumpton is next.

21 THE COURT: Okay.

22 SOLICITOR JONES: And with her, you know, the hour-and-40-
23 minute video.

24 THE COURT: Yes. Okay.

25 SOLICITOR JONES: And then I believe we can get one more

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BY THE COURT

1 witness this afternoon.

2 THE COURT: Okay.

3 SOLICITOR JONES: Brandon Disbrow.

4 THE COURT: Okay.

5 SOLICITOR JONES: After him are our SLED people, and they
6 are all morning witnesses.

7 THE COURT: Okay. That's fine. Okay. Sounds good. And
8 then, after SLED, is that all from the State?

9 SOLICITOR JONES: There are two more. Yeah, I believe
10 we're going to finish before lunch tomorrow with the State's
11 case.

12 THE COURT: Okay. Good. Okay. There you go. Thank you.
13 Okay. All right. The jury's all here, Rick? Let's bring them
14 in.

15 JURORS ENTER COURTROOM 2:25 P.M.

16 BAILIFF: The jury is entering the courtroom, your Honor.
17 The jury is seated, your Honor.

18 THE COURT: Thank you. All right, welcome back, ladies and
19 gentlemen. I trust you all had a bite to eat. Okay?

20 All right. At this time, if you'll call your next witness.

21 SOLICITOR JONES: Thank you, your Honor. May it please the
22 Court. The State calls Master Sergeant Angie Crumpton.

23 MADAM CLERK: Do you solemnly swear or affirm to truthfully
24 answer all questions asked of you by this Court, so help you
25 God?

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 MASTER SERGEANT ANGIE CRUMPTON: I do.

2 MADAM CLERK: Thank you.

3 MASTER SERGEANT ANGELA CRUMPTON

4 DIRECT EXAMINATION BY SOLICITOR JONES:

5 Q. Good afternoon, Master Sergeant Crumpton.

6 A. Good afternoon.

7 Q. You've been here with us since the start. What is your
8 role in the case we're here for today?

9 A. In this particular case, I was the lead investigator
10 for the -- the charges.

11 Q. Okay. And where do you work?

12 A. I work for the Beaufort County Sheriff's Office. I am
13 currently assigned as a master sergeant over the Crime
14 Investigations Section for Southern Beaufort County at this
15 time.

16 Q. And in 2016, when this happened, where were you
17 working?

18 A. I was a sergeant for Crime Investigations for Northern
19 Beaufort County.

20 Q. Okay. And when you say southern and northern, what
21 does that mean?

22 A. We divide the county by the Broad River. And
23 everything north to the Broad River is Northern Beaufort, and
24 everything south is Southern.

25 Q. Okay. And as the investigator on this case, what were

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 some of your duties?

2 A. As the investigator, I arrived at the scene. I took a
3 look at the scene, but I didn't process. We were called the
4 Crime Scene Unit in because that's -- their -- they do that for
5 all of our major crimes, or the majority of them. I helped
6 conduct some interviews. I put the pieces together. I spoke
7 with investigators that assisted me with the road units. And I
8 helped compile everything for the case. And then spoke with
9 the Solicitor's Office in reference to the case in prep for cu.

10 Q. And did you actually resulted to the crime scene this
11 night on June 5, 2016?

12 A. I did.

13 Q. And when and what time did you get there?

14 A. I come from southern Beaufort County, even though I was
15 assigned to northern, I live in southern Beaufort County. So
16 my response time usually takes me a little while. And
17 considering this is way out 17, I -- well into northern
18 Beaufort County, coupled with the rain storm and the lack of
19 lights, because a lot of northern Beaufort County the lights
20 were out, it took me approximately an hour to get there, and I
21 arrived about a -- roughly quarter after 12:00 a.m.

22 Q. When you got to [REDACTED] Big Estates Circle, what do you se
23 when you get there?

24 A. As I'm coming up, it's still dark. I noticed that
25 there's power trucks working on lines. I arrive on-scene. The

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 electricity is still off at that time, so it's dark. It's --
2 it's very dark out there. Mr. Brown was in one of the patrol
3 vehicles. Mr. Black was already transported by EMS. There was
4 the road deputies maintaining the crime scene. And then inside
5 the residence was Ms. Denise Brown, Ms. Kimberly Black, and
6 then the four children, along with deputies that were inside
7 with them.

8 Q. When you said Mr. Black was transported to Beaufort
9 Memorial, which Mr. Black?

10 A. I apologize. Mr. Gregory Black. Mr. Ronnie Black was
11 still there on-scene deceased.

12 Q. Do you go inside the home that night?

13 A. I did. I went in to kind of look to see -- I like --
14 when I first arrive on a scene, although I don't process,
15 because it is going to be my case, I like to visualize and see
16 everything myself so I can kind of get an overview when I'm
17 talking with the officers later, I know what's going on. In
18 addition, I needed to make arrangements for Ms. Kimberly and
19 Ms. Denise and the children to -- to leave, because they didn't
20 need to be there to see everything that was going on with Mr.
21 Ronnie Black.

22 Q. And as the case officer, were you provide information
23 as to what started the incident that night?

24 A. Initially, I -- right at my first arrival, I was not,
25 other than the CAD note or the -- I'm sorry -- the computer

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 notes, Dispatch notes, and things that I heard on the radio as
2 I'm traveling over. But my initial arrival, I was not aware at
3 first, until I began the interviews.

4 Q. And later, do you learn what started the argument?

5 A. Yes. I learned that it was over trash in the house and
6 the state of the house.

7 Q. Did you see this trash in the house?

8 A. I did. I could smell it when I walked in. I could see
9 it, and the air conditioning is off, and it was very stale in
10 the house.

11 Q. Okay. And aside from that, do you then go and conduct
12 interviews?

13 A. I do. At that point, another supervisor arrives, and
14 we're waiting on crime scene to get there. So, that -- at that
15 time, I turned the scene over to them, and I go back to our
16 Northern Investigations Office, and I began interviews. While
17 I was there prior to leaving, we led Kimberly and Denise, along
18 with the four children, out a different door to the end of the
19 road, where they turned the children over to caretakers.
20 Excuse me. Ms. Kimberly and Ms. Denise came to the office for
21 -- for interview as well as Mr. Brown was transported.

22 Q. Okay.

23 A. And I conducted the interviews there.

24 Q. Prior to leaving, leaving [REDACTED] Big Estates Circle and
25 going back to do interviews, do you sort of canvass the area?

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 A. As far as the immediate scene, yes.

2 Q. Okay. I'm going to show you what's been marked as --
3 what has been admitted as State's 44. And you can remain right
4 in the chair. The crime scene sketch that was provided by
5 Investigator Nelson. Does this fairly and accurately depict
6 what you came upon that night, from the porch?

7 A. Yes, ma'am.

8 Q. And is this -- we see Mr. Ronnie Black is depicted
9 right there?

10 A. Yes.

11 Q. Where are there streak marks or anything indicating he
12 had moved after he had been shot?

13 A. There were none. The blood that was on-scene was
14 consistent with what occurred right there, or may be couple of
15 drops that had spattered, but there was no streaks to indicate
16 any kind of movement. It was just right there next to his
17 body.

18 Q. Okay. So you leave [REDACTED] Big Estates, and where do you
19 go from there?

20 A. I go to our Northern Investigations Office, which is
21 across the street here.

22 Q. And who do you interview there?

23 A. That night -- or that morning, by that time, I believe
24 it's 1:00, 2:00, 3:00 in the morning when we are doing
25 interviews. I do Ms. Kimberly Black, Denise Brown, and Joseph

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 Brown.

2 Q. I want to get into Ms. Denise Brown. How many times
3 was she interviewed?

4 A. Ms. Denise Brown was interviewed a total of three times
5 by me.

6 Q. Was that -- were you the only investigator that
7 interviewed her?

8 A. No. With each interview, I had another investigator
9 with me.

10 Q. But you were present for all three of her interviews.

11 A. Yes.

12 Q. Okay. And you were in here for her testimony.

13 A. Correct.

14 Q. Why do you continue to interview Ms. Denise Brown?

15 A. It's common to do a follow-up interview after the
16 incident, just in case there's additional information. Part of
17 the reason for Ms. Denise is some of the things that she was
18 saying weren't -- weren't making sense with what I was learning
19 through other interviews. So I re-interviewed her in an
20 attempt to clarify some of those things.

21 Q. Okay. And were these interviews conducted at Northern
22 Investigations?

23 A. Two of them were. One of them was not. One of them
24 was out at the residence.

25 Q. Okay. Immediately after.

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 A. Yes.

2 Q. And the time span of these interviews --

3 A. I'm sorry. Let me -- let me clarify that. The -- I
4 did -- in between the first one and the last one, I met her out
5 at her house to do an audio interview.

6 Q. Okay. The timing of these interviews, are they all
7 within that one week after the shooting?

8 A. Roughly, yes.

9 Q. Okay. And it's you, another officer, and Ms. Brown
10 present.

11 A. Correct, with each one.

12 Q. Okay. And you said that she -- she started to change
13 her story?

14 MS. CAMPBELL: Objections. That was not testified to.

15 THE COURT: Okay.

16 SOLICITOR JONES: I will re-phrase.

17 THE COURT: Thank you. Ladies and gentlemen, we'll strike
18 the question. Go ahead. Re-ask it.

19 BY SOLICITOR JONES:

20 Q. During each of these interviews, what did you notice?

21 A. During the interviews, some of the things that she told
22 me weren't consistent throughout. And I attempted to clarify
23 what she meant by them and tried to clarify some of the things
24 that she said, which she would change.

25 Q. Okay. Such as?

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 A. Such as the positioning of -- of the gun and whether or
2 not she saw her father point a gun was the biggest one. She
3 changed the position from her demonstration from the first to -
4 -

5 Q. And I'm going to interrupt you for a second. You
6 appear to be doing something with your arms.

7 A. I'm sorry. I speak with my hands a lot.

8 Q. You are fine. Is that something that she did?

9 A. Yes. I asked her so that I could get a better
10 reference, because when we're interviewing, sometimes we're not
11 talking to somebody. Something that I may perceive is one
12 thing. May be perceived by somebody else differently. So, for
13 me to understand clearly what she was trying to demon -- or
14 explain, I asked her to demonstrate to me, and I did that
15 through all of it, so I could fully understand what she was
16 trying to explain to me.

17 Q. Okay.

18 A. So I'm -- I'm mimicking.

19 Q. No, no, no. You are fine.

20 SOLICITOR JONES: If I may have Agent Crumpton --
21 Investigator Crumpton stand up.

22 THE COURT:

23 BY SOLICITOR JONES:

24 Q. Okay. If you could continue.

25 A. As I'm speaking with her and she's demonstrating, she

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 initially -- when I'm trying to pin down whether her dad
2 actually pointed the gun, she would say that he raised it a
3 little bit. And when I -- could I step back?

4 THE COURT: You can step down, absolutely.

5 SOLICITOR JONES: Yes.

6 MASTER SERGEANT CRUMPTON: Okay.

7 THE COURT: Why don't you -- if you want to just step down,
8 it's fine. Just speak loud enough for Wanda.

9 MASTER SERGEANT CRUMPTON: Okay.

10 BY SOLICITOR JONES:

11 A. As I'm asking her to demonstrate, she would indicate he
12 would -- he would go up to about here. Now, in subsequent
13 interviews, that changed to he only moved his hand like this,
14 and then he never raised his arm; it was just his hand. And
15 those were some of the discrepancies I was trying to -- to get
16 out.

17 Q. And --

18 A. Do you need me to show you again, Ms. Campbell?

19 MS. CAMPBELL: I can see.

20 A. Okay. The first interview that we were discussing, he
21 raised it about -- up to about here. Though subsequent
22 interviews when we were talking, it was only the hand that
23 lifted up, and not the arm.

24 MS. CAMPBELL: Thank you.

25 BY SOLICITOR JONES:

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1 Q. Thank you, Investigator Crumpton. You during this
2 final interview with Ms. Brown, you actually provide her some
3 additional information.

4 A. Yes.

5 Q. And what do you tell her?

6 A. Due to -- let me say this. I recognized that Ms. Brown
7 was in a very difficult position.

8 MS. CAMPBELL: Objection. She's going to give her opinion
9 about Ms. Brown and her state of mind.

10 MASTER SERGEANT CRUMPTON: You're right.

11 MS. CAMPBELL: Thank you.

12 THE COURT: Okay. So I think you need to answer the
13 question, and then if you need to explain something, but it
14 can't call for speculation.

15 MASTER SERGEANT CRUMPTON: Yes, ma'am.

16 THE COURT: You can say why, afterwards like why you did
17 something.

18 MASTER SERGEANT CRUMPTON: Yes, ma'am.

19 THE COURT: It doesn't have to do with her. It has to do
20 with what you were thinking.

21 MASTER SERGEANT CRUMPTON: Correct.

22 BY SOLICITOR JONES:

23 Q. So, specifically, what additional information did you
24 provide Ms. Brown?

25 A. I told Ms. Brown the number of times that her father

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 had been shot; the number of times that her brother had been
2 shot; and the fact that evidence had shown that her father had
3 been -- as well as Mr. Brown's admission, that her father had
4 been struck more than once over the head with the weapon.

5 Q. And after hearing that information, does she change her
6 story a final time?

7 A. She does. She initially indicated that she felt --
8 when pressed why her statements weren't matching other things,
9 she felt her brother had been lying. After I provided the
10 additional information, she acknowledged that she didn't
11 believe her brother was lying, and she said that she -- she
12 never saw her father point the gun at Joseph.

13 Q. Okay. You collected a couple of things from Ms. Brown
14 --

15 A. Yes.

16 Q. -- during these interviews. And what were those?

17 A. I collected a gunshot residue kit on Ms. Brown as well
18 as a buccal swab, or DNA swab, for processing.

19 Q. What is -- what's a DNA swab? Where does that come
20 from?

21 A. When we process a scene, we're going to collect DNA
22 that is on the scene, whether it be from touch DNA or blood or
23 whatever it is we're doing. And because we know she was on-
24 scene as well as the other individuals, we collected a buccal
25 swab, or a DNA swab, for elimination purposes. And what that

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 does is, when they analyze what they have, they can identify
2 the DNA that they've identified and say whether it belongs to
3 Ms. Brown or Ms. Black or one of the others.

4 Q. Okay. You mentioned Ms. Brown and Ms. Black. You
5 collected from Ms. Black as well, correct?

6 A. Correct.

7 Q. Okay.

8 SOLICITOR JONES: Permission to approach?

9 THE COURT: You may.

10 BY SOLICITOR JONES:

11 Q. I'm going to first show you what has been marked as
12 State's 53-B.

13 A. This is the gunshot residue kit I performed on Denise
14 Brown.

15 Q. Okay.

16 SOLICITOR JONES: At this time, the State moves 53-B into
17 evidence.

18 MS. CAMPBELL: No objection.

19 THE COURT: Without objection.

20 ITEM IDENTIFIED AS GUNSHOT RESIDUE

21 KIT PERFORMED ON DENISE BROWN

22 MARKED STATE'S EXHIBIT NUMBER 53-B

23 ADMITTED AS EVIDENCE.

24 BY SOLICITOR JONES:

25 Q. And you mentioned a DNA swab, a buccal swab. I'm going

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 to show you State's 60.

2 A. And this is the buccal swab that I collected from Ms.
3 Denise Brown.

4 SOLICITOR JONES: And State moves State's 60 into evidence.

5 THE COURT: Without objection.

6 ITEM IDENTIFIED AS BUCCAL SWAB

7 COLLECTED FROM DENISE BROWN

8 MARKED STATE'S EXHIBIT NUMBER 60

9 ADMITTED AS EVIDENCE.

10 BY SOLICITOR JONES:

11 Q. You mentioned Ms. Kimberly Black as well.

12 A. Okay.

13 Q. Okay. I'm going to show you State's 53-C.

14 A. And this is the gunshot residue or GSR kit I conducted
15 of Ms. Kimberly Black.

16 Q. Okay.

17 SOLICITOR JONES: Your Honor, at this time, the State moves
18 53-C into evidence.

19 THE COURT: Without objection.

20 ITEM IDENTIFIED AS GUNSHOT RESIDUE

21 KIT COLLECTED FROM KIMBERLY BLACK

22 MARKED STATE'S EXHIBIT NUMBER 53-C

23 ADMITTED AS EVIDENCE.

24 BY SOLICITOR JONES:

25 Q. And finally, State's 61.

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 A. And this is the buccal swab, or DNA swab, I collected
2 on Ms. Kimberly Black.

3 Q. Okay. Thank you.

4 SOLICITOR JONES: And at this time, State moves State 61
5 into evidence.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection.

8 ITEM IDENTIFIED AS BUCCAL SWAB

9 COLLECTED FROM KIMBERLY BLACK

10 MARKED STATE'S EXHIBIT NUMBER 61

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR JONES:

13 Q. You also mentioned that you interviewed the defendant
14 in this case, Mr. Brown.

15 A. That's correct.

16 Q. Okay. And where did this interview take place?

17 A. In Northern Investigation's Office.

18 Q. And what time was this interview and on what day?

19 A. It was the morning, overnight hours it would have been
20 on June 6. I believe his interview started around 3:00
21 o'clock, but I would -- it's roughly around then.

22 Q. Okay. Prior to speaking to Mr. Brown, do you read him
23 some issued forms?

24 A. I did. Although Mr. Brown had admitted, already
25 admitted through Dispatch and to the officers that he had shot

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MSGT. ANGELA CRUMPTON - DIRECT - JONES

1 both Mr. Ronnie Black and Mr. Greg Black, because he s doing an
2 interview and he was detained, we still read him his *Miranda*
3 rights, and I read them off of a form, which he acknowledged
4 and signed.

5 SOLICITOR JONES: Permission to approach?

6 THE COURT: You may.

7 BY SOLICITOR JONES:

8 Q. Master Sergeant Crumpton, I'm going to show you State's
9 29. And do you recognize that?

10 A. Yes. This is the Sheriff's Office *Miranda* Warning
11 form. It's a standard form we use. This just has the basic
12 information. As I read each one of these, he initials the
13 side. And then there are specific questions on whether or not
14 he understands these, the rights as they were advised, and
15 whether or not have the rights in mind, he wishes to speak with
16 us. And then he has the opportunity to initial yes or no. And
17 in this case, he initialed yes. He then signed and dated. I
18 signed and dated. And then Sergeant Dreisen, or Investigator
19 Dreisen, he is now a staff sergeant, he was in there with me
20 for his interview, and he witnessed that.

21 Q. Okay. And this is a fair and accurate copy of that
22 form that night?

23 A. Yes. Yes.

24 SOLICITOR JONES: Your Honor, at this time, the State moves
25 State's 29 into evidence.

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1 MS. CAMPBELL: No objection.

2 THE COURT: Without objection.

3 SOLICITOR JONES: And permission to publish.

4 ITEM IDENTIFIED AS *MIRANDA* WARNING

5 FORM SIGNED BY JOSEPH BROWN

6 MARKED STATE'S EXHIBIT NUMBER 29

7 ADMITTED AS EVIDENCE.

8 BY SOLICITOR JONES:

9 Q. Master Sergeant Crumpton, if you could read the rights
10 as you read them to Mr. Brown that night.

11 A. You go into the form; this say -- has the case number,
12 the location where it was issued, which is our Northern
13 Investigation's Office; the subject's name, which is Mr. Joseph
14 Brown; and his date of birth, which is 12-29-80. Statement of
15 rights: it says:

16 *You have the right to remain silent. Anything*
17 *you say can and will be used against you in a court of*
18 *law. You have a right to have an attorney present*
19 *before or during questioning. If you cannot afford an*
20 *attorney, one will be appointed for you before any*
21 *questioning, if you wish.*

22 And then it goes into the waiver of rights. It says:

23 *Do you understand each of these rights as*
24 *I've explained to you?*

25 And again, he indicated yes.

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1 And having these rights in mind, do you wish
2 to talk us now?

3 And he again indicated yes. He then -- this top signature
4 is his, the date and the time, which is 3:02; and my signature,
5 date and time; and then Staff Sergeant Dreisen's signature and
6 date and time.

7 Q. And after signing this form, do you speak with Mr.
8 Brown?

9 A. Yes. But we start by also doing gunshot residue kit on
10 him as well as a buccal swab, and we collect that from him as
11 well.

12 Q. Okay.

13 A. And there was a consent form signed for the buccal
14 swab.

15 Q. Okay.

16 A. From each of them.

17 Q. And before we get into that, I want to ask a couple of
18 questions before this interview.

19 A. Okay.

20 Q. At any time during this interview, does Mr. Brown
21 appear to not understand what's happening?

22 A. No. He -- he spoke clearly, concisely. I -- he
23 understood everything that we discussed and the process of what
24 we were doing.

25 Q. At any point did you or Staff Sergeant Dreisen threaten

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1 him?

2 A. No.

3 Q. Coerce him?

4 A. No.

5 Q. Promise him anything?

6 A. No.

7 Q. Nothing in exchange for his statement?

8 A. No.

9 Q. Was his statement freely and voluntary given?

10 A. Yes.

11 Q. And in fact, he spoke.

12 A. Yes.

13 Q. Okay. And you mentioned a consent form for his buccal
14 swab.

15 A. Correct.

16 SOLICITOR JONES: Permission to approach?

17 THE COURT: You may.

18 BY SOLICITOR JONES:

19 Q. I'm handing you what has been marked as State's 28.
20 What is that?

21 A. This is the -- BCSO Consent to Search for DNA evidence.
22 And this was also done on Ms. Brown and Ms. Black. And it's
23 another office form that has the case number on it; the date
24 and time; the location, which again, was Northern
25 Investigations Office. And then there's a standard sentence

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1 when we fill in his name and who is collecting it. And then
2 they sign allowing it, and print. And again, it's myself and
3 Staff Sergeant Dreisen.

4 SOLICITOR JONES: Your Honor, at this time, the State moves
5 State's 28 into evidence.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection.

8 ITEM IDENTIFIED AS CONSENT TO SEARCH

9 MARKED STATE'S EXHIBIT NUMBER 28

10 ADMITTED AS EVIDENCE.

11 BY SOLICITOR JONES:

12 Q. And after filling out this form, he did give you a DNA
13 swab?

14 A. Yes.

15 Q. Okay. I'll show you State's 59.

16 A. This is the buccal swab I collected from Joseph Brown.

17 Q. Okay.

18 SOLICITOR JONES: at this time, State moves 59 into
19 evidence.

20 MS. CAMPBELL: No objection.

21 ITEM IDENTIFIED AS BUCCAL SWAB

22 COLLECTED FROM JOSEPH BROWN

23 MARKED STATE'S EXHIBIT NUMBER 59

24 ADMITTED AS EVIDENCE.

25 BY SOLICITOR JONES:

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1 Q. I'm going to show you what's been marked as 53-D.

2 A. And this is the GSR ground I collected off of Joseph
3 Brown.

4 Q. Okay. Thank you.

5 SOLICITOR JONES: And the State moves 53-D into evidence.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection.

8 ITEM IDENTIFIED AS GUNSHOT RESIDUE

9 KIT COLLECTED FROM JOSEPH BROWN

10 MARKED STATE'S EXHIBIT NUMBER 53-D

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR JONES:

13 Q. Okay. So, after doing all of that, you then
14 interviewed Mr. Brown.

15 A. I do.

16 Q. Okay. What's his demeanor this entire time?

17 A. He is very calm. He was very -- he --

18 MS. CAMPBELL: Your Honor, she's searching for the word. I
19 mean, we're getting ready to watch it. The jury -- that's a
20 jury province.

21 THE COURT: I mean, it speaks for itself.

22 MASTER SERGEANT CRUMPTON: That's -- that's fine.

23 MS. CAMPBELL: Correct. Thank you.

24 BY SOLICITOR JONES:

25 Q. We are going to watch the interview. How long was the

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1 interview?

2 A. Hour-and-a-half to two hours, in there.

3 Q. And was this interview recorded.

4 A. Yes, audio and video.

5 Q. I'm going to show you State's 46. Do you recognize
6 that?

7 A. I do, as a copy of the interview.

8 Q. Okay. And has it been altered in any way?

9 A. No. I reviewed it today and I initialed and dated it
10 after I reviewed it.

11 Q. Okay. There is some down time taken out, but aside
12 from that, this is the interview.

13 A. Correct.

14 Q. Okay.

15 SOLICITOR JONES: Your Honor, at this, time, the State
16 moves 46 into evidence.

17 MS. CAMPBELL: Subject to any prior pretrial matters that
18 reference that. And also, this has been transcribed from here,
19 correct?

20 SOLICITOR JONES: This has been transcribed, yes.

21 THE COURT: Okay.

22 MS. CAMPBELL: It's not in the original form.

23 THE COURT: Okay.

24 MS. CAMPBELL: Correct. There's an additional
25 transcription.

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1 MASTER SERGEANT CRUMPTON: I thought -- there are. There
2 are essentially a closed caption so that you can hear what's
3 going on and read what's going on.

4 THE COURT: Okay.

5 ITEM IDENTIFIED AS DVD OF INTERVIEW
6 OF JOSEPH BROWN
7 MARKED STATE'S EXHIBIT NUMBER 46
8 ADMITTED AS EVIDENCE.

9 SOLICITOR JONES: Your Honor, at this time we ask to
10 publish 46.

11 THE COURT: Go ahead and publish, okay?

12 Ladies and gentlemen -- go ahead and start -- my
13 understanding is now it has been cut down to about an hour and
14 40 minutes is what I roughly understand it to be. They have
15 added on, of course, some closed captioning so it's the written
16 of what's being said so you can better follow it. Anything
17 that was cut out, it's just simply down time or something that
18 was just -- has absolutely nothing to do with anything. So
19 they're just trying to shorten it for you.

20 I'll also tell you it's an hour and 40 minutes, So, if
21 anything needs a break during this time, just wave to me, and
22 we will break.

23 Some of you in the front, a lot of times have to move to
24 the back. You're certainly welcome to do that, because you may
25 end up craning your neck if you're sitting right there. But

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1 again -- and I may go ahead and just part-way through take a
2 break just to say let's just all stretch our legs. Okay?
3 Maybe go and get a Coke or something. Okay?

4 So, with that said, we're going to go ahead and get it
5 queued up.

6 PROBLEMS PLAYING DVD.

7 SOLICITOR JONES: It's in the audio. It's not matching up
8 with the video.

9 THE COURT: Okay.

10 CONTINUED PROBLEMS PLAYING DVD.

11 SOLICITOR JONES: Your Honor, we have another copy of the
12 same to play the other version.

13 THE COURT: Okay.

14 SOLICITOR JONES: It is identical to what's on the disc.

15 THE COURT: Okay.

16 And while they're doing that, if you all want to stand up,
17 you're welcome to. It's always difficult after lunch, after
18 everyone's eaten to sit back and watch a video. But you all
19 are welcome to. Whoever needs to, please.

20 CONTINUED PROBLEMS WITH DVD.

21 SOLICITOR JONES: Your Honor, I apologize. At first, it
22 worked this morning, and now it's not working. We are going to
23 try the disc on a different computer.

24 THE COURT: Okay.

25 SOLICITOR JONES: For some reason, it's wanted to load, and

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1 it's not loading.

2 THE COURT: Okay. Anyone need a break while we do this? I
3 know we just got back in. Coffee. Let's do this. Don't
4 discuss this case. Anyone needs to use the restroom, help
5 yourself. Bring coffee back. You're more than welcome to.
6 Okay?

7 JURORS LEAVE COURTROOM 2:58 P.M.

8 THE COURT: All right. Let's just see what we can get
9 done? Do you need to step out? Absolutely.

10 MS. CAMPBELL: Just for a second.

11 THE COURT: Of course.

12 MS. CAMPBELL: Thank you.

13 OFF THE RECORD 2:58 P.M.

14 BACK ON THE RECORD 3:03 P.M.

15 THE COURT: Think we're okay?

16 SOLICITOR JONES: I think we're okay.

17 THE COURT: Okay. Rick, you want to go see if they're
18 ready?

19 BAILIFF: The jury is entering the courtroom, your Honor.

20 JURORS ENTER COURTROOM 3:04 P.M.

21 BAILIFF: They jury is seated, your Honor.

22 THE COURT: Very good. Thank you. All right. We've got
23 it figured out.

24 PLAYING STATE'S EXHIBIT NUMBER 46

25 DVD OF INTERVIEW OF JOSEPH BROWN.

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1 PAUSE PLAYING STATE'S EXHIBIT

2 NUMBER 46, DVD OF INTERVIEW OF JOSEPH BROWN.

3 SOLICITOR JONES: Your Honor, it appears that the subtitles
4 have fallen off the screen. Another technical difficulty. We
5 are as loud as we can go right here.

6 THE COURT: Okay.

7 SOLICITOR JONES: We can turn it up, because without the
8 subtitles, it is pretty quiet.

9 THE COURT: Okay.

10 MS. CAMPBELL: Your Honor, may we approach?

11 THE COURT: Sure.

12 OFF-THE-RECORD BENCH CONFERENCE, OUT
13 OF HEARING OF JURORS. PRESENT: THE
14 COURT, SOLICITOR JONES, SOLICITOR SMITH,
15 MS. CAMPBELL.

16 END OFF-THE-RECORD BENCH CONFERENCE.

17 THE COURT: Technology is always difficult. But what we do
18 have, ladies and gentlemen, is we have a copy of the actual
19 entire transcript. What we're going to do is, we're going to
20 go ahead and make 14 copies of it, so you can follow it along.
21 You need to be able to hear it contemporaneously when reading
22 it. And I don't want you to have one or the other. So I need
23 you to have both. So we're going to go ahead and make copies
24 right now. It's going to take us a few minutes to get 14
25 copies. Just to let you know. Bear with us.

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1 I'm going to send you back to your jury room. Refresh
2 yourselves. Get some -- something to keep you going. And
3 we'll bring you right back when I've got 14 copies of it, and
4 then I've figured out where we're in it, because my copy was
5 never numbered, so yours probably wasn't either. So we'll have
6 to figure out what page we're at and -- okay?

7 JURORS LEAVE COURTROOM 3:22 P.M.

8 THE COURT: So what we're going to do is we're going to
9 figure out where we're at. And then I'm giving everybody a
10 copy, and you each are going to find that page, and then we'll
11 have it open to that copy, and I'll hand them to the bailiff,
12 who will hand them to each one of them. So I don't want them
13 flipping through and not listening.

14 MS. CAMPBELL: Right. And then the thing is the audio, the
15 transcription up there keeps coming and going.

16 THE COURT: Yes.

17 MS. CAMPBELL: And you don't have to keep stopping.

18 THE COURT: I agree.

19 MS. CAMPBELL: And maybe we can keep -- they can read it
20 along with the drops and all.

21 SOLICITOR JONES: We do have to delete portions that were
22 redacted, which will take a couple more minutes.

23 THE COURT: Okay. Do that right now?

24 SOLICITOR JONES: We are doing that right now.

25 THE COURT: Okay. Okay.

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1 MS. CAMPBELL: All right.

2 THE COURT: All right. Well, we're going to be at ease.

3 OFF THE RECORD 3:24 P.M.

4 BACK ON THE RECORD 3:50 P.M.

5 THE COURT: Please be seated. All right. So do you have
6 all these copies? Thank you. How perfect. Let's just sit
7 them in the seats right now.

8 MS. CAMPBELL: We agree to that.

9 THE COURT: Perfect. Thank you. As quick as possible.

10 MS. CAMPBELL: May I for the record, Judge Mullen?

11 THE COURT: As long as Wanda's here, yes.

12 COURT REPORTER: Oh, yes, yes.

13 MS. CAMPBELL: May I, for the record? Judge, for the
14 record, the defendant suggested and consents to the written
15 transcript of the interview with Detective Crumpton be given to
16 the jurors as they watch the video interview, which may or may
17 not also have the transcript at the bottom of the video as it
18 has been coming and going. So we definitely consent to that.

19 THE COURT: Okay.

20 MS. CAMPBELL: And in addition, I have been provide an
21 email by the State of what has been placed in their chairs. I
22 have reviewed that while they were making the copies, and
23 everything is in order.

24 THE COURT: Thank you. I appreciate it, Ms. Campbell.
25 Okay. Good? Let's bring them in.

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1 SOLICITOR JONES: My apologies, your Honor.

2 THE COURT: No worries.

3 SOLICITOR JONES: Technology works when you don't need it.

4 THE COURT: I know. I know.

5 BAILIFF: Are you ready, your Honor?

6 THE COURT: Please.

7 BAILIFF: All right. The jury is entering the courtroom,
8 your Honor.

9 JURORS ENTER COURTROOM 3:52 P.M.

10 THE COURT: Keep those places right where they are.
11 Everyone knows they're folder over to right where we are in the
12 video.

13 Does anyone need to go back and get their glasses that are
14 back in the jury room? Are you okay? Some people brought
15 them. Anyone still need to go grab them? Okay. Okay. If
16 you've got glasses back there, grab them. I'm sorry. I should
17 have that into account. Yes. Okay.

18 TWO JURORS LEAVE TO RETRIEVE THEIR GLASSES.

19 THE COURT: All right. All right, ladies and gentlemen,
20 what we have left is about an hour and 23 minutes. And we're
21 going to try real hard to get through that and break for the
22 evening. I know you all need to be out of here 5:00, 5:30, so
23 the idea is we'll be out of here before that. Okay? So that's
24 what we're going to try to do. If anyone needs a break,
25 though, flag me down, whatever we need to do, we can break.

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1 Okay?

2 Let's go ahead and play it.

3 PLAYING STATE'S EXHIBIT NUMBER 46

4 DVD OF INTERVIEW OF JOSEPH BROWN.

5 PAUSE PLAYING STATE'S EXHIBIT

6 NUMBER 46, DVD OF INTERVIEW OF JOSEPH BROWN.

7 SOLICITOR JONES: Your Honor, this is about four minutes of
8 dead time.

9 THE COURT: Okay. Thank you.

10 If anyone wants to stand up and take a stretch, you are
11 welcome to.

12 PLAYING STATE'S EXHIBIT NUMBER 46

13 DVD OF INTERVIEW OF JOSEPH BROWN.

14 END PLAYING STATE'S EXHIBIT

15 NUMBER 46, DVD OF INTERVIEW OF JOSEPH BROWN.

16 THE COURT: All right.

17 SOLICITOR JONES: I know we're at 5:30.

18 THE COURT: Okay.

19 SOLICITOR JONES: Two follow-ups.

20 THE COURT: You can ask two follow-up questions.

21 SOLICITOR JONES: Thank you.

22 BY SOLICITOR JONES:

23 Q. Investigator Crumpton, you say things such as, I don't
24 blame you; I know Greg went towards the gun and I understand.
25 Why do you say those things to Mr. Brown that night?

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1 A. That's part of building a rapport when you're doing an
2 interview. He's freely talking, and as long as he felt that I
3 was listening and receptive to what he was saying, he would
4 continue to talk, and that's why I do that.

5 Q. And that night, what was he charged with?

6 A. That night, he was charged with the attempted murder of
7 Gregory Black.

8 Q. Did you ultimately charge him with murder?

9 A. I did. A couple days later I charged him with murder
10 and the possession of a weapon during a violent crime. The
11 reason being, because he did claim self-defense, I wanted an
12 opportunity to -- to review the evidence that we had on-scene
13 and make sure that it didn't fit what I felt was self-defense.
14 And I didn't. So, therefore, I met with the judge and
15 presented it and got the warrants for murder.

16 Q. Okay.

17 SOLICITOR JONES: No further questions.

18 BY THE COURT:

19 MS. CAMPBELL: Just briefly. Does that mean she's done
20 with this witness and we'll start cross-examination in the
21 morning?

22 SOLICITOR JONES: Yes.

23 THE COURT: I'm going to assume -- how long is your cross?

24 MS. CAMPBELL: I'm going to be about 30 minutes.

25 THE COURT: Okay. We're going to break now. Are you okay

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1 time wise here with the trial, correct?

2 MASTER SERGEANT CRUMPTON: Yeah.

3 THE COURT: Okay. Ladies and gentlemen of the jury, now is
4 a good time for a break.

5 I will tell you that we are getting along well. We are
6 going to finish this case by Thursday. I will tell you that
7 right now. So anyone that has anything on Friday, we're going
8 to be done on Thursday. Okay?

9 I need to tell you, you are not to discuss the case. It
10 wouldn't be appropriate to do so. I need you to leave those
11 transcripts in your seats when you leave tonight.

12 Ladies and gentlemen, again, go home and get a good night's
13 sleep. These are long days, and I appreciate that. I believe
14 we're going to have another one tomorrow, all right? So I look
15 forward to seeing you all 10:00 a.m. back in your jury room,
16 and we'll go from there. Okay. Thank you.

17 BAILIFF: Leave the transcripts in the seats, please.
18 Follow me.

19 THE COURT: Thank you.

20 JURORS LEAVE COURTROOM 5:15 P.M.

21 BAILIFF: Jury's clear, your Honor.

22 THE COURT: So we're still kind of up in the air whether or
23 not we'll get to argue and charge tomorrow. Depends on how
24 it's going. What are your thoughts?

25 SOLICITOR JONES: I believe we're going to finish before

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1 BAILIFF: The jury is seated, your Honor.

2 THE COURT: Thank you. Good morning, ladies and gentlemen.

3 RESPONSES FROM JURORS.

4 THE COURT: It's good to see you all. We're going to go
5 ahead and continue with Master Sergeant Crumpton's testimony.
6 I remind you that she is still under oath, as she was sworn in
7 yesterday.

8 So, Ms. Campbell, whenever you are ready.

9 MS. CAMPBELL: Thank you, your Honor.

10 MASTER SERGEANT ANGELA CRUMPTON

11 CROSS-EXAMINATION BY MS. CAMPBELL:

12 Q. Good morning.

13 A. Good morning.

14 Q. So, when we left off yesterday, I think the last
15 question the State had asked you was sort of kind of getting
16 your opinion on the process you went through to get the murder
17 warrant against Joseph Brown, right?

18 A. Correct.

19 Q. And so you gave that for the jury. And kind of how you
20 viewed the evidence, right?

21 A. Correct.

22 Q. Okay. So let's talk a little bit about what the
23 evidence is. So, as lead investigator, do you have a sort of
24 four or five feet -- based on your investigation, how far apart
25 would you say Joseph was from Ronnie at the time of the

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1 shooting?

2 A. I don't do well with estimating feet, so don't hold me
3 to inches or feet, but --

4 Q. No, just --

5 A. It was on the front deck of a porch, so I'm going to
6 say maybe roughly five, six feet.

7 Q. Okay. Good. So five to six feet. And if I could ask
8 you, then, to come off the stand and just sort of stand right
9 here by the podium for me. So let's say five to six feet. So
10 let's see. One, two -- that's about five to six feet. All
11 right. So five to six feet. Now, Joseph told you that Ronnie
12 had this gun in his left hand, correct?

13 A. Correct.

14 Q. And Denise told you that Ronnie had this gun in his
15 left hand, correct?

16 A. Correct.

17 Q. And through the course of your investigation, during
18 one of the interviews for Greg Black, he said Ronnie had this
19 gun in his left hand.

20 A. Correct.

21 Q. Okay. Thank you. You may resume the stand.

22 As a trained law enforcement officer, you go through
23 classes and specialized training on how you, as a law
24 enforcement officer, should react, can react, when someone is
25 holding a gun in their hand and you are five to six feet from

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1 them, correct?

2 A. Correct.

3 Q. And part of that training, specialized training that
4 you've received, when the gun is in their hand, is you might
5 say to them what? drop the gun? drop the weapon?

6 A. That'd be part of it. That's not -- it's not a simple
7 answer, but that would be part of it, yes.

8 Q. Also, part of it is -- do you have your gun on you now?

9 A. No, ma'am.

10 Q. Okay. But when you're out there, you would, right?

11 A. Correct.

12 Q. And you keep it on your hip, right?

13 A. Correct.

14 Q. You'd pull your gun out, wouldn't you?

15 A. In most circumstances, yes.

16 Q. Okay. You are tasked with looking at what happened on
17 the porch, taking the statements, you received, and trying to
18 determine things like Ronnie falling forward, down, or falling
19 back, right?

20 A. Correct.

21 Q. Okay. And through your investigation, you made a
22 determination that he fell forward?

23 A. Not forward in the sense that he fell towards --

24 Q. Um-hmm.

25 A. -- Mr. Brown --

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1 Q. Um-hmm. Um-hmm.

2 A. -- based upon the positioning of the body --

3 Q. Um-hmm.

4 A. -- But he was, in fact, face down.

5 Q. Okay. And that's important. So, because, clearly,
6 when you got there, he had been handled by EMS.

7 A. Yes.

8 Q. You never saw him face down.

9 A. Correct.

10 Q. But you received reports as the lead investigator that
11 upon arriving on the scene, Ronnie was face down on the deck,
12 the wooden deck, correct?

13 A. Correct. If I may clarify when I say first down.

14 Q. Sure. Yeah.

15 A. Or face down. I apologize. What I received is that he
16 was facing down and on a side to a degree. So it's not a flat
17 out arms out, but he was down facing, both arms the same
18 direction, kind of face down, kind of on his side, so.

19 Q. So prior to EMS manipulating his body to try and assist
20 him, did any of the officers photograph the exact position that
21 Ronnie was in when they arrived?

22 A. No. Due to the dynamic scene and the individuals still
23 being on-scene and there being multiple people and having to
24 secure, they did not. That wasn't their primary focus.

25 Q. Now, I understand yesterday you talked about having

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1 some trouble with the testimony about Ronnie scooching or
2 moving or trying to crawl a little bit that caused you, as the
3 investigator, some concern, right?

4 A. Yes, ma'am.

5 Q. Okay. So, in your experience as a detective and law
6 enforcement officer, have you been trained as a blood-pooling
7 or a blood-spatter expert?

8 A. As an expert, no.

9 Q. Okay. And again, in trying to determine what happened
10 on the porch, did you employ the services of a blood-spatter
11 expert?

12 A. I spoke with our Crime Scene Unit, who have additional
13 training above and beyond what I do. I can't speak for
14 specifically what they have and whether or not they have been
15 deemed as an expert in court, but I know that their training
16 and experience. And then, in my 21 years and the number of
17 scenes I've see, it wasn't consistent with what I've seen.

18 Q. So, in the reports that you submitted, I can't find
19 anywhere that anybody is designated as blood spatter expert.
20 And I think what you're saying is, is that you don't know if
21 they are or not.

22 A. Correct, I don't know if they've been deemed by the
23 court as an expert, yes.

24 Q. Okay. Right. And clearly, you're not.

25 A. Correct.

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1 Q. Okay. Now, in addition to the no blood spatter expert,
2 when you're involved in a gunshot situation, you can, as the
3 lead investigator, draw in people from SLED, experts, who can
4 look at trajectory of a gunshot and assist you in trying to
5 determine where it came from and where it went through the
6 person's body, right?

7 A. Well, how that is done is on a normal case like that,
8 the pathologist makes those determinations when they do the
9 autopsy, and they can tell how the bullets have traveled
10 through the body. And that gives us the trajectory. And then,
11 between them and the crime scene, if necessary, the Solicitor's
12 Office then calls in the experts. I would not normally call in
13 an expert like that.

14 Q. So you do the DNA swabs that we have, right?

15 A. Yes, ma'am.

16 Q. On everybody. And you need to send that to an expert,
17 right?

18 A. They're sent to a lab for analysis, yes.

19 Q. By experts.

20 A. My understanding, when you're --

21 Q. Um-hmm.

22 A. -- discussing experts --

23 Q. Um-hmm.

24 A. -- Ms. Campbell, is what I know to be deemed as an
25 expert in court. It may be something different than what

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1 you're --

2 Q. Okay.

3 A. -- explaining.

4 Q. So that SLED has scientists --

5 A. Yes.

6 Q. -- that examine the DNS swabs, correct?

7 A. Correct.

8 Q. They have scientists that examine the gunshot residue
9 tests, right?

10 A. Correct. Yes.

11 Q. Okay. So there's no scientist involved with trajectory
12 in this case, other than the medical examiner's report, right?

13 A. As far as I'm aware, that is correct.

14 Q. Now, did you review the medical examiner's report prior
15 to seeking the murder warrant against Joseph Brown?

16 A. No. The final report is several, several weeks. You
17 get a preliminary and you get information from the pathologist
18 the morning of the autopsy, which would be -- would have been
19 that -- after working all day, I believe it was on the 6th,
20 that same -- next morning. But no, the final report is weeks
21 later.

22 Q. So the preliminary report you reviewed, correct?

23 A. The preliminary report also doesn't come that day.

24 There's conversation with the pathologist initially. And then
25 I do review the prelim -- preliminary report, but that is a --

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1 a very basic report until the final comes out. And the final
2 doesn't come out until toxicology and all their other testing
3 is done.

4 Q. All right. So, if I'm understanding you correctly,
5 first, you didn't have the final report to review.

6 A. Correct.

7 Q. Prior to getting the murder warrant.

8 A. Um-hmm.

9 Q. You didn't have the preliminary report to review prior
10 to getting the murder warrant, correct?

11 A. Correct.

12 Q. I think I heard you say that you had conversations with
13 the pathologist over the phone prior to getting the murder
14 warrant.

15 A. No, I never said anything about the phone.

16 Q. Okay. I'm sorry.

17 A. There was conversation with the deputy, or the
18 investigator that attended the autopsy and brought back the
19 evidence.

20 Q. So you never talked to the pathologist; you only talked
21 to the deputy that watched it.

22 A. Correct.

23 Q. Okay. Since this case has been pending, have you had
24 an opportunity to review the final autopsy report?

25 A. Yes, ma'am

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1 Q. Okay. And do you need me to provide you a copy of
2 that, or do you have a copy of it with you?

3 A. I can step down and grab my glasses and a copy.

4 Q. Okay.

5 A. If need -- if that's okay with your Honor.

6 THE COURT: Yes.

7 BY MS. CAMPBELL:

8 Q. Are you ready?

9 A. Yes, ma'am.

10 Q. Okay. So there's a penetrating gunshot wound to the
11 left side --

12 SOLICITOR JONES: Your Honor, objection.

13 THE COURT: Basis?

14 SOLICITOR JONES: This is hearsay from a document that this
15 witness did not create.

16 MS. CAMPBELL: This officer has reviewed this document in
17 prepar --

18 THE COURT: And is relying on it, I assume, so.

19 MS. CAMPBELL: I'm sorry?

20 THE COURT: And it is using it as relied upon --

21 MS. CAMPBELL: Yes.

22 THE COURT: -- as part of her investigation as the lead
23 police officer.

24 MS. CAMPBELL: Yes.

25 THE COURT: I guess she can answer, if that's, in fact,

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1 what it says.

2 So --

3 MS. CAMPBELL: I'm just going into the first four bullets.

4 THE COURT: Okay. But I don't wanted to -- your ent going
5 to read it into the record. You're going to ask her, in fact,
6 is this what you understood in your investigation as lead case
7 officer --

8 MS. CAMPBELL: Yes.

9 THE COURT: -- that that's what occurred.

10 MS. CAMPBELL: Yes. Thank you.

11 THE COURT: Okay?

12 SOLICITOR JONES: Thank you.

13 BY MS. CAMPBELL:

14 Q. So, Officer Crumpton.

15 A. Yes, ma'am.

16 Q. As the lead case investigator for Joe in this case, was
17 it your understanding some time in the weeks following the
18 incident on the porch that Ronnie had a penetrating gunshot
19 would to the left side --

20 SOLICITOR JONES: Your Honor, objection.

21 Q. -- of his body?

22 SOLICITOR JONES: Objection. She's reading it.

23 THE COURT: Okay.

24 MS. CAMPBELL: I'm just -- okay, I'll stand back from it
25 and say it, but I mean.

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1 THE COURT: You can say it's a gunshot wound.

2 MS. CAMPBELL: Right.

3 BY MS. CAMPBELL:

4 Q. He had four gunshot wounds, right?

5 A. Correct.

6 Q. Thank you. And three of them were the anterior portion
7 of his body on the left side, correct?

8 A. Correct.

9 Q. Okay. And one of them was also on the left, but more
10 to the side of his body, correct?

11 A. Yes.

12 Q. Okay. Thank you. And your information that you had
13 when you were working on this case from Joe is Ronnie had the
14 gun in his left hand, right?

15 A. Correct.

16 Q. From Denise, Ronnie had the gun in his left hand,
17 correct?

18 A. Correct. Correct.

19 Q. And at some point, from Greg, Ronnie had the gun in his
20 left hand, correct?

21 A. Correct.

22 Q. So this is not a head-shot case. I mean, Mr. Ronnie
23 Black did not have a gunshot wound to the head, correct?

24 A. No, he had lacerations to the head.

25 Q. Okay. So five to six feet away, a head shot's a kill

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1 shot, right?

2 A. It can be. I've seen where it's not. But other wounds
3 can also be kill shots, so.

4 Q. So, yes, a head shot five feet away is a kill shot.

5 A. It can be.

6 Q. Now, the power was out that night, right?

7 A. Yes, ma'am.

8 Q. You came from southern Beaufort County to northern
9 Beaufort County and they were without power.

10 A. Correct.

11 Q. At [REDACTED] Big Estates Circle.

12 A. Correct.

13 Q. Were you able to determine if, at any point, with what
14 was going on in the front porch, if the lights came on during
15 it or if they were still out?

16 A. By all accounts that evening, the lights had remained
17 out.

18 Q. Right. And I have, you know, got the information. I'm
19 sure you've got it in your reports as the lead investigator,
20 that the headlights were on, on the SUV in the front area of
21 the yard, correct?

22 A. Correct.

23 Q. And to the best of your understanding and your
24 investigation, the headlights were the only thing that was
25 illuminating the area, besides the candles, you know, inside,

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1 during what was happening on the porch, correct?

2 A. Correct. It would have been the headlights from the
3 SUV as well as candles inside, and then whatever cell phone
4 usage they were doing.

5 Q. Okay.

6 A. I will say Mr. Ronnie had a flashlight, but I can't
7 testify to whether or not it was illuminated during that
8 incident.

9 Q. Right, and you don't -- you then know the answer to
10 that.

11 A. Correct.

12 Q. So I heard you, in response to the prosecutor talk
13 about maybe, you know, some concerns or you talked to Denise
14 three times during that week follow this, right?

15 A. Correct.

16 Q. Okay. But in looking at all of her statements to you,
17 wouldn't it be accurate to say every time she said and reported
18 to you that her father had his gun in his left hand, correct?

19 A. Yes.

20 Q. Okay. Now, it may have been here or here, but it was
21 always in his left hand, right?

22 A. Correct.

23 Q. Do you have your full report there?

24 A. No, ma'am. What would you like for me to grab?

25 Q. I'm going to direct you to Page 43 of 84.

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1 THE COURT: Please.

2 BY MS. CAMPBELL:

3 A. Is that my supplement, ma'am?

4 Q. I believe so. I believe it's your interview with
5 Gregory Black, one of them.

6 A. Okay.

7 Q. Okay, now, if you'll check the bottom paragraph, I'm
8 just confirming the accuracy of your reporting. You certainly
9 testified to this, but in your reporting, you obtained
10 information from Greg Black about the assertions about Ronnie
11 having the gun in his left hand, correct? I mean, you
12 documented it.

13 A. Correct. I indicated that he said it was in his left -
14 -

15 Q. You don't have to read it. I'm just trying to
16 determine that that -- that is what you determined.

17 A. Correct.

18 Q. And that it was pointed down to the ground.

19 A. Correct.

20 Q. And you know, Greg is saying, you know, his father
21 never raised the gun.

22 A. Correct.

23 Q. Okay. On Page 44 of 84, you're documenting in your
24 interviews the fact that at some point during the melee on the
25 porch, that Joe -- this is from Greg -- that Joe hit Ronnie in

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1 the head once with the -- hit Ronnie in the head with the front
2 of the gun, correct? The front of the gun.

3 A. Let me --

4 Q. Like the front of the gun.

5 A. Let me find where you said, so.

6 Q. Okay. I'm sorry. It's one -- it's the second large
7 paragraph, about 12 lines down.

8 MS. CAMPBELL: May I approach to assist, your Honor?

9 THE COURT: You may.

10 BY MS. CAMPBELL:

11 A. I think I got it. I'm just trying to read this
12 sentence to make sure we're good to go.

13 Q. This full sentence, *Greg said*.

14 A. Okay.

15 Q. If you could --

16 A. Yes.

17 Q. So Greg shot -- Greg said Joe shot Ronnie and then hit
18 him in the head with the front of the gun, and then Joe shot
19 Greg, correct?

20 A. Correct.

21 Q. Okay. So that's consistent with what Joe Brown told
22 you in -- during his interview that we watched yesterday; is it
23 not?

24 A. I don't believe Joe was specific as to what portion of
25 the gun he used to hit him, but he said that he shot Ronnie,

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1 and then struck him. Later in the interview, he admitted he
2 struck him --

3 Q. Right.

4 A. -- and then he shot Greg.

5 Q. Okay. So the sequence is correct. It matches up.

6 A. Eventually it did, yes.

7 Q. Okay. And so, Greg is telling you, Joe is telling you,
8 boom, boom, boom, hit, boom, boom, correct?

9 A. Correct.

10 Q. Ronnie, Ronnie, Greg.

11 A. Correct.

12 Q. All right. During the course of your work as the lead
13 investigator in this case, if you'll review Page 8 of 53. I'll
14 be happy to provide it to you.

15 A. Yes, please. I don't know if that's mine.

16 Q. All of your officers submit reports which you review in
17 your preparation of the case, correct?

18 A. Correct.

19 Q. Okay. And this is a little bit like your testimony
20 with communicating with the deputy who went to Charleston for
21 the medical examination, correct? You're bringing in their
22 information as you're investigating and making your decisions,
23 right?

24 A. Yes.

25 Q. So, if one of your officers had talked to a witness,

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1 then they might relay that information to you, either through a
2 written report or a telephone call or an email, something like
3 that.

4 A. Correct.

5 Q. Or face-to-face.

6 A. Correct.

7 Q. All right. So, early on, you received information that
8 Greg Black stated that -- let's see -- that his father pulled
9 out his gun, but never fired it.

10 A. Correct.

11 Q. Okay. And in a situation where you have these three
12 handguns coming into evidence, one of the things that you would
13 have done or asked to be done is to check, have one of the
14 officers check or you yourself check whether or not the guns
15 have -- returned clear, correct?

16 A. Correct, yes.

17 Q. No stolen handguns, things like that, right?

18 A. Correct. When we run it through, it just indicates
19 that they're not stolen.

20 Q. Right. And you received information during the course
21 of your investigation that all three handguns came back clear,
22 correct?

23 A. Correct. Which just simple indicates they're --
24 they're not stolen.

25 Q. Right.

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1 A. Out of the county.

2 Q. Right. Now, Ronnie black's handgun, when it was taken
3 into evidence, was loaded, right?

4 A. Yes.

5 Q. Okay.

6 A. All of the weapons were. Well, the revolver had
7 casings in it, because it couldn't be emptied, but yes.

8 Q. So, yes, Ronnie Black's handgun was loaded, correct?

9 A. Correct.

10 Q. All right. So did you get a search warrant for his
11 truck or his bedroom to find out where he kept his ammo?

12 A. There was a search warrant done on the residence, which
13 was done by the Crime Scene.

14 Q. Right. And so, where did he keep his ammo?

15 A. I would have to review, again, to the Crime Scene to be
16 able to tell you that, that report.

17 Q. Okay. Would you like to do that now? You don't know
18 that off the top of your head?

19 A. Not off the top of my head. I don't want to misspeak.

20 Q. Right. And so, would you -- would you know whether or
21 not his ammo is in evidence?

22 A. Whether it is in this pile of evidence --

23 Q. Any evidence.

24 A. I don't believe it is.

25 Q. Yeah, I don't think it is.

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1 A. So.

2 Q. Right. So no ammo from Ronnie Black in evidence.

3 A. That's not entirely true, ma'am.

4 Q. Okay.

5 A. There was the ammo that was collected with his weapon,
6 just to be factual.

7 Q. Okay, right. So the gun that was loaded, that has ammo
8 in it.

9 A. Yes.

10 Q. But whether or not ammo was in the bedroom or ammo was
11 in the truck, you can't tell us right now where it was, right?

12 A. Normally, I wouldn't testify to that, so I would need
13 to review that report, just as you had me review these, to tell
14 you for certain.

15 Q. And I'm, I'll be -- if the Court would allow us, we
16 could take a break so that you could fully review your reports
17 and show us the report where the ammo was located for Ronnie
18 Black.

19 SOLICITOR JONES: Your Honor, I believe this was a question
20 proper for the crime scene investigator when he was on the
21 stand.

22 MS. CAMPBELL: Again, as the lead investigator --

23 THE COURT: If she says she doesn't know, she state know,
24 then.

25 MS. CAMPBELL: She doesn't know. She doesn't know. All

1 right. Thank you.

2 BY MS. CAMPBELL:

3 Q. Did you conduct the search warrant on Ronnie Black's
4 truck?

5 A. No, ma'am.

6 Q. Okay.

7 A. As I stated, I turned the scene over to Crime Scene,
8 and then went to do the -- the interviews.

9 Q. Right. All right.

10 MS. CAMPBELL: That may be all I have.

11 THE COURT: Anything else?

12 MS. CAMPBELL: That's all I have.

13 THE COURT: All right.

14 SOLICITOR JONES: Briefly, your Honor.

15 MASTER SERGEANT ANGELA CRUMPTON

16 RE-DIRECT EXAMINATION BY SOLICITOR JONES:

17 Q. Investigator Crumpton, as Ms. Campbell did, I'm going
18 to direct you to Page 47 of your report. It is the final
19 section of your final interview with Ms. Denise Brown.

20 A. Correct.

21 Q. Okay. And do you see about halfway down it's going
22 into what Ms. Denise Brown ultimately says to you at the end of
23 her interviews, in her end of the third interview? And if I
24 may, it may be easier. This paragraph as she is explaining.

25 A. Oh, okay.

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MSGT. ANGELA CRUMPTON - RE-DIRECT - JONES

1 Q. Okay. When you pressed her, what does she finally
2 admit?

3 A. At the end, during the third interview, she finally
4 does admit that her back was to her dad, and that she never saw
5 him pull up a weapon.

6 Q. Okay. Thank you.

7 SOLICITOR JONES: I have no further questions.

8 MASTER SERGEANT ANGELA CRUMPTON

9 RE-CROSS-EXAMINATION BY MS. CAMPBELL:

10 Q. Okay. So she never saw him pull up a weapon, but she
11 always said he had the gun in his left hand, correct?

12 A. Yes.

13 Q. Thank you.

14 THE COURT: Anything else?

15 MS. CAMPBELL: No, your Honor.

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

17 MASTER SERGEANT CRUMPTON: Thank you.

18 THE COURT: The State will call their next witness.

19 SOLICITOR JONES: The State calls Brandon Disbrow.

20 MADAM CLERK: Good morning. If you would you, place your
21 left hand on the *Bible*. Raise your right hand for me. Do you
22 solemnly swear or affirm to truthfully answer all questions
23 asked of you by this Court, so help you God?

24 INVESTIGATOR BRANDON JAMES DISBROW: Yes, ma'am.

25 MADAM CLERK: Would you state your name for the record,

1 please.

2 INVESTIGATOR BRANDON JAMES DISBROW: Brandon James Disbrow.

3 INVESTIGATOR BRANDON JAMES DISBROW

4 DIRECT EXAMINATION BY SOLICITOR JONES:

5 Q. Good morning, Investigator Disbrow.

6 A. How are you?

7 Q. Doing well. And you?

8 A. Good.

9 Q. Where do you work?

10 A. The Beaufort County Sheriff's Office.

11 Q. And what capacity do you work for the Sheriff's Office?

12 A. Currently, I'm assigned to the Northern Investigations
13 Section as an investigator or detective.

14 Q. And were you working in that same capacity back in June
15 of 2016?

16 A. I was, Yes, ma'am.

17 Q. And did you assist Master Sergeant Crumpton in the
18 investigation for the case we're here for today against Joseph
19 Brown?

20 A. Yes, ma'am.

21 Q. Okay. The early morning hours of June 6, 2016, did you
22 have an opportunity to meet Gregory Black?

23 A. I did.

24 Q. And where was that?

25 A. At the Beaufort Memorial Hospital.

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BRANDON JAMES DISBROW - DIRECT - JONES

1 Q. Okay. And why did you go to the hospital?

2 A. Well, I received a phone call from Adam Zsamar from the
3 Sheriff's Office, who was my staff sergeant at the time. And
4 he requested that I go and speak with Mr. Gregory Black at the
5 hospital. He advised me there had been a shooting, he was a
6 victim of the shooting. And so, just asked for me to go meet
7 with him and interview him.

8 Q. And what was Mr. Black's demeanor when you were
9 interviewing him?

10 A. It was clear that he was in pain. He would wince. As
11 he would move, he would kind of -- kind of make moans and
12 groans, but he was relatively cooperative. Very forthcoming
13 with information.

14 Q. And while speaking with him, did you collect a gunshot
15 residue kit?

16 A. I did.

17 SOLICITOR JONES: Permission to approach, your Honor.

18 THE COURT: You may.

19 BY SOLICITOR JONES:

20 Q. Investigator Disbrow, I'm going to show you what's been
21 marked as State's 53-E. And do you recognize that?

22 A. Yes, I do.

23 Q. And what is that?

24 A. This is the gunshot residue evidence collection kit
25 that I took from Mr. Gregory Black's hands and wrist area.

1 Q. Okay. And did you submit that into evidence after you
2 collected it?

3 A. Yes, ma'am.

4 SOLICITOR JONES: Your Honor, at this time State victims
5 53-E into evidence.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection.

8 SOLICITOR JONES: Thank you.

9 ITEM IDENTIFIED AS GUNSHOT RESIDUE
10 KIT COLLECTED FROM GREGORY BLACK
11 MARKED STATE'S EXHIBIT NUMBER 53-E
12 ADMITTED AS EVIDENCE.

13 BY SOLICITOR JONES:

14 Q. Investigator Disbrow, those are all the questions I
15 have for you. Thank you.

16 A. Thank you.

17 MS. CAMPBELL: No questions.

18 THE COURT: You may step down and you are excused, sir.
19 Thank you.

20 INVESTIGATOR BRANDON JAMES DISBROW: Thank you.

21 THE COURT: Call your next witness.

22 SOLICITOR JONES: The State calls Jennifer Nates.

23 BAILIFF: Right this way to be sworn in.

24 MADAM CLERK: Good morning. If you would, place your left
25 hand on the *Bible*. Raise your right hand. Do you solemnly

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JENNIFER NATES - DIRECT - JONES

1 swear or affirm to truthfully answer all questions asked of you
2 by this Court, so help you God?

3 JENNIFER NATES: I do.

4 MADAM CLERK: Thank you.

5 JENNIFER NATES, DIRECT EXAMINATION

6 BY SOLICITOR JONES:

7 Q. Good morning.

8 A. Good morning.

9 Q. Where do you work, Ms. Nates?

10 A. I work for the South Carolina Law Enforcement Division
11 in the Trace Evidence section of the laboratory.

12 Q. What is trace evidence?

13 A. Trace Evidence is one of the divisions in the
14 laboratory that deals with several different types of evidence
15 analysis. We analyze gunshot residue, fire degree, paint,
16 glass, fibers, explosives, tape, fracture fit analysis, and
17 miscellaneous identifications.

18 Q. And did you have to receive some specialized training
19 or education to become -- to achieve your position in this
20 department?

21 A. To be hired into the division, you have to attain a
22 four-year degree. In the Trace Evidence department, it is
23 specific to a chemistry degree, which I received in 1997 from a
24 small state school in Pennsylvania called California University
25 of Pennsylvania. Once I received the degree, I was hired.

1 After I completed an internship at SLED, I was hired into the
2 drug analysis section.

3 I completed their training program, attended the Police
4 Academy, and then worked drug and poison cases for
5 approximately one year. I then transferred into an opening in
6 Trace Evidence, and began a three- to four-year training
7 program there. I trained under the senior analyst and the
8 lieutenant of the department. This included hands-on training
9 outside training, dealing with the instrumentation used for the
10 analyses, interpretations of the evidence, and different
11 conferences and courses that were taken dealing with this.

12 Q. Have you ever testified in court before?

13 A. I have.

14 Q. And have you ever been deemed an expert?

15 A. Yes.

16 Q. Okay.

17 SOLICITOR JONES: Your Honor, at this time, the State moves
18 Jennifer Nate as an expert in gunshot residue.

19 MS. CAMPBELL: No objection.

20 THE COURT: Ladies and gentlemen, in this case, Ms. Nates
21 is being qualified in the expert in the area of gunshot
22 residue. That allows her to give her opinion and the reason
23 for her opinion. That's for you to use as you see as
24 appropriate and as compared to other evidence in this case.

25 BY SOLICITOR JONES:

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JENNIFER NATES - DIRECT - JONES

1 Q. What is gunshot residue?

2 A. Gunshot residue is a term used in the forensic
3 community to define any dirt, debris, material that is
4 generated when a firearm is discharged. Our lab specifically
5 analyzes for PGSR, which is called primer gunshot residue. We
6 analyze for the residue that is specific to the primer
7 composition of the cartridge. So we're not looking for inorgan
8 -- or organ -- inorganic gunshot residue. We're not looked for
9 stippling, tattooing. All of that encompasses gunshot residue.
10 We look for a specific piece of that definition.

11 Q. Okay. And were you kind to analyze some kits for the
12 case we're here for today?

13 A. I did receive several GSR kits on the SLED Lab Number
14 L1612399.

15 Q. Okay.

16 SOLICITOR JONES: And your Honor, if I may approach?

17 THE COURT: You may.

18 BY SOLICITOR JONES:

19 Q. I'm going to show you what's been previously admitted
20 as 53-A through E. Do you recognize those?

21 A. These are actually the outside envelope for gunshot
22 residue kits that are submitted to our lab. In this case, this
23 one is from this case, and it is Item 12. When evidence is
24 submitted to the laboratory, each case is assigned a case
25 number, which starts with an L for laboratory, and the year,

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JENNIFER NATES - DIRECT - JONES

1 and then a sequential number for when the case came into the
2 lab. It's then assigned an item number. So these labels are
3 put on the evidence when it arrives in the laboratory.

4 So, in this case, this was Item Number 12, which was a GSR
5 kit from Gregory Black. This was Item Number 9. I also have
6 Item 11, Item 10, and Item 8. And if you look on the back,
7 when I receive the evidence, I will initial and date the
8 evidence.

9 Q. So are those the gunshot residue kits for Ronnie Black,
10 Denise Brown, Joseph Brown, Kimberly Black, and Gregory Black?

11 A. They are.

12 Q. And did you analyze those kits?

13 A. I did.

14 Q. And what were your findings for those kits?

15 A. In this case, for each of the kits that I analyzed, I
16 found numerous particles characteristic of gunshot primer
17 residue.

18 Q. So everybody had GSR on them.

19 A. Yes.

20 Q. Okay. How would somebody test positive for GSR?

21 A. A person will test positive for GSR if they have
22 gunshot residue deposited on their hands. It can be deposited
23 on your hands by discharging a firearm. So, if I fire a weapon
24 from here, the gun will produce gunshot residue in somewhat of
25 a cloud form. You really can't see it. It will deposit

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JENNIFER NATES - DIRECT - JONES

1 microscopic particles on your hands, on your clothing, and in
2 anything in close proximity to that discharge. So, if you and
3 the jury on box fire a weapon, the person next to you very well
4 could have GSR deposited on them due to that discharge, as
5 could the man behind you. So you can have GSR on your hands
6 from firing a weapon, from being in close proximity to a weapon
7 that is being fired, or from handling an object that has
8 gunshot residue on it. Normally, this is from handling a
9 weapon that has been fired, or from handling something that has
10 residue deposited on it prior.

11 Q. What about when it comes to victims who have suffered
12 gunshot wounds?

13 A. Victims, normally, using common sense, the gun is
14 pointed at the victim, so the majority of the gunshot residue
15 is going to go forward, out of the front of the weapon. So
16 victims in the majority of the cases will have gunshot residue
17 present on them from their sustaining a gunshot wound.

18 Q. So a victim of a gunshot wound, say, who has been shot
19 twice in their lower half of their body, in an area that is --
20 well, a porch, a smaller porch, deck area, you would likely
21 find gunshot residue on them, correct?

22 A. If a gun is discharged on a small porch area, I would
23 expect to find gunshot residue on persons or people that are
24 actually on that porch.

25 Q. So it doesn't mean that they handled a gun; they were a

1 victim of a gunshot wound.

2 A. Right. With a victim, we are not able to tell you with
3 they fired a weapon or they handled a weapon, because we expect
4 to find it from their being shot. So we cannot make a
5 differentiation determining that.

6 Q. And in fact, aren't you all trying to get away from
7 testing victim kits?

8 A. We are in the process of try to do that, but it is
9 moving very slowly.

10 Q. Okay. Thank you. Well, when you sent this evidence
11 back, did you send it back in a sealed envelope?

12 A. Right. Once we analyze the evidence, usually, it'll
13 come to us in what is -- this was considered a container. Do
14 you see the B? A container is issued if there's more than one
15 item of evidence inside that package. And in this case, the
16 GSR kits were inside the package, which I then returned the
17 kits to after analysis and sealed and sent it back.

18 Q. Okay. And that's been marked as State's Exhibit 53.

19 SOLICITOR JONES: At this time, the State moves into
20 evidence.

21 MS. CAMPBELL: No objection.

22 THE COURT: Thank you.

23 BY SOLICITOR JONES:

24 Q. And Ms. Nates, I have no further questions for you.

25 MS. CAMPBELL: No questions.

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TIM FRENCH - DIRECT - JONES

1 THE COURT: Thank you. You may step down. You are
2 excused. Thank you.

3 JENNIFER NATES: Thank you.

4 THE COURT: Call your next witness.

5 SOLICITOR JONES: The State calls Tim French.

6 Your Honor, may we approach?

7 THE COURT: You may.

8 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
9 HEARING OF JURORS. PRESENT: THE COURT,
10 SOLICITOR JONES, MS. CAMPBELL.
11 END BENCH CONFERENCE.

12 THE COURT: Come on forward, Mr. French.

13 Also, just to let the jury know, Master Sergeant Crumpton
14 is needed in another courtroom, so I've gone ahead and released
15 her to go there and attend to whatever she needs to do, and
16 then come back.

17 MADAM CLERK: Good morning. Do you solemnly swear or
18 affirm to truthfully answer all questions asked of you by this
19 Court, so help you God?

20 TIM FRENCH: I do.

21 MADAM CLERK: Thank you.

22 TIM FRENCH, DIRECT EXAMINATION

23 BY SOLICITOR JONES:

24 Q. Good morning.

25 A. Good morning.

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TIM FRENCH - DIRECT - JONES

1 Q. Where do you work, Mr. French?

2 A. I work for the BCSO.

3 Q. And what part of the Sheriff's Office?

4 A. I work in the laboratory.

5 Q. And what is your role in the laboratory?

6 A. I'm a DNA analyst.

7 Q. Okay. And what does that mean?

8 A. I test evidence from crime scenes, looking for the
9 presence of DNA. If there is some there, I try to get a
10 profile out of it.

11 Q. Okay. And did you have to receive some specialized
12 training and education to become a DNA analyst?

13 A. Yes.

14 Q. Can you please tell us about that.

15 A. I have a bachelor of science degree from the State
16 University of New York, at Cortland. I majored in biology. I
17 have minors in chemistry and math. After that, I've had
18 specialized training at the FBI Academy in Quantico, Virginia
19 in conventional forensic serology. I attended a course in
20 blood stain analysis system at the Serological Research
21 Institute in San Francisco, and advanced DNA testing at
22 Marshall University in West Virginia.

23 Q. And have you ever testified in court before?

24 A. Yes, I have.

25 Q. And have you ever been deemed an expert in DNA?

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TIM FRENCH - DIRECT - JONES

1 A. Yes, I have.

2 Q. Roughly how many times?

3 A. Eight.

4 SOLICITOR JONES: Your Honor, at this time, the State moves
5 Tim French in as an expert in DNA.

6 MS. CAMPBELL: No objection.

7 THE COURT: Thank you. Ladies and gentlemen, in this case,
8 Mr. French, is being qualified as an expert witness in the area
9 of DNA analysis. That allows him to give his opinions, and the
10 reasons for his opinions. And again, it's for you to use as
11 you see appropriate and compared to other evidence in this
12 case.

13 SOLICITOR JONES: Thank you, your Honor.

14 BY SOLICITOR JONES:

15 Q. Were you asked to analyze a few different items for the
16 case we're here for today?

17 A. Yes.

18 Q. Okay.

19 SOLICITOR JONES: Your Honor, permission to approach?

20 THE COURT: You may.

21 BY SOLICITOR JONES:

22 Q. First, when you were testing -- when you are testing
23 items, is it helpful to have a known DNA standard?

24 A. That helps when you're trying to compare it to
25 something, yes.

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TIM FRENCH - DIRECT - JONES

1 Q. Okay. And did you receive some known standards?

2 A. Yes, I did.

3 Q. What is a known standard?

4 A. It's a swab, like a cotton swab, that people collect
5 from someone's cheek cells in their mouth. And we use that to
6 get their profile in order to compare them to whatever we get
7 in the evidence.

8 Q. Would you also -- if somebody is deceased, is it common
9 to also receive a sample from the autopsy?

10 A. Yes.

11 Q. Okay. I'm going to show you what's been marked as
12 State's 51. And do you identify that?

13 A. Yes. This is the blood standard from Ronnie Black in
14 this case.

15 Q. Okay. And that's the one you used for his known
16 standard.

17 A. Yes.

18 SOLICITOR JONES: Your Honor, at this time, the State moves
19 State's 51 into evidence.

20 MS. CAMPBELL: No objection.

21 THE COURT: Without objection.

22 ITEM IDENTIFIED AS KNOWN BLOOD STANDARD

23 FROM RONNIE BLACK

24 MARKED STATE'S EXHIBIT NUMBER 51

25 ADMITTED AS EVIDENCE.

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TIM FRENCH - DIRECT - JONES

1 BY SOLICITOR JONES:

2 Q. And you also received some other people's known
3 standards.

4 A. Yes, I did.

5 Q. I'm going to show you what has already been admitted as
6 State's 60, 61, and 59. Are those the known standards you
7 used?

8 A. Yes, they are.

9 Q. Okay. And who do they belong to?

10 A. Exhibit 59 is the standard from Joseph Brown. Exhibit
11 60 is the standard from Denise Brown. And 61 is the standard
12 from Kimberly Black.

13 Q. So you took those standards and you were asked to
14 compare them against various items?

15 A. Yes.

16 Q. Okay. I'm going to show you what has been previously
17 admitted as State's 52, 55, 63, 57, and 58. Are those the
18 items that you tested?

19 A. Yes, they are.

20 Q. Okay. And you had some findings from those, correct?

21 A. Yes, I did.

22 Q. Okay. If we could go through each item. The first
23 item you tested was the flashlight.

24 A. That's correct.

25 Q. Okay. And what were your findings on the flashlight?

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TIM FRENCH - DIRECT - JONES

1 A. On this item, there were some reddish brown stains on
2 there that are typical of a blood stain. We use a screening
3 test to say, yes, that could be blood. And then I test that
4 for DNA. In this case -- or on this item, the stains were
5 positive for blood and I did get a DNA profile.

6 Q. And whose profile was that?

7 A. Ronnie Black.

8 Q. The swabs from the front porch near Placard 4.

9 A. Okay. This was -- again, the presumptive test for
10 blood was positive, and the DNA came back to match Ronnie
11 Black.

12 Q. Okay. And the swab from Placard Number 7? Which was
13 also on the front porch.

14 A. This was also presumptive positive for blood. And I
15 did get a DNA profile, although, it did not match anyone of the
16 four that I tested. It appeared to be a biological relative of
17 Ronnie Black.

18 Q. It might have been a son?

19 A. Could be, yes.

20 Q. But you never actually got Greg's Black -- Gregory
21 Black's standard, did you?

22 A. No.

23 Q. And now I want to go on to the swabs from the gun. Not
24 the revolver, the -- did you test swabs from two handguns?

25 A. Yes, I did.

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TIM FRENCH - DIRECT - JONES

1 Q. Okay. And was one of them noted as the victim's gun?

2 A. No, they were simply marked as swabs from a firearm and
3 swabs from a REGARD revolver.

4 Q. Okay. So a firearm and a revolver. So you don't know.
5 Okay. Would this be the firearm?

6 A. I never saw the weapons at all.

7 Q. Okay. So the swabs are provided to you.

8 A. Yes.

9 Q. Okay. So the swabs taken from the firearm, what are
10 the results of those?

11 A. That was also presumptive blood positive, and the
12 profile came back to Ronnie Black.

13 Q. Okay. And the swabs from the revolver? What were the
14 finds of that?

15 A. There wasn't any -- it didn't appear to be any blood on
16 it. And the DNA that I got on there was an insufficient
17 quantity for DNA testing. We need to have a certain quantity
18 in order to amplify it and get a profile, and this did not have
19 enough DNA.

20 Q. Okay. So you just couldn't find anything.

21 A. Correct.

22 Q. Okay.

23 A. No, there was DNA there, just not enough.

24 Q. Not enough for a profile.

25 A. Correct.

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SUZANN CROMER - DIRECT - JONES

1 Q. Okay. I have no further questions for you. Thank you.

2 MS. CAMPBELL: No questions.

3 THE COURT: You're excused, Mr. French. Thank you, sir.

4 The State will call their next witness.

5 SOLICITOR JONES: The State calls Suzann Cromer.

6 MADAM CLERK: Good morning.

7 SUZANN CROMER: Good morning.

8 MADAM CLERK: If you would, place your left hand on the
9 Bible. Raise your right hand. Do you solemnly swear or affirm
10 to truthfully answer all questions asked of you by this Court,
11 so help you God?

12 SUZANN CROMER: I do.

13 MADAM CLERK: Thank you.

14 SUZANN CROMER, DIRECT EXAMINATION

15 BY SOLICITOR JONES:

16 Q. Good morning.

17 A. Good morning.

18 Q. Ms. Cromer, where do you work?

19 A. I'm employed by the South Carolina Law Enforcement
20 Division, commonly referred to as SLED.

21 Q. And in what capacity do you work with SLED?

22 A. I am a firearm and tool mark examiner in the Forensic
23 Services Laboratory.

24 Q. What does that mean?

25 A. What we do is called firearms identification. We look

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SUZANN CROMER - DIRECT - JONES

1 at ammunition components to determine whether they were fired
2 by or loaded into and extracted from a specific firearm. If we
3 just have bullets in a case, we can at them, look at the
4 rifling marks, and maybe give an investigator a list of
5 potential firearms they're looking for. We can compare those
6 ammunition components back to specific firearms to see whether
7 or not they were fired by a gun.

8 We also do tool mark exam, bolt cutters on padlocks, prime
9 marks on safes. We do destruction of weapons for agencies.
10 And we also do the Integrated Ballistics Identification
11 Systems, which is a digital database of images of cartridge
12 cases that is searchable and can link two seemingly unrelated
13 cases together.

14 Q. And did you have to receive specialized training and
15 education to achieve this position?

16 A. Yes, I did. I have a bachelor's degree from Clemson
17 University. I did some graduate work at the University of
18 South Carolina in criminal justice, where I did an internship
19 in the SLED firearms department. I have completed SLED's in-
20 house training program, which is a three- to five-year intense
21 study program. It's more of an apprenticeship where you work
22 under court-qualified firearms examiners preparing cases for
23 them.

24 We also have a training manual. And then completion of all
25 the segments in the training manual. We are given a

1 comprehensive final exam, which is S.A. terms and mock cases.
2 That is graded on by your lieutenant and your training officer
3 before you are deemed allowed to work cases on your own.

4 Q. And have you testified in court before?

5 A. Yes, I have.

6 SOLICITOR JONES: Your Honor, at this time, the State moves
7 in Ms. Cromer as an expert in firearms and tool marks.

8 MS. CAMPBELL: No objection.

9 THE COURT: Ladies and gentlemen, in this case, Ms. Cromer
10 is being qualified as an expert in the area of firearms and
11 tool mark examination. That allows her to give her opinion and
12 the reasons for her opinion. And again, just like every other
13 witness, that's for you to use as you see appropriate and as
14 compared to other evidence in this case.

15 SOLICITOR JONES: Thank you, your Honor.

16 BY SOLICITOR JONES:

17 Q. Ms. Cromer, were you asked to analyze some items of the
18 case we're here for today?

19 A. Yes, I was.

20 Q. Okay. First, I'm going to show you what's been marked
21 State's 54. Can you recognize that item?

22 A. Yes. These were my items, 4, 5, 6, and 7. These were
23 all fired bullets that I examined, and they are all still in a
24 sealed container with my initials and sealed date.

25 Q. Where did those bullets come from?

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SUZANN CROMER - DIRECT - JONES

1 A. I received them from my Evidence Control Department
2 from the Beaufort -- and they were submitted there from
3 Beaufort County.

4 Q. Okay. And you recognize that those are the ones you
5 tested? Did you make any markings on those envelopes?

6 A. Yes, I did. And I've marked on the envelopes with lab
7 number, item number, and initials. And I actually scribe on
8 each piece of evidence my lab number, my item number, and my
9 initials. But as I said before, they're all still in
10 containers sealed with my initials and sealed date.

11 SOLICITOR JONES: Your Honor, at this time, the State moves
12 54 into evidence.

13 MS. CAMPBELL: No objection.

14 THE COURT: Without objection.

15 ITEM IDENTIFIED AS FIRED BULLETS

16 MARKED STATE'S EXHIBIT NUMBER 54

17 ADMITTED AS EVIDENCE.

18 BY SOLICITOR JONES:

19 Q. The smaller bags in here containing the singular
20 bullets, who does the sticker say they belong to, they came
21 from?

22 A. These are all labeled with an F.A. number, which is
23 usually Forensic Autopsy, from Ronnie Brown.

24 Q. Ronnie Brown?

25 A. Sorry. Ronnie Black. Excuse me.

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SUZANN CROMER - DIRECT - JONES

1 Q. Okay. So those are the bullets collected from Mr.
2 Black's autopsy.

3 A. Correct.

4 Q. Okay. So I want to now get into some of the weapons
5 you analyzed. You first analyzed a .45 caliber pistol,
6 correct?

7 A. That is correct.

8 Q. Okay. And is this the pistol you analyzed? State's
9 49.

10 A. What I'm doing is I'm looking for where I actually
11 scribed on this firearm my lab number, my item number, and my
12 initials. And this was the -- my Item 3 in this case. It's an
13 EAA Witness firearm in .45 caliber.

14 Q. Okay. Any of the bullets you were asked to analyze,
15 were any of them .45 caliber bullets?

16 A. No, they were not.

17 Q. And you'd need a .45 caliber bullet to fire that
18 weapon.

19 A. That's correct.

20 Q. We're going to next move on to State's 48. Were you
21 asked to analyze that weapon?

22 A. State's 48 was my Item 2. This is a Six-Hour Model
23 P226 .9 millimeter Luger firearm.

24 Q. And when you're analyzing both of these items, do they
25 appear to be in working order?

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SUZANN CROMER - DIRECT - JONES

1 A. Yes. What we do is, we look at them, we check them,
2 and then we test fire them to make sure they're in working
3 order.

4 Q. And finally, I'm going to show you what has been
5 already admitted as State's Exhibit 47.

6 A. State's Exhibit 47 was my Item 1. This is an R.E.
7 Model .38-S revolver.

8 Q. Okay. Is there anything -- I just saw you move it a
9 little bit. Is there anything that stood out to you about this
10 handgun?

11 A. When I received it, it was very obvious that the frame,
12 which is the part of the firearm is cracked in two places, one
13 right here at the top strap, and one down here by the trigger.

14 Q. When you are -- before you analyze these weapons, do
15 you photograph them?

16 A. Yes, I do.

17 Q. Okay. I'm going to show you now State's 30 through 38.
18 Do you recognize those?

19 A. Yes, I do. These were some of my examination photos.

20 Q. And are those fair and accurate copies of those photos?

21 A. They are.

22 SOLICITOR JONES: Your Honor, at this time, State moves
23 State's 30 through 38 into evidence.

24 MS. CAMPBELL: No objection.

25 THE COURT: Without objection.

1 SOLICITOR JONES: Permission to publish?

2 THE COURT: You may.

3 ITEMS IDENTIFIED AS PHOTOGRAPHS

4 MARKED STATE'S EXHIBIT NUMBERS

5 30 THROUGH 38

6 ADMITTED AS EVIDENCE.

7 BY SOLICITOR JONES:

8 Q. And before we look at these, are these all photographs
9 from that revolver?

10 A. Yes, they are, correct.

11 Q. Okay. What is this picture showing?

12 A. Those were the fired cartridge cases that we removed
13 from the cylinder of this firearm.

14 Q. Okay. I want to direct you to the three cases on the
15 top. They appear to be more silver color. What is significant
16 about those, as opposed to the ones below?

17 A. Those are what we call .38 Special Plus P caliber.
18 Plus P means overpower, so there's motion pressure involved in
19 that cartridge, so it's going to cause more -- more pressure,
20 more power, more velocity from the bullet coming out of the
21 barrel.

22 Q. Are those typically loaded into revolvers?

23 MS. CAMPBELL: Objection, your Honor.

24 A. Typically --

25 MS. CAMPBELL: Typically loaded it? How would she have the

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SUZANN CROMER - DIRECT - JONES

1 scientific data to back that up?

2 THE COURT: Okay. I think she could -- I think you could
3 rephrase the question to get what you're asking.

4 BY SOLICITOR JONES:

5 Q. Do you commonly find those types of bullets loaded into
6 semi-automatic weapons, as opposed to revolvers?

7 A. Well, .38 Special is typically a revolver caliber.
8 Plus P is that firearm needs to be designed to be able to fire
9 a cross-feed, because it's higher pressure. If you have a
10 firearm that's not designed to handle Plus P ammunition, it
11 could damage the gun.

12 Q. Okay. Going on to the next, State's 31. Is that the
13 barrel of this revolver?

14 A. That is actually the cylinder before we removed those
15 cartridge cases out.

16 Q. Okay. And State's 32?

17 A. That was how we received the firearm in the box.

18 Q. State's 33?

19 A. That picture was to document the gap between the top
20 strap and the back of the frame where the cylinder is to show
21 that this is -- could not be fired in the condition we received
22 it.

23 Q. Okay. And State's 34?

24 A. That's just another picture to demonstrate the crack at
25 the lower level by the trigger.

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SUZANN CROMER - DIRECT - JONES

1 Q. And State's 35 would just be a close-up of that?

2 A. That's correct.

3 Q. State's 36?

4 A. Another close-up of the back where the crack is at the
5 together.

6 Q. I'm going to skip State's 38. And what is going on
7 with the weapon in this picture?

8 A. As I received this gun, we could not fire it. And to
9 get my test specimens to compare projectiles, I have to fire
10 this weapon. So we had to kind of rig it a little bit to be
11 able to shoot it. As I said before, when I first received it,
12 it was not able to be fired, because, as you can see, there's
13 this huge gap here. The trigger -- the firing pin actually has
14 to come through and hit the back of these cartridges in the
15 cylinder. There wasn't enough room. So we had to have
16 something that would hold this together so we could actually
17 shoot test specimens out of this firearm. So we had a metal
18 file and we had some heavy-duty cable ties. So, to hold it
19 together, that's what we had to do. We had to place the metal
20 file on here, strap it down with heavy-duty cable ties, and
21 then shoot it into our bullet recovery room. .

22 Q. And the test specimens that were fired from that gun,
23 were those -- were you able to do any sort of analysis with
24 those and the ones provide from the autopsy?

25 A. Yes. What I did is, we fired this gun six times. And

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1 then I go back to my comparison microscope. I look at them,
2 and then I compare them to the evidence that I have. All the
3 bullets I received in this case were nominal .38 Special or
4 .357 Magnum caliber. Both of those calibers -- you can load
5 one bullet in both of those calibers. The difference is the
6 actual cartridge cases loaded into.

7 So I took them back. I compared them against my evidence.
8 And my tests were inconclusive. I did note some similarities
9 between the evidence specimens that I had and my test bullets,
10 but it was not enough for me to say whether or not they were
11 fired by this gun.

12 Q. Could that possibly be because the gun was extremely
13 damaged?

14 A. It could be.

15 Q. Okay. I have another question going back to different
16 sources of bullets. Are you familiar with the term hollow
17 point or hollow tip?

18 A. Yes, I am.

19 Q. What is that?

20 A. A hollow-point bullet is a bullet that has basically
21 what it says. It's hollow at the tip. And they make them
22 because they're supposed to hit their target and expand all of
23 their energy in that target. They're not supposed to go
24 through a target.

25 Q. Okay. They're very powerful.

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SUZANN CROMER - CROSS - CAMPBELL

1 A. Correct.

2 Q. I want to go now to State's 37. This is showing the --
3 what is this showing?

4 A. This shows the crack in the grip.

5 Q. And now, you can't testify how that got there?

6 A. No, I can't.

7 Q. Because you didn't see it happen.

8 A. No, I did not.

9 Q. Would it be consistent with using that gun as a blunt-
10 force instrument?

11 A. It could be.

12 Q. Okay. And I want to go to the cracks down the center
13 of the gun that we saw multiple pictures of. Again, you don't
14 know how those cracks got there; you don't know how the gun was
15 broken.

16 A. That's correct.

17 Q. Would it be consistent or could it happen weakened by
18 using the gun as a blunt-force instrument, followed by the
19 powerful Plus P's being fired through that?

20 A. It could have been.

21 Q. I have no further questions.

22 MS. CAMPBELL: May it please the Court.

23 THE COURT: Yes.

24 SUZANN CROMER, CROSS-EXAMINATION

25 BY MS. CAMPBELL:

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SUZANN CROMER - CROSS - CAMPBELL

1 Q. Good morning.

2 A. Good morning.

3 Q. The Solicitor asked you about the different bullets
4 that were used in the revolver.

5 A. Yes.

6 Q. Right? And she pointed out three silver and three
7 gold, correct?

8 A. Correct. We call it brass, yes.

9 Q. Okay. It's silver and gold to me. Would you like to
10 see a -- and so, I think I heard you correctly when you talked
11 about three of them being the type of casings for bullets that
12 could damage the weapon.

13 A. That is correct.

14 Q. Okay. And again, when the Solicitor asked you about
15 the damage to the weapon, you said, yes, this crack can come
16 from firing these types of bullets, correct?

17 A. Correct.

18 Q. Okay. And I'm just curious, then, if that's where we
19 are -- well, first of all, none of the bullets that you and the
20 Solicitor were talking about are illegal, right?

21 A. That's correct.

22 Q. They're all lawfully sold in the United States to load
23 into handguns, correct?

24 A. Yes.

25 Q. Okay. So I'm curious about State's Exhibit 31.

1 A. Okay.

2 Q. When -- and help us understand. When a revolver
3 shoots, then the barrel -- what do you call it? It turns.

4 A. The cylinder.

5 Q. Yeah. The cylinder turns. And so, then, you're able
6 to fire the next one, right?

7 A. That's correct.

8 Q. And then the next one, and then until you finish.

9 A. It depends on the type of revolver.

10 Q. Um-hmm.

11 A. This revolver is double-action, meaning you can cock
12 the hammer, pull it back, and pull the trigger to fire it, or
13 you can just pull the trigger; it will fire; it'll rotate the
14 cylinder; and fire.

15 Q. So you could fire it by just pulling the trigger.

16 A. That's correct.

17 Q. Okay. And when you received the weapon, the casings
18 were still in it?

19 A. That's correct.

20 Q. Okay. So were you then able to determine, based upon
21 the location of the casings, the order in which they were
22 fired?

23 A. No, because I don't know what condition the cylinder
24 was in or what position the cylinder was in when it was
25 received.

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SUZANN CROMER - CROSS - CAMPBELL

1 Q. So you can't say whether the three gold were fired
2 first or the three -- I'm sorry -- brass, whether the three
3 brass were fired first or the three silver were fired first.
4 You can't tell us that.

5 A. No, I cannot.

6 Q. So, if you fired the three brass ones first, boom,
7 boom, boom, and then you followed up with the three silver
8 ones, which are the more damaging ones, correct?

9 A. Correct.

10 Q. Boom, boom, boom, you could finish the firing with the
11 damaging bullets, correct?

12 A. I do not know what they of -- if this gun had already
13 had coming before it was fired.

14 Q. Right.

15 A. So I can't tell you it could have happened.

16 Q. Obviously. And again, I'm just asking because the
17 prosecutor asked you about the damage to the gun, could it be
18 from using it to strike with, or could it come from using the
19 powerful ammunition. And so, you had indicated, really, I
20 can't say for sure.

21 A. That's correct.

22 Q. Okay. That's all I have.

23 SOLICITOR JONES: Nothing further, your Honor.

24 THE COURT: All right. You are excused. Thank you.

25 SOLICITOR SMITH: Judge, we only have two witnesses left.

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SUZANN CROMER - CROSS - CAMPBELL

1 Do you want to take a quick break right now?

2 THE COURT: That sounds good.

3 Okay, ladies and gentlemen of the jury, don't discuss this
4 case. It wouldn't be appropriate to do so. Go get a cup of
5 coffee, and we'll bring you right back in the courtroom. Okay?
6 Thank you.

7 JURORS LEAVE COURTROOM 11:21 A.M.

8 BAILIFF: Jury's clear, your Honor.

9 THE COURT: Okay. So you've got Presnell left and is it
10 Stoddard or Doscher?

11 SOLICITOR SMITH: Doscher.

12 THE COURT: Doscher's coming. Okay. So those are you two
13 that are left.

14 SOLICITOR SMITH: Yes, ma'am.

15 THE COURT: Ms. Campbell, do you anticipate calling anyone?
16 Obviously, we need to go through your client's rights, but not
17 at this point yet. We're not there yet. But do you anticipate
18 --

19 MS. CAMPBELL: We've talked about it, obviously, before
20 now. And we talked about it again this morning. And what I
21 basically said we would do is, when the State finishes all
22 their witnesses --

23 THE COURT: Um-hmm.

24 MS. CAMPBELL: -- you'll advise him.

25 THE COURT: Okay.

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SUZANN CROMER - CROSS - CAMPBELL

1 MS. CAMPBELL: You will be given a few moments to make that
2 final decision.

3 THE COURT: Okay.

4 MS. CAMPBELL: I can't say that it's finalized right yet.

5 THE COURT: Okay. And that's perfectly fine. Okay. Well,
6 let's just go ahead and take ten minutes now. We'll be back at
7 11:30. We'll start at 11:30, and we'll definitely get these
8 doctors up and out of here. And we'll go from there. Okay?

9 MS. CAMPBELL: Okay.

10 THE COURT: Okay. Thank you. We'll be at ease for ten
11 minutes.

12 OFF THE RECORD 11:23 A.M.

13 BACK ON THE RECORD 11:37 A.M.

14 BAILIFF: The jury is entering the courtroom, your Honor.
15 The jury is seated, your Honor.

16 THE COURT: You all may be seated.

17 All right. Whenever the State's ready to call their next
18 witness.

19 SOLICITOR SMITH: Judge, the State calls Dr. Doscher.

20 THE COURT: Okay.

21 BAILIFF: Right this way to be sworn in.

22 MADAM CLERK: Good morning.

23 DR. ASHLEY DOSCHER: Good morning.

24 MADAM CLERK: If you would, place your left hand on the
25 Bible, and raise your right hand for me. Do you solemnly swear

1 or affirm to truthfully answer all questions asked of you by
2 this Court, so help you God?

3 DR. ASHLEY DOSCHER: Yes.

4 MADAM CLERK: And would you state your name for the record,
5 and also spell it, please.

6 DR. ASHLEY DOSCHER: Ashley Doscher, A/s/h/l/e/y
7 D/o/s/c/h/e/r.

8 MADAM CLERK: Thank you.

9 THE COURT: Thank you.

10 DR. ASHLEY DOSCHER, DIRECT EXAMINATION

11 BY SOLICITOR SMITH:

12 Q. Good morning, Dr. Doscher.

13 A. Good morning.

14 Q. If you could adjust that microphone.

15 A. Um-hmm.

16 Q. Where do you work?

17 A. Beaufort Memorial Hospital.

18 Q. What do you do there?

19 A. I'm an E.R. physician.

20 Q. Okay. How long have you been working at Beaufort
21 Memorial?

22 A. Five years.

23 Q. Okay. Were you working on the night of June 5, June 6,
24 2016?

25 A. Yes.

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DR. ASHLEY DOSCHER - DIRECT - SMITH

1 Q. Okay. And did you treat Greg Black that night?

2 A. Yes.

3 Q. Okay. Do you recall when he was admitted to the E.R.
4 that night?

5 A. In terms of time?

6 Q. Yes, ma'am.

7 A. I can look back at my note. I think it was some time
8 around 11:00.

9 Q. Okay. What was he admitted for?

10 A. Gunshot wound.

11 Q. Okay. How many?

12 A. He had three injuries. He had one on the inside and
13 the outside of his right thigh, and one on the right buttocks.

14 Q. Okay. You said three injuries. Do you know how many
15 times he was shot?

16 A. Likely two.

17 Q. Okay. And why do you say likely two?

18 A. The ones on his thigh looked like through-and-through.

19 Q. Okay.

20 A. So it went in one side and out the other.

21 Q. Okay. And what about the other one?

22 A. The other one was only an entrance wound.

23 Q. Okay.

24 A. And there was no exit to go with that one.

25 Q. And which one was that?

1 A. That was in his right buttocks.

2 Q. Okay. And what was his pain level when he got to you
3 that night?

4 A. We always use a scale of ten, and he was a ten. He was
5 very uncomfor -- very painful.

6 Q. Okay. Did you treat him that night?

7 A. Yes.

8 Q. Okay. Did you make a note or did you get any history
9 as to what had happened to him prior to him coming in?

10 A. I had --

11 MS. CAMPBELL: Objection. Hearsay.

12 THE COURT: Okay. I'm sorry. What was the question?

13 SOLICITOR SMITH: What history she had been given prior to
14 treating him that night.

15 THE COURT: Okay. Overruled. You can ask it.

16 BY SOLICITOR SMITH:

17 A. In the nurse's note, which they -- usually EMS gives us
18 that information -- was that there was a gunshot wound
19 allegedly at his house, and the -- that's about all we knew.

20 Q. Okay. Did you all perform any surgery that night?

21 A. No.

22 Q. Okay. And what happened -- you said one bullet went
23 through-and-through. What about the other bullet?

24 A. The other bullet was near his left hip.

25 Q. Okay. And did you all do anything with that that

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DR. ASHLEY DOSCHER - DIRECT - SMITH

1 evening?

2 A. No.

3 Q. Do you know why?

4 A. We cleaned the wounds, but it wasn't -- it wasn't in
5 the hip joint itself, so sometimes you can do more damage by
6 going in to get it. And since it wasn't causing any life-
7 threatening injury, the orthopedic surgeon elected to not -- to
8 just watch it.

9 Q. Okay. And did you have any or render anymore care to
10 Mr. Black after that night?

11 A. No.

12 Q. And at that point, who would he have been transferred
13 to?

14 A. Dr. Stoddard, who's a orthopedic surgeon at Beaufort
15 Memorial.

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

17 MS. CAMPBELL: No questions.

18 THE COURT: All right. May Dr. Doscher be excused?

19 DR. ASHLEY DOSCHER: Thank you.

20 THE COURT: The State will call their next witness.

21 SOLICITOR SMITH: Call Dr. Presnell.

22 THE COURT: Okay.

23 BAILIFF: Right this way to be sworn in.

24 MADAM CLERK: Beaufort Memorial.

25 DR. SUSAN ERIN PRESNELL: Hello.

1 MADAM CLERK: If you would, place your left hand on the
2 Bible. Raise your right hand for me. Do you solemnly swear or
3 affirm to truthfully answer all questions asked of you by this
4 Court, so help you God?

5 DR. SUSAN ERIN PRESNELL: Yes, may.

6 MADAM CLERK: Thank you. Have a seat. And you can adjust
7 this.

8 DR. SUSAN ERIN PRESNELL: Okay.

9 MADAM CLERK: And if you would, state your name for the
10 record and spell it.

11 DR. SUSAN ERIN PRESNELL: My name is Susan Erin Presnell.
12 It's --

13 MADAM CLERK: Susan and?

14 DR. SUSAN ERIN PRESNELL: Presnell is P/r/e/s/n/e/l/l.

15 DR. SUSAN ERIN PRESNELL, DIRECT EXAMINATION

16 BY SOLICITOR SMITH:

17 Q. Dr. Presnell, where do you work?

18 A. I'm a forensic pathologist at MUSC in Charleston.

19 Q. Can you tell us about your education background and
20 training.

21 A. So, let's see, I went to Clemson for undergrad, and I
22 majored in microbiology. And then I moved to Charleston, this
23 is 1989, to go to medical school. I finished medical school,
24 chose pathology as my field of medicine to practice in. I did
25 five years of the training for pathology, which is general

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DR. SUSAN ERIN PRESNELL - DIRECT - SMITH

1 pathology, and then an additional year for forensic pathology.
2 Then I finished my formal training, and so I took the board.
3 So I'm board certified in general pathology and forensic
4 pathology.

5 Q. What kind of -- have you testified in court before?

6 A. Yes, I have.

7 Q. Okay. And you've been declared an expert in forensic
8 pathology before.

9 A. Yes.

10 Q. Okay. How many times have you testified?

11 A. It would be an estimate. A hundred and fifty, maybe.

12 SOLICITOR SMITH: Judge, at this time, we'd move Dr.
13 Presnell in as an expert in forensic pathology.

14 MS. CAMPBELL: No objection.

15 THE COURT: Ladies and gentlemen, Dr. Presnell has been
16 qualified as an expert in forensic pathology. Again, this for
17 her to use -- or for you to use her information as you see
18 appropriate and as compared to the other evidence. And again,
19 that allows her to give her opinion and the reasons for her
20 opinion. Thank you.

21 BY SOLICITOR SMITH:

22 Q. Dr. Presnell, did you conduct the autopsy on Ronnie
23 Black on June 7, 2016?

24 A. Yes, June 7th.

25 Q. Okay. And what -- who asked you to perform the

1 autopsy?

2 A. The deputy coroner of Beaufort County, Mr. Ott.

3 Q. Okay. And what information did you have now you
4 started?

5 A. Basically that there was an altercation, and the person
6 that I saw sustained multiple gunshot wounds and was deceased.

7 Q. Okay. Can you tell us a little bit about Ronnie Black,
8 his size and everything prior to.

9 A. Let's see. Mr. Black weight 245 pounds; is 71 inches
10 in length, which is 5-11; and was 61 years old.

11 Q. Okay. Tell us about your findings from the autopsy.

12 A. Well, so just to summarize, Mr. Black had four gunshot
13 wounds. And he has two to the chest; one to the left side; and
14 one to his left arm. The gunshot wounds I can go through now
15 or later.

16 Q. Sure. Yeah, let's do that. I'm going to hand you
17 what's previously been marked as State's 45.

18 MS. CAMPBELL: May we approach?

19 THE COURT: Sure.

20 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
21 HEARING OF JURORS. PRESENT: THE COURT,
22 SOLICITOR SMITH, MS. CAMPBELL.
23 END BENCH CONFERENCE.

24 BY SOLICITOR SMITH:

25 Q. Dr. Presnell, if you would come here.

1 All right. Dr. Presnell, why don't you tell us about the
2 four gunshot wounds.

3 A. Okay. First, this is a copy of the diagram of the --
4 the man that we would use at the time of autopsy. And so, we
5 make markings on when we do the external exam.

6 Like I said, Mr. Black had four gunshot wounds. Let me
7 just put them on here, and then I'll go through them.

8 Okay. I hope that shows up okay.

9 Basically, he had two to the upper chest. They're just a
10 little bit to the left of the mid-line. This one right here
11 goes in; goes through the aorta and the heart; goes --
12 continues down through the liver; and we recovered the bullet
13 down on the right side there, again.

14 Q. Doctor, will you illustrate the direction that you're
15 talking about.

16 A. I'm kind of nervous, because it's a Sharpie, and I
17 can't erase it.

18 Q. Okay. And can you just demonstrate on there where you
19 recovered it from.

20 A. Down this -- this area where the X is, more towards the
21 back.

22 This gunshot wound, the one to the -- the top one there is
23 going down, down on his body, towards his back, and from his
24 left to his right.

25 Q. This gunshot wound here is actually going down and

1 towards his back, but towards his left. And this goes through
2 -- also goes through the heart; goes through the left lung; and
3 the bullet is recovered somewhere back in the left, the left
4 back area.

5 Okay? So two the front. One going this way, and one going
6 this way.

7 Then we have the gunshot wound that I've drawn right here.
8 It's actually a little bit off his back, but it's easier to see
9 a picture than the -- the forward -- the forwarded diagram.
10 This is going a little bit up. And it goes through his
11 stomach, his liver, and we get the bullet right here on his
12 right side.

13 And then finally, we have the one on the back of the left
14 arm, which is -- notate -- just make a notation that this
15 diagram is somebody in anatomical position, which is faced
16 forward, hands, palms forward. And of course, no one stands
17 like that. So your, for instance, arms typically move around.
18 But with him in anatomical position, this is going down on him,
19 and going a little bit forward on his arm, and a little bit
20 towards his right.

21 This just hits soft tissue, muscle. It does not hit a bone
22 mass.

23 Q. Dr. Presnell, in your report, the different shots you
24 label as A, B, C, and D. Can you label them as you did
25 according to your report.

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DR. SUSAN ERIN PRESNELL - DIRECT - SMITH

1 A. So the two to the chest are A and B. I'm not implying
2 a particular order. We're just labeling the gunshot wounds as
3 we come across them on the body. So A and B are to the chest;
4 C is to the back of the left arm; and D is to the left side.

5 Q. Dr. Presnell, with regard to C and D, hypothetically,
6 had the victim received C then D, or D then C, would those
7 shots have killed him, the victim?

8 A. Well, C is not necessarily life threatening. D is
9 potentially life threatening. It goes through the stomach and
10 the liver. So, if he had not gotten treatment, he could have
11 still died from the gunshot wounds he --

12 COURT REPORTER: I'm so sorry. *If he had not gotten*
13 *treatment, he still could have died from?*

14 A. Gunshot wound D.

15 Q. And what about A and B?

16 A. A and B, both of them go through the heart and the
17 aorta. The -- these were not survivable injuries.

18 Q. Thank you, Dr. Presnell, for -- also, in addition to
19 the gunshots, what other injuries did you observe?

20 A. Well, actually, he has a elongated mark on the left
21 side of his chin. Looks like a graze wound. And if you move
22 his head over so slightly, it actually lines up with gunshot
23 wound A. So it really is a continuum of gunshot wound A. He
24 also had several lacerations on his forehead. Lacerations are
25 when some type of blunt trauma hits the skin and causes it to

1 split. He had a long laceration on the central forehead,
2 smaller one up on the right, and a curved one on the top of the
3 forehead, and also another pattern-type curved laceration on
4 the top of the forehead.

5 Q. You can return to the stand. Thank you.

6 With regard to the gunshots real quick, with regard to
7 gunshots A and B, you say that they were going in a downward
8 trajectory. Is that right?

9 A. Correct.

10 Q. Okay. What gunshots A and B be consistent with someone
11 that was on their knees when they were shot?

12 A. It could have been. Again, the direction is diagram as
13 the person in anatomic position. So, if a gunshot wound's
14 going in the chest and ending up right here, then the bullet's
15 coming from this direction. So, if the person's on his knees,
16 it certainly could have come from up above. If he's leaning
17 forward, it could have come from in front.

18 Q. Thank you. Now, let's go to the lacerations on the
19 head.

20 A. Yes.

21 Q. And I'm going to show you what's previously been marked
22 as State's 39 and 40. Do you recognize those photos?

23 A. These are photos taken at the time of autopsy.

24 Q. Okay. And are those fair and accurate depictions of
25 the victim's hand -- or head at that time?

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DR. SUSAN ERIN PRESNELL - DIRECT - SMITH

1 A. Yes.

2 Q. Okay.

3 SOLICITOR SMITH: At this time the State would move 39 and
4 40 into evidence.

5 MS. CAMPBELL: Just note for the record the defendant's
6 prior objections to those two particular photos.

7 THE COURT: Okay. Thank you. I appreciate that.

8 SOLICITOR SMITH: Judge permission to publish?

9 THE COURT: You may.

10 ITEM IDENTIFIED AS PHOTOGRAPH

11 MARKED STATE'S EXHIBIT NUMBER 39

12 ADMITTED AS EVIDENCE.

13 ITEM IDENTIFIED AS PHOTOGRAPH

14 MARKED STATE'S EXHIBIT NUMBER 40

15 ADMITTED AS EVIDENCE.

16 BY SOLICITOR SMITH:

17 Q. All right. Looking at State's Number 40, can you
18 explain, further explain, the lacerations you were just talking
19 about.

20 A. Let's see. Well, they have the appearance of what the
21 diagram did. So you can see on the front of his forehead that
22 elongated, long abrasion; and then more on the top of his
23 forehead, off to the -- his right, you have the smaller,
24 linear-looking abrasion; and then more on the central area of
25 the top of the head you have that curvy linear mark and that

1 patterned, partly curved laceration as well.

2 Q. And Dr. Presnell, would those abrasions be consistent
3 with being beat in the head with a gun?

4 A. Yes.

5 Q. Okay. And is it possible or would it be possible that
6 this was more than one hit to the head?

7 A. This is at least four hits to the head.

8 Q. Thank you. Dr. Presnell, after the victim was shot,
9 gunshots A and B, what's the -- how immediate -- are these
10 immediately -- would he have immediately have died, or very
11 shortly thereafter?

12 A. Well, I like to -- well, he certainly -- yes, he would
13 have died shortly thereafter. He probably would have -- he may
14 or may not have had consciousness. If he did, it was probably
15 less than ten to fifteen seconds, and I only use that because
16 the literature says if the blood flow is cut off to the brain
17 that you have up to ten to fifteen seconds of consciousness
18 remaining. So he would not have lived very long at all.

19 Q. Is it possible it could have been less than ten
20 seconds?

21 A. Yes, he could have had an immediate collapse as well.

22 Q. Okay. Dr. Presnell, what did you deem the cause of
23 death to Mr. Black?

24 A. Disruption, so tearing apart of the aorta, the heart,
25 the lung, and the liver due to the three gunshot wounds to the

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DR. SUSAN ERIN PRESNELL - DIRECT - SMITH

1 chest and the side. And then I made the gunshot wound to the
2 arm as contributory.

3 Q. And what did you deem the manner of death?

4 A. The manner of death is homicide, meaning that he died
5 at the hands of another.

6 SOLICITOR SMITH: That's all I have for this witness.
7 Thank you.

8 THE COURT: Ms. Campbell.

9 DR. SUSAN ERIN PRESNELL, CROSS-EXAMINATION

10 BY MS. CAMPBELL:

11 Q. Still good morning, I think.

12 A. Four minutes. Little bit.

13 Q. I heard you answer -- well, first of all, the
14 prosecutor has gone over your testimony with you and your
15 report, right?

16 A. Yes.

17 Q. Okay. So she is inquired with you and talked about the
18 questions that she was going to ask you today, right?

19 A. Wait. Actually, let me correct. She hasn't gone over
20 what my testimony would be.

21 Q. No, right.

22 A. But right, what the -- yes, and we've discussed the
23 autopsy, the autopsy findings, and what my thoughts and
24 interpretations were of those injuries.

25 Q. Right. And so, when you're examining, unaware of

1 things like the handguns found at the scene; you're just
2 focusing on the body, right?

3 A. Correct.

4 Q. Okay? So the prosecutor is the one, I guess, who then
5 gave you the information that a handgun may have been used to
6 strike Mr. Black in the head, right?

7 A. She did say that that was a possibly.

8 Q. Okay. And so, and then, of course, asks you whether
9 it's consistent with a handgun striking on the head, correct?

10 A. Yes

11 Q. Okay. Now, I don't know, I'm just going to say falling
12 hard, collapsing, down on wooden boards, would you tell the
13 jury that that would also be consistent with a slash or a gash
14 on the head?

15 A. Yes, falling onto -- well, like I was saying earlier, a
16 laceration is caused by blunt trauma, so not sharp like a
17 knife, but something blunt, like a ground could be it.

18 Q. Um-hmm.

19 A. So falling on the ground could cause the skin to split.

20 Q. Okay. And the order in which the skin split, you can't
21 tell us how that happened, right?

22 A. Correct.

23 Q. So what you really know is that there are some gashes
24 to the head, correct?

25 A. There are lacerations to the head, yes.

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DR. SUSAN ERIN PRESNELL - DIRECT - SMITH

1 Q. And it came from something hitting his head.

2 A. It came from something blunt --

3 Q. Uh-huh.

4 A. -- striking his head. And I will point out that two do
5 have a curvy, linear appearance, and one has a certain pattern
6 as well, which, so those two in particular kind of argue
7 against a flat, broad, wood floor.

8 Q. And that's up top, right?

9 A. It is.

10 Q. Yes. And the one long one across the forehead, that is
11 -- that's right there and it's unlike the ones on the top,
12 right?

13 A. There's -- so it's not like the two that are pattered
14 on the top, and yes, so it's an elongated one and could have
15 been caused by falling on the floor as well.

16 Q. Okay. Now, the prosecutor asked you, but I'm going to
17 confirm. You have no way of knowing, nor testifying, whether
18 A, B, C, or D came first.

19 A. Yes. As I mentioned earlier, the A, B, C, D was just
20 the order that I examined the wounds at autopsy.

21 Q. Okay. And she asked you the hypothetical question, so
22 I'm going to go there as well and say, hypothetically, so you
23 get shot in the arm, right?

24 A. Correct.

25 Q. Okay. And in the order in which the next three take

1 place could be any order, right?

2 A. Yes, even the arm could be any order. From my findings
3 at autopsy, looking at the injuries don't give me the order.

4 Q. And so, arm can be first, others follow in whatever
5 order. That is definitely a possibly, along with many other
6 possibilities, correct?

7 A. Correct.

8 Q. On the order.

9 A. Yes, based on the autopsy alone.

10 Q. Okay. And also, when someone is moving around forward
11 or to the side or falling to their knees, that can change the
12 trajectory of the entrance wound as it coming out of the body,
13 right? Positioning of the body.

14 A. Well, certainly. And again, I made reference to on my
15 diagram the person is in anatomic position. We know -- the
16 trajectory doesn't change through the body. It is what it is.
17 But you can move the body to -- to demonstrate the different
18 angles that a bullet could have entered.

19 Q. So was it C that went through over here and then to
20 this side of the body?

21 A. That was D.

22 Q. D. Okay. So C is the arm.

23 A. Yes.

24 Q. D is the side-to-side.

25 A. Correct.

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DR. SUSAN ERIN PRESNELL - RE-DIRECT - SMITH

1 Q. And then A and B are up here.

2 A. Yes.

3 Q. And you said Mr. Black was about 5-11?

4 A. Yes.

5 Q. Okay. That's all I have. Thank you.

6 THE COURT: Thank you.

7 SOLICITOR SMITH: Re-direct, Judge?

8 THE COURT: Yes.

9 DR. SUSAN ERIN PRESNELL, RE-DIRECT

10 EXAMINATION BY SOLICITOR SMITH:

11 Q. Where the shots are -- C, would that have been
12 consistent with someone defending themselves lifting up an arm?

13 A. Well, again, it -- look at where it goes in, which is
14 towards the back of the arm. Of course, in the anatomic
15 position it looks like it changes a little bit, but it's the
16 back of the arm if you're standing like this. And the bullet
17 is going to right here. So this is the direction. So I'm,
18 anything, move the arm to wherever the bullet's going to come
19 from, so I'm not sure how -- that would be a pretty --

20 SOLICITOR SMITH: Right.

21 A. -- acute angle to -- to be a defensive posture and go
22 from here to here.

23 Q. Okay. Thank you.

24 DR. SUSAN ERIN PRESNELL, RE-CROSS-

25 EXAMINATION BY MS. CAMPBELL:

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THE THE COURT

1 Q. I think your answer was no.

2 A. Yeah, it doesn't look like that would be the case.

3 Q. Thank you.

4 BY THE COURT:

5 THE COURT: Anything else?

6 SOLICITOR SMITH: No, ma'am.

7 THE COURT: Any objection to Dr. Presnell's being excused?

8 SOLICITOR SMITH: No.

9 THE COURT: You are excused. Thank you.

10 DR. SUSAN ERIN PRESNELL: Thank you.

11 SOLICITOR SMITH: With that, the State rests.

12 THE COURT: Ladies and gentlemen, at this time the State
13 has rested their case. There is a matter of law I need to take
14 up with the attorneys very briefly. And then I will get you
15 right back out here and tell you where we're going from here.
16 Okay? Again, do not discuss the case. It wouldn't be
17 appropriate to do so. Thank you.

18 JURORS LEAVE COURTROOM 12:07 P.M.

19 MOTIONS AND RULINGS:

20 BAILIFF: The jury's clear, your Honor.

21 THE COURT: Thank you. Any motions, Ms. Campbell?

22 MS. CAMPBELL: Yes, your Honor. At this time, I'd make a
23 motion for directed verdict on behalf of my client, Mr. Brown.
24 I'm going to cite the Court three cases to do with the
25 situation we're in right now and self-defense. I'm going to go

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MOTIONS AND RULINGS

1 back to the Dickey case from 2011, and then I'm also looking at
2 the Beulah Butler case from 2014, and then the Shannon Scott
3 case from August 29, 2018.

4 And so, at this juncture, your Honor is concerned with the
5 evidence of self-defense. And so, I'm going to take each prong
6 and place that on the record.

7 So, first of all, there's been testimony in the record that
8 Joseph Brown and Denise Brown and Ronnie Black were all three
9 lawful residents of [REDACTED] Big Estates Circle. And so, the
10 component of self-defense that deals with this notion of a duty
11 to retreat is null and void.

12 Then we move on to the testimony with regard to how and
13 when and the manner in which Ronnie Black armed himself. So
14 it's uncontroverted from the testimony in the case that Denise
15 Brown, Greg Black, and Joseph Brown all gave information that
16 on the porch Ronnie Black had his handgun in his hand, and it
17 was by his side.

18 Now, at some point, they differ a little bit about how far
19 it was raised up, but the record is clear: Greg Black, Denise
20 Brown, and Joseph Brown, who were the other three people on the
21 porch, place a handgun in Ronnie Black's left hand.

22 Now, there is no testimony or evidence that Joseph Brown
23 started this verbal argument. There is ample evidence that
24 Ronnie Black started an argument with Denise Brown over a bag
25 of trash at the back door; that Greg Black interjected himself

1 into the argument between father and daughter, which the
2 testimony shows was verbal; that Joe Brown was in his vehicle,
3 outside of the house when this argument began, and he heard his
4 wife yelling and screaming along with Mr. Black. Raised voices
5 to the point that it caused him concern. We listened to his
6 statement to law enforcement about his wife and her safety and
7 what is going on. He had already taken possession of his
8 weapon when he and the wife, three young children had come home
9 to a house that was without power. And he was trying to get
10 the family in the house safely, as he said in his statement,
11 from any wild animals or perhaps intruders or whomever might be
12 waiting there. Past experience had shown that the house had
13 been broken into before, so it was prudent and responsible for
14 him to attempt to bring the family in the house safely. Now,
15 Ronnie Black and Greg Black were not there at that time.

16 So he approached the house, went in the house to find out
17 what was happening with his wife. And he did in some manner of
18 peacefulness, trying to diffuse the situation. Then they found
19 themselves on the front porch through either Greg Black's
20 invitation or not. But in any event, those adults moved to the
21 porch.

22 Mr. Ronnie Black at that time, according to the testimony
23 from Greg Black, at a minimum was armed with his handgun in his
24 waistband, clearly visible for all to see at that point, once
25 they were on the porch. He had on no jacket.

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MOTIONS AND RULINGS

1 Now, the test, you know, Joe Brown would have to actually
2 believe he was in imminent danger of losing his life, and in
3 fact, what the situation that confronted him was Ronnie Black
4 angry with Joe Brown's wife, Denise Brown, and Ronnie Black had
5 a handgun in his left hand. And you know, went so far as to
6 say Joe and Denise through Joe's statement, through Denise's
7 testimony, Mr. Ronnie, what you doing with the gun; Mr. Ronnie,
8 why you got the gun. So there was even an inquiry as to what
9 is happening. Why are you -- why do you have your gun.

10 A reasonable person faced with an angry person who is
11 pulling out a gun, they're fear of losing their life imminently
12 is responsible, logical, expected even.

13 And as I said, the fourth prong, this whole notion of seek
14 some other avenue of safety; that simply is not includable
15 here. They're all residents of the home; no duty to retreat.

16 And as I said on the State v. *Dickey* case, that was an
17 issue where whether or not the trial judge should have granted
18 a directed verdict on self-defense at this juncture, and the
19 Court said that they should have, the Court should have. And
20 we believe in our case that the defendant is entitled to a
21 directed verdict on the issue of self-defense because of the
22 uncontroverted facts, particularly that Ronnie Black had armed
23 himself, had a gun in his hand, on the porch. These are
24 uncontroverted facts, which establish self-defense as a matter
25 of law. Thank you.

1 THE COURT: Yes.

2 SOLICITOR JONES: Thank you, your Honor. May it please the
3 Court. Respectfully, I disagree with Ms. Campbell's analysis
4 of the facts as they were presented from the witness stand this
5 week. I believe that this is an issue of fact. There are
6 multiple issues that the jury needs to consider when taking
7 this case.

8 The elements of self-defense, as your Honor knows, all four
9 must be met. And this one, obviously, the duty to retreat, he
10 is exempt from that; he does not have to leave. The State
11 concedes that. However, the other three all have to be
12 together; they all have to be met. And in no way, shape, or
13 form going to a verbal argument armed, escalating the argument,
14 yelling, without difficulty of bringing on the situation.

15 He most certainly was at fault in bringing on the
16 difficulty. He went to this verbal argument between a father
17 and a daughter; he began yelling; and he had his gun, which was
18 loaded. He was the one that pulled the gun. I disagree with
19 her alleging uncontroverted facts about whether the gun was in
20 Mr. Ronnie's hand or not. Clearly, at best, it's been
21 inconsistent. Mr. Greg Black said multiple times it was not in
22 his hand. However, during some of his earlier -- during one of
23 his earlier interviews he did say his dad had it in his hand.
24 Ms. Denise Brown gave multiple renditions of where the gun was.
25 And finally, at the end, she said she didn't see; her back was

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DEFENDANT'S RIGHTS

1 towards her dad. Because of that, the State feels that this is
2 a case that the jury gets to decide, based on those factual
3 issues.

4 THE COURT: All right. Well, taking evidence in the light
5 most favorable to the State, as I'm required to do, I do
6 believe this is a factual issue for the jury. So respectfully,
7 I'm going to deny your motion, Ms. Campbell.

8 DEFENDANT'S RIGHTS:

9 THE COURT: Do you want to talk to your client now about
10 whether or not he wishes to testify? Let's go ahead and do
11 that. Okay. You will please stand.

12 I'm sorry?

13 MS. CAMPBELL: For the record, I am not aware of any prior
14 convictions or anything of that nature that the State would be
15 able to look to in impeaching him or cross-examining him. And
16 I'd just like that confirmed for the record, so we can make an
17 informed decision.

18 SOLICITOR JONES: While lengthy, nothing within the past
19 ten years that's admissible.

20 THE COURT: Okay. Thank you. All right.

21 Sir, if you'd just raise your right hand. Do you swear or
22 affirm the testimony you give to be the truth, so help you God?

23 JOSEPH LEONARD BROWN: Yes.

24 THE COURT: Mr. Brown, at this time, I'm going to explain
25 to you certain rights that you have. If there's anything you

1 don't understand, please just ask me to repeat it or rephrase
2 it. I am happy to do that. All right?

3 Sir, we've reached the stage of the trial where you may
4 present your defense. You have a right to claim the
5 protections that are provided to you by the *Fifth Amendment* to
6 the *Constitution*, which states in small part that no person can
7 be required to testify against themselves in a criminal case.
8 But what I want you to understand, sir, is you also do have the
9 right to testify if you want to. I will go ahead and tell you
10 that if you choose to testify in the trial of this case, the
11 State would be able to examine on anything that I believe is
12 relevant to this case.

13 It sounds like you do not have any prior convictions that
14 can be used against you, but I want you to know that if you do
15 take the stand, the State, I expect them to cross-examine you
16 about this incident and about anything that I find is relevant.

17 Sir, if you choose not to testify in the trial of this
18 case, I will instruct the jury in my jury charge that they are
19 not to consider that in any way whatsoever. And the reason is,
20 is you're not required to prove your innocence. The burden is
21 on the State to prove your guilt as to this charge beyond a
22 reasonable doubt.

23 So, at this point, sir, have you and Ms. Campbell had an
24 opportunity to talk and discuss whether or not you want to
25 testify?

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DEFENDANT'S RIGHTS

1 JOSEPH LEONARD BLACK: Yes.

2 THE COURT: All right. And sir, do you want to testify in
3 this case?

4 JOSEPH LEONARD BLACK: No.

5 THE COURT: All right, sir. And is that your choice?

6 JOSEPH LEONARD BLACK: Yes.

7 THE COURT: All right, sir. Very good. You may sit down.

8 All right. I understand that that is freely and of his
9 choice, Ms. Campbell. At this point, what I would like to do
10 is I'm going to go ahead and -- are you going to put up
11 anything else?

12 MS. CAMPBELL: No. And so, to close the matter out fully,
13 and then I can rest in front of the jury.

14 THE COURT: What I'd like to do, I'd like to bring the jury
15 in here right now.

16 MS. CAMPBELL: Okay.

17 THE COURT: I would like you to rest for the jury. I'm
18 going to send them to lunch for an hour. And we'll talk about
19 the jury charge, so you all can get ready for closings. And
20 then we'll go into closings when we get back.

21 MS. CAMPBELL: And for the record, if I were to just rest
22 formally now, then again in front of the jury, I believe if I
23 do that, then I would renew my directed verdict motion?

24 THE COURT: Yes.

25 MS. CAMPBELL: Okay. So would you prefer I do that now,

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BY THE COURT

1 or?

2 THE COURT: No, because we're going to send them to lunch.
3 So we're just going to bring them back here right now, send
4 them to lunch right now, and then we'll have all the time you
5 need. All right? So you're fine.

6 MS. CAMPBELL: Thank you.

7 BY THE COURT:

8 THE COURT: All right. Let's bring the jury in.

9 BAILIFF: They jury is entering the courtroom, your Honor.

10 THE COURT: Thank you.

11 JURORS ENTER COURTROOM 12:21 P.M.

12 BAILIFF: The jury is seated, your Honor.

13 THE COURT: Thank you. All right, Ms. Campbell, if you
14 would like to go ahead.

15 MS. CAMPBELL: May it please the Court.

16 THE COURT: Yes, ma'am.

17 MS. CAMPBELL: At this time, the Defense rests.

18 THE COURT: Ladies and gentlemen, at this time, both the
19 State and the Defense have rested. What we have left to do is
20 hear the closing arguments from the lawyers; I'm going to
21 charge you on the law that's applicable to this case; and we're
22 going to send it to your deliberations. So, and we are doing
23 all that this afternoon, ladies and gentlemen.

24 But what I need to do is take up some matters with the
25 lawyers, and I don't want you sitting waiting on us, and it's

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MOTION AND RULING

1 right around lunchtime, so I'm going to ask that you all go
2 grab a bite to eat over the lunch hour. And if you would be
3 back to your jury room at 1:30, and we will go ahead and
4 conclude this trial.

5 I'm not exactly sure how long the closing arguments will
6 be. I can tell you that my jury charge usually takes about 20
7 minutes or so to give to you, and then we're going to send the
8 case to you. All right?

9 So that's what we plan on doing this afternoon.

10 I have to remind you that although you have heard all the
11 evidence now in this case, you haven't heard the closing
12 arguments from the attorneys, nor my charge on the law. And it
13 would be highly inappropriate for you to begin discussing this
14 case.

15 Again, don't do any outside research. Go get a bite to
16 eat, ladies and gentlemen, come on back, and we'll see you all
17 back in your jury room at 1:30. All right? Thank you.

18 JURORS LEAVE COURTROOM 12:23 P.M.

19 BAILIFF: Jury's clear, your Honor.

20 MOTION AND RULING:

21 THE COURT: I'm sorry. Ms. Campbell, why don't you go
22 ahead whenever you're ready.

23 MS. CAMPBELL: May it please the Court. Since the
24 defendant has rested, at this time, on behalf of my client, I
25 would renew my motion for directed verdict on the same bases as

1 stated earlier.

2 THE COURT: All right. And again, taking the evidence in
3 the light most favorable to the State, I do think it's a jury
4 issue for the jury to determine.

5 CHARGE CONFERENCE:

6 THE COURT: I would like to go over the jury charge with
7 you all and the verdict form very briefly. And we have got
8 both of your requests for. All right. So in the jury charge,
9 we're charging murder, attempted murder, and possession of a
10 weapon during the commission of a violent crime. I'll charge
11 the presumption of innocence. Reasonable doubt. The jury's
12 duty is to determine the facts; mine is to charge them on the
13 law. Direct and circumstantial evidence. Credibility of
14 witnesses.

15 Prior inconsistent statements. Expert witnesses. The
16 defendant did not testify. I charge them that there are
17 multiple charges in this case, although, I do tell them that
18 they can't find the defendant guilt of possession of a weapon
19 during the commission of a violent crime unless they first, in
20 fact, find him guilty of either attempted murder or murder.

21 We talk about murder. We talk about malice and express
22 malice. And the inferred malice. And of course, because it's
23 a self-defense case, we've taken out anything having to do with
24 a gun for the Belcher case. So that would be included in here.

25 As to the attempted murder, again, the charge of attempted

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CHARGE CONFERENCE

1 murder, again, I tell them a little bit about malice again, but
2 I say it just like I had just stated it to you, so, you know.
3 I repeat it. And then possession of a weapon during the
4 commission of a violent crime. Then we talk about self-
5 defense.

6 The charges the State requested. The State must just prove
7 only one of those elements or these elements of self-defense
8 for it not to apply.

9 What I'm going to talk to you all about is whether or not
10 in the talk about without fault about mutual combat, because
11 that's in the typical charge. And the charge for that is:

12 *If the defendant voluntarily participated*
13 *in mutual combat for purposes other than protection,*
14 *it would not be self-defense. This is true even if*
15 *during the combat the defendant feared death or*
16 *serious bodily injury.*

17 What do you think?

18 MS. CAMPBELL: We would object to that. We think the
19 record is devoid of any evidence that there was any combat
20 taking place between Joseph Brown and Ronnie Black.

21 SOLICITOR JONES: My only concern is that they could infer,
22 based on some of the testimony, that it was some sort of
23 standoff. The defendant says he asked, why you have a gun, why
24 you have a gun. He says the gun was in his hand, and it makes
25 it sound like it's in his hand for at least --

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CHARGE CONFERENCE

1 COURT REPORTER: I'm sorry. *Makes him sound like?*

2 SOLICITOR JONES: -- the gun was in Mr. Ronnie's hand at
3 least long enough to ask those two questions. They could infer
4 that could be mutual combat.

5 THE COURT: Okay.

6 MS. CAMPBELL: And again, under case law, mutual combat
7 regarding a demonstrable mutual agreement to fight on equal
8 terms for the purposes other than protection, and there's
9 nothing like that in the record.

10 SOLICITOR JONES: When they both had guns, your Honor, he
11 inferred that it was mutual combat.

12 THE COURT: I know. Right.

13 SOLICITOR JONES: I don't see how we get past that.

14 MS. CAMPBELL: Says that --

15 THE COURT: They both brought guns.

16 MS. CAMPBELL: That *State v. Taylor*, *State v. Graham*, the
17 fight must arise out of a preexisting dispute. There's no
18 testimony about that.

19 THE COURT: Well, your client, I mean, even in his own
20 video, said many times that --

21 SOLICITOR JONES: This happens all the time.

22 THE COURT: -- they can't stand each other, and that they
23 don't get along at all, and that they have a continued
24 tumultuous relationship.

25 MS. CAMPBELL: Between Ronnie and Denise?

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CHARGE CONFERENCE

1 THE COURT: No. Between Ronnie and your client.

2 MS. CAMPBELL: Okay.

3 THE COURT: He said it in his video for an hour and 40
4 minutes that the guy hated him.

5 MS. CAMPBELL: And again, that statement that your Honor is
6 referencing and that is some of the information with the two
7 motions that we made from the Defense to be able to go into
8 specifics of the confrontations in the past.

9 THE COURT: Okay, but case law is clear that any -- the
10 only thing that's allowed at trial is just a general issue,
11 unless it's close enough in time to when it actually occurred.
12 So. I don't know. Let me think on that. Let me just think on
13 that.

14 Ms. Campbell, you asked for a charge on defense of others.
15 Do you have a position on that as far as the State?

16 SOLICITOR JONES: I do have -- I have Ms. Campbell's -- her
17 proposed charge. The only thing -- I mean, I think he does say
18 he was defending Denise as well. The only concern I have is on
19 Page 6 of her charge, or her proposed charge, when he's going
20 into the defense of others: it is enough Joseph Brown believed
21 the person was in imminent danger. I would just ask that it
22 would be clarified of death or serious bodily injury.

23 THE COURT: Okay. Well, I am using my charge, so it's not
24 a hers, but in my defense-of-others charge it does talk about
25 death or imminent danger. So as long as you print it, I'll go

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CHARGE CONFERENCE

1 ahead and I'll charge it. I mean, this jury would have to
2 think that Mr. Black was going to shoot his own daughter. And
3 while it sounds like they had fights, I don't know. Maybe you
4 all can iron it out, I guess, but.

5 Okay. And then, obviously, the right to act on
6 appearances. The defendant doesn't have to show that he was
7 actually in danger; it's enough that he believes he was. And
8 he can act on appearances.

9 So the State asks me to insert that the portion about
10 excessive force -- here we go -- where the State asks for me to
11 charge:

12 *Ordinarily, one is not justified in shooting*
13 *or employing a deadly weapon after the adversary has*
14 *been disarmed or disabled.*

15 But you go on to re-state the *Hendricks*. It then says:

16 *However, the rule is also when a person's*
17 *justified in firing the first shot, he is justified*
18 *in continuing to shoot until it is apparent that the*
19 *danger to his life and body has ceased.*

20 So I'm fine with putting the first part in, but I'm also
21 putting the second part in. So I just think the Defense would
22 want that. So that in as well.

23 Anything else, Ms. Campbell?

24 MS. CAMPBELL: The Defendant's Proposed Charge on Page 4,
25 the second paragraph and the third paragraph I believe are good

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CHARGE CONFERENCE

1 and correct law on self-defense, and I'm just inquiring to make
2 sure that --

3 THE COURT: That's what I just said, that -- I'm sorry.

4 MS. CAMPBELL: -- that your Honor charges that he's not
5 required to wait until his adversary is on equal terms, until
6 his adversary has fired or aimed his weapon, or leveled a blow
7 upon him. And also, the law of self-defense in South Carolina
8 does not require that any defendant wait until his assailant
9 gets the drop on him. And all defendants have the right to act
10 within the law of self-preservation and prevent the assailants
11 from getting the drop on him.

12 THE COURT: Well, I think 2 and 3 are saying the same
13 thing, just in two different ways. I'll go ahead and add that
14 in, because I think it's appropriate as well.

15 MS. CAMPBELL: Thank you, Judge.

16 THE COURT: Okay. Anything else?

17 SOLICITOR SMITH: Judge --

18 MS. CAMPBELL: I'm sorry.

19 THE COURT: Yes.

20 MS. CAMPBELL: This is -- the defendant made a statement
21 under *Miranda*. Do we need a section on that in the charge
22 about the jury -- I mean, technically, is his statement under
23 *Miranda*, while of course we didn't forcefully argue the *Denno*
24 situation, I do think they may need to be charge on it's your
25 determination whether or not you find it was willingly,

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CHARGE CONFERENCE

1 voluntarily given, you give it, you know, whatever weight you
2 think it deserves. Do you understand the section I'm talking
3 about?

4 THE COURT: I haven't been charging that. I haven't been
5 charging it, but.

6 SOLICITOR JONES: It's up to the jury to determine whether
7 the statement was given freely and voluntarily.

8 THE COURT: Right, but she's asking for a charge. Still, I
9 can tell them that. I mean, that's what you're asking for.

10 MS. JONES: Yeah, and that's fine. I just wanted to make
11 sure.

12 THE COURT: Yes. Do you have a charge to that effect?
13 Because I don't have one.

14 MS. CAMPBELL: On my computer. I can find it at lunch.

15 THE COURT: Will you find it and email it to us. Okay.
16 Okay.

17 SOLICITOR SMITH: Judge, what about voluntary manslaughter?
18 We talking briefly yesterday about that.

19 THE COURT: We did talk briefly. Ms. Campbell?

20 MS. CAMPBELL: We're not requesting it, and we don't think
21 that the facts as the record reflects now would support that
22 decision.

23 THE COURT: Go ahead. And you want to argue it?

24 SOLICITOR SMITH: Judge, there was testimony that Mr. Brown
25 acted in the heat of sudden passion. In the 911 call, he

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BY THE COURT

1 actually says, yes, it was in the heat of the moment and it was
2 life -- it was a life and death. And it fades out.

3 THE COURT: Do you want to respond, Ms. Campbell?

4 SOLICITOR SMITH: Judge, I mean, under the Preston Oates
5 case that came down last year, I mean, I think we have to ask
6 for it. There's no question.

7 THE COURT: I goes I'm having a heard time with that when
8 you talk about any kind of heat of passion, I mean, he's saying
9 that he just -- they were out, he intervened in a fight. I
10 think it's either self-defense or it's murder. I don't think
11 it's -- I don't think it's voluntary manslaughter. I just
12 don't, as far as the facts are concerned. Let me think about
13 it some more, though. And just because he calls it the heat of
14 passion doesn't make it -- I don't know. Let me think about
15 it, but I'm inclined not to, Ms. Smith. Let me just -- let me
16 think about it. Okay? I'll let you all know.

17 Okay. Anything else? No one? Anyone?

18 MS. CAMPBELL: No ma'am.

19 THE COURT: Okay. All right, you all. Go grab a bite to
20 eat. We'll start back up at 1:30 and go from there. Okay?

21 OFF THE RECORD 12:38 P.M.

22 BACK ON THE RECORD 1:49 P.M.

23 BY THE COURT:

24 BAILIFF: All rise. This Court is back in session.

25 THE COURT: Please be seated.

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BY THE COURT

1 So, in going through the charge and just looking through
2 everything, I am not going to charge mutual combat. I just
3 don't think it's appropriate under the facts of this case. So
4 that portion was taken out under self-defense.

5 Also, in my consideration of charging voluntary
6 manslaughter, I went back and re-read the precedent case, which
7 I know is your case, Ms. Smith, if I'm correct. It that -- is
8 this your case?

9 SOLICITOR SMITH: No, ma'am.

10 THE COURT: No? Okay. In our case -- and I also was
11 looking at the Starnes case. In the case that we have here,
12 there was no physical altercation before the shooting. And I
13 don't see anything in the record that suggests that Mr. Black
14 was incapable of cooling off or that he was out of control in
15 any way. I really don't. I think all the evidence shows he
16 acted in a deliberate and controlled manner. And while in the
17 911 tape he does say that he acted in the sudden heat of
18 passion, I think his actions suggest completely otherwise.

19 I think in this case I think the issue for the jury is, and
20 what the evidence shows, is that either the defendant acted
21 with malice or he acted in self-defense. I just don't think
22 it's a voluntary manslaughter case. I mean, just having gone
23 through the whole thing and looking at it, I just don't see it.
24 And I certainly understand that, you know, if there's any
25 evidence whatsoever, you know, of any lesser charge, you're

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BY THE COURT

1 supposed to charge it. But in this case, I really just do not
2 think the facts fit it. So I think it's one or the other. So
3 anyway, I think -- that's my ruling and I'm not going to charge
4 it. Okay?

5 Ms. Campbell, I put in the charge on the statement by the
6 defendant. And I have had it before; I just don't know where
7 it is. But it's been a long time since anyone's asked me for
8 it, but I am going to put that in, because I think it's
9 appropriate.

10 I don't think there was anything else that I told you that
11 I was still kind of on the fence about. I think it's pretty
12 clean, and let's go ahead and just argue..

13 How long are you going to take?

14 SOLICITOR JONES: I'm closing. Thirty-five minutes.

15 THE COURT: Okay. Okay. Ms. Campbell?

16 MS. CAMPBELL: Twenty minutes.

17 THE COURT: Got it. Okay.

18 MS. CAMPBELL: We do need to look at the verdict form.

19 THE COURT: Oh.

20 MS. CAMPBELL: We haven't seen it.

21 THE COURT: I'm sorry. I'm sorry. Did I have it right
22 here. Thank you, Ms. Campbell. Thank you for the reminder.

23 Ms. Campbell and the State, basically what we looked at was
24 just it's just asking as to murder of Ronnie Black, as to
25 attempted murder of Gregory Black, and then possession of a

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CLOSING - THE STATE - JONES

1 weapon during the commission of a violent crime. And I explain
2 in the charge, obviously, that they can't convict him on the
3 third charge unless he's been convicted on either, you know,
4 first or second, so. It's pretty straight-forward. And we can
5 take a look at it, and one for the State.

6 SOLICITOR JONES: It looks good for the State.

7 THE COURT: Okay, the State, no objections. Ms. Campbell,
8 any objection?

9 MS. CAMPBELL: No objection.

10 THE COURT: No objection from the Defense. All right.
11 Let's bring the jury in.

12 BAILIFF: The jury is entering the courtroom, your Honor.
13 The jury is seated, your Honor.

14 JURORS ENTER COURTROOM 2:05 P.M.

15 THE COURT: Welcome back, ladies and gentlemen. At this
16 time, you're going to hear the closing arguments from the
17 attorneys, I am going to charge you on the law that's
18 applicable to this case, and we are going send it to you. All
19 right?

20 So at this time.

21 SOLICITOR JONES: Thank you, your Honor.

22 THE COURT: Mrs. Jones.

23 SOLICITOR JONES: Thank you, your Honor.

24 CLOSING ARGUMENT ON BEHALF OF THE
25 STATE BY SOLICITOR JONES:

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CLOSING - THE STATE - JONES

1 SOLICITOR JONES: The best liar is he who he who makes the
2 smallest amount of lies and the farthest.

3 Joseph Brown is a good liar. And you saw almost two hours
4 of it yesterday. He wants you to believe everything he says,
5 but you cannot trust a liar.

6 Every day the truth --

7 THE COURT: Ms. Jones, you have to speak up. I'm sorry.

8 SOLICITOR JONES: And every day, the truth will always
9 trump even the best of lies.

10 Joseph Brown wants you to believe that he had to fire every
11 single round out of his revolver that night and that he had to
12 hit Ronnie Black in the head multiple times in order to defend
13 himself.

14 What happened that night at Ronnie's own home is not self-
15 defense. It was murder and it was attempted murder. Joseph
16 Brown was not defending himself, he was not defending his wife.
17 The only thing Joseph Brown was defending that night? Quite
18 possibly his ego.

19 Joseph Brown's claiming self-defense, and in South
20 Carolina, generally, there are four prongs to self-defense.

21 The first -- and the Judge is going to instruct you on
22 these at the end. The defendant must be without fault in
23 bringing on difficulty. The defendant must have actually
24 believed he was in imminent danger of losing his life or
25 sustaining serious bodily injury, or he was actually in such

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CLOSING - THE STATE - JONES

1 imminent danger.

2 The third one, if his defense is based upon his believe of
3 imminent danger, a responsible, prudent man of ordinary
4 firmness and courage would have entertained the same belief.
5 If it's his believe, if has to be reasonable.

6 And the fourth prong is the duty to retreat. Well, today,
7 the duty to retreat does not apply. Mr. Joseph Brown was at
8 his home, and in South Carolina, if you're at your home, you do
9 not have to retreat. So this one is gone.

10 So in order for self-defense to work, every single one of
11 these has to be met. And as the State of South Carolina, it is
12 my job to disprove to you just one of these, but I'm going to
13 disprove every single one.

14 So how do we know this is not self-defense? For starters,
15 the defendant must be without fault in bringing on the
16 difficulty. Joseph Brown got out of his car, went onto the
17 porch of his home, Mr. Ronnie Black's home that he was allowed
18 to stay in, with a gun in his hand. Now, he wants you to be
19 that that gun, this revolver right here, was in his back
20 pocket. He wants you to think he had it right here; in fact,
21 he had been sitting on it in his car earlier.

22 PLAYING PORTION OF STATE'S EXHIBIT NUMBER
23 46, DVD OF INTERVIEW OF JOSEPH LEONARD BROWN.
24 (HEREAFTER REFERRED TO AS PLAYING PORTION
25 OF BROWN INTERVIEW.)

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1 SOLICITOR JONES: There's a safety on this gun. Mr. Joseph
2 Brown said he always carries a gun. He's quite familiar with
3 weapons. There's no safety. In fact, Suzann Cromer got on
4 that stand and said, all you have to do is pull the trigger and
5 you can fire this gun. You've got him sitting on this gun in
6 his car, and then he wants you to think he had it in his pocket
7 and he only pulled it when he saw Mr. Ronnie's gun. Well, I
8 don't have a pant's pocket, but we have this revolver. It gets
9 stuck. You can't do that. It has an exposed hammer, the
10 cylinder, the barrel. I mean, everything. It will not swiftly
11 and smoothly come out of the back of his pocket.

12 That gun was in his hand the entire time he was on that
13 porch. The scenario he wants you to believe is that Mr. Ronnie
14 Black had his weapon in his left hand and he was starting to
15 raise it; and he was starting to raise it, and that's why he
16 pulled his gun. That's why he had to shoot four times. That's
17 why he had to hit him in the head repeatedly. That is a lie.
18 If Ronnie Black had his gun in his hand, and Joseph Brown was
19 standing right there without a gun in his hand yet, is Joseph
20 Brown going to have time to reach into his back pocket, pull
21 that gun out without it getting caught, and then load four
22 rounds into Mr. Ronnie without Mr. Ronnie's arm coming up at
23 all and letting off one shot? No.

24 That gun was in his hand when he went onto that porch. He
25 was mad, he was pissed off, and he was going to confront his

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1 father-in-law. He was going to confront the man who took him
2 in. He wasn't acting in self-defense. He went into that
3 verbal argument with a gun in his hand and he escalated it.
4 There's nothing else to call that, except he was most certainly
5 at fault in bringing on the difficulty. He took a gun, a
6 loaded gun, to a verbal argument and shot four times, followed
7 by multiple blows to the head, followed by two more shots. The
8 State has disproven this.

9 The second and the third elements I'm going to argue
10 together. The difference must have actually believed he was in
11 imminent danger of losing his life or sustaining serious bodily
12 injury or he was in actually in such imminent danger. If it's
13 just his belief, it has to be reasonable. An ordinary man,
14 reasonable person, must have also felt that way.

15 Joseph Brown, nor Denise Brown for that matter, if he's
16 going to want you to think he was defending his wife's honor
17 that night against her father, they were never in any serious
18 danger. There was never any threat until Joseph Brown got on
19 that porch with a gun in his hand.

20 Greg Black told you, he sat on that witness stand under
21 oath and told you that Dad had a gun in his waistband. It's
22 not as consistent with where it was located. If you remember,
23 the testimony from Agent Crumpton -- I'm sorry -- Investigator
24 Crumpton, Mr. Ronnie fell and the gun was found by his right
25 hand. Now, he did fall somewhat face-first, but also on his

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1 side. He wasn't on his face. He was on his side towards the
2 front. If the gun is in your left waistband, gravity is going
3 to pull it to your right hand on the ground. That is what
4 happened.

5 But Joseph Brown insists that Ronnie Black had that gun in
6 his hand. Even Denise got on that stand and said that. But at
7 the end of the day, everything Denise said cannot be trusted.
8 Denise is married to the defendant. She told you she still
9 loves him. Her mother had died. Her father has now died. Her
10 husband tried to kill her brother. And have you seen her in
11 this courtroom? No. She has nobody left but that man right
12 there. She's going to tell you she's not trying to protect
13 him. He's the father of her children. He's all she has left.
14 She most certainly is trying to protect him.

15 But I want you to remember what Denise said immediately
16 after the shooting. She didn't want to say it on that witness
17 stand. Ms. Smith had to ask her specifically about this
18 question. She looked at Joseph Brown after the paralyzing
19 realization had sunk in that her father is dead and she looked
20 at him and she said, why, why.

21 Now, if she was being threatened, if Joseph was being
22 threatened, if Mr. Ronnie had that gun in his hand and he was
23 raising it up, would she ask why? No. Because she would know
24 why. She asked why because she didn't know why because there
25 was never a threat.

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1 Back to these elements of self-defense. The Judge is going
2 to tell you that a person acting in self-defense does not have
3 to wait for the other person to get the drop on them. In other
4 words, fire first. That's true. That's absolutely one hundred
5 percent true. But what fails Mr. Brown under that prong is
6 that Mr. Ronnie doesn't have to wait either. If he's feeling
7 threatened and he has his gun in his hand, wouldn't he get a
8 shot off? He didn't get any shots off that night because his
9 gun was never in his hand because he was never threatening
10 anybody. The hand is quicker than the eye, and at the moment
11 he saw Joseph Brown reach into his back pocket, raise that gun,
12 and successfully fire off four shots. He certainly could have
13 pulled the trigger at least once, and he didn't, because the
14 gun was never in his hand.

15 And the lies about being forced to have to shoot Greg? It
16 just doesn't make sense. Nothing makes sense. It doesn't make
17 sense because, first of all, Joseph Brown was not consistent
18 about that. He gave, I believe, four renditions of how that
19 happened, and it conflicts the physical, the forensic, and the
20 medical evidence.

21 So let's hear some of those stories that -- those stories
22 of his lies Joseph Brown said that night about why he had to
23 shoot Greg.

24 PLAYING PORTION OF BROWN INTERVIEW.

25 SOLICITOR JONES: Okay. So in that version, he's saying he

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1 shoots Mr. Ronnie; Mr. Ronnie turns; yells to Greg, after he's
2 been shot in the heart, his aorta's been ripped apart, lungs,
3 his liver, all of his organs are shutting down, he still can
4 yell, here, Greg, here Greg; and then he tosses the gun and
5 Greg comes towards it; so he shoots Greg. Well, look at this
6 picture. There's Mr. Ronnie. You see the sheet over him. You
7 see Greg's clothes in the back corner. Greg would have been
8 facing Joseph. And the problem with that is that Greg was shot
9 from behind. He wasn't shot in the front. You heard Dr.
10 Doscher get on that stand and say he was actually shot in his
11 buttocks, not in the front.

12 So what do we know? We know that's a lie.

13 But that's not the only rendition of events that Joseph
14 Brown gives about that night. This is the second version. How
15 close did Greg get to getting the gun?

16 PLAYING PORTION OF BROWN INTERVIEW.

17 SOLICITOR JONES: He uses the word *probably*. Greg probably
18 got about here. When you're just reciting an event you just
19 lived, you're not using the word *probably*. Probably is
20 something that didn't happen. He's says probably because he's
21 making it up as he goes.

22 Now yet, the third version:

23 PLAYING PORTION OF BROWN INTERVIEW.

24 SOLICITOR JONES: Okay. So now we have he shoots Ronnie;
25 so Ronnie gets shot; he drops; and then he tries to throw the

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1 gun? Well, this is the first we're hearing about Ronnie
2 dropping and then trying to throw the gun. So what is it?

3 PLAYING PORTION OF BROWN INTERVIEW.

4 SOLICITOR JONES: So now we have Dad is standing up after
5 he'd been shot; he turns; he does some stuff, whatever that
6 means, whatever someone who's been suffered through four
7 gunshot wounds is going to be doing, I couldn't imagine a whole
8 lot; and he tried to toss the gun. That's the spot where he
9 would have tossed the gun, where he would have thrown it. No,
10 no, no, no, no. Speak as it happened. He's not speaking in
11 words that are facts. He's speaking in probabilities, because
12 he's making it up as he goes.

13 Now, there's one thing I agree how Mr. Brown on right now,
14 and that's the feeling he shares here.

15 PLAYING PORTION OF BROWN INTERVIEW.

16 SOLICITOR JONES: He certainly is confused. It's confusing
17 to keep up with all of his lies over and over and over. Did I
18 shoot him; did he fall after I shot him; and then did he try to
19 throw the gun? No, no, no, no, no. That couldn't make sense;
20 physical evidence isn't going to say that; so, okay, I shot
21 him, and then he threw the gun, and then he fell. Well, maybe
22 I need to go back and say he dropped and then he threw the gun.
23 He's confusing himself. Lies are confusing. The truth is not.

24 But Investigator Crumpton brings up something that he did
25 not mention in his first three scenarios, something that he did

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1 not want known, something that he was trying to hide. He knew
2 that hiding something is a lie. She asked him about the
3 laceration, singular, to Ronnie's head. She doesn't give him a
4 lot of information, but she asked him about one laceration to
5 Ronnie's head. And we know Ronnie has four. So what does
6 Joseph Brown do? He comes up with an explanation for one
7 laceration.

8 PLAYING PORTION OF BROWN INTERVIEW.

9 SOLICITOR JONES: Okay. There's a pause, a pause of *uh* in
10 that statement. He says I think, let me see. Not words you
11 use when you're reciting an event you just lived quite possibly
12 the most horrific event of your entire life and he's using
13 words like I think. *I think* is a lie.

14 During his rampage that night, Joseph Brown was set on
15 taking out anyone in his way, and unfortunately for Greg, he
16 was his next victim. After he shoots Ronnie, and he hits him
17 in the head multiple time, he wants you to think that Greg was
18 coming towards the gun, so he had to shoot Greg. Now, where he
19 into -- well, we know it's a lie, because where the bullet
20 entered Greg doesn't make sense, doesn't match up with what
21 Joseph Brown is saying. We also know that's a lie, because in
22 what world is anybody who is being shot at, who has a gun, Mr.
23 Ronnie had a gun that night, there's no question about it.
24 He's being shot at and his only means of defense he's going to
25 throw to somebody else? What world does that make sense? It

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1 doesn't make sense because it didn't happen. That gun was
2 never tossed, was never thrown, was never tried to be tossed to
3 Greg Black.

4 Greg Black was shot because Joseph Brown is evil, and he
5 was trying to kill him that night, and that's the only reason
6 Greg was shot that night.

7 The Judge is going to instructs you on any actions that
8 qualify as imminent danger and the belief and what all falls
9 under that, but what it all boils down to is the defendant's
10 belief. And the problem with Joseph Brown's belief is that you
11 can't believe anything he says. Once a liar, always a liar.

12 The State has now disproven both of these. He gets none of
13 the self-defense. So now we know this is not self-defense. We
14 know who, we know when, we know where. Why? Why did Joseph
15 Brown go on that porch that night, gun in hand, and murder his
16 father-in-law, and try to murder his brother-in-law? Intent is
17 something that you cannot medically decipher. We cannot go
18 into somebody's brain, into their mind, and tell exactly what
19 they were thinking, but we can look at their actions. It is
20 the actions on this fateful night that prove that Joseph Brown
21 intended to kill Ronnie Black, which he did, and intended to
22 kill Greg Black. By the grace of God, he did not success with
23 Greg Black.

24 For murder, the law requires and her Honor will instruct
25 you, that Joseph Brown have malice in his heart at the time of

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1 the shooting. The malice is sometimes referred to as hatred,
2 as ill will, as a depraved heart, as hell bent on mischief.
3 Joseph Brown hated his father-in-law and he showed the world
4 that this night. He gave the police a lengthy story. I'm not
5 going to call it a sob story, though, because during that
6 almost two hours of interview, there's not one tear, there is
7 not one raise of his voice, there was not one care, not one
8 concern, not one show of emotion as he re-lived again what was
9 probably the most horrific night of his life. He's just killed
10 his wife's father. He has just killed his children's
11 grandfather? Zero emotion. And the same as he re-lived that
12 night these past three days as he sat in that chair not one
13 ounce of emotion.

14 He even tries to go as far to say he doesn't know who died
15 that night, which doesn't add up with what he has said all
16 along, because all along he said that the threat turned to
17 Greg. But he's going to tell you that he doesn't know who died
18 that night? That's a lie. And look at reaction.

19 PLAYING PORTION OF BROWN INTERVIEW.

20 SOLICITOR JONES: Really? Kind of like, well, that's a
21 shame. Those are not the reactions that are normal from
22 somebody that was forced to kill his father-in-law. And even
23 after he learns that it's Mr. Ronnie, his father-in-law, he
24 killed, he bashes him.

25 PLAYING PORTION OF BROWN INTERVIEW.

1 SOLICITOR JONES: Those are not the words of someone who
2 wants you to believe, man, I hate this had to happen, I hate
3 this had to happen, I hate this had to happen. Those are the
4 words of someone who hates another person. Those are the words
5 of an evil man, a callous man, a man who hated his father-in-
6 law. The man is dead at his own hand and he does not even
7 care. There is zero remorse, zero concern or even guilt at any
8 point during that interview.

9 Now, I want to get back to the injuries on Mr. Ronnie
10 Black. Now, this goes to the malice, to the evilness, to the
11 depraved heart that Joseph Brown had that night. He didn't
12 want to bring it up. He didn't want to tell Investigator
13 Crumpton that not only did he shoot his father-in-law four
14 times, that he also pistol whipped him repeatedly.

15 Ronnie Black has four distinct injuries on his -- the top
16 of his head as well as his forehead. Now, the Defense asked
17 Dr. Presnell some questions about, well, could the gash or
18 could some of those have happened with falling on, say, the
19 deck. It didn't happen from him falling on the deck. He
20 didn't fall on the deck at some great rate of speed that's
21 going to cause that deep cut, laceration, on his forehead.
22 Look how long it is. Look how deep it is. When he's falling,
23 he doesn't have the force behind him to create that gash in his
24 head. That gash came at one of the repeated blows to his head
25 by this weapon. And you'll have this weapon back there with

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1 you, this revolver. It's heavy, it's solid, it's steel. It's
2 also broken.

3 The you also notice this part right here. It's broken.
4 Look at the shape of it. Look at the sharp edges of it. Look
5 at those distinct wounds. There is zero scenario where one,
6 two, three, four cuts, gashes, wounds to his head could have
7 happened by one with one tap to the head. But Joseph Brown
8 wants you to believe they did. And in zero scenario is that
9 true. Look at this gun. There's no way all four of those
10 happened with one blow. Dr. Presnell got on that stand and she
11 said at least four times, he was hit at least four times.
12 There you have it. One, two, three, four. And you're going to
13 have these picture back there with you. Take a close look at
14 those. Compare it to that gun. And you're going to come to
15 the same conclusion: that is four hits to the head.

16 This is torture. And how much torture does one man have to
17 endure before enough is enough? But before the torture, he was
18 shot four times. And I want to talk to you about those gunshot
19 wounds.

20 Dr. Presnell took this and drew on it where Mr. Ronnie's
21 gunshot wounds were. And as you see, he has one to the back of
22 his arm, one across his chest, and then A and B are coming
23 down.

24 Gunshot wound C is in the back of his left arm. If his
25 left arm was holding a weapon like this, there is no way that

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1 that bullet would have entered the back and traveled straight
2 down his arm, as it did. His arm was up when that bullet hit
3 his arm. Not because he was pointing a gun at anybody, but
4 because he was being shot at.

5 D enters the left side and goes nearly straight across.
6 It's almost a perfect straight line. But A and B are the most
7 telling of the gunshot wounds that night. A and B are in his
8 chest and they're going down. Those are not gunshot wounds
9 from two men standing next to each other and one firing. Had
10 that been the case, as Joseph Brown wants you to think, they
11 would have been straight through. Those are going down,
12 because at the time, that revolver was in the hands of Joseph
13 Brown and he fired those last two shots in Ronnie Black, he was
14 on his knees. He was going down. He was not a threat. He was
15 not in any way, shape, or form in any way a threat to Joseph
16 Brown.

17 But that's not enough. Ronnie Black is shot four times.
18 His aorta ripped through; his heart pierced; his lungs, his
19 stomach; all of his internal organs are shutting down. He has
20 mere seconds at most, although, he likely collapsed
21 immediately. And then the torture starts. The repeated blows
22 to the head. That is evil intent. That is malice.

23 Joseph Brown's lies started the moment he got to his truck
24 after he shot Ronnie Black four times, repeatedly beat him in
25 the head, shot Greg Black twice. His lies, his story that he

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1 was going to tell started coming to him at this truck. He
2 recognized he couldn't re-load his gun because he broke it from
3 possibly beating his father-in-law in the head with it,
4 followed by the extremely high-powered ammunition he had loaded
5 into it. He couldn't unload it. And before he could reach for
6 the six-hour handgun he had in his car, in his SUV, because he
7 had another gun in there, lots of ammunition, his office as he
8 called it, he hears Greg on the porch with 911. He has to
9 surrender. He has to give up. 911 is on the phone, he's been
10 caught, he can't finish Greg off like he wanted to, so he has
11 to come up with what -- what's he going to say, what's he going
12 to say. So he starts using words like *incriminating*, *legal*,
13 *justifiable homicide*. Those are not words that somebody who is
14 in the thick of having to have just killed a loved one uses.
15 Those are excuses. Those are words that he thinks are going to
16 help him.

17 Joseph Brown was not acting in self-defense that night. He
18 wasn't acting for the first shot. He wasn't acting in self-
19 defense for the next three to Ronnie Black. He wasn't acting
20 in self-defense for the two shots to Greg Black. And he most
21 certainly was not acting in self-defense when he beat Ronnie
22 Black over the head repeatedly with that revolver.

23 An act of taking an object and beating somebody incessantly
24 like that is personal. Joseph Brown hated his father-in-law,
25 the man who took him in, the man who let him live there for at

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1 least a year, and then off and on over the years he hated him.
2 He tortured him, he murdered him. Joseph Brown made it
3 personal that night, and Joseph Brown is guilty.

4 MS. CAMPBELL: I was wondering if the Solicitor to clean up
5 the boards so I can use them.

6 THE COURT: Absolutely.

7 MS. CAMPBELL: Thank you.

8 THE COURT: Absolutely. Jessica, will you also move this
9 box right here, to close it. Thank you.

10 CLOSING ARGUMENT ON BEHALF OF THE

11 DEFENSE BY MS. CAMPBELL:

12 MS. CAMPBELL: Good afternoon. I'm standing here in
13 Beaufort County, South Carolina, in the United States of
14 America, and here in this courtroom, in this county, in this
15 state, in this country, every killing is not murder. Some
16 killings are self-defense. Some killings are justified. That
17 is the law of this county, this state, this country. Everyone
18 of us is governed by the law. No matter who is sitting next to
19 me, the same law applies.

20 I have some boards, too. So self-defense is a complete
21 defense. You, anyone of us, may use force which is intended.
22 You know, the questions about how many shots. I'm intending to
23 cause your death in whatever way I need to cause your death or
24 harm you greatly if I believe that that force is necessary --
25 here's the thing -- to prevent my death or my wife's death or

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1 my child's death or any great bodily harm to them. That's
2 justified, and there's no question in the law about that.

3 So what you have to ask yourself then is the State of South
4 Carolina proving to you that Joseph Brown, this day, someone
5 else another day, did not act in self-defense, and they must
6 prove that to you beyond a reasonable doubt.

7 Now, her Honor is going to tell you what reasonable doubt
8 means, and we'll talk about that in a minute. Absolutely.
9 Couple of parts to self-defense. Without fault, imminent
10 danger of death, beliefs need to be reasonable. Acting on
11 appearances, her Honor is going to tell you what that means.
12 And if your first shot is justified, you may continue to shoot
13 until that threat is completely ended.

14 Acting on appearances. In those moments, in the -- the
15 lighting that was existing at that moment, you're not required
16 -- you know, the Solicitor wants to get up here and pick this
17 apart and pull that apart. You're not -- no citizen is
18 required to make exact measurements of what's going on or the
19 force that's needed to defend yourself or your loved one.

20 And once your right to fire arises, never are you required
21 to wait for your adversary til they even aim. You certainly
22 don't have to wait until they fire. You never had to wait
23 until your adversary gets the drop on you.

24 And clearly, when a man or a woman is on their own premises
25 -- it's not whose name's on the deed or who's name's on the

1 lease, we're all living together. Her Honor will tell you. So
2 there's no duty to retreat here in this case. I can stand my
3 ground. I don't have to take a footstep back when you have
4 armed yourself with a handgun and my wife is right next to me.

5 Joseph Brown came home that night with his wife and his
6 three small children. They had been to dinner, there was a
7 huge storm, and the lights were out. Now, I got to tell you,
8 when the lights are out and I come home and it's night, I'm
9 scared when I'm going in that house. And -- and they're right
10 to be afraid and to take precaution and care. And it's in an
11 isolated area. And so, he did. And they're putting out the
12 candles. They're even being so considerate to Ronnie and Greg
13 coming in that there's this talk about calling your dad, let
14 him know the power's out, you know, so they can know what's
15 going on here. And then Ronnie and Greg come in. And I got to
16 tell you, I don't know, what all that stuff is about the past
17 with Denise and her father and whatever acrimony was there,
18 but, really, that doesn't even matter. That night, Ronnie, for
19 whatever his reasons were, I got to say, it feels like he came
20 a little bit unhinged about the bag of trash. And again,
21 whatever's behind that, I don't know. So you know -- and
22 Denise she wanted so much to tell you the truth that she wanted
23 to correct an answer she had given to the prosecutor about
24 whether or not she actually still lived in Beaufort County.
25 She's been consistent every time she talked to law enforcement.

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1 She was consistent when she spoke to you that she became aware
2 that her father had taken his gun and put it in his hand and
3 armed himself when her husband was saying, Mr. Ronnie, what you
4 doing with the gun, why you got the gun. So, of course, that's
5 what she said, that's when I looked and I saw him with the gun
6 in his hand and Greg. Okay. So clearly, through the
7 testimony, Joe, Denise, and Greg have all given you the
8 evidence that Ronnie was standing on the porch with a gun in
9 his hand in a manner, quite frankly, that would cause a
10 reasonable person after the exchange of back and forth and
11 anger that had built up with Ronnie and Denise to fear. What
12 is he going to do? Because it seemed unreasonable to get that
13 crazy about a bag of trash.

14 I will tell you that I was impressed when I got the autopsy
15 report and I looked at it and I said, well, you know, all those
16 shots, you know, left side. They're on and in a manner as
17 clear as you can try to see what you're doing there on the
18 porch there that night to do what? to stop him, to disarm him.
19 You know, even though he didn't have to do that. As I said
20 with the -- you know, you're five feet from me. I don't have
21 to try to disarm you. Lawfully, I can step to you and kill
22 shot you when you've got that gun in your hand. But he's not
23 doing that.

24 If you have to guess, if you don't have an answer because
25 the State has failed to give you an answer to a question you

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1 have, that's reasonable doubt, that's not guilty. So what you
2 don't have, you can consider as well.

3 The gun, the revolver, the DNA expert they brought in, I
4 mean, I didn't really have any questions for him, but he -- he
5 told you, I couldn't find any blood on the -- on the revolver.
6 Now, you got to reconcile that for yourself. I don't know. So
7 I'm saying to myself, it's a crazy event that's unfolding on
8 the porch. Do I -- do I ever want to be measured in the kind
9 of precision that the State of South Carolina is requiring of
10 Joe? No. Nor would you. This step and that step and who went
11 here and where and draw it on a map. Cause you know, it's like
12 this, it's like what you doing with the gun, what you doing
13 with the gun.

14 MS. CAMPBELL TAPPING ON PODIUM.

15 That's fast. People are moving. There's a gun out. I'm
16 trying to move my wife out of the way. And you want me to like
17 diagram everything out? I don't want to be in that situation
18 where that's how I have to respond when a gun has been pulled.

19 And whatever applies to Ronnie Black applies to Greg Black.
20 You just move that right over there, because the two of them on
21 that side of the porch, they've already been hostile to Denise.
22 I mean, that's why Joe got out of the car; that's why he came
23 up to the house. It was hot. There's no A.C. in the house,
24 and quite frankly, it was cooler in the car.

25 I have a couple of issues with the Solicitor kind of

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1 arguing facts that I didn't hear. She kept talking about Joe
2 coming to the house from his car with his gun out; showing how
3 you can't pull it out of your pocket; it wasn't in the back
4 pocket. I never heard anyone, I never heard Denise nor Joe nor
5 Greg. There's no evidence to argue that Joe came to the house
6 armed with his gun. It's not there. Don't argue facts that
7 aren't in evidence.

8 Then she wants to talk about how Joe isn't showing emotion
9 or remorse. I guarantee you, if he had cried, if he had been
10 disheveled, the State would have said, oh, look, those are
11 crocodile tears. Okay, so nothing's going to please the State
12 of South Carolina, no manner of acting. He said, I feel like
13 I'm going to throw up. That's not enough, I guess. And when
14 you go back and you listen, the very first thing that you heard
15 in this case was the 911 call. And how powerful was that?
16 Cause that is in the moments after it has happened. And Denise
17 says my dad just pulled a gun on my husband. Now, nobody's
18 been colluding, nobody's been practicing testimony, nobody's
19 been back and forth. This is rapidly unfolding event. My dad
20 just pulled a gun on my husband. And Joe, when he gets on the
21 phone, he's like, please hurry. The dad pulled the gun, and
22 then they're trying to get help out there. And I'm going to
23 tell you, okay, so he's conscious of the fact of the magnitude
24 of what has just happened, and he says, don't touch his gun.
25 Trying to protect the integrity of the weapons. You know, he

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1 puts his gun on the table. There's nothing wrong with that.
2 That's the right thing to do. And then, on the phone with the
3 911 operator, he says, look, it was the heat of the moment,
4 this was life and death. And doesn't that -- isn't that what
5 it really comes down to for you and you and me and all of us,
6 life and death? Second guessing, there's no time to be that
7 arm-chair quarterback on this situation. Bam. That's it. I
8 got to move. I got to make that decision and I got to stand
9 where I am, push my wife to the side, and make my choice. And
10 my choice, by the way, is justified, because you have a gun in
11 your hand and you have been angry and arguing with my wife.

12 Now, lastly, her Honor will tell you about the law, and you
13 take the law as she gives it to you. It's right. And you
14 know, apply that to what you be the facts to be. And I believe
15 when you do that, that the foundation of this courthouse, the
16 concrete on which I stand, all of us stand today no matter who
17 is seated at my table will be solid, because there won't be a
18 crack in it with a verdict that's not true.

19 Madam Foreperson will ask you to take your vote, and I feel
20 like you apply the law to the facts, that each one of you will
21 take your slip of paper, you will write down your decision, you
22 will fold that up and you will pass it down to your foreperson.
23 And as she unfolds those each and every one of them will read
24 not guilty. Thank you.

25 THE COURT: Does anyone need a break? You all okay?

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JURY CHARGE

1 JURY CHARGE:

2 THE COURT: Madam Foreperson, members of the jury, you've
3 followed very patiently and listened very attentively to the
4 presentation of the evidence in this case, and I want to thank
5 you for that. It now becomes the duty of the trial judge under
6 the constitution of this state to charge and instruct you on
7 the law that's applicable to this case. And it's your duty as
8 jurors to accept and apply the law as the Court will now give
9 it to you.

10 As jurors, it is your exclusive duty to decide all issues
11 of fact in this case. You must determine the effect, the
12 value, the weight, and the truth of the evidence. Both the
13 State and the defendant, Mr. Brown, have the right to expect
14 that you will carefully consider and evaluate the evidence, and
15 apply the law of the case to the evidence. And by doing that,
16 both the State and the defendant, Mr. Brown, will receive a
17 fair and impartial trial in this matter.

18 Now, the State of South Carolina, by the Bills of
19 Indictment in this case, charge the defendant, Joseph Brown,
20 with the offenses of murder, attempted murder, and possession
21 of a weapon during the commission of a violent crime. Now, I
22 remind you that the defendant was arrested, charged, and
23 indicted in this case is not evidence in this case, and cannot
24 be considered by you as evidence of guilt in this case, nor
25 does it create any presumption of guilt.

1 An indictment is simply the formal written instrument which
2 contains the charges that are made against a defendant. It's
3 the formal document by which the case has been brought into
4 this courtroom.

5 Now, the defendant has pled not guilty to these
6 indictments, and that plea puts the burden on the State to
7 prove the defendant guilty beyond a reasonable doubt.

8 Now, a person charged with committing criminal offense in
9 South Carolina is never required to prove himself innocent. I
10 charge you that it's an important rule of law the defendant in
11 a criminal trial, no matter what the seriousness of the charges
12 may be, will always be presumed innocent of the crime or crimes
13 for which the indictments are issued, unless guilt has been
14 proven by evidence satisfying you, the jury, of that guilt
15 beyond a reasonable doubt.

16 And this presumption of innocence does not end when you
17 begin your deliberations, but it accompanies the defendant
18 throughout the trial until you, the jury, reach a verdict of
19 guilt, evidence satisfying you of that guilt beyond a
20 reasonable doubt.

21 Now, the presumption of innocence is like a robe of
22 righteousness that's placed about the shoulders of the
23 defendant, and it remains with the defendant until it has been
24 stripped away by evidence satisfying you, the jury, of the
25 defendant's guilt beyond a reasonable doubt.

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1 Now, this presumption of innocence is not a mere legal
2 theory. It's not just a legal phrase we use. It is a
3 substantial right to which every person is entitled unless you,
4 the jury, are satisfied from the evidence of the defendant's
5 guilt beyond a reasonable doubt. So what is reasonable doubt
6 in the law? A reasonable doubt is the kind of doubt that would
7 cause a reasonable person to hesitate to act in their most
8 important decisions.

9 Now, the State has the burden of proving the defendant
10 guilty beyond a reasonable doubt. And again, the term
11 *reasonable doubt* must be given it's plain and ordinary meaning.
12 However, to the extent that I may define it for you again, a
13 reasonable doubt is the kind of doubt that would cause a
14 reasonable person to hesitate to act in the most important of
15 their personal decisions.

16 Now, the defendant is entitled to every reasonable doubt
17 arising in this case. If, upon issue of fact essential to
18 conviction you have a reasonable doubt as to how that issue
19 should be resolved, you must resolve the reasonable doubt in
20 favor of defendant.

21 Now, some of you may have served as jurors in civil cases
22 where you were only told that it was necessary to prove that a
23 fact is more likely true than not true. Such is what has been
24 called the greater weight or the preponderance of the evidence.
25 In criminal cases, the State's proof must be more powerful than

1 that. It must be beyond a reasonable doubt. Suspicion, no
2 matter how strong, is insufficient to convict a person charged
3 with a crime. That the facts and circumstances presented may
4 seem suspicious and the defendant's guilt may seem probable,
5 this is not sufficient in the law to convict. Proof beyond a
6 reasonable doubt is proof that leaves you firmly convinced of
7 the defendant's guilt.

8 Now, there are very few things in this world that we know
9 with absolute certainty, and in criminal cases, the law does
10 not require proof that overcomes every possible doubt. If,
11 based on your consideration of the evidence, you are firmly
12 convinced that the defendant is guilty of the offense or
13 offenses charged, you must find the defendant guilty. If, on
14 the other hand, you think there is a real possibility that the
15 defendant is not guilty, you must give the defendant the
16 benefit of the doubt and find him not guilty.

17 Now, I remind you that during this trial, you and I have
18 certain duties to perform. As the judge, it's my
19 responsibility to rule as a matter of law in this case as to
20 admissibility of evidence, and also preside over the trial.
21 You are to consider only the competent evidence that's before
22 you. You are to consider only the testimony which has been
23 presented from the witness stand as well as any other exhibits
24 that have been entered into this case and made a part of the
25 record.

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1 I have the additional duty to charge you on the law that's
2 applicable to this case. I'm the sole judge of the law, and
3 it's your duty as jurors to accept and apply the law as I will
4 now state it to you. If you have any idea as to what you think
5 the law is or what the law ought to be, and it does not now
6 agree to what I tell you the law is, you must abandon this
7 idea, because you are sworn to accept and apply the law as I
8 give it to you.

9 Now, in every case tried in this court before a jury, the
10 jury becomes the sole and exclusive judge of the facts. A
11 trial judge cannot intimate, comment on, or make any statement
12 to a trial jury about the facts in the case. And since you,
13 the jury, are the sole judge of the facts in this case, you are
14 not to infer from what I've said during the progress of this
15 trial in ruling upon the admissibility of the evidence or
16 otherwise, or anything that I say now to you during the course
17 of these instructions that I have an opinion about the facts in
18 this case. The law does not allow me to have an opinion about
19 the facts of this case. This is a matter solely for you, the
20 jury, to determine.

21 And again, it is your duty to determine the effect, the
22 value, the weight, and the truth of the evidence that's
23 presented in the trial.

24 Now, there are two types of evidence which are generally
25 presented during a trial: direct evidence and circumstantial

1 evidence. Direct evidence is the testimony of a person who
2 claims to have actual knowledge of a fact, such as an
3 eyewitness. It is evidence which immediately establishes a
4 main fact to be proved.

5 Circumstantial evidence is indirect evidence. It is proof
6 of a chain of facts and circumstances indicating the existence
7 of fact. It is evidence which immediately establishes
8 collateral facts from which a main fact may be inferred.
9 Circumstantial evidence is based on inference, and not personal
10 knowledge or observation.

11 Ladies and gentlemen, crimes may be proven by
12 circumstantial evidence. The law makes no distinction between
13 the weight or value to be given by either direct or
14 circumstantial evidence. However, to the extent the State
15 relies on circumstantial evidence, all of the circumstances
16 must be consistent with each other, and when taken together,
17 point conclusively to the guilt of the accused beyond a
18 reasonable doubt. If these circumstances merely portray the
19 defendant's behavior as suspicious, the proof has failed. The
20 State has the burden of proving the defendant guilty beyond a
21 reasonable doubt, and this burden rests with the State
22 regardless of whether the State relies on direct evidence,
23 circumstantial evidence, or some combination of the two.

24 Now, as a jurors, it's your duty to determine the
25 credibility of witnesses who have testified in this case. And

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1 credibility simply means believability. It becomes your duty
2 as jurors to analyze and evaluate the evidence, and determine
3 which evidence convinces you of its truth. In determining the
4 believability of the witnesses who have testified in this case,
5 you may believe one witness over several witnesses, or several
6 witnesses over one witness. You may believe a part of the
7 testimony of a witness, and reject the remaining part of the
8 testimony of that same witness. You may believe the testimony
9 of a witness in its entirety, or reject the testimony of
10 witness in its entirety. You may consider whether any
11 witnesses exhibited to you any interest, bias, prejudice, or
12 other motive in this case. And you may also consider the
13 appearance and manner of a witness while on the witness stand.

14 Now, a statement alleged to have been made by the defendant
15 has been admitted into evidence in this case. And while the
16 Court has determined that the statement is admissible, I
17 instruct you that you, the jury, make the ultimate decision of
18 whether or not the defendant made the statement. And if the
19 defendant did make the statement, you must determine whether
20 the statement was made by the defendant voluntarily and of its
21 own free will. This means that the statement was not caused by
22 pressure, force, fear, threats, coercion, of intimidation, or
23 by hope of a promise of leniency of reward of any kind.

24 In determining whether a statement was voluntary, you
25 should consider both the characteristics of the defendant and

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1 the details of the questioning. Some of the facts you may
2 consider are: the age of the defendant; the defendant's
3 education or lack of education; the defendant's mental ability
4 or capacity; the defendant's I.Q. or intelligence; the
5 defendant's background and environment; the place and length of
6 the defendant's detention; the nature of the questioning; any
7 advice or lack thereof to the defendant of his constitutional
8 rights, including, but not limited to, the right to remain
9 silent, that any statement could be used against him in a court
10 of law; the right to have a lawyer present; if he could not
11 afford a lawyer, a lawyer would be appointed to represent him
12 without any cost; and that he could stop making his statement
13 at any time.

14 You must carefully consider all the surrounding
15 circumstances before you give any weight to an alleged
16 statement.

17 Now, the State has the burden of proving beyond a
18 reasonable doubt that the alleged statement was voluntary. If
19 you determine it was, you may give the statement any further
20 consideration that you deem proper. You must decide what
21 weight, if any, should be given to the alleged statement. If
22 you determine that the alleged statement was not free and
23 voluntary, the statement of the defendant, you should not
24 consider the statement at all.

25 Now, there has been evidence presented that witnesses have

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1 made prior statements which may not be consistent with the
2 witness's present testimony. You may use this evidence to
3 decide whether to believe the witness. You may also use
4 evidence of the earlier contradictory statements to determine
5 the truth of those statements. It is up to you to decide
6 whether to believe the earlier statements or the testimony
7 given at trial. If a witness is shown to have knowingly
8 testified untruthfully concerning any material matter, you may
9 consider this in determining whether to trust the witness's
10 testimony as to other matters. You may reject all testimony of
11 that witness, or give all or part of the testimony the weight
12 you think it deserves.

13 Now, normally, a person cannot give what we call opinion
14 testimony. Normally, when a person testifies, they must
15 testify to what they've either saw, heard, or sensed or
16 smelled, or something of that nature. However, there is an
17 exception when someone is qualified because of education or
18 experience. They are permitted to give their opinion in
19 certain areas if the Court qualifies them that way.

20 And that evidence is for you to use in any way you see fit,
21 and for you to give it the weight and credibility that you
22 believe is appropriate.

23 Now, I instruct you and emphasize that the defendant did
24 not testify is not a factor to be considered by you in any way
25 in your deliberation and in your consideration on the question

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1 or the guilt or innocence of the defendant. It must not be
2 considered by you in any manner whatsoever. A defendant has
3 the constitutional right to remain silent, and the assertion of
4 this right must not be considered by you in your deliberations.
5 I repeat, under your oath, you are to draw no conclusion
6 whatsoever from the fact that the defendant in this case did
7 not testify. The fact that he didn't testify should not even
8 be discussed in the jury room. The burden of proof, as I
9 stated to you, is on the State. The defendant is not required
10 to prove his innocence. And the burden of proof remains on the
11 State to prove guilt beyond a reasonable doubt.

12 Now, there are three indictments in this case, and each
13 indictment charges a separate and distinct offense. You must
14 decide each indictment separately on the evidence the law
15 applicable to its. Now, the defendant may be convicted or
16 acquitted on any or all of the offenses that are charged. And
17 you'll be asked to write a separate verdict for guilty or not
18 guilty for each of the indictments, Madam Foreperson. However,
19 in order for you to find the defendant guilty of the last
20 indictment, which is possession of a weapon during the
21 commission of a violent crime, you must first find the
22 defendant guilty of committing a violent crime. In other
23 words, you cannot find the defendant not guilty of murder and
24 not guilty of attempted murder, and then find the defendant
25 guilty of the weapon's charge. And while those are separate

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1 charges, before you find the defendant guilty of possession of
2 a weapon during the commission of a violent crime, you must
3 first find that he is guilty of either murder or attempted
4 murder.

5 Now, as I told you, there are three separate charges in
6 this case. And the first one, I am going to go ahead and
7 define for you. The defendant is charged with the murder of
8 Ronnie Black. Now, the State must prove, to prove the charge
9 of murder beyond a reasonable doubt, the defendant killed
10 another person with malice aforethought, either express or
11 implied.

12 Ladies and gentlemen, malice is hatred, ill will, or
13 hostility towards another person. It is the intentional doing
14 of a wrongful act without just cause or excuse, and with an
15 intent to inflict an injury. Malice aforethought does not
16 require that malice exists for any particular time before the
17 act is committed, but malice must exist in the mind of the
18 defendant just before and at the time the act is committed.
19 Therefore, there must be a combination of the previous evil
20 intent and the act.

21 Now, malice aforethought may be express or inferred, and
22 those terms, express and inferred, do not mean different kinds
23 of malice, but merely the manner in which malice may be shown
24 to exist. That is either by direct evidence or by inference
25 from the facts and circumstances which are proved.

1 Ladies and gentlemen, express malice is shown when a person
2 speaks words which express hatred or ill will for someone, or
3 when the person prepared beforehand to do the act which was
4 later accomplished.

5 Ladies and gentlemen, malice may be inferred from conduct
6 that is so reckless and wanton as to indicate a depravity of
7 mind and general disregard for human life.

8 Now, if facts are proved beyond a reasonable doubt
9 sufficient to raise an inference of malice to your
10 satisfaction, this inference would simply be an evidentiary
11 fact to be taken into consideration by you, along with all the
12 other evidence in the case, and you may give it the weight that
13 you decide it should receive.

14 Now, the defendant is also charged with the attempted
15 murder of Gregory Black. In order to prove this crime, the
16 State must prove the defendant attempted to kill another person
17 with malice aforethought. Again, ladies and gentlemen, as I
18 stated to you on the charge of murder, malice is hatred, ill
19 will, or hostility towards another person. It's the
20 intentional doing of a wrongful act without just cause or
21 excuse, and with an intent to inflict an injury or under
22 circumstances that the law will infer an evil intent.

23 Now, last, the defendant is charged with possession of a
24 weapon during the commission of a violent crime, and to prove
25 this charge, the State must prove beyond a reasonable doubt

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1 that the defendant was in possession of a firearm or visibly
2 displayed what appeared to be a firearm during the commission
3 of a violent crime.

4 Now, a firearm means any machine gun, automatic rifle,
5 revolver, pistol, or any weapon, which will, is designed to or
6 may be readily converted to expel a projectile.

7 In order to find the defendant guilty of possession of a
8 weapon during the commission of a violent crime, you must first
9 find the defendant guilty of committing a violent crime. And
10 under the laws of the State of South Carolina I instruct you
11 that the charges of murder and attempted murder are violent
12 crimes.

13 The State must prove also, or finally, beyond a reasonable
14 doubt that the weapon further advanced or helped in the
15 commission of the crime.

16 Now, in this case the defendant has raised the defense of
17 self-defense. And self-defense is a complete defense, and if
18 it is established, you must find the defendant not guilty.

19 The State has the burden of providing self-defense -- I'm
20 sorry -- the State has the burden of disproving self-defense by
21 proof beyond a reasonable doubt. If you have a reasonable
22 doubt of the defendant's guilt after considering all the
23 evidence, including the evidence of self-defense, then you must
24 find the defendant not guilty. On the other hand, if you have
25 no reasonable doubt of the defendant's guilt after considering

1 all the evidence, including the evidence of self-defense, then
2 you must find the defendant guilty.

3 Now, the following three elements are required to establish
4 self-defense. And I remind you that the State must disprove
5 only one of these three elements of self-defense for it not to
6 apply.

7 So the first element is that the defendant must be without
8 fault in bringing on the difficulty. If the defendant's
9 conduct was the type which was reasonably calculated to and did
10 provoke a deadly assault, the defendant would be in fault in
11 bringing on the difficulty and would not be entitled to an
12 acquittal based on self-defense.

13 The second element of self-defense is that the defendant
14 was actually in imminent danger of death or serious bodily
15 injury or that the defendant actually believed he was in
16 imminent danger of death or serious bodily injury.

17 If the defendant was actually in imminent danger, it must
18 be shown that the circumstances would have warranted a person
19 of ordinary firmness and courage to strike a blow to prevent
20 death or serious bodily injury. If the defendant believed he
21 was in imminent danger of death or serious bodily injury, it
22 must be shown that a reasonably prudent person of ordinary
23 firmness and courage would have had the same belief.

24 In deciding whether the defendant actually was or believed
25 he was in imminent danger of death or serious bodily injury,

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1 you should consider all the facts and circumstances surrounding
2 the offense, including the physical condition and
3 characteristics of the defendant and the victims in this case.

4 Now, within the law of self-defense, the defendant may take
5 another's life in the defense of others. The right to
6 intervene to prevent another person is subject to the same
7 rights and limitations as the right of self-defense. The
8 defendant may take the life of a person who assaults a friend,
9 relative, or bystander if that friend, relative, or bystander
10 would have had the right of self-defense.

11 To show the person being defended had the right of self-
12 defense, it must first be shown that the person being defended
13 and the defendant were both without fault in bringing on the
14 difficulty. If the conduct of the person defended or the
15 defendant was a type which was reasonably calculated to and did
16 provoke a deadly assault, the person would be at fault in
17 bringing on the difficulty, and would not have the right of
18 self-defense. Therefore, the defendant would not have the
19 right to use deadly force in defending that person.

20 The defense of another person is excusable if the defendant
21 had reasonable grounds to believe and in good faith did believe
22 that the person being defended was in imminent danger of death
23 or serious bodily harm from the victims.

24 Now, in deciding whether the person defended actually was
25 or that the defendant actually believed the person was in

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1 imminent danger of death or serious bodily injury, you should
2 consider again all the circumstances and facts surrounding the
3 offense, including the physical conditions and characteristics
4 of the parties.

5 Ladies and gentlemen, I charge you that the defendant does
6 not have to show that he was actually in danger. It is enough
7 if the defendant believed he was in imminent danger. Again,
8 and a reasonably prudent person of ordinary firmness and
9 courage would have that same belief. The defendant has the
10 right to act on appearances, even though the defendant's
11 beliefs may have been mistaken. It is for you to decide
12 whether defendant's fear of immediately danger of death or
13 serious bodily injury was reasonable and would have been felt
14 by an ordinary person in the same situation.

15 Now, evidence of prior difficulties between the defendant
16 and the victims may be considered in deciding whether a threat
17 existed, whether the defendant had a reason to believe a threat
18 existed and how serious that threat was.

19 Now, the relative sizes, ages, and weights of the defendant
20 and the victims can be considered in deciding the apparent or
21 actual need for force in self-defense and the amount of force
22 needed.

23 The reputation of the victims may be considered in deciding
24 whether there was a need for force, whether the defendant had
25 reason to believe there was a need for force and whether deadly

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1 force was reasonably necessary.

2 And threats made by the victims may be considered in
3 determining whether the defendant actually was or believed he
4 was in imminent danger.

5 Now, ladies and gentlemen, the final element of self-
6 defense is that the defendant had no other probable way to
7 avoid the danger of death or serious bodily injury than to act
8 as the defendant did in this particular incidence.

9 Now, ordinarily, one is not justified in shooting or
10 employing a deadly weapon after the adversary has been disarmed
11 or disabled. However, when a person is justified in firing the
12 first shot, he is justified in continuing to shoot until it's
13 apparent that the danger to his life and body has ceased.

14 Also, if the defendant is in a place where he is rightfully
15 allowed to be, then the defendant has no duty to retreat before
16 acting in self-defense.

17 Additionally, once the right to fire or respond with deadly
18 force in self-defense arises, the defendant is not required to
19 wait until his adversary is on equal terms or until his
20 adversary has fired or aimed his weapon or leveled a blow
21 against him.

22 Madam Foreperson, members of the jury, as you retire to
23 begin your deliberations in this case, I wish to express the
24 hope that each of you are mindful of the importance of your
25 duty here today. You're not called upon very often to serve as

1 jurors, and the proper performance of that duty requires each
2 of you reach the height of freeing your mind of all improper
3 influences.

4 Please don't get the idea that I'm trying to intimate to
5 you that you should decide how to decide this case. As I've
6 already told you, under the laws of this state, you, the jury,
7 are the sole judge of all facts, and it would be highly
8 improper for me to influence you in your performance of that
9 duty.

10 However, ladies and gentlemen, as the presiding officer of
11 this court, I am vitally concerned that whatever verdict you
12 reach will be the result of you going back into your jury room
13 and confining your consideration to the evidence and the law
14 that you've heard here in this courtroom, weighing it fairly
15 and impartially, as I have every confidence you will.

16 Madam Foreperson, I remind you the verdict must be
17 unanimous. It must be the verdict of all twelve jurors. And
18 to that end my law clerk has prepared a verdict form. It has
19 the case caption across the top and the indictment numbers.

20 It says, *the State of South Carolina versus Joseph Brown,*
21 *Defendant.* This verdict form has three questions, Madam
22 Foreperson. The first question states: *as to Indictment*
23 *Number 2016-1101, the charge of the murder of Ronnie Black, we,*
24 *the jury, find the Defendant, Joseph Brown, either guilty or*
25 *not guilty.*

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1 The second question: *as to Indictment Number 2016-1113,*
2 *the charge of attempted murder of Gregory Black, we, the jury,*
3 *find the Defendant, Joseph Brown, again guilty or not guilty.*

4 And lastly: *As to Indictment Number 2016-1114, the charge*
5 *of possession of a weapon during a violent crime, we, the jury,*
6 *find the Defendant, Joseph Brown, either guilty or not guilty.*

7 Ladies and gentlemen, please don't infer, import anything
8 to the order that I place guilty or not guilty. Every criminal
9 trial I just reverse them.

10 After that, Madam Foreperson, there is a line for you to
11 sign your name and date this form. And I remind you again that
12 this must be a unanimous decision of the jury.

13 And ladies and gentlemen, you have come to a unanimous
14 verdict in this case, I need you to knock on your jury room
15 door, and we will accept you back into the courtroom to accept
16 your verdict and take your verdict.

17 Now, Madam Foreperson, just a couple of things I want you
18 to know and understand. First, Wanda's been taking down
19 everything that's been said in here, but there is no typed
20 transcript of these proceedings. If there is certain testimony
21 that you want heard played back, what I can do is bring you
22 back in the courtroom and play the audio tape of it. The only
23 thing I need you to know and understand is that if you request
24 me to do that, I have to play that witness's entire testimony,
25 which means the direct, the cross, the re-direct, the re-cross,

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1 however long it took. All right? And I'll bring you back out
2 here to do that.

3 Secondly, ladies and gentlemen, we are going to send the
4 verdict form and all the evidence that was entered in this case
5 back to you. If you don't have it back there, you are not
6 entitled to it. It means maybe it was shown, but it wasn't
7 entered as evidence. And the only thing you're permitted to
8 get is those things that were actually entered into evidence by
9 the parties in this case. All right?

10 So, with that said, ladies and gentlemen, I appreciate your
11 patience and your cooperation. I'm going to tell you one more
12 time to go back to your jury room; do not discuss the case yet.
13 If there's something further on the law that the lawyers want me
14 to charge you, I'm going to bring you back out here, and I'm
15 going to charge you further on the law. If there isn't
16 anything further, I'm going to give you the verdict form, Madam
17 Foreperson, and you are going to have all the evidence that's
18 in this case. That's going to be your signal to begin your
19 deliberations.

20 And I trust we have some gloves as well for them to take
21 back there.

22 So, if you need anything, Madam Foreperson, simply let me
23 know. Okay?

24 So, again, thank you. Don't begin discussing the case
25 until you've received the verdict form and the evidence or I've

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JURY CHARGE

1 brought you back in here to charge you further. Okay? Thank
2 you. You all are excused.

3 JURORS LEAVE COURTROOM 3:26 P.M.

4 BAILIFF: Jury's clear, your Honor.

5 THE COURT: All right. Any exceptions or additions to the
6 charge from the State?

7 SOLICITOR SMITH: No, ma'am.

8 THE COURT: From the Defense?

9 MS. CAMPBELL: No, your Honor.

10 THE COURT: These were exhibits, right? I just saw these
11 two sitting there. You all want to come up and make sure we've
12 got everything that has been entered. Make sure we send back
13 gloves with them.

14 Those were on there as well, Wanda. Okay?

15 ATTORNEYS AND COURT REPORTER GOING OVER

16 EXHIBITS.

17 THE COURT: What about -- guys, what about the transcript?
18 Actually, I say we send the transcript back.

19 SOLICITOR SMITH: Actually, we --

20 THE COURT: What? Are they together?

21 SOLICITOR SMITH: This wasn't going back.

22 THE COURT: Okay. Fabulous. It's not going back.

23 Okay, Wanda, you have the 14 copies. Let's give them the
24 14 copies back.

25 COURT REPORTER: Okay.

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FIRST NOTE FROM JURORS

1 THE COURT: They're underneath. All right. So we're just
2 going to be at ease in here.

3 ITEMS IDENTIFIED AS TRANSCRIPTS OF

4 INTERVIEW OF JOSEPH LEONARD BROWN

5 MARKED COURT'S EXHIBIT NUMBER 11.

6 ATTORNEYS AND COURT REPORTER CONTINUE

7 GOING OVER EXHIBITS.

8 ITEM IDENTIFIED AS ONE PARTIALLY FULL

9 BOX OF .38 WINCHESTER AMMUNITION; ONE

10 MAGAZINE CONTAINING .9 MILLIMETER BULLETS

11 MARKED STATE'S EXHIBIT NUMBER 56

12 ADMITTED AS EVIDENCE.

13 ALTERNATE JURORS.

14 EXHIBITS AND VERDICT FORM TAKEN TO

15 JURORS 3:35 P.M.

16 OFF THE RECORD 3:38 P.M.

17 BACK ON THE RECORD 4:16 P.M.

18 FIRST NOTE FROM JURORS:

19 THE COURT: All right. Just very quickly. The jury sent
20 me a note asking for a copy of definition of self-defense.
21 What I propose to do is send them back the entire jury charge,
22 which obviously had self-defense in it, but I don't think I
23 want to send them less than the whole thing back.

24 So any objection from the State?

25 SOLICITOR JONES: No, your Honor.

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FIRST NOTE FROM JURORS

1 THE COURT: Any objection from the Defense?

2 MS. CAMPBELL: No.

3 THE COURT: All right. So we're going to go ahead and mark
4 this as a court's exhibit, Wanda, and we'll go ahead and send
5 it back. We'll just be at ease until we hear back from them
6 again. Okay?

7 I will tell you that some of them had asked, even before we
8 started, to make some phone call, so I'm anticipating -- I
9 don't know that, but we may be here for a little while. So
10 just to give you all a little head's up. Okay? Thank you.
11 Okay. All right.

12 MS. CAMPBELL: Are you giving them one or 12?

13 THE COURT: One.

14 MS. CAMPBELL: One. Okay.

15 THE COURT: Do you want me to give them 12?

16 MS. CAMPBELL: I don't know.

17 THE COURT: Usually, I just give them one. It's just --
18 one is easier when they're just -- yes, let's just give them
19 one right now.

20 MS. CAMPBELL: Thank you, Judge.

21 THE COURT: If they request 12 of them, obviously, I can
22 copy them.

23 ITEM IDENTIFIED AS FIRST NOTE FROM JURORS

24 MARKED COURT'S EXHIBIT NUMBER 8.

25 ITEM IDENTIFIED AS JURY CHARGE

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SECOND NOTE FROM JURORS

1 MARKED COURT'S EXHIBIT NUMBER 9.

2 OFF THE RECORD 4:18 P.M.

3 BACK ON THE RECORD 5:25 P.M.

4 SECOND NOTE FROM JURORS:

5 THE COURT: All right, I got another note from the jury.

6 This one says:

7 May we have in layman's terms the definition
8 of without fault, especially the word 'difficulty.'
9 I.E., is difficulty equaled the argument?

10 SOLICITOR JONES: I don't know how it's explain it any
11 simpler than the words.

12 THE COURT: What I propose on just doing is bring them out
13 here and just instructing them that you need to use its plain
14 and ordinary meaning without and difficulty. I don't know what
15 else to say.

16 SOLICITOR JONES: I think that's --

17 THE COURT: Any other suggestions, Ms. Campbell?

18 MS. CAMPBELL: That's fine.

19 THE COURT: Okay. I'm also going to tell you that I'm also
20 going to suggest to them that they also need to determine
21 whether they would like to keep on tonight, or if they want to
22 break for the evening and come back in the morning and do their
23 deliberations. And I'll let them make that determination.
24 Okay? So I'm just going to let you know that that's what we
25 will --

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SECOND NOTE FROM JURORS

1 MS. CAMPBELL: Your Honor, on behalf of Mr. Brown I would
2 ask that your Honor, since they are grappling with, you know,
3 the law, that you would re-charge the law on reasonable doubt.
4 Thank you.

5 THE COURT: Okay. Well, I can't just re-charge any one
6 particular portion, but I gave them an entire copy of the
7 charge, so they have it all back there, so. Okay.

8 Well, let's bring the jury in.

9 BAILIFF: The jury's entering the courtroom, your Honor.

10 JURORS ENTER COURTROOM 5:28 P.M.

11 BAILIFF: The jury is seated, your Honor.

12 THE COURT: Thank you. Madam Foreperson, you sent me a
13 note asking for a layman's term of the definition of without
14 fault. There is no definition for me to give you. There is
15 just you use the ordinary definition of the words *without* and
16 *fault*. It's not a legal phrase. So I just want to make sure
17 you understand that, is you just give its ordinary, plain
18 meaning. That's the idea of the jury; it's your collective
19 wisdom is what helps you and affords you to decide these
20 matters. So I really can't define it for you. You just need
21 to talk amongst each other about the case.

22 Secondly, it is about 5:30, and so, at this point, we start
23 talking about what exactly we want to do as far as dinner and
24 how late you are willing to work or able to work, or coming
25 back tomorrow morning. So what I'm going to ask you to do is

1 this. To begin with --

2 So I can't really answer your question. You just need to
3 give it its plain, ordinary meaning as you know the word, or
4 words.

5 Secondly, we can work as late as you want. I am here. So,
6 if you would like to keep going, what I do need to tell you is
7 that we do have to bring some kind of food in or dinner in for
8 you. It's never anything fancy, but at this point, it takes us
9 probably about an hour and a half or so to get it here. So, if
10 we're going to be here at roughly 7:00 o'clock, you need to let
11 me know that, and we'll go ahead and order what we can if we
12 need to.

13 Also, ladies and gentlemen, I will tell you that sometimes
14 juries just want to go home for the evening and clear their
15 mind and come back and continue their deliberations in the
16 morning. And we can do that as well. We're all going to be
17 here working anyway. So that is completely up to you.

18 But I would like you, Madam Foreperson, to go back to the
19 jury room, talk to the rest of the jurors, see what they think,
20 what they want to do. Again, we can continue to work. if you
21 think you are making progress and want to continue, we're happy
22 to do that and we're here, and we will stay as late as you want
23 us to. And that includes literally any time. I will say when
24 it gets too late and people get really tired, at that point I
25 may say we're going to come back tomorrow, just because I

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SECOND NOTE FROM JURORS

1 understand people get tired, and I don't know how we 2973 5:52.

2 So go talk amongst yourselves, but again, let me know what
3 you all would like to do. If you're inclined to come back
4 tomorrow, I say we go ahead and break for the evening now, so
5 everyone can get a good night's sleep, everyone can go home and
6 get some dinner. So that's just for your idea. You just tell
7 me what you want to do. Let the bailiffs know, and we'll do
8 that. If we need to get dinner coming, we'll do that as well.
9 Okay?

10 JURORS LEAVE COURTROOM 5:31 P.M.

11 BAILIFF: Jury's clear, your Honor.

12 THE COURT: Thank you. All right, Wanda, here's the note

13 ITEM IDENTIFIED AS SECOND NOTE FROM JURORS

14 MARKED COURT'S EXHIBIT NUMBER 10.

15 You all sit tight here with Mr. Brown as well, until I hear
16 back from them about what they want to do. Let's just sit
17 tight and see what the jury lets us know. Okay?

18 BAILIFF: Door's closed, your Honor.

19 THE COURT: Thank you, Rick.

20 MS. CAMPBELL: As to what your Honor did charge or say to
21 the jury, there's no objection to what was said.

22 THE COURT: Okay. All right. Well, let's sit and see kind
23 of how quickly they will let us know, and we'll go from there,
24 if that's all right. You all are fine as far as scheduling?
25 Everyone's okay?

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VERDICT

1 OFF THE RECORD.

2 BACK ON THE RECORD.

3 THE COURT: All right. It sounds like the jury wants us to
4 order dinner. So, for those of you that are back in the
5 gallery, that probably tells you that you have enough time to
6 go grab a bite to eat, if you would like.

7 Mike, I don't know how people can -- can people get back in
8 the courthouse after they leave?

9 DEPUTY SHERIFF MIKE WINSTON: I'll have someone down there,
10 yes, ma'am.

11 THE COURT: Okay. You just tell me how you want to handle
12 that. Okay. Well, I just wanted -- sounds like that's what
13 they want to do. So we'll keep going. Okay? All right.
14 We'll be at ease. I'm just going to be sitting in changers,
15 not going anywhere. So whatever you all need, let me know.
16 Okay? Thanks.

17 OFF THE RECORD 5:35 P.M.

18 BACK ON THE RECORD 7:15 P.M.

19 VERDICT:

20 THE COURT: All right. Let's bring the jury in.

21 BAILIFF: Want to go ahead and bring them in?

22 THE COURT: Let's go ahead and bring the jury in.

23 BAILIFF: The jury is entering the courtroom, your Honor.

24 THE COURT: Thank you.

25 JURORS ENTER COURTROOM 7:19 P.M.

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VERDICT

1 BAILIFF: The jury is seated, your Honor.

2 THE COURT: Thank you. Madam Foreperson, I understand the
3 jury's reached a verdict.

4 MADAM FOREPERSON: Yes, we have.

5 THE COURT: Would you please give the verdict to the
6 bailiff.

7 Thank you. I appreciate it.

8 All right. Mr. Brown, if you'd rise, sir.

9 Okay. In the State of South Carolina versus Joseph Brown
10 as to Indictment Number 2016-GS-07-1101, the charge of murder
11 of Ronnie Black, we, the jury, find the defendant Joseph Brown
12 not guilty.

13 As to the Indictment 2016-GS-07-1113, the charge of
14 attempted murder of Gregory Black, we, the jury, find the
15 defendant, Joseph Brown, guilty.

16 As to Indictment Number 2016-GS-07-1114, the charge of
17 possession of a weapon during a violent crime, we, the jury,
18 find the defendant, Joseph Brown, guilty.

19 All right. You may be seated, Mr. Brown.

20 Ladies and gentlemen, of the jury -- Ms. Campbell, do you
21 want to have them polled?

22 MS. CAMPBELL: Yes.

23 THE COURT: Okay. Ladies and gentlemen of the jury, what
24 we're going to do now -- you all can come on in and take a
25 seat. We're going to have the clerk's office poll you. She is

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VERDICT

1 going to call your name. I'm sorry. She is going to call your
2 number first. I apologize. And basically, she's just going to
3 ask you if this is your verdict and is this still your verdict.
4 Okay?

5 So, Marlene, if you'll do that.

6 MADAM CLERK: Juror Number 380. Is this your verdict?

7 JUROR NUMBER 380: Yes.

8 MADAM CLERK: Is this still your verdict?

9 JUROR NUMBER 380: Yes.

10 THE COURT: Thank you. You may be seated, sir.

11 MADAM CLERK: Juror Number 36. Is this your verdict?

12 JUROR NUMBER 36: Yes.

13 MADAM CLERK: Is this still your verdict?

14 JUROR NUMBER 36: Yes.

15 MADAM CLERK: Juror Number 400. Is this your verdict?

16 JUROR NUMBER 400: Yes.

17 MADAM CLERK: Is this still your verdict?

18 JUROR NUMBER 400: Yes. Thank you.

19 MADAM CLERK: Juror Number 326. Is this your verdict?

20 JUROR NUMBER 326: Yes.

21 MADAM CLERK: Is this still your verdict?

22 JUROR NUMBER 326: Yes.

23 MADAM CLERK: Thank you. Juror Number 298. Is this your
24 verdict?

25 JUROR NUMBER 298: Yes.

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VERDICT

1 MADAM CLERK: Is this still your verdict?

2 JUROR NUMBER 298: Yes.

3 MADAM CLERK: Thank you. Juror Number 62. Is this your
4 verdict?

5 JUROR NUMBER 62: Yes.

6 MADAM CLERK: Is this still your verdict?

7 JUROR NUMBER 62: Yes.

8 MADAM CLERK: Thank you. Number 167. Is this your
9 verdict?

10 JUROR NUMBER 167: Yes.

11 MADAM CLERK: Is this still your verdict?

12 JUROR NUMBER 167: Yes.

13 MADAM CLERK: Thank you. Number 219. Is this your
14 verdict?

15 JUROR NUMBER 219: Yes.

16 MADAM CLERK: Is this still your verdict?

17 JUROR NUMBER 219: Yes.

18 MADAM CLERK: Thank you. Number 197. Is this your
19 verdict?

20 JUROR NUMBER 197: Yes.

21 MADAM CLERK: Is this still your verdict?

22 JUROR NUMBER 197: Yes.

23 MADAM CLERK: Thank you. Number 235. Is this your
24 verdict?

25 JUROR NUMBER 235: Yes.

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VERDICT

1 MADAM CLERK: Is this still your verdict?

2 JUROR NUMBER 235: Yes.

3 MADAM CLERK: Thank you. Number 111. Is this your
4 verdict?

5 JUROR NUMBER 111: Yes.

6 MADAM CLERK: Is this still your verdict?

7 JUROR NUMBER 111: Yes.

8 MADAM CLERK: Thank you. Number 162. Is this your
9 verdict?

10 JUROR NUMBER 162: Yes.

11 MADAM CLERK: Is this still your verdict?

12 JUROR NUMBER 162: Yes.

13 MADAM CLERK: Thank you.

14 THE COURT: All right. Anything further required from this
15 jury from the State?

16 SOLICITOR JONES: No, your Honor.

17 THE COURT: From the Defense?

18 MS. CAMPBELL: No, your Honor.

19 THE COURT: Ladies and gentlemen, I want to thank you. You
20 have resolved this case for us. At this time, I am going to go
21 ahead -- unless for any reason, Ms. Campbell, we don't want to
22 sentence tonight, would you prefer to do it tomorrow morning,
23 or would you prefer to go ahead and go forward tonight?

24 MS. CAMPBELL: Your Honor, if it would please the Court, we
25 would like to take that up in the morning, along with any post-

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VERDICT

1 trial motions.

2 THE COURT: Absolutely. Okay. And if he wants to bring
3 anyone here to speak on his behalf as well, he's welcome to do
4 that, as you know, so.

5 MS. CAMPBELL: I've been in contact with them.

6 THE COURT: Okay. All right. So, ladies and gentlemen, I
7 am going to go ahead and wait to sentence him until tomorrow,
8 just based on the late hour. And any time during a sentencing,
9 people from both sides get to speak on their behalf, from both
10 the victims' family, and also on behalf of you as well. We go
11 through and we get a bunch of background information that right
12 now I'm not privy to. So we will do that tomorrow.

13 But I want to go ahead and tell you how much we appreciate
14 you being here and, again, resolving this case. Just Sprouse's
15 case finished today earlier, and we are pulling another jury
16 tomorrow, but I am not requiring you all to come back. So you
17 are going to be released for the remainder of the week.

18 At this point, when you go home, you are permitted to
19 discuss the case, if you would like to. Also, sometimes the
20 attorneys may want to ask you what your thoughts are, and
21 that's permissible, but you're never required to talk to
22 anyone. if you have no interest in discussing it, you can just
23 say simply no, thank you.

24 But at this point, we are going to go ahead and excuse you
25 for the evening. The bailiffs are going to make sure you all

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VERDICT

1 get in your cars and get back home safely. All right? And
2 again, thank you all so much for being here. We really
3 appreciate it.

4 JURORS LEAVE COURTROOM 7:24 P.M.

5 BAILIFF: The jury's clear, your Honor.

6 THE COURT: Okay. Ms. Jones, is there anyone here you
7 would like to speak on behalf of the victim's family that
8 cannot come back tomorrow? And it's fine if they would rather
9 just go ahead and speak now and not come back, that's fine,
10 too. Completely up to you all. I just don't want you to have
11 to come back if you don't want to, but certainly, you're
12 welcome to if you would like, so. We're okay?

13 We're all okay. All right. We're going to go ahead and
14 -- let's do this. Trasi, if you're fine with this, if we can
15 all come back at 9:30, we will go ahead and put post-trial
16 motions on the record, we'll go ahead and do this sentencing.
17 I know I'm scheduled to do a bunch of other pleas as well. If
18 that's okay with you all, does that work? Does that -- okay.
19 And we'll just start at 9:30, then, and we'll get this one
20 done first, and then you all can go on your way. Okay? All
21 right. I appreciate it.

22 END TRIAL DAY THREE, WEDNESDAY,
23 SEPTEMBER 19, 2018, 7:23 P.M.

9-19-18 STATE V BROWN

CERTIFICATE OF REPORTER

CERTIFICATE OF REPORTER

SEPTEMBER 17, 18, 19, 2018 TRANSCRIPT OF TRIAL

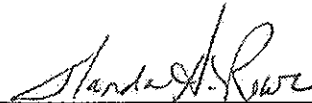
STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing September 17, 18, 19, 2018 Transcript of Trial is a true, accurate, and complete record of the proceedings had and exhibits admitted on said dates, in the case of State of South Carolina versus Joseph Leonard Brown, Beaufort County, Court of General Sessions, Case Numbers 2016-GS-07-01101, 2016-GS-07-01113, and 2016-GS-07-01114; that I am of neither kin, counsel, nor interest to any party hereto.

This Certificate of Reporter contains my original signature and is attached to the original of this transcript requested by SCCID. Pursuant to SCACR 607, requests for copies of this transcript must be made to the court reporter. Unauthorized copying/emailing is prohibited.

Witness my signature April 26, 2019.



Wanda H. Rowe, CVR-M
Official Court Reporter

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NUMBERS 2016-GS-07-01101
2016-GS-07-01113, 2016-GS-07-01114

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

JOSEPH LEONARD BROWN

DEFENDANT

SEPTEMBER 20, 2018
TRANSCRIPT OF SENTENCING
AND POST-TRIAL MOTIONS
BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

BEFORE
HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M

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BEGINNING 9:35 A.M.

THE COURT: All right. Well, good morning. Do you have the paperwork? The sentencing sheets, if you would. I'm happy to hear from the State first, and family members or anyone that wants to talk on behalf of the Blacks. And then I'll hear from Ms. Campbell. Okay?

SOLICITOR JONES: Thank you, your Honor.

THE COURT: Yes, ma'am.

SOLICITOR JONES: Your Honor, you sat through this trial. I'm not going to harp on the facts. You heard in graphic detail what happened that night.

I do want to put on the record Mr. Brown's prior record. It does date back to 2001. Possession of a controlled substance; false name or I.D. 2003, domestic battery. 2004 resisting an officer. 2007, driving with suspended license.

He does have a 2001 probation violation. We were unable to determine what that violation was for, because the subsequent charges came after that. However, prior to that charge, there are multiple arrests for battery and weapons charges with no dispositions. All of that stemming out of instances of arrests.

There are multiple members of the Black family here, your Honor. And for Madam Court Reporter, it's Greg Black, who your Honor's familiar with. Michael Mitchell, he's a family friend. Renetta Black Johnson, who is Greg Black's aunt. We have David

Black, who's Mr. Ronnie's brother. Samuel Black, who's Mr. Ronnie's brother. Essie Scott is a sister. Ralph Scott is Mr. Ronnie's brother-in-law. And Amber Scott is a niece and a cousin to Greg Black. I believe that four or so of them would like to address your Honor at this time.

THE COURT: Okay. All right. Who would like to speak first? Yes, sir. If you would, just come and stand right up there, please.

MICHAEL MITCHELL: First of all, I'd like to say good morning to the Court.

THE COURT: What is your name, sir?

MICHAEL MITCHELL: My name's Michael Mitchell. I'm a friend of the family. And from the justices I've seen here yesterday, very professional, very thought out.

I'd like to apologize to the family for losing a brother in the tragedy. And I know how it feels for someone to be taken away from you like that. And I'd like to apologize to them for injustice of the judicial system as we see it, because all the evidence seemed to point in the direction of all counts. But there's a higher authority that we must answer to, all of us.

As I live my life is all the universe reciprocity. What you give come back. And it's clear to me that intent, that was the main factor in this. What was your intent? And I feel from the evidence pointed at the intent was to just what was done. So that's why I'm asking for the family and to the Court

to exercise the fullest extent of the law under this charge, because day-by-day, there will always be a hurt and a pain for someone they love. There's a higher authority that will judge us all. That's my statement.

THE COURT: Thank you, Mr. Mitchell.

Yes, ma'am. Good morning.

RENETTA BLACK JOHNSON: I'm Renetta Black Johnson. The baby sister of Mr. Ronnie Black. He nicknamed me NetNet, and I carry that in my heart the rest of my life. I would like to say thank you to Beaufort County District Attorney's Office and those who believed and the evidence provided to prosecute this case.

What type of man can take the life of someone who shelters him and his family, provides safe haven without charge for months at a time, even up to a year, not one occasion, but several occasions. That person's not a man. That person's a coward. For my brother to be taken away so tragically, it hurts the family, it takes a piece of us away.

Joe, you have taken --

THE COURT: Ma'am? Ma'am?

RENETTA BLACK JOHNSON: I'm sorry.

THE COURT: I need you to address me. You are not to address Mr. Brown.

RENETTA BLACK JOHNSON: I'm sorry.

THE COURT: You need to address your comments directly to

me. Okay? Thank you.

RENETTA BLACK JOHNSON: This person has taken a brick from our foundation. With our house, family, we haven't collapsed. We're stronger now, more so than ever because of this. In saying that, I can't hate this person, because if I did, I would be no better than he is. And I'd carry cold-blooded, poor excuse of a human being. I pray that he sees sense in his cell for the years to come and think about what he has done; that he finds salvation for his soul.

Our struggle is not against flesh and blood, but against the rules, against these authorities, against the powers of darkness. And seeing what I have seen these past few days, I've seen a dark soul. I implore this Court to sentence him to the fullest extent allowable by law. Thank you so much.

THE COURT: Thank you, ma'am.

Good morning, Mr. Black.

GREGORY BLACK: Good morning. First, I would like to thank the Judge, District Attorney, and investigators, everyone that helped, had a hand in this process.

A wise person is hungry for knowledge, while the fool feed -- while the fool feeds on trash. Our family has been shaken through this, but I harbor no hate, discontent, for anyone. I never hate. I always dislike someone's ways.

I'm not here to put on you anything. You already know what you need to do as a judge, so you're going to do it. All my

trust and faith is in the system. No hard feelings, I will not harbor for anyone. Thank you.

THE COURT: Thank you, Mr. Black. Good morning.

ESSIE SCOTT: To everyone in the courtroom, I'm your aunt. Thank God for being here this morning. And while I was here during this week and past couple days, I learned a lot through the proceedings. This is my first time sitting in on a trial. Unfortunately, it was something -- a trial that affected me and my family. That was unfortunate, but it was a learning experience. And you know --

THE COURT: Ma'am, do you just mind giving me your name for the record.

ESSIE SCOTT: I'm sorry. My name's Essie Scott. I am the sister of Ronnie.

THE COURT: Thank you.

ESSIE SCOTT: I learned a lot, and when I went home -- and I listened yesterday, and what the charge against him was, attempted murder with hatred, malice, and aforethought. And I thought about that. Hatred, malice, aforethought, those are some very, very strong words, word and terms, and it comes from the heart. Attempted murder occurs when a person with intent to kill intends to kill another person with malice aforethought. That kept ringing in my ear. Either express or implied, commits the offense of attempted murder, an attempt to kill this person, wanted to kill my nephew, Gregory Black, but

fortunately, he did not succeed. He did succeed, unfortunately, in attempting to kill my brother. But he tried to kill Gregory, which Gregory was just walking away, in the back. That's the actions of a coward.

You weren't just trying to beat him up. You weren't just trying to -- I don't know what other force you were trying to use, but you were trying to kill him. And I thought about killing and murder. That's, my goodness, a sin of the heart. That's an issue of the heart. Thank God Gregory Black didn't die because of the results of this defendant, because of his actions, because of an ill will, because of the hatred, because of the malice towards Gregory Black, towards my brother.

You know, you did physically kill my brother, but spiritually, he's okay. He's okay. Your heart's desire was to kill him, to kill Gregory, and your actions of shooting him several times shows that.

Now, on the night of June 5, 2016, there was a most horrific experience, a most horrific event that occurred. It changed my life and it changed the life of my family forever. We will never be the same.

My youngest brother, Ronnie was my youngest brother. He was taken away from me. He was murdered. Shot four times and beaten repeatedly.

Gregory was shot several times. His life was almost taken from him at this traumatic event, which was and is a shocking,

emotional, disturbing experience to me. I've never experienced anything like this in my entire family. It's very difficult to put in words.

Now, we have a -- become a statistical family, meaning a family affected by gun violence. We're in that statistic now. You know, we hear about it, we read about it, we are in that family. And because of the actions of this person, this defendant, our family has lost a brother. I've lost a brother. Our family has lost a father, an uncle, a grandfather, a nephew, a cousin, and a community worker. He was well known in the community. His community loved him.

And because of the actions of this person, my nephew's physical and emotional well being, his health has forever been affected by this. Even though this defendant did not succeed in his devious plan to kill my nephew, but what he did succeed in doing was this. He showed us what or who he really is, an extremely vicious, dangerous, calculating individual. Very calculating. And I pray that no one else in this county, I pray that no one else in this state, I pray that no one else in this country has to, oh, my God, be affected, has to endure the trauma, the turmoil that we are enduring right now.

So, therefore, your Honor, I respectfully, I respectfully implore you to render the maximum sentence for this crime of attempted murder that the jury has convicted him of yesterday, which was Wednesday, September 19, 2018. Don't let him

continue to live a life of criminal activity at the expense of innocent victims. I respectfully implore you, render the maximum sentence.

And after seeing all of this hatred, malice aforethought, but I cannot hate. I will not hate, because that would make me worse than he is, and I refuse to live my life in hate. I thank you. Thank you.

THE COURT: Thank you.

SOLICITOR JONES: Your Honor, just briefly, we are here because the jury did find him guilty of attempted murder. The State would just like to point out that Mr. Gregory Black was shot from behind. He was shot as he was running away. He was no threat to Mr. Brown that night in no way, shape, or form. I think what was the telling part and the most going to the intent of Mr. Brown's that night is, after Gregory is laying on the porch, vulnerable, pleading, essentially dying up there, he goes to his truck to re-load his gun. And he says that. He says that's why he went to his truck.

By the Grace of God, though, that gun was broken and he couldn't re-load it. And at that point, he hears Gregory on the phone with 911, and he knows that he can't finish, follow through with what he wanted to do. And I believe that that's the only reason that Gregory is here today, and for that, I would be asking for the full thirty years.

THE COURT: All right. Ms. Campbell, I received a number

of letters and emails on the client's behalf. I am assuming you've given them over to the State, or the State is aware and seen them?

MS. CAMPBELL: I have.

THE COURT: Anything else? What would you like to tell me?

MS. CAMPBELL: Thank you, your Honor. May it please the Court. First of all, I spent a good bit of time on the phone with Denise last night in talking back and forth about what was the right decision to make for the children in terms of their emotional development, and any trauma about being here today with their father.

I actually know the oldest child from Hilton Head Island, and she's a beautiful, lovely child. And I think you'll see in the email reflected from Joseph's family and friends that it's a different canvas that they paint for your Honor. Knowing him as a father, knowing him and their family, the phrases and the words that they use are descriptive of a man that really -- and you can see by the lack of criminal record that the State put in for you he does not have a violent history. And I think it's important to note that the last thing on the record, driving under suspension, happens to coincide with the maturing and the marrying and the having of the children and developing that family life. And in many instances, as it did for Joe, made him, you know, I won't say a different man, but just improved on the qualities that were already there, as you've

heard from the family, and let the other ones go.

So Denise would have liked to have been here. The family members would have liked to have been here. In the alternative, I have provided you their statements. Some of the family members are not able to travel due to physical restrictions. Some are not able to travel due to financial restrictions, gas, hotel costs, and things of that nature. And others are unable to be here due to the constraints of their work.

I didn't want the impression to be left that this is not a man who means a great deal to his family. Not just his family in Jacksonville, Florida, but to Denise and to the three children that they have together.

I would like to point out for your Honor that he was arrested that night; he went to jail; and he was released on electronic monitoring with house arrest. His bond was revoked after an argument with Denise, and he was placed back in the Detention Center. I'm not sure if your Honor's the one who did that revocation, but that is the facts. And so, in terms of credit for the time he's been in, it would date fully every day back to June 6, technically, 2016.

And while I understand the State's position and the position of the Black family in terms of maximum sentence, I would assert to your Honor that the maximum sentence should be reserved for those who demonstrate a history of violence,

particularly in light of the fact that this jury viewed the facts and circumstances of that night on that porch, and made the determination that lawfully, Mr. Brown armed himself and lawfully shot and killed Ronnie Black. That is an issue that can no longer be disputed. That is finished.

And the manner in which the jury reached their decision on the attempted murder and the possession of a weapon during the commission of a violent crime, as your Honor will see, will be something that I discuss and fully argue in the motion for a new trial, upon the completion of your sentencing. Thank you.

THE COURT: Does Mr. Brown want to say anything? Would you like to speak, sir?

JOSEPH LEONARD BROWN: Yeah, I'd like to.

THE COURT: Yes, sir.

JOSEPH LEONARD BROWN: Say something about myself, who I am.

THE COURT: Yes, sir. Yes, sir.

JOSEPH LEONARD BROWN: My core values, what I believe in, spirituality. I believe in a most high, and I'm a man of prayer and meditation. I strive to do my best at keeping all *Ten Commandments* and all statutes, as well as keeping His covenants. And also experiences -- experience the inner connections, a sacredness of all the things that I have that he has willed for me. I believe a vision. I'm a man of vision. I consider my ability to create a manifest vision to be a

supreme gift of the Creator.

I believe in honor. I live with a sense of respect for myself and others. I walk my talk and I live my words. I believe in perseverance. I stay the course. I believe in grit and stick-to-it-ness. I believe that hardship in life is going to teach me and forge my metal. That which does not kill me makes me stronger.

I believe in leadership. I take responsibility for all. I lead by example, and only strive to bring out the best in others. I believe in awareness. If I stay ready, I won't have to get ready. I believe in family. I strive to be an excellent father and a partner.

I believe in love. Love is the life blood that connects -- that connects us all. I live with my heart, and I'm a servant and a messenger of love. I'm a heart healer. Sensuality, I believe in also. I live through my senses. I enjoy and promote pleasure in Beaufort.

I love the natural words and I'm fared by my connection to it. And I believe in service also. I'm always ready to serve with my time, body, mind and spirit. I consider the position of a servant to be the most honorable position. And that's it.

THE COURT: Thank you, Mr. Brown.

MS. CAMPBELL: Would you like him to remain standing?

THE COURT: Please. Well, I will say, this is such a tragic event, I think, any time that you have this type of

situation among family members. I'm certainly cognizant how it affects family members. I think that's probably the heart of it all. And I certainly recognize that you have four children who are going to be without a father, and a wife that's going to be without a husband. I also have to take into account what you've done. And again, these are among the always heart-wrenching cases, but I wish you good luck, Mr. Brown. I hope that you will go on and better yourself and have a good life.

But with that said, on Indictment 2016-GS-7-1101, for the charge of [sic] murder, the sentence of this Court is you be committed to the Department of Corrections for period of thirty years.

On Indictment 2016-GS-7-1114, possession of a weapon during a violent crime, the sentence of this Court is you be committed to the Department of Corrections for a period of five years.

Those are to run concurrent to each other. I give you credit for time served.

Again, good luck to you, sir.

MS. CAMPBELL: May it please the Court?

THE COURT: Yes, ma'am.

MS. CAMPBELL: Your Honor, said on the offense of murder.

THE COURT: Attempted murder. I'm sorry. Attempted murder. I apologize.

POST-TRIAL MOTIONS:

THE COURT: Okay. Post-trial motions at this time. Let's

go ahead. We can do this at this time, if that's possible.

MS. CAMPBELL: So I have file served your Honor with a motion for a new trial. I've provided Mr. Brown a copy of it.

So there are four bases that defendant requests a new trial. First being that the Court erred in failing to grant the defendant's pretrial motion for immunity under the *Protection of Persons and Property Act*, as dictated by the South Carolina Code of Laws.

If your Honor please, I'll just make my argument in full.

THE COURT: Please.

MS. CAMPBELL: And then the State can respond.

The second one: the second one failed to grant directed verdict motions per the verdict of the jury as to the attempted murder indictment and possession of a weapon during the commission of a violent crime, but not supported by the evidence.

And four: the jury returned inconsistent verdicts in this case. Whereas, the defendant argues prior to the Court to direct a verdict of not guilty at this stage as to the attempted murder and possession of a weapon during the commission of a violent crime, indictment, or, in the alternative, grant him a new trial.

In support of his motion, defendant argues that the verdicts returned were impermissibly inconsistent, and the Court should direct the verdict of not guilty. The jury's

acquittal on the murder indictment, that's disallowing all the indictments as facts and circumstances as were found by the jury's clear determination that the defendant was acting in self-defense when Ronnie Black threatened his life and the life of defendant's wife by arming himself with a handgun in a manner, that that jury deemed warranted the actions of the defendant in arming himself, firing his gun, and killing Ronnie Black. The defendant contends, then, that the murder and attempted murder indictments are inextricably intertwined based upon the defendant's assertion of self-defense, and the jury finds that he is acting in self-defense in reference to the murder indictment. We would argue that an inconsistent verdict in this situation is just exactly that: defying logic. And by acquitting the defendant on one count, but convicting on a second count, which is factually and/or legally interconnected, the jury thus returns an inconsistent verdict.

So, with that in mind, researching, the states are sort of all over the place. They sort of fall in one of two columns. And so, some are helpful, some are not when this is our situation we're faced with. But in our sister state of Florida, the court refused to uphold true inconsistent verdicts and said their definition, then, of what the inconsistent verdict would be is those which an acquittal on one count negates the necessary element for conviction on the other count.

And in my written motion, I talk a great deal about the recent Scott case from the end of August 2018. And to me, it aligns very similarly with what we've been dealing with in this situation. Although, the Scott case was a situation where the circuit court granted immunity to the defendant, and the State appealed.

And briefly, in that situation, your Honor, the two vehicles were involved and the defendant shot in the direction of the two vehicles, not knowing where the threat was actually coming from, and killed a man in the second car. Hindsight investigation revealed the shot actually came from the first car.

So the Supreme Court, you know, and I think it was Justice James who said, you know, so, does Scott in that case, the defendant in that case, have to interview. He says, I'm not being facetious; does he have to interview the perpetrators and ask which one of you fired that shot so I can fire my shot accordingly. And of course, the answer is no, because a person has the right to -- and this is what I'm pointing to then -- act on appearances, which you charged this jury that we had, even if the person's belief is mistaken.

And in this case, the record reflects the testimony, again, of what transpired on the porch and a clear indication and the record reflecting Mr. Brown, Joe Brown, arming himself, shooting and firing at Ronnie Black, believing that the person

standing right next to Ronnie Black, Gregory Black, was about to be armed and in a position to do him harm as well.

So we would say that that's the situation for our case, which is like the Scott case. And it's certainly within the duty of the trial court to set aside a verdict when the jury has misapplied the law or returned verdicts that are inconsistent with the law and your instructions.

And finally, *State v. Scott* dealt again with the proper application of the *Protections of Persons and Property Act* by the circuit court. And Joe Brown asserts that his situation and his actions on the front porch as ultimately being justified by this jury as to murder indictment dictate that the circuit court correct the inconsistent verdict now. And he respectfully requests your Honor to apply the law fairly and accurately to the circumstances; direct that verdict of not guilty as to attempted murder and possession of a weapon during the commission of a violent crime.

And finally, just relying on the common law principle, your Honor, that no verdict should be upheld which creates an redundancy or absurdity in a conviction. Thank you, Judge.

THE COURT: Thank you, Ms. Campbell.

Ms. Smith.

SOLICITOR SMITH: Judge, I'm going to address first the inconsistent verdicts with regard to the *State v. Scott*. This case is not -- this case is completely different from that

case. It involved two cars running by. He didn't know who was shooting. This case is completely different. This case, if you believe the defendant, which I mean, Ronnie Black had a gun, he said. There was never any testimony that Greg Black did. If you -- and clearly, the jury didn't believe one of Mr. Brown's stories that Greg Black -- or Ronnie Black was trying to get the gun to Greg. So I don't believe this is anything like Scott. That should not even be a basis for this argument.

Secondly, these are two separate charges. While we tried them together, we presented evidence as to both that were separate from both charges. Clearly, there was never any evidence produced, besides the one story Mr. Brown gave as to Greg Black acting in self-defense -- excuse me -- Joseph Brown acting in self-defense as against Greg Black. He was never armed and he was never threatening to Mr. Brown.

With regard to her first basis, the defendant's pretrial motion under the *Castle Doctrine*, we presented evidence and testimony all day Monday, and I think it's quite clear that the defendant did not meet the burden under the act, and I don't think we need to reiterate that argument.

Secondly, as far as the Court hearing or failing to grant a directed verdict on either charge, it was clearly an issue of fact for the jury. The evidence with the conflicting testimony between witnesses, there was no question that on both charges, there was an issue of fact for the jury to decide. Clearly

there was, as they sat here for four hours.

And then the third basis, that the verdict of the jury as to the attempted murder and possession of a weapon during the commission of a violent crime was not supported by the evidence, I think there was overwhelming evidence to support that charge. Joseph Brown shot Greg Black in the back. Greg Black was not armed. The defendant admitted he shot him. There's all the evidence pointing to that. I don't think there would be any reason to grant her motion on that basis.

THE COURT: Thank you.

SOLICITOR SMITH: Thank you.

THE COURT: Well, I will say I think the jury issues were definitely made by the presentation of the evidence in this case. I think the jury based their decision on the probability of the witnesses. And really, it came down to what they believed; Mr. Joe Brown's video in his interview; what Mr. Greg Black testified to; and what Denise Brown testified to. And I think like they're able to do, they can agree or choose certain testimony that they believe is most truthful.

Clearly, the evidence is conflicting in this case, but I do not think in any way the verdict was inconsistent. I think, you know, with hindsight being 20/20 and what a jury does, I think they probably just decided that because Mr. Ronnie Black had a gun on him, that they were not going to convict him. It doesn't necessary mean that he proved self-defense. I think it

means they didn't prove the murder beyond a reasonable doubt. And so, I think that's where -- and I think it's a guess, you know. We can always look back in hindsight, but as far as the evidence against Gregory Black, there's never any allegation from anyone, including Gregory Black as the victim in this case, that he was any kind of aggressor or in any way of posed any threat or came towards Mr. Joe Brown, and in fact, was moving away, which is inconsistent with the idea that Ronnie Black was throwing him a gun in any way. He was going backwards. He wasn't going forward. So I just think the jury chose to believe certain testimony, and that's what they did. So.

And then, respectfully, this wasn't a case that I think falls under the *Protection of Persons and Properties Act*. I'm comfortable that as far as that decision at the beginning of the case, I don't think, again, a direct verdict would have been appropriate on any of the charges. Again, I think they were jury issues to be decided. I think the evidence was conflicting. And again, I do think there was certainly ample evidence supporting the convictions on attempted murder of Gregory Black and the possession of a weapon during the commission of a violent crime. So, respectfully, I'm going to deny your post-trial motions, Ms. Campbell.

Again, good luck to you, Mr. Brown. Good luck to the entire Black family.

9-20-18 STATE V BROWN

POST-TRIAL MOTIONS

And we're going to go ahead and take a five-minute recess
to let everyone that needs to get out.

END PROCEEDING 10:11 A.M.

460

WITNESSES:

Boland, BCSO

ARREST WARRANT NUMBER

2016A0710200201

VERDICT

Guilty
True Bill

John Dola
Foreperson of Petit Jury

Date: 6-19-13

INDICT

DOCKET NO. 2016GS0701101

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

March Term 2017.

THE STATE

vs.

Joseph Leonard Brown

Indictment For

Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

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.

RECEIVED

OCT 01 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF BEAUFORT)

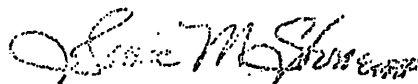
2016GS0701101

At a Court of General Sessions, convened on March 23, 2017, the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

That in Beaufort County, South Carolina, on or about June 5, 2016, the Defendant, Joseph Leonard Brown, did, with intent to kill and with malice aforethought, either express or implied, attempt to willfully kill Gregory Black, to wit: Defendant shot the victim, all in violation of Section 16-3-29, et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

RECEIVED
2017 MAR 23
CLERK OF COURT

WITNESSES

Boland, BCSO

ARREST WARRANT NUMBER

2016A0710400240

Hally B. Brown
Foreperson of Grand Jury
Date:

VERDICT

Hally
True Bill

Jim Lida
Foreperson of Petit Jury
Date: 6-19-18
INDICT

DOCKET NO. 2016GS0701114

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

March Term 2017

THE STATE

vs.

Joseph Leonard Brown

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

RECEIVED

OCT 01 2018

SC Court of Appeals

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

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.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF BEAUFORT)

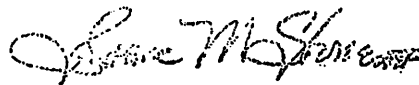
2016GS0701114

At a Court of General Sessions, convened on March 23, 2017, the Grand Jurors of Beaufort County present upon their oath:

Possession of Weapon During Violent Crime

That in Beaufort County, South Carolina, on or about June 5, 2016, the Defendant, Joseph Leonard Brown, did possess a firearm, visibly displayed what appeared to be a firearm during the commission of a violent crime, to wit: Murder and Joseph Leonard Brown was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/Taylor D. Gilliam

Taylor D Gilliam

Appellate Defender

RECEIVED

Apr 20 2020

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of April, 2020.