

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY  
Court of General Sessions  
The Honorable J. Derham Cole

**RECEIVED**

**Oct 29 2020**

**SC Court of Appeals**

Case No.: 2019-001778

Shaun Rogers,

Petitioner,

vs.

State of South Carolina,

Respondent.

RECORD ON APPEAL

TOMMY A. THOMAS  
Attorney for Petitioner  
Bar No.: 005536  
Post Office Box 88  
Irmo, SC 29063  
(803) 732-5507

David Spencer, Esq.  
Attorney for Respondent  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549

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STATE OF SOUTH CAROLINA )  
COUNTY OF OF CHEROKEE ) IN THE COURT OF GENERAL SESSIONS

The State, )  
-vs- ) TRANSCRIPT OF RECORD  
Shaun Rogers, Jr., ) 2019-GS-11-690-694  
Defendant. ) October 7 - 9, 2019  
Gaffney, South Carolina

B E F O R E:  
HONORABLE J. DERHAM COLE, JUDGE; and a jury

A P P E A R A N C E S:  
BARRY JOE BARNETTE, ESQUIRE  
Attorney for the State  
E. JOSHUA SCHULTZ, ESQUIRE  
Attorney for the Defendant

Linda D. Moffitt  
Circuit Court Reporter

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1 (Proceedings October 7, 2019)  
2 (Latent print marked State's Exhibit No. 1 for  
3 Identification; major case prints marked State's Exhibit No.  
4 2 for Identification; latent print marked State's Exhibit  
5 No. 3 for Identification; one fired bullet marked State's  
6 Exhibit No. 4 for Identification; one fired bullet marked  
7 State's Exhibit No. 5 for Identification; fired 9mm Luger  
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12 Identification; map marked State's Exhibit No. 9 for  
13 Identification; semiautomatic pistol marked State's Exhibit  
14 No. 10 for Identification; magazine and five unfired  
15 cartridges marked State's Exhibit No. 11 for Identification;  
16 one unfired 9mm cartridge marked State's Exhibit No. 12 for  
17 Identification; waiver of rights marked State's Exhibit No.  
18 13 for Identification; written statement marked State's  
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20 Exhibit No. 15 for Identification; videotape marked State's  
21 Exhibit No. 16 for Identification; videotape marked State's  
22 Exhibit No. 17 for Identification; 9-1-1 call marked State's  
23 Exhibit No. 18 for Identification; 9-1-1 call marked State's  
24 Exhibit No. 19 for Identification; facebook post marked  
25 State's Exhibit No. 20 for Identification; diagram marked

1 MR. SCHULTZ: Thank you, Your Honor. May it please  
2 the Court.

3 As I said before, I represent Mr. Rogers here. We've  
4 been over the statements that Shaun has made. There's  
5 several statements, one written and several others verbal.

6 I have reviewed the statements with my client. I  
7 reviewed the bond proceeding that is -- that the state  
8 provided me. It's also available on U-tube. And I've  
9 reviewed that. I believe all of those are voluntarily and  
10 freely made. Thank you.

11 THE COURT: All right. Mr. Shaun Rogers Jr., you've  
12 heard what your lawyer just told me.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: The solicitor indicates that you gave  
15 three different statements, three different times. One was  
16 to the law enforcement; one was at the county jail; and one  
17 was at a bond hearing.

18 Ordinarily, before any statement that the state claims  
19 you made could be used against you the Court has to  
20 determine whether or not any statement that was made was  
21 voluntarily made.

22 Mr. Schultz says that he's reviewed the statements,  
23 he's talked to you about it and that your position is that  
24 each of the statements that you've made, where you did make  
25 one, was voluntarily made. In other words, nobody offered

1 you anything; nobody promised you anything; nobody forced  
2 you in any way; nobody coerced you in any fashion; nobody  
3 put any kind of pressure upon you of any kind; nobody  
4 denied you anything that caused had to make a statement  
5 that you otherwise would not have made. Is that true?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are each of the statements that you made  
8 that have been described this afternoon, were each of those  
9 statements made by you freely and voluntarily?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You made those statements of your own free  
12 will and accord?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Nobody forced you into it or --

15 THE DEFENDANT: No, sir.

16 THE COURT: -- pressured you into it or promised you  
17 something that you didn't get in order to get you to make a  
18 statement?

19 THE DEFENDANT: No, sir.

20 THE COURT: You made those statements on your own  
21 voluntarily?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. All right. What else?

24 MR. BARNETTE: Your Honor, we have a stipulation  
25 between the parties.

1           Your Honor, I'm going to hand this over to Mr. Schultz  
2 now.

3           It says, "The parties hereby stipulate to the  
4 following as fact." This is stipulation No. 1, it's listed  
5 as. "That Dr. Janice Ross of the Newberry Pathology  
6 Associates performed an autopsy on Overton D. Good on  
7 October 3rd of 2018. Dr. Ross found the manner of death  
8 was a homicide. Dr. Janice C. Ross found the probable  
9 cause mechanism of death was a laceration in the brain due  
10 to a gunshot wound to the head -- of the head. Her autopsy  
11 report and death certificate is attached to this  
12 stipulation and consists of five pages as attachment one.  
13 The autopsy report and the death certificate are made part  
14 of the stipulation by reference. This stipulation and  
15 attachment will be presented to the jury."

16           If I can hand that over and have them sign it at this  
17 time, Your Honor, I talked to Mr. Schultz earlier. I'd  
18 like to go ahead and get that signed by Mr. Schultz and by  
19 the defendant.

20           MR. SCHULTZ: Just for the record, Your Honor, I did  
21 speak with my client at the Cherokee County Jail there  
22 yesterday afternoon, and me and him discussed this. And he  
23 has now signed this stipulation.

24           MR. BARNETTE: Your Honor, if I could ask that it be  
25 put on the record by the defendant he's in agreement with

1 it.

2 THE COURT: Mr. Rogers, you heard what the solicitor  
3 told me about the stipulations.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You've discussed it with Mr. Schultz.

6 THE DEFENDANT: I did. Yes, sir.

7 THE COURT: And you signed the stipulation?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And did you read it?

10 THE DEFENDANT: Yes. I did.

11 THE COURT: And, as I understand it, you're also  
12 agreeing to allow the admission of the pathologist's  
13 report, which has been marked as State's Exhibit No. 48, to  
14 be introduced in evidence without the necessity of the  
15 pathologist actually being present and testifying?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And, as I say, you've read the  
18 stipulation. And you agree to what's been stated in it?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay.

21 (Autopsy report marked State's Exhibit No. 48.)

22 MR. BARNETTE: May it please the Court, Your Honor.  
23 Just a couple of other matters.

24 Your Honor, the defense asked me shortly ago about the  
25 9-1-1. There's two 9-1-1 calls we've marked as State's

1 Exhibit 18, which is a call from 1521 Pleasant School Road  
2 in Gaffney on October the 2nd of 2018.

3 There's a 9-1-1 call from Ms. Good on October 2nd of  
4 2018. That's State's Exhibit No. 19.

5 We would stipulate that you don't have to authenticate  
6 or change any of these to be able to show all that on both  
7 9-1-1 calls. I think Mr. Schultz asked, and I have agreed.  
8 I've agreed with that. You may want to ask him about that  
9 also.

10 MR. SCHULTZ: That would -- we appreciate the  
11 solicitor's stipulating to that. You said 18 and 19?  
12 Eighteen is from the victim in the case and 19 is from --

13 MR. BARNETTE: Yeah. The victim's girlfriend and the  
14 victim, and No. 19 is from Ms. Good.

15 MR. SCHULTZ: Okay. Ms. Good. Okay. And I'll be  
16 happy to sign anything or anything like that.

17 THE COURT: So they've been apparently premarked as  
18 State's Exhibits 18 and 19. So y'all are in agreement that  
19 those are to be admitted into evidence?

20 MR. SCHULTZ: We are.

21 MR. BARNETTE: Well, they're authenticated. They're  
22 the actual 9-1-1 calls, Your Honor. So there's no reason  
23 to call the 9-1-1 operator. They can be stipulated and  
24 placed into evidence.

25 THE COURT: That's what I'm saying. Y'all are in

1 agreement that the recordings be placed into evidence.

2 MR. BARNETTE: Yes, sir.

3 THE COURT: Okay.

4 MR. SCHULTZ: Yes, sir.

5 (9-1-1 call marked State's Exhibit No. 18; 9-1-1 call  
6 marked State's Exhibit No. 19.)

7 MR. BARNETTE: Your Honor, just two other things.

8 One, I plan to argue and ask the Court for a jury  
9 charge on hand of one, hand of all, jury charge.

10 Your Honor, I plan to argue -- not argue but state in  
11 my opening. I just want to make the Court -- the Court on  
12 notice of that, and Mr. Schultz. I -- I think he  
13 understands that's what we've talked about from the  
14 beginning. So I don't think there's any objection to that.

15 MR. SCHULTZ: The -- you know, one thing about --  
16 about this case is that I think the -- the criminal  
17 liability in this case according to the state would be the  
18 hand of one, hand of all. And I think, for the record, I  
19 would -- I think I would have to object to Mr. Barnette  
20 bringing that up during opening.

21 Is that what you're saying, Barry?

22 MR. BARNETTE: I'm going to bring it up in opening,  
23 Your Honor, because I believe that's our theory of the  
24 case, and I believe the jury -- there'll be enough evidence  
25 to charge it at a later time. Obviously, if it isn't,

1 he'll get a D.V. at the end of our case. So I don't see  
2 any reason not to be able to state it in opening in this  
3 case.

4 MR. SCHULTZ: I would object to it during an opening,  
5 Your Honor, for the record.

6 THE COURT: All right. Well, I'm going to permit it.

7 MR. BARNETTE: And the last thing, Your Honor, I've  
8 been given a list of potential witnesses for the defense.

9 Your Honor, the only thing I would ask for the Court  
10 to caution the defense on -- obviously, it's a character  
11 about the defendant or whatever.

12 We had a brief conference at the bench. Obviously,  
13 they can't comment on anything on the victim's character in  
14 this case. Obviously, I can bring up the case law from  
15 that and anything.

16 I don't know if they're going to talk about that or  
17 not. I don't know what those witnesses -- I've got a list  
18 of ten of them. But I just wanted to bring out the  
19 pretrial motion ahead of time if it becomes a situation  
20 where they're going to attack the victim's character,  
21 because this should not be any question in this case based  
22 off the case law in this state.

23 MR. SCHULTZ: I don't think I'm going to attack the  
24 victim's character in this, but I think certain facts will  
25 come out about the victim selling drugs. I think that will

1 probably be inescapable in this case.

2 It may be admitted into evidence through the state;  
3 may be admitted into evidence with my case in chief. But I  
4 think somehow or another it will come out. But I don't  
5 plan to specifically attack the victim's character in this  
6 case.

7 MR. BARNETTE: Your Honor, I don't think he can bring  
8 up anything that happened another day other than  
9 October 2nd unless there's a reason to do so.

10 This is a drive-by shooting from that standpoint. It  
11 was attempted armed robbery, attempted -- going into the  
12 burglary, trying to break in the house or go into the  
13 house, Your Honor. To me that has no relevance except what  
14 happened that day. And I would object to anything that he  
15 would bring out beyond that time period.

16 THE COURT: well, of course y'all had the luxury of  
17 knowing what the facts are and what the evidence will  
18 reveal, and I don't. But is there any allegation that  
19 Mr. Overton Good -- is that who the deceased is?

20 MR. BARNETTE: Yes, sir. That is.

21 THE COURT: Is there any allegations that they were  
22 going there for the purpose of purchasing drugs from Mr.  
23 Good, or is that part of the res gestae in this case, or  
24 no?

25 MR. BARNETTE: well, it's depends on which side you go

1 off of.

2 Our theory is they went to rob Mr. Good in that case.  
3 I think their theory is that they went -- supposedly this  
4 defendant went to buy weed from Mr. Good.

5 MR. SCHULTZ: And that is correct. That would be  
6 my -- my theory of the case.

7 THE COURT: Okay.

8 MR. SCHULTZ: Is that they went there to purchase it.

9 THE COURT: Well, let's do it this way then. That's  
10 your theory of the case?

11 MR. SCHULTZ: Yes, sir.

12 THE COURT: Cannot be presented to this jury until  
13 such time as you intend to offer evidence, and then we'll  
14 discuss the parameters of that offer if the state still  
15 objects to it.

16 MR. SCHULTZ: Yes, sir.

17 THE COURT: Okay.

18 MR. SCHULTZ: Thank you.

19 THE COURT: What else?

20 MR. BARNETTE: All right. Nothing else from the  
21 state, Your Honor.

22 MR. SCHULTZ: Your Honor, and I think we've already  
23 actually taken care of this. Mr. Barnette was kind enough  
24 to give me a copy of all of the N.C.I.C. printouts from all  
25 of the witnesses that do have records. Some don't have

1 records.

2 I'm renewing my motion, but I think Mr. Barnette has  
3 covered it. I'm referring to what Mr. Barnette handed me  
4 before the lunch break.

5 I have records, N.C.I.C. printouts, on JaQuan Wood;  
6 Danielle Smith whom I believe is the first witness to be  
7 called by the state, at least right now; Carolyn Goode or  
8 Good; Virginia Ann Lindsey; Lashonda Conley whom I may  
9 call, as well as the state; Angela Smith; Joshua Byers,  
10 Joshua Jermaine Byers; and Danielle Smith, another copy of  
11 that. So that's all I have. I just want to make sure that  
12 there's no other folks that I have not been provided the  
13 N.C.I.C. printout for them.

14 The only -- and I think Mr. Barnette already gave me  
15 Mr. Jefferies. I just have to find it. I'm not sure if  
16 Mr. Jefferies is going to testify today.

17 MR. BARNETTE: Mr. Jefferies -- I did give him a copy  
18 of that rap sheet, Your Honor. I don't think if he'll be  
19 testifying here today or not. Depends on how far we get  
20 along and depends on what other what the other witnesses  
21 say in the case.

22 MR. SCHULTZ: But, Your Honor, I just want to make  
23 sure I'm getting all the N.C.I.C. printouts of all of the  
24 witnesses there for the state. And of course if any of my  
25 witnesses there -- and I just gave Mr. Barnette a copy of

1 my potential witness list -- if any of those folks have  
2 records or anything, I'm sure that Mr. Barnette will be  
3 able to run N.C.I.C. And we'd be happy to provide him  
4 social security numbers or anything like that.

5 MR. BARNETTE: We'll take any social security numbers  
6 or dates of birth he'll give us.

7 THE COURT: All right. Do I understand that you're  
8 saying that you had received seven criminal histories on  
9 potential witnesses?

10 MR. SCHULTZ: Beg the Court's patience.

11 (Pause.)

12 MR. SCHULTZ: Seven, Your Honor, yes. There was a  
13 repeat of Danielle Smith, but there's nothing on her. So,  
14 but I have all of the N.C.I.C. printouts. I have seven.  
15 But there's -- as the Court can tell, I think there's --

16 THE COURT: Well, there should be eight. You  
17 talking -- you've got one for Carolyn Good; you've got one  
18 for Angela Smith; you've got one for Virginia Ann Lindsey;  
19 and you've got one for Danielle Smith; you've got one for  
20 JaQuan Wood; you've got one for Joshua Byers; you've got  
21 one for Jermaine Jefferies; and you've got one for Lashonda  
22 Conley.

23 MR. SCHULTZ: Yes, sir. That's including Jermaine  
24 Jefferies. But the ones I have right now in my hand are  
25 seven.

1 MR. BARNETTE: And I'll get him one for May Denton,  
2 Your Honor. She won't be testifying until tomorrow, and I  
3 don't think she has a record. But we'll run him a rap  
4 sheet on that also.

5 THE COURT: I'm just trying to nail down what we're  
6 talking about so far. You have seven or eight?

7 MR. SCHULTZ: I'm sorry?

8 THE COURT: Do you have seven or eight histories?  
9 Because you've named eight people, but you told me you had  
10 seven histories.

11 MR. SCHULTZ: I have eight histories, Your Honor.

12 THE COURT: Okay. All right. Anything else?

13 MR. BARNETTE: One other thing, Your Honor. We  
14 mentioned this before we started the case.

15 Mr. Wood was represented by Mr. Schultz previously.  
16 That representation is ended. He's a potential witness in  
17 this case. I just thought the Court may want to inquire of  
18 him, just to put that on the record. I don't think there's  
19 going to be a conflict, but I just want to make sure that's  
20 clear on the record.

21 THE COURT: All right. Mr. Schultz, you've discussed  
22 your previous representation of Mr. Wood with Mr. Rogers?

23 MR. SCHULTZ: I have, Your Honor, several times.

24 THE COURT: And do you perceive that there would be  
25 any actual or potential conflict in your representation of

Jury qualification

1 Mr. Rogers because of your previous representation of  
2 Mr. Wood?

3 MR. SCHULTZ: No, I do not perceive any conflict.

4 THE COURT: And is there anything that you've learned  
5 during your representation of Mr. Wood that you would be  
6 unable to question him about when he takes the witness  
7 stand and testifies because of your previous  
8 attorney-client relationship?

9 MR. SCHULTZ: No. I do not believe that.

10 THE COURT: Okay. Mr. Rogers, do you have any  
11 concerns about Mr. Schultz's previous representation of  
12 Mr. Wood?

13 THE DEFENDANT: No, sir.

14 THE COURT: Okay. Anything else?

15 MR. BARNETTE: Nothing from the state, Your Honor.

16 MR. SCHULTZ: No, sir.

17 THE COURT: All right. Bring the jury up, please.

18 (The following takes place in the presence of the  
19 jury.)

20 THE COURT: Good afternoon, ladies and gentlemen of  
21 the jury panel.

22 We are ready to begin with jury selection in the first  
23 case that's going to require some of your participation.

24 The title of the case is the State vs. Shaun Rogers, Jr.

25 When a person is accused of a crime where the

## Jury qualification

1 jurisdiction lies here in the circuit court, they are  
2 brought here by way of documents referred to as  
3 indictments. And indictments are the changing papers.  
4 It's just like an arrest warrant.

5 In this case the defendant, Shaun Rogers, Jr., is  
6 charged with six separate and distinct criminal offenses,  
7 although they all are alleged to have arisen out of one  
8 particular event or a course of events which the state  
9 alleges occurred back on October the 2nd of 2018.

10 But they're separate criminal offenses and the jury  
11 selected will be called upon to render separate verdicts as  
12 to the charges. And of course those verdicts could be the  
13 same; they could be different. That would depend upon the  
14 jury's determination of the facts based upon the evidence  
15 and then the jury's application of the law that I will have  
16 provided the jury. But each crime that is alleged against  
17 the defendant is set forth in an indictment.

18 One indictment charges the defendant with having  
19 committed the crime of burglary in the first degree, the  
20 state alleging that Shaun Rogers, Jr. did here in Cherokee  
21 County on or about October the 2nd of 2018, that he did  
22 wilfully and unlawfully enter a dwelling occupied by  
23 Overton Good. And that dwelling was located at 1521  
24 Pleasant School Road here in Cherokee County.

25 They allege that he entered that dwelling without

## Jury qualification

1 consent of the owner or person in possession and that he  
2 entered that dwelling with intent to commit a crime therein  
3 and that either in effecting entry or while in the dwelling  
4 or in immediate flight therefrom he or another person who  
5 was also participating in this criminal enterprise was  
6 armed with a deadly weapon, or caused physical injury to a  
7 person who was not a participant in the crime, or used or  
8 threatened the use of a dangerous instrument, or displayed  
9 what appeared to be a deadly weapon, or the burglary  
10 occurred in the nighttime.

11 A person may be accused and may be found guilty of a  
12 crime based upon them being a principal offender or based  
13 upon them being an accomplice with some other person so  
14 long as it is established by the evidence in the case that  
15 all were acting together aiding, abetting and assisting and  
16 participating one with the other in order to commit a  
17 crime.

18 A second indictment charges the defendant, Shaun  
19 Rogers, Jr., with the crime of discharging a firearm into a  
20 dwelling, the state alleging by way of this indictment that  
21 the defendant, Shaun Rogers, Jr., did here in Cherokee  
22 County on or about October the 2nd of 2018, did discharge,  
23 or did act in concert with another, caused to be discharged  
24 unlawfully a firearm at or into a dwelling that was  
25 occupied by another person.

## Jury qualification

1           Another indictment charges Shaun Rogers, Jr. with the  
2 crime of attempted murder, the state alleging that on or  
3 about October the 2nd of 2018 that Mr. Rogers did, with  
4 intent to kill, attempt to kill one Danielle Smith with  
5 malice aforethought, expressed or implied, by shooting at  
6 her with a firearm or that he did act in concert with  
7 others in the commission of those acts.

8           A separate indictment charges the defendant, Shaun  
9 Rogers, Jr., with the crime of attempted armed robbery in  
10 that he did on October the 2nd of 2018 or while  
11 participating with another while armed with a deadly  
12 weapon, did attempt to take, steal and carry away goods or  
13 monies belonging to Overton Good by the use of force or  
14 intimidation.

15           And the remaining indictment charges Mr. Rogers with  
16 two counts, two charges.

17           Count one, they allege that Shaun Rogers, Jr. did here  
18 in Cherokee County on or about October the 2nd of 2018  
19 wilfully and with malice aforethought kill one Overton Good  
20 by shooting him with a firearm, or acting with another in  
21 concert did, and that Mr. Overton Good died as a proximate  
22 result of that gunshot wound.

23           And count two is a possession of a firearm during the  
24 commission of a violent crime, the state alleging that on  
25 or about October the 2nd of 2018 that Mr. Rogers did

Jury qualification

1 visibly display a firearm during the commission or  
2 attempted commission of a violent crime, that violent crime  
3 alleged to be the crime of murder.

4 (Pause for juror coughing.)

5 THE COURT: Let me -- let me do this.

6 Is it Ms. Leonard that's having the difficulty?

7 THE BAILIFF: She has asthma.

8 THE COURT: I know. I say is she the one having the  
9 difficulty.

10 THE BAILIFF: Oh, yes, sir.

11 THE COURT: Okay. Ms. Leonard, I know that you needed  
12 to be excused from court on Wednesday anyway and this case  
13 could go into Wednesday. So we can excuse you from court  
14 today, and you'll just need to call back. The bailiff will  
15 provide you that number to call back to receive further  
16 reporting information.

17 okay. Thank you, ma'am.

18 (Whereupon, the juror was excused from the courtroom.)

19 THE COURT: Now, as to the allegations made by the  
20 state by way of these indictments against Mr. Rogers he has  
21 entered pleas of not guilty as to each of the separate  
22 charges.

23 A plea of not guilty places upon the state because  
24 they've made the accusation to establish the allegations  
25 that they have set forth in each of these separate

## Jury qualification

1 indictments.

2       The burden is on the state to prove each of the  
3 essential elements of the crimes that are alleged against  
4 Mr. Rogers; and therefore the burden is upon the state to  
5 establish the defendant's guilt to the satisfaction of 12  
6 jurors beyond a reasonable doubt before any verdict of  
7 guilty could be returned as to any of the separate charges.  
8 And therefore we're going to be selecting 12 of you as  
9 primary jurors, and we'll select an additional juror or two  
10 to serve as alternate jurors.

11       But by way of your selection you're going to be called  
12 upon to participate as jurors in the case. And you will be  
13 called upon to consider all of the evidence introduced  
14 during the trial, to determine the facts where you can that  
15 relate to the material allegations made against the  
16 defendant.

17       Once you determine the facts that relate to the  
18 allegations contained in each of the separate indictments  
19 and charges, you will then apply the law that I will have  
20 provided you, and those 12 jurors will determine whether or  
21 not the defendant's guilt has been proven beyond a  
22 reasonable doubt as it relates to each of the separate  
23 charges.

24       Now, before we begin with jury selection I've got some  
25 folks that I'm going to be introducing to you. And these

## Jury qualification

1 are people that are involved in the trial of the case  
2 either because they're the defendant or because they are a  
3 purported victim or because they are related to someone who  
4 was a purported victim as it relates to these charges.

5 You will also be introduced to all of the potential  
6 witnesses to be called during the trial.

7 And the reason that I'm introducing all of these  
8 people to you is because I need to find out if you have any  
9 connection whatsoever with anybody who's going to be  
10 identified as participating or relating to anyone in this  
11 case.

12 So I need to find out if you have any connection by  
13 blood or marriage, do you have any connection socially, do  
14 you attend church with any of those folks, do you go to  
15 school or did you go to school with any of these folks, do  
16 you -- are you employed at some place where any of these  
17 people might be employed, have you met them anywhere, have  
18 you been introduced to them by anybody, as well as any  
19 members of their families.

20 So I need to know if you know anybody that's going to  
21 be introduced, as well as any members of their respective  
22 families.

23 And if you do, then I need for you to stand, and we'll  
24 address it separately. But I'll need you to stand and tell  
25 me who it is that you know or have some connection with,

Jury qualification

1 what that connection is and whether or not in your view it  
2 would have any bearing upon your decision in the case or  
3 upon your ability to be fair and impartial if you were  
4 called upon to serve as a juror in the case.

5 Now, first of all, as I told you, the defendant, the  
6 person who is accused of having committed these crimes, is  
7 Shaun Rogers, Jr.

8 Mr. Rogers, if you will, stand and face the jury panel  
9 please, sir.

10 (Whereupon, the defendant stood.)

11 THE COURT: Look at the jury panel, not me.

12 All right. Thank you. You may be seated.

13 Mr. Rogers is being represented by Joshua Schultz.

14 Mr. Schultz is Mr. Roger's lawyer and he'll be assisting  
15 him during the course of the trial of this case.

16 (Whereupon, Mr. Schultz stood.)

17 THE COURT: One of the persons who's alleged to be a  
18 victim -- and that is the person who is alleged to be the  
19 victim of the murder indictment -- is Overton Good.

20 Obviously, Mr. Good is not present, but members of his  
21 family are.

22 So, Mr. Barnette, who are the members of his family  
23 that are present?

24 MR. BARNETTE: I believe these four folks. This is  
25 his parents and his other family.

Jury qualification

1 THE COURT: All right. Let's start on my right and  
2 your right and the jurors' left, and just introduce. Just  
3 tell them what your name is, what your connection is with  
4 Mr. Good.

5 RICHARD GOOD, JR.: My name is Richard Good, Jr.  
6 (Inaudible.)

7 THE COURT: Wait just a minute. I've got to -- the  
8 court reporter has got to hear what you say, so kind of  
9 turn to the side.

10 All right. We'll start with Richard. Say it again.

11 RICHARD GOOD, JR.: Richard Good, Jr. I'm Overton  
12 Good's brother.

13 THE COURT: All right.

14 QUANTA GOOD: I'm Quanta Good, and I'm Richard's wife.

15 THE COURT: All right.

16 CAROLYN GOOD: My name is Carolyn Good, and I'm  
17 Overton Good's mom.

18 THE COURT: All right.

19 RICHARD GOOD, SR.: My name is Richard Good, Sr. I'm  
20 Overton's father.

21 THE COURT: Okay. Thank you.

22 In addition to any of those who might be called to  
23 testify, the following persons are also potential witnesses  
24 to be called during the trial.

25 Now, it's a long list, but not every witness that's on

## Jury qualification

1 this list will necessarily be called to testify. But they  
2 potentially do have information that might be material that  
3 needs to be presented. So that's why there's going to be  
4 an entire list of potential witnesses, because they might  
5 end up being a witness.

6 We have Janice Ross who is a pathologist from  
7 Charleston, South Carolina.

8 All of the following until I stop are employed by the  
9 Cherokee County Sheriff's Department. And they include  
10 Jordon Cutchin, Kenneth Sibley, Brandon Gardner, Billy  
11 Anthony, Jimmy Henson, Brian Mullinax, Jacob Mullinax,  
12 Christopher Parnell, Derrick Greer and Daniel Ward. All of  
13 those are employed by the Cherokee County Sheriff's  
14 Department.

15 In addition we have Carolyn Good who's just been  
16 introduced to you. Angela Smith, Virginia Ann Lindsey,  
17 Danielle Smith, JaQuan Kwame Wood, Joshua Jermaine Byers,  
18 Jermaine Jefferies, Lashonda Conley, May Snipes Denton,  
19 Deonica Logan, Dennis Gardner, Brandon Peeler, Dennis  
20 Dawkins, Brant Suchewski, Jaquan wood, Elijah Dawkins.

21 The following five or six witnesses are employed by  
22 the state law enforcement division. They include Kimberly  
23 Mears, Jennifer Nates, Michelle Eichenmiller, Charlotte  
24 Pitts, Lesa Chapman, Bethany Davidson, Doris Yarborough,  
25 Jackie Davis, Jamie Hall.

Jury qualification

1           And we also have Robert Padgett, also employed in the  
2 Cherokee County Sheriff's Office.

3           Are there any other potential witnesses on behalf of  
4 the state?

5           MR. BARNETTE: None from the state, Your Honor.

6           THE COURT: The defendant?

7           MR. SCHULTZ: None for the defense.

8           THE COURT: All right. Those are all of the potential  
9 witnesses.

10          So does any juror know any of those folks? If you do,  
11 please stand, and then I'll take you one by one. And I'll  
12 ask you to identify yourself by name and juror number. And  
13 then tell me what person or persons that you have a  
14 connection with and what that connection is.

15          Now, I'm going to start on the row closest to me, and  
16 I'll do each row, and I'll go backwards.

17          All right. And I'll start with you, ma'am, in the  
18 blue. Your name and number.

19          JUROR NO. 37: No. 37.

20          THE COURT: Thirty-seven?

21          JUROR NO. 37: Yes, sir.

22          THE COURT: All right. How does that question relate  
23 to you?

24          JUROR NO. 37: I'm sorry?

25          THE COURT: How does my question relate to you? Why

Jury qualification

1 are you standing?

2 JUROR NO. 37: Because I know -- I used to go to  
3 church with Deonica Logan.

4 THE COURT: You went to church with Deonica Logan?

5 JUROR NO. 37: Yes, sir.

6 THE COURT: All right. Is there anything about that  
7 connection that would have any bearing upon your decision  
8 in this case if you were selected as a juror in it?

9 JUROR NO. 37: Yes, sir.

10 THE COURT: Okay. Do you think that that connection,  
11 there's some reason why you might be -- might not be able  
12 to be fair and impartial?

13 JUROR NO. 37: Yes, sir.

14 THE COURT: Is that a yes?

15 JUROR NO. 37: Yes, sir.

16 THE COURT: Okay. Juror 37 will be excused from  
17 service in the trial of the case.

18 Ma'am, if you don't mind, if you'll just go back and  
19 have a seat in the back somewhere. Don't leave quite yet.  
20 You can just have a seat on the back row, on the second  
21 from the back row on the same side you're on.

22 All right. Next.

23 JUROR NO. 31: I'm Juror 31.

24 THE COURT: Your name?

25 JUROR NO. 31: Cordelia Earls.

Jury qualification

1 THE COURT: All right. And who is it that you know?

2 JUROR NO. 31: I know Richard Good.

3 THE COURT: All right. How do you know Richard Good?

4 JUROR NO. 31: We went to school together.

5 THE COURT: All right. And is there anything about  
6 that connection that you have with him that would have any  
7 bearing upon your ability to be fair and impartial in this  
8 case if you were selected?

9 JUROR NO. 31: No, sir.

10 THE COURT: All right. Thank you, ma'am. You may be  
11 seated.

12 All right. Now, are you on a row by yourself, ma'am,  
13 in stripe shirt?

14 JUROR NO. 70: Yes.

15 THE COURT: Are you on a row by yourself?

16 JUROR NO. 70: Uh-huh.

17 THE COURT: Okay. Your name and number.

18 JUROR NO. 70: Juror 70.

19 THE COURT: Seven?

20 JUROR NO. 70: Seventy.

21 THE COURT: Seventy. Okay. Your name?

22 JUROR NO. 70: Carlameta Marlowe.

23 THE COURT: Who is it that you know?

24 JUROR NO. 70: Richard Good.

25 THE COURT: How do you know Richard Good?

Jury qualification

1 JUROR NO. 70: Our families went to church together  
2 when we were younger. His sisters took care, take care of  
3 my grandkids right now. They're like family to me.

4 THE COURT: All right. Is there anything about that  
5 fact or that connection that would impair your ability to  
6 be fair and impartial if you were selected?

7 JUROR NO. 70: Yes, sir.

8 THE COURT: All right. Ma'am, if you don't mind, you  
9 can go back and have a seat back there with Juror 37.

10 No. 70 is excused.

11 You can go back to the right. Ma'am, you can go out  
12 that way. It'll be closer.

13 All right. Next row. You, sir.

14 JUROR NO. 57: Juror 57, Jeff Humphries.

15 THE COURT: Who do you know?

16 JUROR NO. 57: I know Mr. Ward and Mr. Gardner and  
17 Mrs. Gardner.

18 THE COURT: How do you know each of them?

19 JUROR NO. 57: Family acquaintance and went to school  
20 with Mr. Ward.

21 THE COURT: All right. Is there anything about either  
22 of those connections that would have any bearing upon your  
23 decision in this case if you were selected?

24 JUROR NO. 57: No, sir.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Yes, ma'am.

2 JUROR NO. 129: 129, Genene Tate. And I'm related to  
3 Doris Tate too.

4 THE COURT: That's the wife of Richard Good?

5 JUROR NO. 129: Yes, sir.

6 THE COURT: All right. And how are you related?

7 JUROR NO. 129: We're like third cousins.

8 THE COURT: Okay. Would that have any bearing in your  
9 decision in the case if you were selected?

10 JUROR NO. 129: No.

11 THE COURT: All right. Thank you. Be seated.

12 Yes, ma'am.

13 JUROR NO. 109: Juror 109, Katherine Ramsey. I -- I  
14 know Jordan Cutchin -- was in the band with my daughter  
15 back when I was amateur. Also, worked at Gaffney High  
16 School between the years of 2002 and 2014. So a lot of it  
17 has been much later, but I believe I taught Kwame.

18 THE COURT: You believe you taught who?

19 JUROR NO. 109: Kwame. I remember the first name.

20 THE COURT: Okay. All right. That's JaQuan Kwame  
21 Wood.

22 JUROR NO. 109: Uh-huh.

23 THE COURT: Okay. Is there anything about any of  
24 those connections that would have any bearing upon your  
25 decision in the case if you were selected?

Jury qualification

1 JUROR NO. 109: I don't believe so.

2 THE COURT: All right. Thank you, ma'am. You may be  
3 seated.

4 Next.

5 JUROR NO. 119: Juror 119, Veronica Shippy.

6 THE COURT: Who do you know?

7 JUROR NO. 119: I know Mr. Good. I know his wife and  
8 his son and his wife -- his wife. Coach Good -- well,  
9 Mr. Good. He coached my brothers in basketball, and I'm  
10 real good friends with the family, real close friends.

11 THE COURT: Okay. Is there anything about that fact  
12 that would impair your ability to be fair and impartial if  
13 you were selected?

14 JUROR NO. 119: Yes, sir.

15 THE COURT: All right. We'll excuse Juror 119 from  
16 service. Just go have a seat in the back, please.

17 All right. Next, ma'am.

18 JUROR NO. 95: Ninety-five. I know most of the  
19 officers on your list, as well as the dispatchers. I'm  
20 also a paramedic and my husband is an officer.

21 THE COURT: And you know them --

22 JUROR NO. 95: I know them well. We've worked  
23 together for almost 20 years now.

24 THE COURT: Professionally.

25 JUROR NO. 95: And friends outside of work, yes, sir.

Jury qualification

1 THE COURT: Okay. Is there anything about either of  
2 those connections, professional or personal and social,  
3 that would have any bearing upon your decision in the case  
4 if you were selected?

5 JUROR NO. 95: I believe there is, yes, sir.

6 THE COURT: Okay. Juror 95, have a seat in the back,  
7 please.

8 All right. Next row.

9 JUROR NO. 98: Juror No. 98. Name Marguerite Petty.  
10 And I know the defendant's father and I know Shonda Conley.

11 THE COURT: You know Mr. Good and you know who else?  
12 Who else did you say you knew?

13 JUROR NO. 98: Shonda Conley, one of the witnesses.

14 THE COURT: Shaun? What was his last name?

15 JUROR NO. 98: Conley.

16 THE COURT: Oh, Conley. Okay. Lashonda Conley. All  
17 right. Is there anything about either of those connections  
18 that would impair your ability to be fair and impartial if  
19 selected?

20 JUROR NO. 98: No, sir.

21 THE COURT: All right. Thank you, ma'am. You may be  
22 seated.

23 Next.

24 JUROR NO. 46: No. 46. My name is Joel Hall. And I  
25 know Richard Good. Good friend of mine. We played

Jury qualification

1 basketball.

2 THE COURT: All right. Is there anything about that  
3 connection that would impair your ability to be fair and  
4 impartial?

5 JUROR NO. 46: No, sir.

6 THE COURT: Thank you. Be seated.

7 Yes, sir.

8 JUROR NO. 14: Juror 14, Michael Bridges. There were  
9 a couple of the officers that I knew.

10 THE COURT: Okay. And how do you know them?

11 JUROR NO. 14: I went to school with one. There were  
12 a couple. I'm pretty sure there was one I go to church  
13 with.

14 THE COURT: Okay. Is there anything about either of  
15 those connections that would impair your ability to be fair  
16 and impartial?

17 JUROR NO. 14: No, sir. I don't believe so.

18 THE COURT: Thank you. Be seated.

19 MR. SCHULTZ: Your Honor, I'm sorry to interrupt.

20 What number was that?

21 THE COURT: Fourteen.

22 MR. SCHULTZ: Thank you.

23 THE COURT: Yes, ma'am.

24 JUROR NO. 96: Yes. 96, Angela Peeler. I went to  
25 school with Mr. Ward, but I don't know him personally.

Jury qualification

1 THE COURT: Would that have any bearing in your  
2 decision?

3 JUROR NO. 96: No, sir.

4 THE COURT: Thank you. Be seated.  
5 Yes, sir.

6 MR. BARNETTE: What was that number again, Your Honor?

7 THE COURT: Ninety-six.

8 MR. BARNETTE: Ninety-six.

9 JUROR NO. 5: Juror No. 5, Danny Bayne. I know the  
10 officers too. I go to church with some of them.

11 THE COURT: One or several?

12 JUROR NO. 5: Jacob Mullinax and Jimmy Henson.

13 THE COURT: Okay. Would that have any bearing in your  
14 decision in the case?

15 JUROR NO. 5: No, sir.

16 THE COURT: Thank you. Be seated.

17 MR. SCHULTZ: Your Honor, what number was that? I'm  
18 sorry.

19 THE COURT: Five.

20 MR. SCHULTZ: Five. Yes, sir. Thank you.

21 THE COURT: All right. Anybody else need to tell me  
22 about some connection you have with anybody involved in the  
23 case?

24 And that also includes not just the witnesses, but  
25 that also includes the lawyers or anybody that's employed

Jury qualification

1 in their respective offices. That would be the solicitor's  
2 office with Mr. Barnette. I might not have introduced him  
3 yet. But Barry Barnette is the solicitor. He's the one  
4 that's presenting the case on behalf of the state.

5 So if you know anybody -- if you know him or anybody  
6 in his office, I need to know about that. And of course  
7 Mr. Schultz and anybody -- he or anybody in his office.

8 Okay. All right. Yes, ma'am.

9 JUROR NO. 20: Juror No. 20. I work for an attorney's  
10 office, so I know them through that.

11 THE COURT: All right. What attorney do you work for?

12 JUROR NO. 20: Burts, Turner and Rhodes -- Richard  
13 Rhodes.

14 THE COURT: Okay. Would that have any bearing in your  
15 decision?

16 JUROR NO. 20: No, sir.

17 THE COURT: Thank you.

18 Yes, sir.

19 JUROR NO. 34: Thirty-four, Aaron Ervin. I grew up  
20 with Overton. Played Little League football with him.

21 THE COURT: With who?

22 JUROR NO. 34: Overton Good.

23 THE COURT: Okay. Would that have any bearing in your  
24 decision?

25 JUROR NO. 34: No, sir.

Jury qualification

1 THE COURT: Thank you. Be seated.

2 Yes, ma'am.

3 JUROR NO. 7: Juror No. 7. My name is Lynn Blackwell.  
4 I don't personally know any of these folks, but my son was  
5 a previous dispatcher of Cherokee County. So several of  
6 these names sound familiar. Dennis Gardner was a  
7 supervisor.

8 THE COURT: Okay. Would that have any bearing in your  
9 decision in this case?

10 JUROR NO. 7: No, sir.

11 THE COURT: Okay. Thank you.

12 MR. BARNETTE: What's her number again?

13 THE COURT: Seven.

14 Anybody else know anybody who has been introduced or  
15 anybody that's related to them? If so, please stand.

16 (No response.)

17 THE COURT: All right. Now, this is an event which  
18 the indictments allege occurred back on October the 2nd of  
19 2018 at a residence located at 1521 Pleasant School Road in  
20 Gaffney, South Carolina. And of course I read the  
21 indictments to tell you what has been alleged.

22 Does any juror think that you might have heard, seen  
23 or read anything that relates to this particular case? In  
24 other words, have you been exposed to any type of  
25 information that relates to this particular case from any

Jury qualification

1 source, whether it be television, radio, newspaper, talking  
2 to somebody at work, at home, at church, at school? Have  
3 you been exposed to any type of information that relates to  
4 the case? If so, please stand.

5 All right. Your number again please, ma'am?

6 JUROR NO. 98: Ninety-eight, Juror No. 98, name --

7 THE COURT: All right. Just -- now, listen to my  
8 question. Don't -- I don't want you to give me a lot of  
9 information. Just answer the question as distinctly and as  
10 shortly as you can.

11 From what source did you receive information?

12 JUROR NO. 98: Just some of the family.

13 THE COURT: Ma'am?

14 JUROR NO. 98: Some of the family of Shonda Conley.

15 THE COURT: Okay. And do you remember the information  
16 that you received?

17 JUROR NO. 98: Yes, sir.

18 THE COURT: Okay. And is it the type of  
19 information -- is it the type of information that could  
20 cause you to be unable to be fair and impartial if you were  
21 selected as a juror in the case?

22 JUROR NO. 98: It could, yes, sir.

23 THE COURT: Okay. You think there's a reasonable  
24 probability that it would?

25 JUROR NO. 98: No, sir.

Jury qualification

1 THE COURT: You don't think there's a reasonable  
2 probability that it could?

3 JUROR NO. 98: I can't hear you.

4 THE COURT: Okay. What I said was you said you had  
5 heard some information about the case.

6 JUROR NO. 98: Yeah. I heard a lot of information  
7 about the case.

8 THE COURT: All right. So what I'm trying to find out  
9 is the information that you have heard, would it affect  
10 your judgment in this case?

11 JUROR NO. 98: Oh, no.

12 THE COURT: It wouldn't?

13 JUROR NO. 98: No.

14 THE COURT: Well, let me ask you this. If during the  
15 trial of the case the information that you have, if that  
16 was not presented during the trial of the case -- in other  
17 words, it didn't come in as evidence in the case -- would  
18 you be able to put it aside, to ignore it and not allow it  
19 to influence your decision?

20 JUROR NO. 98: Yes, sir.

21 THE COURT: You would do that?

22 JUROR NO. 98: Uh-huh.

23 THE COURT: All right. Thank you. You may be seated.  
24 That's Juror 98.

25 Yes, ma'am.

Jury qualification

1 JUROR NO. 129: 129, Genene Tate.

2 THE COURT: What source have you received information?

3 JUROR NO. 129: Just newspaper.

4 THE COURT: Newspaper. What's the most recent thing  
5 you read about it?

6 JUROR NO. 129: Just somebody pleading guilty.

7 THE COURT: No. I said what's the most -- I mean,  
8 what is the most recent edition of the paper that you read  
9 about something that relates to this case? How long ago  
10 was it that you read the paper?

11 JUROR NO. 129: Maybe about seven or eight months ago.

12 THE COURT: Seven or eight months ago?

13 JUROR NO. 129: Yes, sir.

14 THE COURT: Okay. And is there anything about that,  
15 what you read in the paper, that would affect your judgment  
16 in this case?

17 JUROR NO. 129: No.

18 THE COURT: Because you understand that you have to  
19 base a decision as a juror upon what you see and hear  
20 during the trial, and you can't be influenced by any  
21 outside or extraneous information. Could you do that?

22 JUROR NO. 129: Yes, sir.

23 THE COURT: All right. Thank you, ma'am. You may be  
24 seated.

25 Yes, ma'am.

## Jury qualification

1 JUROR NO. 109: 109, Katherine Ramsey. Last year I  
2 read the newspaper article, but I have not read anything  
3 since. But at the time of the -- of the incident one of my  
4 students knew the victim and was very upset, and so that's  
5 how I initially heard about it.

6 THE COURT: Okay. Is there anything that you heard or  
7 read about the case that would affect your judgment if you  
8 were called upon to serve as a juror?

9 JUROR NO. 109: I don't know.

10 THE COURT: Well, could you put aside anything that  
11 you heard or read if it's not introduced during the trial  
12 of the case? Could you put that aside and not allow it to  
13 influence your judgment?

14 JUROR NO. 109: Yes, sir.

15 THE COURT: All right. Thank you, ma'am. You may be  
16 seated.

17 Anybody else?

18 (No response.)

19 THE COURT: All right. Has any member of the jury  
20 panel or any members of your immediate family -- and let me  
21 define an immediate family member as a parent or a spouse  
22 or a child or a sibling -- parent, spouse, child or  
23 sibling. Have you or any members of your immediate family  
24 ever been the victim of any type of criminal offense that  
25 might be characterized or described as a violent offense?

Jury qualification

1           That would include murder, manslaughter, burglary,  
2 criminal sexual conduct, domestic violence of a high and  
3 aggravated nature, robbery, anything similar.

4           Have you or any members of your immediate family as I  
5 have described it ever been the victim of such, as well as  
6 have you or any members of your immediate family ever been  
7 accused of having committed such?

8           So I need to know if you or a family member was a  
9 victim of any such offense or accused of having committed  
10 any such offense. If so, please stand.

11           All right. I will start on the front row.

12           Yes, ma'am.

13           JUROR NO. 33: Thirty-three, Shelly Elmer.

14           THE COURT: All right. How does that question relate  
15 to you?

16           JUROR NO. 33: My father was a victim of a violent  
17 crime, a stabbing, 28 years ago.

18           THE COURT: And was that here or somewhere else?

19           JUROR NO. 33: No. Upstate New York where we're from.

20           THE COURT: Would that experience have any bearing  
21 upon your decision in this case?

22           JUROR NO. 33: No.

23           THE COURT: Thank you. Be seated.

24           All right. Next row.

25           JUROR NO. 57: Juror 57, Jeff Humphries.

Jury qualification

1 THE COURT: All right. How does it relate to you?

2 JUROR NO. 57: My father-in-law was murdered here in  
3 Cherokee County.

4 THE COURT: How long ago?

5 JUROR NO. 57: 2009.

6 THE COURT: Would that have any bearing in your  
7 decision in this case?

8 JUROR NO. 57: I don't think so.

9 THE COURT: Well, is there any reasonable probability  
10 it could?

11 JUROR NO. 57: No, sir.

12 THE COURT: Okay. Thank you. Be seated.

13 Yes, sir.

14 JUROR NO. 111: Juror 111, David Rice. I was charged  
15 with domestic violence 23 years ago.

16 THE COURT: Would that have any bearing in your  
17 decision here?

18 JUROR NO. 111: No, sir.

19 THE COURT: Thank you. Be seated.

20 Yes, ma'am.

21 JUROR NO. 136: Juror 136, Crystal Lollis. My brother  
22 was murdered by a burglar in Lenoir, North Carolina, and it  
23 was 2018. The case has not finished yet.

24 THE COURT: Okay. Would that experience have any  
25 bearing upon your decision in this case --

Jury qualification

1 JUROR NO. 136: Yes, it would.

2 THE COURT: -- if you were selected?

3 JUROR NO. 136: Yes.

4 THE COURT: All right. You can be excused. Have a  
5 seat back there, please, ma'am.

6 All right.

7 JUROR NO. 98: No. 98.

8 THE COURT: Yes, ma'am.

9 JUROR NO. 98: My son was convicted of manslaughter,  
10 involuntary manslaughter, in 1996.

11 THE COURT: And would that fact have any bearing upon  
12 your decision?

13 JUROR NO. 98: No.

14 THE COURT: Thank you. Be seated.  
15 Yes, ma'am.

16 JUROR NO. 128: Juror No. 128.

17 THE COURT: 128?

18 JUROR NO. 128: Yes.

19 THE COURT: Okay.

20 JUROR NO. 128: My brother-in-law was killed about two  
21 years ago.

22 THE COURT: Was that here or somewhere else?

23 JUROR NO. 128: Right here in Cherokee County.

24 THE COURT: All right. Would that have any bearing on  
25 your decision in this case?

Jury qualification

1 JUROR NO. 128: No, sir.

2 THE COURT: Thank you, ma'am. You may be seated.

3 JUROR NO. 128: I have one other question. Are any of  
4 those people that are back here, are witnesses or anything?

5 THE COURT: I think some of them may be.

6 JUROR NO. 128: Because I know one of them and I  
7 didn't recognize her until just now.

8 THE COURT: All right. Well, just tell me what she's  
9 wearing.

10 JUROR NO. 128: Red hair.

11 THE COURT: All right. Stand up, please, ma'am. And  
12 your name is what?

13 SHANETA FOSTER: I'm not witness.

14 THE COURT: You're who?

15 SHANETA FOSTER: I'm not a witness.

16 THE COURT: What's your name?

17 SHANETA FOSTER: Shaneta Foster.

18 THE COURT: Okay. She's not going to be a witness.

19 JUROR NO. 128: Okay. I was just making sure.

20 THE COURT: I'm glad you did that. Yeah. She's not  
21 going to be testifying in the case. Thank you, ma'am.

22 All right.

23 JUROR NO. 96: Ninety-six, Angela Peeler. I was a  
24 victim of a domestic assault.

25 THE COURT: And would that experience have any bearing

Jury qualification

1 in your decision?

2 JUROR NO. 96: No, sir.

3 THE COURT: Thank you. Be seated.

4 Has any member of the jury panel ever been called to  
5 testify as a witness in a criminal case by either the  
6 prosecutor or by a defendant's lawyer? Has anyone ever  
7 testified as a witness in a criminal case? If so, please  
8 stand.

9 All right. Your number.

10 JUROR NO. 23: Twenty-three, Anthony Colone.

11 THE COURT: All right. And you were called to testify  
12 as a witness?

13 JUROR NO. 23: Yeah. I was an arresting security  
14 officer in Las Vegas.

15 THE COURT: Okay. That's fine. Thank you.

16 Has any member of the jury panel or any members of  
17 your immediate family ever been employed as any type of law  
18 enforcement officer? Ever been -- you or a family member  
19 ever been employed as any type of law enforcement officer  
20 for any law enforcement agency -- civilian and/or military?  
21 If so, please stand.

22 All right. You're Juror 57?

23 JUROR NO. 57: Jeff Humphries, yes, sir.

24 THE COURT: All right. How does that question relate  
25 to you?

Jury qualification

1 JUROR NO. 57: I have a daughter and husband, Marines,  
2 military police. She now serves Spartanburg Coroner's  
3 office. Brother-in-law serves on the Spartanburg -- he's a  
4 detective over there.

5 THE COURT: And would either of those connections have  
6 any bearing --

7 JUROR NO. 23: No, sir.

8 THE COURT: -- in your decision?

9 JUROR NO. 23: No, sir.

10 THE COURT: Thank you.

11 Yes, sir.

12 JUROR NO. 111: 111, David Rice. I've got some.  
13 Second cousin was a chief of police for Woodruff for years.

14 THE COURT: And would that have any bearing in your  
15 decision?

16 JUROR NO. 111: No, sir.

17 THE COURT: Thank you. Be seated.

18 Has any member of the jury panel already formed an  
19 opinion as to how you think the case ought to be decided  
20 based upon what you've heard up to this point or based upon  
21 any other consideration? Have you already made up your  
22 mind as to how you think it ought to be decided? If so,  
23 please stand.

24 (No response.)

25 THE COURT: Does any juror know of any reason

Jury qualification

1 whatsoever why you believe you could not be fair and  
2 impartial if you were called upon to serve as a juror in  
3 this particular case? If you have any reason whatsoever  
4 why you think you could not be fair and impartial as a  
5 juror in this particular case, I would ask that you please  
6 stand.

7 (No response.)

8 THE COURT: All right. None responding.

9 Any other questions requested by the state?

10 MR. BARNETTE: None from the state, Your Honor.

11 THE COURT: By the defendant?

12 MR. SCHULTZ: Yes, sir. Could we approach?

13 THE COURT: Okay.

14 (Bench conference held off the record.)

15 THE COURT: I've got one other question.

16 Is any member of the jury panel or does any member of  
17 the jury panel belong to any type of organization that  
18 might be characterized as law enforcement support or  
19 victim's advocacy type groups supporting victims and  
20 victims' rights? Does any juror belong to such  
21 organizations, as well as do you contribute time or money  
22 to any type of those organizations?

23 And some of those would include, as an example,  
24 Mothers Against Drunk Drivers, Citizens Against Violent  
25 Crime, rape crisis, Children's Advocacy Center, any type of

Jury qualification

1 the honorary troopers' association, the fraternal order of  
2 police, the policeman benevolence society.

3 Does any juror belong to any of those types of  
4 organizations or do you contribute time or money to any of  
5 those types of organizations? If so, please stand.

6 (No response.)

7 THE COURT: None responding.

8 Any other questions?

9 MR. BARNETTE: None from the state, Your Honor.

10 MR. SCHULTZ: Judge, under my requested voir dire I  
11 would like the Court to ask six. I think everything else  
12 has been covered.

13 THE COURT: Has any member of the jury panel ever  
14 expressed any opinions about the criminal justice system in  
15 general by writing letters to the editor in a newspaper or  
16 making a speech or contribute a blog or posting anything on  
17 facebook or any other type of social media? Has anyone  
18 ever expressed opinions about the criminal justice system  
19 through any public or social media source? If so, please  
20 stand.

21 (No response.)

22 THE COURT: All right. None responding.

23 All right. Now, the way a jury is selected --

24 MR. SCHULTZ: Thank you, Your Honor.

25 THE COURT: Okay. The way the jury is selected is all

Jury qualification

1 of your names are in the computer when you checked in. And  
2 so the computer is going to randomly select you as we  
3 call -- as we begin selection.

4 when your name is called you'll be asked to come  
5 forward. Just have a -- take a stance right there in front  
6 of the clerk. Turn and face the back of the courtroom  
7 where you're seated now.

8 Each side has an opportunity to have you seated for  
9 service in the case or to have you excused from serving in  
10 the case.

11 If either side asks that you be excused from serving,  
12 just go back and have a seat where are now.

13 If both agree to have you seated for service in the  
14 case, you'll be having a seat in that jury box to your  
15 right and to my left.

16 So please come forward as your name is called and  
17 you'll be instructed whether you have been excused from  
18 service or accepted for service in the case.

19 THE CLERK: Juror 90, Kristen Owens.

20 Come down front, Ms. Owens. Stand right there and  
21 just turn around, please.

22 what says the state?

23 MR. BARNETTE: Please present the juror.

24 THE CLERK: what says the defense?

25 MR. SCHULTZ: Please seat the juror in this case.

Jury qualification

1 THE CLERK: Please take a seat in the jury box.

2 Juror 96, Angela Peeler.

3 What says the state?

4 MR. BARNETTE: Please present the juror.

5 THE CLERK: What says the defense?

6 MR. SCHULTZ: Please excuse the juror in this case.

7 THE CLERK: You've been excused.

8 Juror 34, Aaron Ervin.

9 MR. BARNETTE: What's that number again, please?

10 THE CLERK: Thirty-four.

11 MR. BARNETTE: Thank you, ma'am.

12 THE CLERK: What says the state?

13 MR. BARNETTE: Please present the juror.

14 THE CLERK: What says the defense?

15 MR. SCHULTZ: Please excuse the juror in this case.

16 THE CLERK: You've been excused.

17 Juror 22, Crystal Cobb.

18 What says the state?

19 MR. BARNETTE: Please present the juror.

20 THE CLERK: What says the defense?

21 MR. SCHULTZ: Please seat the juror in this case.

22 THE CLERK: Please take a seat in the jury box.

23 Juror 59, Natoshia Jones.

24 What says the state?

25 MR. BARNETTE: Please excuse this juror from service.

Jury qualification

1 THE CLERK: You've been excused.  
2 Juror 23, Anthony Colon.  
3 What says the state?  
4 MR. BARNETTE: Please present the juror.  
5 THE CLERK: What says the defense?  
6 MR. SCHULTZ: Please excuse the juror.  
7 THE CLERK: You've been excused.  
8 Juror 109, Katherine Ramsey.  
9 What says the state?  
10 MR. BARNETTE: Please present the juror.  
11 THE CLERK: What says the defense?  
12 MR. SCHULTZ: Please excuse the juror in this case.  
13 THE CLERK: You've been excused.  
14 Juror 98, Margaret Petty.  
15 What says the state?  
16 MR. BARNETTE: Please excuse the juror from service in  
17 this case.  
18 THE CLERK: You've been excused.  
19 Juror 32, Casity Elliott.  
20 What says the state?  
21 MR. BARNETTE: Please present the juror.  
22 THE CLERK: What says the defense?  
23 MR. SCHULTZ: Please seat the juror.  
24 THE CLERK: Please take a seat in the jury box.  
25 Juror 27, Michael Crowe.

Jury qualification

1           What says the state?

2           MR. BARNETTE: Please present the juror.

3           THE CLERK: What says the defense?

4           MR. SCHULTZ: Please seat the juror in this case.

5           THE CLERK: Please take a seat in the jury box.

6           Juror 140, Christopher White.

7           What says the state?

8           MR. SCHULTZ: What number was that?

9           THE CLERK: 140.

10          MR. SCHULTZ: Thank you.

11          THE CLERK: Christopher White.

12          What says the state?

13          MR. BARNETTE: Please present the juror.

14          THE CLERK: What says the defense?

15          MR. SCHULTZ: Please seat the juror.

16          THE CLERK: Please take a seat in the jury box.

17          Juror 3, Sharon Bailey.

18          What says the state?

19          MR. BARNETTE: Please present the juror.

20          THE CLERK: What says the defense?

21          MR. SCHULTZ: Please seat the juror.

22          THE CLERK: Please take a seat in the jury box.

23          Juror 46, Joel Hall.

24          What says the state?

25          MR. BARNETTE: Please present the juror.

Jury qualification

1 THE CLERK: what says the defense?  
2 MR. SCHULTZ: Please excuse the juror.  
3 THE CLERK: You've been excused.  
4 Juror 69, Stacy Longshore.  
5 what says the state?  
6 MR. BARNETTE: Please present the juror.  
7 THE CLERK: what says the defense?  
8 MR. SCHULTZ: Please seat the juror.  
9 THE CLERK: Please take a seat in the jury box.  
10 Juror 124, Sharon Spencer.  
11 what says the state?  
12 MR. BARNETTE: Please present the juror.  
13 THE CLERK: what says the defense?  
14 MR. SCHULTZ: Please excuse the juror.  
15 THE CLERK: You've been excused.  
16 Juror 129, Genene Tate.  
17 what says the state?  
18 MR. BARNETTE: Please present the juror.  
19 THE CLERK: what says the defense?  
20 MR. SCHULTZ: Please excuse the juror.  
21 THE CLERK: You've been excused.  
22 Juror 15, Doris Buckson.  
23 what says the state?  
24 MR. BARNETTE: Please excuse this juror from service.  
25 THE CLERK: You've been excused.

Jury qualification

1 Juror 57, Jeffrey Humphries.  
2 What says the state?  
3 MR. BARNETTE: Please present the juror.  
4 THE CLERK: What says the defense?  
5 MR. SCHULTZ: Please excuse the juror.  
6 THE CLERK: You've been excused.  
7 Juror 5, Danny Bayne.  
8 What says the state?  
9 MR. BARNETTE: Please present the juror.  
10 THE CLERK: What says the defense?  
11 MR. SCHULTZ: Please excuse the juror in this case.  
12 THE CLERK: You've been excused.  
13 Juror 33, Shelly Elmer.  
14 MR. SCHULTZ: What number, madam clerk?  
15 THE CLERK: Thirty-three.  
16 MR. SCHULTZ: Thank you.  
17 THE CLERK: What says the state?  
18 MR. BARNETTE: Please present the juror.  
19 THE CLERK: What says the defense?  
20 MR. SCHULTZ: Please excuse the juror.  
21 THE CLERK: You've been excused.  
22 Juror 99, Jon Phillips.  
23 What says the state?  
24 MR. BARNETTE: Please present the juror.  
25 THE CLERK: What says the defense?

Jury qualification

1 MR. SCHULTZ: Please seat the juror.

2 THE CLERK: Please take a seat in the jury box.

3 Juror 111, David Rice.

4 What says the state?

5 MR. BARNETTE: Please excuse this juror from service.

6 THE CLERK: You've been excused.

7 Juror 7, Lynn Blackwell.

8 What says the state?

9 MR. BARNETTE: Please present the juror.

10 THE CLERK: What says the defense?

11 MR. SCHULTZ: Please excuse the juror in this case.

12 THE COURT: You've already used all of yours.

13 MR. SCHULTZ: I'm sorry.

14 THE COURT: Ms. Blackwell, you can have a seat in the  
15 jury box.

16 MR. SCHULTZ: Thank you, Your Honor.

17 THE CLERK: Juror 130, Reginald Tate.

18 What says the state?

19 MR. BARNETTE: Please excuse this juror from service.

20 THE CLERK: You've been excused.

21 MR. SCHULTZ: What number was that, madam clerk?

22 THE CLERK: 130, Reginald Tate.

23 Juror 31, Cordelia Earls.

24 What says the state?

25 MR. BARNETTE: Please present the juror.

Jury qualification

1 THE CLERK: Says the defense?  
2 MR. SCHULTZ: Please present.  
3 THE CLERK: Please take a seat in the jury box.  
4 Juror 134, Randall Upchurch.  
5 What says the state?  
6 MR. BARNETTE: Please present the juror.  
7 THE CLERK: What says the defense?  
8 MR. SCHULTZ: Please present.  
9 THE CLERK: Please take a seat in the jury box.  
10 Juror 94, Tarun Patel.  
11 What says the state?  
12 MR. BARNETTE: Please present the juror.  
13 THE CLERK: What says the defense?  
14 MR. SCHULTZ: Seat the juror.  
15 THE CLERK: Please take a seat in the jury box.  
16 Next juror will be for the first alternate.  
17 Juror 20, Jo Champion.  
18 What says the state?  
19 MR. BARNETTE: Please present the juror.  
20 THE CLERK: What says the defense?  
21 MR. SCHULTZ: Please seat the juror.  
22 THE CLERK: Please take a seat in the jury box.  
23 Next juror will be for our second alternate.  
24 Juror 128, Aliyah Tate.  
25 What says the state?

Jury qualification

1 MR. BARNETTE: Please excuse this juror from service.

2 THE CLERK: You've been excused.

3 Juror 14, Michael Bridges.

4 What says the state?

5 MR. BARNETTE: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. SCHULTZ: Please excuse the juror from this case.

8 THE CLERK: You've been excused.

9 Juror 86, Casey Nix.

10 What says the state?

11 MR. BARNETTE: Please present the juror.

12 THE CLERK: What says the defense?

13 MR. SCHULTZ: Please seat the juror.

14 THE CLERK: Please take a seat in the jury box.

15 (Whereupon, a jury was impaneled.)

16 THE COURT: All right. Those who have been selected,  
17 I'll ask you to please go with the bailiff to a jury room,  
18 and I'll bring you back shortly.

19 (The following takes place outside the presence of the  
20 jury.)

21 THE COURT: Are there any matters that need to be  
22 addressed regarding jury selection by the state?

23 MR. BARNETTE: Nothing from the state, Your Honor.

24 THE COURT: By the defendant?

25 MR. SCHULTZ: Your Honor, the state struck a juror --

Jury qualification

1 THE COURT: Do you have something you want to address?

2 MR. SCHULTZ: I do, Your Honor.

3 THE COURT: Okay. Well, that's enough right there.

4 All right. Let me ask the jurors who were not  
5 selected to please go with the bailiff back to the jury  
6 assembly room -- to the jury assembly room. And I'll send  
7 you word shortly when you can be excused.

8 (Whereupon, the remaining members of the jury venire  
9 were excused.)

10 THE COURT: All right. Mr. Schultz.

11 MR. SCHULTZ: Your Honor, may it please the Court.

12 We're making a motion under Batson. The state struck  
13 Juror 130 that -- who was a black male; the state struck  
14 Juror 59, a black female; the state struck Juror 15 --  
15 15 -- and that was a black female. And I believe as an  
16 alternate, I think the state struck Juror 128 who was a  
17 black female.

18 THE COURT: They also struck Juror 98.

19 MR. SCHULTZ: Yes, sir, 98, Your Honor.

20 THE COURT: Okay.

21 MR. SCHULTZ: And I will challenge this under Batson.

22 THE COURT: Mr. Barnette.

23 MR. BARNETTE: Okay. Thank you, Your Honor.

24 No. 59, I'd received a note right before jury  
25 selection I'd like to make a court's exhibit from Tori

Jury qualification

1 Davis in our office where she said a black female towards  
2 the back was communicating with a black male sitting across  
3 from the jury panel. "He is a black male. Red, white and  
4 blue plaid shirt. So I'd ask the Court about that. I'm  
5 not sure if he's connected with the defendant."

6 She wrote out the information what the juror was  
7 wearing. That was Juror 59. So that way I struck her  
8 based off that note.

9 MR. SCHULTZ: Your Honor, may I see that letter?

10 THE COURT: Yes, sir.

11 MR. BARNETTE: She was wearing a gold shirt with the  
12 earrings.

13 THE COURT: What was the concern?

14 MR. BARNETTE: Tori Davis, which is an assistant  
15 solicitor in our office, I guess she was watching in the  
16 back and saw that somebody from their side was trying to  
17 communicate with her from there, which I've got concerns  
18 about that too. Appears to be known from there.

19 MR. SCHULTZ: I don't know anything about that, Your  
20 Honor.

21 MR. BARNETTE: I don't know. That's just -- she  
22 handed this note to me. Actually, one of the bailiffs gave  
23 it to me when jury selection was going on.

24 THE COURT: I don't understand it. You were concerned  
25 that somebody that's here in support of the defendant was

Jury qualification

1 trying to contact a juror?

2 MR. BARNETTE: Well, she said they were seated across  
3 from the jury panel in the back, which everybody sitting on  
4 that side -- she said I'm not sure he's connected with the  
5 defendant. But they were trying to communicate or seemed  
6 to be communicating or had been communicating.

7 THE COURT: Okay. Well, that's -- do you want to  
8 address that?

9 MR. SCHULTZ: I don't think we have the -- the person  
10 here that saw the actual conduct, Your Honor.

11 MR. BARNETTE: That's the reason I struck her, was  
12 this note. I'll be glad to make it --

13 THE COURT: Tori Davis is the person. She's an  
14 assistant solicitor. That's not -- that's a race neutral  
15 reason anyway.

16 All right. What about 98?

17 MR. BARNETTE: Ninety-eight, your Honor, knows the  
18 defendant's family. If you remember, she stood up several  
19 times from several different angles. She said that she  
20 knew Mr. Jefferies, I believe, and Ms. Conley, her  
21 witness -- their witness on there. And her son was also  
22 convicted of voluntary manslaughter, and she stated that on  
23 the record. That's the reason for her strike.

24 No. 15, Your Honor, has been convicted of P.D.C.,  
25 fraudulent check and D.U.I.

Jury qualification

1           130 was convicted of a C.D.V. in this case, Your  
2 Honor.

3           And 128, the reason why she was struck, if you  
4 remember right, she looked and said that she knew somebody  
5 behind the defendant's group. She stood up and pointed  
6 that out. That's the reason why I struck her. She pointed  
7 out during the jury, during the questions of the Court.

8           MR. SCHULTZ: That was 128, Barry? I'm sorry.

9           MR. BARNETTE: 128. That was the alternate.

10          THE COURT: She said she recognized somebody that's  
11 apparently not a witness in the case. I don't know what  
12 their connection with the case is but...

13          MR. BARNETTE: They were behind on that side of the  
14 defense side.

15          THE COURT: She was sitting on the back row.

16          MR. BARNETTE: Yes, sir.

17          THE COURT: All right. Well, those all appear to be  
18 race neutral.

19          Mr. Schultz, do you have any challenge to that?

20          MR. SCHULTZ: No, sir, Your Honor.

21          MR. BARNETTE: Your Honor, I'd like to make this one  
22 note Court's Exhibit 1 just for the record.

23          THE COURT: All right. Let me see y'all just a  
24 minute, please.

25          (Bench conference held off the record.)

1 (Note marked Court's Exhibit No. 1.)

2 THE COURT: All right. Bring the jury panel in,  
3 please.

4 (The following takes place in the presence of the  
5 jury.)

6 THE COURT: Ladies and gentlemen, we're going to start  
7 the trial of the case in the morning. So I'll ask you to  
8 report to the jury room that you've just been introduced  
9 to.

10 The way you get to that jury room is you come in the  
11 side door across the street from the back of the church.  
12 Rather than coming to the front door, you'll come to the  
13 side door, and they'll bring you upstairs to the jury room  
14 that you'll be occupying during the trial.

15 Now, as you leave, understand that your decision in  
16 this case must be based upon the evidence presented during  
17 the trial and the law that I'll provide you at the trial's  
18 conclusion.

19 So you're never permitted to allow yourselves to be  
20 influenced by any outside or extraneous information; and so  
21 when you go home tonight and until you reach your decision,  
22 you can't talk about the case with anybody in any fashion  
23 whatsoever, with any person whatsoever.

24 You can't conduct any research; you can't conduct your  
25 own investigation into any issues; you can't allow

1 yourselves to be exposed to any type of media coverage --  
2 television, radio or newspaper. You can't go to the  
3 internet and do searches for any information that relates  
4 to the case.

5 That's, as I say, because you are jurors in the case.  
6 You have to base your decision upon the evidence presented  
7 during the trial, and you're not permitted to be influenced  
8 by any outside or extraneous information.

9 So no discussions, no research, no investigation, no  
10 media exposure.

11 With that, do have a good afternoon, and please report  
12 to the jury room by 9:45 -- 9:45 in the morning. Okay.  
13 Have a good afternoon.

14 (The following takes place outside the presence of the  
15 jury.)

16 THE COURT: All right. The Rogers matter is in recess  
17 until 9:45 in the morning.

18 MR. BARNETTE: Your Honor, if I could just briefly put  
19 on the record what we talked about at the bench conference.

20 The SLED agent I've got coming up on the firearms  
21 thing, we talked about a possible stipulation to that,  
22 which I have no problem. I can write it up and give it to  
23 Mr. Schultz. I just wanted to make sure, because I've got  
24 to let her know something. She's got subpoenaed to  
25 Florence, Darlington and --

1 THE COURT: What would the stipulation be other than  
2 just the introduction of her report?

3 MR. BARNETTE: Her report, plus she -- there's a chain  
4 of custody maintained with the firearm, with the shell  
5 casings and the -- and the shell -- or the bullets.

6 THE COURT: All right. Mr. Schultz, do you need to  
7 talk to Mr. Rogers about that?

8 MR. SCHULTZ: I did briefly, Your Honor. I would like  
9 some time to do that. Could I inform the Court tomorrow or  
10 would --

11 MR. BARNETTE: Well, I need to know sooner than that.

12 THE COURT: Well, he's got to know something this  
13 afternoon.

14 MR. SCHULTZ: That's fine.

15 THE COURT: You can take all -- I'm not leaving.

16 MR. SCHULTZ: Yes, sir.

17 THE COURT: You can take all of the time you need to  
18 right now.

19 MR. SCHULTZ: Thank you, Judge.

20 THE COURT: All right.

21 MR. BARNETTE: Yes, sir. If we can just come back on  
22 the record after he gets a chance to talk to his client.

23 THE COURT: Sure. Yeah.

24 (Whereupon, a recess was taken.)

25 END OF PROCEEDINGS OCTOBER 7, 2019

1 (Proceedings October 8, 2019)

2 (The following takes place outside the presence of the  
3 jury.)

4 THE COURT: All right. Any matters to address before  
5 the jury comes in?

6 MR. BARNETTE: May it please the Court, Your Honor.

7 We talked -- I've talked to Mr. Schultz, talked with  
8 the family in the case. We made an offer, Your Honor, to  
9 the defendant that he pleads to all charges straight up.

10 We reduced the murder to voluntary manslaughter, and  
11 he has to plead to burglary first straight up, possession  
12 of a weapon during a violent crime straight up, discharging  
13 a weapon into a dwelling straight up, attempted murder  
14 straight up. And the murder would be reduced to voluntary  
15 manslaughter. And also attempted armed robbery straight  
16 up.

17 There are six charges total. The only one that would  
18 be reduced would be the murder to voluntary manslaughter.  
19 It'd be a straight-up sentence on those charges, Your  
20 Honor.

21 This offer is made now. If he accepts it, fine. If  
22 he doesn't, they'll be revoked and we'll go to trial.

23 THE COURT: All right. Mr. Schultz, have you talked  
24 to Solicitor Barnette about that offer?

25 MR. SCHULTZ: I have, Your Honor.

1 THE COURT: And is what he stated what you understood  
2 the offer to be?

3 MR. SCHULTZ: That is accurate, Your Honor.

4 THE COURT: And have you relayed that offer to  
5 Mr. Rogers?

6 MR. SCHULTZ: I have, Your Honor.

7 THE COURT: Do you feel that he understands what the  
8 offer is?

9 MR. SCHULTZ: I do.

10 THE COURT: Do you feel that he understands the  
11 consequences of rejecting that offer?

12 MR. SCHULTZ: I do, Your Honor.

13 THE COURT: And does he understand that if he wishes  
14 to accept the offer that he can, if he wishes to reject the  
15 offer that the case will go to trial and that once the  
16 trial begins that the solicitor won't be making any other  
17 offer and that Mr. Rogers will simply have to accept the  
18 decision of the jury as it relates to each of the charges?

19 MR. SCHULTZ: I do believe he understands that.

20 THE COURT: And do you believe that he understands if  
21 he is convicted of each of these offenses that he  
22 understands what the consequence would be as in contrast or  
23 in comparison to the consequence that would occur if he  
24 were to plead guilty to the offer made by the solicitor?

25 MR. SCHULTZ: I believe he understands that.

1 THE COURT: And has he indicated to you what his  
2 preference is?

3 MR. SCHULTZ: He has, Your Honor. Declined.

4 THE COURT: All right. Mr. Rogers, you've heard what  
5 the offer is. And Mr. Schultz has stated that he's  
6 discussed it with you and your decision is that you're  
7 rejecting the offer.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And you understand that once the jury  
10 comes in and is sworn there will be no further offers made  
11 in this case.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And do you understand the significance of  
14 the difference in the potential sentences that can be  
15 imposed if you plead guilty pursuant to the offer as  
16 opposed to if you go to trial and are convicted of the  
17 crimes?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand the significant  
20 difference in the sentences?

21 THE DEFENDANT: I do.

22 THE COURT: All right. And you've had time to reflect  
23 upon your decision?

24 THE DEFENDANT: I have.

25 THE COURT: And you reject the offer?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay.

3 MR. BARNETTE: Your Honor, if I can just put on the  
4 record to make sure it's covered.

5 Murder is day for day. Voluntary manslaughter and  
6 other charges are 85 percent, no-parole offenses. So  
7 there's a substantial difference there. I'm sure  
8 Mr. Schultz has explained that to him. I just wanted to  
9 make sure that's on the record.

10 THE COURT: Well, there is definitely a substantial  
11 difference.

12 Mr. Schultz, you've explained it to him?

13 MR. SCHULTZ: I have, Your Honor. I explained to him  
14 that all of the charges that the solicitor offered with  
15 this case are now day-for-day sentences. In fact, at the  
16 most it would be 85 percent sentences.

17 THE COURT: Okay. You can have a seat.

18 MR. SCHULTZ: Yes, sir.

19 THE COURT: All right. Any other matters we have to  
20 address before the jury is brought in?

21 MR. BARNETTE: A couple of things, Your Honor.

22 We have Mr. Richard Good, Jr. He's going to be added  
23 to the witness list. We talked about it. He was  
24 introduced to the jury as a member of the family.

25 I've talked to Mr. Schultz about that. He understands

1 that. And I believe I talked Your Honor back in chambers.

2 There's really no need to ask the jury about him  
3 because they were supposed to indicate if they knew him  
4 beforehand when he introduced himself to the jury. So we'd  
5 ask him to be added to the witness list for the state.

6 THE COURT: Is that a fair statement, Mr. Schultz?

7 MR. SCHULTZ: It is, Your Honor.

8 MR. BARNETTE: And, Your Honor, we do have a  
9 stipulation. A second stipulation has been made. It's  
10 been signed by the defendant and Mr. Schultz and myself.

11 This is concerning a SLED report on the firearms,  
12 which is State's Exhibit 47.

13 Basically in that, Your Honor, the parties stipulate  
14 the following as fact: That Investigator Billy Anthony of  
15 the Cherokee County Sheriff's Office collected and  
16 maintained a valid chain of custody of items, several  
17 items, collected from 1521 Pleasant School Road in Gaffney  
18 and at 123 Jasmine Road in Gaffney, Your Honor. The list  
19 of the firearms report under SLED Lab No. 18-14385 done by  
20 Michelle Eichenmiller -- she's a SLED forensic scientist --  
21 the items are listed as will follow: Item 4, one fired  
22 bullet listed from hall wall; Item 5, one fired bullet  
23 listed as from living room wall; Items 6 through 8, three  
24 fired 9mm Luger caliber cartridge cases; Item 10, one CCY  
25 Industrial's Model CPX-1 semiautomatic pistol, 9mm Luger

1 caliber serial No. 284544; received one magazine from one  
2 SCCY Industrial Manufacturing box containing various  
3 manuals, accessories; Item 10.3 is test specimens fired by  
4 Item 10 pistol using laboratory supplied ammunition; Item  
5 11, one magazine and five unfired 9mm Luger caliber  
6 cartridges, listed as from CCY Industrial 9mm pistol; Item  
7 12 is one unfired 9mm Luger caliber cartridge listed as  
8 from chamber of CCY Industrial 9mm pistol. That was  
9 collected at the scene and transported to the state law  
10 enforcement division for analysis by Forensic Scientist  
11 Michelle Eichenmiller. Her report and analysis of the  
12 above mentioned items marked as State's Exhibit 47. Please  
13 see Attachment 1 to the stipulation. It's attached to this  
14 stipulation and is part of this stipulation. Both parties  
15 agree for Items 3, 4, 5, 6, 7, 8, 10 and 11 and 13 to be  
16 entered into evidence and published to the jury, as well as  
17 this stipulation, the SLED firearms report that's marked as  
18 State's Exhibit 47. The SLED firearms report is included  
19 in this stipulation by reference also. A valid chain of  
20 custody is maintained of these items by SLED and the  
21 Cherokee County Sheriff's Office from collection at the  
22 crime scenes at 1521 Pleasant School Road in Gaffney and  
23 123 Jasmine Drive in Gaffney, South Carolina, to SLED for  
24 testing and come back to the Cherokee County Sheriff's  
25 office."

1 I'd like to submit that and make that part of the  
2 record that will be submitted to the jury, along with the  
3 SLED report, State's Exhibit 47.

4 THE COURT: Mr. Schultz, you and Mr. Rogers in  
5 agreement?

6 MR. SCHULTZ: We are, Your Honor.

7 THE COURT: Okay.

8 (Latent print marked State's Exhibit No. 3; one fired  
9 bullet marked State's Exhibit No. 4; one fired bullet marked  
10 State's Exhibit No. 5; fired 9mm Luger caliber cartridge  
11 marked State's Exhibit No. 6; fired 9mm Luger caliber  
12 cartridge marked State's Exhibit No. 7; fired 9mm Luger  
13 caliber cartridge marked State's Exhibit No. 8;  
14 semiautomatic pistol marked State's Exhibit No. 10; magazine  
15 and five unfired cartridges marked State's Exhibit No. 11;  
16 waiver of rights marked State's Exhibit No. 13.)

17 MR. BARNETTE: And, Your Honor, I think there's a  
18 matter we talked in chambers about -- the alternate.

19 THE COURT: Yeah. During the morning recess when the  
20 juror returned to court, one of the jurors, Juror No. 94,  
21 expressed to the clerk of court that he was having a health  
22 issue relating to his heart, which he has a condition. And  
23 because of that health condition he has been excused by the  
24 court from further service. And of course that's been  
25 addressed with the solicitor and with Mr. Schultz, and both

1 were in agreement based upon the representation of the  
2 juror as to his health condition that it was appropriate  
3 for him to be excused from further service.

4 Is that a fair statement? Do each of you agree?

5 MR. BARNETTE: The state agrees, Your Honor.

6 MR. SCHULTZ: The defense agrees.

7 THE COURT: And, Mr. Schultz, you have discussed that  
8 with Mr. Rogers?

9 MR. SCHULTZ: Well, I didn't specifically discuss that  
10 with my client, but I can right now.

11 THE COURT: You can. Go ahead.

12 MR. SCHULTZ: Thank you.

13 (Pause.)

14 MR. SCHULTZ: I did, Your Honor.

15 THE COURT: And he's in agreement and has no objection  
16 to Juror 94 being excused?

17 MR. SCHULTZ: Correct.

18 THE COURT: All right. And as a result of that  
19 excusal the clerk drew by lot from the two alternates the  
20 alternate juror that will take Juror 94's place, Juror  
21 No. 94's place, and that is Juror No. 86. So juror 86 will  
22 become the twelfth juror and Juror No. 20 will continue to  
23 serve as the alternate.

24 So anything else we need to address?

25 MR. BARNETTE: None from the state, Your Honor.

1 MR. SCHULTZ: Nothing from the defense.

2 THE COURT: All right. Bring the jury in, and ask Ms.  
3 Blackwell -- that's Juror No. 7. Ask her to take the  
4 foreperson's seat.

5 (The following takes place in the presence of the  
6 jury.)

7 THE COURT: Good morning, ladies and gentlemen.

8 I apologize for the delay in having you brought in,  
9 but we had some matters to address that necessarily  
10 required some time to resolve. And so that's been done  
11 now.

12 As you are also aware, one of your fellow jurors  
13 during the overnight recess had a health condition arise  
14 that he has dealt with before and therefore based upon that  
15 medical condition has asked to be excused from serving.  
16 And that condition has been verified, and so he has been  
17 excused from any further service in the case.

18 And that of course means that one of the alternates  
19 takes the place of that juror and becomes the twelfth. And  
20 when you have alternates, that's the reason you have  
21 alternates, is to take the place of one of the 12 if during  
22 the trial one of those 12 cannot continue to serve.

23 When you have more than one alternate the first  
24 alternate that's selected in the case is not necessarily  
25 the one that takes the place the first time and becomes the

1 twelfth juror, and that's because the law provides that  
2 when you have more than one alternate the way the twelfth  
3 juror is selected from those alternates is that you draw  
4 them by lot.

5         So the two alternate jurors' names were placed in a  
6 hat, so to speak, and someone drew the name out, and it  
7 happened to be Juror 86.

8         And so you, Ms. Champion so you will continue to serve  
9 as the alternate juror in the case. And of course you'll  
10 become the twelfth if something happens during the trial  
11 that one of these 12 cannot continue to serve for some  
12 reason.

13         Now, we are ready to begin with the trial of the case  
14 for which each of you have been selected.

15         And, Ms. Blackwell, I'm going to ask you to serve as  
16 the foreperson of this jury. And as the foreperson you're  
17 going to have three specific duties that none of the other  
18 jurors will have.

19         First of all, you'll be asked to serve as the  
20 spokesperson for the jury. And that just means if  
21 something arises during the trial that needs to be brought  
22 to my attention -- you or one of your fellow jurors has  
23 some difficulty, problem or question -- you're going to be  
24 the person to let me know of that fact. You'll do that  
25 directly if you're here in the courtroom, and you'll do it

1 through one of the bailiffs if you're outside the  
2 courtroom.

3       Secondly, you'll be called upon to preside over jury  
4 deliberations when that time comes at the end of the trial  
5 after all of the evidence has been received and I have  
6 instructed you on the law that's applicable in the case.

7       You will be tasked with the responsibility of  
8 presiding over that deliberation process simply to ensure  
9 that those deliberations are carried out in some orderly  
10 fashion.

11       And, thirdly, you'll be asked to actually write the  
12 verdicts or the decisions of the jury, and you'll indicate  
13 those decisions on the back of the indictments which will  
14 serve as the verdict forms in the case. And you'll be the  
15 juror who will be responsible for stating the jury's  
16 decision as it relates to each of the separate charges.

17       Now, the foreperson has those specific duties that  
18 I've just indicated, but that does not mean that she is any  
19 more important than any of you other jurors, and that's  
20 because the decision of a jury is the unanimous consensus  
21 opinion of all 12 jurors. So all of you are going to have  
22 an equal say and an equal vote in what the ultimate  
23 decisions will be in this case.

24       Someone simply has to be delegated those  
25 responsibilities that I've just indicated, and I have

Jury sworn

1 delegated those to Ms. Blackwell in appointing her as the  
2 foreperson. But all of you jurors are equally important so  
3 far as the ultimate decisions in this case are concerned,  
4 because, as I've stated, the verdicts have to be unanimous.  
5 All of you must be in agreement.

6 Now, Ms. Champion, as you know, you will continue to  
7 serve as an alternate juror, and the function, of course,  
8 as you also know, is to take the place of one of the  
9 original 12 if during the trial one of these 12 cannot  
10 continue to serve. And if they cannot for some reason,  
11 then you'll take that person's place, and then you'll  
12 become the twelfth just as Ms. Nix has done this morning.

13 So it is important that you pay just as careful  
14 attention as we ask of all of the jurors in the case,  
15 because it does occur from time to time for one reason or  
16 another one of these 12 may be unable to continue. And in  
17 that event you would become the twelfth.

18 So we do appreciate your participation as an alternate  
19 juror, just as we appreciate the participation of each of  
20 you jurors who have been selected for the purpose of  
21 deciding the verdicts in these particular cases.

22 You may swear the panel.

23 (Whereupon, the jury was duly sworn.)

24 THE COURT: All right. Ladies and gentlemen, as you  
25 know, you have been selected to decide the verdicts in the

1 case of the State vs. Shaun Rogers, Jr.

2 As you also know, Mr. Rogers has been charged with six  
3 separate and distinct criminal offenses. And they are set  
4 forth in five separate indictments. One indictment has two  
5 charges in it. But they're all separate criminal offenses,  
6 even though they are alleged to have arisen out of one  
7 particular event or a course of events which the state  
8 alleges occurred back on October the 2nd of 2018.

9 But you will be considering each of the charges  
10 separately as it relates to the evidence presented relating  
11 to each of the separate charges. And of course then you'll  
12 be applying the law as it relates to that particular charge  
13 to the facts as you determine those facts to be relating to  
14 the allegations, and you will determine whether or not the  
15 defendant has been proven guilty or not.

16 Now, as you also know, prior to your selection I read  
17 from the indictments so that you'll understand what the  
18 charges are.

19 And, as you know, Mr. Rogers is charged in one  
20 indictment with burglary in the first degree, the state  
21 alleging by way of the indictment that he did on October  
22 the 2nd of 2018 unlawfully enter a dwelling that was  
23 occupied by Overton Good which was located at 1521 Pleasant  
24 School Road here in Gaffney, Cherokee County, that he  
25 entered that dwelling without consent and the intent to

1 commit a crime therein, and that either in effecting entry  
2 or while in the dwelling or in immediate flight therefrom  
3 he or another person who was also a participant in the  
4 criminal offense was armed with a deadly weapon or caused  
5 physical injury to a person who was not a participant in  
6 the crime, or threatened or used a dangerous instrument, or  
7 displayed what appeared to be a deadly weapon, or the  
8 burglary occurred in the nighttime.

9         A separate indictment charges Mr. Rogers with having  
10 committed the crime of discharging a firearm into a  
11 dwelling. That indictment alleges that on the same date  
12 and time that he did discharge or cause to be discharged  
13 unlawfully a firearm at or into a dwelling which was  
14 occupied by a human being.

15         A separate indictment charges Mr. Rogers with having  
16 committed the crime of attempted murder, the indictment  
17 alleging that he did with the intent to kill attempt to  
18 kill Danielle Smith with malice aforethought by shooting at  
19 her.

20         A separate indictment charges Mr. Rogers with the  
21 crime of attempted armed robbery, again, same date and  
22 time. The indictment alleges that while he was armed with  
23 a deadly weapon he did attempt to take by means of force or  
24 intimidation goods or monies that belonged to Overton Good,  
25 either taken from him or from his presence.

1           The remaining indictment has two counts. Count one  
2 charges Mr. Rogers with the crime of murder alleging that  
3 he did wilfully and with malice aforethought kill one  
4 Overton Good by shooting him with a firearm and that  
5 Mr. Good died as a proximate result of that gunshot wound.

6           Count two alleges that Mr. Rogers did visibly display  
7 a firearm during the commission of that violent crime, that  
8 violent crime being the crime of murder as set forth in  
9 count one of the indictment.

10           Now, as I've also told you, Mr. Good has entered a  
11 plea of not guilty to each of the charges. That plea of  
12 not guilty therefore places upon state because they made  
13 the accusation, they brought the charge, to prove  
14 Mr. Good's guilt beyond a reasonable doubt. So --

15           MR. SCHULTZ: Your Honor, you're saying Mr. Good.

16           THE COURT: Oh, I'm sorry. Excuse me. Mr. Rogers --  
17 Mr. Rogers. I'm looking at the indictment, the last  
18 indictment. Mr. Rogers.

19           The state must prove that Mr. Rogers has committed  
20 each of the crimes that they allege that he has committed  
21 by way of the allegations in the indictments, and so they  
22 must prove the allegations set forth in each of the  
23 indictments.

24           They must prove each of the essential elements of each  
25 of the crimes that they have alleged against Mr. Rogers,

1 and therefore they must prove his guilt as to a charge to  
2 your satisfaction beyond a reasonable doubt before any  
3 verdict of guilty could be returned as to any of the  
4 separate charges brought against Mr. Rogers.

5       Every person who is accused of a crime -- it does not  
6 matter how serious the offense might be for which that  
7 person stands charged -- that person shall always be  
8 presumed innocent of that charge.

9       That presumption of innocence remains with every  
10 defendant, as it does with this defendant, from the time  
11 that he is placed under arrest and throughout the course of  
12 the criminal process and even throughout the course of the  
13 actual trial in the case.

14       That presumption of innocence will be with Mr. Rogers  
15 throughout this trial, and it'll be with him even as you go  
16 back into the jury room to begin with your deliberations in  
17 this case, and it'll be with him there, and it'll be with  
18 him forever unless you 12 jurors determine that he's no  
19 longer entitled to that presumption of innocence as it  
20 relates to a particular charge.

21       In other words, after you have carefully considered  
22 all of the evidence in the case, and from that evidence you  
23 have been able to determine the facts as they relate to the  
24 particular allegations in each of the separate indictments,  
25 and upon deciding those facts you apply the law that

1 applies to that particular charge, if you determine that  
2 Mr. Rogers has committed some crime alleged against him  
3 beyond a reasonable doubt, then he would no longer be  
4 entitled to that presumption of innocence. But it is only  
5 if, unless and until you are satisfied of his guilt beyond  
6 a reasonable doubt that the presumption of innocence would  
7 no longer be applicable.

8 Now, the way the trial will proceed is that in a  
9 moment the lawyers are going to address you in what are  
10 called opening statements.

11 There are two occasions in the trial of a case where  
12 lawyers are permitted to address the jury directly, and  
13 that is at the beginning of the trial before any evidence  
14 has been introduced and then again at the conclusion of the  
15 trial after all of the evidence has been received.

16 But keep in mind, as I've just indicated, the evidence  
17 comes in between the opening and the closing statements  
18 accomplished by the lawyers. And so what the lawyers tell  
19 you in their statements is not to be considered by you as  
20 any evidence upon which you will base your decision, and  
21 that's because the lawyers don't know anything about this  
22 case of their own personal knowledge or perception like  
23 witnesses will be testifying to when they take the witness  
24 stand and provide information to you under oath.

25 The lawyers aren't going to be placed under oath.

1 They're not going to take the witness stand and they're not  
2 going be subjected to direct and cross-examination like the  
3 witnesses will be that are providing you with information.  
4 So what the lawyers tell you in those statements is not to  
5 be considered by you as any evidence upon which you will  
6 base your decision. But you should listen to what the  
7 lawyers have to say because those statements do serve a  
8 purpose.

9       The opening statements will serve to provide you with  
10 a basic understanding as to what this case is about from  
11 both the perspective of the state as well as the defense so  
12 that you'll have some context in which to place the  
13 evidence that we will be receiving shortly thereafter.

14       The closing statements, again, occur after the  
15 evidence has been received. And, again, while those  
16 statements are not evidence, it does afford the lawyers an  
17 opportunity to discuss with you the evidence that you have  
18 seen and heard during the course of the trial. And each  
19 will have an opportunity to try to persuade you or to  
20 convince you that the evidence in the case does or does not  
21 support a particular decision.

22       It's in between those opening and the closing  
23 statements that we actually receive the evidence upon which  
24 you will base your decision.

25       As you know, the state has the burden of proof because

1 they brought the charge, and so the state will go forward  
2 first in its presentation of evidence.

3       After the state has concluded with its presentation of  
4 evidence any defendant, person accused of a crime, has an  
5 opportunity to testify or to call witnesses or to introduce  
6 additional evidence, but please understand that a person  
7 charged with a crime is never under any obligation to take  
8 the witness stand and testify, is never under any  
9 obligation to call any additional witness, is never under  
10 any obligation to introduce any other evidence during the  
11 course of the case, because the burden is never upon a  
12 person accused of a crime to prove that they are not guilty  
13 or to prove that they are innocent because in some cases  
14 that might not be possible.

15       The burden is upon the state however to prove the  
16 defendant's guilt beyond a reasonable doubt, and so they  
17 must come forward with evidence to convince you of that  
18 fact.

19       And so while a defendant may not take the witness  
20 stand and may not call any additional witness, may not  
21 introduce any other evidence, that's not a fact or  
22 circumstance that the jury may consider in the slightest  
23 degree against the defendant, nor may you allow that fact  
24 to influence your decision when you go back to begin your  
25 deliberations.

1           However, understand that any defendant, a person  
2 accused of a crime, is always permitted an opportunity to  
3 testify or to call witnesses or to introduce evidence.

4           So after all of the evidence has been received and  
5 after you hear the final summations of the lawyers, I will  
6 then instruct you fully on the law as it relates to the  
7 criminal law generally and as it relates to these  
8 particular crimes specifically. And then you'll be asked  
9 to go back and to begin with your deliberations. And  
10 through that process you're going to be called upon simply  
11 through the exercise of good judgment and common sense  
12 conscientiously applied to the testimony and evidence in  
13 the case to decide the facts of the matter that relate to  
14 the allegations where you can.

15           Once you decide those facts you'll then apply the law  
16 as it relates to that particular charge, and you will  
17 determine whether or not the defendant has been proven  
18 guilty of that crime beyond a reasonable doubt.

19           If he has, then the verdict would be guilty as to that  
20 particular charge. And if he has not, then the verdict  
21 would be not guilty as to that particular charge.

22           Now, all that we're going to ask for you to do is pay  
23 careful attention throughout the course of the trial. Give  
24 every witness the same degree of attention while they  
25 testify, because in order for you to decide the facts

1 you've got to do it based upon the evidence presented.

2 One of your prerogatives in deciding the facts is to  
3 evaluate the credibility or believability of testimony  
4 provided by witnesses. And so when a witness testifies you  
5 can believe everything that they say; you may choose to  
6 believe none of it.

7 You may believe one portion of it and reject some  
8 other portion of it. You can believe one witness as  
9 opposed to several, or several as opposed to one. But you  
10 simply must in the exercise of good judgment and common  
11 sense evaluate all of the evidence, decide what you find to  
12 be the most credible and believable evidence. And that's  
13 the evidence that you'll accept. And you'll reject any  
14 that you find not to be credible or believable.

15 Your sole objective in the case is to simply render a  
16 decision that's fair and impartial based upon the evidence  
17 presented and the law that's applicable as I will have  
18 provided it to you.

19 It's also important that you keep in open mind through  
20 the course of the trial. And by that I simply mean that  
21 you are not to begin making your minds or formulating your  
22 opinions as to what you think the ultimate decisions in  
23 this case ought to be until all of the evidence has been  
24 received, until you have been instructed on the law that's  
25 applicable to it and until you've been asked to begin with

Opening statements

1 your deliberations in the case.

2 That is the process that has been designed over the  
3 last 243 years, I think it is now, in order to ensure that  
4 you can arrive at a fair and impartial decision based upon  
5 the evidence and the law in the case.

6 So I do want to thank you in advance for your  
7 participation, as well as for your careful attention. I  
8 would ask that you please give the lawyers your attention  
9 now as they give you their opening statements.

10 Mr. Barnette.

11 MR. BARNETTE: May it please the Court, Your Honor.

12 Madam forelady and ladies and gentlemen of the jury,  
13 I'd like to take you back to October 2nd of 2018, take you  
14 back to 1521 Pleasant School Road here in Gaffney in  
15 Cherokee County. You may be familiar with that area up  
16 there.

17 Overton Good lived there with Danielle Smith, his  
18 fiancée there. And he was lucky. His parents actually  
19 lived two or three doors up in the same neighborhood.

20 You'll hear from Carolyn Good. Her and her husband,  
21 Mr. Good, lived there. And, unfortunately, she had both --  
22 you'll hear from the witnesses. You're going to be hearing  
23 from them from the witness stand.

24 What happened was the defendant, Mr. Rogers, and  
25 Jeremy Jefferies came to Overton Good's house, pulled in

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1 the driveway next to their driveway.

2 It was early in the morning. Danielle Smith got up.  
3 She looked out the window. She saw these two men coming.  
4 She'd never seen them before.

5 They came up to the front door, both of them did, and  
6 knocked on the door. Overton went to that door. He opens  
7 it up. Immediately an arm points through with a handgun.  
8 He immediately shuts the door as fast as he can.

9 Danielle is calling the police. You'll see over a  
10 period of time that goes through, probably about a minute  
11 or 45 seconds.

12 Both men get back in the car. They drive up.  
13 Mr. Rogers drives up; Mr. Jefferies drives up and actually  
14 goes into Ms. Good's lot, not knowing that.

15 She has just woke up with her husband, and she looks  
16 out her bedroom window. She sees two men there talking.  
17 She said, well, maybe they're at the wrong address.

18 As they're pulling out the passenger-side window opens  
19 up. She sees one of the men that she knew,  
20 Mr. Jefferies -- of course she didn't know Mr. Rogers --  
21 pull like a hood up.

22 She realized something bad is going to happen. She  
23 sees a gun come out. She goes out in the front yard. She  
24 sees this car slowly drive down the road, the pink gun  
25 going out as the driver is going slowly to make sure

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1 several shots are fired.

2 In the meanwhile Overton is in the door still holding  
3 the door while the bullets are being contacted. He  
4 actually talks on the phone.

5 The bullets are fired. He is hit in the head. Y'all  
6 are going to see. Officers saw blood on the wall.  
7 Danielle Smith had to see all of this. Carolyn Good had to  
8 watch as these people drove by working together and shot in  
9 her son's house, keeps shooting even beyond the thing.  
10 You'll see the one shot was even fired from the neighboring  
11 house.

12 Both of these men after doing this drive-by shooting,  
13 they contact people to get jobs. You'll be hearing from  
14 people they contacted, acted like nothing was wrong, talked  
15 to Mr. Rogers and to Mr. Jefferies. Don't say a thing.

16 And on top of that they pick up Mr. Wood that you'll  
17 hear from. They pick him up and take him to the county  
18 jail where he has to pay his G.P.S. monitor off. They park  
19 in the front parking lot of the county jail after doing  
20 this. Right there is the sheriff's department, probably a  
21 football field away. Don't say a word.

22 Mr. Rogers -- do you think he says, oh, I'm going to  
23 go tell somebody? They're together the whole time, three  
24 different people.

25 Do you think Mr. Wood would have gotten in there if

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1 he'd known they did a drive-by shooting? They both knew  
2 what they were doing that morning.

3 You've got a murder done by the drive-by shooting with  
4 both of them together; you have a weapon being used in that  
5 murder. The burglary simply when they reached inside the  
6 door. It's like a football plane on a goal line. Your  
7 house is protected. Once they break that barrier to commit  
8 a burglary when they went in and reached inside of it.

9 You've got an attempted armed robbery trying to rob  
10 them or burglarize them or whatever they were going to do.

11 Discharging a weapon into a dwelling. No question  
12 about it.

13 Possession of a weapon during a violent crime.  
14 Murder, burglary. All of those are violent crimes.

15 This man worked together with Mr. Jefferies to do this  
16 crime, and you will see the evidence from there. You'll  
17 hear from witnesses that were there.

18 There is no question this man was there. This man did  
19 it. He worked together with Mr. Jefferies, and all of  
20 their actions will speak louder than words.

21 The judge will give you the law. The one thing I  
22 wanted to read to you is the important law we have here in  
23 South Carolina. I don't know if you can read this while  
24 I'm reading it to you.

25 One who is charged with the commission of a crime may

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1 be convicted as the perpetrator or as an accomplice.

2 Accomplice is often referred to as an aider or abettor in  
3 the commission of a crime.

4 The judge will be reading this to you at the end of  
5 the case.

6 And you're instructed that two or more people act  
7 together with a common intent and purpose and they combine  
8 or conspire or plan or otherwise agree to the commission of  
9 the crime, each person who is present, who is aiding,  
10 abetting, assisting and participating in the commission of  
11 the crime is equally guilty. The act of one is deemed to  
12 be the act of all.

13 Any person who joins with another or others to  
14 accomplish an illegal purpose is held to be criminally  
15 responsible for everything done by the -- any other person  
16 which occurs as a natural and probable consequence of the  
17 acts done pursuant to and in furtherance of the common plan  
18 and purpose; and therefore where two or more people or  
19 persons are acting together they are aiding, abetting,  
20 assisting or participating with another in the commission  
21 of a crime, the acts of one becomes the acts of all. The  
22 hand of one is deemed to be the hand of all and are all  
23 equally guilty of any crime that is accomplished by those  
24 joint efforts.

25 That's the law in South Carolina. You'll hear that

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1 from the judge at the end of the case.

2 There is not a more likely case than what you'll see  
3 in this case with this individual driving the car slowly --  
4 and you'll hear Ms. Good tell you about this -- letting him  
5 aim and fire the shots that wound up killing Overton Good  
6 that could have killed Danielle Smith or anybody else that  
7 was in that house that day or even the next-door house.

8 You'll see the evidence. They keep saying, well, he  
9 may not know anything about it. I don't know what their  
10 defense is going to be. But you'll even see a facebook  
11 page that was posted by this defendant involving that same  
12 gun. And we'll be presenting that evidence to you too.

13 Remember the hand of one is the hand of all. If  
14 they're working together to help each other in a drive-by  
15 shooting, they're equally guilty.

16 They went up to that house together, got back in that  
17 car together, went up into Ms. Good's driveway and drove by  
18 and shot those several shots.

19 He is equally guilty. Both of them are guilty of this  
20 offense, of all of these offenses. And I believe the  
21 evidence, once you hear it, will leave you firmly convinced  
22 of this defendant's guilt. Thank you very much for your  
23 time.

24 THE COURT: Mr. Schultz.

25 MR. SCHULTZ: Thank you, Your Honor. May it please

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1 the Court.

2 THE COURT: Yes, sir.

3 MR. SCHULTZ: Ladies and gentlemen, first of all, I  
4 want to thank you for your service here today. We've had a  
5 couple of delays here. But this case is very important to  
6 the defendant, the state and the lady involved. Your  
7 service on this jury is very important for the preservation  
8 of justice and, most importantly, the American justice in  
9 this county, as well as this state, as well as this  
10 country.

11 I'm also going to take you back to October 2nd of last  
12 year, as Mr. Barnette just said. We have a different  
13 version of events, I think a version of events that you'll  
14 probably find more credible and more likely than Mr.  
15 Barnette's version of events.

16 You are going to hear and see evidence. Some of it  
17 you'll be able to actually be passed around. And you're  
18 going to hear witnesses on the jury [sic] stand in the next  
19 few days. Who knows how long this case may take? Could  
20 take until tomorrow, could take until Thursday, could take  
21 until Friday. But during that time you are going to hear  
22 several folks talk about what happened that day.

23 Right now the real shooter may be testifying. His  
24 name is Jermaine Jefferies. And he will be testifying  
25 about what happened that day.

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1           There's no question, as Mr. Barnette said, of who the  
2 shooter was that day. There is no question at all. In  
3 fact, that gentleman has already admitted guilt in this  
4 case. You'll see evidence of that as well.

5           The only question that remains as to whether my  
6 client, Shaun Rogers, who is 19 years old --

7           MR. BARNETTE: Objection, Your Honor. Facts not in  
8 evidence yet.

9           THE COURT: Overruled.

10          Go ahead.

11          MR. SCHULTZ: Thank you, Your Honor.

12          Shaun Rogers who is 19 years old knew that this  
13 shooting was about to take place. And I will present to  
14 you that that shooting, as Mr. Barnette snapped his fingers  
15 one, two, three, four, five, six -- he didn't know that  
16 that was going to happen.

17          You're going to also hear -- and I believe the state's  
18 going to present this -- of Mr. Rogers and Mr. Jefferies,  
19 what they went to after the shooting.

20          Now, Mr. Rogers is and remains to this day very  
21 scared, and he was a scared kid that day.

22          MR. BARNETTE: Objection, Your Honor. There hasn't  
23 been any testimony concerning that.

24          THE COURT: Let me see y'all just a minute.

25          (Bench conference held off the record in the presence

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1 of the jury but out of the hearing of the jury.)

2 MR. SCHULTZ: What happened that day was terrible,  
3 but, at the same time, that's -- this is why we have you,  
4 the jurors here, 12 reasonable people that are chosen by us  
5 here in Cherokee County, to look at the facts, look at the  
6 evidence and then to decide what really happened that day,  
7 because, as the judge will instruct you maybe possibly  
8 wednesday, possibly Friday, we don't know. The judge will  
9 instruct you that you are what are known as the finders of  
10 fact. You decide what happened that day based upon the  
11 people that sit right up here on that witness stand.

12 The state, these gentlemen right here, Mr. Barnette in  
13 particular, have what is known as the burden of proof in  
14 this case. They have the burden of proof, which means that  
15 they must present evidence that will tend to show, or at  
16 least show, that my client is guilty beyond a reasonable  
17 doubt.

18 Now, you've heard those words before, guilty beyond a  
19 reasonable doubt, burden of proof. But today those words  
20 are a reality.

21 Now, what does reasonable doubt mean? Again, we've  
22 heard those words on T.V.; we heard those words in movies.  
23 I think probably everybody has watched to some extent "Law  
24 and Order" or any kind of law movie. But those words are  
25 used in the media and they're used in T.V. and they're used

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1 in movies. But today, like I said, those words are a  
2 reality. And reasonable doubt -- and the judge is going to  
3 instruct you, each and every one of you on this pretty  
4 soon. Reasonable doubt is doubt that causes a reasonable  
5 person some hesitation to act.

6 Now, they want you to act. They want you to return a  
7 verdict of guilty in this case. I'm asking for a verdict  
8 of not guilty on all counts.

9 A couple of minutes ago Judge Cole told you all that  
10 if you do not believe that the evidence does not support or  
11 if you do believe the evidence does not support the claims,  
12 then you must find the defendant not guilty. And that's  
13 exactly what I'm going to be asking you for when I get the  
14 chance to talk to you again.

15 Now, some of you may have served on juries before;  
16 some of you may have not. It's a very good experience,  
17 very educational experience for everybody involved. And I  
18 hope it will continue to be for the rest of your life.  
19 Some of you may not even sit on juries for the rest of your  
20 life.

21 But this is a very important case, very important case  
22 not only for the state but also for my client -- my client.

23 I want you to listen very closely to what goes on  
24 because the state's going to put their case first. As I  
25 said before when I walked over here, the state has the

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1 burden of proof in this case. The state has the burden of  
2 proof, and they get to go first. But I get to  
3 cross-examine the state's witnesses.

4 I also get to present my own witnesses, but the state  
5 has the opportunity to go first, and then I get to  
6 cross-examine, challenge their credibility, challenge what  
7 their story is, poke holes in the story.

8 And then what you do is you assess the believability  
9 of those witnesses. That's your own job. And then you  
10 deliberate and then you reach a conclusion. It has to be  
11 unanimous. Everybody has to agree. Everyone.

12 So, again, I want to thank you for your attention. I  
13 look forward to this case. And in a couple of days I'm  
14 going to come back and ask you for a verdict of not guilty  
15 on all counts. Thank you.

16 Judge, can we approach briefly?

17 THE COURT: Yes, sir.

18 (Bench conference held off the record in the presence  
19 of the jury but out of the hearing of the jury.)

20 THE COURT: We're going to take a short break before  
21 we begin with the testimony. So please go to your jury  
22 room, but don't discuss the case. I'll bring you back in  
23 just a few minutes.

24 (The following takes place outside the presence of the  
25 jury.)

Danielle Smith  
Direct examination by Mr. Barnette

1 THE COURT: We'll be at ease ten minutes.

2 (Whereupon, a recess was taken.)

3 THE COURT: All right. Bring the jury in, please.

4 (The following takes place in the presence of the  
5 jury.)

6 THE COURT: All right. The jury is present. You may  
7 proceed.

8 MR. BARNETTE: I'd like to call Danielle Smith, Your  
9 Honor. May it please the Court.

10 DANIELLE SMITH, having been  
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. BARNETTE

13 Q Ms. Smith, I know you're soft-spoken. I'm going to  
14 have to ask you to speak loud enough so this gentleman back  
15 here can hear you. Okay?

16 A Okay.

17 Q Could you state your full name for the record, please?

18 A Danielle Smith.

19 Q And, Ms. Smith, where did you -- where did you live  
20 back on October 2nd of 2018?

21 A 1521 Pleasant School Road.

22 Q Is that in Cherokee County?

23 A Yes.

24 Q Who lived with you there, ma'am?

25 A I lived with Overton. It was me and him.

Danielle Smith  
Direct examination by Mr. Barnette

1 Q And do you work right now?

2 A Yes.

3 Q where do you work at, ma'am?

4 A Dollar Tree Distribution.

5 Q what do you do there, ma'am?

6 A I'm a truck unloader.

7 Q Back on October 2nd of 2018, before that, had y'all  
8 been somewhere that weekend?

9 A Yes.

10 Q Where did y'all go that weekend?

11 A We had went to Indiana to visit Overton's older  
12 brother, Denzelle Good, who plays for the Colts, and we had  
13 went because he had a game.

14 Q So he was playing with the Indianapolis Colts up in  
15 Indiana.

16 A Indiana.

17 Q And who went with y'all?

18 A It was his father, his mother, his brother Richard,  
19 Jr., Richard Good, Jr., and his fiancée. And it was me and  
20 Overton.

21 Q So it was all the folks that's sitting here.

22 A Yes.

23 Q Plus yourself and Overton.

24 A Yes.

25 Q And what day did y'all leave to go up there?

Danielle Smith  
Direct examination by Mr. Barnette

- 1 A We left on Friday. Early, early Friday morning.
- 2 Q And did y'all drive up there?
- 3 A Yes, we drove.
- 4 Q And how long did y'all stay up there?
- 5 A We stayed there for the weekend. We left Monday.
- 6 Q So y'all came back on Monday?
- 7 A Yes.
- 8 Q Did y'all drive back?
- 9 A Yes, we drove back.
- 10 Q And what time did y'all get back to your house?
- 11 A We got back at home, like, around 9:00 o'clock. It  
12 was dark.
- 13 Q So the next morning, which was October 2nd.
- 14 A Yes.
- 15 Q If you would, tell the jury what happened that  
16 morning.
- 17 A Well, Overton had got up and went to the bathroom. I  
18 heard him go to the bathroom. He came back in the room. I  
19 said, "Hey, baby. Getting up?" He was, like, yeah.
- 20 We went and sat in the living room. Our cable wasn't  
21 on. So he texted his mother. He said he was going to get  
22 her to pay the cable bill. So we were sitting in silence.
- 23 We were just sitting on the couch, on the love seat. The  
24 love seat is, like, right beside the window.
- 25 Q Take your time.

Danielle Smith  
Direct examination by Mr. Barnette

1 A We were just sitting there, and it was quiet. And all  
2 of a sudden I heard a car door. And I always sit -- I have  
3 my favorite seat, which is on the love seat right beside  
4 the window.

5 I heard the car door shut. I looked out the window,  
6 and it was two men at the neighbor's driveway. But when I  
7 looked out the window and I stared for, like, at least  
8 four, five, six seconds. They was looking directly at our  
9 trailer.

10 And I asked Overton. I was, like, somebody is parked  
11 in the neighbor's driveway but they're looking over here  
12 and I don't know who they is.

13 so he just sat there, because if they was coming over  
14 to the house, they was going to have to knock on the door.  
15 We sat there. And, sure enough, there was a knock on the  
16 door.

17 Overton went and answered the door. As soon as he  
18 answered, as soon as he opened the door, he looked down and  
19 looked up. And a gun came in the house. It was in the  
20 house, was through the doorway. It was directly in his  
21 face.

22 He hurried up, and he kinda went down and he pushed  
23 the door closed really hard. It was -- he did it so fast,  
24 and he was holding the door. He was on one knee and he was  
25 holding the door and the doorknob. And he said, "Baby,

Danielle Smith  
Direct examination by Mr. Barnette

1 call the police."

2 I was frantic. I went and grabbed his phone, put the  
3 password in wrong several times because I was so scared. I  
4 called the police and I started talking. And he said,  
5 "Give me the phone, give me the phone."

6 He began giving the dispatcher the address, and he  
7 said -- he was talking. I don't know what the dispatcher  
8 was asking. He gave her the address. And he said, "I  
9 don't know. I don't know who it is but I know one of  
10 them's last name is Jefferies." And he just continued  
11 talking.

12 And I called his mama. I said, "I'm going to call  
13 your mama." I called her, and I was talking to her. I was  
14 frantic and I was screaming for her to please come down and  
15 just hurry up and just come down here with us because  
16 somebody just tried to rob us.

17 And I looked out the kitchen window, and the car was  
18 gone. So I was breathing a sigh of relief thinking that  
19 everything was done. While I was on the phone -- while I  
20 was on the phone I was sitting there and I started hearing  
21 just noises. I've not heard ones like that before. It  
22 sounded like firecrackers.

23 I just heard the voices, and then I started hearing  
24 what was really gun sounds, and then the bullets just  
25 started coming through the house. And I got on the floor

Danielle Smith  
Direct examination by Mr. Barnette

1 and I was just screaming for help, just screaming and  
2 screaming.

3 It seemed like it took forever for the bullets to  
4 stop. And then when I got up -- I -- I was in the kitchen  
5 on the floor. When I got up Overton was on the ground. He  
6 was laying there. And so I went and shook him. And I was  
7 like Overton, Overton. Then he wouldn't get up, and that's  
8 when I seen the bloody handprint on the -- on the door and  
9 it was -- and I just couldn't do nothing. I just started  
10 screaming and I started crying. I've never seen nothing  
11 like that in my life.

12 And his father had came, had ran down there finally.  
13 And he was trying to open the door, but we couldn't open  
14 the front door because Overton was laying in front of the  
15 door. And so he came around back. And his father went  
16 over. His mom and his dad was able to go in the house  
17 through the back door. And after that the police came, and  
18 we just exited the house.

19 Q And I know it's hard. Let me take you back.

20 A Okay.

21 Q When the two men got outta the car, did you see both  
22 of them?

23 A Yes. I did.

24 Q And did both of them come up to the front door?

25 A Yes. Before they even -- there was even a knock you

Danielle Smith  
Direct examination by Mr. Barnette

1 heard both of them coming up on my steps on our wooden  
2 porch. You could hear them. And when Overton said, "Baby,  
3 call the police," that's whenever you heard them run down  
4 the downstairs.

5 Q And the gun that was put in through the doorway, it  
6 was into the doorway inside of y'all's house.

7 A Yes.

8 Q What color was that gun, ma'am?

9 A It was pink.

10 Q And you told the police that too, didn't you?

11 A Yes.

12 Q Do you see one of the two men that went on that front  
13 porch and got out of that car that day in this courtroom  
14 today?

15 A Yes. I do.

16 Q Can you identify where he's at?

17 A He's right there with the blue shirt and the red tie.

18 MR. BARNETTE: Your Honor, I would like the record to  
19 reflect that she's identified the defendant.

20 THE COURT: It shall.

21 Q Had you seen either one of these gentlemen before,  
22 ma'am?

23 A Never.

24 Q And both of them got out of the car and came to  
25 y'all's front porch.

Danielle Smith  
Direct examination by Mr. Barnette

1 A Yes. When I looked out the window they were both  
2 outta the car adjusting their pants and all of that, and  
3 they had hoods on.

4 Q How many shots did you hear -- several?

5 A It was, like I say, at least about seven. I don't  
6 know. It was just a lot. It just wouldn't stop. That's  
7 all I was wanting it to do is stop.

8 MR. BARNETTE: Excuse me one minute, Your Honor.

9 (Pause.)

10 Q Just to make sure, and I want to make sure the jury  
11 understands.

12 When Overton was on the ground, on his knee, was he  
13 inside keeping the door shut?

14 A Yeah.

15 Q He wasn't never on the outside.

16 A No. He never went outside.

17 Q And when you found him, he was laying.

18 A Yes. When I finally got up, he was on the ground.

19 Q And that's right in front of the door.

20 A Yes.

21 Q So nobody could open it to get inside.

22 A No.

23 Q Thank you, ma'am. Please answer any questions  
24 Mr. Schultz may have.

25 A Okay.

Danielle Smith  
Cross-examination by Mr. Schultz

1 CROSS-EXAMINATION

2 BY MR. SCHULTZ

3 Q Ma'am, do you still live around that address?

4 A No.

5 Q Did you -- where did you move to?

6 A I moved back home.

7 Q And where is home?

8 A Forest City, North Carolina.

9 Q Okay. Now, you gave a statement to the police,  
10 correct?

11 A Yes.

12 Q All right. And did you -- you only gave one statement  
13 to the police?

14 A Yes.

15 Q All right. And do you remember giving that statement  
16 to the police?

17 A Yes.

18 Q All right. And when you gave that statement to the  
19 police, do you remember how long that was after this  
20 incident took place?

21 A Probably maybe some minutes. I don't know. Maybe,  
22 maybe 30 minutes, maybe 40. And then he pulled me to the  
23 side and I gave my statement.

24 Q So is it safe to say that you made your statement when  
25 the incident was fresh in your mind? Correct?

Danielle Smith  
Cross-examination by Mr. Schultz

1 A Yes.

2 Q And you said in your statement that -- you said in  
3 your direct testimony that you and Overton got back from  
4 Indiana yesterday, meaning that was Monday, October 1st,  
5 right?

6 A Yes.

7 Q All right. And you were both in the living room when  
8 this incident happened?

9 A Uh-huh.

10 Q All right. And about what time in the day did this  
11 incident happen?

12 A It was early morning. I'm going to say maybe  
13 8:00-ish, 7:00-ish.

14 Q Was there anybody else in the home at that time?

15 A No, sir.

16 Q All right. Now, did you call 9-1-1?

17 A Yes.

18 Q All right. Do you know if Overton called 9-1-1?

19 A I called, and then I handed the phone to him.

20 Q Okay. So you were the first one to talk to a 9-1-1  
21 operator.

22 A Yeah.

23 Q And then you handed the phone over to him.

24 A Uh-huh.

25 Q All right. Now, the person that actually came to the

Danielle Smith  
Cross-examination by Mr. Schultz

1 door, you had never seen that person before in your life,  
2 right?

3 A No.

*boyfriend?*

4 Q But your brother said that it was a person named  
5 Jefferies, right?

6 A Uh-huh.

7 Q Okay. And Jefferies was the one that stuck his hand  
8 through the door, correct?

9 A Yes.

10 Q All right. And did he have a gun at that point?

11 A Yes.

12 Q All right. Now, my client Shaun, did he stick his  
13 hand in the door?

14 A No, sir.

15 Q All right. Did he enter your residence at any point?

16 A No.

17 Q Okay. So, but you saw Shaun from a distance, correct?

18 A Yes. I saw him getting outta the car and looking  
19 towards the house.

20 Q Okay. Now, up until this point from October 2nd of --  
21 or October 2nd of 2018 to today, October 8th of 2019, did  
22 you identify my client?

23 A Not whenever I did my first statement, no. He asked  
24 me would I, but it was too traumatic. And after seeing  
25 Overton like that, I just couldn't. It was just too much

Danielle Smith  
Cross-examination by Mr. Schultz

1 for me.

2 Q Well, I understand that. But since that time, from  
3 today all the way back during that time, did you ever  
4 identify Shaun Rogers?

5 A No, sir.

6 Q Okay. What was that again? I'm sorry.

7 A No, sir.

8 Q Didn't want to interrupt you.

9 So you never identified Shaun Rogers.

10 A No.

11 Q Okay. Did you identify Jermaine Jefferies?

12 A No.

13 Q All right. But your brother told you --

14 MR. BARNETTE: Objection, Your Honor. There's no -- I  
15 mean, Overton or the brother? I mean, he keeps asking the  
16 brother. I didn't know it was about brother. It's  
17 Overton. Excuse me. I mean, that's my objection. It's  
18 misleading.

19 THE COURT: Ask your question again.

20 MR. SCHULTZ: I'm not trying to mislead the witness,  
21 Your Honor.

22 THE COURT: Ask your question again.

23 MR. SCHULTZ: Sir? I'm sorry.

24 THE COURT: Ask the question again.

25 MR. SCHULTZ: Yes, sir.

Danielle Smith  
Cross-examination by Mr. Schultz

1 Q You said in your statement that, "He told me the last  
2 name of the boy was Jefferies."

3 A Yes.

4 Q Is that correct?

5 A Yes.

6 Q All right. And who is he in that sentence?

7 A Overton said it to -- told it to the dispatcher.

8 Q And you also said in your statement, "If I can look at  
9 facebook I'll know."

10 A Uh-huh. That's what Overton said. He said, "I don't  
11 know."

12 MR. BARNETTE: Your Honor, objection. He's reading  
13 the statement trying to mislead her. If he's going to ask  
14 questions, I don't have a problem with that. But, now --

15 THE COURT: She's responded to the question.

16 MR. BARNETTE: Well, he's asking her facebook, not  
17 Overton's facebook. I know you don't have the statement in  
18 front of you.

19 THE COURT: No. I don't. But she knows.

20 MR. BARNETTE: Okay.

21 MR. SCHULTZ: Judge, just for the record --

22 THE COURT: You'll get a chance to redirect if you  
23 need to.

24 MR. SCHULTZ: I'm not trying to mislead anybody.

25 THE COURT: I understand. Go ahead.

Danielle Smith  
Cross-examination by Mr. Schultz

1 Q You said you heard four or five shots, correct?

2 A No. I -- it was more -- it was a lot of shots. It  
3 took forever to end. It was more than four shots.

4 Q And you also said in your statement and in your  
5 testimony there that the gentlemen had hoods on.

6 A Yes.

7 Q All right. Were they hoodies or hoods?

8 A They had just jackets on with hoods.

9 Q All right. And were the hoods covering their faces?

10 A Yes, no. It was just over their heads. Their faces  
11 were broad as day. They had no mask on. Hoods just  
12 sitting there.

13 Q And where did you take a look at Mr. Rogers?

14 A Whenever I heard the car door shut and I was looking  
15 out the window, I stared at them because I was just, like,  
16 who are -- who is this. And they were just looking towards  
17 the house. So I was like who is this.

18 Q And you were looking through blinds or you were  
19 looking through the window?

20 A No. Through the window. We don't have blinds. So I  
21 just moved the curtain.

22 Q You just moved the curtain.

23 A Uh-huh.

24 Q And so your testimony here today is that you saw  
25 Mr. Rogers through a window.

Danielle Smith  
Cross-examination by Mr. Schultz

- 1 A Uh-huh.
- 2 Q And through another car window or --
- 3 A No. Through the house window.
- 4 Q Through the house window.
- 5 A Yes.
- 6 Q Okay. All right. So, but, nevertheless, you said
- 7 that Mr. Rogers had a hood on.
- 8 A Uh-huh.
- 9 Q So would it be fair to say that you didn't really get
- 10 a good look at them? Correct?
- 11 A No. I got a good look. It was -- the sun was already
- 12 peaking up and everything. It was light.
- 13 Q Now, Mr. Rogers never -- again, sorry to belabor the
- 14 point -- never walked into the house, right?
- 15 A No. He was just right behind Jefferies.
- 16 Q And did you ever see Mr. Rogers with a gun?
- 17 A No, sir.
- 18 Q Did you ever see Mr. Rogers at all with any kind of
- 19 weapon whatsoever?
- 20 A No.
- 21 Q And where was Mr. Rogers sitting in the car?
- 22 A He was getting outta the car. So I don't know where
- 23 he was sitting. They were already outta the car. I had
- 24 already heard the car doors close. And then I looked out.
- 25 And they were both already on the same side of the car

Danielle Smith  
Redirect examination by Mr. Barnette

1 fixing and adjusting whatever.

2 Q Fixing and adjusting. What do you mean by that?

3 A They just got out, just pulling up their jeans,  
4 looking towards the house.

5 Q But, again, the only person you saw with a gun that  
6 day was Jermaine Jefferies, correct?

7 A Yes.

8 MR. SCHULTZ: That's all I have, Your Honor. Thank  
9 you.

10 MR. BARNETTE: Just a couple on redirect.

11 REDIRECT EXAMINATION

12 BY MR. BARNETTE

13 Q Ms. Smith, I'll give you a copy of your statement  
14 since you weren't given a copy of it.

15 He asked you about the brother. It's Overton that was  
16 talking to you.

17 A Yes. Overton.

18 Q I just want to make sure that's clear for the jury  
19 from that standpoint.

20 A Uh-huh.

21 Q And on that, you weren't shown any lineups or anything  
22 that day, were you?

23 A No.

24 Q This is the gentleman that you saw get outta that car  
25 with Mr. Jefferies, is that right?

Danielle Smith  
Redirect examination by Mr. Barnette

1 A Yes, yes.

2 Q And you haven't identified -- you weren't shown a  
3 lineup of Mr. Jefferies either, were you?

4 A No.

5 Q So, in other words, you -- obviously, you'd seen  
6 something you never saw before.

7 A Yes.

8 Q Is this something that you would remember for the rest  
9 of your life unfortunately?

10 A Yes.

11 Q Do you remember the two men that came to that door?  
12 Do you remember what they looked like?

13 A Yes. That's all that I can. I didn't want to think  
14 about that stuff because it hurt so bad, and I just didn't  
15 understand it. And it seemed so scary because I've never  
16 seen it before. So, it looked so random. I couldn't deal  
17 with what had just happened it had happened so quick.

18 Q Is this the man who got out of the car that day?

19 A Yes, yes.

20 Q Thank you, ma'am.

21 THE COURT: You may step down. Thank you.

22 MR. BARNETTE: Your Honor, I'd like to call Carolyn  
23 Good to the stand, please.

24

25

Carolyn Good  
Direct examination by Mr. Barnette

1 CAROLYN GOOD, having been  
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q Ms. Good, if you would, give your full name for the  
5 record, please.

6 A My name is Carolyn Good.

7 Q Ms. Good, where do you live at, ma'am?

8 A I live at 1541 Pleasant School Road, Gaffney, South  
9 Carolina.

10 Q And who lives with you, ma'am?

11 A Me and my husband, Richard Good, Sr.

12 Q And how long have y'all lived at that residence?

13 A We've lived there for nine years.

14 Q And did your son live a couple of doors down from  
15 y'all?

16 A Yes, he did. Overton lived four doors down the road  
17 from us.

18 Q And, ma'am, what does your husband do?

19 A My husband works for Wal-Mart Distribution in Shelby,  
20 North Carolina. He's been there for 20 years.

21 Q And what do you do, ma'am?

22 A Well, up until three years ago I drove a school bus  
23 for 22 years.

24 Q Taking you back to October 2nd of 2018. Had y'all  
25 been somewhere the weekend before?

Carolyn Good  
Direct examination by Mr. Barnette

1 A Yes, sir. Our middle son, Denzelle, plays football  
2 for the National Football League and the Indianapolis  
3 Colts. We went there to watch him play a football game  
4 against the Texans on that Sunday.

5 Q And who went with you on that day, ma'am?

6 A My husband, Richard; my son, Richard, Jr.; his  
7 fiancée, Dorshane; my son, Overton, and his girlfriend,  
8 Danielle.

9 Q What day did y'all come back after the football game?

10 A We arrived back Monday evening around 9:00 o'clock  
11 that night.

12 Q And did y'all go back to y'all's house? Did you drop  
13 Danielle and Overton off?

14 A We did. When we left there on Friday morning  
15 everybody parked their cars at Overton's house, which was  
16 normal. Picked him and Danielle. We left and we returned.  
17 We dropped Danielle and Overton off at home. We came on up  
18 the road because we had a rental car. So we left our car  
19 parked there, came on home and said good night. That was  
20 it.

21 Q That morning, can you tell the jury what happened?

22 A That morning -- my husband is an early riser. So he  
23 got up before I did.

24 He said your phone went off. So I checked my phone  
25 and my son Overton had texted me saying, "Mom, I need you

Carolyn Good  
Direct examination by Mr. Barnette

1 to pay my cable bill. Call me when you get up."

2 So I texted him back to let him know that I was awake.  
3 He texted me right away explaining that he didn't go pay  
4 his bill before we left, would I go pay it when I went out  
5 that morning. So I told him, as a matter of fact, I would,  
6 give me ten minutes to put on some clothes and I will be  
7 right down.

8 After that I laid my phone down, went into the  
9 bathroom. I came back. My husband brought me a cup of  
10 coffee.

11 My bed is right -- our window, bedroom window, when  
12 you look out of it, you're looking straight into our  
13 driveway.

14 When I got the coffee, I was drinking my coffee. I  
15 heard a car. I did as I always do any time I hear a car.  
16 I pulled the shade, and I seen a silver car with tinted  
17 windows in my driveway. Both of the windows were up. So I  
18 kept looking. I told my husband. I said, "There's a car  
19 out there. I don't know whose car it is."

20 So he -- he got up and he took a look. He was, like,  
21 no, I don't know. And they just kept sitting there.

22 Then all of a sudden the passenger-side window on the  
23 car goes down. And I was looking. And I said, "Well, you  
24 know, it's two guys." Once the passenger-side window went  
25 down I could tell that it was another guy driving.

Carolyn Good  
Direct examination by Mr. Barnette

1           So they sat there in my driveway for what had to be at  
2   least 45 seconds, because they were talking. I could tell  
3   that they were talking. You could see the head moving.  
4   what they were doing with their hands, I couldn't tell, but  
5   just that you could tell their heads were moving. So I  
6   could see they were talking.

7           So I told my husband. I said, "They're just sitting  
8   there."

9           So about that time my husband grabbed his shoes, put  
10   them on, and he got up. As he was walking to our bedroom  
11   door the car starts to back up.

12          So I told my husband. I said, "Never mind. Must have  
13   been a wrong address. They're leaving."

14          They started to back out of our driveway, and I was  
15   still looking outta the window watching them as they backed  
16   up.

17          Well, as -- just as I was about to close the shade, I  
18   seen -- when they backed up to my mailbox I saw the car  
19   come to a stop instead of just taking off. And I seen the  
20   guy in the passenger side put a hood on his head. So I  
21   don't know. It -- really it didn't really seem odd because  
22   that's what kids do with these hoodies.

23          So I just kept looking. He drove. My neighbor is  
24   maybe -- her mailbox from my mailbox, I would say about  
25   30 yards maybe. So as they were driving up to her mailbox,

Carolyn Good  
Direct examination by Mr. Barnette

1 I noticed a car coming to another stop.

2 So I was -- I looked, and I was, like, what in the  
3 world are they doing, are they lost.

4 So, about that time I see the passenger in the car  
5 protrude outta the window so much so that he put his left  
6 arm on top of the car, and then he had his right arm in the  
7 windowsill, you know, as if you're going to climb out of a  
8 window. So that caught my attention. And I told my  
9 husband. I said, "These crazy kids are going to ride down  
10 the road hanging out of the window."

11 So when that happened, I see the car start to pick up  
12 the little speed right back. Not the next house but the  
13 next one from that, I see arm come out of the window and I  
14 see a gun. And I told, yelled, at my husband. I said,  
15 "This kid has got a gun."

16 And my husband jumped up off of the bed. I jumped up  
17 outta the bed. My phone was ringing as I was running. And  
18 I had no idea that somebody had tried to break into my  
19 son's house. We had no idea what had occurred down the  
20 road.

21 When I got -- when I got to my front door, stepped on  
22 the top step, I hear pow. I'm jetting, and I called my  
23 husband. I'm yelling back at him because he hadn't made it  
24 to the door yet.

25 I said, "Babe, they're shooting at Overton's house.

Carolyn Good  
Direct examination by Mr. Barnette

1 They're shooting at Overton's house."

2 I started running to the edge of the driveway, and I'm  
3 screaming to the top of my lungs, "stop it, stop it. why  
4 are you shooting at my son's house? Don't do that. Please  
5 stop." All you can hear was gunshot, after gunshot, after  
6 gunshot.

7 They rounded the corner. They got to the stop sign.  
8 I see the boy slide back in the window, but he didn't stop  
9 shooting. when they turned the stop sign they shot another  
10 shot into my son from the side of his trailer after you  
11 done turned off our road going down the next road. You  
12 slow down enough to shoot another shot when all they had to  
13 do was leave him alone and keep going. I apologize.

14 Q That's okay. Take your time.

15 (Pause.)

16 Q When they stopped -- they came into your driveway,  
17 they stopped?

18 A They came in my driveway.

19 Q Yes, ma'am. And then they pulled back. And you saw  
20 the window down. You did see two -- two men in the front  
21 seat?

22 A I did.

23 Q And they stopped before you saw the pink -- or what  
24 color was the gun when you saw it?

25 A It was pink. I yelled that out to my husband when he

Carolyn Good  
Direct examination by Mr. Barnette

1 pulled out the gun. You could see it clear as day.

2 Q How fast was the car being driven?

3 A Probably not even 10 miles per hour, I would say,  
4 because they were going really slow down the road. Several  
5 times they came almost to a stop to let him hang out that  
6 window, and then they slowed down a lot again when they got  
7 right there before the house that my son's next-door  
8 neighbor -- is where they slowed down again, and you could  
9 hear the first shot.

10 So they had to be going pretty slow. I left my  
11 bedroom. When I seen him pull that gun out, I leaped up  
12 off the bed, run straight to the door.

13 By the time I get to my door and onto the porch,  
14 that's when I heard the first shot, and they were right in  
15 front of Overton's neighbor's house at the time.

16 So if a car was going down a road at regular speed, by  
17 the time I get from my bedroom to my porch they'd have been  
18 at the stop sign turning already.

19 Q And they weren't.

20 A No.

21 Q So you actually saw some of the shots when they were  
22 shooting.

23 A I saw every shot, every shot. I heard every shot; I  
24 saw every shot. I yelled for them to stop every shot  
25 shooting at my son's house. I yelled. I begged them to

Carolyn Good  
Direct examination by Mr. Barnette

1 stop shooting. why?

2 Q And what happened after the -- after the last shot?

3 A After the last shot, my husband had come out of the  
4 house by then. He got into the car and drove straight down  
5 the road.

6 I'm standing there with no clothes on, no shoes on.  
7 So I went back inside. I grabbed my shoes. I grabbed the  
8 car keys to our white car that nobody drove. I grabbed the  
9 keys to that, and I jumped in the car.

10 By the time I got in the car Danielle Smith was  
11 calling me, and she says, "Ma, he's not moving." I said  
12 what. She say, "Overton's not moving." And she was crying  
13 frantically. I'm nervous as crap.

14 And then about that time I get a call from my  
15 husband's cell phone saying, "Baby, are you coming?" By  
16 the -- by the time he called me I was whipping into  
17 Overton's driveway. And he told me -- that's when he said  
18 you gotta come around back, you gotta come around back. so  
19 I did. I got out of the car and I went around the back.  
20 And there -- there lays my son in front of the front door  
21 not moving, not breathing.

22 Q Did the police come later, ma'am?

23 A I called 9-1-1 again.

24 Q So you called 9-1-1 too.

25 A Yes, because they just weren't coming fast enough for

Carolyn Good  
Direct examination by Mr. Barnette

1 me. So I called again and I begged them to hurry up and  
2 send somebody to come and help us.

3 Q And you saw the two men in the car.

4 A Yes. I knew it was two men. One I got a good look  
5 at.

6 Q And which one did you get a good look at, ma'am?

7 A Jefferies.

8 Q And did you identify him for the police later?

9 A I did.

10 Q And what did you notice about the other person, the  
11 driver?

12 A I didn't get a good look at his face. All I could  
13 make out was the hairstyle.

14 Q Looking at this defendant is that hairstyle --

15 A That's the hairstyle.

16 Q Is the same hairstyle that you saw driving?

17 A A little bit shorter maybe.

18 Q The same hairstyle.

19 A Same thing.

20 Q Let me show you State's Exhibit 20 just for I.D.  
21 purposes. Is that similar to the hairstyles you saw?

22 A That's him. That's the hairstyle I saw.

23 Q Thank you, ma'am.

24 Was these two men working together, or working  
25 together to do the drive-by shooting?

Carolyn Good  
Direct examination by Mr. Barnette

1 A I believe they were.

2 Q Is that what you saw?

3 A That's what I saw. You had time enough to sit in my  
4 driveway for almost one flat minute. You have enough time  
5 to sit there and think about what you're going to do.

6 Q And you saw the actions they did.

7 A I saw everything. From the time they pulled into my  
8 driveway, I did not close the blind. It's normal for me.  
9 when I see a car pull in my driveway, I look and see who it  
10 is.

11 We don't have a lot of visitors. So I know when a car  
12 pulls up I should know who it is. So that was the first  
13 red flag to me when I told my husband I don't know this  
14 car.

15 Q Now, when they pulled back and were in the middle of  
16 the road, they stopped again?

17 A Stopped again right in front of my mailbox.

18 Q And that's when it really got your attention.

19 A That's when it really got my attention.

20 Q And you've already told the jury what happened.

21 A Yes, sir. I did.

22 Q Thank you, ma'am. Please answer any questions defense  
23 may have.

24

25

Carolyn Good  
Cross-examination by Mr. Schultz

1 CROSS-EXAMINATION

2 BY MR. SCHULTZ

3 Q Ms. Good, where were you staying when you went and saw  
4 this? what address?

5 A 1541 Pleasant School Road.

6 Q And that's in Gaffney, Cherokee County?

7 A Gaffney, South Carolina 29341.

8 Q You gave a statement to the police, correct?

9 A I did.

10 Q All right. Do you remember when you gave that  
11 statement?

12 A On the morning all of this took place.

13 Q And did you give any other statements to the police at  
14 all since that time or since this time?

15 A No.

16 Q Okay. And you said in your statement you opened the  
17 blind and you saw a silver Chevy vehicle, right?

18 A Yes, sir.

19 Q Okay. And that's your testimony here today, correct?

20 A Yes, sir.

21 Q And you saw a young black male in the passenger seat  
22 with the window up, right?

23 A Yes, sir. I did.

24 Q And that is the person that you got a good look at?

25 A Yes. I got a really good look at the passenger.

Carolyn Good  
Cross-examination by Mr. Schultz

1 Q All right. And you later found out that gentleman's  
2 name. What -- what was that gentleman's name?

3 A Jermaine Jefferies, I think, Jermaine Jefferies.

4 Q Jermaine Jefferies, is that correct?

5 A Jefferies.

6 Q All right. And was Jefferies the one with the pink  
7 gun?

8 A Yes.

9 Q All right. And you remember seeing that pink gun that  
10 day, right?

11 A I do.

12 Q All right. And Jefferies was the one with that gun,  
13 correct?

14 A Yes.

15 Q Did you ever see Mr. Rogers with a gun?

16 A No. I never seen Mr. Rogers with a gun. I barely  
17 seen Mr. Rogers at all.

18 Q Now, you said something in your direct examination.  
19 You said that you got a look at the driver's hairstyle, is  
20 that correct?

21 A Yes. That's -- that's what I was telling. That's the  
22 only way I knew it was a male. I couldn't get a really  
23 good look at his face. I couldn't have picked him out of a  
24 lineup, but I did -- only thing that was stuck out was the  
25 hairstyle.

Carolyn Good  
Cross-examination by Mr. Schultz

1 Q And are you saying today that my client had this same  
2 hairstyle today as he did back then?

3 A It wasn't exactly the same but it was basically the  
4 same.

5 Q Basically the same.

6 A Yeah.

7 Q So it wasn't close cropped at all or anything?

8 A No. It was off his head.

9 Q Okay.

10 A I mean, I don't know how else to put it but...

11 Q Now, you said the windows on this car were tinted,  
12 right?

13 A Right.

14 Q All right. So would it be fair to say that you did  
15 not get a good look at the gentleman, the driver of the  
16 car? would that be a fair statement?

17 A I just said I didn't.

18 Q You just said you didn't?

19 A Right. I did not get a good look at Rashaun [sic]  
20 Rogers.

21 Q Did you ever identify my client in a lineup or  
22 anything?

23 A No. I didn't.

24 Q Did you ever identify Mr. Jefferies in a lineup?

25 A I did.

Carolyn Good  
Redirect examination by Mr. Barnette

1 Q All right. That's all I have.

2 MR. SCHULTZ: Thank you, Your Honor.

3 MR. BARNETTE: Just one quick one on followup.

4 REDIRECT EXAMINATION

5 BY MR. BARNETTE

6 Q You was never showed a lineup for Mr. Rogers, were  
7 you?

8 A No, sir.

9 Q You were shown a lineup for Mr. Jefferies.

10 A Only for Mr. Jefferies.

11 Q Because that's -- you talking about the -- that's the  
12 only person you really could identify.

13 A Right. I explained to -- if I'm not mistaken, I think  
14 it was -- Mr. Gardner that I did get a good look at the  
15 passenger. He asked me if I thought I could identify him  
16 if he -- if I ever seen him again. I said yes.

17 He asked me right away what about the driver, and I  
18 said I didn't get a very good look at the driver.

19 Q Thank you, ma'am.

20 THE COURT: You may step down.

21 THE WITNESS: Thank you, sir.

22 MR. BARNETTE: Your Honor, I'd like to call Richard  
23 Good, Jr. at this time.

24 THE COURT: Okay.

25



Richard Lanier Good, Jr.  
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q And after this event occurred did you check his or  
3 look at his facebook?

4 A Yes, sir.

5 Q And on his facebook, was this the front of his  
6 facebook page?

7 A Yes.

8 Q Was this another picture showing a pink gun that was  
9 on his facebook?

10 A Yes, sir.

11 MR. SCHULTZ: Your Honor, I object to this at this  
12 point.

13 THE COURT: All right. Let me ask the jury to please  
14 step out. I'll address the issue and bring you back  
15 shortly.

16 (The following takes place outside the presence of the  
17 jury.)

18 THE COURT: Okay.

19 MR. SCHULTZ: Your Honor, I would object to the --  
20 Your Honor, there's a -- I believe two -- well, at least  
21 one facebook sharing post that Mr. Barnette wishes to put  
22 into evidence right now.

23 I would object to this for a couple of reasons there.  
24 This apparent post was made on September 29th at 12:38 a.m.  
25 It -- it looks like it's from Shaun Rogers' facebook

Richard Lanier Good, Jr.  
Direct examination by Mr. Barnette

1 account, but, again, I would object to this under the fact  
2 that Mr. Barnette has not authenticated this document  
3 there.

4 I believe for any facebook posts, social media posts,  
5 twitter documentation, instagram or anything, I think the  
6 state, or at least the admitting party, has to show that  
7 this is a -- this post here or facebook page was made --  
8 made by -- by the party.

9 Not only that. I believe that the state or the  
10 admitting party or the party wishing to admit this document  
11 has to show some kind of internet protocol address where it  
12 was from because this, this page, could be faulty.

13 Mr. Rogers may not have posted this. This may have  
14 been somebody else that had access to his account. So I  
15 don't believe this document has been properly  
16 authenticated. That would be the nature of my objection.

17 MR. BARNETTE: My position is, Your Honor, the case  
18 law right now if somebody can go on a facebook to verify  
19 it, and, obviously, he's a friend in this situation. He  
20 went and looked on this post. It had Shaun Rogers and had  
21 this gun posted on there, Your Honor, which we would submit  
22 is very relevant to this case.

23 You may want to look at the facebook page.

24 THE COURT: What's the date of that?

25 MR. BARNETTE: The --

Richard Lanier Good, Jr. (In-camera)  
Direct examination by Mr. Barnette

1 THE COURT: September 29th of 2018?

2 MR. BARNETTE: Yes, sir.

3 THE COURT: And was Mr. Good a friend on facebook of  
4 Mr. Rogers prior to that date?

5 MR. BARNETTE: Yes, sir. That's my understanding.

6 THE COURT: I'm going to let you in a minute. I need  
7 to know if he was a friend of Mr. Rogers on facebook and if  
8 he communicated with Mr. Rogers on this same facebook page  
9 prior to September the 29th of 2018. So you'll need to lay  
10 a foundation for it.

11 MR. BARNETTE: Do you want me to do that outside the  
12 presence of the jury, Your Honor, at this time?

13 THE COURT: Yes, sir.

14 BY MR. BARNETTE

15 Q Mr. Good, you was a facebook friend of Mr. Rogers at  
16 the time, is that right?

17 A Yes, sir.

18 Q And after this event occurred did you hear that  
19 Mr. Rogers was one of the two individuals involved with  
20 this?

21 A Yes, sir.

22 Q And did you go to check his facebook page at that  
23 point?

24 A I did.

25 Q And when you checked it did -- was this a post that

Richard Lanier Good, Jr. (In-camera)  
Direct examination by Mr. Barnette

1 was posted on -- it's actually the second page of the  
2 exhibit.

3 A Yes, sir.

4 Q And did you see that post?

5 A Yes, sir.

6 Q And the post says Shaun Rogers shared a post. And,  
7 "It was Jermaine that hit that thing hard." Was that it  
8 from September 29th at 12:38 a.m.?

9 A Yes, sir.

10 Q And that's what you saw on his facebook.

11 A Yes, sir.

12 Q And, obviously, it had been posted on his facebook  
13 page.

14 A Yeah. He shared it. It's got a little share button  
15 on facebook. Like, if I post something, you can just hit  
16 share, like, it's like a like. So if I shared it, that  
17 mean I was supporting what you're doing.

18 Q Right. So he shared it.

19 A Yeah.

20 Q And he's shared it with others on facebook.

21 A Uh-huh.

22 Q And you could see that, being a facebook friend of  
23 his.

24 A Yes, sir.

25 MR. BARNETTE: Your Honor, that would be the showing.

Richard Lanier Good, Jr. (In-camera)  
Direct examination by Mr. Barnette

1 THE COURT: Did I understand that this is the same  
2 page that you have communicated with Mr. Rogers before?

3 THE WITNESS: I've never communicated with him on  
4 facebook before. We are just -- just like a -- a mutual  
5 friend of people.

6 BY MR. BARNETTE

7 Q Well, what I mean, I guess, obviously, y'all had  
8 agreed to be friends.

9 A Yeah. That's it. Send a friend request and he  
10 accept. That's the end of it.

11 Q So y'all were friends on facebook, so you could see  
12 what he has, and vice versa.

13 A He could see, yeah.

14 Q But you'd never communicated him on facebook.

15 A No, no.

16 Q Other than sharing information, I guess.

17 A No.

18 Q Or sharing --

19 A Just what he could see.

20 Q He could see things on yours.

21 A He could see what I post and I could see what he  
22 posted. That's it.

23 Q Yes, sir.

24 A If I -- if I put have a nice day, he can hit share and  
25 it look the same thing. That's it. It wasn't like we had

Richard Lanier Good, Jr. (In-camera)  
Direct examination by Mr. Barnette

1 a conversation with each other.

2 Q So you would share things, but you could share things  
3 with each there.

4 A Yes.

5 Q And other friends on -- friends of y'all's.

6 A Yes, sir.

7 Q And y'all did do that.

8 A Yeah. It's -- it's popular on facebook to share a  
9 video or a pair of shoes or something like that.

10 Q So you've done that before with him, obviously.

11 A No.

12 Q Okay. I mean, not -- I mean, y'all could share  
13 information.

14 A Yes, sir.

15 Q Okay.

16 THE COURT: Well, I'm a little bit confused. You had  
17 shared information with Mr. Rogers before this post, or no?

18 THE WITNESS: I don't know what you mean by shared  
19 information.

20 THE COURT: Well, I thought that's what you testified  
21 to.

22 MR. BARNETTE: No. Let me rephrase the question.

23 BY MR. BARNETTE

24 Q He made a friend request or you made a friend request.

25 A Yes.

Richard Lanier Good, Jr. (In-camera)  
Direct examination by Mr. Barnette

1 Q And y'all became friends on facebook.

2 A Yes.

3 Q At that point y'all could see each other's posts.

4 A Yes.

5 Q And you can share a post among yourselves or among  
6 other friends on your --

7 A Yes, sir.

8 Q And, obviously, he shared this post.

9 A Yes, sir.

10 Q And, like you said, you could share a post with him,  
11 or vice versa, if you wanted to.

12 A Uh-huh, yes, sir.

13 Q And that's what friends do a lot of times.

14 A Uh-huh.

15 Q You may not comment on a page or whatever. You may  
16 just share it.

17 A Yes.

18 Q Okay.

19 THE COURT: All right.

20 MR. SCHULTZ: That would be the perfect --

21 THE COURT: Let me see that again.

22 MR. BARNETTE: Yes, sir.

23 THE COURT: Am I understanding from your testimony  
24 that at some point prior to September the 29th of 2018 that  
25 you and Mr. Rogers at least communicated to the extent that

Richard Lanier Good, Jr. (In-camera)  
Cross-examination by Mr. Schultz

1 y'all agreed to be friends with each other on facebook  
2 pages?

3 THE WITNESS: Yes, sir.

4 THE COURT: Yeah.

5 MR. BARNETTE: And if I could just ask a followup  
6 question, Your Honor.

7 BY MR. BARNETTE

8 Q You knew each other from training him at Nestle.

9 A My first time meeting was at Ryder Corporation.

10 Q So y'all knew each other in person too, as well as on  
11 facebook.

12 A Yeah. Just as far as work. It wasn't no personal.

13 Q Y'all knew each other from work.

14 A Yeah.

15 THE COURT: All right. Mr. Schultz, do you want to  
16 ask him anything?

17 MR. SCHULTZ: I do.

18 CROSS-EXAMINATION

19 BY MR. SCHULTZ

20 Q Is it Mr. Goode or Mr. Good?

21 A Good. Like having a good day.

22 Q All right. Good. And you said that you were friends  
23 with Shaun on facebook?

24 A Just on facebook.

25 Q Okay. And do you remember when you became friends

1 with Shaun on facebook?

2 A We was working at Ryder. It was around -- it was in  
3 2017.

4 Q All right. Do you -- did you bring any evidence to  
5 Court to verify that you were indeed friends with Shaun on  
6 facebook?

7 A My phone in the car.

8 Q All right.

9 A But I went and checked yesterday, and I was taken off  
10 the friend list. His page is still active to this day.

11 Q So is -- when you say his, you mean Shaun.

12 A Shaun Rogers' facebook is still active. When I went  
13 and checked yesterday, I wasn't a friend any more.

14 Q So you said -- and I think everybody was kind of  
15 confused by this. You never communicated with Shaun on  
16 facebook?

17 A No. It's -- I got 5,000 friends on facebook. I don't  
18 communicate with everybody.

19 Q All right. And when you say communicate, what do you  
20 mean by that?

21 A Like, share, message, none of that. Anything you can  
22 do extra on facebook, I rarely post it. I get on there and  
23 stroll. That's about it.

24 Q You rarely post, right?

25 A Say that again.

Richard Lanier Good, Jr. (In-camera)  
Cross-examination by Mr. Schultz

1 Q You -- so your testimony here today is you rarely  
2 post.

3 A Yeah. I didn't post anything. I don't post. I just  
4 stroll.

5 Q Okay. So you don't post. You just look at others.

6 A Yeah.

7 Q Okay.

8 MR. SCHULTZ: That will be all I would have for this  
9 witness here.

10 THE COURT: All right. Mr. Barnette, this -- the  
11 actual exhibit, Exhibit --

12 MR. BARNETTE: Twenty, Your Honor, I think.

13 THE COURT: Twenty?

14 MR. BARNETTE: Yes, sir. It's No. 20. I've checked,  
15 Your Honor.

16 THE COURT: Where did that exhibit actually come from?

17 MR. BARNETTE: Well, Investigator Gardner when he was  
18 interviewing the defendant actually pulled that up on his  
19 facebook. He was able to actually go on his facebook.  
20 I've been on his facebook. I went looking at his facebook.  
21 It's active right now. It's open to the public.

22 THE COURT: This came off of the defendant's phone?

23 MR. BARNETTE: No. Defendant's facebook. It was  
24 actually Investigator Gardner that looked at the -- when  
25 they were interviewing him in the interview which we got.

Richard Lanier Good, Jr. (In-camera)

1 He actually pulled --

2 THE COURT: Interviewing who?

3 MR. BARNETTE: Mr. Rogers.

4 THE COURT: Mr. Rogers. All right. And so Mr. Rogers  
5 allowed him to pull up the facebook?

6 MR. BARNETTE: Well, it's public. What I mean by  
7 public, anybody can pull it up. We can pull it up. I can  
8 go get my phone right now, Judge, and pull up his facebook  
9 for you. It's open right now. Mr. Rogers has left it  
10 active.

11 THE COURT: Oh, so you don't have to be a friend then.

12 MR. BARNETTE: No.

13 THE COURT: It's just open to anybody.

14 THE WITNESS: Yes.

15 MR. BARNETTE: Yes, sir.

16 THE COURT: Okay.

17 MR. BARNETTE: But in order to post stuff and things  
18 on there, you have to be a friend or whatever. But you can  
19 review it.

20 THE COURT: I see. Okay. All right. So okay. I  
21 think I understand. And so this was printed off of a  
22 facebook page?

23 MR. BARNETTE: Yes, sir, by Investigator Gardner. But  
24 it's a fair representation of what he saw, because I asked  
25 him is this what he saw once he checked the facebook. And

Richard Lanier Good, Jr. (In-camera)

1 I can go through that. I didn't know if you wanted me to  
2 go into that much detail in front of the jury.

3 THE COURT: No. I didn't. The purpose was to lay the  
4 foundation for its admission.

5 All right. I understand. Overrule the objection.

6 MR. SCHULTZ: Your Honor, just a couple of more  
7 things.

8 Your Honor, I think the -- I understand the Court's  
9 ruling here, but without any proper foundation of him --  
10 this gentleman being a friend of Mr. Rogers -- there's --  
11 there's not a printout of anywhere where he's a friend of  
12 Mr. Rogers on facebook.

13 THE COURT: He's testified to it.

14 MR. SCHULTZ: I understand that, but there's --

15 THE COURT: That is subject to examination, but he's  
16 testified that he and Mr. Rogers were friends on facebook  
17 and that he has seen that post before.

18 MR. SCHULTZ: But that post could not be Mr. Rogers.  
19 It could be somebody else.

20 THE COURT: Well, you mean the Russians hacked in?

21 MR. SCHULTZ: We don't know.

22 THE COURT: Okay.

23 MR. SCHULTZ: Without a proper internet protocol by --  
24 address, I don't think the state has properly authenticated  
25 that document. If they present someone from facebook or

Richard Lanier Good, Jr. (In-camera)

1 someone that can take a look at that to find out when that  
2 was actually posted and what I.P. address it was actually  
3 posted from -- I don't think it's been properly  
4 authenticated.

5 THE COURT: All right.

6 MR. BARNETTE: I think it has, Your Honor, because the  
7 case law allows you. If a person is a friend, verify that  
8 that's the facebook page, and that's what we've done.

9 I can put Investigator Gardner up. And, I mean, I  
10 think it was the day of or whatever that he actually saw  
11 and put it up there and did a printout. And you can pull.  
12 And, like I said, I can madam clerk here if she has  
13 facebook access to pull up his facebook right now. The  
14 thing that's kinda interesting is they've terminated his  
15 friendship with the defendant after all of this.

16 THE COURT: I understand the argument. I'm going to  
17 overrule your objection and permit it.

18 MR. BARNETTE: Thank you, Your Honor.

19 THE COURT: We'll probably be able to break for lunch  
20 and resume with the testimony after. I assume it's going  
21 to be some length, so.

22 MR. BARNETTE: This, by the way, shows what I asked  
23 him, Your Honor.

24 THE COURT: How long --

25 MR. SCHULTZ: I'm sorry?

Richard Lanier Good, Jr.  
Direct examination by Mr. Barnette

1 MR. BARNETTE: I didn't -- I was going to end with  
2 this issue, with the facebook.

3 THE COURT: How long do you think your  
4 cross-examination will take?

5 MR. SCHULTZ: Ten minutes, Your Honor.

6 THE COURT: Okay. Bring them back. We'll do it.

7 (The following takes place in the presence of the  
8 jury.)

9 MR. BARNETTE: May it please the Court, Your Honor.  
10 May I approach the witness?

11 THE COURT: You may.

12 CONTINUED DIRECT EXAMINATION BY MR. BARNETTE

13 Q Mr. Good, let me show you what's been marked as  
14 State's Exhibit 20. Is this Shaun Rogers' facebook page  
15 you saw after you --

16 A Yes, sir.

17 Q And was page two a second posting that you saw?

18 A Yes, sir.

19 Q Okay. And that's where he shared a post, is that  
20 right?

21 A Yes, sir. He just shared it.

22 MR. BARNETTE: Your Honor, I'd like to move this into  
23 evidence at this time.

24 THE COURT: It's admitted over objection.

25 (Facebook post marked State's Exhibit No. 20.)

Richard Lanier Good, Jr.  
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'd like to publish it to  
2 the jury at this time.

3 THE COURT: You may.

4 MR. BARNETTE: It shows the first page of State's  
5 Exhibit No. 20.

6 BY MR. BARNETTE

7 Q Mr. Good, is this the facebook page you saw?

8 A Yes, sir.

9 Q And is that still active as far as you know?

10 A Yes, sir.

11 Q So it's up right now.

12 A Yes, sir.

13 Q And you were a friend of his, is that right?

14 A I was.

15 Q Are you still a friend or have you been --

16 A No, sir.

17 Q Okay. So you've checked recently?

18 A Yes, sir.

19 Q Okay. Let me show you the second page of State's  
20 Exhibit 20. Is this a post that you saw on his facebook?

21 A Yes, sir.

22 Q And he shared that post, is that right?

23 A Yes, sir.

24 Q And what does the heading of that say?

25 A "Jermaine and that thing hit heard," and laughing and

Richard Lanier Good, Jr.  
Cross-examination by Mr. Schultz

1 post, 100.

2 Q And that's what was posted on that post, is that  
3 right?

4 A Yes, sir.

5 Q And that was on Shaun Rogers' facebook.

6 A Yes, sir.

7 MR. BARNETTE: Your Honor, may I hand it to the jury?  
8 It might be easier for them to see it.

9 Q If you would, please, answer any questions that the  
10 defense may have for you.

11 CROSS-EXAMINATION

12 BY MR. SCHULTZ

13 Q Mr. Good, did you give a statement to the police?

14 A No, sir.

15 Q And so when --

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

17 Q Thank you. I think you answered that.

18 The -- so you never communicated up until this point  
19 about any kind of facebook post or anything?

20 A None.

21 Q Okay. And you said you were friends with my client on  
22 facebook, is that right?

23 A That's it. Yes, sir.

24 Q Could it have been that somebody else posted that? I  
25 mean, you weren't sure, positive.

Richard Lanier Good, Jr.  
Cross-examination by Mr. Schultz

1 A I mean, he shared it.

2 Q I understand that. But somebody else -- were other  
3 people sharing that as well?

4 A No.

5 Q Nobody else was sharing that?

6 A No, not that I'm -- nobody I'm friends with.

7 Q All right. And/but you're not positive that Shaun  
8 Rogers was the actual person that shared that post,  
9 correct?

10 A I mean, it just said it on the thing that he shared  
11 it.

12 Q But you can't be positive that it was him. It could  
13 have been somebody else, right?

14 A Not on September the 29th. It -- it had to be. It  
15 had to be Shaun Rogers on September the 29th.

16 Q Now, going back to the incident there, were you  
17 present at the incident when this incident happened?

18 A No, sir.

19 Q So you know nothing of this incident.

20 A No, sir.

21 Q All right.

22 MR. SCHULTZ: That's all I have, Your Honor.

23 MR. BARNETTE: Just one question on follow up.

24

25

Richard Lanier Good, Jr.  
Redirect examination by Mr. Barnette

1 REDIRECT EXAMINATION

2 BY MR. BARNETTE

3 Q Was this the same facebook page you've always seen for  
4 Mr. Rogers?

5 A Yes, sir.

6 Q Okay. Thank you, sir.

7 MR. BARNETTE: That's all the questions I have.

8 THE COURT: Okay. Step down.

9 Has everyone viewed the exhibit?

10 Okay. All right. We're going to break for lunch.

11 We'll come back and resume at 2:30.

12 Let me caution you that now that you've been selected  
13 and the trial has begun you're never permitted to talk  
14 about the case even among yourselves. You can only do that  
15 during jury deliberation at the trial's conclusion.

16 So no discussions about the case; no investigation; no  
17 research. Don't permit yourselves to be exposed to any  
18 type of media coverage relating to the case.

19 As I told you, you've got to base your decision upon  
20 what you see and hear during the trial. You can't be  
21 influenced by any outside or extraneous information.

22 Okay. Have a good lunch. I'll see you at 2:30 this  
23 afternoon.

24 (The following takes place outside the presence of the  
25 jury.)

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, just one thing real quick.  
2 I talked to Investigator Gardner. It was actually  
3 during Jefferies' interview when he pulled up the facebook  
4 page -- Rogers -- from that standpoint. I just wanted to  
5 make sure that was clear for the record. Not Mr. Rogers.

6 MR. SCHULTZ: Your Honor, I still object to that.

7 THE COURT: I understand.

8 All right. Court is in recess until 2:30.

9 (Whereupon, a recess was taken.)

10 THE COURT: Are we ready for the jury?

11 MR. BARNETTE: The state is ready, Your Honor.

12 MR. SCHULTZ: The defense is ready.

13 THE COURT: Okay. Bring them in.

14 (The following takes place in the presence of the  
15 jury.)

16 THE COURT: Good afternoon.

17 We're going to continue with the state's presentation.

18 MR. BARNETTE: May it please the Court. I'd like to  
19 call Virginia Lindsey to the stand.

20 VIRGINIA ANN LINDSEY, having  
21 been first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. BARNETTE

23 Q Ms. Lindsey, if you would, state your full name for  
24 the record, please.

25 A My name is Virginia Ann Lindsey.

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

1 Q Can you talk a little bit louder so this gentleman  
2 back here --

3 A Virginia Ann Lindsey.

4 Q Thank you, ma'am. I appreciate you doing that.  
5 where do you live at, ma'am?

6 A 1525 Pleasant School Road. That's in Gaffney.

7 Q And what you do, ma'am? What kind of work do you do?

8 A I don't work. I'm on disability.

9 Q And who is your next-door neighbor? Who was your  
10 next-door neighbor back on October 2nd of 2018?

11 A Overton was on my right.

12 Q Okay. And did his mother live a couple of houses up  
13 or a couple of places up?

14 A Yes.

15 Q So y'all were in the same neighborhood then.

16 A Yes.

17 Q The morning of October 2nd of 2018, where did you go  
18 that day or that morning?

19 A I left that morning around 7:00 to take my grandkids  
20 to school. I dropped them off, and then I went back to the  
21 Y.M.C.A.

22 Q Okay. And after you went to the Y.M.C.A. -- what did  
23 you do at the Y.M.C.A.?

24 A I normally do the cardio for an hour and then do a few  
25 of the machines and then go back home.

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

1 Q When you went back home, what did you find or what was  
2 going on?

3 A Well, when I went back -- on my way back home I had  
4 somebody blink lights at me, like, you know, slow down. I  
5 guess I must have been speeding. And when I got up there  
6 and got ready to hit the corner I seen all the fire trucks  
7 and ambulances and policemen and everywhere.

8 Q Okay. And who did you see there?

9 A I seen Overton's mother in his yard.

10 Q Was she very emotional?

11 A Very.

12 Q And after you saw her and everything did you  
13 eventually get to your house?

14 A Eventually I was able to get in my yard. And after I  
15 parked my car I went over and assisted her and, you know,  
16 prayed with her to try to calm her down, because I didn't  
17 know what was going on. I didn't even know anything had  
18 happened. So I went over, you know, just to console her  
19 because I seen how she was crying hysterical, so.

20 Q When you got in your house, what did you find in your  
21 house?

22 A Well, finally after they let me go in my house,  
23 because I messed around and crossed over to where she was,  
24 and then I wasn't able to go back home because they said,  
25 you know, I couldn't leave and go back.

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

1           so finally after I got in, I did go take a shower.  
2   And I got up and I went up the hallway and I looked in my  
3   grandson's bedroom, and it was like something was all in  
4   the floor. And I was, like, what is this, because nothing  
5   was there when we left. And I cut the light on and I  
6   noticed a glow from around the light had -- was broken.  
7   And it was all in the floor.

8   Q    Did you notice something in the ceiling or the walls?

9   A    Yes.

10   Q    What was it?

11   A    A bullet hole.

12   Q    So you're right -- like, this is your house here.

13   A    And he's right here.

14   Q    And Overton's house is right there.

15   A    Uh-huh.

16   Q    So is this the direction from where his house was,  
17   where you had the bullet hole?

18   A    Yes.

19   Q    Let me show you what's been marked as State's  
20   Exhibit 49. Is that a picture of the front of your house,  
21   ma'am?

22   A    Yes, sir.

23   Q    And show you State's Exhibit 50. Is that a picture of  
24   the way that bullet hole looked in y'all's, I guess -- it's  
25   crown molding, I guess.

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

1 A Yes. Right over the head of the bed.

2 Q And then State's Exhibit 51. Is that a picture of  
3 where the bullet went through on the other side?

4 A Yes, that's where it come through on this side.

5 Q And came through. Excuse me. Came through that side  
6 and went to the other side.

7 A Uh-huh.

8 Q And State's Exhibit 52. Is that the light that you  
9 were talking about?

10 A Yes, sir.

11 Q And State's Exhibit 53. Is that the glass that you  
12 noticed?

13 A That's it.

14 Q Does these all fairly represent what you saw that day?

15 A Yes, sir.

16 Q And this is the day this incident occurred.

17 A Yes.

18 MR. BARNETTE: Your Honor, I'd like to move these into  
19 evidence at this time.

20 MR. SCHULTZ: No objection to this.

21 THE COURT: What numbers are those?

22 MR. BARNETTE: Forty-nine, 50, 51 and 52 and 53, Your  
23 Honor.

24 May I publish to the jury, Your Honor?

25 THE COURT: You may.

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

1 MR. BARNETTE: Thank you, sir.

2 (Photographs marked State's Exhibits Nos. 49 through  
3 53.)

4 Q Showing you State's Exhibit 49, or publishing it to  
5 the jury. Is that the front of your house, ma'am?

6 A Yes, sir.

7 Q Showing you State's Exhibit 50. Whose bedroom is this  
8 again, ma'am?

9 A My two grandsons.

10 Q I'll do this the old fashioned way. If you will, come  
11 on down, ma'am.

12 MR. BARNETTE: If you would, turn that light back on,  
13 sir.

14 (Whereupon, the witness left the stand.)

15 Q Ma'am, is this a picture of the front of your house?

16 A Yes.

17 Q That's State's Exhibit 49.

18 State's Exhibit 50. If you would, come down here,  
19 ma'am. Could you -- or might be better to do it this way.

20 Let me show you State's Exhibit 51. Is this a -- where was  
21 this picture, this, from, ma'am?

22 A This is from my grandson's bedroom.

23 Q Did they stay in that bedroom?

24 A Yes.

25 Q Okay. How many grandsons do you have?

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

- 1 A Two.
- 2 Q And they stayed in that bedroom?
- 3 A Yes.
- 4 Q Can you show this part of the jury and go down there?  
5 Can you show them what the bullet went through, where the  
6 bullet hole was?
- 7 A The bullet hole is right there.
- 8 Q Let's go down here a second so they can see that.
- 9 A Bullet hole is right there.
- 10 Q Okay. Let me show you State's Exhibit 50. Is that  
11 where the bullet hole went across the room into --
- 12 A Across -- across in front of the beds.
- 13 Q Okay. Is that -- where is the hole at, ma'am? Can  
14 you show it to them? I'm sorry.
- 15 A It's right there right under the bed.
- 16 Q If you would, come back down here a second so they can  
17 see here.
- 18 A The bullet hole is right there, right under the beds.  
19 THE COURT: All right. Just a minute.  
20 You're going to have to repeat that, please.  
21 The court reporter -- you've got your back to the  
22 court reporter, so speak up a little bit louder so she can  
23 hear what you say.
- 24 THE WITNESS: Yes, sir.
- 25 Q Let me show you State's Exhibits 52 and 53. I'll show

Virginia Ann Lindsey  
Direct examination by Mr. Barnette

1 them together. Fifty-two. What is that a picture of,  
2 ma'am?

3 A That's a picture of a light running from that bed in  
4 the ceiling.

5 Q And was that covered by something?

6 A It had a globe around it.

7 Q And State's Exhibit 53. What is that?

8 A That's the globe that was broken when the bullet hit  
9 it.

10 Q If you would, come down here, ma'am.

11 A This is the light that's right over that bed. That's  
12 the globe that was over the light that the bullet hit and  
13 shattered.

14 Q If you would, please, have a seat.

15 (Whereupon, the witness returned to the stand.)

16 Q And you -- and was that there that morning when you  
17 went into their bedroom?

18 A No.

19 Q Did you notice it when you came back?

20 A Yes.

21 Q And you say, again, your two grandkids, children,  
22 lived there with you?

23 A Oh, yes.

24 Q And what was their ages?

25 A They are now 11 and 6. They were 10 and 5 at the

Virginia Ann Lindsey  
Cross-examination by Mr. Schultz

1 time.

2 Q And you'd took them to school that morning.

3 A Yes.

4 Q They'd been in that bedroom that night.

5 A Yes.

6 Q If you would, please, answer any questions the defense  
7 may have for you, ma'am. Thank you.

8 A Okay.

9 CROSS-EXAMINATION

10 BY MR. SCHULTZ

11 Q Virginia, how long have you lived at this address?

12 A Thirteen years.

13 Q All right. And when did you first notice these holes  
14 there?

15 A After I was able to get back in my house and go take a  
16 shower. And I come back up the hallway and happened to  
17 look in there and see something on their floor, and I cut  
18 the light on and I seen all of the broken glass.

19 Q All right. And that was -- what date did you return  
20 to your home?

21 A The day I returned?

22 Q Yes.

23 A October the 2nd when I left the gym.

24 Q Okay. And about what time was that, do you remember?

25 A It was about -- when I got in my home, it was, like,

Virginia Ann Lindsey  
Cross-examination by Mr. Schultz

1 maybe 11:00 or 12:00 o'clock. It wasn't early because I  
2 was -- the ambulance and everything was there when I got  
3 there, so.

4 Q Okay. So this is 11:00 o'clock a.m.

5 A Yes.

6 Q And, again, just to confirm, referring to State's  
7 Exhibit 50 here, this is -- this is your children's house  
8 or your children's bedroom?

9 A My grandsons' bedroom.

10 Q Grandsons.

11 A Uh-huh.

12 Q Did you give a statement to the police?

13 A No, I didn't give no statement. I called a detective  
14 in to show them where the light had been broken. And the  
15 detective I talked to outside, he pointed and showed where  
16 the bullet had come in from the outside.

17 Q All right. And just to confirm. You weren't there at  
18 around 7:30 or 8:00 o'clock when this incident happened,  
19 correct?

20 A No.

21 Q Okay. Did you witness anything?

22 A No.

23 Q Okay. Did you hear about anything, who shot or  
24 anything?

25 A No.

Angela Crawford Smith  
Direct examination by Mr. Barnette

1 Q Okay. So all you did was you came home, you noticed a  
2 bullet, or at least one bullet hole was there, right?

3 A Yeah, after I got in my house. All the commotion, you  
4 know, the ambulance and everything was there. So it took a  
5 minute, because I stepped over, like, into the crime scene,  
6 so I couldn't go back. I had to wait until the detective  
7 give me the order that I could go back to my yard.

8 MR. SCHULTZ: That's all I have, Your Honor. Thank  
9 you.

10 MR. BARNETTE: No further questions, Your Honor.  
11 We'd ask for this witness to be excused.

12 THE COURT: You may step down.

13 (Whereupon, the witness was excused.)

14 MR. BARNETTE: Your Honor, I would like to call Angela  
15 Smith to the stand.

16 ANGELA CRAWFORD SMITH, having  
17 been first duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. BARNETTE

19 Q Ms. Smith, if you would, give your full name for the  
20 record, please.

21 A Angela Crawford Smith.

22 Q I know you're soft-spoken. Talk loud enough so they  
23 can hear you back here.

24 A Angela Crawford Smith.

25 Q Thank you, ma'am.

Angela Crawford Smith  
Direct examination by Mr. Barnette

- 1           where do you work at now, ma'am?
- 2   A       I work at United Community Bank.
- 3   Q       And what's your position there, ma'am?
- 4   A       Teller.
- 5   Q       Back on October 2nd of 2018, where did you work then,  
6   ma'am?
- 7   A       American Staffing.
- 8   Q       And what was your position there, ma'am?
- 9   A       Staffing coordinator.
- 10   Q       That morning did two gentlemen come in or two men come  
11   in and talk to you about a job?
- 12   A       Yes, sir.
- 13   Q       And who was one of those two men?
- 14   A       Jermaine Jefferies.
- 15   Q       And who -- was there another gentleman with him?
- 16   A       There was a gentleman with him.
- 17   Q       Can you describe him, or do you remember?
- 18   A       He was African-American, approximately 5'6", wearing a  
19   hoodie.
- 20   Q       Okay. And when they came in, what was they asking  
21   about? what was they looking about?
- 22   A       Jermaine had an appointment with me for an  
23   application.
- 24   Q       And what time was this appointment?
- 25   A       9:00 a.m.

Angela Crawford Smith  
Direct examination by Mr. Barnette

1 Q Okay. Did either one of the gentlemen seem to be  
2 agitated or upset or anything like that?

3 A No, sir.

4 Q What did -- what did they do when they got in your  
5 office?

6 A Jermaine had a seat at my desk, and I reviewed the  
7 application he had submitted on line the night before and  
8 completed his application.

9 Q What did the other gentleman do?

10 A He sat at an empty desk, at a chair at the end of it.

11 Q Okay. Could you identify him from what you remember?

12 A I could not.

13 Q But it was both of them together.

14 A Yes.

15 Q If you would, please, answer any questions the defense  
16 may have for you, ma'am.

17 MR. SCHULTZ: I have nothing for this witness.

18 THE COURT: You may step down.

19 MR. BARNETTE: Thank you, Your Honor.

20 We'd ask for the witness to be excused.

21 THE COURT: She may be.

22 MR. SCHULTZ: No objection.

23 (Whereupon, the witness was excused.)

24 MR. BARNETTE: Your Honor, I'd like to call Ms. Denton  
25 to the stand.



May Snipes Denton  
Direct examination by Mr. Barnette

1 said it was not for him, it was for his friend.

2 Q And who was his friend?

3 A He passed him the phone. It was Jermaine Jefferies.

4 Q Okay. So you handed -- did you talk to Jermaine too?

5 A Yes. I did.

6 Q And what kind of -- what kind of job were they, you  
7 talking about?

8 A It was working for the trash truck.

9 Q And when you talked did they seem excited, upset or  
10 anything like that?

11 A No. They were pretty much calm. Jermaine was  
12 supposed come in that day at 1:30 to process and get ready,  
13 but he never showed.

14 Q So, but Shaun Rogers is the one that called you first.

15 A He did -- he did. He was not looking for work.

16 Q Did he talk to Jermaine Jefferies? He passed the  
17 phone to Jermaine Jefferies?

18 A Yes.

19 Q And this is 10:00 a.m. on October 2nd of 2018.

20 A Yes.

21 Q If you would, please, answer any questions Mr. Schultz  
22 may have for you, ma'am.

23

24

25

May Snipes Denton  
Cross-examination by Mr. Schultz

1 CROSS-EXAMINATION

2 BY MR. SCHULTZ

3 Q Is it Ms. Denton?

4 A Yes.

5 Q All right. And your testimony here today is that you  
6 spoke to my client, as well as Mr. Jefferies, is that true?

7 A Yes. I spoke with both of them.

8 Q Okay. Did you meet them personally?

9 A No. I did not.

10 Q All right. Okay. And this was -- you gave a  
11 statement to the police on 10/3/2018, correct?

12 A Yes.

13 Q Okay. Have you talked to the police ever since then?

14 A No.

15 Q Okay. Do you know anything more about this incident  
16 whatsoever?

17 A Just what's been on the news.

18 Q Okay. And because you didn't speak to Jermaine that  
19 day, right?

20 A You said did I speak with him?

21 Q Yes.

22 A Yes. I did.

23 Q And he was interested in the job, correct?

24 A Yes.

25 Q Okay. And about what time was this, again?

JaQuan Wood  
Direct examination by Mr. Barnette

1 A It was around 10:00 o'clock.

2 Q All right. Thank you very much.

3 MR. BARNETTE: Your Honor, we'd ask for this witness  
4 to be excused.

5 MR. SCHULTZ: No objection.

6 THE COURT: She may be.

7 (whereupon, the witness was excused.)

8 MR. BARNETTE: I'd like to call Mr. Wood to the stand,  
9 Your Honor.

10 JAQUAN WOOD, having been first  
11 duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. BARNETTE

13 Q Mr. Wood, if you would, give your full name for the  
14 record, please.

15 A JaQuan Wood.

16 Q And, Mr. Wood, where do you live at?

17 A 701 Littlejohn Street.

18 Q Back on October 2nd of 2018, where did you live at,  
19 sir?

20 A Peachtree Apartments on Wilkinsville Highway in  
21 Gaffney, South Carolina.

22 Q And that morning was you contacted by Shaun Rogers and  
23 Jermaine Jefferies?

24 A I contacted, I called, Jermaine Jefferies to carry me.

25 Q You called.

JaQuan Wood  
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q If you would, tell the jury about that, who you  
3 called.

4 A I called Jermaine Jefferies to carry me to get a -- I  
5 was on house arrest at the time. I had Jermaine Jefferies  
6 to carry me to pay my bracelet.

7 He called -- he came around about, like, 9:45 or  
8 10:00 o'clock. He carried me to Food Lion. Me and him --  
9 me and him and then Shaun. Me and him and Shaun had went  
10 to Food Lion to carry me to pay my -- I'm sorry. Me,  
11 Little J and Shaun -- they was carrying me to pay my  
12 brace -- pay my bracelet. But we stopped at Food Lion  
13 because I was on house arrest and I had to get a money  
14 order. We stopped at Food Lion. Then went to Food Lion,  
15 went to the jailhouse, and went to the jailhouse to pay my  
16 bracelet. And I just went back. They carried me back  
17 home. That was it.

18 Q Let me take you, let me just take you, go through and  
19 make sure.

20 You were on house arrest. Is that G.P.S. monitoring  
21 by the county jail?

22 A Yes, sir.

23 Q And you were out on charges, obviously.

24 A Yes, sir.

25 Q And you have to pay every month on that?

JaQuan Wood  
Direct examination by Mr. Barnette

- 1 A Every week.
- 2 Q Every week on that bracelet.
- 3 A Every two weeks.
- 4 Q So you had to pay a fee to have that bracelet to be  
5 out on home detention.
- 6 A Yes, sir. \$63 every week.
- 7 Q So Jermaine -- you called Jermaine.
- 8 A Uh-huh.
- 9 Q And was Shaun Rogers with him when he came and picked  
10 you up?
- 11 A Yes, sir.
- 12 Q And they were both together.
- 13 A Yes, sir.
- 14 Q Did they say anything about a drive-by shooting?
- 15 A No, sir.
- 16 Q Did they say anything about what they had done that  
17 morning?
- 18 A No, sir.
- 19 Q If they had said something like that would you have  
20 been hanging out with them?
- 21 A No, sir, because I had to pay my bracelets. I don't  
22 want no parts of that, no, sir.
- 23 Q Yes, sir. I understand.
- 24 A No, sir.
- 25 Q So they took you over to the county jail right over

JaQuan Wood  
Direct examination by Mr. Barnette

1 here?

2 A Yes, sir.

3 Q Did they stay in the parking lot, in the car?

4 A Yes, sir. I walked in, paid my bracelet and got back  
5 in the car and we went back to Peachtree Apartments.

6 Q You had to pay Captain Padgett or Major Padgett?

7 A Yes, sir.

8 Q Okay. And you paid that and went back to the car.  
9 where did they take you from there?

10 A Peachtree Apartments where I was staying at.

11 Q And this is around 9:45 or 10:00 o'clock that morning?

12 A No, sir.

13 Q They never told you about any drive-by shooting?

14 A No, sir.

15 Q Did they act excited or scared or anything like that?

16 A No, sir.

17 Q where is the sheriff's department in relationship to  
18 where they were parked at?

19 A Like across the street.

20 Q They stayed in the car, both of them did.

21 A Yes, sir.

22 Q And both of them was in the car when they dropped you  
23 off.

24 A Yes, sir.

25 Q And Shaun Rogers we're talking about, is that the

JaQuan Wood  
Cross-examination by Mr. Schultz

1 gentleman sitting at the table?

2 A Yes, sir.

3 Q Identify what he's wearing, sir.

4 A No, sir.

5 Q You can't?

6 A I can't remember at the time.

7 Q No, no. Identify what he's wearing now.

8 A Oh, blue shirt.

9 Q And is he sitting there at that table beside his  
10 attorney?

11 A Yes, sir.

12 MR. BARNETTE: Your Honor, I'd like the record to  
13 reflect he's identified the defendant.

14 THE COURT: It shall.

15 Q And that was the man that was with Jeramine Jefferies  
16 when they picked you up and dropped you off.

17 A Yes, sir.

18 MR. BARNETTE: One moment, Your Honor, please.

19 (Pause.)

20 Q Please answer any questions the defense may have for  
21 you, Mr. Wood.

22 CROSS-EXAMINATION

23 BY MR. SCHULTZ

24 Q Mr. Wood, do you know Jermaine Jefferies?

25 A He's my cousin.

JaQuan Wood  
Cross-examination by Mr. Schultz

- 1 Q Okay. Do you know Shaun Rogers?
- 2 A Yes, sir.
- 3 Q All right. Who do you know better, Jermaine Jefferies  
4 or Shaun Rogers?
- 5 A Jermaine.
- 6 Q Jermaine?
- 7 A Yes, sir.
- 8 Q How -- well, how long have you known Jermaine  
9 Jefferies for?
- 10 A His whole life.
- 11 Q Right. His whole life. Okay. How long have you  
12 known Shaun Rogers?
- 13 A A good bit of years, probably about five years,  
14 probably about ten years. I don't know. It's been a long  
15 time.
- 16 Q But you know them.
- 17 A Little J. I know Jermaine longer than I knowed him,  
18 yeah.
- 19 Q So there was three folks in the car, correct, at this  
20 time?
- 21 A Me. I'm the third person because I'm paying my  
22 bracelet, yeah, yes, sir.
- 23 Q Right. There was nobody else in the car, right? You  
24 went up to pay the bracelet.
- 25 A No, sir.

JaQuan Wood  
Cross-examination by Mr. Schultz

1 Q All right. Did Jefferies make any comments to you  
2 about what had happened?

3 MR. BARNETTE: Objection, Your Honor. Hearsay at this  
4 point.

5 THE COURT: Sustained.

6 Q Was there anything brought up at all?

7 A No, sir.

8 MR. BARNETTE: Objection, Your Honor. Hearsay.

9 THE COURT: Well, he just asked if anything was  
10 brought up.

11 So you can answer yes or no on that question.

12 A No, sir.

13 Q Nothing at all.

14 A No, sir.

15 Q Okay. And how long were you in the car there with  
16 Jermaine and Shaun?

17 A Probably about five or ten minutes, something like  
18 that, because I stay in Peachtree, and Food Lion and  
19 Peachtree probably about five minutes. I went in Food Line  
20 to go pay -- get my money order. So I went in and went out  
21 and went to the jailhouse to pay my bracelet. That was it.

22 Q Why were you getting a money order in Food Lion?

23 A Because I was on house arrest.

24 Q And house --

25 A No. You can't pay cash. You gotta pay a money order.

JaQuan Wood  
Redirect examination by Mr. Barnette

1 Q Got to pay a money order when you're on house arrest.

2 A Uh-huh.

3 Q Okay. So they took you to Food Lion first?

4 A Yes, sir.

5 Q Okay. So they took you to Food Lion, and then they  
6 took you over --

7 A To pay my bracelet, yes, sir.

8 Q All right. And then what happened?

9 A I went back home.

10 Q Okay. But they --

11 A I'm on house arrest. I can't leave. If I leave, I  
12 violate it, yes, sir.

13 Q I understand that. All right. But they took you back  
14 home at that point, right?

15 A Yes, sir.

16 Q And there was no, no problems whatsoever.

17 A No, sir.

18 Q All right.

19 MR. SCHULTZ: That's all I have, Your Honor.

20 MR. BARNETTE: Just one quick question, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. BARNETTE

23 Q What is Mr. Rogers' nickname?

24 A I don't know.

25 Q Is he called Man?

Billy Anthony  
Direct examination by Mr. Barnette

1 A I don't know, sir.

2 MR. SCHULTZ: Objection, Your Honor. Leading.

3 A No, sir. I don't.

4 MR. BARNETTE: I'll rephrase the question.

5 A I call Little J, Little J. That's my cousin. I don't  
6 know him. I say Shaun, I call him Shaun. I never called  
7 him Man or none of that.

8 Q So you called him Shaun.

9 A Yeah. Shaun. That's his name.

10 Q Thank you, sir.

11 A Yes, sir.

12 THE COURT: Step down.

13 MR. BARNETTE: We'd ask for this witness to be  
14 excused, Your Honor.

15 THE WITNESS: That's it?

16 THE COURT: He may be.

17 Yes, sir.

18 (Whereupon, the witness was excused.)

19 MR. BARNETTE: Your Honor, I would like to call Billy  
20 Anthony to the stand.

21 BILLY ANTHONY, having been  
22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. BARNETTE

24 Q If you, would, sir, state your full name for the  
25 record, please.

Billy Anthony  
Direct examination by Mr. Barnette

1 A Billy Anthony.

2 Q And where do you work at, sir?

3 A The Cherokee County Sheriff's Office.

4 Q And what is your position there, sir?

5 A I'm a detective assigned to the crime scene  
6 investigation unit.

7 Q And how long have you been in that position, sir?

8 A I've been in the crime scene unit full time for seven  
9 years.

10 Q And how long have you been in law enforcement, sir?

11 A Just over 17 years.

12 Q Back on October 2nd of 2018 was you called to a crime  
13 scene at 1521 Pleasant School Road here in Gaffney?

14 A Yes, sir. I was.

15 Q And is that location in Cherokee County?

16 A Yes, sir. It is.

17 Q When you arrived there, if you would, tell the jury  
18 what you found.

19 A When I arrived on the scene -- myself and two other  
20 crime scene investigators responded.

21 There was numerous other officers there that had the  
22 scene secured with evidence tape. There was E.M.S.  
23 personnel and fire department personnel there. And I  
24 believe some family members, neighbors were kind of in the  
25 yard next door to the residence.

Billy Anthony  
Direct examination by Mr. Barnette

1 Q What time was this incident called in, sir, that  
2 morning?

3 A That morning -- refer to my notes. At 8:25 a.m.

4 Q So you arrive shortly after that with other law  
5 enforcement, is that correct?

6 A Yes, sir. I arrived there right around 9:00 o'clock.

7 Q And what did y'all find when y'all did, worked the  
8 crime scene?

9 A When we initially arrived on the scene there was an  
10 investigator already talking to some people that were  
11 there. They advised that they -- what our understanding  
12 was, it was a drive-by shooting at the time.

13 So we started looking around the edges of the roadway,  
14 in the roadway to look for any evidence that could be  
15 destroyed while we were waiting on a search warrant to  
16 arrive.

17 Once we received a search warrant for the residence we  
18 had located three cartridge casings in the front yard right  
19 on the edge of the roadway in front of 1521 Pleasant School  
20 Road.

21 Q And let me show you what's been marked as State's  
22 Exhibit 25. Does this diagram fairly represent where you  
23 found the three shell casings?

24 A Yes, sir, it does.

25 MR. BARNETTE: Your Honor, I'd like to enter 25 into

Billy Anthony  
Direct examination by Mr. Barnette

1 evidence at this time.

2 MR. SCHULTZ: No objection, Your Honor.

3 (Diagram marked State's Exhibit No. 25.)

4 MR. BARNETTE: Permission to publish State's  
5 Exhibit 25 to the jury, Your Honor.

6 THE COURT: You may.

7 Q I think that's part of the -- can you see from there,  
8 Investigator Anthony? Can you see this from there?

9 A It's a little difficult.

10 THE COURT: You can step down.

11 (Whereupon, the witness left the stand.)

12 Q Showing the diagram.

13 A The residence, this is the mobile home. It's marked  
14 as 1521 Pleasant School Road. This is Pleasant School Road  
15 in front of the residence. And our markers are -- this is  
16 marker 01, this is marker 02 and marker 03. This is where  
17 the cartridge casings were located in front of the  
18 residence.

19 Q And did y'all take pictures of those items, sir?

20 A Yes, sir. We did.

21 Q Let me show you what's been marked as State's Exhibits  
22 41, 42, 43, 44 and 45. Do those fairly represent what you  
23 saw that morning?

24 A Yes, sir. They do.

25 Q And these are pictures of the shell casings where they

Billy Anthony  
Direct examination by Mr. Barnette

1 were and the locations, is that right?

2 A Yes, sir. That's correct.

3 MR. BARNETTE: Your Honor, I'd like to move these into  
4 evidence at this time.

5 MR. SCHULTZ: No objection, Your Honor.

6 (Photographs marked State's Exhibits Nos. 41 through  
7 45.)

8 MR. BARNETTE: Permission to publish them, Your Honor.

9 THE COURT: You may.

10 Q What is this a picture of, sir?

11 A This is from the 1521 Pleasant School Road. The  
12 residence would be behind you. This is Pleasant School  
13 Road. This is the marker 01 from the first cartridge  
14 casing and this is marker 02 from the second cartridge  
15 casing.

16 Q Let me show you State's Exhibit -- that was State's  
17 Exhibit 41 I just showed you. This is State's Exhibit 42.  
18 Can you tell us what this is, sir?

19 A Yes, sir. This is the driveway that's leading into  
20 1521. This is our marker No. 03 where the other cartridge  
21 casing was located. And the road would be -- we were  
22 actually standing in the road taking that photograph.

23 Q And State's Exhibit 43. Can you tell us what that is  
24 a picture of, sir?

25 A Yes, sir. That's the closeup photograph of the

Billy Anthony  
Direct examination by Mr. Barnette

1 cartridge casing that's right there of 01.

2 Q Show you State's Exhibit 44. What is that, sir?

3 A That right there is the cartridge casing, and that is  
4 from marker 02.

5 Q State's Exhibit 3. No. It'd be State's Exhibit 45.  
6 What is that, sir?

7 A It's a little hard to see. There's -- this is the  
8 cartridge casing right -- it's in the crack of the asphalt.  
9 That was our marker 03.

10 Q And did y'all collect those pieces of evidence, sir?

11 A Yes, sir. I did.

12 Q Where is the shell casing, again, if you could show  
13 the jury real quick, sir?

14 A It is right in the crack of the asphalt, right there.

15 Q And did you collect those items, sir?

16 A Yes, sir. I did.

17 Q Okay.

18 (Whereupon, the witness returned to the stand.)

19 Q And did you go look in the trailer itself, sir?

20 A Yes, sir. I did.

21 Q And how many bullet holes did you find in the front of  
22 the trailer?

23 A On the front we located five entry holes into the  
24 residence.

25 Q Was a diagram done concerning that, sir?

Billy Anthony  
Direct examination by Mr. Barnette

1 A Yes, sir. It was.

2 Q And was there a diagram concerning the path of those  
3 bullets?

4 A Yes, yes, sir.

5 Q And did you recover two of the bullets from the  
6 trailer?

7 A Yes, sir. We did.

8 Q And did two of them go out the back of the trailer?

9 A Yes, sir.

10 Q And one was in Mr. Good.

11 A Yes, sir. That's correct.

12 Q Let me show you State's Exhibits 21 through 24. Do  
13 those diagrams fairly represent what you saw?

14 A Yes, sir. They do.

15 Q Let me let you look at State's Exhibits 26 through 37.  
16 Take a look at those, sir, and see if those pictures fairly  
17 represent what you saw.

18 (Pause.)

19 A Yes, sir. Those are all photographs we took on the  
20 scene.

21 MR. BARNETTE: Your Honor, at this time I'd like to  
22 move 21 through 37 into evidence.

23 THE COURT: Those are all consecutively numbered?

24 MR. BARNETTE: Yes, sir. They are.

25 THE COURT: Twenty-one through thirty-seven?

Billy Anthony  
Direct examination by Mr. Barnette

1 MR. BARNETTE: Yes, sir.

2 (Pause.)

3 MR. SCHULTZ: Your Honor, no objection to 21, or  
4 State's 21, to State's 22, State's 23, State's 24, State's  
5 27, State's 28, State's 29 and State's 31, State's 32,  
6 State's 33, State's 34, State's 35, State's 36 and  
7 State's 37.

8 (Photographs marked State's Exhibits Nos. 21 through  
9 37.)

10 MR. BARNETTE: Your Honor, may we approach for a  
11 second?

12 (Bench conference held off the record in the presence  
13 of the jury but out of the hearing of the jury.)

14 Q Sir, let me show you State's Exhibits 38, 39 and 40.  
15 Does these fairly represent what you saw that day too?

16 A Yes, sir. They do.

17 MR. BARNETTE: Your Honor, at this time I'd like to  
18 move those three exhibits in.

19 MR. SCHULTZ: Your Honor, no objection to State's  
20 Exhibit 39 coming in; no objection to State's 40 coming in.  
21 And State's 38, we'll probably -- matter of law on this. I  
22 would object to State's 38.

23 THE COURT: Overruled.

24 (Photographs marked State's Exhibits Nos. 38 through  
25 40.)

Billy Anthony  
Direct examination by Mr. Barnette

1 MR. BARNETTE: And, Your Honor, I'm willing to  
2 substitute a black and white picture for that.

3 THE COURT: I'll let you state your objection for the  
4 record.

5 MR. SCHULTZ: My objection for the record with 38 --

6 THE COURT: I'll let you state that later.

7 MR. SCHULTZ: All right. Thank you.

8 MR. BARNETTE: And, Your Honor, what I'm going to do,  
9 I'm going to substitute. I'm going to take the colored  
10 picture of 38 and put it as Court's Exhibit 1, and I'm  
11 going to sub the black and white picture in as State's  
12 Exhibit 38.

13 THE COURT: All right. Let her mark that.

14 (State's Exhibit No. 38 marked Court's Exhibit No. 2;  
15 black and white photograph marked State's Exhibit No. 38.)

16 MR. BARNETTE: Permission to publish these to the  
17 jury, Your Honor.

18 THE COURT: You may.

19 Q If you would, sir, come on down with me, if you would.

20 A Yes, sir.

21 (Whereupon, the witness left the stand.)

22 Q Was Mr. Good still there when you got there?

23 A Yes, sir. He was.

24 Q And where was he at?

25 A He was lying against the inside of the front door.

Billy Anthony  
Direct examination by Mr. Barnette

1 Q Okay. Let me show you what's been entered into  
2 evidence as State's Exhibit 21. I'll adjust this. If you  
3 would, show us where the bullet holes was, sir, on the  
4 diagram.

5 A This is the front steps and front porch going up to  
6 the front door. As we mark them, this is bullet hole No. 1  
7 entering near the top of the door. This is our bullet hole  
8 No. 2; No. 3 near the bottom right side of the front door.  
9 No. 4 was to the left of the front door; and No. 5 under  
10 the window to the left of the front door.

11 Q Let me show you State's Exhibit 22. What is this  
12 diagram of, sir?

13 A This is an exploded view of the inside of the  
14 residence. Basically, this is the body -- living-room side  
15 of the home. This would be the front wall just laid down  
16 for diagram purposes, and this is the rear wall laid down.

17 This is where the bullet holes were on the inside of  
18 the residence. This is No. 1; No. 2 on the inside; No. 3  
19 on the door; No. 4 inside front wall; and No. 5 inside  
20 front wall.

21 The lines that come across the diagram, No. 1 traveled  
22 across the hallway, and the projectile was lodged in the  
23 wall of the hallway.

24 No. 2 was not located inside the residence.

25 No. 3 traveled through the front wall, exited the rear

Billy Anthony  
Direct examination by Mr. Barnette

1 wall of the residence.

2 No. 4 entered front wall, traveled through and exited  
3 rear wall of the residence.

4 No. 5 entered the front wall, traveled under the sofa  
5 and was lodged in the rear wall. Or I'm sorry. It exited  
6 the rear wall. No. 3 actually stopped inside the rear  
7 wall.

8 Q Let me show you State's Exhibit 24. What does that  
9 show, sir?

10 A This is a sketch of the back of the residence. This is  
11 showing the markers, the bullet hole, No. 4, from the front  
12 of the residence. This is where it traveled through the  
13 rear of the residence.

14 And No. 5, where it traveled through the rear of the  
15 residence.

16 Q State's Exhibit No. 26. Can you tell us what that is,  
17 sir?

18 A This is a photograph of the front of the residence of  
19 1521.

20 Q Show you State's Exhibit 27. Can you show -- I'll see  
21 if I can put that in a little closer. Can you tell us what  
22 that's a picture of, sir?

23 A This is the front of the residence, also a little  
24 closer in the front door. And this is a bullet hole in the  
25 front of the residence. And we've got another one here.

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1 This was prior to us marking -- marking them.

2 Q State's Exhibit 28. What is this showing, sir? Go  
3 ahead, sir.

4 A This is the left of the front door. The front door,  
5 you can see the doorframe here. Here is one of the bullet  
6 holes in the front of the residence, and the second one is  
7 right almost off just under the window.

8 Q Get a little bit closer where you can see it. Okay.

9 A This is the one under the window.

10 Q Let me show you State's Exhibit 30. Sir, what is  
11 this?

12 A This is where a round struck the picket on the front  
13 of the porch that traveled to the front door.

14 Q Let me go out a little bit so you can see where it was  
15 in relationship. Okay. State's Exhibit 31. What is that,  
16 sir?

17 A This is just a closer-up photo of the round where it  
18 struck the picket.

19 Q Where did -- let me show you State's Exhibit 32.  
20 Where did it go after that?

21 A Through the front door of the residence. This is your  
22 doorframe to the right, and there's where it entered the  
23 front door.

24 Q Let me show you State's Exhibit 33 and let go out a  
25 little bit so the jury can. Start from the top one. Can

Billy Anthony  
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1 you tell us what this photograph shows -- State's  
2 Exhibit 33?

3 A This is the front door of the residence. We have  
4 marked the bullet hole with scale tape and numbers. And we  
5 have actually placed a dowel rod through the holes showing  
6 the trajectory of where the rounds traveled from. Here is  
7 marked No. 2 with a dowel rod showing the trajectory.

8 Q Up there, sir?

9 A And here is where No. 3 -- it enters through the  
10 picket and enters through the front door of the residence.

11 Q Let me show you State's Exhibit 34. What does this  
12 show, sir?

13 A This is the bullet entry to the left of the front door  
14 as indicated by No. 4. And this is where we were measuring  
15 up the height from ground level.

16 Q How high was that one, sir? Can you tell?

17 A It appears that one was about 5'6" and a half inches  
18 above ground level.

19 Q Let me show you State's Exhibit 35. What is this a  
20 picture of, sir?

21 A This is a window. The front door would be to the  
22 right of the window. And this is marker five and the  
23 trajectory of the round going through.

24 Q Let me show you State's Exhibit 36. Can you tell us  
25 what this is? Can you tell us what that is, sir?

Billy Anthony  
Direct examination by Mr. Barnette

1 A This is on the inside of the residence. This is your  
2 doorframe. Your door's right here. And this is the  
3 entrance of No. 1 where it entered the residence.

4 Q Let me show you State's Exhibit 37. What is this,  
5 sir? Can you tell us what that is, sir?

6 A Again, this will be the front door. You can see the  
7 door handle and deadbolt. You've got the light switches,  
8 and here is where No. 2 entered the residence on the  
9 inside.

10 Q Let me show you State's Exhibit 38. This will be  
11 black and white. Can you tell us what this is, sir?

12 A Yes, sir. This is the inside of the residence.  
13 Again, front door. This is your doorframe. This is marker  
14 No. 3 where the bullet went through the pickets, through  
15 the front door, entered. And there's our marker-up marking  
16 the side of the door.

17 Q Let me show you State's Exhibit 39. What is that,  
18 sir?

19 A That is to the right of the front door inside the  
20 living room. That is a No. 4 that entered the front of the  
21 residence.

22 Q Let me show you State's Exhibit 40. What is that,  
23 sir?

24 A This is marker No. 5, the round that entered below the  
25 window to the front of the residence.

Billy Anthony  
Direct examination by Mr. Barnette

1 Q If you would, just stay right there, sir. Let me show  
2 you what's been marked as State's Exhibits 6, 7 and 8. Is  
3 these the shell casings that y'all recovered, the cones in  
4 the front yard?

5 A Yes, sir. They were.

6 Q And did you enter these into evidence?

7 A Yes, sir. I did.

8 Q Was they taken to SLED for analysis?

9 A Yes, sir.

10 MR. BARNETTE: Your Honor, I'd like to enter 6, 7 and  
11 8 at this time.

12 Q And did y'all collect two bullets from inside the home  
13 outta the wall?

14 A Yes, sir. We did.

15 Q And are those State's Exhibits 4 and 5? Are those the  
16 two bullets that you recovered?

17 A Yes, sir. They are.

18 MR. BARNETTE: Your Honor, I'd like to enter 4, 5, 6,  
19 7 and 8 into evidence at this time.

20 MR. SCHULTZ: Those are the three shell casings and  
21 the two bullets. No objection, Your Honor.

22 THE COURT: They're admitted.

23 (One fired bullet marked State's Exhibit No. 4; one  
24 fired bullet marked State's Exhibit No. 5; fired 9mm  
25 cartridge case marked State's Exhibit No. 6; fired 9mm

Billy Anthony  
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1 cartridge case marked State's Exhibit No. 7; fired 9mm  
2 cartridge case marked State's Exhibit No. 8.)

3 MR. BARNETTE: May I publish them to the jury, Your  
4 Honor?

5 THE COURT: You may.

6 Q Showing you State's Exhibit 4. This is the first  
7 projectile inside the hall wall of the residence. Is that  
8 one of the bullets you found inside, sir?

9 A Yes, sir. That was recovered out of the hall wall.

10 Q And did you recover it and place it into evidence,  
11 sir?

12 A Yes, sir. I did.

13 Q And was that taken to SLED for analysis?

14 A Yes, sir. It was.

15 Q Showing you State's Exhibit 5. Was this the other  
16 bullet you found?

17 A Yes, sir. It is.

18 Q Okay. And was that also collected by you?

19 A Yes, sir. It was.

20 Q Placed into evidence?

21 A Yes, sir.

22 Q And taken to SLED for analysis.

23 A Yes, sir. It was.

24 Q Okay. State's Exhibit 6. Is that the shell -- one of  
25 the shell casings you found outside of one of the cones?

Billy Anthony  
Direct examination by Mr. Barnette

- 1 A Yes, sir.
- 2 Q State's Exhibit 7. Is this another shell casing that  
3 you found?
- 4 A Yes, sir.
- 5 Q Are these 9mm shell casings?
- 6 A Yes, sir.
- 7 Q And State's Exhibit 8. Is that another shell casing  
8 that y'all found?
- 9 A Yes, sir. It was.
- 10 Q And was all of these things taken -- collected into  
11 evidence and taken to SLED for analysis?
- 12 A Yes, sir.
- 13 Q If you would, just stay right there.
- 14 (Pause.)
- 15 Q After you collected all of this evidence and it was  
16 taken to SLED for analysis, was you called back out to the  
17 neighbor's location?
- 18 A While we were still at the 1521 Pleasant School Road,  
19 we were notified by one of the investigators that a round  
20 had struck the house next door. When we were finishing up  
21 there we went next door, went to that residence to  
22 photograph and recover any evidence.
- 23 Q Y'all were still there.
- 24 A Yes, sir, we were still there.
- 25 Q You just went next door and did these pictures.

Billy Anthony  
Direct examination by Mr. Barnette

1 A Yes, sir. That's correct.

2 Q State's Exhibit 49. Was that the residence y'all went  
3 to and is a picture of that?

4 A Yes, sir. That is.

5 Q And State's Exhibit 50. Is this the bullet hole that  
6 was found? I guess it's -- I guess where it actually came  
7 in was -- is that where it actually came in at?

8 A Yes, sir. We marked it as entered this wall and  
9 lodged in the wall across the bedroom.

10 Q Okay. And that's where it went in the other wall, is  
11 that right?

12 A Yes, sir. And when we looked -- we were going to try  
13 to remove that round, but it was going to do considerable  
14 damage. So the round was left inside the wall somewhere.  
15 We were unable to locate it.

16 Q And State's Exhibit 52. That's the photograph of the  
17 light next door after it was broke.

18 A Yes, sir.

19 Q And State's Exhibit 53 is the glass from that bullet.

20 A Yes, sir. That's correct.

21 Q If you would, please, have a seat up on the stand if  
22 you would.

23 (Whereupon, the witness returned to the stand.)

24 Q Later on was you called to 123 Jasmine Drive in  
25 Gaffney, here in Cherokee County?

Billy Anthony  
Direct examination by Mr. Barnette

1 A Yes, sir. We were.

2 Q And was a -- did y'all recover a gun from that  
3 location?

4 A Yes, sir.

5 Q And did you recover some items with that gun?

6 A Yes, sir. We did.

7 Q Let me show you what's been marked as State's Exhibits  
8 10, 11 and 12. And whose residence is 123 Jasmine Drive?

9 A I was informed that 123 Jasmine Drive, we went out to  
10 do the search warrant. This would be the home of Jermaine  
11 Jefferies and, I believe, his mother.

12 Q Okay. And did you recover those items from their  
13 house?

14 A Yes, sir. I did.

15 Q And where were they located in the house?

16 A These were located inside the master bedroom in a  
17 drawer, like a chest of drawers, in the residence.

18 Q And did you collect those things and place them into  
19 evidence, sir?

20 A Yes, sir. I did.

21 Q And was they sent to -- I keep calling it SLED --  
22 state law enforcement division for analysis?

23 A Yes, sir. They were.

24 MR. BARNETTE: Your Honor, I'd like to enter 10, 11  
25 and 12 into evidence at this time.

Billy Anthony  
Direct examination by Mr. Barnette

1 (Pause.)

2 MR. SCHULTZ: No objection, Your Honor.

3 THE COURT: Let me see 10.

4 MR. BARNETTE: Yes, sir.

5 THE COURT: They're admitted.

6 (Semiautomatic pistol marked State's Exhibit No. 10;  
7 magazine and five bullets marked State's Exhibit No. 11; one  
8 unfired 9mm cartridge marked State's Exhibit No. 12.)

9 MR. BARNETTE: Permission to publish these to the  
10 jury, Your Honor.

11 THE COURT: You may.

12 Q If you would, sir, please, step down.

13 (Whereupon, the witness left the stand.)

14 Q Sir, if you would describe this gun for the jury, if  
15 you would.

16 A Yes, sir. This is a SCCY CPX-1 9mm pistol. It's pink  
17 in color with a silver slide. It's semiautomatic.

18 Q And that was the item that you collected from that  
19 residence, is that right?

20 A Yes, sir.

21 Q And also, did you also obtain a magazine from there?

22 A Yes, sir. The magazine was in the weapon at the time  
23 we recovered it. It contained five 9mm rounds, and there  
24 was actually a round in the chamber.

25 Q And that was State's Exhibit 11 I just showed you.

Billy Anthony  
Direct examination by Mr. Barnette

1 This is State's Exhibit 12. Is that the round that was in  
2 the chamber?

3 A Yes, sir. That's correct.

4 Q And was all these items sent to the state law  
5 enforcement for analysis?

6 A Yes, sir. They were.

7 MR. BARNETTE: At this time, Your Honor, I'd like to  
8 put the stipulation in. I think it's the second  
9 stipulation concerning the SLED findings on the firearm,  
10 which is going to be State's Exhibit 47 at this time, Your  
11 Honor.

12 Do you want me to read the first stipulation, read the  
13 stipulation and then publish the report?

14 THE COURT: You may.

15 MR. BARNETTE: Thank you, Your Honor.

16 The parties hereby stipulate or agree to the following  
17 as fact: That Investigator Billy Anthony of the Cherokee  
18 County Sheriff's Office collected and maintained a valid  
19 chain of custody on several items collected from 1521  
20 Pleasant School Road.

21 The parties hereby stipulate to the following as fact:  
22 That Investigator Billy Anthony with the Cherokee County  
23 Sheriff's Office collected and maintained a valid chain of  
24 custody on several items collected from 1521 Pleasant  
25 School Road, Gaffney, South Carolina, and 123 Jasmine Road,

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1 Gaffney, South Carolina, that are listed in the SLED  
2 firearms report under SLED lab No. 18-14385 done by  
3 Michelle Eichenmire, SLED forensic scientist.

4 The items were listed as follows: Item 4, one fired  
5 bullet listed as from hall wall; Item 5, one fired bullet  
6 listed from living room wall; Items 6 through 8, three  
7 fired 9mm Luger caliber cartridge cases; Item 10, one SSY  
8 [sic] Industrial Model CPX-1 semiautomatic pistol 9mm Luger  
9 caliber, serial No. 254544 [sic]. Received one magazine,  
10 one S -- one SY [sic] -- excuse me -- SCCY Industrial  
11 manufactured contained various manuals and accessories.

12 Item 10.3, test specimens fired by Item 10 pistol  
13 using laboratory supplied ammunition.

14 Item 11 is one magazine with five unfired 9mm Luger  
15 caliber cartridges listed as from CCY Ind. 9mm pistol.

16 Item 12, one fired 9mm Luger caliber cartridge listed  
17 as from chamber. SCCY Ind. 9mm pistol.

18 The evidence collected at the scene was transported to  
19 the state law enforcement division, SLED, for analysis by  
20 Forensic Scientist Michelle Eichenmiller. Her report and  
21 analysis of above mentioned items marked as State's Exhibit  
22 47, please see attached one of the stipulations, attached  
23 to the stipulations as part of this stipulation.

24 Both parties agree for Items 3, 4, 5, 6, 7, 8, 10, 11,  
25 13 to be entered into evidence and published to the jury,

Billy Anthony  
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1 as well as stipulation. And the SLED firearms report,  
2 attachment one, marked as SLED -- State's Exhibit 47.

3 The SLED firearms report is included with the  
4 stipulation by reference also.

5 A valid chain of custody was maintained on these items  
6 by SLED and Cherokee County Sheriff's Office from the  
7 collection at the crime scene, from the crime scene, at  
8 1521 Pleasant School Road, Gaffney, South Carolina, and 123  
9 Jasmine Drive, Gaffney, South Carolina, to SLED for testing  
10 and back to the Cherokee County Sheriff's Office. And it  
11 was witnessed by all three, by Mr. Schultz and myself and  
12 Mr. Rogers.

13 Q Now, Investigator Anthony, the two bullets from the  
14 wall, as well as the three shell casings, were sent for  
15 analysis against the gun that you found at the residence at  
16 123 Jasmine Drive?

17 A Yes, sir. They were.

18 MR. BARNETTE: Your Honor, this is attachment one to  
19 State's Exhibit 47 I would like to enter in at this time.

20 (SLED report marked State's Exhibit No. 47.)

21 Q Is this the SLED report that was received by the  
22 sheriff's department from SLED?

23 A Yes, sir. It is.

24 Q Okay. And it's from the firearms department. It has  
25 y'all's case number, as well as the folks involved in this

1 case.

2 MR. BARNETTE: And, Your Honor, can I just read it to  
3 the jury from that standpoint?

4 THE COURT: You may.

5 MR. BARNETTE: Item 4, one fired bullet listed as from  
6 hall wall; Item 5, one fired bullet listed as from living  
7 room wall. Physical and microscopic examinations of 4 and  
8 5 reveal they're most consistent with bullets loaded into  
9 some 9mm caliber cartridges.

10 Items 4 and 5 was microscopically compared to each  
11 other and with the bullets test fired by Item 10, and Item  
12 10 is the 9mm pistol that was entered in as State's Exhibit  
13 10. was fired by Item 10 pistol matching individual and  
14 that the characteristics were found and it's concluded that  
15 Items 4 and 5 were fired by Item 10.

16 Items 6 through 8, three fired 9mm Luger caliber  
17 cartridge cases, results.

18 Item 6, 7 and 8 were physically examined and  
19 microscopically compared with each other with cartridge  
20 cases fired, test fired, by Item 10 pistol. Matching  
21 individual and identifying characteristics were found and  
22 it's concluded that Items 6, 7 and 8 were fired by Item 10.

23 Item 10 was a pistol that was recovered. Based off  
24 this report the bullets and the shell casings came from  
25 that gun.

Billy Anthony  
Cross-examination by Mr. Schultz

1 Q It was fired by the gun.

2 A Yes, sir. That's correct.

3 MR. BARNETTE: And Item 10 -- I can read the rest of  
4 them, but I think that's the main major parts of it from  
5 that standpoint.

6 Q Just in summary, Investigator Anthony, based off the  
7 SLED report this gun, which is State's Exhibit 10, fired  
8 State's Exhibits 4 and 5, the two bullets you found.

9 A Yes, sir.

10 Q And the three shell cases found in the front yard was  
11 also fired, which is State's Exhibits 6, 7 and 8, was fired  
12 by that gun also.

13 A Yes, sir. That's correct.

14 Q And that gun was found in Jermaine Jefferies' home.

15 A Yes, sir. That's correct.

16 MR. BARNETTE: One moment, Your Honor.

17 (Pause.)

18 Q If you would, sir, please answer any questions that  
19 Mr. Schultz may have for you, sir. Thank you.

20 A Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. SCHULTZ

23 Q Investigator Anthony -- correct?

24 A Yes, sir.

25 Q All right. How long have you been working with

Billy Anthony  
Cross-examination by Mr. Schultz

1 Cherokee County?

2 A Full time a little over 17 years.

3 Q Seventeen years. And you've investigated your fair  
4 share of violent crimes in that time, right?

5 A Yes, sir. That's correct.

6 Q All right. Okay. And were you the chief investigator  
7 on this case?

8 A Yes, sir. There was three investigators, actual crime  
9 scene investigators. We work as a team when we respond,  
10 but primarily one of us is the lead crime scene  
11 investigator as far as collecting evidence, and the other  
12 two assist with sketches, drawings, measurements, those  
13 things.

14 Q And that's your principal -- that was your principal  
15 job in this case, correct?

16 A Yes, sir. That's correct.

17 Q All right. And you've done this perhaps hundreds,  
18 maybe thousands, of times, correct?

19 A Yes, sir. That's correct.

20 Q Okay. And you've been on this job for 17 years, you  
21 said.

22 A Yes, sir.

23 Q Okay. Now, I am referring to State's Exhibit 29 here.  
24 Can you see that okay, Investigator?

25 A Yes, sir.

Billy Anthony  
Cross-examination by Mr. Schultz

1 MR. SCHULTZ: Beg the Court's patience, Your Honor.

2 (Pause.)

3 MR. SCHULTZ: Approach the witness, Judge?

4 Q This is the front door of what residence again?

5 A 1521 Pleasant School Road.

6 Q Okay. And is that where the incident happened?

7 A Yes, sir. That's correct.

8 Q All right. And that's where the victim was found,  
9 correct?

10 A Yes, sir.

11 Q All right. Very good.

12 Oh, and one more question there with this. Were there  
13 any bullet holes found in this picture there? Did you see  
14 any bullet holes in that picture?

15 A Yes, sir.

16 Q okay. Could you maybe come over here and get this  
17 here?

18 A Yes, sir.

19 (Whereupon, the witness left the stand.)

20 Q Can you explain to the jury or detail where the bullet  
21 hole was found there to the jury?

22 A Yes, sir. We have one right to the left of the door  
23 here between the door and window. There's one right to the  
24 right of the front door right there. And it's hard to see  
25 here, but that's where a round has struck the front door,

Billy Anthony  
Cross-examination by Mr. Schultz

- 1 but it traveled through those pickets.
- 2 Q Where did -- what hole did you -- well, what bullet  
3 did you conclude was the bullet that ultimately took this  
4 kid's life or Mr. Wood's life?
- 5 A Can I refer to my notes?
- 6 Q Yes. Absolutely. Would you like for me to leave this  
7 up here?
- 8 A Yes, sir, if you don't mind.
- 9 (Pause.)
- 10 A These are our photographs before we had marked with  
11 evidence markers. This one, I believe, is marked as one.  
12 No. 2, I believe, is this one. Yes. This is marked  
13 the one that we did mark as No. 2. This one entered the  
14 front of the residence. It was not located inside the  
15 residence. It didn't strike another wall. It wasn't found  
16 inside the residence. And every other round was accounted  
17 for through the residence.
- 18 Q But you -- so that one directly, I guess, the  
19 jury's --
- 20 A To the right at the front door.
- 21 Q That one right here if I could. That hole right  
22 there. That bullet was never found, correct, Investigator?
- 23 A Yes, sir. That's correct.
- 24 Q All right. But all of the other bullets were found,  
25 is that correct?

Billy Anthony  
Cross-examination by Mr. Schultz

1 A No, sir. We had two that traveled through the back  
2 wall of the residence. They went on. We pulled  
3 trajectory. The grass was about waist high or a little  
4 higher. We pulled the strings out and it went out into the  
5 open field. And we never were able to locate those two  
6 that exited the back of the residence.

7 Q But all of the bullets that you actually did recover  
8 and you -- have a seat there.

9 (Whereupon, the witness returned to the stand.)

10 MR. SCHULTZ: Beg the Court's patience, Your Honor.

11 (Pause.)

12 Q How many bullets did you recover?

13 A We recovered two at the scene.

14 Q Two at the scene.

15 A Yes, sir.

16 Q Okay. Referring to State's Exhibit 4 and State's  
17 Exhibit 5. You recognize these, correct?

18 A Yes, sir.

19 Q And what are those?

20 A Those are the projectiles that we recovered, one from  
21 marker No. 1 inside the hall wall of the residence, and  
22 then our marker No. 3, the south wall, the rear wall, of  
23 the residence that we recovered.

24 Q And you concluded -- or maybe not you concluded but  
25 SLED concluded -- that all of those bullets were fired from

1 the same gun, correct?

2 A Yes, sir. That's correct.

3 Q And in this case this gun right here, correct?

4 A Yes, sir. That's correct.

5 Q All right. And this is a 9mm, correct?

6 A Yes, sir. That's correct.

7 Q All right. Explain to jury the difference in caliber.  
8 What is the difference between a 9mm and a .32?

9 A You can buy firearms. They come in all different  
10 calibers. You typically have with handguns, there's  
11 various calibers that you may have. They -- there's a wide  
12 range of them. I'm unsure how many calibers, but each --  
13 each one represents, basically, the size of a round. So  
14 you could go something from a small like a .22 all the way  
15 up to a 9mm, .40 caliber, .45.

16 Q Is this a fairly -- fairly popular gun?

17 A We see that caliber a lot. That caliber.

18 Q Why do you think you see that caliber a lot?

19 A It's a popular caliber out that people do have.

20 Q 9mms are cheap. Would you say that's a fair  
21 statement?

22 A As compared to others, they are relatively the same  
23 price. The higher up you go in caliber or the type of  
24 weapon dictates the price.

25 Q Have you ever seen a pink gun?

Billy Anthony  
Cross-examination by Mr. Schultz

1 A Yes, sir.

2 Q All right. So this is not -- this is not the only  
3 pink gun that you've ever seen before, right?

4 A No, sir. That's correct.

5 Q Okay. I'm sorry. I don't mean to be aiming at you.  
6 But this is -- you've been doing this for 17 years, right?

7 A Yes, sir.

8 Q And this is not the only pink gun that you've actually  
9 come across, right?

10 A Yes, sir. That's correct.

11 Q Okay. Just guessing. Probably weren't prepared for  
12 this question. But how many pink guns have you ever come  
13 across in your almost 20 years of doing this?

14 A It's been very limited. You don't see, typically see,  
15 a lot of them out as far as in my course of work. Over 20  
16 years I've probably saw ten or so. Fifteen of the pink  
17 ones that's actually came into evidence.

18 Q So ten or fifteen?

19 A Yes, sir.

20 Q Now, when a -- when somebody fires a gun, a bullet  
21 comes out the barrel, correct?

22 A Yes, sir.

23 Q Okay. And shells usually come out as well, right?

24 A On the semiautomatic, they eject out, yes, sir.

25 Q And that 9mm pink gun is a semiautomatic, correct?

Billy Anthony  
Cross-examination by Mr. Schultz

- 1 A Yes, sir. That's correct.
- 2 Q And these are two of the shells that you found here.
- 3 A Yes, sir. They are.
- 4 Q Are those the only shells that you recovered?
- 5 A We recovered three at the scene.
- 6 Q Okay. There's three.
- 7 A Yes, sir.
- 8 Q Okay.
- 9 A And those are the three that we recovered.
- 10 Q And, again, not to belabor the point, but you
- 11 concluded, as well as SLED concluded, that all of those
- 12 shell casings were taken or dislodged from this 9mm
- 13 semiautomatic weapon, gun, correct?
- 14 A Per SLED report, yes, sir. They were all fired. Yes,
- 15 sir.
- 16 Q I know you didn't do that.
- 17 A Yes.
- 18 Q But SLED people concluded that.
- 19 A Yes, sir. That's correct.
- 20 Q Now, when it comes to the measurements and everything
- 21 that you did at the house of this incident there, you did
- 22 all of the measurements, is that correct, Investigator?
- 23 A I was present for all of them. Like I say, we work as
- 24 a team. So I may be writing them down or may be actually
- 25 giving the measurements to one of the others. I think on

Billy Anthony  
Cross-examination by Mr. Schultz

1 this one I actually wrote them down as they were giving  
2 them to me.

3 Q All right. And looking at State's Exhibit, I believe,  
4 40 here, this is a bullet that came through the wall,  
5 correct?

6 A Yes, sir. It is.

7 Q All right. And you recovered that bullet, correct?  
8 You can look through your notes, obviously.

9 A No, sir. No. 5 traveled through the back wall.

10 Q All right. What about No. 4? Did you recover that  
11 bullet?

12 A No, sir. No. 4 traveled through the back wall also.

13 Q All right. What about No. 3? Did you track that  
14 bullet or did you find that bullet?

15 A Yes, sir. That was one of the ones that we recovered  
16 and was sent to SLED.

17 Q All right. What about No. 2?

18 A No, sir. No. 2, we did not recover.

19 Q What about No. 1?

20 A Yes, sir. It was recovered in the hall wall inside  
21 the residence.

22 Q Would it be your conclusion that even the bullets you  
23 didn't recover were all -- the bullet holes that were  
24 caused were all caused by the same weapon, correct?

25 A It could be, but it may not be. I cannot answer for

Billy Anthony  
Cross-examination by Mr. Schultz

1 anything that we couldn't locate to have tested to compare  
2 to a weapon. You could have another 9mm or another caliber  
3 very close that may make a hole or that mimics the others.  
4 So it could possibly be from another weapon. I have no way  
5 of knowing.

6 Q Now, but to your -- your knowledge this was, this gun,  
7 was recovered at Jeremy Jefferies' house, correct?

8 A Yes, sir. That's correct.

9 Q Okay. And -- well, let me ask you this. Did you run  
10 any fingerprints on this at all?

11 A I did not. It was sent to SLED for all testing.

12 Q Okay. Do you -- do you have any knowledge that SLED  
13 tested it for fingerprints?

14 A I do not.

15 Q Okay. Do you have any knowledge that any other guns  
16 were recovered or anything?

17 A No. As far as this case, no other weapons were  
18 recovered.

19 Q All right. And, now, I'm referring to previously  
20 admitted State's Exhibit, looks like, 20. Did you ever see  
21 that before?

22 A No, sir.

23 Q All right. And looking at this, the natural gun used,  
24 is -- it's a pink gun.

25 MR. BARNETTE: Objection, Your Honor. I think the

Billy Anthony  
Cross-examination by Mr. Schultz

1 jury can view the picture of the gun and tell the  
2 difference between it, if they're the same or not. He's  
3 asking an opinion on something.

4 THE COURT: This is cross-examination.  
5 Go ahead.

6 MR. BARNETTE: Okay.

7 Q Would -- would you -- would you say to a hundred  
8 percent certainty that that gun is the same as that?

9 MR. BARNETTE: Objection, Your Honor. That's an  
10 answer that asks him to speculate on something, a hundred  
11 percent certain of.

12 THE COURT: Sustained.

13 Q Does that gun look similar?

14 A Yes.

15 Q Okay. But, again, you've seen a lot of pink guns in  
16 your time.

17 A Yes, sir. I've seen several. Yes, sir.

18 Q By your own admission, 10 to 15 guns.

19 A Yes, sir.

20 Q All right. That gun that was used in the incident may  
21 not be that gun in that facebook post, correct?

22 MR. BARNETTE: Objection, Your Honor. Asks for  
23 speculation on the part of the witness.

24 THE COURT: Sustained.

25 MR. SCHULTZ: Beg the Court's patience.

Billy Anthony  
Cross-examination by Mr. Schultz

1 (Pause.)

2 Q How many shell casings did you recover, again?

3 A We recovered three from the residence.

4 Q Three from the residence.

5 A Yes, sir.

6 Q Were there any other shell casings that you found on  
7 the street or outside of the residence or anything like  
8 that?

9 A No, sir. There were not.

10 Q Now, when you say the residence, do you mean, like,  
11 inside the residence, or outside?

12 A No. Those were recovered outside on the property  
13 right next to the roadway. It was in the yard of 1521.

14 Q A couple of more questions, Officer. I appreciate  
15 your patience here.

16 Was this gun found anywhere in proximity to Shaun  
17 Rogers?

18 A No, sir.

19 Q It was found in Jermaine Jefferies' house, correct?

20 A Yes, sir.

21 Q All right. And you concluded through your  
22 investigation that Jermaine Jefferies was the shooter,  
23 correct?

24 A As far as for ours, we send it to SLED for testing.  
25 And that weapon fired those rounds. But as far as ours,

Billy Anthony  
Redirect examination by Mr. Barnette

1 once we're done with the scene the other investigators  
2 handle the investigation.

3 Q All right. And you weren't the one to actually find  
4 the weapon at Jeramine Jefferies' house, correct?

5 A Yes, sir. That's correct.

6 Q Okay. You were not.

7 A Oh, no, sir. I was. Yes, sir.

8 Q You were?

9 A Yes. I found it at the residence.

10 Q And you found that after a proper search warrant,  
11 correct?

12 A Yes, sir. That's correct.

13 Q All right. Did you ever execute a search warrant on  
14 my client, Shaun Rogers?

15 A No, sir. I did not.

16 Q Okay. Because there was no suspicion that Shaun  
17 Rogers had shot, correct?

18 A I'm not aware.

19 Q Thank you.

20 MR. SCHULTZ: That's all I have, Your Honor.

21 MR. BARNETTE: Just one on followup, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. BARNETTE

24 Q How many guns have you seen in your career?

25 A Thousands.

Billy Anthony  
Redirect examination by Mr. Barnette

1 Q Like I've already said, you deal with guns all of the  
2 time.

3 A Yes, sir.

4 Q So you've seen thousands of these guns.

5 A Yes, sir.

6 Q And you can just remember seeing 10 or 15 pink guns in  
7 your career.

8 A Yes, sir.

9 Q Thank you, sir.

10 A Yes, sir.

11 THE COURT: You may step down.

12 MR. BARNETTE: We'd ask for this witness to be  
13 excused, Your Honor.

14 THE COURT: He may be.

15 MR. SCHULTZ: No objection.

16 (Whereupon, the witness was excused.)

17 MR. BARNETTE: Your Honor, I have a stipulation I'd  
18 like to publish, or do you want to take a break at this  
19 point?

20 THE COURT: I'm going to take a short break.

21 We'll take a short break. Please go to the jury room.  
22 Don't discuss the case. I'll bring you back after that  
23 break.

24 (The following takes place outside the presence of the  
25 jury.)

1 THE COURT: We're going to take ten minutes.

2 (Whereupon, a recess was taken.)

3 THE COURT: All right. Bring the jury in, please.

4 (The following takes place in the presence of the  
5 jury.)

6 THE COURT: All right. Solicitor.

7 MR. BARNETTE: May it please the Court, Your Honor.

8 Your Honor, at this time I'd like to publish the two  
9 9-1-1 calls that were made that morning.

10 The first one will be the phone call made by Danielle  
11 Smith in this case at the residence at 1521 Pleasant School  
12 Road. And Mr. Good was on it too, Your Honor. I'd like to  
13 publish it at this time without -- I think it's without  
14 objection. It'll be State's Exhibit No. 18.

15 MR. SCHULTZ: It is, Your Honor.

16 THE COURT: All right.

17 MR. BARNETTE: Let me know if you can't hear.

18 (Whereupon, State's Exhibit No. 18 was played for the  
19 jury.)

20 MR. BARNETTE: I will play State's Exhibit No. 19.  
21 This is the other call that was made by Ms. Good on that  
22 morning.

23 (Whereupon, State's Exhibit No. 19 was played for the  
24 jury.)

25 MR. BARNETTE: And, Your Honor, I'd like to put

1 stipulation No. 1 in, which is State's Exhibit 48, it's  
2 attached to, which is the autopsy of the victim in this  
3 case, Overton Good, Your Honor. May I publish it to the  
4 jury, Your Honor?

5 THE COURT: You may.

6 MR. BARNETTE: The parties hereby stipulate to the  
7 following as fact: That Dr. Janice Ross of Newberry  
8 Pathologist Associates, P.A., performed an autopsy on  
9 Overton Good on October 3rd of 2018. Dr. Ross found the  
10 manner of death was a homicide. Dr. Janice Ross found that  
11 probable cause and mechanism of death was laceration of  
12 brain due to gunshot wound of the head. Her autopsy report  
13 and death certificate for Overton Good is attached to this  
14 stipulation, consists of five pages as attachment one. The  
15 autopsy report and death certificate are made part of the  
16 stipulation by reference. The stipulation and attachment  
17 will be presented to the jury.

18 And, Your Honor, I'm not going to read all of it.  
19 It'll be available. But, basically, it's a fatal  
20 penetrating gunshot wound to the head which entered the  
21 left temporal skull lacerating the partial lobe bilaterally  
22 and exits through the right partial skull. Bullet  
23 retrieved from the scalp.

24 Your Honor, at this time the state would rest.

25 THE COURT: All right. Ladies and gentlemen, that is

1 all of the testimony or other evidence to be offered by the  
2 state, at least in their case in chief.

3 Before we go any further we'll -- I've got some  
4 matters to address, first of all, but because of the hour  
5 it would seem prudent to simply come back in the morning to  
6 continue with the trial.

7 So you'll be excused for the balance of the afternoon.  
8 You'll be asked to report back to the jury room at 9:45,  
9 9:45 in the morning, at which time we will continue with  
10 the trial.

11 Keep in mind you're still not to discuss the case, not  
12 to conduct any research, not to do any investigation on  
13 your own. And do not permit yourselves to be exposed to  
14 any type of media coverage -- television, radio or  
15 newspaper -- that might relate to the case.

16 Have a good evening. I'll see you in the morning at  
17 9:45.

18 (The following takes place outside the presence of the  
19 jury.)

20 MR. BARNETTE: Your Honor, just for the record, I  
21 think at one point, State's Exhibit 38, the defense  
22 objected to it. I think you were going to let him state on  
23 the record what his grounds was on that.

24 THE COURT: All right. Mr. Schultz.

25 MR. SCHULTZ: I'm assuming Mr. Barnette is referring

1 to the state's exhibit --

2 MR. BARNETTE: It was the black-and-white picture.

3 MR. SCHULTZ: Okay. Yes. This is State's Exhibit 38.  
4 Apologize for the delay there.

5 Judge, this -- and I do not believe the color photo  
6 was entered into evidence, but this clearly shows a lot of  
7 blood splatters and a lot of other material there. I'm not  
8 sure entirely what it is. But I would argue that the jury  
9 could at least infer that this was blood. And I believe  
10 that State's Exhibit 38 would be too prejudicial. So that  
11 that would be the basis for my objection, Your Honor.

12 THE COURT: All right. Note your exception.

13 MR. BARNETTE: And, Your Honor, just for the record, I  
14 did sub in the black-and-white picture for the colored  
15 picture. The colored picture is marked as Court's  
16 Exhibit 2, I think.

17 THE COURT: Anything else before we recess?

18 MR. SCHULTZ: Your Honor, at this time I would move  
19 for a directed verdict, or would you like for me to do that  
20 in the morning?

21 THE COURT: You can do it now.

22 MR. SCHULTZ: All right. Thank you.

23 Your Honor, I would at this time move for a directed  
24 verdict on all of the evidence that the state's presented.  
25 In the light most favorable to the state I do not believe

1 the state has met their burden of proof. The state's  
2 theory, obviously nothing further, would be that Mr. Rogers  
3 is guilty under hand of one, hand of all.

4 I do not believe there's any been -- been any  
5 evidence, at least from the witnesses there in the case,  
6 that Mr. Rogers is guilty of anything more than just being  
7 there.

8 I think that we're following mere presence. So I  
9 would move at this time under State vs. Gibson, under  
10 accomplice liability theory, and I'm quoting State vs.  
11 Gibson. This is a South Carolina case. "A person must  
12 personally commit the crime or be present at the scene of  
13 the crime and intentionally, or through a common design,  
14 aid, abet, or assist in the commission of that crime  
15 through some overt act." And that's quoting State vs.  
16 Condrey.

17 Your Honor, furthermore, "In order to establish the  
18 parties agreed to achieve an illegal purpose, thereby  
19 establishing presence by pre-arrangement, the State need  
20 not prove a formal expressed agreement, but rather can  
21 prove the same by circumstantial evidence and the conduct  
22 of the parties."

23 So, Your Honor, I believe that under that there's no  
24 evidence to believe that Mr. Rogers was -- conspired with  
25 the codefendant in this case, Mr. Jefferies.

1           And, for the record, Mr. Jefferies has not testified  
2 and he probably won't be testifying in this case. The  
3 state has not presented sufficient evidence. So I'm -- at  
4 this time move for a directed verdict. Thank you.

5           MR. BARNETTE: May it please the Court, Your Honor.

6           You had Danielle Smith, Your Honor, see two  
7 individuals come out of the silver car. She identified the  
8 defendant as one of those two individuals. They both came  
9 up on the porch. She heard them walk up there. She heard  
10 them both at the door.

11           Obviously, Mr. Good opened the door. At that point a  
12 pink gun was put inside the door, which she proves the  
13 claim for the burglary in that case, attempted armed  
14 robbery in that situation. He was able to shut the door.  
15 They called the police.

16           At that time the car was backed up and taken into Ms.  
17 Good's house at 1541 Pleasant School Road up there. She  
18 saw them actually stop in the driveway, was actually  
19 talking between the two of them at the time.

20           She saw them pull back. She thought maybe it was the  
21 wrong address at that point. Then when she saw them roll  
22 down the window, saw them start leaning out, then she saw  
23 the pink gun and she knew it was a lot more than that.

24           She actually saw them stop again before they went down  
25 the road indicating that, obviously, they knew or were

1 working in concert.

2        Said that Mr. Jefferies, which she identified, was  
3 outside, had the arm up on the top of the thing leaning  
4 out. The car was being driven very slowly to make sure he  
5 could shoot at the trailer from that standpoint. He even  
6 shot another time when he went up on the stop sign in this  
7 case.

8        There is all of the evidence, ample evidence, to show  
9 that he was involved in this case under the hand-of-one  
10 theory in our state.

11        There has been no mere-presence evidence introduced at  
12 this point. Shows that he was active participant. All the  
13 evidence shows at this point. The evidence of Danielle  
14 Smith, as well as Ms. Good in this case -- Carolyn Good.

15        And then plus all the events that occurred afterwards,  
16 them picking up Mr. Wood, taking him. Never showed any  
17 action or whatever, took him actually to the county jail,  
18 which is probably a little bit over a football field away  
19 from the sheriff's department itself.

20        They also talked to two other individuals, one by  
21 phone, met with one. Never said anything to them about  
22 that concerning that they were together the whole time from  
23 that standpoint.

24        There has been no evidence to show to the contrary in  
25 this case. Obviously, at this point I think there's ample

1 evidence to show that he is guilty under the hand-of-one  
2 theory in this case and that he's not entitled -- it's not  
3 mere presence right now. There's no evidence showing that  
4 he was merely present. Everything shows him an active  
5 participant in this case.

6 So I'd ask at this point to deny the directed-verdict  
7 motion. Unless additional evidence is put in at a later  
8 time I'd ask -- obviously, I object to any mere presence in  
9 this case because there hasn't been any evidence showing  
10 that he was merely present. Everything shows that he was  
11 actively involved in this case. Thank you, Your Honor.

12 THE COURT: There is more than sufficient evidence to  
13 establish each of the essential elements of the crimes that  
14 have been alleged and the defendant's participation in  
15 those crimes, and therefore the motions for directed  
16 verdict are denied.

17 MR. SCHULTZ: Thank you, Your Honor.

18 THE COURT: Mr. Schultz, have you talked to Mr. Rogers  
19 about his right to testify, as well as not testify?

20 MR. SCHULTZ: I have, Your Honor.

21 THE COURT: Mr. Rogers, when you are charged with a  
22 crime, as you are now, you always have an absolute right to  
23 remain silent, which means that nobody can make you take  
24 the witness stand and testify during the trial of this  
25 case.

1           No one can require that you provide any statement; no  
2 one can require that you answer any questions that might  
3 tend to implicate you in a crime that the state claims you  
4 committed.

5           So you have an absolute right to remain silent and to  
6 rest upon the state's burden to establish your guilt to the  
7 satisfaction of this jury beyond a reasonable doubt without  
8 you providing any testimony, statements or evidence that  
9 might tend to prove your own guilt.

10           However, if you wish to provide this jury with any  
11 additional information, during the time that you are  
12 permitted to present evidence is the only opportunity that  
13 you will have to provide that additional information.

14           You can do that through your own testimony or through  
15 the calling of other witnesses or introduction of other  
16 evidence. But the trial of this case is the only time that  
17 you're going to have to present testimony yourself by  
18 testifying and answering questions of your lawyer, as well  
19 the prosecutor.

20           If you elect not to take the witness stand and testify  
21 during this trial, I'm going to instruct the jury, as I  
22 already have, that they can't hold that against you, they  
23 can't consider it in any way, nor can they allow it to  
24 influence their decision in any fashion.

25           At the same time, if you make a decision to take the

1 witness stand and testify, you're going to have to answer  
2 not only your lawyer's questions, but you will have to  
3 answer the prosecutor's questions to the extent that  
4 they're relevant even if the response to any question might  
5 tend to prove you guilty of a crime the state claims you  
6 committed.

7 Do you understand your right to testify?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand your right not to  
10 testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that it's your decision?

13 THE DEFENDANT: I do.

14 THE COURT: Do you understand that nobody can make  
15 that decision for you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you and Mr. Schultz discussed the  
18 advantages and disadvantages of your testifying, as well as  
19 your not testifying?

20 THE DEFENDANT: We have.

21 THE COURT: And do you appreciate what those  
22 advantages and disadvantages are?

23 THE DEFENDANT: I do.

24 THE COURT: And have you had plenty of time to reflect  
25 upon your decision?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And have you made a decision as to whether  
3 or not you'll testify?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. I'm going to -- since we're  
6 recessing for the day, I'm going to allow you through the  
7 overnight recess to continue to reflect upon your decision.

8 If you need to talk Mr. Schultz about it any more,  
9 feel free to do so. But in the morning when we resume the  
10 trial, I'll ask you then what your decision is.

11 THE DEFENDANT: All right.

12 THE COURT: Okay. Anything else?

13 MR. SCHULTZ: No, Your Honor. Thank you for that  
14 additional time.

15 THE COURT: All right. Court is in recess until  
16 9:45 in the morning.

17 END OF PROCEEDINGS OCTOBER 8, 2019

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1 (Proceedings October 9, 2019)

2 (The following takes place outside the presence of the  
3 jury.)

4 THE COURT: Any matters to address before the jury is  
5 in?

6 MR. BARNETTE: Yes, sir. State's Exhibit No. 9. Me  
7 and Mr. Schultz met with you in chambers and they've  
8 stipulated and agreed to let that be into evidence at this  
9 time.

10 MR. SCHULTZ: Your Honor, that's correct.

11 THE COURT: What is that?

12 MR. BARNETTE: It's a map of the area, Your Honor, map  
13 of 1521 Pleasant School Road area.

14 MR. SCHULTZ: And I believe it's a Google map of --  
15 it'd be their image.

16 (Map marked State's Exhibit No. 9.)

17 MR. BARNETTE: And then, Your Honor, Mr. Jefferies --  
18 we did not call him as a witness. We made him available.  
19 And Mr. Rick Vieth also, I think, talked to Mr. Schultz.  
20 And we made him available for Mr. Schultz to interview  
21 yesterday.

22 MR. SCHULTZ: That's correct, Your Honor. I didn't  
23 speak to Mr. Vieth, but Mr. Vieth was kind enough to send  
24 me an email where he had no problem with me talking to  
25 Mr. Jefferies.

1 I spoke to Mr. Jefferies who, obviously, is a  
2 codefendant in this matter, and I decided at that point  
3 after interviewing Mr. Jefferies to not put him up on the  
4 stand in my case in chief.

5 THE COURT: And you've discussed your reasoning with  
6 Mr. Rogers?

7 MR. SCHULTZ: I have, Your Honor.

8 THE COURT: And is he in agreement with your decision?

9 MR. SCHULTZ: He is.

10 THE COURT: Is that true, Mr. Rogers?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Anything else we need to address?

13 MR. BARNETTE: Not from the state, Your Honor.

14 MR. SCHULTZ: Not from the defense.

15 THE COURT: All right. And the defendant has how many  
16 witnesses, Mr. Schultz?

17 MR. SCHULTZ: I'm sorry, Your Honor?

18 THE COURT: How many -- how many witnesses do you  
19 have?

20 MR. SCHULTZ: I have two at this point, Your Honor.

21 THE COURT: All right. And you've discussed with  
22 Mr. Rogers again this morning about his right to testify or  
23 not?

24 MR. SCHULTZ: I have, Your Honor.

25 THE COURT: Has he indicated to you a preference?

1 MR. SCHULTZ: He has.

2 THE COURT: What has he indicated to you?

3 MR. SCHULTZ: His preference is not to testify.

4 THE COURT: Is that right, Mr. Rogers?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now, as I told you yesterday, this is the  
7 only opportunity that you will have to either testify or  
8 call other witnesses. So do you understand you can't wait  
9 until later to change your mind about your decision to  
10 testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And you're satisfied with the decision  
13 that you made?

14 THE DEFENDANT: I am.

15 THE COURT: And you do not wish to testify during the  
16 trial of this case?

17 THE DEFENDANT: No, sir.

18 THE COURT: Okay. Any other matters to address before  
19 the jury is brought in?

20 MR. BARNETTE: None from the state, Your Honor.

21 MR. SCHULTZ: None from the defense. Thank you,  
22 Judge.

23 THE COURT: Bring them in, please.

24 (The following takes place in the presence of the  
25 jury.)

Lashonda Conley  
Direct examination by Mr. Schultz

1 THE COURT: Good morning, ladies and gentlemen.

2 As you know, when we recessed yesterday the state had  
3 concluded with their presentation of evidence. So we are  
4 now going to proceed with any to be offered by the defense.

5 Mr. Schultz.

6 MR. SCHULTZ: Thank you, Your Honor. May it please  
7 the Court.

8 The defense's first case, first witness, would be  
9 Lashonda Conley.

10 LASHONDA CONLEY, having been  
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. SCHULTZ

13 Q Could you please state your name for the record?

14 A Lashonda Conley.

15 Q And you lived in Gaffney here all of your life?

16 A Yes, sir.

17 Q All right. And are you familiar with the facts of  
18 this case?

19 A Yes, sir.

20 Q All right. And did you give a statement to the police  
21 when this all happened?

22 A Yes, sir.

23 Q All right. Do you remember making that statement to  
24 the police?

25 A Yes, sir.

Lashonda Conley  
Direct examination by Mr. Schultz

1 Q All right.

2 MR. SCHULTZ: And may I approach the witness, Your  
3 Honor?

4 THE COURT: You may.

5 Q This gun right here, referring to State's Exhibit 10,  
6 do you recognize that gun, Ms. Conley?

7 A Yes, sir.

8 Q All right. Is that your gun?

9 A Yes, sir. Appears to be.

10 Q All right. And do you remember where that gun was  
11 found?

12 A Yes, sir.

13 Q Where?

14 A In the -- in my room in a drawer.

15 Q In your room in the drawer. Okay. Did you know that  
16 Jermaine Jefferies used this gun?

17 A No, sir.

18 Q All right. But that gun was found in your home,  
19 correct?

20 A Yes, sir.

21 Q All right. And you are Jermaine Jefferies' mother,  
22 correct?

23 A Yes, sir.

24 Q All right. Is that pink 9mm gun registered to you?

25 A Yes, sir.

Lashonda Conley  
Cross-examination by Mr. Barnette

1 Q Is this the first time you saw it since that day?

2 A Yes, sir.

3 Q All right.

4 MR. SCHULTZ: That's all I have for this witness, Your  
5 Honor.

6 MR. BARNETTE: Thank you, Your Honor. May it please  
7 the Court.

8 CROSS-EXAMINATION

9 BY MR. BARNETTE

10 Q Ms. Conley, I know this is hard --

11 A Yes, sir.

12 Q -- for you. Jermaine Jefferies lived with -- is your  
13 son.

14 A Yes, sir.

15 Q Did you know Shaun Rogers?

16 A I did.

17 Q How did -- if you would, tell the jury how you knew  
18 Mr. Rogers.

19 A Well, they stayed in the same neighborhood we have,  
20 and I been staying there, like, 16 years, and I grew up  
21 there, and they grew up there too. We all.

22 Q How far is Shaun's -- where he stayed at from y'all's  
23 house?

24 A He's, like, on the next street over. It's my street  
25 and then it's the next street over.

Lashonda Conley  
Cross-examination by Mr. Barnette

1 Q And did your son and Mr. Rogers kind of grow up  
2 together or, I mean, basically, hang out together all of  
3 the time?

4 A Yes, sir.

5 Q Did -- where -- how -- where had they been hanging out  
6 the most lately before all of this happened?

7 A To my knowledge, they usually hang out -- as growing  
8 up they hung out on the -- over the codefendant's house.

9 Q You mean Mr. Rogers' house.

10 A Yes, sir.

11 Q Okay. And that morning -- where do you work at,  
12 ma'am?

13 A I work for Spartanburg Regional. I work for the  
14 Immediate Care Westside -- Immediate Care Gaffney.

15 Q Okay. And that morning, how did you get to work?

16 A My son, Jermaine Jefferies, dropped me off.

17 Q Okay. And what kind of car -- what kind of car did  
18 you own, ma'am?

19 A I have a 2010 Ford Fusion.

20 Q Okay. Is it silver in color?

21 A It's silver.

22 Q And after he dropped you off and you was at work --

23 A Uh-huh.

24 Q -- did you -- did you call him back to come and pick  
25 you up?

Lashonda Conley  
Cross-examination by Mr. Barnette

1 A Yes, sir.

2 Q And did he come back and pick you up?

3 A Yes, sir.

4 Q And, like you said, did he hang out with Mr. Rogers?

5 A Yes, sir.

6 Q They hang out together and they were together a lot.

7 A Yes, sir.

8 Q Okay.

9 MR. BARNETTE: One moment, Your Honor, please.

10 (Pause.)

11 Q Thank you, ma'am, for answering my questions.

12 A You're welcome.

13 THE COURT: You may step down. Thank you.

14 MR. SCHULTZ: Your Honor, could this witness be  
15 excused?

16 THE COURT: She may be.

17 MR. SCHULTZ: Thank you.

18 (Whereupon, the witness was excused.)

19 MR. SCHULTZ: Your Honor, the defense's next witness  
20 would be Brandt Suchewski, Your Honor. Sorry, Your Honor.  
21 I know I'm mispronouncing that. Stavitski, Your Honor.

22

23

24

25

Brandt Stavitski  
Direct examination by Mr. Schultz

1 BRANDT STAVITSKI, having been  
2 first duly sworn, testified as follows:

3 THE COURT: Do this. Go ahead and give the court  
4 reporter your last name, and spell it for her.

5 THE WITNESS: It's Stavitski, S-T-A-V-I-T-S-K-I.

6 DIRECT EXAMINATION BY MR. SCHULTZ

7 Q I apologize for your name.

8 A Not a problem.

9 Q That may happen at times.

10 A It does.

11 Q I apologize for that.

12 Brandt, how old are you?

13 A I'm 42.

14 Q All right. And have you lived in Spartanburg County  
15 or Cherokee County all of your life?

16 A No.

17 Q Okay. And when did you move here?

18 A 2006.

19 Q 2006?

20 A Yes, sir.

21 Q Where did you move from, sir?

22 A Virginia.

23 Q Do you know my client, Shaun Rogers?

24 A I do.

25 Q How do you know him?

Brandt Stavitski  
Direct examination by Mr. Schultz

1 A I coached him in baseball. I've known him through  
2 school, friends with my son. Just I guess a family friend  
3 these days as the years have gone on.

4 Q Do you remember what team that you coached Shaun in?

5 A It was youth baseball in Gaffney, and it was All Star  
6 teams, regular season teams. I couldn't place the name on  
7 the actual team. I mean. It's been some years back. I  
8 can't -- can't come up with the name of it, but I did it  
9 for about three or four years. I coached him.

10 Q All right. And when you coached him did you have a  
11 chance to know him well?

12 A Yes.

13 Q And is there any particular incident that sticks out  
14 in your mind about Shaun?

15 A No. Just a -- no. He's a good kid. He was a great  
16 kid, athletic kid, smart kid, honest kid, competitive kid.

17 Q Was he a good baseball player?

18 A Yes.

19 Q Do you know if he played any other sports?

20 A I'm pretty -- he played football, basketball,  
21 baseball. Outside of that, you know, I think those are the  
22 three that I'm most familiar with.

23 Q Was he a, I guess, for lack of a better word, was he  
24 one of your favorite people to coach?

25 A Oh, yeah, absolutely.

Brandt Stavitski  
Direct examination by Mr. Schultz

1 Q why would you say that, sir?

2 A Just he's a good kid. He had a -- you know, he was  
3 competitive. You know, he had some grit about him, you  
4 know, honest, hard -- hardworking, you know, played. He  
5 worked at it. You know, just the mentality of things. And  
6 he was a good athlete.

7 Q Did you know his mother as well?

8 A I do.

9 Q Okay. Did they come over to your house?

10 A They have, yes.

11 Q All right. And so he -- you would say he's a  
12 trustworthy individual?

13 A Oh, absolutely, absolutely.

14 Q And when did you first learn about that this happened  
15 with Shaun?

16 A Saw it on the news originally.

17 Q Did it surprise you that --

18 A Oh, it shocked me. I was pretty much flabbergasted  
19 with him, completely under shock.

20 Q Why did it flabbergast you?

21 A It's not the young man that I know. It's not the  
22 young man that's grown up around me or anything to that  
23 nature. That's just not that kid.

24 Q How many years approximately did you coach him with  
25 youth baseball?

Brandt Stavitski  
Cross-examination by Mr. Barnette

1 A I coached him about four years, but, I mean, he's been  
2 in my life since second grade. So many years.

3 Q You said he's the same age as your sons.

4 A Yes.

5 Q Did your son and him -- Mr. Rogers -- hang out  
6 together?

7 A Yes.

8 Q All right. And do you trust Mr. Rogers?

9 A Absolutely.

10 Q Is there anything more you want the jury to know about  
11 Shaun?

12 A You know, just he's -- he's a good kid. He's an  
13 honest kid. I just can't fathom, you know, just, you know,  
14 what I've heard. I just -- it's not -- not the kid I know.  
15 I know that much. It's not the kid I know.

16 Q Thank you for being here, sir.

17 A Absolutely.

18 MR. SCHULTZ: That's all I have.

19 MR. BARNETTE: May it please the Court, Your Honor.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. BARNETTE

23 Q Sir, what age group did you coach him in?

24 A Nine to twelve.

25 Q Nine to twelve.

Brandt Stavitski  
Cross-examination by Mr. Barnette

1 A Yes, sir.

2 Q Did you coach him after that?

3 A I did not coach him after that, no, sir.

4 Q Okay. That was the time you spent the most time with  
5 him, was from nine to twelve years old.

6 A I mean, it -- I spent a good amount of time with him  
7 then and then in the years following as well.

8 Q Okay. In what way did you follow him in the years  
9 after?

10 A He was friends with my son and, you know, stayed, you  
11 know, just interaction, stayed in contact with him and, you  
12 know, communication.

13 Q Well, I know, but I guess it's a little bit different.  
14 He's now 19?

15 A Yeah, yes, sir.

16 Q And, obviously, you didn't keep in contact with him  
17 the last couple of years, did you?

18 A I have, you know. You know, I saw him at his work.  
19 You know, I've talked to him. I seen him, you know, when  
20 he got his -- when he got his education. You know, he saw  
21 me and my life and made it clear to us with his -- you  
22 know, pregnancy, of his significant other, all of that.  
23 You know, we were all -- we were made aware of and  
24 communicated with him and but not -- not to the extent of  
25 when we were -- when he was younger, not as much time, but

Brandt Stavitski  
Cross-examination by Mr. Barnette

1 absolutely stayed in contact and -- and involved.

2 Q You realize he'd been convicted. I mean, he's been  
3 involved in two instances disturbing schools.

4 A I did not know that, no, sir.

5 Q And he's been with assault and battery third.

6 A I did not know that.

7 Q And you realize he went to the alternative school --

8 A Yes, sir.

9 Q -- concerning that.

10 A Yes, sir.

11 Q Okay. And the alternative school is separate from  
12 Gaffney High. It's a different -- it's, basically, where  
13 kids are sent when they get in trouble at school.

14 A Okay. It was -- I did not know that, no, sir.

15 Q Okay. So you didn't know all of that, did you?

16 A I didn't know that -- that he went there, that it was  
17 alternative. I mean, I knew he went to the alternative  
18 school and finished there, but I didn't know the reasons,  
19 no, sir.

20 Q He finished there. He didn't finish at Gaffney.

21 A Yeah. Absolutely.

22 MR. SCHULTZ: Your Honor, I object to this. I think  
23 that has been asked and answered.

24 THE COURT: Overruled.

25 Go ahead.

Brandt Stavitski  
Cross-examination by Mr. Barnette

1 Q So he didn't finish at Gaffney High School. He  
2 finished at the alternative school.

3 A The alternative school, yes, sir.

4 Q So, obviously, you didn't see him October 2nd of 2018,  
5 that day.

6 A No, sir, no, sir. I did not.

7 Q You didn't see him October 1st of 2018 before that.

8 A No, sir.

9 Q You didn't see him September 30th of 2018, did you?

10 A No, sir.

11 Q It was a period of time before this incident occurred  
12 on October 2nd of 2018. You hadn't seen him in that period  
13 of time right before that happened.

14 A Right before that happened, no, sir.

15 Q You had no interaction with him.

16 A No, sir.

17 MR. BARNETTE: One moment, Your Honor, please.

18 (Pause.)

19 Q And when he played on your ball team and everything,  
20 was he a leader on your team?

21 A Yes.

22 Q He was a leader on the team and led the other players  
23 too.

24 A Yes, he -- and, yeah, him and a couple of other kids,  
25 yes, sir.

Brandt Stavitski  
Cross-examination by Mr. Barnette

1 Q Thank you, sir, for answering my questions.

2 A Absolutely.

3 THE COURT: You may step down.

4 MR. SCHULTZ: May the witness be excused for the  
5 duration?

6 THE COURT: He may be.

7 MR. SCHULTZ: Thank you, Your Honor.

8 (Whereupon, the witness was excused.)

9 MR. SCHULTZ: Your Honor, at this point the defense  
10 rests.

11 THE COURT: Any reply?

12 MR. BARNETTE: Nothing from the state, Your Honor.

13 THE COURT: All right. That's all the evidence that's  
14 going to be presented during the case.

15 What remains to be done are the lawyers' final  
16 summations, after which I'll instruct you on the law that's  
17 applicable, and then you'll begin deliberations.

18 Before we do that I've got some matters I'll need to  
19 address with the lawyers. So I'll ask you to please go to  
20 your jury room. Do not yet begin any discussions of the  
21 case. I'll bring you back shortly to conclude.

22 (The following takes place outside the presence of the  
23 jury.)

24 THE COURT: All right. Motions or other matters to  
25 address before we conclude?

1 MR. SCHULTZ: Your Honor, again, I would renew my  
2 motion for a directed verdict at this time, as I stated  
3 yesterday, under the ground which I stated yesterday.

4 THE COURT: All right. Those are -- motions are  
5 denied.

6 Do y'all have any specific requests for instructions?

7 MR. BARNETTE: Hand of one, hand of all, Your Honor,  
8 would be our request for instruction.

9 MR. SCHULTZ: Mere presence, Your Honor.

10 THE COURT: All right. Anything else we need to  
11 address before we conclude?

12 MR. SCHULTZ: Your Honor, the only -- the only thing,  
13 I'd like to see the Court's mere presence instruction that  
14 the Court is going to use because I like to use it in my  
15 closing.

16 THE COURT: Okay.

17 MR. SCHULTZ: Thank you.

18 MR. BARNETTE: Your Honor, may I look at the exhibits  
19 real quick while we're waiting?

20 THE COURT: Sure.

21 (Pause.)

22 THE COURT: All right. Bring the jury in, please,  
23 sir.

24 (The following takes place in the presence of the  
25 jury.)

## Closing arguments

1 THE COURT: All right. As you know, you're going to  
2 hear from the lawyers, after which I'll instruct you on the  
3 law, and then you'll begin your deliberations. So please  
4 give the lawyers your attention now as they give you their  
5 final summations.

6 Mr. Barnette.

7 MR. BARNETTE: May it please the Court, Your Honor.  
8 Madam forelady, ladies and gentlemen of the jury,  
9 we're at the point now where I'm going to talk to you about  
10 the case.

11 And the one thing I want you to remember about is this  
12 is a drive-by shooting. It's a drive-by shooting that had  
13 two people involved in it. You have the person that's  
14 driving and the person that's shooting. Rarely are they  
15 the same person because you can't do both of them. It's  
16 almost impossible to accurately shoot from there.

17 You heard the witnesses that was there that morning.  
18 You heard these two ladies come up and testify to it. They  
19 came up and told you what they saw. They saw two people  
20 get outta the car and walk up to the porch. They was on  
21 the porch at the front door, and they came. She saw what  
22 happened when he shut the door. Heard both people leave.  
23 And both and get in it. They get in the car, and you see  
24 her look, and she knew the car was gone.

25 They go up the street. Didn't know they just parked

## Closing arguments

1 in front of Ms. Good's window at her driveway. She sees  
2 them sitting there talking, discussing. She said she saw  
3 the movements and everything.

4 And what's amazing, both of these women testified to  
5 exactly what they saw. She didn't try to add, try to  
6 substract or anything. And they're talking right there,  
7 discussing what they're going to do.

8 She first thought it was somebody just randomly  
9 stopped, but they pulled back. She saw the window down.  
10 And they go out and pull out and started going down the  
11 road.

12 They stop. She said that's really strange, and then  
13 she sees this man with a gun. She sees it as they're  
14 driving down the road very slowly. She sees him put his  
15 arm up here and puts it there steadying himself. There's  
16 no way he can lean out and do all of that and a car drive  
17 that fast. Mr. Rogers is driving slowly. He knows what  
18 they're going to do. He's helping, assisting him. He was  
19 going to help them with the burglary and armed robbery,  
20 attempted, and as he went driving by.

21 The judge will charge you on reckless, the reckless  
22 disregard for somebody. When they shoot into a dwelling,  
23 it's a murder, ladies and gentlemen. My position is this  
24 is a murder. The facts show that this reckless intent,  
25 shooting at somebody's trailer like that five times.

Closing arguments

1 I'm going to show you a couple of the pictures, and  
2 you'll have them back there with you. Just shooting  
3 somebody's, I mean, it's unbelievable. And then even you  
4 heard Ms. Good say that when they went by he shot again.  
5 You saw the other shot went in the neighbor's house. Thank  
6 God her grandchildren weren't in the house. They'd went to  
7 school that day. Couldn't be anything more dangerous, the  
8 actions of both of the men in this case.

9 You heard on the 9-1-1 tape the time, and you hear the  
10 whizzing in there, the bullets coming in with the killing.  
11 The period of time matches up exactly what both of these  
12 ladies testified to. You couldn't have more truthful  
13 testimony in this case between these two folks.

14 All of the evidence leads to both of them working  
15 together. Jermaine Jefferies needed his assistance in  
16 order to do it.

17 You heard the testimony of Mr. Jefferies. They'd  
18 worked together all of the time. You heard the testimony.  
19 Two ladies. They called about jobs to see about jobs.

20 You heard Virginia Smith, or Ms. Smith, goes in. Both  
21 of them go in there, said Mr. Jefferies is talking to me,  
22 the other guy fell asleep. Do you think he's concerned  
23 about what they just did? He has no concern whatsoever,  
24 almost did, and the other lady on there.

25 Shaun Rogers calls her and said, well, I don't need a

Closing arguments

1 job but my friend does -- Jeremy Jefferies. Hands the  
2 phone to Mr. Jefferies, and they know.

3 This ain't about -- I mean, they're both together.  
4 They don't have a care in the world. To show they really  
5 don't have a care in the world, they go pick up Mr. Wood.  
6 And to show you how brazen they are, after they've done a  
7 drive-by shooting, they take him to Food Lion to get a  
8 receipt to pay for his G.P.S. monitor here at the county  
9 jail.

10 They drove to the county jail. Both of them do. And  
11 if he's so scared, so afraid or whatever, he could have  
12 went over to the sheriff's department and tell them. The  
13 sheriff's department's right across the street. No. They  
14 didn't care. They did not care.

15 They wanted to do a robbery, they wanted to get in  
16 that house. And when he stopped them, they said, well,  
17 we're going to teach him a lesson. They shot in that house  
18 to teach him a lesson. Leave a man dead at his front door  
19 trying to hold his door shut while the police is trying to  
20 get there.

21 When his mom and his girlfriend has to watch it  
22 happen, and he wants to tell you don't hold him responsible  
23 for it. Oh, I didn't know what was going to happen. Oh,  
24 yeah, he did. He was involved in it. He knew what they  
25 were going to do. He knew they went to rob that man that

## Closing arguments

1 day, to go into his trailer. And they meant to drive by  
2 and shoot to teach him a lesson.

3 when you shoot in people's houses, people, we can't  
4 have that. A person needs to be safe in their house.  
5 Overton Good, as well as Ms. Smith, should have been safe  
6 in that home and obviously weren't.

7 He knew about the pink gun. He even shows it on his  
8 facebook. You'll have this back with you, ladies and  
9 gentlemen. That's his facebook page. On there he shares  
10 the man that thing hit hard. That was back on September  
11 the 29th. And, folks, you will have that picture with you;  
12 you'll have the gun.

13 Mr. Schultz asked Mr. Anthony how many pink guns have  
14 you seen in your career. He said 10 or 15. Asked him how  
15 many. He's seen thousands. What's the odds of him posting  
16 another gun, a different gun? He knew Jermaine Jefferies  
17 had a gun. He used it.

18 I can go through all of these pictures with you, but  
19 you'll have them back there. No question this is a murder;  
20 no question this is attempted murder; no question this is a  
21 burglary; no question this is attempted armed robbery; no  
22 question it's discharging a weapon into a dwelling.

23 This should never have happened, but he made a  
24 conscientious decision to drive that car. He made a  
25 conscious decision to go over with him. He made a

Closing arguments

1 conscious decision to go onto that porch, both of them,  
2 trying to get inside. He made a conscientious decision to  
3 go off of that porch.

4 He made a decision to get in that car and drive two or  
5 three things up. And you'll have the map back there, and  
6 on this map, location in Cherokee County, 1521 Pleasant  
7 School Road. His mom lived up the road right up there.

8 They parked at the neighbor's house, backed up and  
9 went up to her house and parked in the driveway. And she  
10 said they were at least there 45 seconds talking, and then  
11 they did this drive-by shooting and come back this way.  
12 When they shot back behind the house, that one shot that  
13 hit the neighbor's house.

14 The only thing I want you to look, ladies and  
15 gentlemen, they didn't even come back this way. They could  
16 have easily went this way and come back out. They have  
17 several different directions. They had all of that  
18 available to them.

19 You'll have that map with you also. He made a  
20 conscious decision to drive right by that. Stopped one  
21 time, slowly drove by.

22 I can't emphasize enough to you, ladies and gentlemen.  
23 There is no question that this guy knew exactly what he was  
24 doing that day.

25 And the judge will be charging you, and I'm going to

## Closing arguments

1 read this again and hand it to you also. One who has been  
2 charged with the commission of a crime may be convicted as  
3 perpetrator or an accomplice. An accomplice is often  
4 referred to as an aider or an abettor in the commission of  
5 a crime.

6 You are instructed that there are two or more people  
7 act together with a common intent or purpose, they combine  
8 or conspire or plan or otherwise agree to the commission of  
9 the crime, each person who is present and who is abetting  
10 and aiding -- abetting, aiding and assisting or  
11 participating in the commission of a crime is equally  
12 guilty. The act of one is deemed to be the act of all.

13 Any person who joins -- any person who joins with  
14 another or others to accomplish an illegal purpose is held  
15 to be criminally responsible for everything done by any  
16 other person which occurs as a natural and probable  
17 consequence of the acts done pursuant to and in furtherance  
18 of a common plan and purpose.

19 And therefore two or more persons are acting together  
20 and they are aiding, abetting, assisting and participating  
21 with one another in the commission of a crime, the acts  
22 become the acts of one or acts -- the acts of one become  
23 the acts of all. The hand of one is deemed to be the hand  
24 of all. And they are all equally guilty of any crime  
25 that's accomplished by those joint efforts.

## Closing arguments

1           And Judge Cole's also going to charge you about  
2 reasonable doubt, and part of that reasonable-doubt charge  
3 says this: Proof beyond a reasonable doubt is proof that  
4 leaves you firmly convinced of the defendant's guilt.  
5 There are very few things in this world we know with  
6 absolute certainty.

7           In criminal cases the law does not require the proof  
8 that overcomes every possible doubt. If, based upon your  
9 consideration of the evidence, you are firmly convinced  
10 that the defendant's -- is guilty of the crime which he has  
11 been charged, then you must find him guilty of that crime.

12           If, on the other hand, you think there's a real  
13 possibility that the defendant is not guilty of the crime  
14 which -- with which he is charged, then you must give him  
15 the benefit of the reasonable doubt and find him not  
16 guilty.

17           Ladies and gentlemen, if you look at all of the  
18 evidence in this case, the evidence presented by these two  
19 ladies right here, that will leave you firmly convinced of  
20 this defendant's guilt.

21           He did this. He participated. He was an aider and  
22 abettor in the case. He worked in concert. All of his  
23 actions show by those dates, by independent witnesses, the  
24 witnesses that was there, show they were working together.  
25 And he assisted him in this crime, the crime that left

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1 Overton dead that day.

2 I'm going to ask you to find him guilty on all counts,  
3 because the law is clear. His actions are clear. The  
4 testimony is clear of these two women, what happened that  
5 day.

6 And like Ms. Good told you from the witness stand, he  
7 didn't need to do this. He had all kinds of avenues. And  
8 the sad thing is he didn't care. He went and talked to two  
9 different ladies about jobs and he even took somebody to  
10 the county jail. He didn't care one bit what they had done  
11 that day and left a man dead.

12 Thank you for your time.

13 Thank you, Your Honor.

14 MR. SCHULTZ: Ladies and gentlemen, thank you again  
15 for your time.

16 I know when I first talked to you yesterday it was --  
17 seems like a long time ago -- but I anticipated that this  
18 case could take all week. It has not taken all week,  
19 and-but in the last three days, including today, I want to  
20 thank you very much for your time and your energy and your  
21 effort.

22 I've watched each and every one of you all during this  
23 trial, and everybody here paid close attention to  
24 everything that was going on. I really thank you for that.  
25 I know -- and I know Shaun does too. So thank you so much

Closing arguments

1 for your kind attention and everything that comes along  
2 with that. So I thank you for being jurors.

3 Mr. Barnette is indeed correct. The judge is going to  
4 charge the instruction for hand of one, hand of all. But  
5 in a couple of minutes Judge Cole is also going to charge  
6 you this instruction. I'm going to go back to the evidence  
7 after my argument here. And I'm just going to read this.  
8 I'm starting at the top line there if everybody can see  
9 that okay. I'm going to read that.

10 Prior knowledge by the defendant -- in this case the  
11 defendant is Shaun Rogers -- that some person is intending  
12 to commit a crime without more is not sufficient to make  
13 him or her guilty of the crime of which he may be shown to  
14 have knowledge, and, likewise, the mere presence of the  
15 defendant at the scene of a crime or in close proximity  
16 thereto even with -- and I want to emphasize that -- even  
17 with knowledge that another is intending to commit the  
18 crime is not sufficient standing alone to prove the  
19 defendant guilty of the crime as an accomplice.

20 Ladies and gentlemen, you can't find him guilty  
21 because of this. Mr. Barnette is going to talk about the  
22 hand of one, hand of all. He may get up there and talk  
23 about the hand of one, hand of all after he gets a chance  
24 to rebut my arguments there. He already has talked about  
25 that as well. But there's been no evidence that my client

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1 was in a conspiracy to do this. He was just there. He had  
2 no idea that this was about to happen.

3 Let's go through all of the witnesses that testified  
4 in the last -- in the last day.

5 We heard. First of all, we heard from Danielle Smith.  
6 And these folks gave truthful testimony; they gave  
7 emotional testimony. I feel bad for what happened to them  
8 that day. I can't imagine what they're struggling with.  
9 They're going to be struggling with that the rest of their  
10 lives. But, nevertheless, I asked them a couple of  
11 questions about whether they saw Shaun with a weapon that  
12 day. No. They did not. They did not see him brandish at  
13 any point this pink gun. Not once.

14 During the testimony that you heard the state  
15 presented you did not hear any of the state's witnesses say  
16 one time that he had a gun, that Shaun had a gun.

17 You heard the 9-1-1 call at the end of yesterday.  
18 What did that 9-1-1 call say? Did it say anything about  
19 Shaun Rogers? No.

20 In fact, the victim in the case called 9-1-1, and the  
21 words out of his mouth -- and you have the right to go back  
22 and listen to that 9-1-1 call. He says it very clearly.  
23 He says Jefferies -- Jefferies. He didn't say anything  
24 about Shaun Rogers. He didn't say anything about another  
25 person. He says Jefferies. Listen to that 9-1-1 call

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1 again. That's in evidence. You can go back there and  
2 listen to it.

3 Now, the state ballistics -- excuse me -- the  
4 investigator for the county found all of these shell  
5 casings here. Found one -- one, two, three. And they  
6 found two bullets.

7 I'm going to put these up on the board here. All of  
8 these shell casings, all of them, right there. You can see  
9 all of them right there. One, two, three. Trace back to  
10 this gun, a gun that my client never had at all.

11 Again, the bullets were never found in and around the  
12 residence -- these two. One, two. Again, trace back to  
13 this gun right here, again, that Jefferies, Jermaine  
14 Jefferies, brandished, fired and caused the death of the  
15 victim in this case.

16 State's evidence never showed that Shaun ever went  
17 into the house that day. Never fired. He was just there.  
18 And that is what my argument is here -- mere presence.

19 Now, I keep going back to this jury instruction that  
20 Judge Cole is going to advise you of in a couple of minutes  
21 here. Even if you go back there and you believe that my  
22 client had some prior knowledge, you may believe that, that  
23 some person is intending to commit a crime. Without more  
24 that -- it's not sufficient -- it's not sufficient.

25 Yesterday you swore an oath to uphold what the judge

## Closing arguments

1 told you to do. You swore an oath to render the facts  
2 impartially. I'm just going to read this again. I hate to  
3 belaboring this point because it's just so important. It's  
4 so important because my client's life is hanging in the  
5 balance here. Truth and justice is hanging in the balance  
6 here.

7 Prior knowledge by the defendant. I'm just going to  
8 put Mr. Rogers. Prior knowledge by Shaun Rogers that some  
9 person is intending to commit a crime without more is not  
10 sufficient to make him guilty of the crime.

11 I'm going to go back a little bit. Even -- even with  
12 knowledge that another is intending to commit a crime is  
13 not sufficient standing alone to prove the defendant guilty  
14 of the crime as an accomplice.

15 Just because someone was present there does not make  
16 him responsible for the acts of another. There must be  
17 some agreement. There must be some agreement that this was  
18 going to happen.

19 The state, as I said yesterday morning -- the state  
20 has the burden of proof. They have to present some sort of  
21 agreement that this was going to happen. They could have  
22 done that. They could have presented the codefendant in  
23 this case. They didn't. They did not.

24 The person that actually fired those six shots, where  
25 is he? Nowhere to be found -- nowhere to be found.

Closing arguments

1 MR. BARNETTE: Your Honor, I'm going to object at this  
2 point.

3 THE COURT: I sustain that objection.

4 MR. SCHULTZ: Let's talk about more of what happened  
5 with the witnesses there.

6 We went over the 9-1-1 call. And, again, you can go  
7 back and talk about that, talk about the 9-1-1 call that  
8 the victim made at that.

9 Now, Mr. Barnette talked about my client's conduct  
10 after this all happened. That's difficult. But at the  
11 same time he was scared -- he was scared. He did not know  
12 what to do that day.

13 I want you to think about that in the whole context of  
14 what you would do in this situation. It's a very important  
15 part of this whole case.

16 I put up two witnesses there, again, that had nothing  
17 really to say. And, again, we talked about that gun. The  
18 gun was not found on Shaun Rogers. This gun was not found  
19 on Shaun Rogers' person. This gun was not found anywhere  
20 in close proximity to him. Guess where this gun was found.  
21 At his mom's house registered to her.

22 Everything in this case points to Jermaine Jefferies  
23 as the shooter. Again, this is not a question of who done  
24 it. Everybody in this courtroom knows. The 12 of you  
25 know; the state knows; all of the people in the gallery

Closing arguments

1 know Jermaine Jefferies was the shooter. We know this.  
2 we've concluded that before. We have that testimony.

3 All you have to figure out is was Shaun Rogers there.  
4 Of course he was there. But the state has not met their  
5 burden of proof that there was collusion or a conspiracy  
6 between these folks.

7 MR. BARNETTE: Your Honor, I'm going to object. I  
8 don't think that's a proper statement of the law.

9 THE COURT: Be sure you state it properly if you're  
10 going to argue the law.

11 MR. SCHULTZ: Thank you, Your Honor.

12 As I said before, what the victim is going through, I  
13 can't imagine. But, at the same time, the emotional impact  
14 of that, of the case, is difficult. I understand that.  
15 But we picked the 12 of you, 13 of you, to render the  
16 judgment based upon the facts in an impartial manner, and  
17 that's why we have this process, so we're not governed by  
18 emotions, that we're not governed by feelings. We're  
19 governed by the law. We're a nation of people. Yes.  
20 That's true. But we are a nation of laws. Not people.  
21 Laws. And no one is above that law.

22 You have to follow the judge's instructions in this  
23 case. And I keep going back to this. I keep wanting to  
24 tell everybody about this because it is so important to  
25 this case.

## Closing arguments

1           Usually, and I'm just going to be frank, the cases  
2 that I try -- I try several cases every year. This is  
3 probably the shortest murder case I've ever been involved  
4 in, because there was an agreement on basically what  
5 happened. We know who the shooter was. We know that Shaun  
6 was there. The discrepancy arrives as to whether or not he  
7 knew what was going on.

8           And the instruction that the judge is going to give  
9 you regarding mere presence here is the most important feat  
10 to this case. Even if you believe that he had some prior  
11 knowledge, that he was intending to commit a crime, it's  
12 not sufficient to make him guilty of the crime. They have  
13 to show more. In this case they didn't. It's not  
14 sufficient.

15           Now, when I last spoke to you -- seems like a long  
16 time ago, but it was a little more than 24 hours ago -- I  
17 spoke about reasonable doubt and what it means, what is  
18 reasonable doubt.

19           Reasonable doubt is doubt that causes a reasonable  
20 person -- and you're all reasonable folks -- some  
21 hesitation to act. This paragraph alone that Judge Cole is  
22 going to read to you in a couple of minutes here, that is  
23 all of the reasonable doubt that you'll need in this case.

24           Now, in some other cases -- some of you may have  
25 served on civil jurors. Maybe some of you may have served

Closing arguments

1 on criminal juries before. But in a civil matter it's  
2 preponderance of the evidence, which means more likely than  
3 not something happened.

4 Civil cases are usually like car wrecks, something  
5 about money.

6 In a criminal case it goes someone's liberty and  
7 freedom is on the line. Their burden, the state's burden  
8 of proof, is very high. They haven't done it. If they  
9 had, we wouldn't be here today. They have not done it.  
10 They have to prove each and every element of that crime,  
11 and I present to you that they have not done it.

12 Lastly, I wanted to appeal to your common sense. Does  
13 it seem right that my client should be just as guilty as  
14 the man and the boy that pulled it? Does that seem right?

15 MR. BARNETTE: Your Honor, I am going to object at  
16 this point. The law says they could be held to the same  
17 standard, hand of one, hand of all.

18 THE COURT: Be sure you state the law correctly.

19 MR. SCHULTZ: Thank you, Your Honor.

20 Use your common sense. That's all I'm asking you to  
21 do. I am asking you to be fair; I'm asking you to be  
22 impartial. But I'm also asking you to use your common  
23 sense. That's why we selected all of you.

24 You can take a look at the evidence. We have all of  
25 the evidence here. I stipulated to a lot of things in this

Closing arguments

1 case because there's not many questions about this case.  
2 The only question is do you believe that he acted in  
3 concert.

4       There has been no evidence. However, I will say this.  
5 Take a look at all of this stuff, each and every one of  
6 what the state has presented. Take a look at the maps if  
7 you want to. Take a look at everything.

8       I just want to read this again. I'm just going to go  
9 over this again. I hate to keep belaboring this point, but  
10 it's very, very, very important.

11       Prior knowledge by the defendant that some person is  
12 intending to commit a crime without more -- and this is the  
13 law of this state and you have to go by this -- is not  
14 sufficient to make him guilty of that crime.

15       So you may go back, and you say, well, maybe he knew a  
16 little bit. But it's not sufficient. It is not  
17 sufficient.

18       And, likewise, the mere presence of somebody, of the  
19 defendant, at that scene of a crime even -- even with that  
20 knowledge that another is intending to commit a crime is  
21 not sufficient standing alone to prove the defendant guilty  
22 of the crime as an accomplice. You have to go by that.

23       The judge is going to instruct you with that, and I'm  
24 asking for a verdict of not guilty on all counts. Thank  
25 you for your service.

Closing arguments

1 MR. BARNETTE: May it please the Court, Your Honor.

2 THE COURT: Yes, sir.

3 MR. BARNETTE: Ladies and gentlemen of the jury,  
4 action speaks louder than words.

5 I'm going to ask you to use your common sense also.  
6 And, like I said, you can listen to these two ladies'  
7 testimony again. You heard how powerful it was and how  
8 truthful it was.

9 He keeps talking about Overton talking on the 9-1-1  
10 tape. Well, you gotta remember she saw out the window the  
11 two people coming up there. All he saw was the man he  
12 identified with the pink gun.

13 The 9-1-1 operator didn't say was there more people.  
14 Never got to that point because, obviously, he got killed  
15 in that period of time.

16 If you listen to the second 9-1-1 call you hear Ms.  
17 Good basically saying they. She says they, because she  
18 sees what happens the whole time.

19 He says, well, prior knowledge and all of that. No.  
20 Actions speak louder than words, ladies and gentlemen,  
21 because the actions of this man right here that shows  
22 everything that he did, him going there with Jermaine  
23 Jefferies, them going on the front porch. The only  
24 difference he has a gun to do the robbery with him. I  
25 mean, but if he's so scared, why is he even there? He

## Closing arguments

1 knows he has a gun because you seen the facebook page from  
2 September 29th. He walks up there with him. He knows.  
3 supposedly, he's so scared.

4 And then when Overton shuts the door on them, they go  
5 back to the car. They drive up to Ms. Good's and sits up  
6 there and plans it.

7 He is so scared, and when they're talking there when  
8 she doesn't really know what's going on, pulls back, could  
9 have went the other direction, could have totally went away  
10 from them a different direction -- you'll have that map  
11 where you can see that. But no. He backs up, watched him  
12 roll down the window. He could have jumped outta the car  
13 at any time and said I'm not going to be part of this.  
14 Starts going down the road. And listen to her testimony.  
15 You heard it. If you need to hear it again, you can. The  
16 judge can play it for you, the Court can.

17 He stops. Then as she sees him getting out with the  
18 pink gun where he puts his arm up, this guy knows exactly  
19 what they're doing because he's with him. He could have  
20 said I'm not going to drive any more. I could have jumped  
21 right out of the car and got the heck out of there. No.

22 He slowly drives by to make sure Mr. Jefferies has had  
23 enough time to release five bullets in the front of that  
24 trailer. And look where all of the bullets are, folks.  
25 Right at the front door where Mr. Overton was holding that

## Closing arguments

1 door shut. He let him get steady, let him make sure he  
2 shot those shots.

3 And you heard Ms. Good talk about how slowly he moved.  
4 Even at the stop sign he's still moving. He's still  
5 shooting. And he shoots one in the neighbor's house. And  
6 they gave truthful testimony because they were there and  
7 they saw it.

8 Actions speak louder than words, ladies and gentlemen.  
9 He keeps believing the same way. You've got to have a  
10 conspiracy. This wasn't no conspiracy. This is -- to be  
11 honest, they were working together. Common sense, and you  
12 looked at this.

13 And they keep saying, well, we didn't call the  
14 codefendant. Both sides get to call witnesses, ladies and  
15 gentlemen. The codefendant was charged by us, by this  
16 sheriff's department. Either side could have called him as  
17 a witness.

18 Under your oath, as the judge will tell you, the  
19 evidence you're considering is what's in front of you, and  
20 all of the evidence -- all of the evidence -- points to  
21 this man being with him and doing this.

22 It's a drive-by shooting, ladies and gentlemen. It  
23 takes two. And of course it's horrible what he did  
24 afterwards. He was so frightened. You heard Ms. Smith  
25 when she's talking. He falls asleep on the desk. He's so

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1 scared. He calls a woman trying to get a job for Jermaine  
2 Jefferies after they shoot into the trailer.

3 MR. SCHULTZ: Your Honor, arguing facts not in  
4 evidence, Your Honor.

5 MR. BARNETTE: I'll rephrase that.

6 They -- after they did the drive-by shooting. Then,  
7 like I said, I can't imagine having the gall to drive a man  
8 up to the county jail right by the sheriff's department.  
9 And he is so scared, he is so torn up about this, at any  
10 time he could have called 9-1-1. At any time he could have  
11 got out of that car. At any time he could have got out and  
12 went in the jail and said I saw this man, I had nothing to  
13 do with this. Never happened. He was that scared.

14 Ladies and gentlemen, you bring your common sense.  
15 You weigh the credibility of the witnesses. They were  
16 together all of the time. You heard Mr. Jefferies and  
17 Ms. Jefferies, the mother, talking about that.

18 You've got the facebook post. Compare the gun in the  
19 facebook post. If you need to listen to these two ladies'  
20 testimony again, please listen to it again. But you've got  
21 two 9-1-1 calls. Overton Good's trying to keep that door  
22 shut. His mom sees what's going on. She sees what they  
23 are doing.

24 And the one thing I can tell you is actions speak  
25 louder than words. And the judge is going to charge you

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1 the law on the hand of one, hand of all. They worked in  
2 concert, that they assist.

3 Let me tell you something, ladies and gentlemen. He  
4 assisted him in the crime. He was driving. His actions  
5 shows what he did.

6 And they have the Good family and you have to find  
7 this gentleman guilty because he is guilty under the hand  
8 of one, hand of all. He wasn't just merely present. He  
9 was assisting, working together.

10 Thank you for your time.

11 THE COURT: Ladies and gentlemen, you of course have  
12 heard and seen all of the evidence in the case.

13 You've now heard the final summations of the lawyers;  
14 and therefore it now becomes my duty to instruct you on the  
15 law that's applicable. You'll then be asked to go back and  
16 to begin your deliberations.

17 Through that process you'll examine the evidence  
18 relating to the allegations; you'll determine the facts  
19 where you can. Upon determining the facts you'll apply the  
20 law that I will have provided you, and you will determine  
21 whether or not the defendant has been proven guilty of a  
22 crime beyond a reasonable doubt.

23 It is your exclusive duty to determine what the facts  
24 are, and you do that through your own common sense  
25 examination and evaluation of all of the testimony and

Jury charge

1 other evidence received during the course of this trial.

2       And you 12 jurors alone will decide what weight, value  
3 and effect to give to any particular witness' testimony or  
4 other evidence in the case. Your sole objective is to  
5 simply render a fair and impartial decision based upon the  
6 evidence presented during the trial and the law that is  
7 applicable as I will have provided it to you.

8       Now, in this case, as you know, the defendant has been  
9 charged with six separate and distinct criminal offenses  
10 that are set forth in five separate indictments. All of  
11 the offenses are alleged to have arisen out of one  
12 particular event or a course of events which the state  
13 alleges did occur back on October the 2nd of 2018. But  
14 each of the indictments charge a crime that is separate  
15 from the others.

16       You will be considering each charge contained in the  
17 separate indictments individually based upon the evidence  
18 that has been presented as it relates to that particular  
19 charge and the law that is applicable to that particular  
20 charge.

21       And so as you decide the facts and apply the law and  
22 arrive at decisions, those decisions may be the same as it  
23 relates to each of the indictments, or they may be  
24 different. That will of course depend upon your  
25 determination of the facts as they relate to the

Jury charge

1 allegations contained in a particular indictment and then  
2 your application of the law as I will have provided it to  
3 you.

4 But in this case, as you are aware, the defendant is  
5 charged with burglary in the first degree. He's also  
6 charged in a separate indictment with the crime of murder  
7 and possession of a firearm during the commission of that  
8 crime. In a separate indictment he is charged with  
9 attempted armed robbery; in a separate indictment he is  
10 charged with attempted murder; and in the remaining  
11 indictment he is charged with discharging a firearm into a  
12 dwelling.

13 Now, as to each of the charges contained in each of  
14 those indictments, as I previously told you, the defendant  
15 has entered a plea of not guilty.

16 That plea of not guilty has placed upon the state the  
17 burden of proving the allegations that they have made by  
18 way of each of these indictments, the burden of proving  
19 each of the essential elements of the crimes that are  
20 alleged in each of these separate indictments; and  
21 therefore the burden is upon the state to establish the  
22 defendant's guilt to your satisfaction beyond a reasonable  
23 doubt before a verdict of guilty could be returned as to  
24 any of the charges contained in the separate indictments.

25 The burden is never upon a defendant or a person

Jury charge

1 accused of a crime to prove that they are not guilty or to  
2 prove that they are innocent because in some cases that  
3 might not be possible.

4 The burden is always upon the state because they  
5 brought the charge to establish the defendant's guilt  
6 beyond a reasonable doubt.

7 You are further instructed that it is a vital,  
8 important and cardinal rule of law that every defendant in  
9 a criminal trial -- and it does not matter how serious the  
10 offense might be for which that person stands charged --  
11 that person shall always be presumed innocent of that  
12 charge. That presumption of innocence remains with any  
13 defendant, as it does with this defendant, from the time  
14 that he is placed under arrest and throughout the course of  
15 the criminal process and even throughout the course of the  
16 actual trial in the case.

17 As I told you, that presumption of innocence will be  
18 with Mr. Rogers even as go back into the jury room to begin  
19 with your deliberations after I provide you with this  
20 instruction. And that presumption of innocence will be  
21 with him in the jury room, and it'll be with him forever  
22 unless you 12 jurors determine that he is no longer  
23 entitled to that presumption of innocence as it relates to  
24 a particular charge.

25 In other words, after you've considered all the

## Jury charge

1 evidence that relates to a particular charge and you've  
2 determined the facts that relate to those allegations, and  
3 after deciding the facts you apply the law that is  
4 applicable to that particular charge, if you 12 jurors  
5 unanimously determine that his guilt has been proven beyond  
6 a reasonable doubt as to a particular charge, then he would  
7 no longer be entitled to the presumption of innocence as it  
8 relates to that charge. But it is only if, unless and  
9 until you are satisfied of his guilt beyond a reasonable  
10 doubt that the presumption of innocence would no longer be  
11 applicable.

12 Now, as you know, the state has the burden of proving  
13 the defendant's guilt beyond a reasonable doubt. This does  
14 not mean that the state has to prove his guilt beyond all  
15 doubt or beyond any possible doubt, but it does require the  
16 state to prove his guilt to your satisfaction beyond a  
17 reasonable doubt.

18 The term reasonable doubt should be given its plain  
19 and ordinary meaning. A reasonable doubt is the kind of  
20 doubt that would cause a reasonable person to hesitate to  
21 act upon the information provided.

22 A defendant is entitled to any reasonable doubt that  
23 arises from the evidence or lack of evidence in a case, and  
24 if upon any factual issue essential to a finding of a  
25 verdict of guilty you have some reasonable doubt as to how

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1 that issue should be resolved, it is your duty to resolve  
2 that reasonable doubt in favor of the defendant.

3 Now, while there are various forms of evidence such as  
4 photographs, documents, charts and other types of physical  
5 exhibits, there are really only two types of evidence.  
6 Either or both of those types of evidence may be used  
7 independently or together in order to prove some fact in  
8 question. But the two types of evidence are direct  
9 evidence and circumstantial evidence.

10 Direct evidence is the testimony of a person who  
11 testifies from actual knowledge of that fact. It is the  
12 testimony of a person who has actually perceived the  
13 existence of that fact by means of his or her senses, and  
14 then they come into court and they testify as to what they  
15 have previously seen or heard, or felt for that matter.

16 Direct evidence proves the existence of a fact  
17 directly, and it does not require any deduction or  
18 inference in order to establish that fact.

19 Circumstantial evidence, on the other hand, is the  
20 proof of some other fact or set of facts which taken either  
21 singly or collectively may prove the existence of a fact in  
22 question as a necessary consequence, that is by a deduction  
23 or through an inference.

24 An inference is simply a deduction of fact that may  
25 logically and reasonably be drawn from the proof of some

## Jury charge

1 other fact or set of facts. In other words, it's not a  
2 fact proven by the direct testimony of a witness based upon  
3 their personal perception, but it is a conclusion which  
4 might reasonably be drawn from the proof of other facts.  
5 In other words, you may infer that a particular fact exists  
6 or that a particular event occurred based upon the proof of  
7 sufficient factual circumstances which would reasonably  
8 warrant your arriving at a particular conclusion.

9       The commission of a crime, as well as any particular  
10 element necessary to establish the commission of a crime,  
11 may be proven by direct evidence; it may be proven by  
12 circumstantial evidence; or it may be proven by a  
13 combination of both direct evidence and circumstantial  
14 evidence.

15       The law makes no distinction between the weight or the  
16 value to be given to direct evidence or circumstantial  
17 evidence. However, to the extent that the state relies  
18 upon circumstantial evidence in order to establish the  
19 commission of a crime, all of the circumstances proven must  
20 be consistent with each other and when taken together point  
21 conclusively to the guilt of the accused beyond a  
22 reasonable doubt.

23       If those circumstances merely portray the defendant's  
24 behavior as suspicious the proof is insufficient and it  
25 fails. The burden rests with the state regardless of

Jury charge

1 whether the state relies upon direct evidence or  
2 circumstantial evidence or some combination of both of  
3 those types of evidence to prove the defendant guilty  
4 beyond a reasonable doubt.

5 Proof beyond a reasonable doubt is proof that leaves  
6 you firmly convinced of the defendant's guilt. There are  
7 very few things in the world that we know with absolute  
8 certainty, and in criminal cases the law does not require  
9 proof that overcomes every possible doubt.

10 If, based upon your consideration of the evidence in  
11 this case and in the exercise of good judgment and common  
12 sense, you are firmly convinced that the defendant is  
13 guilty of a crime for which he stands charged, then you  
14 must find the defendant guilty of that crime.

15 If, on the other hand, you think there is a real  
16 possibility that the defendant is not guilty of a  
17 particular crime with which he stands charged, then you  
18 must give him the benefit of that doubt and find him not  
19 guilty of that particular charge.

20 Now, because you are the judges of the facts, you are  
21 therefore necessarily the sole judges of the credibility,  
22 that is the believability, of each witness that has  
23 testified during the course of this trial.

24 You 12 jurors alone will decide what weight, value and  
25 effect to give to any particular witness' testimony, or

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1 even portions of that testimony. But there are a number of  
2 factors which you should consider in arriving at your  
3 determination as to a particular witness' credibility  
4 and/or their believability, and I'm going to list those  
5 factors for you.

6 You should consider the demeanor of the witness, that  
7 is how the witness appeared to you when the witness was  
8 testifying from the witness stand. Was the witness  
9 straightforward in responding to questions, or was the  
10 witness hesitant or evasive in responding to questions that  
11 were posed of the witness.

12 Simply put, did the witness appear to you to be  
13 telling the truth and to have knowledge of the facts to  
14 which that witness has testified.

15 You should also consider whether or not the testimony  
16 of a witness is consistent or is it inconsistent with that  
17 witness' own testimony provided here in court or whether  
18 it's consistent or inconsistent with some other statement  
19 that the same witness might have made outside of court.  
20 And you should consider whether or not the testimony of a  
21 witness is consistent, or is it inconsistent with other  
22 testimony or other evidence received during the course of  
23 the trial.

24 You should also consider how the witness came to know  
25 the facts to which that witness has testified. In other

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1 words, what was that particular witness' opportunity and  
2 ability to perceive the existence of those facts to which  
3 that witness has testified by having previously used his or  
4 her senses, and then what is that witness' ability to be  
5 able to come into court and to accurately recollect to you  
6 as to what they have previously perceived.

7       You should consider any bias or prejudice or interest  
8 that a witness might have with regard to a case. In other  
9 words, do you find some reason that a particular witness  
10 would come into court and would testify one way or another  
11 to help or hurt one side or the other. And you may  
12 consider any interest that a witness might have in the  
13 outcome if you determine that a witness does have such an  
14 interest and you find that that interest would bear upon  
15 that particular witness' credibility.

16       You should also consider whether or not the testimony  
17 of a witness is strengthened, or is it weakened by other  
18 testimony or other evidence received during the course of  
19 the trial.

20       Now, because you are the judges of the facts and  
21 because you are the judges of the credibility of each  
22 witness that has testified you are permitted to believe as  
23 much or as little of what a witness has testified to as you  
24 deem is appropriate in the exercise of good judgment and  
25 common sense.

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1           And so you may believe everything that a witness  
2 testified to; you may choose to believe none of it. You  
3 may believe some portion of a witness' testimony and reject  
4 some other portion of that same witness' testimony.

5           You could believe one witness as opposed to several,  
6 or several as opposed to one. But whatever your good  
7 judgment and common sense tells you is the most believable  
8 and credible testimony and evidence is the testimony and  
9 evidence that you should accept. And then you should  
10 reject any testimony or other evidence that you find not to  
11 be credible or believable.

12           Again, your sole objective is to simply render a fair  
13 and impartial decision based upon the evidence presented  
14 and the law that's applicable in the case.

15           The same law that provides that you are the judges of  
16 the facts also provides that I am the judge of the law.  
17 And that simply means that nobody is going to tell you how  
18 to arrive at your determination of fact in this case. You  
19 do that, as I've stated, through the exercise of good  
20 judgment and common sense conscientiously applied to the  
21 testimony and the evidence received during the course of  
22 the trial.

23           You must however under your oath as a juror accept the  
24 law as I provide it to you as being the law that you are to  
25 apply in the case; and therefore you are not to concern

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1 yourself with what you thought the law was before you came  
2 to serve as a juror this week or what you think the law  
3 ought to be.

4 Under your oath as a juror you must simply accept the  
5 law as I provide it to you as being the law that you are to  
6 apply in the case, and then you simply take that law and  
7 you apply it to the facts as you 12 jurors determine those  
8 facts to be based upon your review of the evidence.

9 Now, as you know, the defendant is charged with six  
10 separate and distinct offenses, and so I'm going to  
11 instruct you on the law as it relates to each of those  
12 separate and distinct offenses.

13 You can decide the case or deliberate in the case in  
14 any fashion you wish to and in any order you wish to so far  
15 as these indictments are concerned. I've got to give  
16 them -- the instruction to you in some order. And so I'm  
17 just giving them to you in the order that I've decided.  
18 But that's up to you as to how you wish to address each of  
19 the separate indictments.

20 But one indictment, the first I'm going to address, is  
21 the indictment charging the defendant with burglary in the  
22 first degree.

23 Section 16-11-311 -- and you'll see these blue volumes  
24 and red volumes behind me. Those are the Code of Laws of  
25 South Carolina. Some of those volumes set forth criminal

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1 statutes or -- and also set forth penalties for violation  
2 of the statutes which constitute a crime.

3       Some criminal offenses are statutorily created. In  
4 other words, the legislature prohibits us from engaging in  
5 a certain type of conduct, and where we engage in that  
6 conduct in violation of a statute it constitutes the crime  
7 for which he can receive some form of punishment or  
8 penalty. But please understand that you are never to be  
9 concerned with any punishment or penalty that might result  
10 from any decision that you make. That's not something that  
11 you determine. Your sole obligation under your oath as a  
12 juror is to determine whether or not the defendant has  
13 committed a crime for which he stands charged.

14       Section 16-11-311 defines the crime of burglary in the  
15 first degree. That statute provides that a person is  
16 guilty of burglary in the first degree if the person enters  
17 a dwelling without consent and with the intent to commit a  
18 crime therein and either when effecting entry or while in  
19 the dwelling or in immediate flight he or another  
20 participant in the crime such as an accomplice -- and I'll  
21 define that term for you later -- is armed with a deadly  
22 weapon or causes physical injury to a person who is not a  
23 participant in the crime or uses or threatens the use of a  
24 dangerous instrument or displays what is or appears to be a  
25 pistol, firearm or other deadly weapon.

## Jury charge

1           So based upon the statute before you could return a  
2 verdict of guilty as to the crime of burglary in the first  
3 degree it would be necessary that the evidence in this case  
4 has established to your satisfaction beyond a reasonable  
5 doubt four essential elements.

6           First of all, the evidence must prove that the  
7 defendant or an accomplice actually entered a dwelling.  
8 And the term entry is defined, and an entry is an  
9 indispensable element in the crime of burglary.

10           An entry is the act of going into the dwelling. It is  
11 not necessary, however, that the entire body of a person  
12 shall go into a dwelling. The least entry is sufficient,  
13 and it may be accomplished by any part of the body or even  
14 by some implement or other instrument at the discretion of  
15 the person committing the entry.

16           It is not necessary that actual physical force be used  
17 to accomplish the entry, nor does any door, window or other  
18 barrier have to actually be opened or removed in order to  
19 effect an entry.

20           As stated, it must be an entry into a dwelling. A  
21 dwelling is defined as a building or a structure which is  
22 used or normally used for sleeping, living or lodging by  
23 any person.

24           There must be an entry of a dwelling without consent.  
25 Entering without consent means to enter a dwelling without

Jury charge

1 the consent of the owner or the person in lawful possession  
2 of the premises.

3 There must be an entry of a dwelling without consent  
4 and with the intent to commit a crime. There must be an  
5 intent to commit a crime, whether or not the crime is  
6 actually committed, accomplished or completed.

7 The mere entry of a dwelling without an intent to  
8 commit a crime does not constitute the crime of burglary.  
9 It is only when there is an entering as I defined it  
10 accompanying with an intent to commit a crime that the  
11 crime of burglary is complete. And a crime of any grade or  
12 severity is sufficient to satisfy this particular element  
13 of the crime of burglary.

14 The term intent refers to the state of a person's mind  
15 which directs his objections towards a specific object or  
16 goal; and therefore the entering of a dwelling without  
17 consent and with the intent to commit a crime therein  
18 completes the crime of burglary.

19 Now, in order for the crime to be burglary in the  
20 first degree there has to be an additional element proven  
21 to your satisfaction beyond a reasonable doubt. And that  
22 additional element is that the burglary has to be  
23 accompanied by one of the following -- one or more of the  
24 following factors. It doesn't have to be all. It could be  
25 all, but it has to be at least one.

Jury charge

1           That is in order for to be -- to be a burglary in the  
2 first degree the burglary has to accompany the fact that  
3 the defendant or another participant in the crime was armed  
4 with a deadly weapon or caused physical injury to a person  
5 who was not a participant in the crime or used or  
6 threatened the use of a dangerous instrument or displayed  
7 what appeared to be a pistol or firearm.

8           Now, the next offense that I will address is the crime  
9 of attempted armed robbery. And, obviously, attempted  
10 armed robbery, you have to be attempting to commit the  
11 crime of armed robbery. So I'm going to charge you as to  
12 the law of armed robbery, and then I'll tell you what is  
13 meant by the term attempt.

14           Section 16-11-330 of the Code of Laws defines the  
15 crime of armed robbery, and it states that a person who  
16 commits the crime of robbery while armed with a pistol,  
17 dirk, slingshot, metal knuckles, razor or other deadly  
18 weapon is guilty of the crime of armed robbery.

19           A robbery is defined as a larceny by force or the  
20 threat of the use of force. A robbery is the taking of  
21 another person's property with the intent to steal it from  
22 the person or presence of that person by the use of force  
23 or violence or by the threat of the use of force or  
24 violence, that is through intimidation, in order to  
25 accomplish the theft.

Jury charge

1           A robbery is the forcing of a person to surrender  
2 property with the intent to steal it by using force or  
3 violence or threatening the use of force or violence in  
4 order to accomplish the theft.

5           A robbery becomes an armed robbery when the robbery is  
6 accomplished through the use of a pistol or firearm or  
7 other deadly weapon.

8           Now, attempted armed robbery. The term attempt is the  
9 commission of an overt act or acts done in furtherance of  
10 the intent to do a specific thing which tends towards the  
11 accomplishment of the intended goal but which falls short  
12 of completion.

13           An attempt to commit a crime means making an effort  
14 towards or doing an act or acts which directly move towards  
15 the completion of the commission of the crime which is  
16 intended.

17           In this case the crime is alleged to be the crime of  
18 armed robbery; and therefore before you could find the  
19 defendant guilty of attempted armed robbery in this case it  
20 would be necessary that the state has proven beyond a  
21 reasonable doubt that the defendant or an accomplice did  
22 attempt to commit the crime of robbery and at the time that  
23 that attempt was committed he was armed with a pistol or  
24 firearm which was being used to accomplish the crime of  
25 robbery.

Jury charge

1 I'm now going to instruct you on the law as it relates  
2 to the crime of murder.

3 Murder is defined in section 16-3-10 of the South  
4 Carolina Code of laws as the killing of any person with  
5 malice aforethought, either expressed or implied.

6 In order for you to find the defendant guilty of the  
7 crime of murder it would be necessary that the evidence in  
8 this case has established to your satisfaction beyond a  
9 reasonable doubt that the defendant, Shaun Rogers, Jr., or  
10 an accomplice did commit some act or acts which proximately  
11 caused the death of Overton Good and that the killing was  
12 done with malice aforethought.

13 Malice aforethought is an essential element of the  
14 crime of murder. So what is it? Well, malice as an  
15 essential element of the crime of murder is a state of mind  
16 connoting an ill will and having an intent to do harm.

17 It is a technical term importing wickedness and  
18 excluding any just cause or legal excuse. It is something  
19 which springs from depravity, from a heart devoid of social  
20 duty and fatally bent on mischief. It is a state of mind  
21 indicating an extreme disregard for or an extreme  
22 indifference to human life.

23 Malice may be likewise defined as a state of mind  
24 which indicates a formed purpose and design to do a  
25 wrongful act under circumstances that exclude any legal

Jury charge

1 right to do it.

2 The words expressed and implied malice do not mean  
3 different kinds of malice but merely the manner in which  
4 malice may be shown to have existed, that is to say either  
5 by direct evidence or by circumstantial evidence from which  
6 you might infer the existence of malice.

7 Malice may be expressed as where there is an expressed  
8 threat to kill or a lying in wait or where the  
9 circumstances show directly that an intent to kill was  
10 entertained by the killer.

11 Malice may be inferred, though no expressed intent to  
12 kill is proven by direct evidence, where the facts and the  
13 circumstances which have been proven by the evidence in the  
14 case satisfy you beyond a reasonable doubt that malice was  
15 present in the mind of the killer at the time that any  
16 killing took place.

17 The existence of malice may be inferred from acts,  
18 declarations and conduct of the killer, as well as from any  
19 other circumstances shown to have existed at the time of  
20 the event from which you might reasonably infer the  
21 existence of malice, as often the state of a person's mind  
22 can only be proven by circumstantial evidence.

23 Malice as an essential of the crime of murder does not  
24 necessarily require proof of an ill will or a hatred  
25 towards a particular person who happened to be killed, nor

Jury charge

1 does it necessarily require proof of an actual or a  
2 specific intent to take human life, but rather it means a  
3 state of mind accompanying conduct signifying a general  
4 malignant recklessness and an extreme disregard for or an  
5 extreme indifference to human life.

6       So even if the facts proven are sufficient to raise an  
7 inference of malice, such an inference would simply be an  
8 evidentiary fact to be taken into consideration by you 12  
9 jurors along with all of the other evidence received during  
10 the course of the trial. And you shall give it such  
11 weight, if any, that you determine it should receive, if  
12 any.

13       The state is required to prove malice, just as it must  
14 prove any other essential element of the crime of murder,  
15 and it is for you 12 jurors to determine whether or not  
16 that has been established.

17       It also must be malice aforethought. The law does not  
18 require that malice must exist for any appreciable length  
19 of time before the commission of an act proximately causing  
20 a fatal result. In fact, it may be conceived at the very  
21 moment that the fatal act is committed.

22       It is sufficient in the law so long as the state does  
23 prove beyond a reasonable doubt both the existence of  
24 malice and the commission of an act or acts by the  
25 defendant or an accomplice which proximately caused the

Jury charge

1 fatal result.

2 Now, while the state must prove beyond a reasonable  
3 doubt that a killing did occur and that it was accompanied  
4 by the element of malice aforethought in order to establish  
5 the crime of murder, it is not necessary that the state  
6 prove any motive for such a killing. However, there may be  
7 evidence of motive introduced during the course of the  
8 trial.

9 Count two of that indictment alleges possession of a  
10 firearm during the commission of a violent crime. And in  
11 order to be guilty of that offense, which is a separate and  
12 distinct criminal offense, it must be established that at  
13 the time a violent crime was committed -- in this case that  
14 would be the crime of murder -- that the defendant did  
15 visibly display or possess a firearm during the commission  
16 of that violent crime, the crime of murder.

17 Now, I'm going to instruct you on the law as it  
18 relates to the crime of attempted murder.

19 Attempted murder is also a statutory offense, and it's  
20 set forth in section 16-3-29 of the Code of Laws of South  
21 Carolina. And that particular code section provides that a  
22 person who, with intent to kill, attempts to kill another  
23 person with malice aforethought, either expressed or  
24 implied, commits the offense of attempted murder.

25 In order for you to find the defendant guilty of the

Jury charge

1 crime of attempted murder it would be necessary that the  
2 evidence in this case has established to your satisfaction  
3 beyond a reasonable doubt that the defendant or an  
4 accomplice did with malice aforethought and a specific  
5 intent to kill commit some overt act or acts in an attempt  
6 to kill the individual named in the indictment. In this  
7 particular case that would be Danielle Smith.

8 The term malice aforethought in relation to the crime  
9 of attempted murder is the same as I have instructed you as  
10 it relates to the crime of murder.

11 Again, as I previously stated when defining the term  
12 attempted armed robbery, an attempt is the commission of an  
13 overt act or acts done in furtherance of the intent to do a  
14 specific thing which tends towards the accomplishment of  
15 the intended goal but which falls short of completion.

16 Now, with respect to the crime of attempted murder,  
17 unlike the crime of murder, which does not require a  
18 specific intent to kill, in order to prove the crime of  
19 attempted murder a specific intent to kill must be proven.

20 A specific intent to kill means that the defendant or  
21 an accomplice consciously intended the commission of the  
22 acts that constitute the attempt to commit the crime of  
23 murder. Specific intent refers to the state of a person's  
24 mind which directs his objections towards a specific object  
25 or goal. In this case that would be to kill someone. That

Jury charge

1 is to commit the crime of murder.

2 The element of a specific intent to kill may be  
3 inferred from acts, declarations and conduct of the killer,  
4 as well as from any other circumstances established by the  
5 evidence in the case from which you might reasonably infer  
6 such intent as often a person's intent or state of mind may  
7 only be established by circumstantial evidence.

8 And therefore in order to establish the crime of  
9 attempted murder it is necessary that the evidence in this  
10 case establishes that the defendant or an accomplice did  
11 with malice aforethought and a specific intent to kill  
12 commit some overt act or acts in the attempt to kill  
13 Danielle Smith without justification or legal excuse.

14 The remaining indictment charges the defendant with  
15 the discharging of a firearm into a dwelling. That's also  
16 a statutory offense set forth in 16-3-440. And that  
17 statute provides in its pertinent part that it is unlawful  
18 for a person to discharge or cause to be discharged  
19 unlawfully firearms at or into a dwelling regularly  
20 occupied by persons.

21 And therefore in order to be found guilty of a  
22 violation of this particular section of law it would be  
23 necessary that the evidence establishes beyond a reasonable  
24 doubt that the defendant or an accomplice did discharge a  
25 firearm, that is did fire a bullet from a firearm at or

Jury charge

1 into a home which is normally occupied by some person.

2 Now, you've heard the term accomplice and accomplice  
3 liability. And you are further instructed that one who is  
4 charged with the commission of a crime may be convicted as  
5 the principal offender or as an accomplice.

6 In this case the state is alleging that the defendant,  
7 Shaun Rogers, Jr., is guilty of the crimes alleged against  
8 him as an accomplice with another person.

9 An accomplice is one who knowingly and voluntarily and  
10 with a common intent and purpose unites with the principal  
11 offender in the commission of criminal acts which result in  
12 the commission of a crime.

13 An accomplice is often referred to as an aider or an  
14 abettor in the commission of the crime. In order to be  
15 guilty as an aider or an abettor or as an accomplice a  
16 person must be a participant in a crime.

17 Prior knowledge by the defendant that some person is  
18 intending to commit a crime without more is not sufficient  
19 to make him guilty of the crime for which he may be shown  
20 to have knowledge.

21 And, likewise, the mere presence of the defendant at  
22 the scene of a crime or in close proximity thereto even  
23 with knowledge that another is intending to commit a crime  
24 is not sufficient standing alone to prove the defendant  
25 guilty of the crime as an accomplice.

Jury charge

1           In order for the defendant to be found guilty of a  
2 crime under the legal theory of aiding and abetting or  
3 accomplice liability it must be proven beyond a reasonable  
4 doubt that the defendant was present at the scene of the  
5 crime with the intention of aiding, abetting, assisting or  
6 participating in the crime and in the conduct which  
7 culminates in the commission of a crime.

8           It is the law that when two or more people act  
9 together with a common intent and purpose and they combine,  
10 plan or otherwise agree to the commission of a crime, each  
11 person who is present to aid, abet, assist or otherwise  
12 participate in the commission of that crime are equally  
13 guilty in any crime accomplished by the efforts of all who  
14 participate.

15           The hand of one is the hand of all, and the acts of  
16 one are the acts of all. Any person who joins with another  
17 to accomplish an illegal purpose is held to be criminally  
18 responsible for everything done by any other person which  
19 occurs as a natural and probable consequence of the acts  
20 done pursuant to and in furtherance of a common plan or  
21 purpose.

22           In order for the defendant to be found guilty under  
23 the legal theory of accomplice liability it must be proven  
24 that the defendant was present at the scene when a crime  
25 was committed and was present at that scene with the

## Jury charge

1 intention of aiding, abetting, assisting or participating  
2 in the common plan or scheme which culminates in the  
3 commission of the crime and not just merely present without  
4 any such intent.

5 Under the legal doctrine of accomplice liability two  
6 or more persons may be guilty of an unlawful homicide even  
7 though only one person actually commits the act which is  
8 directly responsible for the death of another, and  
9 therefore where two or more persons combine or otherwise  
10 agree to the commission of the crime, such as a robbery,  
11 and in the commission of any criminal acts done in  
12 furtherance of that crime a homicide is committed by one of  
13 the participants which is a natural and probable  
14 consequence of those acts done in furtherance of a common  
15 plan, all who are present and are participating in the  
16 criminal acts are equally as responsible as the one whose  
17 acts directly caused the fatal result.

18 The common purpose may not have been to kill anyone at  
19 all, but if, during the commission of a criminal offense, a  
20 homicide is committed by one of the participants which is a  
21 natural and probable consequence of the acts done in  
22 furtherance of the common plan, each person who is present  
23 aiding, abetting, assisting and participating in the common  
24 design are equally guilty of any homicide committed by any  
25 one of the participants. Again, the hand of one is the

Jury charge

1 hand of all, and the acts of one are the acts of all.

2 Any criminal offense requires the presence of criminal  
3 intent, and a criminal intent is a mental state of  
4 conscious wrongdoing in contrast to the commission of an  
5 act which is the result of accident, mistake or  
6 inadvertence.

7 As I have stated previously, any intent may be proven  
8 by acts, declarations and conduct of the defendant, as well  
9 as any other circumstances which are established by the  
10 evidence in the case from which you might reasonably infer  
11 any such intent, as often the state of a person's mind may  
12 only be established by the use of circumstantial evidence.

13 You are further instructed, and I emphasize to you,  
14 that the fact that a defendant does not take the witness  
15 stand and testify during the course of a criminal trial is  
16 not a fact or circumstance that you may allow to weigh in  
17 the slightest degree against a defendant.

18 As I've told you, the burden is always upon the state  
19 because they've made the accusation and they brought the  
20 charge to prove the defendant's guilt beyond a reasonable  
21 doubt.

22 The burden is never upon a defendant or a person  
23 accused of a crime to prove that they are not guilty or to  
24 prove that they are innocent because in some cases that  
25 might not be possible.

Jury charge

1           Therefore you are not to draw any inference or reach  
2 any conclusion from the fact that a defendant does not  
3 testify during the trial of a criminal case, nor may you  
4 allow that fact to influence your decision, nor may you  
5 even discuss that fact during your deliberations in this  
6 case.

7           Now, ladies and gentlemen, I am not in any way  
8 concerned with what your decisions are, but any decision  
9 that you reach has to be the unanimous and consensus  
10 opinion of all 12 of you jurors.

11           And, Madam Forelady, as you know, you're going to be  
12 tasked with the responsibility of presiding over jury  
13 deliberations in the jury room simply to ensure that those  
14 deliberations are carried out in some orderly fashion, but  
15 all jurors are expected to participate in those  
16 deliberations because, as I've stated, the verdict or any  
17 decision rendered has to be the unanimous and consensus  
18 opinion of all 12 jurors.

19           Now, Madam Forelady, you're going to have the  
20 indictments, along with the evidence which has been  
21 introduced.

22           The indictments are not proof of anything. The  
23 indictments are not evidence, but the indictments are  
24 simply there so that you understand what the charge is that  
25 has been brought against the defendant, and the indictment

## Jury charge

1 will serve as the verdict form as it relates to that  
2 particular charge.

3 You will notice on the back of each indictment in the  
4 lower left-hand corner there's the word verdict. It's  
5 beneath that word that you're going to indicate the jury's  
6 unanimous decision as it relates to that particular charge.

7 With respect to each of the indictments you have two  
8 potential verdict forms, and those potential two verdict  
9 forms are guilty and not guilty. So whatever that decision  
10 is as it relates to that particular charge, you will insert  
11 that verdict form in the space provided.

12 You will also sign your name as the foreperson.  
13 You're the only juror that will be signing the verdict  
14 forms. And you will also place the appropriate date, and  
15 today is the 9th of October.

16 Now, during deliberations there may come a time where  
17 you have some question about the evidence or about the  
18 facts that relate to the case.

19 I am never permitted to comment about the facts or  
20 about the evidence, and all of the evidence that's going to  
21 be introduced in the trial of this case has been  
22 introduced. So no additional evidence can be received now  
23 that the case has been closed and is going to be submitted  
24 to you for your deliberations.

25 So while you go back you and you're deliberating if

Jury charge

1 you have a question about the evidence or the facts, I  
2 can't answer those.

3 If you think there's something else out there that  
4 would help you make a decision and you'd like to know if  
5 you can have it, you can't, because it has not been  
6 introduced. Everything that's been introduced is here.  
7 And we'll verify it before it goes back. And so if there's  
8 something you thought was introduced but you don't have it,  
9 you let me know of that fact. But everything should be  
10 back there, because we'll verify the exhibits before they  
11 go back.

12 So if there's something that was not introduced, no  
13 point in inquiring about it, because even if it did exist  
14 and would help you, it can't be introduced now.

15 If you have a question about testimony of a witness  
16 and you think rehearing that testimony will help you answer  
17 that question, we can bring you back into the courtroom to  
18 have testimony replayed in its entirety, or just a portion  
19 of it if that's all you need.

20 I don't have transcripts to send back for -- you know,  
21 as you go back to deliberate. But if you do wish to hear  
22 the testimony of a witness replayed, I can bring you back  
23 into the courtroom for that witness' testimony to be  
24 reheard by you.

25 Now, this instruction on the law was a long

## Jury charge

1 instruction, and there was a lot of information there, but  
2 it's the law that has to be applied, and you have to apply  
3 it.

4 So if, during your deliberations, you ever have a  
5 question about the law that you are to apply and you need a  
6 complete re-instruction or you need an explanation as to  
7 some point of law or you need a clarification about the law  
8 that you are to apply, I am permitted to answer those  
9 questions. So I can always give you a re-instruction, a  
10 clarification or an explanation about the law that you are  
11 to apply. So if you have a question about the law, you let  
12 me know and I'll respond accordingly.

13 If at any time you have a question or a matter that  
14 needs to be addressed to me, Madam Forelady, if you'll  
15 write it on a piece of paper, give it to the bailiff, he or  
16 she will give it to me, and then I'll respond to your  
17 question or issue.

18 If we have smokers on the jury, you may smoke during  
19 deliberations, but you cannot smoke in the courthouse. You  
20 have to go outside. So if you do want to smoke, let the  
21 bailiff know. They'll take you outside to accomplish that  
22 purpose.

23 However, understand that deliberations may not take  
24 place unless all 12 jurors are present in the jury room so  
25 that all may participate. So if at any time a juror is

Jury charge

1 absent for an authorized reason, deliberations have to  
2 stop. They can only resume when all 12 are present so that  
3 all may participate.

4 Your lunches have been ordered, and as soon as they  
5 arrive they'll be provided to you. You can stop and eat  
6 and then resume deliberations, or you can eat while you  
7 deliberate. I'll leave it up to you. That's in your  
8 discretion. You'll decide how you want to handle that.

9 Now, I'm hoping that that's going to cover everything  
10 that I needed to cover with you. However, if I failed to  
11 provide you with some information that I should have, I'm  
12 sure one of these lawyers will remind me of that fact. And  
13 if I do need to bring you back, I'll do so and provide you  
14 with that additional information.

15 If I do not need to bring you back for any reason,  
16 I'll send word by way of the bailiff that you may begin  
17 with your deliberations. And in that event he will bring  
18 to the jury room all of the exhibits which have been  
19 introduced.

20 And to you, Madam Forelady, he'll also bring the  
21 indictments which will serve as the verdict forms.

22 Now, there are some D.V.D.s which have been played,  
23 and so you'll have a computer back there so you can play  
24 those if you need to. If for some reason the computer  
25 doesn't work or you can't get it to work, let us know.

Jury charge

1 we'll help you with that.

2 Ms. Champion, as the alternate juror I'm going to ask  
3 you to stay in the courtroom with me.

4 I'll ask the 12 primary jurors to please retire to  
5 your jury room. But do not begin deliberations until I  
6 send you word to do so.

7 (Whereupon, the jury retired to deliberate at  
8 12:52 p.m.)

9 THE COURT: Ms. Champion, as you know, you can't  
10 participate in deliberations because the original 12 jurors  
11 are apparently able to do that.

12 So that's going to conclude your service in the trial  
13 of this case. And we appreciate your time and the  
14 attention that you devoted to it.

15 I anticipate selecting another jury this afternoon  
16 beginning at 2:30. So I'm going to give you a choice since  
17 you have participated in a trial. You can come back at  
18 2:30 and perhaps be selected again. If you would rather, I  
19 will permit you to be excused for the balance of today, and  
20 you'll simply call back tonight to see when and if you need  
21 to come back.

22 Do you know what your preference is about that?

23 THE JUROR: I can call back tonight if it's okay.

24 THE COURT: So you'd like to be excused for today?

25 THE JUROR: Yes, sir.

Jury charge

1 THE COURT: Okay. Did you order lunch? I am guessing  
2 you did.

3 THE JUROR: I think she told me to go ahead in case it  
4 didn't --

5 THE COURT: Yeah. All right. Well, I don't know how  
6 long it's going to take for that to get here. Oh, it may  
7 be here. So what we'll do, we'll give you your lunch, and  
8 you can eat it here or you can take it home or you can take  
9 it to the car. You can do what you want to with it. Don't  
10 throw it away. But you can do what you want about that.  
11 But you don't have to stay if you don't want to. Okay.

12 THE JUROR: Okay.

13 THE COURT: Thank you again for your help.

14 THE JUROR: Thank you.

15 THE COURT: Are there any exceptions taken to the  
16 instruction or requests for additions to the instruction by  
17 the state?

18 MR. BARNETTE: None from the state, Your Honor.

19 THE COURT: By the defendant?

20 MR. SCHULTZ: None from the defense.

21 THE COURT: All right. Let me ask y'all to verify the  
22 exhibits, please.

23 (Pause.)

24 THE COURT: Are all of the exhibits which were  
25 introduced during the trial accounted for?

Jury charge

1 MR. BARNETTE: Yes, sir.

2 MR. SCHULTZ: They are, Your Honor. We verified that.

3 THE COURT: Send the exhibits back, and the verdict  
4 forms, and tell the jury to begin deliberations and notify  
5 us when they've concluded.

6 We'll be at ease while the jury is deliberating.

7 (Whereupon, a recess was taken.)

8 (Questions from the jury marked Court's Exhibits Nos. 3  
9 and 4.)

10 THE COURT: All right. Are we ready for the jury?

11 MR. BARNETTE: The state is ready, Your Honor.

12 MR. SCHULTZ: The defense is ready.

13 THE COURT: Bring them in.

14 (Whereupon, the jury returned to the courtroom at  
15 2:53 p.m.)

16 THE COURT: Madam Forelady and ladies and gentlemen, I  
17 have the questions that you have asked regarding the  
18 application of the law.

19 Now, the first question related to what would be  
20 considered a factual question or evidentiary question, and  
21 I can't answer that question.

22 If it was not presented -- in other words, if the  
23 answer to that question was not presented by way of  
24 testimony or other evidence, I can't respond to it now and  
25 I can't answer the question now. And that was the question.

Jury charge

1 about what day the firearm had been recovered.

2       You've also asked for me to reinstruct you on the law  
3 as it relates to the doctrine of accomplice liability,  
4 which I'm going to do.

5       You've also asked a question about what constitutes  
6 possession of a firearm, and I'll instruct you on that  
7 after the instruction on accomplice liability.

8       Okay. Now, with regard to accomplice liability, one  
9 who is charged with the commission of a crime may be  
10 convicted as the principal offender or as an accomplice.  
11 And in this case the state is alleging that the defendant,  
12 Shaun Rogers, Jr., is guilty of the crimes set forth in the  
13 indictments as an accomplice with another.

14       An accomplice is one who knowingly and voluntarily and  
15 with a common intent and purpose unites with the principal  
16 offender in the commission of criminal acts which result in  
17 the commission of a crime.

18       An accomplice is often referred to as an aider or an  
19 abettor in the commission of a crime. In order to be  
20 guilty as an aider or an abettor or as an accomplice a  
21 person must be a participant in the crime.

22       Prior knowledge by the defendant that some person is  
23 intending to commit a crime without more is not sufficient  
24 to make him guilty of the crime of which he may be shown to  
25 have knowledge. And, likewise, the mere presence of the

## Jury charge

1 defendant at the scene of a crime or in close proximity  
2 thereto even with knowledge that another is intending to  
3 commit the crime is not sufficient standing alone to prove  
4 the defendant guilty of the crime as an accomplice.

5 In order for the defendant to be found guilty of a  
6 crime under the legal theory of aiding and abetting or  
7 accomplice liability it must be proven beyond a reasonable  
8 doubt that the defendant was present at the scene of the  
9 crime with the intention of aiding, abetting, assisting or  
10 participating in the common plan or scheme which culminates  
11 in the commission of the crime.

12 It is the law of this state that when two or more  
13 people act together with a common intent and purpose and  
14 they combine, plan or otherwise agree to the commission of  
15 a crime, each person who is present to aid, abet, assist or  
16 otherwise participate in the commission of that crime are  
17 equally guilty of any crime accomplished by the efforts of  
18 all who participate.

19 The hand of one is the hand of all, and the acts of  
20 one become the acts of all. Any person who joins with  
21 another to accomplish an illegal purpose is held to be  
22 criminally responsible for everything done by another  
23 person which occurs as a natural and probable consequence  
24 of the acts done pursuant to and in furtherance of the  
25 common plan or purpose.

Jury charge

1           In order for the defendant to be found guilty of a  
2 crime under the legal theory of aiding and abetting or  
3 accomplice liability it must be proven that the defendant  
4 was present at the scene when a crime was committed and was  
5 present at the scene with the intention of aiding,  
6 abetting, assisting or participating in the plan or scheme  
7 which culminates in the commission of the crime and not  
8 just merely present without such an intent.

9           Under the theory of accomplice liability two or more  
10 persons may be guilty of an unlawful homicide even though  
11 only one person actually commits the act which is directly  
12 responsible for the death of another. And therefore where  
13 two or more persons combine or otherwise agree to the  
14 commission of a crime, such as a robbery or any other  
15 crime, and in the commission of criminal acts done in  
16 furtherance of that crime a homicide is committed by one of  
17 the participants which is a natural and probable  
18 consequence of those acts done in furtherance of the common  
19 plan, all who are present and participating in those  
20 criminal acts are equally as responsible as the one whose  
21 acts directly caused the fatal result.

22           The common purpose may not have been to kill anyone at  
23 all, but if, during the commission a criminal offense, a  
24 homicide is committed by one of the participants which is a  
25 natural and probable consequence of the acts done in

Jury charge

1 furtherance of the common plan, each person who is present  
2 aiding, abetting, assisting and participating in the common  
3 design are equally guilty of any homicide committed by one  
4 of the participants. The hand of one is deemed to be the  
5 hand of all; the acts of one are deemed to be the acts of  
6 all.

7 Now, with regard to your question about the possession  
8 of an item -- in this case a weapon -- possession of a  
9 weapon may be actual or constructive. Actual possession  
10 means the weapon is in the actual physical custody of the  
11 person charged with its possession.

12 Constructive possession occurs when one does not have  
13 actual physical custody of the weapon but has knowledge of  
14 the presence of the weapon and the intent to exercise  
15 dominion and control over the weapon.

16 The element of intent to exercise dominion and control  
17 over the weapon may be proven where it is established that  
18 the defendant had knowledge that another had actual  
19 possession of the weapon and it is proven that the  
20 defendant is an accomplice in the commission of a crime  
21 committed with another who actually physically possessed  
22 the weapon.

23 okay. All right. Please retire, and if you have  
24 further questions, please let me know.

25 (Whereupon, the jury retired to deliberate at

Jury charge

1 3:00 p.m.)

2 THE COURT: All right. We'll be at ease while the  
3 jury continues to deliberate.

4 Any exceptions taken from the instruction?

5 MR. BARNETTE: None from the state, Your Honor.

6 MR. SCHULTZ: None from the defense.

7 (Whereupon, a recess was taken.)

8 (Question from the jury marked Court's Exhibit No. 5.)

9 THE COURT: All right. Bring the jury in, please.

10 (Whereupon, the jury returned to the courtroom at 3:42  
11 p.m. to report its verdict.)

12 THE COURT: Madam Forelady, I understand based upon  
13 the note that you have sent to me that you and your fellow  
14 jurors have reached a unanimous decision on two of the  
15 indictments.

16 THE FOREPERSON: Yes, sir.

17 THE COURT: And that you have been unable to render a  
18 unanimous decision on the other three indictments.

19 THE FOREPERSON: That's correct.

20 THE COURT: Four charges but three indictments.

21 THE FOREPERSON: Correct.

22 THE COURT: Have you indicated the jury's unanimous  
23 decision on the ones that have been concluded?

24 THE FOREPERSON: Yes, sir.

25 THE COURT: All right. Now, with regard to those

verdict

1 indictments and those charges that the jury has not reached  
2 a unanimous decision, do you feel like that any further  
3 deliberations would assist you in being able to arrive at a  
4 unanimous decision?

5 THE FOREPERSON: No, sir. I've asked the jury that  
6 question, and we do not think we would be able to.

7 THE COURT: Okay. Do any jurors think if you  
8 continued to deliberate that you would be able to render a  
9 unanimous decision?

10 (No response.)

11 THE COURT: All right. I have nobody raising.  
12 Madam Forelady, would it be your view that the jury is  
13 hopelessly deadlocked as to the other charges?

14 THE FOREPERSON: Yes, sir.

15 THE COURT: Does any juror disagree with the  
16 foreperson's opinion?

17 (No response.)

18 THE COURT: All right. None have indicated in the  
19 affirmative.

20 All right. Ma'am, if you will, please hand the  
21 verdict forms up by way of the bailiff.

22 THE CLERK: 2019-GS-11-694, the State of South  
23 Carolina vs. Shaun Rogers, Jr., indictment for burglary  
24 first degree, the verdict is guilty. Signed by foreperson,  
25 Lynn Blackwell.

Verdict

1           2019-GS-11-691, the State vs. Shaun Rogers, Jr.,  
2 indictment for attempted armed robbery, the verdict is  
3 guilty. Signed by foreperson, Lynn Blackwell.

4           Ladies and gentlemen of the jury, if this is the  
5 verdict of you all, please indicate by raising your right  
6 hands.

7           (Whereupon, all jurors responded in the affirmative.)

8           THE CLERK: Thank you.

9           THE COURT: Does the defendant wish to have the jury  
10 polled?

11          MR. SCHULTZ: Yes, sir.

12          THE COURT: All right. Poll the jury, please, ma'am.

13          THE CLERK: When I call your name and juror number, if  
14 you'll just raise your right hand, I'm going to ask you if  
15 this is your verdict. Then you'll respond yes or no.

16          Juror 90, Kristen Owens, is that your verdict? You'll  
17 need to respond out loud.

18          THE JUROR: Yes.

19          THE CLERK: Okay. Thank you.

20          Juror 22, Crystal Cobb.

21          THE JUROR: Yes.

22          THE CLERK: This is your verdict.

23          Juror 32, Chasity Elliott, is this your verdict?

24          THE JUROR: Yes.

25          THE CLERK: Juror 27, is it Michaela Crowe?

Verdict

1 THE JUROR: Michaela.

2 THE CLERK: Michaela Crowe. Is this your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Juror 140, Christopher White, is this your  
5 verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror 3, Sharon Bailey, is this your  
8 verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror 69, Stacy Longshore, is this your  
11 verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror 99, John Phillips, is this your  
14 verdict?

15 THE JUROR: Yes.

16 THE CLERK: Juror 7, Lynn Blackwell, is this your  
17 verdict?

18 THE JUROR: Yes.

19 THE CLERK: Juror 31, Cordelia Earls, is this your  
20 verdict?

21 THE JUROR: Yes.

22 THE CLERK: Juror 134, Randall Upchurch, is this your  
23 verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror 86, Cassey Nix, is this your

Verdict

1 verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is there anyone that I did not call your  
4 name?

5 (No response.)

6 THE CLERK: All right.

7 THE COURT: All right. Any other matters to be  
8 addressed with the jury present?

9 MR. BARNETTE: None from the state, Your Honor.

10 MR. SCHULTZ: None from the defense.

11 THE COURT: All right. Thank you for participation in  
12 the trial of this case. That's going to conclude your  
13 service for today. That's going to conclude your service  
14 for the week. The balance of the week will be taken up  
15 with nonjury matters. And so you won't need to call back  
16 or come back.

17 So I do want to thank you for your participation this  
18 week and for your willingness to serve if called upon. I  
19 hope it has not been too much of a hardship on you, and I  
20 do sincerely hope that it has been an educational and a  
21 beneficial experience for you.

22 So thanks again for your help. If you'll go to the  
23 jury room one more time the clerk will bring you your pay  
24 voucher.

25 (Whereupon, the trial jury was excused.)

Verdict

1 THE COURT: Do either of you have you any reason to  
2 give me as to why a mistrial should not be declared as to  
3 indictments 19-00690, 00692 and 00693 -- murder, attempted  
4 murder and discharging a firearm into a dwelling?

5 MR. BARNETTE: I see no reason at this time. They  
6 could not reach a verdict, Your Honor. We'll be able to  
7 retry it at a later date.

8 MR. SCHULTZ: I see no reason, Your Honor.

9 THE COURT: Okay. Mistrial is declared in those three  
10 indictments.

11 MR. SCHULTZ: Thank you, Your Honor.

12 THE COURT: We'll take ten minutes while y'all prepare  
13 the sentencing documents.

14 (DVD marked Court's Exhibit No. 6; DVD marked Court's  
15 Exhibit No. 7; summary by Investigator Brandon Gardner  
16 marked Court's Exhibit No. 8.)

17 (Whereupon, a recess was taken.)

18 MR. BARNETTE: May it please the Court, Your Honor.

19 This is the case of State vs. Shaun Rogers, Jr. Your  
20 Honor, he was found guilty just shortly -- well, this  
21 afternoon. And there's been a period of time between  
22 these.

23 Your Honor, he was found guilty of burglary first on  
24 19-GS-11-694, Your Honor, and also found guilty by the jury  
25 on 19-GS-11-691, Your Honor.

Guilty plea and sentence

1           Your Honor, he is going to plead guilty on the  
2 following indictments under North Carolina vs. Alford:  
3 19-GS-11-690, Your Honor. The first count was for murder.  
4 Your Honor, he is pleading guilty to voluntary manslaughter  
5 on that.

6           He's also pleading to count two on the indictment,  
7 possession of a weapon during a violent crime. He is also  
8 pleading guilty on 91-GS-11-692 [sic], Your Honor. That's  
9 for attempted murder.

10           Then 19-GS-11-693, Your Honor, discharging a firearm  
11 into a dwelling. Your Honor, these are straight-up pleas  
12 to this, Your Honor, in this case.

13           Your Honor, I know you've heard the facts of the case.  
14 What I'd like to do is move all of the exhibits. I think  
15 there was 53 exhibits, as well as all of the testimony and  
16 evidence in the case, as part of this guilty plea also.

17           And then I've also got three other exhibits to add to  
18 that to make that part of the facts and evidence for this  
19 guilty plea, Your Honor.

20           I have Court's Exhibit 6, Your Honor, which is an  
21 interview with Jeremy Jefferies, the first one. That was  
22 Investigator Gardner with him on that one, Your Honor.

23           And then Court's Exhibit 7, Your Honor, is also an  
24 interview by Captain Ward that was done with Mr. Jefferies,  
25 the codefendant.

Guilty plea and sentence

1           Your Honor, I'd like to make both of those part of the  
2 facts and exhibits of this, and evidence, in this plea,  
3 Your Honor, as well as Court's Exhibit 8, Your Honor, which  
4 is a summary done by Investigator Gardner in this case,  
5 Your Honor. It consists of nine pages, Your Honor. And  
6 I'd like to make that part of the evidence and exhibits in  
7 this case, as well as the facts of the case also for this  
8 guilty plea, Your Honor.

9           I don't think there's any objection to those items.  
10 They've been provided in discovery, Your Honor.

11           MR. SCHULTZ: No objection, Your Honor.

12           MR. BARNETTE: May I pass these up to Your Honor?

13           THE COURT: Sure.

14           MR. BARNETTE: I didn't know if you wanted the summary  
15 or not, Your Honor.

16           THE COURT: All right. You are Shaun Rogers, Jr., and  
17 Mr. Schultz is your lawyer. And of course you understand  
18 why we're here, having participated in the trial of this  
19 case.

20           I have before me three indictments charging you with  
21 four separate and distinct offenses. These are four of the  
22 offenses for which you stood trial and for which a jury was  
23 unable to render a decision.

24           Indictment 2019-00690 charges you with the crimes of  
25 murder and possession of a firearm during the commission of

guilty plea and sentence

1 a violent crime.

2 The solicitor has indicated that he has offered to  
3 allow you to enter a plea of guilty if you wish to to the  
4 lesser included offense of voluntary manslaughter in count  
5 one and that you would also plead guilty to possession of a  
6 firearm during the commission of that violent crime,  
7 voluntary manslaughter being a violent crime.

8 Has Mr. Schultz been over that indictment with you and  
9 also explained to you about the lesser included offense of  
10 voluntary manslaughter?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you understand it?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And of course before today you talked to  
15 Mr. Schultz at length about the case that's brought against  
16 you.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you've explained to him everything you  
19 know about the allegations made against you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And did y'all discuss the possibility that  
22 you have a defense to the charge of voluntary manslaughter?

23 THE DEFENDANT: Repeat again, please.

24 THE COURT: Did y'all discuss the possibility that you  
25 have a defense --

Guilty plea and sentence

1 THE DEFENDANT: Yes, sir.

2 THE COURT: -- to the charge of voluntary  
3 manslaughter?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And did you determine whether or not you  
6 did?

7 THE DEFENDANT: Say that again, sir.

8 THE COURT: Are you aware of any defense that you have  
9 to the charge of voluntary manslaughter?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. And what defense do you have  
12 to that charge?

13 THE DEFENDANT: I have none.

14 MR. SCHULTZ: Your Honor, if I may. I've been over  
15 these questions with Mr. Rogers. He seemed to understand  
16 that. I would ask if the court could maybe give him that  
17 question again.

18 THE COURT: Well, did you discuss with him the  
19 possibility of a defense to the charge of voluntary  
20 manslaughter?

21 MR. SCHULTZ: I did, Your Honor.

22 THE COURT: And did y'all determine that he did or did  
23 not have one?

24 MR. SCHULTZ: He does not.

25 THE COURT: He does not have a defense to the charge?

guilty plea and sentence

1 MR. SCHULTZ: He does not have a defense to the  
2 charge.

3 THE COURT: Okay. Well, I understood that he was  
4 pleading guilty pursuant to North Carolina vs. Alford.

5 MR. SCHULTZ: Your Honor, we do not have to do Alford  
6 right now. I went over that with my client.

7 THE COURT: So it's not.

8 MR. SCHULTZ: It's not. It's not an Alford plea.

9 THE COURT: Okay. So he's entering an actual plea to  
10 voluntary manslaughter.

11 MR. SCHULTZ: Yes, sir.

12 THE COURT: Okay. All right. So, Mr. Rogers, do you  
13 understand what the state would have to prove in order for  
14 you to be convicted of that lesser included offense?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And did Mr. Schultz explain to you that if  
17 you were convicted of it or if I accept your plea of guilty  
18 to it you could receive a sentence of up to 30 years on the  
19 voluntary manslaughter and an additional five years on the  
20 possession of a weapon during the commission of that  
21 violent crime?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I also have before me Indictment  
24 2019-00692. That indictment charges you with attempted  
25 murder. And, as you are aware, the state alleges that on

Guilty plea and sentence

1 October the 2nd of 2018 you did with intent to kill or  
2 acting in concert with another attempt to kill Danielle  
3 Smith by shooting at her with a firearm.

4 Attempted murder also carries a potential sentence of  
5 up to 30 years in jail. Do you understand that charge and  
6 the potential punishment?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are you aware of any defense that you have  
9 to that charge?

10 THE DEFENDANT: No, sir.

11 THE COURT: And do you know of any defense that you  
12 have?

13 THE DEFENDANT: No, sir.

14 THE COURT: Do you understand a defense is some reason  
15 based upon the facts or the circumstances, as well as  
16 perhaps the law or all of it -- but a defense is a reason  
17 why you should not actually be found guilty or why you are  
18 actually not guilty of some crime the state claims you  
19 committed. So you're telling me that you have no defense,  
20 that you are guilty of the crimes to which you are now  
21 pleading guilty?

22 THE DEFENDANT: I have a defense, but, at the same  
23 time, I don't feel like I could win a trial with it.

24 THE COURT: Well, I thought you told me that you  
25 didn't have a defense to it.

Guilty plea and sentence

1 (Pause to confer with counsel.)

2 MR. SCHULTZ: Your Honor, if I may. I know I just  
3 said -- and this is my fault, Your Honor. I know I just  
4 said a couple of minutes ago that the plea wouldn't be  
5 taken under Alford. I think it's probably better to do it  
6 under Alford. That's my fault, Your Honor. That's not my  
7 client's fault.

8 THE COURT: I'm not blaming him. I'm just trying to  
9 find out answers to the questions.

10 Okay. Let's -- I guess we'll have to start back again  
11 then.

12 Mr. Rogers, a defense, as I've just stated -- when  
13 somebody's charged with a crime they may be guilty of the  
14 crime, they may be not guilty of the crime. They may have  
15 a defense to a charge, whether it be a legal defense or a  
16 factual defense or both. But a defense is a reason based  
17 upon the facts and the law as to why you should not  
18 actually be found guilty of some crime the state claims you  
19 committed.

20 Now, in this case do you have a defense to the charge  
21 of manslaughter?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Sir?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You do? All right. What is it?

guilty plea and sentence

1 THE DEFENDANT: It was proof that I didn't kill  
2 anybody.

3 THE COURT: It was what?

4 THE DEFENDANT: It was proof that I haven't shot a gun  
5 and killed anyone.

6 THE COURT: All right. And do you understand that the  
7 way I understood it from the trial earlier is that nobody's  
8 claiming that you shot the gun? They're claiming that  
9 Jermaine Jefferies shot the gun. They're just claiming  
10 that you were acting as an accomplice with Mr. Jefferies.

11 Are you pleading guilty to voluntary manslaughter  
12 based upon the fact that you were an accomplice with  
13 Mr. Jefferies, or do you deny being an accomplice with  
14 Mr. Jefferies?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Well, I gave you alternative responses, so  
17 you've got to pick one or the other.

18 (Pause to confer with counsel.)

19 THE DEFENDANT: I'm pleading guilty to accomplish  
20 [sic] -- Mr. Jefferies.

21 THE COURT: You're pleading guilty as an accomplice to  
22 Mr. Jefferies?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: So you are admitting that you aided,  
25 abetted, assisted and participated with Mr. Jefferies in

Guilty plea and sentence

1 the killing of Overton Good? You're just not the person  
2 who fired the weapon?

3 (Pause to confer with counsel.)

4 MR. SCHULTZ: Your Honor, if I may.

5 THE COURT: Okay.

6 MR. SCHULTZ: My client just relayed to me -- and this  
7 is the defense we obviously used at trial -- that he did  
8 not know anything about it, about the actual shooting or  
9 the shooting was about to take place.

10 THE COURT: All right. So then, Mr. Rogers, am I to  
11 understand then your position is that you do have a defense  
12 to the charge of manslaughter because you were not with  
13 Mr. Jefferies for the purpose of participating in the  
14 killing of Overton Good?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You admit that you were with Mr.  
17 Jefferies?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You're just stating that you did not  
20 intend to commit a crime, nor did you intend to assist him  
21 in the commission of a crime.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Well, you understand that's a  
24 defense to a criminal charge? And if that defense were  
25 established to the satisfaction of a jury or if a jury in

guilty plea and sentence

1 considering that defense had a reasonable doubt as to  
2 whether or not you were guilty of the charge of murder or  
3 voluntary manslaughter, then the jury has to resolve that  
4 doubt in your favor, and they'd have to find you not  
5 guilty. Do you understand?

6 THE DEFENDANT: Okay.

7 THE COURT: All right. Well, do you understand if you  
8 plead guilty you give up your right to assert any defense  
9 that you have?

10 In other words, you've told me what the defense is,  
11 but you understand if you plead guilty having that defense  
12 will not today result in any not-guilty verdict.

13 In fact, it will result in a guilty decision because  
14 you will have pled guilty to the charge, notwithstanding  
15 you claim to have a defense to it, the point being, as I  
16 feel sure that Mr. Schultz has explained to you, when you  
17 plead guilty to a criminal charge, even when you plead  
18 guilty pursuant to North Carolina -- or plead guilty  
19 pursuant to North Carolina vs. Alford even though you deny  
20 your guilt, when you plead guilty you still authorize me to  
21 impose a sentence just as if you had pled guilty and  
22 admitted everything they claimed you did or just as if you  
23 had denied your guilt and had a jury trial and,  
24 notwithstanding that fact, a jury found you guilty. I  
25 would still be able to -- I would still be authorized to

Guilty plea and sentence

1 impose a sentence. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: well, do you still wish to go forward and  
4 plead guilty to voluntary manslaughter and possession of a  
5 weapon during the commission of that violent crime pursuant  
6 to North Carolina vs. Alford?

7 (Pause to confer with counsel.)

8 THE DEFENDANT: No, sir.

9 THE COURT: Okay.

10 MR. BARNETTE: We would like to go forward on the  
11 other two, Your Honor.

12 THE COURT: Yeah. We'll proceed with sentencing on  
13 the other two.

14 MR. BARNETTE: Yes, sir.

15 THE COURT: All right. I have before me Indictment  
16 2019-00694. That's an indictment for burglary in the first  
17 degree wherein you have been convicted by the jury of that  
18 offense.

19 And I also have before me Indictment 2019-00691, an  
20 indictment for attempted armed robbery, wherein you have  
21 been found guilty by a jury of having committed that  
22 offense.

23 Does the state have any additional information you'd  
24 like to provide me with respect to those charges?

25 MR. BARNETTE: Your Honor, I know Mr. Good wants to --

Sentence

1 the only thing I would comment is obviously this action led  
2 to the death of an individual, Overton Good, in this  
3 situation, and also what happened to Danielle Smith. And I  
4 know you heard from both of them earlier.

5 Mr. Good would like to address the Court on this  
6 issue.

7 THE COURT: All right. Mr. Good. Actually Mr. Good.

8 RICHARD GOOD, SR.: Good afternoon, Your Honor.

9 MR. BARNETTE: I'm sorry.

10 RICHARD GOOD, SR.: Good afternoon, Your Honor.

11 My name is Richard Good, Sr., and I'm standing on  
12 behalf of my son, Overton Good.

13 372 days ago this individual along with another person  
14 took away my son from us, his family. And I'm here to  
15 stand for him. This is my day here to stand for him. But  
16 my biggest -- here to feel, touch, talk, everything to  
17 their son. I can't. I'm going to leave here and go out to  
18 the graveyard and talk to him. I can't touch him, I can't  
19 hear him, anything. So on behalf of my family, the state,  
20 city and the people, give the man the full extent of the  
21 law. Thank you.

22 THE COURT: Thank you, Mr. Good.

23 Anyone else?

24 MR. BARNETTE: I don't think so, Your Honor. You've  
25 heard from everybody else, and they stand up here asking

Sentence

1 the Court for justice.

2 THE COURT: All right. Mr. Schultz.

3 MR. SCHULTZ: Thank you, Your Honor. May it please  
4 the Court.

5 You obviously heard the facts of the case the last few  
6 days here. The -- we are before you right now on a  
7 burglary first and also the attempted armed robbery.

8 Your Honor, I am asking for a couple of things here  
9 today.

10 Number one I want the record to reflect that my client  
11 has been in jail now 372 days.

12 Mr. Rogers has been an ideal client in all respects.  
13 I have spoken to him several, several times, numerous  
14 times. He's just one of my favorite clients. Always has a  
15 kind word to say about me or his family.

16 Last weekend, weekend before last, we probably spent  
17 about seven hours going over all of the body cam and dash  
18 cam footage that was in this -- in this plea. I think -- I  
19 think we probably went over about ten or eleven D.V.D.s at  
20 various lengths. And so I've spent a lot of time going  
21 over everything with him.

22 Obviously, Your Honor, this was a very emotional trial  
23 for both parties involved. He has several -- Mr. Rogers  
24 has several support there in the audience, there.

25 Like I said, Your Honor, he's been in jail since this

Sentence

1 charge happened. He's been to bond hearings and things  
2 like that. And I believe that in the future, I think  
3 Mr. Rogers will refrain from hanging out with the likes of  
4 anybody like Jermaine Jefferies.

5 Your Honor, I don't want to get into the facts too  
6 much about this because you've heard them. Jermaine  
7 Jefferies -- he was the shooter.

8 As I put on the record there today, I think this  
9 morning, I spoke briefly with Mr. Jefferies and for about  
10 ten minutes. Mr. Vieth allowed me to talk to Mr. Jefferies  
11 and Mr. Jefferies -- I don't like to say this about a  
12 fellow human being, but he's a scary individual. I  
13 don't -- I don't know what went through his head doing this  
14 very, very heinous act. But Mr. Jefferies just gave me the  
15 chills when I spoke to him just for a very brief time back  
16 in the jail room there.

17 Mr. Jefferies, as the Court knows, has already  
18 accepted responsibility for being the shooter. He is at  
19 least going to receive a sentence of 30 years, and I think  
20 that he deserves more, but that's just me. And probably  
21 the Goods feel that he deserves more. But he at least is  
22 going to be serving 30 years day for day.

23 Your Honor, the evidence indicates that my client was  
24 the driver that day. The evidence also indicates that my  
25 client made a series of decisions after this all went down

Sentence

1 that he probably regrets. Should he have called the police  
2 after this all happened? Yes. He should have. Should he  
3 have called his mother? Yes. He should have.  
4 Nevertheless, he didn't.

5 He's 19 years old and he was scared, and I think he  
6 was mostly scared of any retaliation from Mr. Jefferies who  
7 is, as I said before is, a very scary individual.

8 Your Honor, knowing all of that I am asking the Court  
9 to impose the minimum sentence on burglary first running  
10 that all concurrent and for a probationary sentence to  
11 follow that 15-year sentence.

12 As I said before, Your Honor, he's 19 years old. He  
13 has no record whatsoever. He comes from a very good home.  
14 I think you heard the testimony today of his coach there,  
15 and I think he offered very compelling testimony of  
16 Mr. Rogers. And I also talked to Mr. Rogers' football  
17 coach as well yesterday, and he had nothing but good things  
18 to say about Mr. Rogers as well.

19 So I spent a lot of work on this case. Ultimately,  
20 that's what happened. I thought this would be all resolved  
21 today, but, nevertheless, it wasn't. But there's some  
22 people that I would like to speak on Shaun's behalf at the  
23 appropriate time, Your Honor.

24 THE COURT: All right. Mr. Rogers, do you want to add  
25 anything to what your lawyer has told me?

Sentence

1 THE DEFENDANT: Yes, sir. I want to first start off  
2 by saying I'm -- I want to apologize to the family for me  
3 being with the person that day, even though I didn't know  
4 what was going to happen. They -- they still think I did  
5 it but -- but I wasn't even think different if I was the  
6 family myself. And I want them to know that I apologize  
7 for me just, like he was saying, I was just there and I  
8 didn't mean for nothing to happen. I wasn't even -- I  
9 don't even know how they feel, because I don't. I don't  
10 even know how I would feel if I was to be the one that got  
11 killed. I wouldn't be the one to go through, like I don't  
12 want them to go through that. And I also ask that if you  
13 see fit you give mercy on my sentence.

14 THE COURT: All right. Who else wants to be heard?

15 DEUNICA LOGAN: Your Honor, I am -- my name is Deunica  
16 Logan. I'm Shaun's mother.

17 October the 2nd was a very horrible day. I remember  
18 sitting at home. Around noon or so I get a call telling me  
19 there was a shooting in front of my home, and I immediately  
20 start praying. That's just what I do. I immediately start  
21 praying.

22 And as the day went on I'm, like, something's not  
23 right, I haven't heard from my baby and I haven't heard  
24 from him, not call him, not been able to talk to him, like,  
25 something is just not right. I talk to my baby every day.

Sentence

1 Something's not right.

2       So then I eventually talked to him around maybe about  
3 3:00 or so. He says I'm coming. I said on the way home,  
4 you know, just stop by and pick up your brother from  
5 school. That way I don't have to leave out.

6       And he was like -- in his voice I heard the shaking  
7 that's in him. I said, "Lord, something is not right with  
8 my baby, something's not going on, this is not him."

9       And then once I found out what was going on I said now  
10 I understand the trembling that was actually going on  
11 within him.

12       This is not something that I ever expected him to be  
13 around, this guy. Because what happened today, it's a  
14 whole lot of history that goes on behind him. But -- but  
15 just because of the love that he have for people, he always  
16 try to find good in everyone. Even though there is bad,  
17 but he always trying to find good in someone and this -- he  
18 always tell me, "Mama, I'm not you, I'm not you, I'm not  
19 you."

20       So just because he see a little speck of good in you,  
21 I always did want to try to pull that out of you and also  
22 because of that right there that his meekness was taken for  
23 a weakness, led him to a horrible situation that day all  
24 because he chose to want to be with someone to go get high.

25       It's not worth it, because in the end you never know

Sentence

1 when someone else's dark cloud behind there might have led  
2 you to a dark place. And now we're standing here through  
3 another tragic situation where a family done lost someone  
4 behind some craziness. But the young man that I raised is  
5 still standing here. He's still standing here, and we all  
6 still trying to figure out what's next because there is so  
7 many facts and things even of the particular case that  
8 still never even came out. And I'm still standing.

9       And my heart has always went out to the family. I've  
10 never been able to speak to them because I never even knew  
11 them prior to this situation. I never even knew how to  
12 even approach them. And every time I did go approach them,  
13 I never -- I never got that clear that I could actually  
14 even just go approach them and let them know, you know, I  
15 feel your pain.

16       I never lost a child before, but I still feel your  
17 pain because I know what it feels like if one of mine was  
18 to be missing. I have five children and this is my second  
19 eldest. And I understand. You know, she's -- they're all  
20 going to be tormented every day just for the thought even  
21 her riding past her home and her son is never -- and he's  
22 never going to arise again.

23       But my baby just made a poor choice on not speaking  
24 out that day because something tragic is what's in his  
25 mind, he's not understanding what should I do right now.

Sentence

1 It's like he just blanked out, what am I supposed to do.  
2 He didn't know what to do.

3 But when all of this came -- came to my home that day  
4 and I opened up my door, I called them. There's some  
5 officers here in my home, they're looking for you, where  
6 you at. He was at home with his girlfriend that he was  
7 living with his girlfriend. He was at home with his  
8 girlfriend. I said, okay, I'm coming to pick you up. I  
9 think it was Officer K.P. and a couple of other guys that  
10 was actually there.

11 I went to their home. I picked him up and I brought  
12 him back. I brought him straight down here to the Cherokee  
13 County Detention Center. I called Officer K.P. as he  
14 instructed me to. They talked for a while.

15 No one's life has been the same since this day. He  
16 has a 1-year-old son that he's barely even got to know. I  
17 think he maybe spent, maybe, a month with him before this  
18 situation took place.

19 So then there's still -- that's still another child  
20 that's actually lost now. This baby, I don't know how much  
21 time you're trying to give him or what you're going to give  
22 him, but then there's still another child that has to grow  
23 up still lost. And there's another in this system without  
24 a father. He still has his mother, but his father is going  
25 to be taken for a period of time.

Sentence

1 I'm just asking that through your deliberation and  
2 everything that you have going on that you do see fit to  
3 have mercy either like they, the solicitor, just submitted,  
4 some more evidence and stuff into the -- to you, to take  
5 everything into consideration and have mercy upon him  
6 because he did -- like he did admit, he was there. He  
7 drove the car but not knowing the fullness of what was  
8 going to actually take place.

9 His wrong took place because he chose to make a  
10 decision on jumping outta the car or coming to the police  
11 department or whatever may be. That was a choice that he  
12 actually made. But I'm just asking that now that you  
13 actually have mercy upon him and give him possibly the  
14 least possible sentence you possibly can so he can get back  
15 to his life.

16 And, like I said, I understand the life that was taken  
17 here from the Goods that they'll never see that baby again.  
18 I totally understand that. That's a situation there that I  
19 know we're never going to be able to bring him back.  
20 There's nothing that we can ever do here at this moment to  
21 even fix that situation. That situation was took 2018.  
22 That's something that none of us in this courtroom can fix.  
23 There's nothing that none of us can do to change that  
24 situation. That situation took place.

25 I am just looking for mercy upon the courts that he

Sentence

1 doesn't have to endure his life, the rest of his life,  
2 behind a simple mistake behind someone else's doings.

3 THE COURT: Okay. Thank you, ma'am.

4 Have you got somebody else?

5 Yes, ma'am.

6 JAMIE STAVENSKY: Good afternoon. My name is Jamie  
7 Stavensky. I've known Shaun since he was seven years old.

8 THE COURT REPORTER: Excuse me. I can't hear.

9 JAMIE STAVENSKY: I'm sorry.

10 I've known him since he was seven years ago. He's  
11 been in my home, he's been on vacations, he's traveled with  
12 us. I've seen him make poor choices, I've seen him make  
13 fantastic choices.

14 THE COURT: You said you've seen him make poor  
15 choices?

16 JAMIE STAVENSKY: As a -- as a teenager, of course.  
17 All children make silly choices and they learn from them.

18 He graduated from high school. He got a job when he  
19 was 16. He has a son. And he is a genuinely good child.

20 He was arrested a few months after he turned 18. So  
21 as somebody who has loved him like one of her own children  
22 for the majority of his life and as the mother of his --  
23 the godmother of his child, I ask you to please show mercy  
24 in your sentence for him.

25 THE COURT: Okay. Thank you, ma'am.

Sentence

1 Anything else?

2 MR. SCHULTZ: Yes. Just a couple.

3 SONYA HAMRICK: I have been knowing this young man  
4 ever since --

5 MR. SCHULTZ: State your name for the record.

6 SONYA HAMRICK: Sonya Hamrick. Ever since he was  
7 about two or three years old. He's never been no bad  
8 person. He's never disrespected anyone that I know of.  
9 His mom -- his mom and grandma and them, they always  
10 brought him up with respect. And I know if he could do it  
11 all over again, he wouldn't have got in that car. He  
12 wouldn't be in that -- he would never would have got in  
13 that car.

14 So I agree with the mama. If you could, you know,  
15 give him a chance. I mean, yeah. He had made a mistake,  
16 but just if you could, just give him a chance.

17 And to me the Shaun that I know, I don't think you'll  
18 probably never see his face again. I mean, this was a  
19 shock to the whole family that it happened like this. And  
20 I'm with his mother.

21 I'm sorry that y'all lost y'all child. You know, I'm  
22 sorry about Danielle. I know them personally, but I just  
23 want to say just if he could get another chance, you know,  
24 would I put my life out. Yes. I would put my life on it?  
25 Yes, I would put my life on that. This wouldn't happen no

Sentence

1 more.

2           So if you could just give him another chance, he's a  
3 father. I mean, the baby every -- he need his baby; his  
4 baby need him. I mean, and this is really, really hurtful  
5 right now. Everybody hurting on both ends. Everybody  
6 hurting.

7           So if he -- you know, just if he could have another  
8 chance, you know. Just another chance, you know.

9           Give him tough, tough, tough rules, tough rules. I  
10 mean, he was working. He graduated when he was 17. Went  
11 to school.

12           I mean, just another chance. That's all I would like  
13 to say. But he -- he's always been a great child. Always  
14 have. And I been knowing him for 17 years. And I ain't  
15 never known him to get in no trouble or doing, out doing  
16 all kind of stuff. I ain't never until October the 2nd.  
17 And I was on the phone when they came to his mama's house.  
18 I was on the phone with her. And it shocked me. So if you  
19 could just, please, just give him another chance, sir.  
20 Just please.

21           THE COURT: Okay. Thank you, ma'am.

22           SHAUN ROGERS: Your Honor, my name is Shaun Rogers.  
23 I'm his father. I mean, my son was raised. He's never  
24 been in no trouble in his entire life until now.

25           He made one. I mean, I go back on they -- when they

Sentence

1 say he went to the -- he had to go to the alternative  
2 school, but what they didn't mention was he went to the  
3 alternative school. He graduated a year early. He got  
4 outta school. He got a job and had this child.

5 I mean, he's never been in trouble. He's never  
6 done -- I mean, this is the first time being in trouble. I  
7 just ask you to please have mercy on my son.

8 THE COURT: Okay. Thank you.

9 MR. SCHULTZ: That's all we have, Your Honor. Thank  
10 you.

11 THE COURT: Mr. Rogers, is this your facebook page?  
12 Madam Clerk, would you hand him that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you posted that?

15 THE DEFENDANT: Posted that a couple of days before, I  
16 believe before that.

17 THE COURT: You posted that a couple of days before  
18 what?

19 THE DEFENDANT: Before we had -- before we -- the day  
20 before I met with Jay.

21 THE COURT: The day before what?

22 THE DEFENDANT: The day before I -- a couple of days  
23 before October the 2nd.

24 THE COURT: And what did you mean by this post that  
25 Jermaine and that thing hit hard with a smiley face,

Sentence

1 laughing one hundred, and a picture of that gun which --

2 THE DEFENDANT: A couple of days before.

3 THE COURT: -- the state contends is the murder  
4 weapon.

5 THE DEFENDANT: A couple of days before I seen that  
6 picture on facebook. Me and him was in open field. Where  
7 we live we got a big open field right beside our houses.  
8 Where we live there's a big field. We went out. We shot  
9 the gun a couple of times. And then a couple of days after  
10 that that same -- that picture right there, it popped up on  
11 facebook and I seen it. So I attach -- I shared and I  
12 attached and I sent that.

13 THE COURT: A couple of days later being after the  
14 murder took place?

15 THE DEFENDANT: No, no, sir. It was still in  
16 September.

17 THE COURT: Well, this says September the 29th.

18 THE DEFENDANT: A couple of days before that we shot  
19 the gun in the field. And then that day that picture  
20 popped up on facebook and I seen it and it was the same gun  
21 that he had.

22 MR. SCHULTZ: Your Honor, if I may.

23 THE COURT: Sure.

24 MR. SCHULTZ: I think what my client -- my client is  
25 trying to get at is that him and Jermaine were out shooting

Sentence

1 a pink gun previous to that post. And then he saw that  
2 post on somebody else's facebook page and then he -- he  
3 shared it.

4 I don't think he actually took that photograph. He --  
5 somebody else took that photograph, and then it was shared  
6 by him. I think it was shared by a lot of people. Perhaps  
7 it was no more than a thousand. So it was shared by a lot  
8 of people. I hope that clarifies it.

9 THE COURT: It does.

10 All right. On Indictment 2019-00694, an indictment  
11 for burglary in the first degree wherein you've been  
12 convicted by the jury for that offense, the sentence is  
13 you, Shaun Rogers, Jr., be confined to the South Carolina  
14 Department of Corrections for a period of 20 years.

15 Indictment 2019-00691, attempted armed robbery,  
16 wherein you have also been convicted by a jury of that  
17 offense, the sentence is you be confined to the South  
18 Carolina Department of Corrections for a period of 20  
19 years.

20 He's to be given credit for any time he's entitled to  
21 pursuant to 24-13-40.

22 Mr. Rogers, you have a right to appeal the verdict of  
23 the jury and the sentence of the Court. You must file any  
24 notice of your intention to appeal those decisions within  
25 ten days of today's date. You can discuss that with

Sentence

1 Mr. Schultz for advice.

2           END OF REQUESTED TRANSCRIPT OF RECORD

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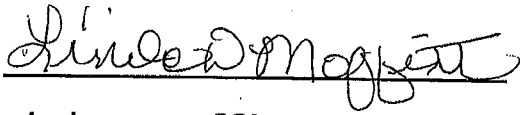
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 7th, 8th and 9th days of October 2019.

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

December 5, 2019



Linda D. Moffitt  
Circuit Court Reporter

## Cherokee County Courthouse RANDOM STRIKE SHEET

JUDGE NAME : Cole Derham J.  
 TRIAL TYPE : Criminal  
 PANEL ID : 2019GS1100690  
 COURTROOM CTRM

Sorted by: Random Nbr  
 Trial

DESCRIPTION : State VS Shaun Rogers

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	GRT	REMARKS
1 Owens, Kristen W	90	W	F	(✓)	(✓)	( )	
2 Peeler, Angela B	96	W	F	(✓)	(X)	( )	
3 Ervin, Aaron A	34	W	M	(✓)	(X)	( )	
4 Cobb, Crystal W	22	W	F	(✓)	(✓)	( )	
5 Jones, Natoshia L	59	B	F	(X)	( )	( )	
6 Colon, Anthony J	23	W	M	(✓)	(X)	( )	
7 Ramsey, Katherine W	109	W	F	(✓)	(X)	( )	
8 Petty, Marguerite E	98	B	F	(X)	( )	( )	
9 Elliott, Chasity R	32	W	F	(✓)	(✓)	( )	
10 Crowe, Michaela A	27	W	F	(✓)	(✓)	( )	
11 White, Christopher J	140	W	M	(✓)	(✓)	( )	
12 Bailey, Sharon A	3	W	F	(✓)	(✓)	( )	
13 Hall, Joel W	46	W	M	(✓)	(X)	( )	
14 Longshore, Stacy M	69	W	F	(✓)	(✓)	( )	
15 Spencer, Sharon L	124	W	F	(✓)	(X)	( )	
16 Tate, Genene B	129	B	F	(✓)	(X)	( )	
17 Buckson, Doris	15	B	F	(X)	( )	( )	
18 Humphries, Jeffrey S	57	W	M	(✓)	(X)	( )	
19 Bayne, Danny R	5	W	M	(✓)	(X)	( )	
20 Elmer, Shelly L	33	W	F	(✓)	(X)	( )	
21 Phillips, Jon M	99	W	M	(✓)	(✓)	( )	
22 Rice, David J	111	W	M	(X)	( )	( )	
23 Blackwell, Lynn R	7	W	F	(✓)	(✓)	( )	
24 Tate, Regenalda A	130	B	M	(X)	( )	( )	

**Cherokee County Courthouse  
RANDOM STRIKE SHEET**

JUDGE NAME : Cole Derham J.  
 TRIAL TYPE : Criminal  
 PANEL ID : 2019GS1100690  
 COURTROOM CTRM

DESCRIPTION : State VS Shaun Rogers

Sorted by: Random Nbr  
 Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
25 Earls, Cordelia W	31	B	F	✓	✓	( )	
26 Upchurch, Randall D	134	W	M	✓	✓	( )	
27 Patel, Tarun S	94	A	M	✓	✓	( )	
28 Champion, Jo A	20	W	F	✓	✓	( )	
29 Tate, Aliyah E	128	B	F	✗	( )	( )	
30 Bridges, Michael B	14	W	M	✓	✗	( )	
31 Nix, Cassey L	86	W	F	✓	✓	( )	
32 Whiten, Kathryn H	141	W	F	( )	( )	( )	
33 Laws, Larry R	61	W	M	( )	( )	( )	

Total Number of Jurors: 33

\*\* END OF REPORT \*\*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS. Shaun Rogers Jr
AKA:
Race: BLACK Sex: M Age: 19
DOB: SS#
Address:
City, State, Zip:
DL#: SID#

INDICTMENT/CASE#: 2019GS1100694
A/W#: 2018A1110101007
Date of Offense: 10/2/2018
S.C. Code § : 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree (1st)

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTORNEYS: BARNETTE, BARRY SCB13039 SC Bar# Defendant; Schultz, E. Joshua SCB74518 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$.

TOTAL \$

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly pmts. of \$ beginning
paid to Public Defender, etc.

RECEIVED

OCT 17 2019

SC Court of Appeals

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk: Brandi McBe
Court Reporter: Linda Negitt

Presiding Judge:
Judge Code: 2053
Sentence Date: 10/9/19

STATE OF SOUTH CAROLINA )  
COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on April 25 2019, the Grand Jurors of Cherokee County present upon their oath:

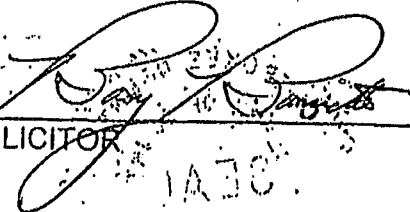
**BURGLARY FIRST DEGREE (DWELLING)**

That the Defendant, Shaun Rogers, Jr., did in Cherokee County on or about October 2, 2018, willfully and intentionally enter a dwelling occupied by Overton Good located at 1521 Pleasant School Road, Gaffney, South Carolina without consent and with intent to commit a crime therein, and either in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime:

- (1) was armed with a deadly weapon or explosive, and/or
- (2) caused physical injury to any person who was not a participant in the crime, and/or
- (3) used or threatened the use of a dangerous instrument, and/or
- (4) displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm, and/or
- (5) entered the dwelling during the nighttime.

all in violation of Section 16-11-0311 of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976) as amended.

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

  
SOLICITOR

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, SC

2019 APR 25 AM 10:57

BRANDY W. MCSEE

RECEIVED  
OCT 17 2019  
SC Court of Appeals

48888 COPY  
CLERK OF COURT  
CHEROKEE COUNTY, SC  
APR 25 2019

DOCKET NO. 19-GS-11-00694

The State of South Carolina

County of Cherokee

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

April 25 2019 TERM

THE STATE

v.

SHAUN ROGERS, JR.

Indictment for

BURGLARY FIRST DEGREE  
(DWELLING)

SC Code: 16-11-0311  
CDR Code: 0079  
Class: FELJEXM(V)

WITNESSES

Cherokee County Sheriff's Office

*[Signature]*

ARREST WARRANT NUMBER

2018A110101007

ACTION OF GRAND JURY

TRUE BILL

*[Signature]*

Foreperson of Grand Jury  
Date: 4-25-19

VERDICT

Guilty

*[Signature]* 10/9/19  
Foreperson of Petit Jury  
Date:



FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, SC

DOCKET NO: 19-GS-11-00691

2019 APR 25 AM 10:57

The State of South Carolina

BRANDY W. MCBEE

County of Cherokee

Barry J. Barnette, Solicitor

RECEIVED  
OCT 17 2019  
SC Court of Appeals

COURT OF GENERAL SESSIONS

April 25 2019 TERM

THE STATE

v.

SHAUN ROGERS, JR.

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-330 (B)  
CDR Code: 26  
Class FEL/C

WITNESSES

Cherokee County Sheriff's Office

*[Signature]*

ARREST WARRANT NUMBER

2018A1110101004

ACTION OF GRAND JURY

TRUE BILL  
TRUE BILL

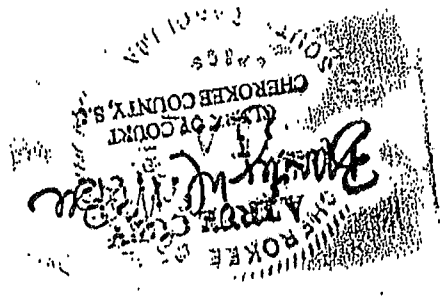
*[Signature]*  
Foreperson of Grand Jury

Date: 4-25-19

VERDICT

Guilty

*[Signature]* 10/9/19  
Foreperson of Petit Jury  
Date



STATE OF SOUTH CAROLINA

COUNTY OF Cherokee
STATE VS. Shaun Rogers Jr

AKA:
Race: BLACK Sex: M Age: 19
DOB:
SS#:
Address:
City, State, Zip:
DL#:
SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Robbery / Attempted armed, or allegedly armed, robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS1100691
A/W#: 2018A1110101004
Date of Offense: 10/2/2018
S.C. Code § 16-11-0330(B)
CDR Code #: 0026

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTORNEYS: BARNETTE, BARRY SCB13039 SC Bar# Defendant; Schultz, E. Joshua SCB74518 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

Set by SCDPPPS

Recipient:

\*Fine:

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Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments-107.5%), §14-1-211(A)(1) (Conv. Surcharge), §14-1-211(A)(2) (DUI Surcharge), §56-5-2995 (DUI Assessment), §56-1-286 (DUI Breath Test), Proviso (Public Def/Probation), §14-1-212 (Law Enforce. Funding), §14-1-213 (Drug Court Surcharge), §50-21-114 (BUI Breath Test Fee), §56-5-2942(J) (Vehicle Assessment), 3% to County (if paid in installments).

TOTAL

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender's Fund
Other:

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk: Brandi McBe...

Court Reporter: Linda May...

SCCA/217 (04/2018)

Presiding Judge: [Signature]
Judge Code: 2253
Sentence Date: 10/9/19